



Air Pollution Control Board

San Diego County Air Pollution Control District

GOVERNING BODY

GREG COX
First District

DIANNE JACOB
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Third District

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Fourth District

JIM DESMOND
Fifth District

AGENDA ITEM

DATE: July 8, 2020

AP04

TO: Air Pollution Control Board

SUBJECT

NOTICED PUBLIC HEARING – DISCUSSION OF AMENDMENTS TO RULE 1210 – TOXIC AIR CONTAMINANT PUBLIC HEALTH RISKS – PUBLIC NOTIFICATION AND RISK REDUCTION (DISTRICTS: ALL)

OVERVIEW

On May 22, 2019 (AP01), the Air Pollution Control Board (Board) directed the Air Pollution Control Officer to: 1) evaluate the current toxic air pollutant significance threshold adopted by the Air Pollution Control District (District) under Rule 1210 (Toxic Air Contaminant Public Health Risks - Public Notification and Risk Reduction); 2) implement a regulatory process to amend Rule 1210, which includes industry and community partners, to obtain input on and analyze reducing the toxic air pollution significance threshold with the intent of improving public health, and 3) return to the Board with an analysis and a proposed rule no later than April 2020.

In September 1987, a new State law known as The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, Connelly) was enacted. The Hot Spots Act was adopted in response to the public's concerns about being exposed to unknown hazardous air pollutants that are emitted by businesses and industries and which may cause cancer or have other adverse, short- and long-term health effects. This law requires stationary sources of air pollutants to track and report the types and quantities of certain substances their facilities release into the air. Additionally, those facilities having localized impacts because of the hazardous air pollutants they emit must notify nearby residents of the elevated risks posed to residents.

In September 1992, the Hot Spots Act was amended by Senate Bill 1731 (Calderon) to require the owners of "significant risk" facilities reduce their risks below the level of significance (which is set by each air district in California and is reflected in their individually adopted risk reduction thresholds). It is this aspect of the Hot Spots Act that works to protect public health, as it generally mandates reductions of emissions of toxic air contaminants from those facilities within specified timeframes in order to reduce their risk to the public. District Rule 1210 was first adopted and implemented by the Board on June 12, 1996 (AP02), in order to establish the public notification and risk reduction thresholds and procedures.

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Rule 1210 regulates facilities for four types of public health risks: 1) Cancer risk, 2) Cancer burden, 3) Chronic (long term) non-carcinogenic risk, and 4) Acute (short term) non-carcinogenic risk. Cancer risk is expressed in terms of the increased number of chances in one million of developing cancer. Public notification is required when the facility-wide cancer risk is above 10 in one million. These notifications must occur once every two years and are designed to both inform the public of their risks and encourage more rapid emissions reductions by the affected facilities. Cancer risk reduction is required under Rule 1210 when the risk is above 100 in one million. Risk reduction generally entails reducing emissions of toxic air contaminants in order to reduce peoples’ exposure to them. A cancer risk of 100 in one million is a calculation of the probability that a person would contract cancer due to a facility’s emissions, but it does not mean that if one million people were exposed to that risk level, that 100 people would necessarily contract cancer. The District is one of the two large air districts in California that use the 100 in one million risk reduction threshold. Table 1 shows the risk reduction thresholds for the five large air districts in California.

Table 1. Risk Reduction Thresholds for the Large Air Districts

District	Risk Reduction Threshold
San Diego County APCD	100 in one million
San Joaquin Valley APCD	100 in one million
South Coast AQMD	25 in one million
Bay Area AQMD	10 in one million
Sacramento Metropolitan AQMD	10 in one million

The District investigated how the other large air districts implement their cancer risk reduction thresholds and it analyzed the emissions of facilities within San Diego county and their potential risks to the affected public. The types of facilities that tend to have higher risk levels include those that use diesel fuel-fired engines (diesel exhaust is a carcinogen), manufacturing companies that perform welding on metal substrates (especially stainless steel which, when welded, emits hexavalent chromium - a carcinogen), and facilities that combust renewable gases. For example, landfills that use landfill gas as engine fuel in electric generators can cause elevated risk levels due to the harmful byproducts of combustion that are emitted into the air, such as formaldehyde (a carcinogen). Based on this analysis, the District developed four potential options with regard to the cancer risk reduction threshold as shown in Table 2.

