

# Eastern Kern Air Pollution Control District

## **RULE 108.2 EMISSIONS STATEMENT REQUIREMENTS**

**STAFF REPORT**

**July 12, 2022**

*Prepared by*

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## **I. INTRODUCTION**

The Eastern Kern Air Pollution Control District (District) is proposing amendments to Rule 108.2, Emissions Statement Requirements, originally adopted July 13, 2992 and last amended May 2, 1996. The rule applies to any person owning or operating any source operation with the potential to emit Oxides of Nitrogen (NOx) or Volatile Organic Compounds (VOCs).

The primary reason for amending Rule 108.2 is to correct deficiencies in the Rule identified by the U.S. Environmental Protection Agency (EPA). This staff report presents the proposed amendments made to the Rule.

Amended Rule 108.2 will be presented to the District's Governing Board for adoption at its regular Board Meeting held July 28, 2022, at the District Board Chambers located at 414 W. Tehachapi Boulevard Suite D Tehachapi, CA 93561.

Appendix A: Proposed Revision of Rule 108.2, Emissions Statement Requirements.

Appendix B: Proposed Revision of Rule 108.2, Emissions Statement Requirements Strikeout Underline.

## **II. BACKGROUND**

On February 16, 2022, the EPA notified the District that current provisions in Rule 108.2 did not satisfy the Emissions Statement requirements pursuant to the Clean Air Act (CAA) Section 182(a)(3)(B) regarding the 2015 ozone National Ambient Air Quality Standards (NAAQS). EPA stated that existing rule 108.2, (adopted in 1996), has provisions that allow for inappropriate director's discretion, therefore EPA would not be able to approve a "certification" that the existing Rule satisfies the Emissions Statement requirement of the 2015 ozone NAAQS.

District staff corrected the deficiencies in Rule 108.2 according to EPA's recommendations. Staff also revised language in the Rule to aid in clarity and intent. Please see Appendix B, Strikeout Underline for all changes made to Amended Rule 108.2.

## **III. 2015 OZONE NAAQS**

On October 1, 2015, EPA revised the 8-hour NAAQS for ground-level ozone from 75 parts per billion (ppb) to 70 ppb. The more stringent standard is based on extensive scientific evidence regarding ozone's effects on public health and welfare. The updated standards will improve public health protection, particularly for at-risk groups including children, older adults, people of all ages who have lung diseases such as asthma, and people who are active outdoors, especially outdoor workers. They also will improve the health of trees, plants and ecosystems.

#### **IV. APPLICABILITY**

Requirements of this Rule shall apply to any person owning or operating any source operation with the potential to emit Oxides of Nitrogen (NOx) or Volatile Organic Compounds (VOCs).

#### **V. REQUIREMENTS**

Pursuant to Section II, Requirements of Proposed Amended Rule 108.2: An owner or operator of any source operation emitting, or with the potential to emit NOx or VOCs shall provide the District with a written statement, in such form as prescribed, showing actual emissions of NOx and VOCs from such source. At a minimum the emission statement shall contain all information contained in the California Air Resources Board (CARB) *Emission Inventory Turn Around Document* as described in Instructions for the Emission Data System Review and Update Report. The emission statement shall contain emissions for the time period specified by the Control Officer. The emission statement shall also contain a certification signed and dated by a company's responsible official that the information contained within is accurate to the best knowledge of the individual certifying the emission statement. The first emission statement shall cover 1992 emissions and shall be submitted to the District by June 1993. An emission statement for prior calendar year emissions shall be submitted annually thereafter.

#### **VI. EXEMPTION**

The Control Officer may waive the requirements of Amended Rule 108.2 to any class or category of stationary sources emitting less than 25 tons per year (tpy) of NOx or VOCs if the District provides CARB with an emission inventory of sources emitting greater than 10 tpy of NOx or VOCs based on the use of emission factors acceptable to CARB and the EPA.

#### **VII. ECONOMIC IMPACTS**

Pursuant to California Health & Safety Code (CH&SC) §40920.6(a), the District is required to analyze the cost effectiveness of new rules or rule amendments that implement Best Available Retrofit Control Technology (BARCT) or all feasible measures. Proposed amendments to Rule 108.2 do not employ BARCT and therefore not subject to the cost effectiveness analysis mandate.

#### **VIII. ENVIRONMENTAL IMPACTS**

Both the California Environmental Quality Act (CEQA) and CARB policy require an evaluation of the potential adverse environmental impacts of proposed projects. The intent of Amended Rule 108.2 is to protect public health by reducing the public's exposure to potentially harmful NOx and VOC emissions. An additional consideration is the impact that the amended rule may have on the

environment. District has determined that no significant adverse environmental impacts should occur as a result of adopting Amended Rule 108.2.

