

Antelope Valley
Air Quality Management District



Draft
Staff Report

Proposed Adoption of the
*Federal Negative Declaration for
One Control Techniques Guidelines Source Category
(Oil and Natural Gas Industry)*

For adoption on
01/21/2020

43301 DIVISION ST., SUITE 206,
LANCASTER, CALIFORNIA 93535-4649
PHONE (661) 723-8070

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STAFF REPORT

Federal Negative Declaration for One Control Techniques Guidelines Source Category (Oil and Natural Gas Industry)

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The Antelope Valley Air Quality Management District (AVAQMD) Governing Board is being requested to conduct a public hearing, make findings, and then adopt a resolution adopting the *Federal Negative Declaration for Control Techniques Guidelines (CTG) for the Oil and Natural Gas Industry Source Category* and directing staff actions. The “Federal Negative Declaration” (FNDs) are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, this FND, once adopted by the Governing Board, will serve as official certification to the United States Environmental Protection Agency (USEPA) that there are no stationary sources or emitting facilities in the specified source category that are subject to the applicability threshold of a Control Techniques Guideline (CTG) located within the area designated as non-attainment for ozone within the AVAQMD. The AVAQMD has been designated nonattainment for ozone and its precursors and is required to provide regulation of major sources in a variety of categories. USEPA requires the submission of a Federal Negative Declaration (FND) certifying that these sources are not present. The Federal Negative Declaration for the *Control Techniques Guideline for the Oil and Natural Gas Industry* must be adopted to account for an additional source category not addressed in a previous action, at the request of USEPA.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt, maintain rules requiring certain sources of air pollution to implement Reasonably Available Control Technology (RACT). Rules are required for all sources of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x) in source categories covered by a Control Techniques Guideline (CTG) document issued by the United States Environmental Protection Agency (USEPA) and for any other major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA 182(b)(2)). If a RACT rule is unnecessary because a source category does not exist within the affected area USEPA requires the submission of a Federal Negative Declaration (FND) to certify that those sources are not present. On July 18, 1997, USEPA shifted its ozone standard from measurement on a one-hour basis, to 0.084 ppm measured on an eight-hour basis (8-hour ozone standard). Effective May 27, 2008, USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm (2008 8hr

Standard). On October 26, 2015, USEPA lowered the primary ozone NAAQS from 0.075 ppm to 0.070 ppm (2015 8hr Standard). For purposes of the FCAA, the District has been designated non-attainment for ozone and classified as Severe for the 2008 8hr Standard and the 2015 8hr Standard. As a result of these designations USEPA has required non-attainment areas submit an updated RACT SIP Analysis and adopt any additional FNDs not previously adopted which certify the lack of sources in the particular source category.

On July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was formed, pursuant to statute (former Health & Safety Code §40106, Ch. 542 Stats. 1996), with a jurisdiction of the Los Angeles County portion of South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin (SCAB). The SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was formed pursuant to statute to replace the AVAPCD (Health & Safety Code §§41300 et seq.). The rules of the AVAPCD remained in effect until the AVAQMD Governing Board superseded or amended them. Thus, the AVAQMD is required to either retain RACT rules or to submit a FND to certify that there are no such sources in the particular source category within its jurisdiction.

The CTG for the Oil and Natural Gas Industry was finalized in 2016 (EPA 453/B-16-001, October 2016). This CTG covers emission sources in the oil and natural gas industry in the onshore production and processing segments of the oil and natural gas industry (i.e. pneumatic controllers, pneumatic pumps, compressors, equipment leaks, fugitive emissions) and storage vessel VOC emissions in all segments (except distribution) of the oil and natural gas industry. Thus, a rule or FND was required to be submitted no later than 10/27/2108 in response to the CTG for the Oil and Natural Gas Industry for the 2008-8 hour ozone standard. The FND was not adopted at that time pursuant to EPA direction due to a possibility of the CTG being withdrawn (83 FR 10478, March 9, 2018). To date, the Oil and Natural Gas CTG has not been withdrawn and the required FND is now being adopted and submitted for both the 2008 8hr ozone standard as well as the 2015 8hr ozone standard.

