

Air Quality Update

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AB 617 REPORTING UPDATE

On November 19th, the California Air Resources Board (CARB) adopted significant changes to the “Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants” (“CTR” Regulation) and the Emission Inventory Criteria and Guidelines Report for the Assembly Bill (AB) 2588 Air Toxics “Hot Spots” Program. The changes harmonize these two emissions reporting programs and significantly expand their implementation across the State. In summary, the changes increase applicability of the Annual Criteria and Air Toxic Emissions reporting to over 60,000 facilities in California (CA) and adds consideration of 900 new toxic substances to the inventory program. The reporting for some facilities will include emissions from portable equipment, and for some, abbreviated reporting will be allowed.

CARB is developing a web-based database for statewide annual emissions, which will ultimately make facility emissions data available via a graphical interface. This effort is called for under AB 617 and AB 197. The local air districts are currently working with CARB, collecting and submitting data as required under the regulation.

Applicability for reporting and the new toxic substances will phase in over several years, as follows:

- All facilities currently reporting greenhouse gas (GHG) emissions to CARB will begin full reporting through the local air districts (except for release point data) in 2021 with 2020 emissions data;
- All facilities with elevated prioritization scores under the Air Toxics

“Hot Spots” program, as determined by their local air district, will have 2020 emissions data prepared and submitted by their local air district in 2021; and

- Newly subject facilities will phase in over several years, beginning in 2023 with 2022 data, depending upon which district they are in and which emissions or activities exceed the thresholds.

CARB staff has indicated they intend to make further refinements to the regulations using the 15-day notification process.

Each criteria pollutant and toxic air contaminant (TAC) will be reported by device and/or process. Release point data will include stack heights and locations, temperature, velocity, etc. In addition, data on the footprint of the facility will also be required. For TACs that do not have an emission factor or method of quantification, the amount produced or used will be reported.

For more information on the changes, visit the CARB website at:

<https://ww2.arb.ca.gov/our-work/programs/criteria-and-toxics-reporting/ctr-regulation>

ACT REGULATION: “LARGE ENTITY SURVEY” REQUIRED REPORTING DUE APRIL 1, 2021

The Advanced Clean Truck (ACT) Regulation aims to accelerate the Zero Emission (ZE) vehicles market and requires a one-time “Survey” reporting about CA operations (owned and rented/leased of 1 year or longer) of vehicles of any fuel type with a gross vehicle weight rating (GVWR) greater than 8,500 pounds (Classes 2B and larger) for “Large Entities” that meet any of the following: (1) CA business with over \$50 million in national gross

annual revenue in 2019; (2) CA fleet with 50 or more vehicles; (3) brokers that dispatched 50 or more vehicles in 2019; or (4) any CA or federal government agency in CA with one or more vehicles.

For each CA facility, the vehicles are to be grouped by fuel type, body type, and weight class, indicate the quantity for each group, and answer survey questions to characterize each group. Questions on “Daily Operations” include average daily mileage and if they operate on a predictable usage pattern, return daily to the home base, park for more than 8 hours/day, operate within 50 miles of the facility, tow a trailer more than 100 miles/day, and commonly operate at the weight limit. Questions on “Vehicle Information” include average annual mileage for typical vehicle in each group, how long they are typically kept before replacement, if they are fueled on-site, are backup vehicles, and if any were dispatched from 2017-2020 to support government-issued emergency events.

Data reported must be from 2019 and/or 2020 annual or quarterly records averaged to daily values or provide reasoning if using an alternative/shorter period. Survey data from one vehicle group at one facility can be repeated for the same vehicle group at another facility if operations are similar enough.

Air Quality Tip

We have seen increased activity by air districts and the community surrounding odor complaints. Odor is typically covered under the nuisance clauses, so it is often difficult to prove regulatory compliance. If you have odors emanating from your facility, best to try and reduce them proactively since resolution once complaints start can be difficult.

