

APPENDIX K
EKAPCD 2015 Ozone NAAQS (70 ppb)
Emissions Statement and Certification

Emission Statement

Emissions Statement

§182(a)(3)(B) of the Clean Air Act (CAA) requires all ozone nonattainment areas to have a program in place that requires emissions statements from stationary sources of oxides of nitrogen (NO_x) or volatile organic compounds (VOC). Specifically, §182(a)(3)(B)(i) of the CAA requires air agencies to submit to the U.S. EPA, a revision to the State Implementation Plan (SIP) requiring the owner or operator of each stationary source to report and certify the accuracy of their reported NO_x and VOC emissions, beginning in 1993, and annually thereafter.

§182(a)(3)(B)(ii) of the CAA allows air agencies to waive the requirements under subsection (i) for stationary sources emitting less than 25 tons per year of NO_x or VOC if the State provides an inventory of emissions from such class or category of sources, based on the use of the emission factors established by the U.S. EPA or other methods acceptable to the U.S. EPA as part of the inventories required under §182(a)(1) (the base year emissions inventory) and §182(a)(3)(A) (the periodic emissions inventory).

The emissions statement requirement for the 70 parts per billion (ppb) 8-hour ozone standard are described in *Implementation of the 2015 National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements* (83 FR 62998, December 6, 2018). If a nonattainment area has a previously-approved emissions statement rule in force for a previous 8-hour or 1-hour ozone standard covering all portions of the nonattainment area for the 70 ppb 8-hour ozone standard, the existing rule should be sufficient for the 70 ppb 8-hour ozone standard. If the existing rule does not meet §182(a)(3)(B) requirements, a revised or new rule would have to be submitted as part of the current ozone SIP.

Eastern Kern Air Pollution Control District (District) Rule 108.2, Emission Statement Requirements, fulfills the CAA §182(a)(3)(B) emissions statement requirements. District Rule 108.2 was adopted July 13, 1992, and was last amended May 2, 1996. U.S. EPA promulgated Rule 108.2 into the SIP May 26, 2004 (69 FR 29880, May 26, 2004). The boundaries of the District's nonattainment area for the 70 ppb 8-hour ozone standard are the same as those for the 75 ppb ozone standard. District staff has reviewed existing Rule 108.2 to ensure it is adequate and, based on the rationale in the table below, determined that the existing rule is adequate to meet the §182(a)(3)(B) emissions statement requirements for the 70 ppb 8-hour ozone standard.

Emission Statement Certification

The District hereby certifies that the existing provisions of Rule 108.2 adequately meets the emissions statement requirements of §182(a)(3)(B) of the CAA for the purposes of the 70 ppb 8-hour ozone standard, and that no revision of the rule is required.

The District is certifying that the Emission Statement covering the nonattainment area pursuant to the 70 ppb 8-hour ozone standard, is at least as stringent as the requirements of CAA §182(a)(3)(B) as specified in the final rule titled: *Implementation of the 2015 National Ambient Air Quality Standard for Ozone: State Implementation Plan Requirements* (83 FR 62998, December 6, 2018).

Emission Statement

Rationale that District Rule 108.2 is adequate to meet the requirements of CAA §182(a)(3)(B) for the 70 ppb 8-hour ozone standard

CAA §182(a)(3)(B)	District Rule 108.2
CAA §182(a)(3)(B)(i)	
<i>Within 2 years after November 15, 1990, the State shall submit revision to SIP to require that the owner or operator of each stationary source of NOx or VOC to provide the State with a statement, in such form as the Administrator may prescribe (or accept an equivalent alternative developed by the State), for classes or categories of sources, showing the actual emissions of NOx or VOC from that source.</i>	Rule 108.2 was adopted in July 1992 and amended in May 1996. U.S. EPA promulgated Rule 108.2 into the SIP on May 26, 2004 (69 FR 29880).
<i>Requires the owner/operator of stationary sources of NOx or VOC to provide the State with statements showing the actual NOx and VOC emissions.</i>	The owner or operator of any source operation emitting or with the potential to emit NOx or VOC shall provide the District with a written statement, in such form as prescribed, showing actual emissions of NOx and VOC from such source.
<i>Submittal of the first statement was required to be submitted within three years after November 15, 1990. Submittal of subsequent statements is required at least every year thereafter.</i>	The first statement shall cover 1992 emissions and shall be submitted to the district by June 1993. Statements shall be submitted annually thereafter.
<i>Statements shall contain a certification that the information contained in the statement is accurate to the best knowledge of the individual certifying the statement.</i>	The statement shall also contain a certification by a responsible official of the company that information contained in the statement is accurate to the best knowledge of the individual certifying the statement.
CAA §182(a)(3)(B)(ii)	
<i>The State may elect to waive the application of clause (i) to any class or category of stationary sources which emit less than 25 tons per year of VOC or NOx if the State provides an inventory of emissions from such class or category of source, based on the use of the emission factors established by the Administrator or other methods acceptable to the Administrator.</i>	The Control Officer may waive this requirement to any class or category of stationary sources emitting less than 25 tons per year of oxides of nitrogen or reactive organic gases if the district provides CARB with an emission inventory of sources emitting greater than 10 tons per year of nitrogen oxides or reactive organic gases based on the use of emission factors acceptable to the CARB.

