

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT

Preliminary Draft Staff Report Proposed Amended Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers

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EXECUTIVE SUMMARY

The South Coast Air Quality Management District (South Coast AQMD) staff proposes to modify requirements in Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers (Rule 1148.2) in response to concerns raised by communities located in the Wilmington, Carson, West Long Beach (WCWLB) area and South Los Angeles (SLA) area. Rule 1148.2 applies to over 300 operators of onshore oil or gas wells located within the jurisdiction of the South Coast AQMD that conduct oil and gas well drilling, well completion, well rework, and well injection activities. Proposed Amended Rule (PAR) 1148.2 will do the following: (1) add three new definitions to further clarify the amendments being proposed; (2) add injection well acidizing to the notification requirements; (3) standardize notifications to be made within 1,500 feet of a sensitive receptor; (4) add workover rig operations to the notification requirements; (5) add an annual report to the reporting requirements; and (6) modify the rule to account for these updates. Additional minor changes to rule language will be made for consistency and clarity.

CHAPTER 1: BACKGROUND

INTRODUCTION

BACKGROUND

AFFECTED FACILITIES

PUBLIC PROCESS

INTRODUCTION

Rule 1148.2 – Notification and Reporting Requirements for Oil and Gas Wells and Chemical Suppliers establishes requirements for operators of oil and gas wells to notify the Executive Officer of operations involving well drilling, well reworks and well completions, such as hydraulic fracturing, acidizing, and gravel packing. Rule 1148.2 also requires suppliers of chemicals that are used in the aforementioned well activities to provide information on chemical use. Well activity occurs at multiple sites throughout the South Coast AQMD and may be found near residential communities. Concerns have been raised by AB 617 communities located in the Wilmington, Carson, West Long Beach (WCWLB) area and South Los Angeles (SLA) area about the need for additional information related to well activities not previously regulated by Rule 1148.2. In response, staff proposes to modify requirements in Rule 1148.2 to add notification requirements for injection well acidizing work and for the use of workover rigs engaged in general maintenance activity and add a reporting requirement for annual chemical usage. Proposed Amended Rule (PAR) 1148.2 also seeks to standardize the notification requirement for oil, gas, and injection wells, and workover rig activity based on sensitive receptor location. Additional definitions and minor changes to rule language are made for consistency and clarity.

BACKGROUND

Rule 1148.2 was adopted on April 5, 2013 to better quantify potential air emissions from well development activities in response to concerns regarding hydraulic fracturing. Currently, the rule requires the operator to notify South Coast AQMD prior to the start of drilling, well completion, or rework of an onshore oil or gas well. The rule includes requirements for well operators and chemical suppliers to report information on the chemical composition of trade name products used during well event activity. Under the current rule, chemical suppliers provide well operators with the identities of the trade name products, the amount of each trade name product and purpose for each chemical ingredient used in well drilling, well completion, and well stimulation fluids; as well as chemical identities, Chemical Abstract Service (CAS) numbers, and maximum concentration in percent by mass of each chemical ingredient used in the trade name product.

Rule 1148.2 was amended September 4, 2015 to: 1) disaggregate the reporting of the trade name product from the chemical ingredients within the product; 2) no longer require the reporting of the chemical mass concentration within the trade name product, and instead require the mass of each chemical ingredient; and 3) remain consistent with Senate Bill 4 Well Stimulation Treatment Regulations, making non-trade secret information available to the public on South Coast AQMD's website. It was expected that by disaggregating the trade name product from the chemical ingredient, suppliers would make fewer trade secret claims, providing greater transparency to the public regarding the chemical ingredients and their mass.

AB 617 and Concerns with Oil and Gas Well Activities

In 2017, Governor Brown signed Assembly Bill (AB) 617 (C. Garcia, Chapter 136, Statutes of 2017) to develop a new community-focused program to potentially reduce exposure to air pollution and preserve public health. AB 617 directed the California Air Resources Board (CARB) and all local air districts, including the South Coast AQMD, to enact measures to protect communities disproportionately impacted by air pollution. On September 27, 2018, the California Air Resources Board (CARB) designated 10 communities across the state to implement community plans for the first year of the AB 617 program. Local air districts were tasked with developing and implementing community emissions reduction and community air monitoring plans in partnership with residents and community stakeholders. The Community Air Monitoring Plan (CAMP) includes actions to enhance the understanding of air pollution in the designated communities and to support effective implementation of the Community Emissions Reduction Plan (CERP). A CERP provides a blueprint for achieving air pollution emission and exposure reductions, addressing the community's highest air quality priorities. The CERP includes actions to reduce emissions and/or exposures in partnership with community stakeholders.

