

**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.¹ 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

¹https://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 ~~F~~-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 NO_x 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 1st 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.