The AVAQMD has examined its permit files, emissions inventory and other documentation, including but not limited to, internet search and electronic yellow pages and has determined that there are no sources in the CTG source category for the *Oil and Natural Gas Industry*, located within the jurisdiction of the AVAQMD and none are anticipated in the near future.

Adoption of the FND will satisfy the specific federal requirement described below. The adoption does not satisfy any other state or federal requirements imposed upon the District. There are no emission reductions associated with this action because it does not change any existing rules or regulations.

This item was noticed for the December 17, 2019 Governing Board meeting. The item was continued to the January 21, 2020 Governing Board meeting to address comments from USEPA.

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the AVAQMD, after conducting a public hearing, adopt the *Federal Negative Declaration for One CTG Source Category*. Such action is necessary to satisfy the federal requirements for submission of FNDs for each source category not represented

within the District meeting the applicability threshold of a CTG or which meets the definition of a major source.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct adoption of the *Federal Negative Declaration for One CTG Source Category*. Each item is discussed, if applicable, in Section V below. Copies of documents are included in the appropriate Appendix.

FINDINGS REQUIRED FOR RULES & REGULATIONS

- Necessity
- Authority
- Clarity
- Consistency
- Non-duplication
- Reference
- Public Notice & Comment
- Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- Public Notice & Comment
- Availability of Document
- Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- Public Hearing
- Legal Authority to adopt and implement the document.
- Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION

- Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- Ministerial Action
- Exemption
- Negative Declaration
- Environmental Impact Report
- Appropriate findings, if necessary.
- Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- Environmental impacts of compliance.
- Mitigation of impacts.
- Alternative methods of compliance.

OTHER:

- Written analysis of existing air pollution control requirements
- Economic Analysis
- Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* (Specifically: Oil and Natural Gas Industry). Since this document is required to be adopted pursuant to public notice and other requirements under 42 USC 7410(a)(2), the District considers the rule adoption process pursuant to H&S Code §40702 to be a proper way to meet these requirements. Therefore, these are actions, that need to be performed, and/or information that must be provided, in order to adopt this document in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations:

Before adopting, amending, or repealing a rule or regulation, the AVAQMD Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Governing Board in making these findings.

a. Necessity:

The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is necessary because this source category is not represented within the AVAQMD, and the AVAQMD has been designated nonattainment for ozone and its precursors. For these sources, USEPA requires the submission of a FND certifying that these sources are not present.

b. Authority:

AVAQMD has the authority pursuant to California Health and Safety Code (H&S Code) §40702, 40725-40728 to adopt, amend or repeal rules and regulations and to do such actions that are necessary or proper to execute the powers and duties granted to and imposed upon AVAQMD. While this action is not specifically a rule or regulation, it is a document necessary to execute the powers and duties granted to and imposed upon the AVAQMD.

c. Clarity:

The adoption is clear in that it is written so that the persons can easily understand the scope and necessity of the FND.

d. Consistency:

The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions. This

document is required to be developed pursuant to the FCAA and the regulations promulgated thereunder.

e. Nonduplication:

The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* does not impose the same requirements as an existing state or federal law or regulation because federal law requires the adoption and certification of “Negative Declarations” for those source categories not represented within the area designated non-attainment for ozone which are covered by a CTG and meet the CTG applicability threshold, or which meet the definition of a major source.

f. Reference:

AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations and other documents required to execute the powers and duties granted to and imposed upon the AVAQMD.

g. Public Notice & Comment, Public Hearing:

Notice for the public hearing for the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* was published November 15, 2019 for the December 17, 2019 Governing Board Meeting. The item was then continued to the January 21, 2020 meeting to address comments from USEPA. See Appendix “B” for a copy of the public notice. See Appendix C for copies of comments, if any, and AVAQMD responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals).