Emission Statement

BEFORE THE AIR POLLUTION CONTROL BOARD
EASTERN KERN AIR POLLUTION CONTROL DISTRICT

In the matter of:)
)
RESOLUTION APPROVING EASTERN)
KERN AIR POLLUTION CONTROL)
DISTRICT EMISSIONS STATEMENT)
FOR THE 2015 OZONE NATIONAL)
AMBIENT AIR QUALITY STANDARDS)
(NAAQS))
_____)

Resolution No. 2021-001-07

I, Katharine Lantz, SECRETARY TO THE AIR POLLUTION CONTROL BOARD OF THE EASTERN KERN AIR POLLUTION CONTROL DISTRICT, certify that the following Resolution, proposed by Director Scrivner and seconded by Director Blades, was duly passed and adopted by said Board at an official meeting on this 22nd Day of July, 2021, by the following vote:

- AYES: Davies, Scrivner, Blades
- NOES: None
- ABSENT: Creighton, Peters



KATHARINE LANTZ
Secretary to the Air Pollution Control Board of
the Eastern Kern Air Pollution Control District

By Kfantz

RESOLUTION

Emission Statement

Section 1. RECITALS:

(a) Section 182(a)(3)(B) of the Clean Air Act (CAA) requires all ozone nonattainment areas to have a program in place that requires emissions statements from stationary sources of oxides of nitrogen (NO_x) or volatile organic compounds (VOC); and

(b) The emissions statement requirement for the 2015, 8-Hour Ozone National Ambient Air Quality Standards (NAAQS) of 70 parts per billion (ppb) are described in "Implementation of the 2015, National Ambient Air Quality Standards for Ozone: Nonattainment Area State Implementation Plan Requirements" (83 FR 62998, December 6, 2018); and

(c) A portion of the Eastern Kern Air Pollution Control District (District) has been designated nonattainment due to exceeding the 2015, ozone NAAQS and is therefore required to adopt an emissions statement certifying that its existing program, or rule, continues to comply with the requirement and that the boundaries of the District have not changed (83 FR 25786, June 4, 2018); and

(d) District Rule 108.2, Emission Statement Requirements was adopted July 13, 1992, and last amended May 2, 1996, fulfills the CAA §182(a)(3)(B) emissions statement requirements; and

(e) The District's boundaries have not changed since the United States Environmental Protection Agency (EPA) promulgated Rule 108.2 into the State Implementation Plan (SIP) (69 FR 29880, May 26, 2004) ; and

(f) The District prepared the 2015, Ozone NAAQS (70 ppb) Emissions Statement and Certification to certify that the existing provisions of Rule 108.2 adequately meets the emissions statement requirements of §182(a)(3)(B) of the CAA for the purposes of the 2015, 8-hour ozone NAAQS, and that no revision of the rule is required; and

(g) A notice of a public hearing on July 22, 2021, at the hour of 2:00 p.m. at the District Field office located at 20406 Brian Way, Suite 4A in Tehachapi, CA 93561, to consider adoption of the District's 2015, Ozone NAAQS (70 ppb) Emissions Statement and Certification, was duly given; and

(h) The matter was heard at the time and place so specified, evidence was received and all persons desiring to be heard in said matter were given an opportunity to be heard.

Section 2. IT IS RESOLVED by the Board as follows:

1. This Board hereby approves and adopts this Resolution thereby approving the 2015, Ozone NAAQS (70 ppb) Emissions Statement and Certification.

2. All notices required to be given by law have been duly given in accordance with Health and Safety Code section 40725, and the Board has allowed public comment, both oral and written, in accordance with Health and Safety Code section 40726.

Emission Statement

3. This Board finds that this action poses no significant impact on the environment and is exempt from CEQA under CEQA Guidelines sections 15061(b)(2) and 15300.

4. District staff is directed to prepare a Notice of Exemption for this project, and the Secretary of this Board is hereby directed to file the Notice of Exemption with the Kern County Clerk.

5. The Secretary of this Board is directed to cause a certified copy of this Resolution to be forwarded to the Air Pollution Control Officer (APCO) for said District and to the County Counsel of Kern County.

6. The APCO for said District is hereby authorized and directed to submit this resolution and all necessary supporting documents to the California Air Resources Board for submittal to EPA as a revision to the California SIP.

7. The Board authorizes the APCO for said District to include in the submittal or subsequent documentation any technical corrections, clarifications, or additions that may be needed to secure EPA approval, provided such changes do not alter the substantive requirements of the approved rule.

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