Table 2. Options for Cancer Risk Reduction Threshold

Option	Risk Reduction Threshold	Number of Facilities Above Threshold
1	10 in one million	8
2	25 in one million	1
3	50 in one million	1
4	100 in one million (current rule)	Zero

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Potential amendments to Rule 1210 also include:

- 1) A technology review option for facilities that cannot get below the Board adopted risk reduction threshold due to technological limitations.
- 2) Updating the economic cost threshold used to determine if a facility that must reduce their risk can reduce their risk sooner than the five year initial deadline or, if they are allowed longer to do so, by changing from looking at the average return on equity (which is a measure of profitability in relation to a company's worth) to looking at either the annual profits for businesses, or for non-profit organizations and government or military facilities, the annual operational budget.
- 3) Adding a voluntary risk reduction option under Options 2, 3, and 4 in Table 2, for facilities that must perform a public notice but are below the risk reduction threshold; and
- 4) Increasing the required frequency of facility risk analysis to better capture changing emissions and conditions at facilities where higher risks may develop.

Facilities have expressed concerns about currently proposed changes at the State level that would increase the number of chemicals that must be evaluated under the “Hot Spots” Program from 679 to approximately 1,400 and the effect this increase might have on facility risk levels. These concerns arise because the health data about the chemicals newly proposed to be listed are not yet available and businesses cannot determine how their risk levels will be impacted by those changes and the proposed Rule 1210 amendments. Furthermore, the Air Pollution Control District Advisory Committee found that additional data is needed to substantiate the proposed thresholds in order to consider and support a specific proposed threshold.

In light of the above information, today’s request is for the Board to consider and approve an extension of 18 months to further refine the data and the proposed rule by working with stakeholders and the State to develop a better understanding of how the proposed amended Rule 1210 and the State’s expanded chemical list would affect the facilities and public health. The District would present progress reports to the Board at six-month intervals in order to keep the Board informed of its progress in addressing industry concerns and developing a proposed amended rule that is protective of public health.

RECOMMENDATION

AIR POLLUTION CONTROL OFFICER

1. Approve an 18-month extension to the prior direction to bring to the Board an analysis and proposed rule no later than April 2020, such that the new deadline will be October 2021.
2. Direct the District to provide progress reports to the Board every six months regarding the development of an amended rule.

FISCAL IMPACT

There is no fiscal impact associated with this recommendation. There will be no change in net General Fund cost and no additional staff years.

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BUSINESS IMPACT STATEMENT

There is no impact to businesses from the recommendation, since the current requirements will stay in affect during the proposed 18-month delay. However, potential rule amendments are not required by state or federal law or regulation, so any amendments would impose new requirements on the affected facilities. There are eight facilities with risk levels above the threshold in Option 1, one facility above the thresholds in Options 2 or 3, and no facilities are above the threshold in Option 4. A facility has various ways to reduce its risk, including cutting emissions, changing exhaust stack parameters to better disperse pollutants, relocating equipment away from people, and employing alternate processes that have fewer air pollutant emissions. It is not possible to estimate an affected facility's actual costs to comply with Options 1, 2 or 3 because the facilities have a number of available options and technologies for controlling/reducing emissions and their risks. This said, the costs associated with controlling air pollutant emissions from specific types of equipment and operations are generally known and are presented here for informational purposes. The examples here include diesel fuel combustion, renewable fuel combustion and welding, especially the welding of stainless steel.

Risk from diesel engine exhaust can be reduced by several methods, including the installation of diesel particulate filters or diesel oxidation catalysts on existing engines, the replacement of engines with newer, lower emitting engines, or the conversion of operations to run on electricity. The cost to purchase and install a diesel particulate filter or diesel oxidation catalyst ranges from \$6,000 to \$135,000, depending on the size of the engine.

For welding emissions, the necessary reductions could be accomplished by utilizing advanced welding techniques that use less filler material and produce less smoke or by capturing and controlling welding smoke emissions. Controlling individual welding stations can cost \$1,000 to more than \$10,000.

For engines combusting renewable gases, removing contaminants from the renewable gas and adding an oxidation catalyst on the engine exhaust would reduce harmful emissions and their risk. The cost to install such a system ranges from \$350,000 to \$750,000 depending on the size of the engine.