During their CERP development process, the WCWLB and SLA communities raised numerous concerns related to oil and gas well activity and current South Coast AQMD Rules. Specifically, community stakeholders expressed concerns that although Rule 1148.2 requires operators to notify the Executive Officer for activities related to well drilling, well reworks and well completions, other activities with potential emission sources were not being disclosed. For example, community stakeholders noted that acidizing work for water injection wells and the use of diesel workover rigs used for general maintenance activities were not being reported and requested that such activities be included as part of the notification requirement. In addition, any chemicals used in the acidizing of water injection wells should be reported similarly to other regulated activities. Lastly, stakeholders requested that chemical usage be consolidated and reported on an annual basis.

The CERP for WCWLB listed four main air quality priorities related to oil drilling and production. These priorities focused on:

- The need for near-facility air measurements and inspections to address leaks and odors from oil drilling and production;
- Improved public outreach and notifications;
- Additional requirements for oil production sites to submit either a chemical survey or annual report to develop an accurate inventory of emissions and chemicals used; and
- The use of zero-emission technology at drilling sites.

The CERP for SLA also listed multiple priorities related to oil drilling and production. These priorities focused on:

- Identification of locations of concern, characterize emissions, and identify potential elevated emissions through air measurement surveys around oil drilling sites;

- Determination of which oil well sites and activities may require additional monitoring;
- Collaboration with appropriate agencies when issues are identified at oil and gas facilities during inspection sweeps to ensure these facilities follow rules and regulations from appropriate agencies, in particular those related to land-use, public health, and abandoned wells;
- Information of enforcement findings and enforcement actions taken at oil and gas facilities, in particular those related to odors and fugitive emissions and CARB regulations;
- Reduction emissions and exposure to oil and gas operations through rule amendments to the Rule 1148 Series;
- Support of community members with conducting community air monitoring and understanding data;
- Information of other agencies' authority and new or ongoing projects (e.g., future regulations or ordinances) related to the oil and gas industry;
- Incentivization funding opportunities for best management practices and/or installation of emission reduction technologies at oil and gas facilities.

Note that some of these community concerns will require amending Rule 1148.1 such as air monitoring, rule amendments, zero-emission technology at drilling sites, and installation of emission reduction technologies.

AFFECTED FACILITIES

Proposed Amended Rule 1148.2 affects any operator of an onshore oil or gas well located within the jurisdiction of the South Coast AQMD that is conducting oil and gas well drilling, well completion, well rework, and well injection activities. There are approximately three hundred and seven facilities potentially affected by this amendment.

PUBLIC PROCESS

The development of PAR 1148.2 was conducted through a public process. Three Working Group Meetings were held on: April 14, 2022, June 8, 2022, and August 10, 2022. In addition, staff participated in AB 617 meetings to notify and update stakeholders of the rule development process. Staff also met individually with industry stakeholders and visited sites affected by the rule development process. Working group meeting notices were provided to operators, suppliers and participants of AB 617 meetings that signed up for notifications of AB 617 updates or oil and gas well rule development. A public workshop meeting will be held on September 1, 2022 with the comment period closing on September 15, 2022. The purpose of the public workshop is to present the proposed rule to the general public and stakeholders and to receive any comments related to the proposal.

CHAPTER 2: PROPOSED AMENDMENTS TO RULE 1148.2

INTRODUCTION

PROPOSED AMENDMENTS TO RULE 1148.2

INTRODUCTION

Staff participated in multiple meetings with WCWLB and SLA community residents and listened to their requests for additional notification and reporting requirements. Staff also met and discussed these requests with various industry stakeholders. The following proposals address the concerns raised in these communities and provide an avenue for industry to comply within the existing notification structure.

