



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

Request for Comments

**Initial Study and Draft Amendments to Regulation 9, Rule 4 and Rule 6:
NOx Emissions from Building Appliances**

May 18, 2022

The Bay Area Air Quality Management District (Air District) is requesting comments on the Initial Study for an Environmental Impact Report (EIR) and revised draft amendments to Regulation 9: Inorganic Gaseous Pollutants; Rule 4 and Rule 6 impacting nitrogen oxides (NOx) emissions from building appliances.

BACKGROUND

Air District staff is currently developing potential amendments to two rules: Rule 9-4: Nitrogen Oxides from Fan Type Residential Central Furnaces and Rule 9-6: Nitrogen Oxides Emissions from Natural Gas-Fired Boilers and Water Heaters. These rules govern point of sale emission standards for small, typically residential and commercial, water and space heating systems. The revised draft amendments include a zero NOx standard for both space and water heating appliances with the following compliance dates:

Jan. 1, 2027	Rule 9-6	Water heaters and boilers below 75,000 BTU/hr
Jan. 1, 2029	Rule 9-4	All commercial and residential furnaces
Jan. 1, 2031	Rule 9-6	Water heaters and boilers between 75,000 and 2 million BTU/hr

Note: BTU/hr means British thermal unit per hour.

Air District staff hosted a public workshop on October 7, 2021, to discuss initial outcomes from the Building Appliance Stakeholder Working Group and first draft language of regulatory amendments. Recordings of the public workshop, subsequent updates to the Stationary Source and Climate Impacts Committee meeting and other supporting documents can be found on the [Air District's rulemaking website](#) for this project.

DOCUMENTS FOR PUBLIC REVIEW AND COMMENT

The Air District has released a Notice of Preparation of an Environmental Impact Report and an Initial Study pursuant to the California Environmental Quality Act (CEQA). Staff will conduct a public scoping meeting to inform interested parties about the project and to provide agencies and the public with an opportunity to provide comments on the scope and content of the draft EIR. The public scoping meeting will be held virtually on **June 9th, 2022, from 6:00-8:00 p.m.** To access the Zoom meeting, you can join via web browser or by phone as described below:

- To join via web browser click: <https://us02web.zoom.us/j/86192822047>

- To join via phone dial: +1 669 900 6833
- Meeting ID: 861 9282 2047

The Air District is also releasing revised draft regulatory language for public comment at this time. Updates from the versions previously released in September 2021 are limited to Rule 9-4 and are intended to clarify definitions and applicability of certain emissions standards. These revisions include:

- Addition of new definition for “Natural Gas-Fired Furnace”, Section 9-4-206; and
- Administrative text changes to consistently refer to this new definition throughout rule and emissions standards.

INFORMATION AND COMMENTS

A Request for Comments is the next step in the Air District’s public engagement process. Staff requests comments and questions about the revised draft amendments to Rules 9-4 and 9-6 as well as the Notice of Preparation and Initial Study. Following this Request for Comments and close of the public comment period, staff will assess the need for additional changes to the rule amendments. Staff may consider hosting further meetings or may proceed to a public hearing before the Air District’s Board of Directors to consider adoption of the rule amendments.

For copies of the documents, please visit our website at www.baaqmd.gov/ruledev. For questions or comments, please contact Jennifer Elwell at jelwell@baaqmd.gov. Interested parties are invited to submit comments on the revised draft rule amendments and CEQA documentation. The deadline to submit comments on these materials is **Tuesday, June 21, 2022, at 5:00 p.m.**