SUMMARY OF DRAFT RULEMAKING

Regulation 12: Miscellaneous Standards of Performance, Rule 15: Refining Emissions Tracking

Regulation 12: Miscellaneous Standards of Performance, Rule 17: Fenceline Air Monitoring at Refineries and Related Facilities

Bay Area Air District

November 2026

About the Bay Area Air District

The California Legislature created the Air District in 1955 as the first regional air pollution control agency in the country. The Air District is tasked with regulating stationary sources of air pollution in the nine counties that surround San Francisco Bay: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, southwestern Solano, and southern Sonoma counties. It is governed by a 24-member Board of Directors composed of locally elected officials from each of the nine Bay Area counties.

For more information, contact:

Daniel Oliver
Regulatory Development Division
Bay Area Air District
(415) 749-4730 | doliver@baaqmd.gov

or Visit

https://www.baaqmd.gov/

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BACKGROUND & SUMMARY OF DRAFT RULEMAKING

Refineries and related facilities that support refining operations are among the largest stationary sources of air pollution in the Bay Area. They emit a wide range of air pollutants, including criteria pollutants, volatile organic compounds (VOCs), gaseous toxic air contaminants, and air toxic metals, among others. With this in mind, the Air District's Board of Directors adopted Regulation 12: Miscellaneous Standards of Performance, Rule 15: Refining Emissions Tracking (Rule 12-15) in 2016 to achieve three primary goals. As stated in the final staff report for Rule 12-15, those goals were to:

1. Improve real-time monitoring of emissions at refinery fencelines to address public concerns about localized health impacts;
2. Accurately and fully characterize emissions of air pollutants (criteria, toxic, and greenhouse gas) from all refinery-related emissions sources on an on-going basis to determine if additional rule development is required to further reduce emissions; and
3. Track changes to a refinery's crude slate to assess whether those changes result in increased emissions.

Since Rule 12-15 was adopted, statewide regulatory requirements and the Air District's experience administering fenceline air monitoring and emissions inventory programs have evolved. Therefore, the Air District has initiated rulemaking to account for these changes. Under the approach currently being considered for proposal to the Board, the Air District would replace the fenceline air monitoring requirements in Rule 12-15 by repealing that rule and concurrently adopting a new, dedicated refinery fenceline air monitoring rule (to be identified as Rule 12-17). A new or revised rule to replace the emissions inventory requirements of Rule 12-15 would not be proposed at this time, as the Air District would rely on authority under recent and more stringent statewide requirements for the development of emissions inventories, including the California Air Resources Board's (CARB) Regulation for the Reporting of Criteria Air Pollutants and Toxics Air Contaminants (CTR Regulation) and its Regulation for the Mandatory Reporting of Greenhouse Gas Emissions (MRR). Similarly, in lieu of proposing a new or revised rule to replace the crude slate reporting requirements of Rule 12-15, the Air District would rely on CARB's MRR and other methods to assess changes in refinery emissions.

The Air District has developed a preliminary staff report that provides background information, regulatory context, and a detailed description of the draft rulemaking actions for Rules 12-15 and 12-17. Air District staff are soliciting comments on the preliminary staff report and associated rule language, and will consider all input received during the public comment period toward further development of these rulemaking actions. Staff will then prepare final proposed rule language and an accompanying staff report, along with other supporting documents, for additional review and comment. These final materials will be presented at a public hearing, where staff anticipates submitting the proposed rule changes for consideration and possible adoption by the Air District Board of Directors.

RULE DEVELOPMENT PROCESS

The Air District has undertaken a multi-phase, public process to evaluate potential revisions to the requirements currently in Rule 12-15 and to develop Rule 12-17. This process is intended to provide meaningful opportunities for stakeholder engagement, ensure transparency regarding potential regulatory changes, and inform the development of proposed rule requirements that are technically feasible, enforceable, and effective in addressing the Air District's air quality and public health objectives. Currently, rule development is in the "Draft Rule Phase," as discussed below.