ADVISORY BOARD STATEMENT

On March 11, 2020, the Air Pollution Control District Advisory Committee (Advisory Committee) considered the proposed amendments to Rule 1210. The Advisory Committee is comprised of a total of nine seats. Four of those seats are currently vacant. Of the five Advisory Committee members currently appointed, four attended the meeting, heard public testimony and expressed support for reducing the cancer risk reduction threshold, but found that additional data is needed to substantiate the proposed thresholds they are being asked to consider and, especially, to support a specific proposed threshold.

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BACKGROUND

The California Air Toxics “Hot Spots” Information and Assessment Act was enacted in 1987 to address public concerns over toxic air contaminant emissions. The Hot Spots Act requires local air pollution control districts to evaluate toxic air contaminant emissions from various businesses and determine which emissions present public health concerns. Next, it mandates facilities to develop and implement strategies to reduce their potential health risks to public health due to people's exposure to their emissions of toxic air contaminants when those health risks are above specified levels. The Air Toxics “Hot Spots” Program (Program) is implemented by the local air pollution control districts using guidance developed by the State Office of Environmental Health Hazard Assessment (OEHHA), the California Air Pollution Control Officers Association and the California Air Resources Board (CARB).

Under the Program, facilities emitting toxic air contaminants are required to provide the San Diego County Air Pollution Control District (District) with information to update the facilities’ toxic air contaminant emissions inventories at least once every four years. The District then reviews and verifies data submitted by facilities and compiles an inventory of emissions.

Facilities that emit toxic air contaminants in amounts potentially posing a public health risk must submit to the District a site-specific Health Risk Assessment (HRA) that examines the possible public health risks posed to their neighbors. The HRA incorporates pollutant dispersion estimates, human exposure assumptions and health effects information. Each HRA is reviewed by the District and OEHHA to ensure that it does not underestimate the risks and follows the most recent State guidelines. Once an HRA has been approved, Rule 1210 requires facilities with risks greater than specified levels to provide public notice to all persons in the affected area. In addition, those facilities with significant risks are also required to reduce those risks to below the District’s significance threshold within five years. For cancer risk, the current Rule 1210 public notification threshold is 10 in one million and the risk reduction threshold is 100 in one million.

Since the beginning of the State Program in 1989, the emissions of industrial toxic air contaminants have been reduced by a total of 88% (11 million pounds annually) within the San Diego region. Although the current emissions reduction trend is not as significant as in the early years of the Program, from 2009 to the present time the annual emissions of industrial toxic air contaminants have been reduced in the region by approximately 25%, or a total of 500,000 pounds per year. Due to these reductions industrial facilities now emit less than 3% of the total amount of toxic emissions in the region while mobile sources (such as cars and trucks) emit 42% and area sources (such as road dust, residential fuel combustion and pesticide applications) emit approximately 42%. The remaining 13% of the toxic air contaminant emissions come from natural sources such as wildfires and biogenic sources.

While industrial toxic emissions have been in decline, there is still a public risk of developing cancer due to the total amount of toxic air contaminants emitted by these facilities. That is, certain facilities still pose an increased cancer risk to their neighbors. As the scientific understanding

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grows about the effects of toxic air contaminants on the human body, OEHHA will occasionally refine its risk calculation methodology in order to be more protective of human health. Most recently, in 2015, OEHHA refined its methodology by incorporating the latest science in toxics exposure duration, age-based sensitivity factors and the varying breathing rates of different age groups. These changes may result in estimates of higher risks for facilities than previously calculated, as the updated risk calculation methodologies are designed to be increasingly protective of human health.

On May 22, 2019, in an effort to better protect and improve public health, the Board directed the Air Pollution Control Officer to evaluate the current cancer risk reduction threshold of Rule 1210, implement a regulatory process to lower the cancer risk threshold, including obtaining input from the public and affected businesses, and then return to the Board by April 2020 with the analysis and a proposed rule.

