

Resolution No: 21-012  
Meeting Date: 12/9/2021 (D.4)

**RESOLUTION ADOPTING AMENDMENTS TO RULE 19.3 –  
EMISSION INFORMATION, OF REGULATION II OF THE  
RULES AND REGULATIONS OF THE  
SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT**

On motion of Member Bush, seconded by Member Medina, the following resolution is adopted:

**WHEREAS**, the San Diego County Air Pollution Control District Board, pursuant to Section 40702 of the California Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

**WHEREAS**, the San Diego County Air Pollution Control District Governing Board (Governing Board) now desires to amend said Rules and Regulations; and

**WHEREAS**, notice has been given and a public hearing has been held relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the California Health and Safety Code and Title 40, Section 51.102 of the Code of Federal Regulations; and

**WHEREAS**, pursuant to Section 40727 of the California Health and Safety Code, the Governing Board makes the following findings:

- (1) (Necessity) The adoption of proposed amended Rule 19.3 is necessary in order to implement federal and State requirements for obtaining emission information from permitted sources and to replace an outdated version of this rule in the State Implementation Plan in order to maintain clarity and consistency of requirements for affected permitted sources;
- (2) (Authority) The adoption of proposed amended Rule 19.3 is authorized by Section 40702 of the California Health and Safety Code;
- (3) (Clarity) Proposed amendments to Rule 19.3 can be understood by persons directly affected by them;
- (4) (Consistency) The adoption of proposed amended Rule 19.3 is in harmony with, and not in conflict with or contrary to, existing statutes, court decisions, and State and federal regulations;
- (5) (Non-duplication) The adoption of proposed amended Rule 19.3 will not duplicate existing District, State, or federal requirements;

- (6) (Reference) The adoption of proposed amended Rule 19.3 is necessary to comply with federal law, Clean Air Act Subsection 182(a), which requires reporting of annual emissions of volatile organic compounds and oxides of nitrogen from all sources emitting in excess of 25 tons per year for either pollutant;

**WHEREAS**, the Governing Board further finds pursuant to Health and Safety Code Section 40001 that adoption of proposed amended Rule 19.3 will facilitate the attainment and maintenance of ambient air quality standards; and

**WHEREAS**, the Governing Board further finds that the adoption of amended Rule 19.3 is categorically exempt from the provisions of CEQA pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the protection of the environment, where the regulatory process involves procedures for protection of the environment, and pursuant to Section 15061(b)(3) since it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment; and

**WHEREAS**, the Governing Board further finds that a written analysis comparing proposed amended Rule 19.3 with applicable requirements of federal and local regulations has been prepared pursuant to Health and Safety Code Section 40727.2 and is available to the public upon request; and

**WHEREAS**, the Governing Board further finds that an incremental cost-effectiveness analysis pursuant to Section 40920.6(a) of the California Health and Safety Code is not required for proposed amended Rule 19.3; and

**WHEREAS**, the Governing Board further finds that an assessment of the socioeconomic impacts of the proposed amended Rule 19.3 is not required pursuant to Section 40728.5 of the California Health and Safety Code as the proposed amended rule will not significantly affect air quality or emissions limitations.

**NOW THEREFORE IT IS RESOLVED AND ORDERED** by the San Diego County Air Pollution Control Governing Board that the Rules and Regulations of the San Diego County Air Pollution Control District be, and hereby are amended as follows:

1. Proposed amended Rule 19.3 is to read as follows:

**RULE 19.3. EMISSION INFORMATION**  
(Rev. Adopted & Effective *(date of adoption)*)

(a) **APPLICABILITY**

This rule is applicable to any person owning or operating any source of emissions of air pollutants, or to any person selling or supplying any material the use of which may cause the emission of air pollutants.

(b) **DEFINITIONS**

For the purposes of this rule, the following definitions shall apply:

(1) **"Air Pollutant"** means any substance discharged, released, or otherwise propagated into the atmosphere and includes, but is not limited to, any combination of the following: volatile organic compounds (VOCs), exempt compounds, oxides of nitrogen (NOx), particulate matter, gaseous sulfur compounds, carbon monoxide, and toxic air contaminants, including hazardous air pollutants identified in the federal Clean Air Act, Title I, Section 112(b).