Early Engagement Phase

The first phase of rule development focused on early stakeholder engagement and information gathering. During this phase, Air District staff released a concept paper describing potential approaches for updating refinery-related air monitoring, emissions reporting, and crude slate tracking requirements. The Air District accepted public comments on the concept paper from February 24, 2026, through April 30, 2026.

In addition to releasing the concept paper, Air District staff also engaged in discussions with a variety of stakeholders during this initial phase. This outreach included discussions with the Air District's Refinery Technical Working Group, a community stakeholder group that meets with the Air District on a bi-monthly basis to discuss refinery-related issues, and a small group of community organizations and members who have a particular interest in and knowledge of fenceline air monitoring. Together, these discussions and the concept paper provided an opportunity for stakeholders to identify priorities, raise concerns, and provide technical information regarding potential regulatory approaches. Feedback received during this phase helped inform staff's evaluation of regulatory options and the development of draft rule concepts.

Draft Rule Phase

The second phase of this rule development process involves development and public review of draft regulatory language and a preliminary staff report. The purpose of this stage of the process is to provide stakeholders with an opportunity to evaluate the specific regulatory language being considered, and to provide input before the rule is proposed to the Air District Board for consideration for adoption.

During this current phase, Air District staff has presented an overview of the potential rulemaking approach at the July 8, 2026, meeting of the Stationary Source Committee. Air District staff may conduct public workshops and additional stakeholder meetings or other outreach activities to explain the draft requirements, answer questions, and solicit additional feedback. Air District staff are making draft rule language and a preliminary staff report available for public feedback. Comments received during the draft rule phase will be evaluated and may result in revisions to the draft rule language, supporting analyses, or implementation approaches.

Proposed Rule Phase

Following consideration of comments received during the draft rule phase, Air District staff will prepare a proposed rule package for formal public review and Board consideration. The proposed

rule package will reflect staff's recommended regulatory approach, and will include any revisions made in response to stakeholder input, technical analyses, or other information developed during the rulemaking process.

The proposed rule package will include proposed regulatory language, a staff report, a socioeconomic analysis of the proposed regulatory action, appropriate CEQA documentation, and any additional supporting documents, and will be released in advance of a public hearing before the Air District's Board of Directors. During a defined comment period, stakeholders will have an opportunity to submit comments in writing or orally at a public hearing during a Board meeting. Following deliberation, the Board may adopt the proposed rule or direct staff to make further revisions.

CONTACT FOR FURTHER INFORMATION

For information regarding the draft rule package, please email ruledevelopment@baaqmd.gov or call (415) 749-4653. For general information and updates regarding the rule development process for Rules 12-15 or 12-17, visit the Air District's web page for Rules Under Development or subscribe to the Air District's *Rules and Regulations* email distribution list.

For more information or to request language access assistance or any other accommodations for accessibility, please contact the Air District Non-Discrimination Coordinator - Kimberly Leefatt, Civil Rights Officer by phone at 415-749-4610 or by email at non-discriminationcoordinator@baaqmd.gov.

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如需了解更多資訊、申請語言協助或其他無障礙服務，請聯絡空氣局反歧視協調員 Kimberly Leefatt 民權官，電話為 415-749-4610，或電子郵件 non-discriminationcoordinator@baaqmd.gov.

Para sa karagdagang impormasyon o para humiling ng tulong sa pag-access sa wika o anumang iba pang mga akomodasyon para sa aksesibilidad, mangyaring makipag-ugnayan sa Tagapag-ugnay ng Walang Diskriminasyon sa Distrito ng Hangin – Kimberly Leefatt, Opisyal ng Mga Karapatang Sibil sa pamamagitan ng telepono sa 415-749-4610 o sa pamamagitan ng email sa non-discriminationcoordinator@baaqmd.gov.

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