



## Air Pollution Control District Governing Board

San Diego County Air Pollution Control District

### AGENDA ITEM #D.4

**DATE:** December 9, 2021

**TO:** Air Pollution Control District Governing Board

**SUBJECT:** ADOPTION OF PROPOSED AMENDMENTS TO RULE 19.3 - EMISSION INFORMATION

#### REQUESTED ACTION:

1. Find that the adoption of proposed amended Rule 19.3 – Emission Information is categorically exempt from the provisions of the California Environmental Quality Act pursuant to California Code of Regulations, Title 14, Section 15308, as an action taken to assure the 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.
2. Adopt the Resolution entitled: 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.

#### OVERVIEW:

The San Diego County Air Pollution Control District (District) is required by federal and State law to adopt and implement Rule 19.3 – Emission Information. Rule 19.3 requires facilities in the San Diego region to provide the District with emission information. The purpose of this rule is to allow the District to quantify and inventory air pollutant emissions throughout the San Diego region by requiring permitted sources to submit emission information. This information is necessary for compliance with various federal and State regulations as well as for carrying out air quality and health risk modeling and simulation operations.

Rule 19.3 is outdated and is being amended to comply with recent changes in State reporting regulations, specifically the California Air Resources Board (CARB) Criteria Toxics Reporting, or CTR Regulation, which implements statewide annual reporting of criteria air pollutant and toxic air contaminant emissions data from facilities. These proposed amendments will also phase in requirements for electronic submittal of annual emissions inventory reporting beginning in 2022, when electronic reporting will replace the current mode of emissions inventory reporting submitted via hardcopy. The phase-in for electronic submittal is intended to facilitate the submittal of emission information for subject facilities, and to expedite the District's review and approval process.

Additionally, the proposed amendments will address comments received from the U.S. Environmental Protection Agency (EPA) that require amendments to allow for federal approval of the rule. At EPA's request, language was added to clarify that facilities emitting 25 tons or more per year of oxides of nitrogen or volatile organic compounds are required to 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. If approved by the Governing Board, amended Rule 19.3 would be resubmitted through CARB to the EPA for approval and inclusion in the San Diego County portion of the State Implementation Plan for attaining and maintaining air quality standards.

**FISCAL IMPACT:**

There is no fiscal impact associated with these requested actions.

**ENVIRONMENTAL STATEMENT:**

The California Environmental Quality Act (CEQA) requires environmental review of certain actions.

District staff conducted a review as to whether CEQA applies to the adoption of proposed amended Rule 19.3. The proposed amended rule will not result in greater air pollutant emissions from new and modified stationary sources in San Diego County. Additionally, the proposed amendments to Rule 19.3 – other than the requirement to report data in an electronic format – are required by federal and State law and, as such, are already applicable to the subject sources. District staff therefore determined that the adoption of proposed 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, 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.

**PREVIOUS RELEVANT BOARD ACTIONS:**

May 15, 1996 (AP02) Adoption of Proposed Amendments to Rule 2 (Definitions) and Related Rules 19.3 (Emission Information), 20.1 (New Source Review – General Provisions), 67.0 (Architectural Coatings), 67.1 (Alternative Emissions Control Plans), 67.2 (Dry Cleaning Equipment Using Petroleum Based Solvents), 67.3 (Metal Parts and Products Coating Operations), 67.4 (Metal Container, Metal Closure and Metal Coil Coating Operations), 67.5 (Paper, Film and Fabric Coating Operations), 67.7 (Cutback and Emulsified Asphalts), 67.11 (Wood Products Coating Operations), 67.12 (Polyester Resin Operations), 67.15 (Pharmaceuticals and Cosmetics Manufacturing Operations), 67.16 (Graphic Arts Operations), 67.17 (Storage of Materials Containing Volatile Organic Compounds), 67.18 (Marine Coating Operations), 67.19 (Coating and Printing Inks Manufacturing Operations), 67.22 (Expandable Polystyrene Foam Products Manufacturing Operations), and 67.24 (Bakery Ovens)  
April 6, 1993 (AP01) Adoption of new Rule 19.3 (Emission Information) and Amendment of Rule 19 (Provision of Sampling and Testing Facilities and Emission Information)

**RECOMMENDED BY:**

Marvice Mazyck

**CONTACT PERSON(S):**

**Name**

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**ATTACHMENTS:**

[Attachment A-Rule 19.3 Resolution.pdf](#)

[Attachment B-Rule 19.3 Background.pdf](#)