(2) **"Calendar Year"** means the same as defined in Rule 2 – Definitions.

(3) **"CCR"** means the California Code of Regulations.

(4) **"Data Year"** means the calendar year in which emissions occurred.

(5) **"Electronic Emissions Inventory Report"** means an electronic submission to the District, which includes necessary process information and activity data needed to complete the required emissions inventory. This report may include some or all of the following: process information or equipment specifications; locations of sources and/or equipment; material or fuel consumption; material throughput or production rates; material disposal or reclamation rates; material composition or characteristics; temporal specification of operations; location of emission origin; emission control equipment and operational parameters; material sales and distribution information; and specification of applicable District Permits to Operate or Authority to Construct.

(6) **"Emissions Inventory Report Form"** means a form prepared by the District and submitted to a person subject to this rule, providing specific direction on the complete and accurate submission of process information necessary to determine emissions of air pollutants. This form may include some or all of the following: process information or equipment specifications; locations of sources and/or equipment; material or fuel consumption; material throughput or production rates; material disposal or reclamation rates; material composition or characteristics; temporal specification of operations; location of emission origin; emission control equipment and operational parameters; material sales and distribution information; and specification of applicable District Permits to Operate or Authority to Construct.

(7) **“Emissions Inventory Request”** means a request prepared by the District and submitted to a person subject to this rule, providing specific direction on the complete and accurate submission of process information necessary to determine emissions of air pollutants.

(8) **“Emissions Statement Form”** means a form prepared by the District and submitted to a person subject to this rule, providing specific direction on the complete and accurate submission of information on emissions subject to this rule. Information subject to specification on this form includes, but is not limited to, emission factors and calculated actual emission rates of air pollutants, including NO<sub>x</sub> and VOC, as well as any information subject to the "Emissions Inventory Report Form".

(9) **“Exempt Compound”** means the same as defined in Rule 2 – Definitions.

(10) **“H&SC”** means the California Health and Safety Code.

(11) **“Industry-Wide Sources”** means sources as described in H&SC Section 44323, which allows an air district to designate a source as an industry-wide source under the following conditions:

(i) All facilities in the class fall within one four-digit Standard Industrial Classification Code;

(ii) Individual compliance with the Air Toxics “Hot Spots” Information and Assessment Act imposes severe economic hardships on the majority of the facilities within the class;

(iii) The majority of the class is composed of small businesses; and

(iv) Releases from individual facilities in the class can easily and generically be characterized and calculated.

(12) **“NO<sub>x</sub>”** means the same as defined in Rule 2 – Definitions.

(13) **“Toxic Air Contaminant”** means the same as defined in Rule 2 – Definitions.

(14) **“Volatile Organic Compound (VOC)”** means the same as defined in Rule 2 – Definitions.

(c) **REQUIREMENTS**

(1) Any person owning or operating any source of emissions of air pollutants and/or any person selling or supplying any material the use of which emits air pollutants in the amounts described, and/or is subject to the regulations described in Subsections (c)(1)(i) through (c)(1)(vi) below, shall meet the requirements for submission of an Electronic Emissions Inventory Report, and, if applicable, an Emissions Statement Form, in accordance with the provisions in Subsections (c)(2) through (c)(6).

(i) 25 tons or greater of VOC or NOx per year, in accordance with the federal Clean Air Act, Title I, Section 182 (a)(3)(B);

(ii) 5 tons or greater of VOC or NOx per year, but less than 25 tons of VOC or NOx per year;

(iii) Toxic air contaminants for site-specific facilities, at levels subject to the AB2588 “Hot Spots” Program (H&SC Section 44300 et seq.) and Emissions Inventory Criteria and Guidelines Regulation (17 CCR, Section 93300.5);

(iv) Toxic air contaminants for industry-wide sources, at levels subject to the AB2588 “Hot Spots” Program (H&SC Section 44300 et seq.) and Emissions Inventory Criteria and Guidelines Regulation (17 CCR, Section 93300.5);

(v) Criteria Air Pollutants and Toxic Air Contaminants, at levels subject to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR) (17 CCR, Section 93400 et seq.); or

(vi) Any pollutant emitted at levels in excess of thresholds stated in a District Community Air Protection Program, as designated per the Community Monitoring Plan or the Community Emissions Reduction Plan.