PROPOSED AMENDMENTS TO RULE 1148.2

Proposed Amended Rule 1148.2 proposes to revise the notification requirements for drilling, well rework, and well completion by including injection well acidizing and workover rig operations. In addition, PAR will include three new definitions and an annual reporting requirement. PAR 1148.2 will: 1) add three new definitions to further clarify the amendments being proposed, 2) add injection well acidizing to the notification requirements, 3) add workover rig operations to the notification requirements, 4) add an annual report to the reporting requirements, and 5) standardized notifications to be made within 1,500 feet of a sensitive receptor.

Addition of New Definitions

The definitions listed below are being added due to the proposed amendments to Rule 1148.2, including the addition of injection wells and workover rigs to the notification requirements. These definitions will assist in clarifying when a notification is required.

Three definitions are added to provide clarification of terms:

- **INJECTION WELL** means a well used to place fluid underground into porous geologic formations.

PAR 1148.2 adds a notification for acidizing activities at injection wells. Staff incorporated a new definition for an injection well since it has not been previously defined. The definition is obtained from the U.S. EPA website, *General Information About Injection Wells*.¹

- **WELL MAINTENANCE ACTIVITY** means general well servicing such as rod or tubing replacement, and other maintenance that is not already covered by another definition. Acidizing would not be covered by this definition.

PAR 1148.2 adds a definition for well maintenance activity. Staff distinguishes this activity from when chemical work for acidizing is planned. This activity may incorporate the use of a diesel engine to insert or remove rod and tubing into a well. This definition was added to further clarify what constitutes a workover rig operation for the sake of notification requirements.

¹ U.S. EPA Website: <https://www.epa.gov/uic/general-information-about-injection-wells#:~:text=Regulating%20agency-Definition%20of%20injection%20well,or%20water%20mixed%20with%20chemicals>.

- **WORKOVER RIG** means mobile self-propelled equipment used to perform one or more operations, such as a well maintenance activity, well completion, or rework.

PAR 1148.2 adds a definition to describe what a workover rig is. Staff developed this definition by researching various oil field industry websites that listed workover rigs, and from first-hand observations of workover rigs used in the local oil field production facilities.

Addition of Notification Requirements for the Acidizing of Injection Wells

The AB 617 SLA CERP listed acidizing of injection wells as a community concern. An injection well is used to place fluid underground into porous geologic formations. These underground formations may range from deep sandstone or limestone, to a shallow soil layer. Injected fluids may include water, wastewater, brine (salt water), or water mixed with chemicals.² Figure 1 shows a typical cycle for an oil production well and associated injection well. As shown, an oil and water