[Attachment C-Rule 19.3 Comparative Analysis.pdf](#)

[Attachment D-Rule 19.3 Workshop Report.pdf](#)

[Attachment E-Rule 19.3 Change Copy.pdf](#)

**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 NO<sub>x</sub> 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 NO<sub>x</sub> per year, but less than 25 tons of VOC or NO<sub>x</sub> 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

— — —  
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

### **Background of Proposed Amended Rule 19.3 – Emission Information**

The San Diego County Air Pollution Control District (District) is required by federal and State law to adopt and implement Rule 19.3 – Emission Information. Rule 19.3 requires facilities in the San Diego region to provide the District with emission information. The purpose of this rule is to allow the District to quantify and inventory air pollutant emissions throughout the San Diego region by requiring permitted sources to submit emission information. This information is necessary for compliance with various federal and State regulations as well as for carrying out air quality and health risk modeling and simulation operations.

The Clean Air Act (CAA) requires local air districts to conduct emission inventories. CAA Section 182(a)(3)(B) specifies the information required to be included in an emissions statement. The AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulation (Guidelines, or EICG Regulation) provides direction and criteria to facilities on how to compile and submit air toxics emission data required by the "Hot Spots" Program. Since these guidelines change periodically, District rules pertaining to emission inventories must be sufficiently flexible to address changes in existing guidelines and accommodate future federal and State requirements associated with rule development activities and toxic air contaminant programs.

The California Air Resources Board (CARB) developed the "Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants" (also known as Criteria Toxics Reporting or CTR) to implement statewide annual reporting of criteria air pollutant and toxic air contaminant emissions data from facilities. Criteria pollutants are six of the most common air pollutants (carbon monoxide, lead, ground-level ozone, particulate matter, nitrogen dioxide, and sulfur dioxide) for which the U.S. Environmental Protection Agency (EPA) has established the national ambient air quality standards to protect public health. Toxic air contaminants are air pollutants which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health. CTR supports the mandates of AB 617 – Nonvehicular Air Pollution: Criteria Air Pollutants and Toxic Air Contaminants, AB 197 – State Air Resources Board: Greenhouse Gases: Regulations, and AB 2588 – Air Toxics “Hot Spots” Information and Assessment Act, and also continues California's environmental leadership by establishing innovative new policies to improve many aspects of air quality including emission inventory. Emissions inventory data is critical to understanding the sources of emissions that may contribute to adverse health risks or other impacts at the local, regional, and statewide level.

Existing Rule 19.3 applies to any source emitting air pollutant emissions, and the sale or supply of any material which may cause the emission of air pollutants, including toxic air contaminants. The rule requires the completion and submission of Emissions Inventory Report Forms, and if applicable, Emissions Statement Forms.

Rule 19.3 is outdated and is being amended to comply with recent changes in State reporting regulations, specifically the CTR, which implements statewide annual reporting of criteria air pollutant and toxic air contaminant emissions data from facilities. The proposed amendments will also phase in requirements for electronic submittal of annual emissions inventory reporting. Beginning in 2022, electronic reporting will replace the current mode of emissions inventory reporting submitted via hardcopy. In 2023 and later, facilities must input emissions data directly

into the Emissions Inventory System (EIS). Electronic submittal is intended to facilitate the submittal of emission information for subject facilities, and to expedite the District's review and approval process. Additionally, the proposed amendments will address comments received from EPA, to allow for federal approval of the rule. At EPA's request, language was added to clarify that facilities emitting 25 tons or more per year of oxides of nitrogen or volatile organic compounds are required to 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.

### **Rule Comparisons**

State law requires the District to identify all federal, State and District requirements that apply to the same equipment or sources as do the proposed amended rules, except in specified circumstances. This Comparative Analysis is provided in Attachment C.

### **Environmental Review of New District Rules and Regulations**

Section 15187 of the CEQA Guidelines requires the District, when adopting a rule requiring the installation of pollution control equipment or establishing a performance standard, to perform an environmental analysis of the reasonably foreseeable methods by which compliance with that rule or regulations will be achieved. The amendments to Rule 19.3 proposed today do not change local control requirements for affected equipment; therefore, this provision of the CEQA Guidelines is not applicable.

### **Socioeconomic Impact Assessment**

State law requires the District to perform an assessment of the socioeconomic impacts when adopting, amending, or repealing a rule that will significantly affect air quality or emission limitations. A review conducted by District staff found that proposed amendments to Rule 19.3 are procedural in nature and will not affect air quality or emission limitations. The proposed amendments also implement existing federal and State requirements. Accordingly, a socioeconomic impact assessment is not required.

