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Air Quality Management District

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Richard Corey, Executive Officer
California Air Resources Board
P.O. Box 2815
Sacramento, CA 95814

Comments on CARB's Proposed Amendments to the Emission Inventory Criteria and Guidelines for the Air Toxics "Hot Spots" Program (EICG) AND Amendments to the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR)

Dear Mr. Corey,

The South Coast Air Quality Management District (South Coast AQMD) staff appreciates the opportunity to provide comments on CARB's latest Proposed Amendments to the Emission Inventory Criteria and Guidelines for the Air Toxics "Hot Spots" Program (EICG) version September 2020 and to the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR). We have been working closely with your staff on both the EICG and CTR regulations and greatly appreciate the dialogue and improvements to the proposed regulatory language in response to our articulated concerns. In particular, staff appreciates CARB's consideration of District resource constraints in the phased implementation of the regulations that are inherently linked by AB 617. We do, however, have several outstanding concerns that ideally would be best addressed prior to CARB adoption and implementation.

Below are our key areas of concern:

Assistance and Funding for Implementation and Outreach

As stated on many occasions, the implementation of CTR and the link to EICG are elements that require continued funding support. While we have many of the resources necessary for successful implementation, additional financial support for staffing, programming, and especially outreach to the reporting facilities will be needed. Outreach to the many affected facilities in South Coast jurisdiction and technical assistance during the reporting season will likely be extensive. The vast majority of Additional Applicability Facilities do not currently report emissions, and it will be extremely difficult, if not impossible, for local air districts to identify applicable facilities using activity level reporting based on either mass emissions or material usage. We will also have to substantially update our emissions reporting system to accommodate the thousands of additional facilities that will be required to report emissions, an effort that we estimate will exceed \$1M.

Additional resources are needed if the programs are to be significantly expanded, and given the current economic climate created by COVID, fee increases may not be practical.

Cumulative Impact Analysis under EICG

The proposed amendment to the AB 2588 EICG cites cumulative impacts from more than one facility in many sections. This appears to be at odds with the statutory language of AB 2588 and districts may not have the discretion to make such a significant change to AB 2588 implementation. Furthermore, adding both population-wide and combined impact assessment of multiple facilities, ignoring the effects of background pollutant transport and mobile sources, is challenging and may not be possible to implement barring additional specific guidance. Per CARB staff, this language was added to provide flexibility to districts for inclusion or exclusion of facilities in areas of interest, so that districts could bring facilities into the reporting system based on the overall risk where they are located at their discretion. As written, this language may create an unrealistic expectation that cumulative impact analysis is appropriate or even possible under AB2588. We ask that the guidance language be updated to clarify CARB's intent that overall community risk can be considered for reporting applicability, but not for health risk assessment and/or risk reduction requirements under AB2588.

Use of Default Emission Factors and Provisional Risk Values

During the conference calls between South Coast AQMD staff and CARB and also during public meetings, CARB has described the use of default emission factors for pollutants that are proposed for adoption. We are concerned that default emission factors are often grossly inaccurate and not representative of actual emissions. Likewise, CARB has proposed the use of unapproved health risk values for certain compounds. CARB has clarified that the unapproved health values will not be used for regulatory purposes and only as additional information to help OEHHA prioritize their efforts. We recommend that CARB clarify that both the use of default factors and provisional risk values are only for informational and not regulatory purposes.

Lack of Updated Test Methods and Quantification Methodologies

The proposed amendment to the EICG will potentially add over 900 pollutants that must be quantified and reported. This greatly expands the scope of the EICG, and the proposal does not provide any guidance as to whether quantification methodologies exist for many of these pollutants. While requiring this level of additional reporting is challenging, we believe that our agency is well situated to adapt our programs and systems, recover some costs, and implement this expansion in the timeframe proposed. However, the lack of guidance regarding whether a quantification methodology exists for a particular listed compound, and what those methods are, creates a much larger problem. Local air districts would be left with only requiring the reporting of the mere presence of the compounds by way of throughput or material content data without any way to determine emissions. Such information would be minimally useful without the characterization of the emissions or its impact on risk evaluations. We further note that there have been no updates to the existing CARB test methods relating to stack testing or laboratory analyses. Updated test methods should be provided given that so many new compounds are proposed for adoption, or reporting requirements should be delayed until those methods are established.

Air Pollutant Release Location Data

The current version of the proposal requires that release location be reported as a general requirement. Release location data should not be a general requirement since many facilities would not qualify for Abbreviated Reporting (for which release location data is exempted), and also due

to the fact that this data would just be collected and not used at this point in time. This requirement will be onerous for many facilities with multiple sources and is highly subject to inaccurate and erroneous reporting. This data would be very difficult for local air districts and CARB to review and audit. Facilities will already be submitting emissions data which can be screened first by local air districts or CARB. If health risk concerns arise based on evaluation of specific toxic pollutant quantities, this should then be the trigger to require additional information on release locations. Language regarding release location data should be globally changed throughout the regulation to be required only if specifically notified to do so by CARB or the local air district. We therefore recommend that CARB drop or change this requirement.