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law which requires the submittal. The information below indicates which elements are required for the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements:

The adoption of the *Federal Negative Declaration for One CTG Source Category* is subject to all the requirements for a SIP submittal because the “Negative Declarations” will be included in the AVAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment:

Notice for the public hearing for the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* was published November 15, 2019. The item was then continued to the January 21, 2020 meeting to address comments from USEPA. See Appendix “B” for a copy of the public notice.

c. Availability of Document:

Copies of the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* and the accompanying draft staff report was made available to the public on or before November 15, 2019.

d. Notice to Specified Entities

Copies of the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* and the accompanying draft staff report will be sent to all affected agencies, including but not limited to CARB and USEPA. The proposed amendments was sent to CARB and USEPA on or before November 2, 2019.

e. Public Hearing:

A public hearing to consider the proposed adoption of the *Federal Negative Declaration for One CTG Source Category* was set for the December 17, 2019 Governing Board Meeting. The item was then continued to the January 21, 2020 meeting to address comments from USEPA.

f. Legal Authority to Adopt and Implement:

The AVAQMD has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the AVAQMD.

g. Applicable State Laws and Regulations Were Followed:

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the California Environmental Quality Act (CEQA).

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is required to adopt and certify FNDs for those source categories not represented within the area designated non-attainment for ozone.

C. ECONOMIC ANALYSIS

1. General

Adoption of this FND will identify a CTG source category that is not represented within the area designated non-attainment. The adoption will have no economic impact.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds, oxides of nitrogen or oxides of sulfur.

The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is not subject to incremental cost effectiveness calculations because this document does not impose BARCT or “all feasible measures”.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below, it was determined that a Notice of Exemption would be the appropriate CEQA process for the proposed adoption of the *Federal Negative Declaration for One CTG Source Category*.

1. The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* meets the CEQA definition of “project.” They are not “ministerial” actions.
2. The proposed adoption of the *Federal Negative Declaration for One CTG Source Category* is exempt from CEQA review because it will not create any adverse impacts on the environment since there are no sources in this category and this document merely certifies this fact. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

There are no potential negative environmental impacts of compliance with the proposed adoption of the FND.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix B.

VI. TECHNICAL DISCUSSION

The *Federal Negative Declaration for One CTG Source Category* must be adopted to account for a source category that was not included in a previous adoption. This FND is being adopted for the 2008 and 2015 Ozone Standards. .

A. SIP HISTORY

1. SIP History.

The AVAPCD came into existence pursuant to statute on July 1, 1997 Health & Safety Code 40106, A.B. 266-Knight Ch. 542, statutes of 1996). The rules and regulations of the SCAQMD remain in effect within the AVAPCD until the AVAPCD Governing Board adopts, amends or rescinds new ones Health & Safety Code 40106(e)). Since the SIP applies to the territory for which it was approved at the time it was approved, the AVAPCD also inherited the SCAQMD SIP applicable to the Los Angeles County portion of the South East Desert Air Basin (now called the Mojave Desert Air Basin) prior to July 1, 1997. On January 1, 2002 the AVAQMD was created pursuant to statute H&S Code 41300 et seq.) to replace the AVAPCD. Once again the SIP in effect at the time of the change remained in effect until the AVAQMD Governing Board superseded, amended or rescinded it.

2. SIP Analysis.

The District will request CARB to submit the proposed *Federal Negative Declaration for One Source Category* to the USEPA for inclusion into the SIP.

APPENDIX "A"
Federal Negative Declaration for One CTG Source Category

1. Antelope Valley Air Quality Management District Federal Negative Declaration for One Control Techniques Guideline Source Category, 10/25/2019

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Antelope Valley Air Quality Management District
43301 Division St., Suite 206
Lancaster, CA 93535-4649

661.723.8070

**Antelope Valley Air Quality Management District
Federal Negative Declaration (8-hour Ozone Standards) for
*One Control Techniques Guideline Source Category***

The Federal Clean Air Act (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt, maintain rules requiring certain sources of air pollution to implement Reasonably Available Control Technology (RACT). Rules are required for all sources of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x) in source categories covered by a Control Techniques Guideline (CTG) document issued by the United States Environmental Protection Agency (USEPA) and for any other major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA 182(b)(2)). If a RACT rule is unnecessary because a source category does not exist within the affected area USEPA requires the submission of a Federal Negative Declaration (FND) to certify that those sources are not present. On July 18, 1997, USEPA shifted its ozone standard from measurement on a one-hour basis, to 0.084 ppm measured on an eight-hour basis (8-hour ozone standard). Effective May 27, 2008, USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.084 parts per million (ppm) to 0.075 ppm (2008 8hr Standard). On October 1, 2015, USEPA lowered the primary ozone NAAQS from 0.075 ppm to .070 ppm (2015 8hr Standard). For purposes of the FCAA, the District has been designated non-attainment for ozone and classified as Severe for the 2008 8hr Standard and the 2015 8hr Standard. As a result of these designations USEPA has required non-attainment areas submit an updated RACT SIP Analysis and adopt any additional FNDs not previously adopted which certify the lack of sources in the particular source category.