### **Submittal to EPA**

If adopted, the proposed amendments to Rule 19.3 will become effective on the date of adoption. The amended rule will be resubmitted through CARB to the EPA for approval and inclusion in the San Diego County portion of the State Implementation Plan for attaining and maintaining air quality standards.

**COMPARATIVE ANALYSIS****PROPOSED AMENDED RULE 19.3 – EMISSION INFORMATION****Introduction**

Prior to adopting, amending, or repealing a rule or regulation, California Health and Safety Code Section 40727 requires findings of necessity, authority, clarity, consistency, non-duplication, and reference, as defined therein. Furthermore, as part of the consistency finding and to ensure proposed rule requirements do not conflict with or contradict other Air Pollution Control District (District) or federal regulations, Health and Safety Code Section 40727.2(a) requires the District to perform a written analysis identifying and comparing the air pollution control standards and other provisions of proposed amended Rule 19.3 with other existing or proposed District rules and guidelines, and with existing federal and State rules, requirements, and guidelines applying to the same categories of emission sources.

**Analysis**

The federal Clean Air Act Section 182(a)(3)(B) specifies the information required to be included in an emissions statement. The AB 2588 Air Toxics "Hot Spots" Emission Inventory Criteria and Guidelines Regulation (Guidelines, or EICG Regulation) provides direction and criteria to facilities on how to compile and submit air toxics emission data required by the "Hot Spots" Program. In addition, the California Air Resources Board developed the "Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants" (also known as Criteria Toxics Reporting or CTR) to implement statewide annual reporting of criteria air pollutant and toxic air contaminant emissions data from facilities.

The proposed amendments to Rule 19.3 will include phase-in requirements for electronic submittal of annual emissions inventory reporting. Beginning in 2022, electronic reporting will replace the current mode of emissions inventory reporting submitted via hardcopy. In 2023 and later, facilities must input emissions data directly into the Emissions Inventory System (EIS). Also, the proposed definition of "Emissions Inventory Report Form" has been revised for clarification to align with existing federal and State requirements. This proposed revision specifies the information that the form currently requires and does not include new reporting requirements.

Proposed amended Rule 19.3 contains provisions equivalent to the requirements of the federal Clean Air Act Section 182(a)(3)(B), the State EICG Regulation, and CTR. Therefore, there are no conflicts or contradictions between proposed amended Rule 19.3 and the federal and State regulations for emissions reporting.

**SAN DIEGO COUNTY  
AIR POLLUTION CONTROL DISTRICT**

**DRAFT PROPOSED AMENDMENTS TO  
RULE 19.3 – EMISSION INFORMATION**

**WORKSHOP REPORT**

The San Diego County Air Pollution Control District (District) held a public workshop on October 12, 2021, to discuss and receive input on the draft proposed amendments to Rule 19.3 – Emission Information. A meeting notice was mailed to each air quality permit holder and chamber of commerce in the region, as well as the U.S. Environmental Protection Agency (EPA) and California Air Resources Board (CARB). Additionally, a meeting notice was posted on the District’s website and distributed to interested parties, including through the District’s electronic mail service.

The workshop was attended by 17 people. A summary of the comments and District responses are provided below:

**1. WORKSHOP COMMENT**

Proposed Subsections (c)(1)(i) and (ii) use the units of tons per year. Is the unit of measure referring to metric tons or U.S. customary tons?

**DISTRICT RESPONSE**

The District follows the CARB Criteria Pollutant and Toxics Emissions Reporting (CTR) regulation definition of “short ton” for references to ton in Rule 19.3. Section 93402, Definitions of the CTR defines “short ton” as a common international measurement for mass, equivalent to 2,000 pounds, which is one U.S. customary ton.

**2. WORKSHOP COMMENT**

Proposed Subsections (c)(1)(i) and (ii) have requirements for sources with emissions of 25 tons or greater of volatile organic compounds (VOC) or oxides of nitrogen (NOx) per year, and 5 to less than 25 tons of VOC or NOx per year. Do these requirements apply to sources permitted by the District and sources that are not permitted, and are within these emission ranges?

**DISTRICT RESPONSE**

Proposed Subsection (c)(1) specifies that “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)...” Therefore, both permitted and unpermitted sources have the likelihood of being subject to the requirements of the proposed amended rule.

**3. WORKSHOP COMMENT**

How will sources submit data with the Emissions Inventory System (EIS)?

