

BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Memorandum

To: Chairperson Sinks and Members of the Board of Directors

From: Jack P. Broadbent
Executive Officer/APCO

Date: June 15, 2020

Re: Public Meeting to Consider Adoption of the Bay Area Air Quality Management District's Emissions Statement Certification for the 1997, 2008 and 2015 8-hour Ozone National Ambient Air Quality Standards (NAAQS)

RECOMMENDED ACTION

Certify existing Air District Rule section 2-1-429 *Federal Emissions Statement* meets the requirements of the Federal Clean Air Act section 182(a)(3)(B) for the 1997, 2008 and 2015 Ozone National Ambient Air Quality Standards (NAAQS).

BACKGROUND

The Federal Clean Air Act section 182(a)(3)(B) requires all ozone non-attainment areas to have in place a program that requires emissions statements from stationary sources of nitrogen oxides (NOx) and volatile organic compounds (VOC). Due to the San Francisco Bay Area AQMD's marginal non-attainment status with the 2015 8-hour ozone standard, the Air District is required to submit a certification that its existing program, or rule, continues to comply with the requirement and that the boundaries of the District have not changed.

The Air District adopted Federal Emissions Statement provisions in Rule 2-1-429 on November 4, 1992. The rule was amended on June 15, 1994, and most recently amended December 21, 2004 to comply with the 1997 8-hour ozone standard requirements. The Air District submitted a New Source Review (NSR) rule amendment for the 1997 Ozone NAAQS to U.S. EPA on December 14, 2017, which includes Rule 2-1-429. The NSR revision was approved by U.S. EPA into the State Implementation Plan (SIP) on May 21, 2018 [83 FR 23372]. The Air District requires permits for all classes and categories of sources subject to section Clean Air Act section 182(a)(3)(B). Permit exemptions may be allowed for qualifying sources that emit 5 tons or less per year for any regulated air pollutant which is well below the allowable waiver of 25 tons per year of NOx or VOCs. Furthermore, the Air District maintains an emissions inventory of all sources using factors acceptable to U.S. EPA.

Emission Statement certification submittal delinquencies for the 1997 and 2008 8-hour ozone standards were recently brought to the attention of California air districts with non-attainment status. When the U.S. EPA approved the Air District's New Source Review rule for the 1997

ozone standard, which includes Rule 2-1-429, on May 21, 2018, the Air District was not aware of the additional requirement to submit an Emissions Statement certification to certify that the program remained in compliance for the boundary requirements or general adequacy of the rule to meet the 1997 or 2008 ozone standards.

This item seeks to resolve previous delinquencies in a single Board Action as recommended by U.S. EPA. Upon Air District Board of Directors adoption, the certification will be transmitted to the California Air Resources Board (CARB) as a SIP submittal, which CARB would subsequently transmit to U.S. EPA. The deadline to submit the Emissions Statement Regulation certification for the 2015 8-hour Ozone standard to U.S. EPA is August 3, 2020.

DISCUSSION

The purpose of the proposed Emissions Statement certification is to satisfy a SIP element requirement and to declare the Air District's existing Emissions Statement program (Rule 2-1-429) continues to meet the requirements of the 2015 8-hour ozone standard and meets all procedural requirements under 40 CFR Subpart F including 40 CFR 51.102 requirements. This includes certification that the boundaries and sources subject to the rule remain adequate and meet the requirements of the 2015 standard. The Air District's boundaries subject to existing Rule 2-1-429 have not changed, and the rule continues to be in compliance with CAA Section 182(a)(3)(B) for the 2015 standard. Additionally, the District's marginal non-attainment status and boundaries have not changed since the 1997 ozone standard determination. Therefore, this Emission Statement certification of adequacy also applies for the 1997 and 2008 ozone standards.

This item seeks to resolve previous Emissions Statement certification delinquencies for 1997 and 2008 that U.S. EPA has identified as well as a new certification of compliance for the 2015 ozone standard. Board adoption of this certification will remove any outstanding SIP deficiencies identified by U.S. EPA at this time.

BUDGET CONSIDERATION/FINANCIAL IMPACT

None.

Respectfully submitted,

Jack P. Broadbent
Executive Officer/APCO

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Attachments:

Attachment A: Federal Emissions Statement Certification

Attachment B: Rule 2-1-429