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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 Northern Sonoma County Air Pollution Control District (NSCAPCD) herein provides comments on the proposed Regulation for Criteria Air Pollutant and Toxic Air Contaminant Emissions Reporting (CTR Regulation). Before our comments, below, we would like to acknowledge the considerable effort that you and your team made to meet and discuss the proposed CTR Regulations with NSCAPCD. We appreciate the dialogue and recognize your considerable efforts to tailor the requirements to satisfy all parties, within the constraints you were given. However, we still have concerns regarding implementation of the rule and the programmatic impacts to the NSCAPCD:

1. CARB should 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. NSCAPCD recommends 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. Many of these sources have not been contacted by CARB, as they have not had previous reporting requirements, to be on record for notification. Most importantly, using the 15-day modification procedure denies a process for the newly-affected small businesses to address the CARB in person, in a public meeting. CARB must be prepared to provide substantial small business outreach and training and to properly fund Districts in order to achieve successful business participation and data quality under the enhanced reporting requirements. Districts, especially rural Districts like the NSCAPCD, do not have extra resources to carry this weight.

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 data. The NSCAPD cautions against proceeding down this path of collecting voluminous mass emissions data from small sources; this format is unwieldy, left open for the public to assemble; and requires complex modeling to convert from mass emissions to air pollution concentration values, at the expense of the prioritized and meaningful risk information of the 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 reductions from the largest contributing sector of air pollution (transportation) nor provide the public with a transparent portrayal of emissions in their community.

5. Cooperative Federalism. California Health and Safety Code establishes the states air Districts as an independent form of local government, recognizing the efficacy of local government to address regional air pollution. NSCAPCD programs have been developed and evolved over years of negotiation and partnership with industry and stakeholders based on the local air quality conditions and available resources. With this enhanced reporting requirement, the state makes a top-down fundamental change that overrides various established Districts program elements and operations. The enhanced reporting requirement touches District rules, permit applications, permit content, permit fee structures, compliance and enforcement, and outreach; all of which are included in the state SIP. For Districts such as ours in attainment for all state and national ambient air quality standards, this top-down disruption will not likely provide a demonstrable public health benefit. In future rule-making, the NSCAPCD requests that CARB address cooperative federalism and alternatives to top-down rule-making to assess and then minimize District program and resource disruption.

6. District Resources. The proposed amendments to the CTR Regulation will require diversion of resources from core NSCAPCD programs, such as permit review, compliance and enforcement, field presence, ambient air monitoring, or grants and community programs, which could actually result in an increase in emissions in our communities. Such diversions are unavoidable because NSCAPCD cannot hire a part-time FTE or create a new FTE position to support new state mandates without a permanent funding source such as subvention, or a new subvention supplemental.

It is not just this new enhanced reporting requirement that is the challenge, but the aggregate cost of all recent state mandates put on to the Districts, including AB 197, AB 317, prescribed burning, emergency wildfire smoke response, etc. In future rule-making, the NSCAPCD proposes that CARB include review and discussion of the aggregate costs to Districts on an ongoing basis to identify and provide for necessary funding for state and District program success.

In addition, the NSCAPCD recommends that CARB re-design the emission inventory submittal program (CEIDARS and HARP EIM) to support the new reporting requirements or provide funds for Districts to purchase and/or update in-house data systems. Finally, the CARB must be sure to have its new emissions reporting data system in place and vetted, prior to requiring emissions data be reported for the sources identified as Section 93401(a)(4).

In conclusion, the NSCAPCD supports the reduction of air pollution and stands at the ready to support California's commitment to clean air, but cautions that the CTR regulation and the aggregate impacts of recent state mandates to Districts have the potential to disrupt and upset core District programs in a manner that could offset the intended benefits of CTR and/or other new state rules. The NSCAPCD urges the CARB to perform ongoing and aggregate cost and resource analysis with each rule-making to properly identify the impacts to District programs and to identify the necessary resources for programs to be implemented successfully. These new funds must be provided in an ongoing, permanent format such as subvention or subvention supplemental so Districts can acquire new staff instead of diverting existing staff resources from core program elements.

Sincerely,



Rob Bamford
Air Pollution Control Officer / EO