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Air Pollution Control Officer

June 5, 2019

Dave Edwards Ph.D., Chief
Greenhouse Gas and Toxics Emission Inventory Branch
Air Quality Planning and Science Division
California Air Resources Board
1001 I Street
Sacramento, CA 95814

Re: Regulation for Criteria Air Pollutant and Toxic Air Contaminant Emissions Reporting
(CTR Regulation)

Dear Dr. Edwards,

The Feather River Air Quality Management District (District) appreciates the opportunity to provide comments on the proposed Regulation for Criteria Air Pollutant and Toxic Air Contaminant Emissions Reporting (CTR Regulation). The District is submitting comments on the expanded applicability of the proposed amendments, the abbreviated reporting for select stationary sources under the expanded applicability, inconsistencies with the reporting year, and listing our previous comments that have not yet been addressed.

Comments on Expanded Applicability

Assembly Bill 617 directed the state board to establish, in consultation with air districts, a uniform system of annual reporting for certain categories of stationary sources. The bill defined these sources as facilities already required to report their greenhouse gas emissions, or those that emit 250 tons per year or more of any nonattainment pollutant, or the facility receives an elevated prioritization score pursuant to the AB 2588 Air Toxics Hot Spots Program.

The District provided consultation in the working group established by CARB to develop a statewide regulation for criteria pollutants and toxic air contaminants reporting. The version of the CTR Regulation proposed by CARB in October 2018 was consistent with the AB 617 legislation and would have provided a more detailed emissions inventory. That version of the CTR Regulation also reflected that resources should be focused where air quality and public health risk problems are greatest.

Unfortunately, after the CARB Board adopted the regulation in December 2018 directing staff to make changes to the AB 617 community applicability, in the District opinion CARB has

deviated significantly from the legislation and the intent of AB 617. The District does not support the changes made to the regulation in the applicability (Section 93401(a)(4)). The sources who would be newly applicable to the CTR Regulation are small sources and the data required of them is, in many cases, unreasonable. For example, CARB has every District rule on its webpage and can easily see every rule emission limit if it chooses. There is no need for sources to report the rule emission limit back to CARB when it already has the information.

If the goal is more detailed and accurate emissions data, the state board has available the existing and ongoing AB 197 District Emission Inventory Grants which are currently updating facilities emitting 10 tons per year or more of criteria air pollutants and facilities required to report toxic emission under the AB 2588 Air Toxics Program. The state board could increase the grants and lower the reporting threshold. The state board could also upgrade the CEIDARS and HARP EIM systems to accommodate easier data entry and transmittal which would also result in more detailed and accurate emissions data. The District believes these options are preferable to the proposed CTR Regulation amendments, which are confusing and will result in significant financial costs to small businesses while only achieving the additional reporting of a small percentage of the total emissions driving health risk and attainment issues in California.

The District recommends at the very least that CARB re-design the emission inventory submittal program (CEIDARS and HARP EIM) and have a new system in place prior to requiring emissions data be reported for the sources identified as Section 93401(a)(4) as the current system is not designed well to handle this magnitude of data submission each year.

Comments on Abbreviated Reporting

The inclusion of Abbreviated Reporting in Section 93403(c)(2) is an attempt to reduce the substantial burden of these amendments on small business and low-emitting/low-risk sources by transferring the emissions reporting requirements to air districts. The Section 93403(c)(2)(3) states that air districts (or CARB) will be required to prepare and submit the emission report for Abbreviated Reporting facilities. The proposed amendments to the CTR Regulation are misleading in trying to minimize the data submission required. Currently, in order to transmit emissions data to CARB, the CEIDARS 2.5 format requires many more data fields such as SIC, SCC, DEVICE, PROCESS, and STACK information. Unless a new submittal system is designed and implemented prior to the effective date of the reporting requirements, then these data fields will still need to be reported.

Table A-4 lists the data elements that Abbreviated Reporting sources would be required to submit, and the data is similar to the annual throughput data the District currently collects on permitted stationary sources. However, the data elements in Table A-4 (such as annual mmscf of natural gas of a boiler or total annual gasoline sales at a retail gasoline station) do not translate into actual emissions for Abbreviated Reporting sources, which is also required in section 93403(c)(3). To calculate emissions the emission factor for the relevant activity data for all criteria and toxic air contaminants must be known and any control or capture efficiencies. CARB staff cannot calculate emissions for the Abbreviated Reporting sources because it does not issue stationary source permits and does not have the information on those permits. Air districts have permit authority and thus have the information.