On July 1, 1997 the Antelope Valley Air Pollution Control District (AVAPCD) was formed, pursuant to statute (former Health & Safety Code §40106, Ch. 542 Stats. 1996), with a jurisdiction of the Los Angeles County portion of South Coast Air Quality Management District (SCAQMD) that was not within the South Coast Air Basin (SCAB). The SCAQMD rules in effect in the AVAPCD remained in effect until the AVAPCD Governing Board superseded or amended them. On January 1, 2002 the AVAQMD was formed pursuant to statute to replace the AVAPCD (Health & Safety Code §§41300 et seq.). The rules of the AVAPCD remained in effect until the AVAQMD Governing Board superseded or amended them. Thus, the AVAQMD is required to either retain RACT rules or to submit a FND to certify that there are no such sources in the particular source category within its jurisdiction.

The CTG for the Oil and Natural Gas Industry was finalized in 2016 (EPA 453/B-16-001, October 2016). This CTG covers emission sources in the oil and natural gas



industry in the onshore production and processing segments of the oil and natural gas industry (i.e.) pneumatic controllers, pneumatic pumps, compressors, equipment leaks, fugitive emissions) and storage vessel VOC emissions in all segments (except distribution) of the oil and natural gas industry. Thus, a rule or FND was required to be submitted no later than 10/27/2018 in response to the CTG for the Oil and Natural Gas Industry for the 2008-8 hour ozone standard. The FND was not adopted at that time pursuant to EPA direction due to a possibility of the CTG being withdrawn (83 FR 10478, March 9, 2018). To date, the Oil and Natural Gas CTG has not been withdrawn and the required FND is now being adopted and submitted for both the 2008 8hr ozone standard as well as the 2015 8hr ozone standard.

The AVAQMD has examined its permit files, emissions inventory and other documentation, including but not limited to internet search and electronic yellow pages and has determined that there are no sources in the CTG source category for the *Oil and Natural Gas Industry*, located within the jurisdiction of the AVAQMD and none are anticipated in the near future.

I certify on behalf of the AVAQMD that, to my knowledge, the AVAQMD does not have any stationary sources or emitting facilities for the referenced category located within the jurisdiction of the District. Therefore the AVAQMD requests the USEPA to approve this FND for the 8-hour 0.075 ppm and the 8-hour .070 ppm Ozone Standards and include it in the State Implementation Plan for the AVAQMD.



Bret Banks
Executive Director

1/2/20

Date

APPENDIX "B"
PUBLIC NOTICE DOCUMENTS

1. Proof of Publication - Antelope Valley Press, November 15, 2019

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AFFIDAVIT OF PUBLICATION

(2015.5 C.C.P.)

The space above for file stamp only

STATE OF CALIFORNIA }
County of Los Angeles } ss

**NOTICE OF HEARING
FEDERAL NEGATIVE DECLARATION (FND) FOR
ONE CONTROL TECHNIQUES GUIDELINES
SOURCE CATEGORY (OIL AND NATURAL GAS
INDUSTRY)**

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of the **Antelope Valley Press**, a newspaper of general circulation, printed and published **daily** in the city of **Palmdale**, County of Los Angeles, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California, under date of October 24, 1931, Case Number 328601; Modified Case Number 657770 April 11, 1956; also operating as the Ledger-Gazette, adjudicated a legal newspaper June 15, 1927, by Superior Court decree No. 224545; also operating as the Desert Mailer News, formerly known as the South Antelope Valley Foothill News, adjudicated a newspaper of general circulation by the Superior Court of the County of Los Angeles, State of California on May 29, 1967, Case Number NOC564 and adjudicated a newspaper of general circulation for the **City of Lancaster**, State of California on January 26, 1990, Case Number NOC10714, Modified October 22, 1990; that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

November 15, 2019

I certify (or declare) under penalty of perjury that the fore-going is true and correct.