To start this process, the District looked at what the other four large California air districts have for their cancer risk reduction thresholds. The Sacramento Metropolitan Air Quality Management District (Sacramento) uses 10 in one million, the South Coast Air Quality Management District (South Coast) uses 25 in one million, and the San Joaquin Valley Air Pollution Control District (San Joaquin) uses 100 in one million. Only the Bay Area Air Quality Management District (Bay Area) changed their cancer risk reduction threshold, from the previous 100 in one million to the current 10 in one million in 2017, after OEHHA's 2015 updated risk calculation methodology.

Next, the District looked at the existing permitted facilities within its jurisdiction to determine which ones might be impacted at different cancer risk reduction thresholds. If a facility had performed an HRA using the 2015 changes in methodology, then that result was used. For those facilities that had not done an HRA since 2015, the District looked at their most recent emissions inventory and developed a prioritization score. For the facilities where the prioritization score is above the threshold to require an HRA, the District performed a screening level HRA and used its experience to forecast what a full HRA score would be.

This information was then used to determine potential options for risk reduction levels and the number of facilities that might be affected by each option. These facilities were notified of their status in June 2019.

The proposed 18-month delay in the adoption of an amended rule would also give the facilities additional time to conduct required Health Risk Assessments, providing them with a clearer picture of how an amended rule with different risk reduction thresholds will affect them.

Potential Amendments

- **Technology Review Option:** Under existing Rule 1210, a facility that is subject to a risk reduction requirement has five years to reduce their risk to below that threshold. A facility

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can request more time if there is a technological or economic reason why they cannot reduce their risk within those five years and, if the District agrees, it can grant up to an additional five years for risk reduction. To address the potential case of technology not advancing enough to make risk reduction feasible within ten years, a technology review option is proposed.

To use that option, a facility would need to demonstrate that the technology to reduce their risk below the threshold is not available and demonstrate they have installed Toxics Best Available Retrofit Control Technology on all emission units and processes that have an individual risk greater than one in one million. To remain in this option, this demonstration will need to be reanalyzed once every three years. The Bay Area district has a similar option in their rules, but they do not reevaluate the demonstrations once they have been done initially.

- **Voluntary Risk Reduction Program:** With the changes in risk assessment methodology that occurred in 2015, a facility that previously was found to be below the public notification threshold might be found to be above that threshold now, even if they have not increased their emissions. The Voluntary Risk Reduction Program is proposed in order to give these facilities an option to reduce their risk below the public notification threshold in a specified timeframe, which they otherwise would not be required to do, and in exchange they would not need to do the full, direct, mailout notification for the area surrounding their facility as is typically done. Instead, the District would do an abbreviated noticing. The options are as follows:
 - A facility would perform the full public notification, which includes directly notifying the addresses that are potentially affected by the facility’s emissions, or
 - Reduce their risk below the notification level within 2½ years while the district conducts an abbreviated notification, consisting of posting the notification on the district’s website and discussing it in the Annual Air Toxics “Hot Spots” Program Report.

This program would only be available for cancer risk reduction Options 2, 3 and 4, where the cancer risk reduction threshold (25, 50 and 100 in one million, respectively) is higher than the cancer risk public notification threshold of 10 in one million. The South Coast district has such a program and four facilities there successfully reduced their risks by using this program.

- **Economic Cost Threshold:** This threshold is used to determine if risk reduction measures can be implemented in less than the required five years or would take more than five years due to economic reasons. This proposal is to change the economic cost threshold to be 10% of the annual profits or, for a non-profit, government or military facility, it would be 1% of the annual operating budget.

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The current rule threshold is if the annualized costs of the risk reduction measure would be more than 10% of the facility's average return on equity. The return on equity is not well understood by nonfinancial people and does not apply to facilities such as governments, the military and other non-profit organizations.

The proposed threshold is the same threshold that the Bay Area district uses.