Pursuant to the Section 15061, Subsections (2) & (3) of the CEQA Guidelines, staff will prepared and file a Notice of Exemption for this project upon adoption.

#### **IX. SOCIOECONOMIC IMPACTS**

CHSC Section 40728.5 exempts districts with a population of less than 500,000 persons from the requirement to assess the socioeconomic impacts of proposed rules. Eastern Kern County population is below 500,000 persons.

#### **X. RULE APPROVAL PROCESS**

The District accepted written comments and concerns from persons interested in Amended 108.2, Emissions Statement Requirements for a period of 30 days starting May 17, 2022; (no comments were received). Staff anticipates Amended Rule 108.2 will be adopted by the District's Governing Board at the July 28, 2022, Board Hearing. A hearing notice was published at least 30-days prior to the meeting.

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## **APPENDIX A**

### **PROPOSED REVISION RULE 108.2**

### **EMISSIONS STATEMENT REQUIREMENTS**

## Rule 108.2 – Proposed Revision

### **RULE 108.2 Emissions Statement Requirements** - Adopted 7/13/92, Amended 5/2/96, X/XX/22

#### **I. Applicability**

Requirements of this Rule shall apply to any person owning or operating any source operation with the potential to emit Oxides of Nitrogen (NO<sub>x</sub>) or Volatile Organic Compounds (VOCs).

#### **II. Requirements**

An owner or operator of any source operation emitting, or with the potential to emit NO<sub>x</sub> or VOCs shall provide the District with a written statement, in such form as prescribed, showing actual emissions of NO<sub>x</sub> and VOCs from such source. At a minimum the emission statement shall contain all information contained in the California Air Resources Board (CARB) Emission Inventory Turn Around Document as described in Instructions for the Emission Data System Review and Update Report. The emission statement shall contain emissions for the time period specified by the Control Officer. The emission statement shall also contain a certification signed and dated by a company's responsible official that the information contained within is accurate to the best knowledge of the individual certifying the emission statement. The first emission statement shall cover 1992 emissions and shall be submitted to the District by June 1993. An emission statement for prior calendar year emissions shall be submitted annually thereafter.

#### **III. Exemption**

The Control Officer may waive this requirement to any class or category of stationary sources emitting less than 25 tons per year (tpy) of NO<sub>x</sub> or VOCs if the District provides CARB with an emission inventory of sources emitting greater than 10 tpy of NO<sub>x</sub> or VOCs based on the use of emission factors acceptable to CARB and the EPA.

**APPENDIX B**

**PROPOSED REVISION RULE 108.2**

**EMISSIONS STATEMENT REQUIREMENTS**

**STRIKEOUT UNDERLINE**



**RULE 108.2 Emissions Statement Requirements** - Adopted 7/13/92, Amended 5/2/96,  
X/XX/22

**I. Applicability**

Requirements of this Rule shall apply to any person owning or operating any source operation with the potential to emit ~~oxides~~ Oxides of ~~nitrogen~~ Nitrogen (NOx) or Volatile Organic Compounds (VOCs) ~~reactive organic gases~~.

**II. Requirements**

~~Upon request of the Control Officer and as directed by him, an~~ An owner or operator of any source operation emitting, or with the potential to emit NOx ~~oxides of nitrogen or VOCs~~ reactive organic gases shall provide the District with a written statement, in such form as prescribed, showing actual emissions of NOx ~~oxides of nitrogen and VOCs~~ reactive organic gases from such source. At a minimum the emission statement shall contain all information contained in the California Air Resources Board's (CARB's) Emission Inventory Turn Around Document as described in Instructions for the Emission Data System Review and Update Report. The emission statement shall contain emissions for the time period specified by the Control Officer. The emission statement shall also contain a certification signed and dated by a company's responsible official ~~of the company that~~ the information contained within the statement is accurate to the best knowledge of the individual certifying the emission statement. The first emission statement shall cover 1992 emissions and shall be submitted to the ~~district~~ District by June 1993. An emission ~~statements~~ for prior calendar year emissions shall be submitted annually thereafter.

**III. Exemption**

The Control Officer may waive this requirement to any class or category of stationary sources emitting less than 25 tons per year (tpy) of NOx ~~oxides of nitrogen or VOCs~~ reactive organic gases if the ~~district~~ District provides CARB with an emission inventory of sources emitting greater than 10 tpy ~~tons per year of~~ NOx ~~nitrogen oxides or VOCs~~ reactive organic gases based on the use of emission factors acceptable to ~~the CARB~~ and the EPA.