Alexandra Burns

Signature

Dated November 15, 2019
Executed at Palmdale, California

Valley Press

37404 SIERRA HWY., PALMDALE CA 93550
Telephone (661)267-4112/Fax (661)947-4870

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Antelope Valley Air Quality Management District (AVAQMD) will conduct a public hearing on December 17, 2019 at 10:00 A.M. to consider the proposed adoption of the Federal Negative Declaration (FND) for One Control Techniques Guidelines Source Category (Oil and Natural Gas Industry).

SAID HEARING will be conducted in the Governing Board Chambers located at the 43301 Division Street, Suite 206, Lancaster, CA 93535-4649 where all interested persons may be present and be heard. Copies of the proposed adoption of FND for the Control Techniques Guidelines for the Oil and Natural Gas Industry and the Staff Report are posted on the AVAQMD website at www.avaqmd.ca.gov and are also available at the AVAQMD office at 43301 Division Street, Suite 206, Lancaster, CA 93535. Written comments may be submitted to Bret Banks, APCCO, at the above office address. Written comments must be received no later than December 16, 2019 to be considered. Traducción esta disponible por solicitud.

The Federal Negative Declaration (FND) for Control Techniques Guidelines (CTG) for the Oil and Natural Gas Industry is proposed for adoption. This FND is different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, this FND, once adopted by the Governing Board, will serve as official certification to the United States Environmental Protection Agency (USEPA) that there are no stationary sources or emitting facilities in the specified source category that are subject to the applicability threshold of a CTG located within the area designated as non-attainment for ozone within the AVAQMD. The AVAQMD has been designated nonattainment for ozone and its precursors and is required to provide regulation of major sources in a variety of categories. For these sources, USEPA requires the submission of a FND certifying that these sources are not present. The FND for the CTG for the Oil and Natural Gas Industry must be adopted to account for this source category that has not addressed in any previous action.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 6 - 14 Cal. Code Reg §15308) applies and has prepared a Notice of Exemption for this action.

Publish: November 15, 2019

**AVAQMD
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RECEIVED**

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APPENDIX "C"
PUBLIC COMMENTS AND RESPONSES

1. Rebecca Newhouse, USEPA, 12/13/2019

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1. Rebecca Newhouse, USEPA Comment, 12/13/2019

From: [Newhouse, Rebecca](#)
To: [Barbara Lodi](#); [Tony Stanley](#); [Lo, Doris](#)
Cc: [Bret Banks](#); [Law, Nicole](#)
Subject: RE: Proposed adoption of the Federal Negative Declaration for One Control Techniques Guidelines Source Category (Oil and Natural Gas Industry)
Date: Friday, December 13, 2019 7:12:05 PM

Hi Barbara, thanks for the opportunity to comment on the draft neg dec for the Oil and Natural Gas CTG.

Here are my comments:

1

- 1. As is described in pg 1 of the staff report in the Executive Summary, the negative declaration will serve as "official certification to the [USEPA] that there are no stationary sources or emitting facilities [emphasis added] in the specified source category that are subject to the applicability threshold of a [CTG] located within the area designated as non-attainment for ozone with AVAQMD."

However, the certification statement on Pg A-4, paragraph 3, limits this certification to only "major" sources:

Pg A-4, paragraph 3: "I certify on behalf of the AVAQMD that, to my knowledge, the AVAQMD does not have any major stationary sources [emphasis added] in the referenced category located within the jurisdiction of the District."

After ensuring that there are no stationary sources or emitting facilities subject to the oil and natural gas CTG, please amend the above certification statement to delete the word "major." We recommend the following changes:

"I certify on behalf of the AVAQMD that, to my knowledge, the AVAQMD does not have any ~~major stationary sources~~ or emitting facilities in for the referenced category located within the jurisdiction of the District."