- **Frequency of review:** In order to better capture changing emissions and conditions at facilities that might pose a higher risk, these amendments would require the facilities with the highest potential of public risk to be analyzed on an annual basis and those with a medium potential to be analyzed on a biennial basis (once every 2 years). The facilities with a low potential for public risk would continue to be analyzed once every four years. This potential of public risk is based on the facility's prioritization score, which is used to determine if a facility must perform a HRA. Currently, this evaluation of risk occurs once every four years for all facilities.
- **Options for the cancer risk reduction threshold:** Four potential options for selecting the cancer risk reduction threshold are presented below:
 - **Option 1** - Lowers the threshold to 10 in one million. A total of eight facilities would potentially be subject to this threshold.
 - **Option 2** - Lowers the threshold to 25 in one million. One facility would be affected (it is currently at 53 in one million)
 - **Option 3** - would lower the threshold to 50 in one million. One facility would be affected (it is currently at 53 in one million)
 - **Option 4** - maintains the current threshold of 100 in one million (no facilities would be affected)

Of the eight facilities potentially subject to Option 1 (10 in one million threshold), seven of them are currently estimated to have cancer risks between 10 and 15 in one million. The potential risk reduction techniques these seven facilities could use include, but are not limited to, adding additional emission controls, replacing equipment and processes with lower-emitting ones, and having equipment be powered by electricity rather than internal combustion engines. These technologies are feasible and available, and it appears they would be able to reduce their risks below 10 in one million within the 5 to 10 years allowed by Rule 1210.

The eighth facility is a large manufacturer with diesel engines and welding operations and is currently at a risk level of 53 in one million. It would be subject to Options 1, 2 or 3 (thresholds of 10, 25 or 50 in one million, respectively). Currently, existing technology would not allow the facility to reduce the risk to below 10 in one million or 25 in one million. This being the case, they would be eligible to work to meet the requirements for

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the technology review option discussed above. Furthermore, this facility should be able to comply with a 50 in one million risk threshold based on the emissions reductions they have accomplished since their most recent HRA that was done after the 2015 changes to OEHHA guidelines.

As Option 4 would maintain the existing cancer risk reduction threshold of 100 in one million, and since no facility is currently above that threshold, this option would not impose new requirements on any facility.

Public Input

The District held two workshops, one on August 15, 2019, and another on January 30, 2020, where the proposed rule amendments were presented and input was solicited from all interested parties. For each workshop, a meeting notice was mailed to each air quality permit holder and other interested parties in the region. The first workshop had 30 attendees and the second one had 43 participants. Included were representatives from businesses, government agencies, the Navy and a local environmental organization. All public comments that were received, along with the District's responses, are included in the workshop reports provided as Attachments F and G. In general, the comments were about how the proposed amendments would be implemented. Some commenters suggested keeping the cancer risk reduction threshold at 100 in one million, while others supported the cancer risk reduction threshold at 10 in one million.

The Industrial Environmental Association (IEA) sent a comment letter to the District on March 17, 2020. In this letter, the IEA recommended adopting Option 3, thereby cutting the current threshold of 100 in a million in half, to 50 in one million, and having a 5-year assessment period to evaluate the health impacts, environmental benefits, costs, and business impacts from this reduction, and then considering further reductions as necessary.

Socioeconomic Impact Assessment

State law requires the District to perform an assessment of the socioeconomic impacts when adopting, amending or repealing a rule that will significantly affect air quality or emission limitations. At this time, no amendments to Rule 1210 are proposed. Accordingly, a socioeconomic impact assessment is not required.

ENVIRONMENTAL STATEMENT

The California Environmental Quality Act (CEQA) applies to certain actions which have the potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect change in the environment. Because no change to the District rules is proposed at this time, CEQA does not apply to this action.

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LINKAGE TO THE COUNTY OF SAN DIEGO STRATEGIC PLAN

Today’s proposed actions support the Sustainable Environments/Thriving Initiative in the County of San Diego’s 2020-2025 Strategic Plan by focusing on sustainability, pollution prevention, and strategic planning. Continued study and proposed amendments to Rule 1210 will protect air quality by ensuring toxic air contaminant emissions from facilities will not cause a significant public health risk.



SARAH E. AGHASSI
Deputy Chief Administrative Officer

Respectfully submitted,



ROBERT REIDER
Interim Director/Air Pollution Control Officer

ATTACHMENT(S)

Attachment A – First Workshop Report
Attachment B – Second Workshop Report

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AGENDA ITEM INFORMATION SHEET

REQUIRES FOUR VOTES: Yes No

WRITTEN DISCLOSURE PER COUNTY CHARTER SECTION 1000.1 REQUIRED

 Yes No

PREVIOUS RELEVANT BOARD ACTIONS:

June 16, 1996 (1), adopted Rule 1210 – Toxic Air Contaminant Public Health Risks – Public Notification and Risk Reduction; May 22, 2019 (2), directed the District to evaluate through a public process if the cancer risk reduction threshold of Rule 1210 should be changed.

