



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 18

Public Hearing: Submission of Regulation 9, Rule 4 and Rule 6 to the State Implementation Plan

**Board of Directors Meeting
June 21, 2023**

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Presentation Outcome



- Provide an overview of the State Implementation Plan (SIP)
- Recommend inclusion of revised Regulation 9, Rule 4 and 6 in SIP

Presentation Outline



- State Implementation Plan (SIP) Background
- Proposed Amendments to Regulation 9, Rule 4 and Regulation 9, Rule 6
- Recommendations and next steps

Requested Action



- Recommend the Board of Directors approve the submission of Regulation 9: Inorganic Gaseous Pollutants, Rule 4: Nitrogen Oxides from Natural Gas-Fired Furnaces (Rule 9-4) and Regulation 9: Inorganic Gaseous Pollutants, Rule 6: Nitrogen Oxides Emissions from Natural Gas-Fire Boilers and Water Heaters (Rule 9-6) into the State Implementation Plan

What is a State Implementation Plan?



CLEAN AIR ACT

- National Ambient Air Quality Standards (NAAQS)
 - Attainment and nonattainment for 6 criteria pollutants

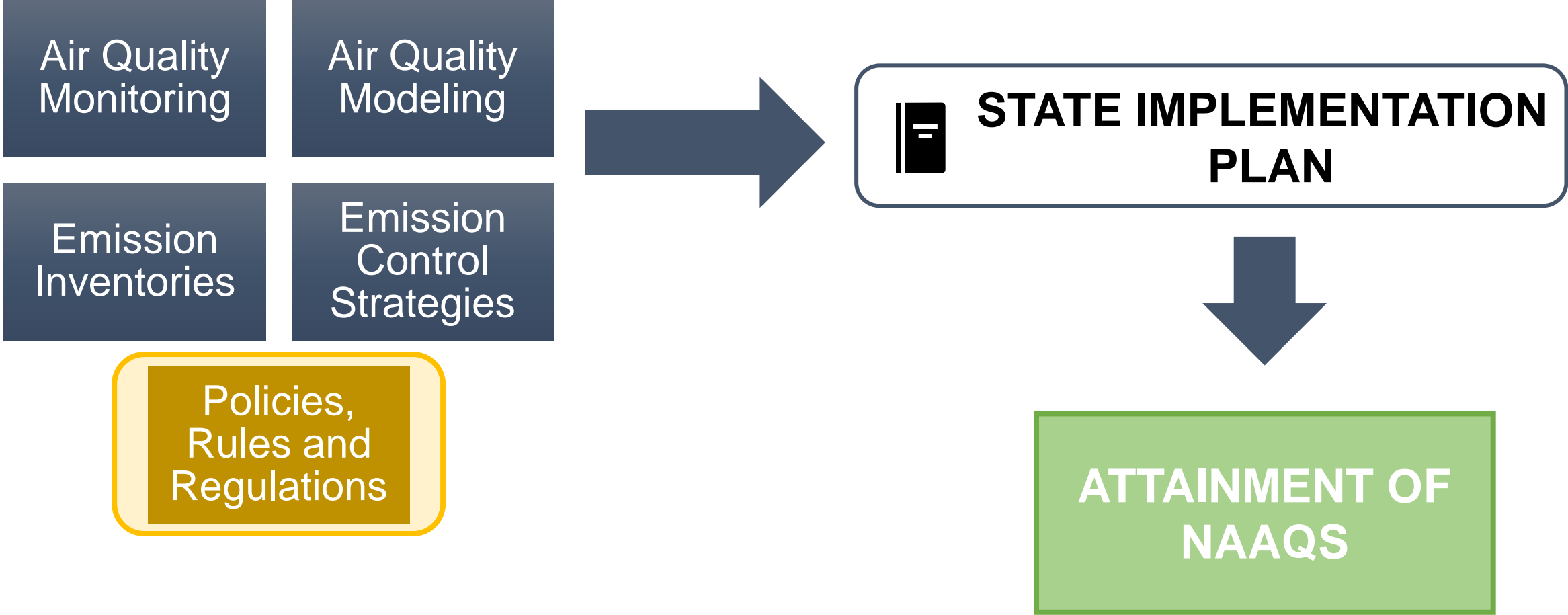
Ozone, Particulate Matter, Carbon Monoxide,
Lead, Sulfur Dioxide and Nitrogen Dioxide

