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Clean Air Act Emissions Statement Requirements

Section 182(a)(3)(B) of the Clean Air Act (Act) requires all ozone nonattainment areas to have in place a program that requires emissions statements from stationary sources of NO_x and VOC. Specifically, section 182(a)(3)(B)(i) of the Act requires air agencies to submit to U.S. EPA a SIP revision requiring the owner or operator of each stationary source to report and certify the accuracy of their reported NO_x and VOC emissions, beginning in 1993 and annually thereafter.

Section 182(a)(3)(B)(ii) of the Act allows air agencies to waive the requirements under subsection (i) for stationary sources emitting less than 25 tons per year of VOC or NO_x if the State provides an inventory of emissions from such class or category of sources, based on the use of the emission factors established by the U.S. EPA or other methods acceptable to the U.S. EPA as part of the inventories required under section 182(a)(1) (the base year emissions inventory) and section 182(a)(3)(A) (the periodic emissions inventory).

The emissions statement requirements for the 70 ppb 8-hour ozone standard are described in Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements (83 FR 62998, December 6, 2018). If a nonattainment area has a previously approved emissions statement rule in force for a previous 8-hour or 1-hour ozone standard covering all portions of the nonattainment area for the 70 ppb 8-hour ozone standard, the existing rule should be sufficient for the 70 ppb 8-hour ozone standard. If the existing rule does not meet section 182(a)(3)(B) requirements, a revised or new rule would have to be submitted as part of the current ozone SIP.

District Rule 105, EMISSION STATEMENT, fulfills the section 182(a)(3)(B) emissions statement requirements. District Rule 105 was last revised on September 5, 1996, submitted to U.S. EPA on May 18, 1998, and approved by U.S. EPA into the SIP on June 6, 2008¹. The boundaries of the Sacramento Federal Ozone Nonattainment Area (SFNA) for the 70 ppb 8-hour ozone standard are the same as for the 75 ppb ozone standard. We have reviewed existing Rule 105 to ensure it is adequate and, based on the rationale in Table 1 below, determined that the existing rule is adequate to meet the section 182(a)(3)(B) emissions statement requirements for the 70 ppb 8-hour ozone standard.

The District hereby certifies that the existing provisions of Rule 105 adequately meet the emissions statement requirements of section 182(a)(3)(B) of the Act for the purposes of the 70 ppb 8-hour ozone standard, and that no revision of the rule is required.

¹ 73 FR 32240.

Table 1 – Clean Air Act Requirements Contained in Rule 105, Emission Statement

CAA 182(a)(3)(B) Requirements	District Rule 105 Provision
CAA 182(a)(3)(B)(i)	
<p>“Within 2 years after November 15, 1990, the State shall submit a revision to the State implementation plan to require that the owner or operator of each stationary source of oxides of nitrogen or volatile organic compounds provide the State with a statement, in such form as the Administrator may prescribe (or accept an equivalent alternative developed by the State), for classes or categories of sources, showing the actual emissions of oxides of nitrogen and volatile organic compounds from that source.”</p>	<p>Rule 105 was submitted to U.S. EPA on May 18, 1998 and approved by U.S. EPA into the SIP on June 6, 2008.</p> <p><u>Rule 105, Section 301</u> The owner or operator of any stationary source which emits twenty-five (25) tons or more per year of either oxides of nitrogen or volatile organic compounds shall, annually, provide the District with a written emission statement showing actual emissions of volatile organic compounds and oxides of nitrogen from that source.</p>
<p>“The first such statement shall be submitted within 3 years after November 15, 1990. Subsequent statements shall be submitted at least every year thereafter.”</p>	<p><u>Rule 105, Section 301.3</u> After April 20, 1993, the first emission statement shall cover actual emissions of volatile organic compounds and oxides of nitrogen for calendar year 1992, and shall be submitted to the Sacramento Metropolitan Air Quality Management District within 30 days of written notification by the District to submit an emission statement, but not later than November 15, 1993. Thereafter, Annual Emission Inventory Survey Forms, which will be used to develop the second and subsequent emissions statement, shall be submitted to the District no later than March 15.</p>
<p>“The statement shall contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement.</p>	<p><u>Rule 105, Section 301.4a</u> Once the owner or operator of a source that is regulated by this rule submits an Annual Emissions Inventory Survey Form (by March 15), the District will prepare an emission statement for certification by the responsible official. The responsible official must certify the emission statement and return it to the District with 30 days after the date it was mailed by the District (postmarked date).</p> <p><u>Rule 105, Section 301.4b</u> If the owner or operator believes that the information in the emission statement provided by the District is not correct, the owner or operator may revise the emissions information, using a form and methodology approved by the Air Pollution Control Officer. The revised emission information shall be returned to the Air Pollution Control Officer within 30 days of receipt of the emissions statement provided by the District, and the responsible official shall certify that the revised emission information is accurate,</p>

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	to the best knowledge of the individual certifying the statement.
CAA 182(a)(3)(B)(ii)	
<p>“The State may waive the application of clause (i) to any class or category of stationary sources which emit less than 25 tons per year of volatile organic compounds or oxides of nitrogen if the State, in its submissions under subparagraphs (1) or (3)(A), provides an inventory of emissions from such class or category of sources based on the use of the emission factors established by the Administrator or other methods acceptable to the Administrator.”</p>	<p><u>Rule 105, Section 110</u> Stationary sources which emit (based on actual emissions for the twelve months prior to the reporting period requested) less than twenty-five (25) tons per year of both volatile organic compounds and oxides of nitrogen, each taken separately, are exempt from the requirements of this rule.</p> <p><u>Rule 105, Section 401.2</u> If exempted by Section 110, the Air Pollution Control Officer will provide the California Air Resources Board with an emission inventory for sources emitting more than ten (10) tons per year of either volatile organic compounds or oxides of nitrogen.</p>