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Richard Corey, Executive Officer
California Air Resources Board
PO Box 2815
Sacramento, CA 95812
Electronic Submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Re: Comments on Proposed Amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants and the Emission Inventory Criteria and Guidelines for the Air Toxics "Hot Spots" Program

Dear Mr. Corey,

The Feather River Air Quality Management District (FRAQMD or District) appreciates the opportunity to review and comment on the proposed amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR) and the AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulation (EICG). The District is concerned that without first updating the current database and system of reporting facility data, the amendments to CTR will do nothing to solve the problem of making the emissions data publicly accessible. The District has reviewed and would like to declare our support and concurrence with letters submitted by other air districts such as Monterey Bay Air Resources District, the Mojave Desert Air Quality Management District, and the Shasta County Department of Resource Management. In addition, we would like to provide the comments below.

Rule Adoption Process

Many of the sources that will be affected by these amendments have not had an opportunity to participate in the rule making process due to the COVID-19 public health emergency. The District believes that CARB should follow the normal open and transparent rule adoption process instead of the abbreviated and closed "amendment" process that has been followed to date. The changes proposed to the EICG and in the amendments to the CTR are significant and the adoption should be delayed to allow sufficient time for regulated industries, the public, and air districts to comprehend the impacts and develop strategies for effective implementation. Rushing through this process to meet an artificial deadline undermines the success of the effort under AB 617 to develop a uniform system of emissions reporting and making the emissions data accessible to the public.

CTR/EICG amendments

Cost of the Regulation Amendments

The rulemaking acknowledges that besides direct costs to the facilities to comply with the amended CTR there will also be increased permit fees from air districts, this is stated without reviewing the limits on District permit authority. Air Districts do not have blanket the legal authority to “just raise permit fees”, there are strict limits imposed in state law, by case law and in the state constitution (prop 26, 218 and 13). In addition, in most of the north state large sources have closed due to long term economic factors and smaller sources are currently closing due to COVID. Raising fees on closed sources simply will not generate revenue. Unlike CARB, Air Districts do not have the ability to access “general fund” (i.e. tax) dollars to support our programs, all costs must be paid through local permit revenue.

Expansion of the Chemical List

Regarding the chemical list additions, the District agrees that it’s vital to update the chemical list. It should probably be done on a regular basis, as HSC 39669.5 seems to explicitly require. It is also vital to evaluate new chemicals, determine their toxicity and risk to the public, and develop control measures to reduce the risk to less than significant levels. Adding these chemicals to the EICG will begin this work, however the public should not expect to know the risk from these new chemicals immediately, especially the ones with no emission factors or risk factors. It will be a long and detailed process of identifying the presence of the chemicals, developing emission factors, determining risk factors, and finally quantifying and reporting risk to the public. The creation of working groups with CARB staff, OEHH staff, air districts, facilities, and the public could be valuable to this process, and we suggest the regulations prioritize the chemicals with known emission factors and health risks for review first.

Sector Groups

The FRAQMD staff have not had sufficient time to review the rationale for inclusion of all of the sector groups, but it appears that most of the rationale is qualitative not quantitative. For example, in Sector 5: Fumigation of crops for market, several of these chemicals have not previously been required to report and/or risk values are not available, therefore it is unknown what impact they have on human health. The ISOR does not provide evidence that they have an acute health risk to humans. CARB should not include the use of a chemical with no health risk values in the Sector List when determining applicability in the CTR amendments as there is no off-ramp for facilities when the risk information is finalized and it is determined to have little or no risk. The air districts should not spend their limited staff time and resources quantifying emissions that are determined in the future to have little to no health risk.

Comments on CTR Amendments

Lack of Supporting Technology

The District’s overall comment regarding the CTR amendments is that without fixing the current database and system of reporting facility data, and adding mobile and other data not currently reported to CARB, the amendments to CTR will not result in emissions and risk data being made available to the public in a meaningful way.