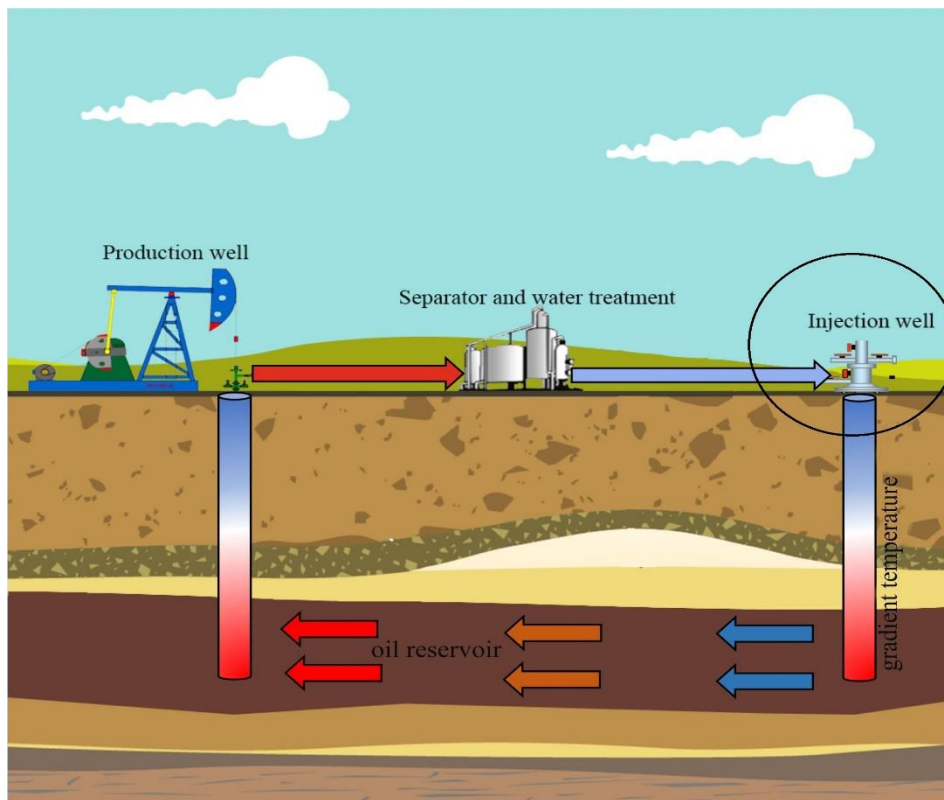


Figure 1: Typical Cycle of Oil Production and Water Reinjection

mixture is pulled out of the ground by a production oil production well. The mixture is then pumped to a separator tank where oil and water are allowed to decant into two immiscible liquids

² Source: <https://www.epa.gov/uic/general-information-about-injection-wells>.

with oil floating on top of the water. The oil is taken off for further processing whereas the water is pumped back into the ground.

Acidizing of well is a periodic maintenance activity to remove scale buildup in injection wells. Over time, scale forms inside injection wells which can then lead to higher pressure. The higher pressure increases the work that a pump is required to push up against as it tries to inject liquid into the well. Scale buildup may take more than two years for pump performance degradation to occur that would then necessitate the acidization of the injection well to dissolve and clear the scale.

Rule 1148.2 currently requires an operator of an oil or gas well to notify the South Coast AQMD when an oil or gas well undergoes an acidization activity. However, a notification for acidizing of an injection well is not currently required. Community stakeholders expressed concern that chemicals being used in the acidization of an injection well may create a hazard where a spill or an air-borne release may occur. Because of the potential hazards associated with this activity, community stakeholders requested that the rule be amended so that notification requirements for the acidizing of injection wells be added.

Staff has evaluated the request from community stakeholders and proposes an amendment to add notification requirements for the acidizing of injection wells to the rule. This amendment addresses potential chemical spills used in the acidizing of injection wells and possible impacts to the local community. This amendment requires operators to submit notifications of acidizing of injection wells no more than 10 calendar days and no less than 48 hours prior to the start of acidizing. The required timing is consistent with notification requirements for acidizing of oil and gas wells. Staff has added a sensitive receptor zone of 1,500 feet to address local impacts to residents in close proximity to this activity. In general, staff proposes to limit the rule to a 1,500 foot zone to balance the number of notifications to include ones that may directly impact sensitive receptors in local areas. South Coast AQMD notes that most studies evaluating risk and distance show that risk from air toxics significantly drops off after 1,000 feet. The 1,500 foot distance was chosen because of the need to consider the exposure to odors from well operations applicable under Rule 1148.2. South Coast AQMD staff considers the 1,500 feet to be reasonable based on health risk curves and past investigation of odor complaints.

Under (d)(1) within PAR 1148.2, the proposed amendment is listed below:

The operator of an onshore oil or gas well that is located within 1,500 feet of a sensitive receptor shall electronically notify the Executive Officer, using a format approved by the Executive Officer, of the following information, no more than ten (10) calendar days and no less than 48 hours prior to the start of drilling, well completion, rework or acidizing of an onshore oil, gas, or injection well.

Addition of Notification Requirements for Use of Workover Rigs

The AB 617 SLA CERP listed workover rig operations as a community concern and requested that the activity of workover rigs used for general maintenance be included in notification

requirements. Workover rigs, as shown in Figure 2, are mobile self-propelled pieces of equipment used for drilling, well rework, and well completion for which a notification is already required. Typically, workover rigs use a diesel engine as a source of power to perform work on wells. The rigs can be used for general maintenance activities where well rods and tubing are inserted or removed. Community stakeholders have expressed concerns that emissions emanating from diesel engines on a workover rig may adversely impact them. Diesel exhaust emissions have been found to be carcinogenic and produce both NO_x and particulate matter. Diesel exhaust emissions have also been a source of nuisance complaints from impacted communities. General maintenance activities are currently not subject to notification requirements. Staff has evaluated the request from community stakeholders and proposes an amendment to add notification requirements for the use of workover rigs where no notification was previously required.