SJVAPCD PROPOSED RULE CHANGES

For full details on changes below, go to: http://www.valleyair.org/Workshops/public_workshops_idx.htm

▪ Rules 4306/4320: Boilers, Steam Generators, and Process Heaters

Draft versions of Rules 4306 and 4320 have been posted on the San Joaquin Valley Air Pollution Control District (SJVAPCD) website. Rule 4306 proposes to lower the allowable nitrogen oxides (NO_x) emission limits for existing units to as low as 5 parts per million (ppm). The compliance schedule is based on the unit category. Proposed NO_x emission limits in Rule 4320 have been reduced to as low as 2.5 ppm. Emission units must meet the limits in Rule 4306 to operate in the SJVAPCD or limit the annual heat input. Units may comply with Rule 4320 by meeting the listed emission limits or paying an annual emissions fee. Application deadlines for compliance with the rule requirements vary, with some due as early as December 31, 2021.

▪ Rule 4311: Flares

Draft language for Rule 4311 has been posted on the SJVAPCD website. The proposed changes include updates to the emission limits and exemptions. If adopted, major sources with flares will be required to use ultra-low NO_x technology or accept the annual throughput thresholds specified in the rule. Authority to Construct (ATC) applications required by the rule change must be submitted by July 1, 2022.

▪ Rule 4702: Internal Combustion Engines

The SJVAPCD recently released draft language for modifications to Rule 4702. Amendments include lower NO_x emission limits (to as low as 11 ppm) and lowering volatile organic compound (VOC) limits (to as low as 90

ppm). The SJVAPCD is currently analyzing cost and technological feasibility issues related to the proposed changes.

▪ BACT Policy

The District is currently holding workshops to update their Best Available Control Technology (BACT) policy. Proposed updates include increasing the cost-effectiveness threshold, an update to interest rate assumptions, and changes to the system for BACT guidelines to be consistent with the “clean emissions unit” requirements of Rule 2201. The District is targeting an effective date of January 2021 for the proposed policy update.

ERC/OFFSET PROGRAM

The SJVAPCD methodology for determining offset requirements for permitting projects is designed to ensure there is no net increase in emissions for new and modified sources. The specific requirements of the SJVAPCD program differ from a direct implementation of the federal offsetting requirement. Each year, the District performs an evaluation of their Emission Reduction Credit (ERC) program with the goal of demonstrating that it is at least as stringent as federal offsetting requirements.

The SJVAPCD offset system is not currently able to demonstrate equivalency for NO_x and VOCs, and thus provisions of Rule 2201, Section 7.4 have been enacted. As a result, NO_x and VOC ERCs must be creditable and surplus at the time of ATC issuance (in contrast to surplus at the time of banking). ERCs that were banked years ago may see their value decrease.

Upcoming Due Dates for 2021*

- CARB Off-Road Diesel Compliance for All Fleets, by Fleet Target or BACT1/1
- CARB On-Road HDDVs Must Be Repowered, Retired, or Low-Use1/1
 - If > 26,000 GVWR, EMY 2004 or Older
 - If < 26,000 GVWR, EMY 2006 or Older
- CARB On-Road TRUCRS Reporting for Flexibility Options1/31
- CARB Off-Road DOORS Reporting for All Fleets3/1
- CARB PERP Reporting: Units, Low-Use, and Large Fleet Average3/1
- CARB Refrigerant Reporting for Medium/Large Systems (\geq 200 lbs)3/1
- CARB GHG Semiconductor Report3/1
- U.S. EPA GHG Report3/31
- CARB GHG > 25K Metric Tons4/10
- CARB GHG 10-25K Metric Tons and All Electric Retailers6/1
- CARB GHG SF₆ Switchgear6/1
- CARB LSI DOORS Reporting for Medium and Large Fleets6/30
- Semi-Annual Title V ReportSemi-Annually
- Annual Title V Compliance CertificationAnnually
- Title V – Application for Permit Renewal – Due 180 Days Prior to Permit Expiration

*Due dates listed are statutory dates; sometimes dates are extended when on a weekend/holiday.

The District has updated their policy for Federal Major Modification determinations (APR1150) to be consistent with the federal requirements in Code of Federal Regulations Title 40 Section 51.165. Projects that are determined to be Federal Major Modifications are subject to BACT, public notice, and offsets. Permit applications at major sources, including those with no increase in potential emissions, will be required to submit additional documentation to determine the predicted actual emissions from a project and additional permit conditions may apply.

Yorke Engineering, LLC specializes in air quality and environmental consulting for stationary and mobile sources, including dispersion modeling, health risk assessments, permitting, emission inventories, air quality compliance systems, etc. Yorke Engineering has assisted over 1,200 customers, including a wide variety of industrial facilities and government organizations throughout California.