The requirement that the Executive Officer at CARB must approve the use of the emission estimation methods every three years for Abbreviated Reporting is a substantial burden for sources that CARB staff are acknowledging “can be estimated using general parameters and emission factors” in Attachment B Description and Rationale for Regulation Updates. The District previously recommended that CARB remove Section 93403(c)(4) because requiring an additional approval process above “Best available data and methods” was counter-productive for Abbreviated Reporting sources, however it appears that the section remains in this draft. There are serious concerns with this requirement such as: what is the process for CARB staff approving the methods? How will discrepancies be resolved between methods an air district uses for issuing permits and what CARB staff thinks is appropriate? When a discrepancy comes up, which method is chosen to use for inventories that are used for SIP modeling and which are presented to the public on the CARB website? What is the message given to the public when CARB staff and the local air district disagree on which data is more accurate? Will district inventories or CARB’s inventories be used for determining Reasonable Further Progress, Reasonable Available Control Measures, and Contingency Measures? These are a lot of issues for sources that, again “can be estimated using general parameters and emission factors.” The District recommends once again that CARB remove the requirement that only allows for CARB’s Executive Officer approval of emissions estimation methods.

Inconsistency with Reporting Years

In this draft of the proposed amendments to the CTR Regulation there is an inconsistency between section 93403(b)(A)2 and Table A-1 in regards to the year that District Group B data reports for sources subject to 93401(a)(4)(A) and (B) (2023 in 2024 vs 2022 in 2023).

Previous Comments That Remain Unresolved

The District provided comments and recommendations on March 27, 2019, and many of those have not been incorporated into the latest version of the regulation, including the following:

- 1. That CARB adhere to the language of AB 617 and limit the reporting regulation to the stationary sources as defined in Health and Safety Code (HSC) 39607.1 (2) and to sources within areas that have been identified during the assessment of high cumulative exposure communities as provided in HSC 44391.2(b).**

The proposed applicability section 93401(a)(4) goes above and beyond AB 617 by:

- Lowering the threshold for criteria pollutants from 250 tons per year of a nonattainment pollutant to 4 tons per year regardless of attainment status, and
- Lowering the threshold for toxics air contaminants from an elevated priority as designated by the Hot Spots Program to (in most cases) a zero threshold.

- 2. The FRAQMD also recommended that the state board consider the proposed amendments under the normal 45 day rule making process to insure adequate public participation.** Many in the regulated community are unaware of these changes, and many of the newly applicable sources are small businesses.

3. **The change from Risk Based to Mass Emissions is a significant policy change by the Air Resources Board, the implications of which have not been fully discussed publicly.** The Air Toxics “Hot Spots” Information and Assessment Act was established in 1987 to report the types and quantities of toxics substances, ascertain health risks, to notify residents of significant risks, and to reduce significant risks. It is unclear why the reporting regulation amendments seek to erase all of the risk based data to replace it with mass emissions. The District strongly recommends against proceeding down this path, which is in many ways a step backwards from an extremely successful Hot Spots Program.

4. **The regulation fails to address mobile emissions, which in many communities are the greatest source of greenhouse gases, criteria pollutants, and risk from toxic air contaminants.** AB 617 identified mobile sources as a contributing source of elevated exposure to air pollution in impacted communities in HSC 44391.2(b)(2). By failing to include mobile sources, the regulation will not result in providing the public with a transparent portrayal of emissions in their community.

Air districts do not have infinite resources and staff time. The proposed amendments to the CTR Regulation will require diversion of resources from other important programs, resulting in an increase in emissions in our communities. If adopted in the current form, the District will have less staff available to respond to complaints of illegal burning, inspect each permitted source every year for compliance with permit conditions, or work with local planning agencies to design future development that will avoid adverse air quality impacts to our communities.

Sincerely,



Christopher D. Brown, AICP #018108
Air Pollution Control Officer