FRAQMD has commented before on the technical issues CARB must overcome before expanding the inventory program to the extent proposed in these amendments. The District recommends that CARB implement a new data management system, and provide properly resourced, statewide training for air districts and facilities, prior to adopting amendments to CTR. The only program currently provided by CARB to submit emissions inventory data is the HARP 2.0 Emissions Inventory Module and CARB is no longer providing training on this program to either the public or air district staff. In fact, CARB's reduction in all District training programs across the board remains concerning.

The CARB database CEIDARS has decades of stationary source emissions data, but only allows the public to view one facility at a time, and one year at a time on the website. The Pollution Mapping Tool was a huge improvement, but it has not been expanded to include all the reported facilities and emissions data that is already available to CARB through CEIDARS. Therefore, without first updating the current database and system of reporting facility data the amendments to CTR will do nothing to solve the problem of making the data publicly accessible. The expanded data will just go to sit with the other data that air districts have reported - in the CEIDARS database where the public can access it one facility at a time, one year at a time.

CARB staff believes it will develop a new emissions inventory data management system, transfer all of the existing facility data over, check the existing data for accuracy, and provide training statewide to all air districts and thousands of facilities before the expanded reporting requirements in the amendments go into effect. The development of a new system to take the place of CEIDARS will be complicated and difficult. The District suggests a better path forward may include implementing the first version on CTR that was adopted in 2018, developing a new database system and present it to the public with the existing data, and then assess where there are remaining gaps in the data.

The District is concerned that CARB is racing ahead to expand CTR reporting while failing to support the version of the regulation the Board has already adopted. The CTR regulation that was adopted in 2018 requires specific facilities to report expanded emissions data for 2020 operations. As of today, November 12, 2020, CARB has not provided the air districts with a tool to collect this information. Most Air Districts have already begun the process to collect data for 2020 operations. The District has repeatedly made this timeline clear to CARB staff starting in Spring 2020. As it currently stands the District is unable to provide assistance and outreach to affected sources or collect data for the current version of the regulation because of a lack of support for implementation from CARB staff. There is no reason to expect this to change with the proposed CTR expansion.

Lowered Applicability Threshold

The District does not support the lowered threshold for CTR enhanced criteria and toxics emissions reporting outside of the AB 617 communities. Facilities that have been analyzed under the AB 2588 Air Toxics Program and determined to be low or intermediate risk should not have to update their emissions every year and should stay with the reporting schedule in

AB 2588. Facilities that emit between 4 and 10 tons per year of a criteria pollutant should stay on the current 3-year reporting cycle.

Inaccurate View of Community Risk

The CTR amendments will not make emissions and health risk from most portable engines registered in PERP or mobile sources available to the public. Omitting these sources will create an inaccurate picture of risk and emissions.

The CTR amendments seek detailed information about stationary sources that is already available to the public rather than information on sources that are not available to public. The diesel engines that are registered in CARB's Portable Equipment Registration Program (PERP) can operate for thousands of hours per year next to sensitive receptors without the public notice required for district permitted equipment. There is no emissions record or risk assessment done on these PERP Registered engines. For mobile sources, CARB has determined that vehicles can be the greatest contributor in some communities to criteria, GHG, and toxic emissions, yet this data is not part of CTR.

The District recommends that CARB work on making emissions and risk data on these sources publicly accessible.

Rather than adopting these amendments at this time the District recommends CARB continue working to upload the existing stationary source emissions data in CEIDARS into the Pollution Mapping Tool or other database system to allow the public to access the existing data, including PERP and mobile source data, to give the public the most accurate emissions and risk information in their communities. Chemicals and sectors should be incorporated into the EICG once we have the tools to access risk from them.

If CARB wishes to adopt the Enhanced CTR program and amendments to the EICG it should do so only after conducting a full rule adoption process, including workshops and public meetings (virtual due to COVID) including a proper economic analysis. The District staff will continue to work with CARB staff on the regulations. Thank you for your consideration.

Regards,



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