

Meeting Date: 7/23/2020
Report Type: PUBLIC HEARINGS
Report ID: 2020-0723-5.



Title: Emissions Statements Certification for the 2015 Ozone National Ambient Air Quality Standard

Recommendation: Conduct a public hearing and 1) determine that the adoption of the Emissions Statements Certification is exempt from California Environmental Quality Act, and 2) adopt a resolution approving the Emissions Statements Certification for the 2015 Ozone National Ambient Air Quality Standards.

Rationale for Recommendation:

The federal Clean Air Act requires states and districts in nonattainment areas for the federal ozone air quality standard to submit emission inventories and emissions statements to EPA that report the quantity of emissions of volatile organic compounds (VOC) and oxides of nitrogen (NOx). Stationary sources must report to the state or local district annually. For sources in the District's jurisdiction, these reports are required by Rule 105 – Emission Statement.

In 2018, the District was designated a moderate nonattainment area for the 2015 primary National Ambient Air Quality Standard (NAAQS) for ozone. The U.S. Environmental Protection Agency (EPA) promulgated a rule later that year to implement the 2015 standard. The implementation rule requires the District to submit, by August 2020, a revision to the State Implementation Plan (SIP) that meets the emissions statements requirement of the Clean Air Act as they apply to the 2015 ozone standard. Title 40 of the Code of Federal Regulations, Section 51.102 requires SIP revisions to be adopted at public hearings.

Contact: Kevin J. Williams, Program Supervisor, 916-874-4851

Presentation: Yes

ATTACHMENTS:

- [Attachment 1: Emissions Statement Certification Resolution](#)
- [Attachment 2: Exhibit A - Emissions Statements Certification](#)
- [Attachment 3: Emissions Statement Certification Evidence of Public Notice](#)

Approvals/Acknowledgements

Executive Director or Designee: Alberto Ayala, Report Approved 7/14/2020

District Counsel or Designee: Kathrine Pittard, Approved as to Form 7/14/2020

Discussion / Justification:

In 2018, EPA promulgated a rule to implement the 2015 ozone NAAQS, which requires the District to submit several plan elements to EPA, including revisions to the SIP that meet the emissions inventory and emissions statements requirements of Clean Air Act Sections 182(a)(1), 182(a)(3)(A), and 182(a)(3)(B).

Clean Air Act Section 182(3)(B) requires owners and operators of each stationary source of VOC and NOx to provide a statement showing actual emissions of VOC and NOx. For sources that emit less than 25 tons per year of VOC and NOx, an exemption is allowed if the District provides an inventory of emissions from these sources. The District includes this exemption in Rule 105.

District Rule 105 – Emission Statement is comprised of these key elements:

- Owners or operators of any stationary source that emits 25 tons per year or more of either VOC or NOx must provide the District annually with a written emissions statement showing actual emissions of VOC and NOx.
- The District will prepare an emissions statement for each certification. The responsible official of the entity that owns the source must certify the emission statement and return it to the District.
- Sources emitting less than 25 tons per year of both VOC and NOx are exempt from Rule 105 if the District provides the California Air Resources Board (CARB) with an emissions inventory for sources emitting more than 10 tons per year of either VOC or NOx.

Summary of Plan / Rule / Amendment:

Staff has performed a comparison of the existing provisions of Rule 105 – Emission Statement with Section 182(a)(3)(B) of the Clean Air Act. The comparison shows that the Clean Air Act requirements are met; therefore, it is not necessary to amend Rule 105.

Staff is proposing adoption of a plan document certifying that existing Rule 105 – Emission Statement meets the Clean Air Act requirements as they apply to 2015 ozone standard. If approved by the District's Board of Directors, the certification will be submitted to EPA for approval into the SIP.

Financial Considerations: Staff has determined that there are no changes needed to any District rules as a result of the Emissions Statements Certification. Therefore, adoption of the certification will not result in additional costs to the District.

Emissions Impact: Staff has determined that there are no changes needed to any District rules as a result of the Emissions Statements Certification. Therefore, adoption of the certification will not affect emissions.

Economic Impact: Staff has determined the following: 1) that no changes are needed to any District rules as a result of the Emissions Statements Certification, and 2) no additional requirements to any stationary sources are required. Therefore, no compliance costs or impacts to employment or the economy of the region are expected.

Public Outreach/Comments:

The noticing for today's hearing included:

- A notice posted on the District website with a link to the proposed Emissions Statements Certification.
- Email notices to:
 - CARB and EPA; and
 - All persons who have requested SIP planning notices.

CARB and EPA stated they had no comments. As of July 3, 2020, no comments from the public have been received. Any written comments received prior to the public hearing will be distributed to the Board before the hearing.

Environmental Review: In this SIP revision, the District is not proposing any changes to District Rule 105 as a result of the Emissions Statements Certification. Staff has determined that the adoption of this Emissions Statements Certification is exempt from the California Environmental Quality Act (CEQA) as an action by a regulatory agency for the protection of the environment (Class 8 Categorical Exemption, Section 15308, State CEQA Guidelines) and because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment (Section 15061(b)(3), State CEQA Guidelines).