

Appendix D: Regulatory Impacts Analysis

Section	Description (paraphrased)	Comparable State/District Rules	Comparable Federal Rules	Discussion
101	Purpose	NA	NA	No applicable requirements
201 - 213	Definitions	NA	NA	No applicable requirements
401	Requires owners/operators of refineries to submit emissions inventories by June 30 of each year beginning in 2017 including the elements of 401.1 – 401.4	See more detailed sections below	See more detailed sections below	See more detailed sections below
401.1	Requires the annual report to identify the calendar year that the report covers	NA	NA	Administrative requirement
401.2	Requires the annual report to include summary totals of each criteria pollutant, toxic air contaminant (TAC), and greenhouse gas (GHG)	NA	NA	Summarizes information required by 401.3. See discussion of 401.3
401.3	Requires the annual report to include detailed information about emissions of each criteria pollutant, toxic air contaminant (TAC), and greenhouse gas (GHG) and documenting information	<p>Section 1-420 Section 2-6-405.6 17 CCR 95100 et seq. (GHG only)</p> <p>Monitoring, but not total emissions: BAAQMD Rule 8-5 (tanks), 8-8 (wastewater), 8-18 (equipment leaks), 8-28 (pressure relief devices), 9-1 (sulfur dioxide), 9-2 (hydrogen sulfide), 9-8 (engines), 9-9 (turbines), 9-10 (boilers and process heaters at refineries), 12-6 (sulfuric acid plants), and 12-11 and 12-12 (flares)</p>	<p>40 CFR 70.5(c)(3)(i) 40 CFR 70.5(c)(3)(iii) 40 CFR part 98 (GHG only)</p> <p>Monitoring, but not total emissions: 40 CFR part 60, subparts J, Ja, and others including: D, Db, and Dc (boilers), IIII and JJJ (engines), GG and KKKK (turbines), K, Ka, and Kb (storage tanks), H (sulfuric acid plants), GGG and GGa (equipment leaks), QQQ (wastewater systems)</p> <p>40 CFR part 63, subparts CC and UUU and others including: YYYY (turbines), ZZZZ (engines), DDDDD and JJJJJ (boilers)</p>	<p>This requirement overlaps with the Air District’s general authority to request emissions information under Section 1-420, which BAAQMD exercises annually to create its emissions inventory. It also overlaps with the Air District’s Title V requirements, pursuant to 40 CFR part 70 and Rule 2-6, to obtain emissions information as part of initial and renewal permit applications. (Permits are issued with a term of five years.) GHG data collection overlaps with both a State of California program (pursuant to 17 CCR 95100 et seq.) and a federal program (pursuant to 40 CFR part 98). In addition, this requirement requires the use of Air District Rules 12-11 and 12-12 to quantify emissions from emergency flaring events.</p> <p>There are several BAAQMD rules and also federal standards under 40 CFR parts 60 and 63 that require monitoring and reporting of “emissions related information”, though not total emissions. Because all the refineries in the Bay Area that will be subject to Rule 12-15 are subject to Title V permitting, however, these monitoring and reporting requirements are integrated into the sources’ Title V permits issued pursuant to the Air District’s Title V Rule (2-6), which is based on 40 CFR part 70.</p> <p>In summary, although there is overlap with several District, State, and federal reporting requirements, Section 401.3 is not duplicative of any.</p>
401.4	Requires the annual report to document changes (increases and decreases) from the previous year in quantities of pollutants emitted	None	None	No similar existing requirement

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402 and 402.1 – 402.4	Sets procedures for APCO to review annual reports submitted by owners/operators of refineries	NA	NA	Applies to APCO, not regulated sources
403	Requires owners/operators to submit fence line monitoring system plans to APCO	None	None	Administrative requirement
404 and 404.1 – 404.5	Review of air monitoring plans	NA	NA	Applies to APCO, not regulated sources
405	Emissions inventory guidelines	NA	NA	Applies to APCO, not regulated sources
406	Air monitoring guidelines	NA	NA	Applies to APCO, not regulated sources
407	Allows owners/operators to designate information as confidential	NA	NA	No applicable requirements
408	Requires owners/operators to prepare and make available historical and ongoing monthly crude slate information	None	None	Administrative requirement

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501	Requires installation and operation of a fenceline air monitoring system within one year of approval of a plan under Section 404. The elements in a fenceline air monitoring program are proposed by the refinery owner/operator and approved by the APCO on a case-by-case basis.	None	Subparts CC and UUU under 40 CFR part 63 and Subparts J and Ja under 40 CFR part 60	<p>U.S. EPA has recently promulgated a benzene fenceline monitoring program as part of a recent revision to the <i>National Emission Standards for Hazardous Air pollutants from petroleum Refineries</i> (40 CFR part 63, subpart CC) and some related regulations in parts 60 and 63. The fenceline requirement is included in §63.658 of 40 CFR part 63, subpart CC. §63.658 established a uniform benzene concentration action level (BCAL) and requires operation of a network of passive samplers to collect 2-week integrated benzene samples. The purpose of this requirement is to monitor benzene as a surrogate for all hazardous air pollutants (HAPs) to ensure that estimated maximum fenceline HAP concentrations are not exceeded, and includes a causal analysis requirement in the event the BCAL is exceeded, with possible mitigation actions required. The purpose of this federal requirement is therefore more limited than the proposed Reg 12-15 requirement (which would not be limited to HAPs), but could have greater direct impacts since the federal requirement could lead directly to mitigation actions while the Reg 12-15 requirement includes no action level and would not lead directly to mitigation. Thus, the two programs are only similar in that they will both be located at fencelines and both will monitor benzene. However, the requirements of Section 501.2 are not duplicative of the benzene NESHAP.</p> <p>If there is a federal regulation that applies to a facility that requires fenceline monitoring, the owner/operator may propose monitoring that meets the requirements of this rule that is compatible with the federal regulation and the APCO will consider the proposal on its merits.</p>
502	Requires owner/operator to keep records of monitoring, source test results, throughputs, and other documenting information for at least five years	2-6-501	40 CFR 70.6(a)(3)(ii)	This requirement is similar to the recordkeeping requirement in the Air District's Title V permitting Rule (2-6) which is based on 40 CFR part 70.