Figure 2: A Workover Rig Used in the Oil Production Field

Staff notes that workover rig operations for general well servicing are dynamic and unexpected maintenance issues may arise without much notice to the operator. For example, a rod in a well may have an operational issue that is identified during a night shift. The operator then may need to schedule a workover rig to come to the well as soon as the morning shift is on site to effect the repair. To provide operational flexibility, staff proposes a minimum of a 24-hour notification requirement for workover rig activity. Note that the 10-day to 48-hour notification for oil and gas well drilling, well completion, rework, and injection well acidizing is not affected by this.

To encourage the use of the lowest pollutant emitting diesel engines that are currently commercially available, workover rigs that meet Tier 4 – Final emission standards of 40 CFR Part 1039 Section 1039.101 Table 1 or that are powered by a non-combustion source (e.g., electrically-powered, fuel cell, solar energy, etc.) will not require notification. Use of workover rigs with diesel engines that do not meet Tier 4 – Final emissions standards, including engines that connect to and assist the workover rig with any well activity will require notification of such activity, including activity for general maintenance.

Staff has also added a sensitive receptor zone of 1,500 feet to address local impacts to residents in close proximity to this activity. Including a 1,500 foot zone is consistent with other parts of the rule as previously discussed.

Under (d)(6) within PAR 1148.2, the proposed amendment is listed below:

The operator of a workover rig operating at sites within 1,500 feet of a sensitive receptor where the engine does not meet a minimum Tier 4 – Final emissions standards of 40 CFR Part 1039 Section 1039.101 Table 1, or where the engine is not powered by a non-combustion source, shall electronically notify the Executive Officer no more than 10 calendar days and no less than 24 hours prior to the use of the workover rig on either an onshore oil or gas well, or an injection well. This engine standard shall also apply to any engine that connects to, and assists, the workover rig with any well activity.

Addition of an Annual Report to the Reporting Requirements

The AB 617 WCWLB CERP requested that an annual report for chemicals used at oil production sites be included in the rule as a way to collect all reported usage in one comprehensive report. In response to a request for an annual reporting requirement, Rule 1148.2 will be amended. The amendment will aggregate data to allow easier review of facility chemical usage and can help track odor events.

The annual reporting requirements will require operators to report the total amount of each chemical used per well for each facility for the previous calendar year due no later than April 1st of the following calendar year. Annual reports are intended to match the current chemical report format as is already being submitted.

Under (e)(7) within PAR 1148.2, the proposed amendment is listed below:

The operator of an onshore oil and gas well shall electronically report, using a format approved by the Executive Officer, the total amount of each chemical ingredient used for the previous calendar year to the Executive Officer no later than April 1st of the following calendar year.

- A. For each trade name product used in the well drilling fluid, well rework fluid, well completion fluid, or acidizing of an onshore injection well, the operator shall report:
 - (i) identity;
 - (ii) CAS number;
 - (iii) purpose; and
 - (iv) total mass in pounds (lbs)
- B. For each chemical ingredient used or contained in each trade name product, without associating any chemical ingredient with any specific trade name product, the operator shall report:
 - (i) identity;
 - (ii) CAS number
 - (iii) the mass of each chemical ingredient; and

- (iv) identification of whether each chemical ingredient used or contained in the trade name product is an air toxic.

Deletion of Obsolete Reporting Requirement

Rule 1148.2 (e)(1) required that beginning June 4, 2013 and until April 5, 2015, for each well, the operator of an onshore oil and gas well shall electronically submit a report to the Executive Officer that would be used for data gathering purposes. Staff is deleting this paragraph of the rule since the reporting timeframe has expired. With the deletion of this paragraph, the rule numbering has been updated.

ADDITIONAL CONSIDERATION

During the rulemaking development, stakeholders requested enhancements to the notification process to allow users to be notified via text and to limit notifications to specific geographical areas. Although these requested enhancements do not change the existing notification requirements, staff will work to modify the web-based infrastructure to address these requests.

CHAPTER 3: IMPACT ASSESSMENTS

INTRODUCTION

EMISSION REDUCTIONS

COST-EFFECTIVENESS

SOCIOECONOMIC IMPACT ASSESSMENT

CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS

**DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY
CODE SECTION 40727**

COMPARATIVE ANALYSIS

INCREMENTAL COST-EFFECTIVENESS

INTRODUCTION

In general, staff notes that no emissions reductions will occur as a result of this amendment. Any additional financial burden associated with the proposed amendment by industry stakeholders is expected to be minimal.

