



Eastern Kern

Air Pollution Control District

Glen E. Stephens, P.E.
Air Pollution Control Officer

November 10, 2020

Richard Corey, Executive Officer
California Air Resources Board
P.O. Box 2815
Sacramento, California 95812

SUBJECT: Proposed Criteria Pollutant and Toxics Emissions Reporting (CTR) and Emissions Inventory Criteria and Guidelines (EICG) Regulations Revisions

Dear Mr. Corey:

The Eastern Kern Air Pollution Control District (District) appreciates the opportunity to formally submit our comments regarding changes to the CTR and EICG regulations. The District understands the California Air Resources Board's (CARB's) reasons to strengthen and synchronize the criteria and toxics inventory process, and the District appreciates your willingness to include the California Air Districts in this process. However, as a local air district facing the challenges of implementing the proposed changes, the District will note several important items we believe need to be addressed before both rulemaking adoptions.

Implementation and Outreach Costs

CTR costs to the Local Government (including Air Districts) are estimated to be over \$41-million over a 10-year period. The CTR Staff Report suggests the Air Districts raise fees to cover costs incurred by the proposed regulation. The practice of raising fees may seem to be innocuous; unfortunately, during these difficult times, the raising of fees will not be innocuous because of Board of Directors unwilling to impose higher fees. Please be aware, the Eastern Kern APCD has several major stationary sources and unique facilities including: 3-cement plants, a borate mine, 2-military bases, a gold mine, a silver recovery operation, a paint manufacturer, and other unique facilities. These facilities have the potential of adding hundreds of toxics to the existing toxics inventory. Thereby, forcing us to add staff that will not correlate to better service to the community or any reduction in emissions.

There has been outreach to large facilities, like cement plants; unfortunately, the same level of outreach has not been afforded to smaller source segments that will be impacted by the proposed revisions. Therefore, local Air Districts will be required to provide outreach and training. It would be more appropriate to provide better outreach and transparency, thereby, providing all impacted sources ample time to engage and understand the potential impacts and corresponding costs they will be required to incur. The impact of your oversight may be an underestimate of your estimated cost to Air Districts.

Data Management

The proposed expansion the criteria and toxics emissions inventory will result in a massive expansion of the existing emission inventory database. As a result, the District will be required to collect emissions inventory data from each facility (based on the revised CTR requirements) in the District. The data management tool to uniformly address CTR, CEIDARS, and AB2588 Hot Spots reporting has not been provided. In accordance with AB 197, CARB is to provide public access to facility emissions at the local and sub-county level; unfortunately, the difficulty of achieving this goal will be exacerbated by the increased data and lack of a stable database.

New Reporting Thresholds

The District questions the wisdom in reducing the reporting threshold to 4-tons per year, and zero tons per year. As a blanket threshold there will be a significant increase in reporting facilities; however, if it doesn't lead to credible data or significant risk information, it is akin to counting grains of sand on a beach. The District recommends studying samples of specific industries and facilities to establish an emissions base and associated risk based on emission levels, before applying blanket requirements throughout the State in anticipation of potential emissions and potential risks.

Exclusion of PERP Equipment (CARB Operated Registration Program)

I would like to echo a concern of one of my colleagues. PERP equipment operated outside of major sources are excluded from the CTR revisions (this equipment is currently permitted and regulated by State and Air Districts; thereby making it easier to inventory). Some PERP equipment have substantial use and emissions. We are seeking justification as to why PERP equipment (save for PERP equipment operated at a major stationary source, which Air Districts currently inventory) were excluded from CTR revision.

New Pollutant Listings

The District does not support mandatory reporting of pollutants for which there is no toxicity data, no CARB approved source test methodologies, and, in most cases, no emissions quantification possible. The District supports comments from the California Cement Manufactures Environmental Coalition (CCMEC) dated September 29, 2020 (to CARB, Gabe Ruiz, Manager, Toxics Inventory and Special Projects Section). The CCMEC comments were focused on the cement industry; however, CCMEC pollutant and process comments apply to every industry. The proposed CTR revisions gives the District some flexibility; therefore, follow the pollutant testing reporting and structure suggested by CCMEC, given there is not a pre-established reporting and testing structure.

The proposed actions are concerning. We must be sure to make regulations that have sufficient outreach, are not cost prohibitive, and don't generate confusion for the District and regulated sources. The District would like to postpone the hearing to have additional time to address the many outstanding issues we have brought to your attention. Additionally, the District recommends this regulation be required only for AB 617 communities and retain current statute-required programs for the balance of the State. The District is always willing to work with CARB on these revision efforts, and looks forward to hearing from you regarding our concerns. Feel free to contact me at 661-862-5250. Thank you in advance for your assistance in this matter.

Sincerely,



Glen E. Stephens, P.E.
Air Pollution Control Officer

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