- Prescribed process for setting the standards, designations of attainment and nonattainment and implementation
- Nonattainment of NAAQS
 - State Implementation Plan (SIP)
 - Plan to attain and maintain the NAAQS
 - Attainment by the Attainment Date

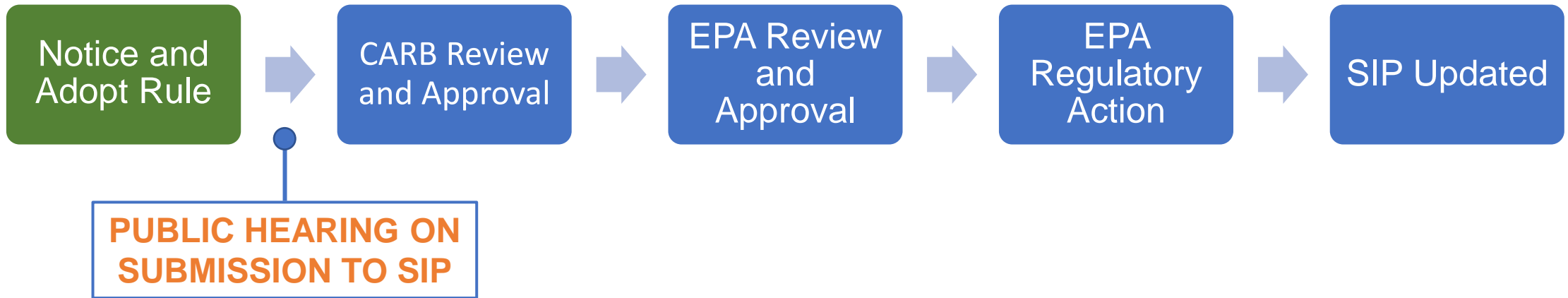
Elements of a SIP



SIMPLIFIED ELEMENTS OF A SIP



Rule Submittal into the SIP



NOTES & IMPLICATIONS

- Existing suite of rules have already been submitted to the SIP (ozone attainment plan)
- Rules and regulations submitted to the SIP are federally enforceable
- Amendments or revisions to SIP-submitted rules and regulations require EPA coordination and approval

Regulation 9, Rules 4 and 6



- Amendments include zero-NOx requirement for residential and commercial space and water heaters
 - Compliance dates 2027-2031 depending on equipment type and size
 - Future compliance dates are based on assumptions about market growth and accessibility improvements
- Projected significant NOx emissions reductions, and therefore secondary PM formation reductions
- Implementation Working Group (IWG) will investigate equity, financial and technical challenges and report findings

Regulation 9, Rules 4 and 6 & SIP



- Rules included in the SIP are **federally enforceable**
- **Leadership** and **innovation** in public health
 - Reasonably Available Control Measures & Best Available Control Measures
- **Update** and **maintain** the SIP
 - ‘SIP Gap’
- Future amendments to Rule 9-4 and Rule 9-6 will require additional analysis to prevent **backsliding**

Public Comments



- This Public Hearing was noticed April 5, 2023
- Comments accepted until May 12, 2023
- 7 written comments received addressing submission of amendments into the SIP

Public Comments – Comments & Responses



Comment Themes	Response
Support submittal of Rules 9-4 and 9-6 to the SIP to attain and maintain the NAAQS	Noted these comments.
Future flexibility based on implementation working group (IWG) findings	Interim reporting process allows Board of Directors & public to be informed of updates and challenges with implementation.
Need for further assessment and data collection through IWG	Staff anticipates flexibility (if needed) while meeting obligations of Clean Air Act.
Ongoing litigation of Berkeley ordinance	Rules 9-4 and 9-6 do not ban natural gas appliances or otherwise regulate the amount of natural gas or energy used by appliances.

Feedback Requested/Prompt



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