2

- 2. Pg 1, paragraph 2: for clarity, we recommend the following edits:

~~"Where there are no stationary sources or emitting facilities subject to the U.S. EPA CTG documents for these sources,~~ USEPA requires the submission of a Federal Negative Declaration (FND) certifying that these sources are not present.

3

- 3. Pg 1, paragraph 3 (and pg A-3, paragraph 1): The document indicates EPA shifted the ozone measurement standard from one hour to 8 hr standard on March 9, 2006—I think this is an error, with the correct date being July 18, 1997 (62 FR 38856).

4

- 4. On page 4, paragraph 4, it states that "The AVAQMD has examined its permit files, emissions inventory and other documentation and has determined that there are no sources in the CTG source category..."

if possible, please be as specific as possible regarding what "other documentation" was used to make this determination.

Please let me know if you have any questions.

Rebecca

Rebecca Newhouse, PhD U.S. EPA Region 9, Air Rules Office (AIR 3-2)
75 Hawthorne Street San Francisco, CA 94105 (415) 972-3004
newhouse.rebecca@epa.gov

1. District Response to Rebecca Newhouse, USEPA comment, 12/13/2019

1. Certification statement has been amended as per USEPA comment.
2. For clarity, Pg. 1, paragraph 2 recommended edits have been made.
3. Incorrect date has been corrected.
4. Clarification was added regarding “other documentation”.

APPENDIX "D"
CALIFORNIA ENVIRONMENTAL QUALITY ACT
DOCUMENTATION

1. Draft Notice of Exemption – Los Angeles County

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NOTICE OF EXEMPTION

TO: Los Angeles County Clerk
12400 E. Imperial Hwy, #1001
Norwalk, CA 90650

FROM: Antelope Valley
Air Quality Management District
43301 Division Street, Suite 206
Lancaster, CA 93535-4649

AVAQMD Clerk of the Governing Board

PROJECT TITLE: Adoption of the *Federal Negative Declaration for One Control Techniques Guidelines Source Category (Oil and Natural Gas Industry)*

PROJECT LOCATION – SPECIFIC: Los Angeles County portion of the Mojave Desert Air Basin.

PROJECT LOCATION – COUNTY: Los Angeles County

DESCRIPTION OF PROJECT: Effective October 26, 2015 (80 FR 65292), USEPA lowered the primary ozone National Ambient Air Quality Standard (NAAQS) from 0.075 parts per million (ppm) to 0.070 ppm (70 ppb). The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement RACT for sources subject to Control Technique Guidelines (CTG) documents issued by the USEPA for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NOX) which are ozone precursors. The CTG for the Oil and Natural Gas Industry was finalized in 2016 (EPA 453/B-16-001, October 2016). This CTG covers emission sources in the oil and natural gas industry in the onshore production and processing segments of the oil and natural gas industry (i.e. pneumatic controllers, pneumatic pumps, compressors, equipment leaks, fugitive emissions) and storage vessel VOC emissions in all segments (except distribution) of the oil and natural gas industry. Thus, a rule or FND was required to be submitted no later than 10/27/2018 in response to the CTG for the Oil and Natural Gas Industry for the 2008-8 hour ozone standard. The FND was not adopted at that time pursuant to EPA direction due to a possibility of the CTG being withdrawn (83 FR 10478, March 9, 2018). To date, the Oil and Natural Gas CTG has not been withdrawn and the required FND is now being adopted and submitted for both the 2008 8hr ozone standard as well as the 2015 8hr ozone standard.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Antelope Valley AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Antelope Valley AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of the *Federal Negative Declarations for One CTG Source Category* is exempt from CEQA review because it will not create any adverse impacts on the environment since there are no sources in this one category and this document merely certifies this fact. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Bret Banks **PHONE:** (661) 723-8070

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** January 21, 2020

DATE RECEIVED FOR FILING:

APPENDIX "E" BIBLIOGRAPHY

The following documents were consulted in the preparation of this staff report and the proposed adoption of the *Federal Negative Declaration for One CTG Source Category*:

1. EPA – Control Techniques Guidelines for the Oil and Natural Gas Industry, EPA-453/B-16-001, October 2016

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