(2) Any person owning or operating any source of emissions of air pollutants, and/or any person selling or supplying any material the use of which emits air pollutants, which meets the applicability of Subsection (c)(1)(i) through (c)(1)(vi) must submit an Electronic Emissions Inventory Report according to the following frequency:

(i) Annually – Sources subject to Subsections (c)(1)(i), (c)(1)(ii), or (c)(1)(v);

(ii) Every four years – Sources subject to Subsection (c)(1)(iii) or (c)(1)(iv);

(3) Any person subject to this rule shall submit a completed Electronic Emissions Inventory Report and, if applicable, an Emissions Statement Form at such frequency as the Air Pollution Control Officer determines is necessary to comply with federal or State requirements or to develop or implement an air contaminant control program to meet federal or State requirements. This frequency shall be no more than once per calendar year.

(4) Upon receipt of an Emissions Inventory Request, a person subject to this rule shall:

(i) Submit the required Electronic Emissions Inventory Report as directed and return it to the District by the due date, which shall be 60 calendar days if required to report pursuant to Subsection (c)(1), or as determined by the District from the date the request was first provided by the District.

(ii) Submit the required Electronic Emissions Inventory Report according to the phase-in periods described below:

(A) Data year 2021, all sources subject to Subsection (c)(1), must use the District provided website to upload requested information through the District's emissions inventory system portal, including District approved Emissions Inventory Report Forms.

(B) Data year 2022 and after, all sources subject to Subsection (c)(1), must use the District provided website to upload requested information through the District's emissions inventory system portal.

(iii) Submit, with the completed report, a statement by the person, or a responsible official, certifying that the information contained in the form is accurate to the best knowledge of that person or official.

(5) Any person required to submit an Electronic Emissions Inventory Report and, if applicable, an Emissions Statement Form to the District shall maintain the supporting documentation upon which the information in the form was based. This documentation shall be retained on site for at least five years and shall be made available to the District upon request.

(6) The Air Pollution Control Officer may grant, on a case-by-case basis, an extension of the Electronic Emissions Inventory Report due date,

(i) not to exceed 60 calendar days if the data is required pursuant to Subsections (c)(1)(i), and (ii); or

(ii) not to exceed 120 calendar days, if the data is required pursuant to Subsections (c)(1)(iii) and (iv); or

(iii) no later than May 1<sup>st</sup> of the reporting year for facilities subject to Subsection (c)(1)(v).

A person must demonstrate that, due to circumstances beyond their control, the original due date cannot be met, and shall request the extension, in writing, prior to the original due date specifying the circumstances and the number of additional days requested.

(7) Any person owning or operating any stationary source of emissions of air pollutants subject to Subsection (c)(1)(i), must submit a signed Emissions Statement Form certifying that the information contained in the form is accurate to the best knowledge of the individual certifying it. The Emissions Statement Form shall show actual emissions, or operational information to calculate actual emissions of NO<sub>x</sub> and VOC from that source. The Emissions Statement Form shall be submitted annually and returned to the District within 60 calendar days from the date the form was first provided by the District. For the purpose of this subsection, "stationary source" means the same as defined in Rule 2 – Definitions.

**IT IS FURTHER RESOLVED AND ORDERED** that proposed amended Rule 19.3 of Regulation II shall take effect on *(date of adoption)*.

**PASSED AND ADOPTED** by the Air Pollution Control Governing Board of the San Diego County Air Pollution Control District, State of California, this 9<sup>th</sup> day of December 2021, by the following votes:

Setting a meeting for January 19, 2022, at 9:00 a.m.; ON MOTION of Member Bush, seconded by Member Medina, the Air Pollution Control District Governing Board took action as recommended, on Consent.

AYES: Birkbeck-Garcia, Bush, Gomez, Martinez, Medina, Shu, Vargas

ABSENT: Fletcher, Elo-Rivera, Sanchez, Whitburn

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

BY: Rodney Lorang, Senior Deputy

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STATE OF CALIFORNIA)  
County of San Diego)<sup>SS</sup>

I hereby certify that the foregoing is a full, true and correct copy of the Original Resolution entered in the Minutes of the Board of Supervisors.



MARVICE MAZYCK  
Clerk of the Air Pollution Control District Governing Board