**DISTRICT RESPONSE**

Sources will be required to login to EIS and submit data electronically. Sources may request access to the system for their specific users, chosen at their discretion. The District will work with sources to use EIS. The only difference between previous reporting is that everything will be electronic instead of submissions with hardcopies or PDF files. If data had been previously reported, it will be incorporated into EIS. If it has not, the District will work with the source to have it incorporated into EIS moving forward. Also, the system is currently available and has been in use for about 2 years. The District plans on conducting several training sessions available to reporting sources with Lakes Environmental Software, the developer for EIS.

**4. WORKSHOP COMMENT**

What is an example of an industry-wide source?

**DISTRICT RESPONSE**

Industry-wide sources are defined in the California Health and Safety Code, Section 44323. For example, retail gasoline dispensing is an industry-wide source.

**5. WORKSHOP COMMENT**

How would the District address a scenario where a facility operates an emission process that may be classified as an industry-wide source but the overall facility itself has a different Standard Industrial Classification (SIC) code?

**DISTRICT RESPONSE**

Industry-wide sources share a common SIC code. Therefore, if a facility has a different parent SIC code, then that facility would not be designated as an industry-wide source.

**6. WORKSHOP COMMENT**

How are emissions determined?

### **DISTRICT RESPONSE**

The emissions will be calculated per the District's "Calculation Procedure" available on the District's website.<sup>1</sup> The "Calculation Procedure" outlines the calculation methods for specific equipment types.

### **7. WORKSHOP COMMENT**

Is there anything in the proposed rule amendments that would cause the frequency of reporting to change from its current status if nothing has changed at the facility level?

### **DISTRICT RESPONSE**

No. Reporting frequencies, as specified in Subsection (c)(2), are not changing from the existing requirements. However, reporting frequencies may be subject to change at the discretion of the Air Pollution Control Officer to meet federal and State requirements, as specified in Subsection (c)(3).

### **8. CARB COMMENT**

CARB had no official comments at this time.

### **9. EPA COMMENT**

Federal Clean Air Act (CAA) Section 182 Emissions Statements (ES) requires each operator or owner to submit a statement of actual emissions of VOC and NOx on a yearly basis and provide a certification that the information in the ES is accurate to the best knowledge of the individual certifying it. These requirements must be clearly stated in the rule.

### **DISTRICT RESPONSE**

The District agrees. Proposed Subsection (b)(8) "Emissions Statement Form" has been revised to require that actual emissions of VOC and NOx be included in the form. Proposed Subsection (c)(3) has been revised to require that a completed Electronic Emissions Inventory Report and/or Emissions Statement Forms be submitted once per calendar year. In addition, new proposed Subsection (c)(7) has been added to require that each operator or owner 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.

DH:AMF:jlm  
11/08/21

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<sup>1</sup>[https://www.sdapcd.org/content/sdc/apcd/en/engineering/Permits/Engineering\\_Emissions\\_Inventory/Engineering\\_Phase\\_3\\_Toxics\\_Procedures.html](https://www.sdapcd.org/content/sdc/apcd/en/engineering/Permits/Engineering_Emissions_Inventory/Engineering_Phase_3_Toxics_Procedures.html)



**RULE 19.3. EMISSION INFORMATION**

~~(Adopted & Effective 4/6/93); (Rev. Adopted & Effective 5/15/96)~~  
(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** ~~(Rev. Effective 5/15/96)~~

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 1990 Federal Clean Air Act ~~Amendments~~, 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.

~~(2) **"Contiguous Property"** means two or more parcels of land with a common boundary or separated solely by a public or private roadway or other public or private right of way. Non-adjoining parcels of land separated solely by bodies of water designated "navigable" by the U.S. Coast Guard shall not be considered contiguous properties.~~

(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.

~~(3-6)~~ **"Emissions Inventory Report Form"** means a form ~~provided~~ prepared by the District and submitted to a person subject to this rule, providing ~~specifying~~ 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.

(4-8) **“Emissions Statement Form”** means a form ~~provided~~ prepared by the District ~~and submitted to a person owning or operating a stationary source~~ subject to this rule, providing specifying specific direction on the complete and accurate submission of information on emissions subject to this rule. Information subject to specification on this form may includes, but is not limited to, emission factors and calculated actual emission rates of air pollutants, including NOx and VOC, as well as any information subject to the “Emissions Inventory Report Form”.