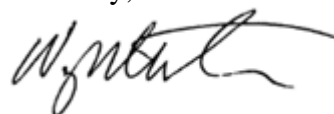
Portable Diesel-Fueled Devices at GHG and Criteria Facilities

The proposed amendment limits emissions reporting from portable diesel-fueled devices at facilities that are required to otherwise report due to exceeding the GHG and criteria pollutant reporting thresholds (GHG and Criteria Facilities). We request that you add provisions to allow local air districts to require reporting of total emissions (not just VOC, PM, and NOx) for this equipment category if already generally required under its existing reporting requirements and program. Some local air districts, such as the South Coast AQMD, require that the full suite of emissions from all equipment and processes be reported, and requiring only a subset for GHG and Criteria Facilities under the CTR would lead to inconsistent emissions data for this equipment category. Additionally, the proposed amended language does not explicitly exempt portable devices subject to CARB's Portable Equipment Registration Program (PERP) from reporting under the CTR. The South Coast AQMD does not require the reporting of PERP emissions in its Annual Emissions Reporting program to avoid double reporting since these emissions are already reported to CARB. Requirements for reporting under the CTR could also result in discrepancies in reported values between the two programs.

Attached are additional comments that we believe need to be addressed for successful implementation of the EICG and CTR.

Again, we appreciate the opportunity to comment. South Coast AQMD staff are committed to working with CARB for the successful implementation of these program updates. If you or your staff have any questions, please feel free to call Dr. Philip Fine, Deputy Executive Officer, at (909) 396 – 2239.

Sincerely,



Wayne Natri
Executive Officer

WN:PF:SLR:TG

Cc: Judith Mitchell, South Coast AQMD and CARB Board Member
Dave Edwards, CARB
John Swanson, CARB
Gabe Ruiz, CARB
Tung Le, CAPCOA

Attachments

Additional Comments to the Draft Proposed Amendments to CTR & EICG (Version September 2020)

CTR

§93401(a) – General Applicability

It appears that unpermitted emissions can now be considered for applicability determination (and more importantly reporting per §93404(c)(1) and (2)), but we would like confirmation as §93401(a)(4) for Additional Applicability Facilities makes specific references to using permitted emissions while being silent on unpermitted emissions.

§93401(a)(4) – Additional Applicability

We request consistent language be added to this subpart from §93401(a)(4)(A) which allows local air districts to base applicability on permitted potential to emit values in the absence of actual emissions. As we mentioned before, it will be extremely difficult to determine which facilities will need to report if it is based on actual throughput or toxic emissions as this data is unavailable for those facilities since they currently do not submit annual emissions reports

§93402 – Definitions

Facility – Please replace the reference to Standard Industrial Classification (SIC) codes with North American Industry Classification System (NAICS) codes as NAICS codes are being more widely used by local air districts as the standard. NAICS codes are also used when determining Source Classification Codes (SCC) for the California Emission Inventory Development and Reporting System (CEIDARS) database maintained by CARB.

Particulate Matter – Please add to this definition a reference to total PM since Section 93404(c)(1)(A) allows local air districts to require reporting of total PM. This change would also be consistent with EICG.

§93403(b)(1) – Additional Applicability Facilities

We would like clarification on what happens in the case that a facility is subject to more than one reporting phase. We asked this question during the CARB Workshop on September 30, 2020, but the response provided by CARB staff was not clear. We suggest that the clarification be added in this section of the regulation and possibly as a footnote to Table A-1 as well.

§93403(e)(2)(A) – Reporting Responsibilities During Changes in Ownership

Submittal of multiple reports for the same Facility ID and reporting data year is not possible in our current Annual Emissions Reporting webtool. Even if this were possible, combining multiple reports will require additional work by staff as the calculation methodology for each device and process would need to be reviewed for each report to ensure consistency prior to aggregating. Also, the permitting process for a change of ownership takes time and may be completed near or past the reporting deadline, resulting in the current facility owner being left with little or no time to submit the emissions report in a timely manner and potentially subject to late surcharges. We recommended that the new owner be responsible for reporting the entire data year.

§93404(b)(13) – Reporting Amount Produced or Used for a Toxic Substance

This requirement was newly added to the most current version of the CTR and requires facilities to report the amount of a toxic substance that is produced or used at the facility if no best available data and methods exist to quantify emissions. The Annual Emissions Reporting webtool does not accommodate this type of reporting, and there is no time to program, test, and add this functionality prior to the start of the reporting season (January 1, 2021) to report 2020 data in 2021 as required in §93403(a)(1)(B). We therefore recommend that CARB drop this requirement.

EICG**Maintain List of 177 Toxic air Contaminants for AB 2588 Quadrennial Reports and Not Include Full Chem-Set 1 List**

Currently, facilities are subject to quadrennial reporting requirements and report any one of approximately 177 toxic and ozone depleting compounds. These quadrennial emissions are used to prioritize the facility for AB 2588 purposes and, if necessary, the facility will be required to prepare an air toxics inventory report (ATIR) or an updated ATIR for which a full list of TACs will be required to be reported. CARB staff indicated that discretion will be granted to South Coast AQMD for quadrennial reporting and prioritization of facilities regarding the use of the 177 TACs in lieu of the ChemSet-1 list. We request that you confirm this agreement.

IWS Sources Should Not Be Required to Conduct HRAs

Under the AB 2588 Program, certain industrial sectors that are generally comprised of small businesses are designated as industry-wide source (IWS) categories. As such, air districts prepare emission inventories and HRAs for these facilities. However, the proposed amendments to CTR identifies several of these industry-wide source categories for reporting based on activity level, some with no de minimis threshold, such that they will need to prepare their own inventories. IWS facilities subject to reporting under CTR will be at odds with these AB 2588 requirements. Note that both air districts and CARB collect IWS fees for purposes of preparing inventories for these facilities.