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## **District Advisory:** California Air Resources Board (CARB) Proposing New Statewide Reporting Regulation for Businesses, on an Accelerated Schedule.

This advisory provides Northern Sonoma County Air Pollution Control District (“District”) business owners and operators information about state regulations currently being developed by the California Air Resources Board (“CARB”) that will mandate new emissions reporting requirements for businesses within the District. You may direct questions and comments to CARB staff at [ctr-report@arb.ca.gov](mailto:ctr-report@arb.ca.gov) or Patrick Gaffney at 916-322-7303.

### **Background**

In 2017, Assembly Bill 617 (C. Garcia, Chapter 136, Statutes of 2017) was adopted to develop a new community-focused program to more effectively reduce exposure to air pollution and preserve public health. The key components of the AB 617 mandate include: community-level air monitoring and emission reduction plans, accelerated review of retrofit pollution control technologies on industrial facilities subject to Cap-and-Trade, enhanced emissions reporting requirements and increased penalty provisions for air quality violations.

The emissions reporting component of the AB 617 program is the focus of this advisory. Initially, the enhanced emissions reporting under AB 617 was intended only for “designated communities”, for which the District has none. CARB is now proposing this enhanced emissions reporting be required statewide.

### **Enhanced Emissions Reporting**

During its December 2018 meeting, CARB adopted the “Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants”, which requires affected businesses located in AB 617 communities to annually report to the air districts and CARB. Simultaneously, CARB directed its staff to consider further refinements to the regulation’s applicability. CARB staff responded to that direction, and on March 5, 2019 released proposed regulatory text that will impose new and extensive emissions reporting requirements on permitted businesses in the District, including small businesses.

The proposed new regulation is available at: <https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting>.

## **Who is Subject to the New Reporting Requirement?**

The proposed reporting requirement has multiple categories and thresholds in various parts of the rule that identify what businesses would be subject. There are four “rule applicability” sections of the rule under §93401(a); please pay particular attention to sub section (4), below, and especially the referenced “Table A-3” which will capture many new reporters.

- §93401(a)(4) Any facility that emits as follows:
  - 4 or more tons per year of any criteria air pollutant; (or)
  - 100 or more tons per year of carbon monoxide; (or)
  - A listed industrial activity at the specified activity level in “Table A-3.”

Please note that Table A-3 captures most diesel generators (emergency or prime), gas stations, paint, and fiberglass business, among many other businesses.

## **Please Review Immediately**

Pursuant to CARB’s new requirement, businesses will be required to report emissions to the District on an annual basis. Businesses may incur new costs associated with this requirement, even businesses that have not previously had to report. Proposed reporting requirements are in §93403 and the data items that must be reported are in §93404 (there are approximately 50 data items for each piece of permitted equipment).

CARB staff are proposing to amend the regulation under an abbreviated “15-day” rulemaking process that may not allow affected businesses to comment in time for them to be considered before regulatory changes take effect.

CARB does not know which businesses will be affected by this rule yet; therefore, it will be unable to provide direct notice to you if you are a newly-affected business. Please review the proposed rule, and stay informed of emerging developments of this new reporting requirement via the web link, above.

## **Comment to CARB about the Rule Requirements**

Please note that while the District supports all efforts to ensure the health of its constituents from the effects of air pollution, including developing tools like emissions reporting to help identify air quality issues; CARB’s proposed changes are not sponsored by the District. We are continuing to engage with CARB staff on this important issue and are working with them to ensure that regulations are developed with ample opportunity for affected entities to participate in the rulemaking process, as well as to ensure that those regulations are implemented in a cost-effective manner.

If you have questions or wish to submit comments to CARB by the March 29, 2019 due date on the proposed regulation, please contact CARB staff at [ctr-report@arb.ca.gov](mailto:ctr-report@arb.ca.gov) or Patrick Gaffney at 916-322-7303.