(5) **“Emission Unit”** ~~means any article, machine, equipment, process, process-line, or contrivance, which emit(s) or reduce(s) or may cause to emit or reduce the emission of any air pollutant.~~

(6-9) **“Exempt Compound”** means the same as defined in Rule 2 – Definitions.  
(Rev. Effective 5/15/96)

(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 ~~this part~~ 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) “NOx” means the same as defined in Rule 2 – Definitions.

(7) ~~“Stationary Source” means an emission unit or aggregation of emission units, located on the same or contiguous properties. Emission units which are on the same or contiguous property but which are not under the same ownership or entitlement to use and which are not related shall not be considered a single stationary source. Stationary sources also include those emission units or aggregation of emission units located in the California Coastal Waters.~~

(8-13) “Toxic Air Contaminant” means the same as defined in Rule 2 – Definitions. ~~means an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.~~

(9-14) “Volatile Organic Compound (VOC)” means the same as defined in Rule 2 – Definitions. ~~means any volatile compound containing at least one atom of carbon excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonates, and exempt compounds which may be emitted to the atmosphere during operations or activities resulting in emissions of air pollutants.~~

### (c) REQUIREMENTS

(1) ~~Except as provided in Subsection (c)(2), and in accordance with the provisions in Subsections (c)(3), (c)(4), and (c)(5) any person subject to this rule shall be subject to requirements for submission of Emissions Statement Forms and/or Emissions Inventory Report Forms.~~

(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 sources-facilities, in accordance with 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, ~~in accordance with~~ 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, ~~in accordance with~~ 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 stationary source of emissions subject to this rule which emits less than 5 tons per year of each air pollutant, and does not emit toxic air contaminants, shall not be required to submit an Emissions Statement Form.~~

~~(3) Any person owning or operating any stationary source of emissions subject to this rule which emits 25 tons per year or greater of volatile organic compounds or oxides of nitrogen shall, in accordance with the 1990 Federal Clean Air Act Amendments, Title I, Section 182 (a)(3)(B), submit Emissions Statement Forms to the District for the 1992 calendar year and for each calendar year thereafter.~~

~~(4) Effective January 1, 1994, any person owning or operating any stationary source subject to this rule which emits 5 or more tons per year but less than 25 tons per year of VOC or NOx, and any person who sells or supplies any material the use of which may cause the emission of air pollutants, may be required to submit an Emissions Statement Form and/or Emissions Inventory Report Form, as deemed appropriate by the Air Pollution Control Officer.~~

(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 –

~~(A)~~ Sources subject to Subsections (c)(1)(i), (c)(1)(ii), or (c)(1)(v);

~~(B) Sources subject to Subsections (c)(1)(iii) if the source is designated as Category A pursuant to the District’s Air Toxics Hot Spots Program Prioritization Procedures.~~

~~(ii) Biennially~~

~~Sources subject to Subsection (c)(1)(iii) if the source is designated as Category B pursuant to the District's Air Toxics Hot Spots Program Prioritization Procedures.~~

(iii) Every four years –

~~(A) Sources subject to Subsection (c)(1)(iii) or (c)(1)(iv);~~

~~(B) Sources subject to Subsection (c)(1)(iii) if the source is designated as Category C pursuant to the District's Air Toxics Hot Spots Program Prioritization Procedures.~~

(5-3) ~~The District shall require the completion and submission of~~ Any person ~~subject to this rule shall submit a completed Electronic Emissions Inventory Report and/or, if applicable, an Emissions Statement Forms and/or Emissions Inventory Report Forms by persons subject to this rule at such frequency as the Air Pollution Control Officer determines is necessary to comply with federal or sState requirements or to develop or implement an air contaminant control program to meet federal or sState requirements. This frequency shall be no more than once per calendar year.~~

(6-4) ~~Upon receipt of an Emissions Statement Form or Emissions Inventory Report Form Emissions Inventory Request, a person subject to this rule shall:~~

(i) ~~Complete-Submit the form 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 form 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) ~~Provide-Submit~~, with the completed ~~form-report~~, a signed 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.

(7-5) Any person required to submit an Electronic Emissions Inventory Report ~~and/or, if applicable, an Emissions Statement Form or Emissions Inventory Report 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 ~~three~~ five years; and shall be made available to the District upon request.

(8-6) The Air Pollution Control Officer may grant, on a case-by-case basis, ~~one-an~~ extension of the Electronic Emissions Inventory Report ~~Emissions Statement Form or Emissions Inventory Report Form~~ 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).

~~in those cases where the~~ A person must demonstrates that, due to circumstances beyond their control ~~of that person~~, the original due date cannot be met, ~~The person 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 NOx 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.