EMISSION REDUCTIONS

Rule 1148.2 is designed as a notification and reporting tool for oil- and gas-related activities. As such, no emission reductions are expected.

COST-EFFECTIVENESS

Since no emission reductions are expected, a cost-effectiveness analysis was not required. Staff met with industry stakeholders and learned that any additional reporting can be accomplished within the existing reporting infrastructure that is in place. Staff anticipates that it may take an operator approximately two hours to complete an annual report and there may be about one hundred notifications annually due to injection well acidizing activity, with an estimated time of one hour to create each notification and to follow-up with usage information. Additional labor related to data input is expected should an operator choose to use a non-Tier 4 final engine to conduct general maintenance involving a workover rig within 1500 feet of a sensitive receptor. However, staff notes that there is currently existing engine technology such that the use of such equipment is at the discretion of the operator.

SOCIOECONOMIC IMPACT ASSESSMENT

The proposed amendments to Rule 1148.2 are not expected to result in emission reductions and will not significantly affect air quality or emissions limitations. Therefore, no socioeconomic impact assessment is required under California Health and Safety Code Sections 40440.8 and 40728.5.

CALIFORNIA ENVIRONMENTAL QUALITY ACT ANALYSIS

Pursuant to the California Environmental Quality Act (CEQA) and South Coast AQMD's certified regulatory program (Public Resources Code Section 21080.5, CEQA Guidelines Section 15251(1), and South Coast AQMD Rule 110), the South Coast AQMD, as lead agency for the proposed project, will be reviewing PAR 1148.2 to determine if any potential adverse environmental impacts will occur. Appropriate CEQA documentation will be prepared based on the analysis.

DRAFT FINDINGS UNDER CALIFORNIA HEALTH AND SAFETY CODE SECTION 40727

Requirements to Make Findings

California Health & Safety Code Section 40727 requires that the Board make findings of necessity, authority, clarity, consistency, non-duplication, and reference based on relevant information presented at the public hearing and in the staff report. In order to determine compliance with Sections 40727 and 40727.2, a written analysis is required comparing the proposed rule with existing regulations.

The draft findings are as follows:

Necessity

PAR 1148.2 is necessary to provide additional notification when the acidizing of injection wells occurs and when general maintenance activity using a workover rig is performed to address concerns raised by AB 617 communities.

Authority

The South Coast AQMD obtains its authority to adopt, amend, or repeal rules and regulations pursuant to California Health and Safety Code Sections 39002, 40000, 40001, 40440, 40702, 40725 through 40728, 40920.6, and 41508.

Clarity

PAR 1148.2 is written or displayed so that its meaning can be easily understood by the persons directly affected by them.

Consistency

PAR 1148.2 is in harmony with and not in conflict with or contradictory to, existing statutes, court decisions or state or federal regulations.

Non-Duplication

PAR 1148.2 will not impose the same requirements as any existing state or federal regulations. The proposed amended rules are necessary and proper to execute the powers and duties granted to, and imposed upon, the South Coast AQMD.

Reference

In amending this rule, the following statutes which the South Coast AQMD hereby implements, interprets or makes specific are referenced: California Health and Safety Code Sections 39002, 40001, 40406, 40702, and 40440(a).

COMPARATIVE ANALYSIS

Under California Health and Safety Code Section 40727.2, the South Coast AQMD is required to perform a comparative written analysis when adopting, amending, or repealing a rule or regulation. The comparative analysis is relative to existing federal requirements, existing or proposed South Coast AQMD rules and air pollution control requirements and guidelines which are applicable to above ground storage tanks. Because PAR 1148.2 does impose new reporting and recordkeeping requirements, a comparative analysis will be conducted and included in the Draft Staff Report.

INCREMENTAL COST-EFFECTIVENESS

California Health and Safety Code Section 40920.6 requires an incremental cost-effectiveness analysis for BARCT rules or emission reduction strategies when there is more than one control option which would achieve the emission reduction objective of the proposed amendments, relative to ozone, CO, SO_x, NO_x, and their precursors. The proposed amendment does not include new BARCT requirements. Therefore, this provision does not apply to the proposed amendment.