BOARD POLICIES APPLICABLE:

N/A

BOARD POLICY STATEMENTS:

N/A

MANDATORY COMPLIANCE:

N/A

**ORACLE AWARD NUMBER(S) AND CONTRACT AND/OR REQUISITION
NUMBER(S):**

N/A

ORIGINATING DEPARTMENT: AIR POLLUTION CONTROL DISTRICT

OTHER CONCURRENCE(S): None

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**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**DRAFT PROPOSED AMENDMENTS TO
RULE 1210 – TOXIC AIR CONTAMINANT PUBLIC HEALTH RISKS-
PUBLIC NOTIFICATION AND RISK REDUCTION
RULE 19.3 – EMISSION INFORMATION**

WORKSHOP REPORT

The San Diego County Air Pollution Control District (District) held a public workshop on August 15, 2019, to discuss and receive input on the draft proposed amendments to Rule 1210 – Toxic Air Contaminant Public Health Risks-Public Notification and Risk Reduction, and Rule 19.3 – Emission Information. A meeting notice was mailed to each permit holder, applicant, registration holder, chamber of commerce in the region, interested parties through the County of San Diego’s electronic mail service, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), other interested parties, and posted on the District’s website.

The workshop was attended by 30 people. The comments and District responses are provided below:

1. WORKSHOP COMMENT

How are cancer potency values for different chemicals determined?

DISTRICT RESPONSE

The state Office of Environmental Health Hazard Assessment (OEHHA) relies on toxicity data in the scientific literature and uses this data to determine the cancer potency values. OEHHA does not conduct the toxicity studies themselves.

2. WORKSHOP COMMENT

What is the process in other states, and how do they compare with California’s process? Are there chemicals that different states have with different cancer potency values? Or processes that result in higher risk in California than in other states (like the recently revised health risk assessment (HRA) procedures)?

DISTRICT RESPONSE

Very few states have programs like California’s Air Toxics “Hot Spots” Program. Most follow federal regulations. HRA’s are conducted similarly throughout the nation, and some health values are taken from the federal IRIS database. There are many conservative and health protective assumptions in performing HRAs. OEHAA doesn’t expect more than a two-fold change in risk numbers from the procedures revised in 2015, and that is only for sources that have children receptors (if a source doesn’t have many children as receptors, the numbers aren’t expected to change much).

3. WORKSHOP COMMENT

As the District looks are more facilities, do you expect the number of sources that might be above 10 per one million will increase, decrease, or stay the same?

DISTRICT RESPONSE

Until the analysis is done, it is unknown how that number may change.

4. WORKSHOP COMMENT

Why do different air districts have different risk reduction thresholds? Is there some flexibility in the program to choose the risk reduction threshold?

DISTRICT RESPONSE

The “Hot Spots” regulation requires sources with a significant risk to reduce that risk but did not define what was significant. As districts determined what they would consider significant, political considerations in how it might affect the economy may have played a role in what the districts choose. When OEHHA first developed HRA guidance for this program, they gave a range for significant from 10 to 100 per one million for cancer risk, and districts tended to pick a number in that range.

5. WORKSHOP COMMENT

From an older table from CARB (California Air Resources Board), 13 districts have no threshold, 11 use 10 per one million, 1 uses 20 per one million, 2 use 25 per one million, and some have 100 per one million. It seems that the districts with no threshold or with 10 per one million are all smaller, rural districts that may not have had high risk sources.

DISTRICT RESPONSE

That is what happened with the Sacramento Metropolitan air district and may have happened with the other districts.

6. WORKSHOP COMMENT

Has OEHHA re-analyzed the significant cancer risk range they originally proposed?

DISTRICT RESPONSE

OEHAA has not revisited that topic, as no one has requested them to do so.

7. WORKSHOP COMMENT

Is the one Rule 1210 presented with a risk reduction threshold of 10 in one million a placeholder for the options the Board asked you to provide, and may change upon further evaluation?

DISTRICT RESPONSE

Yes, that is correct. The District will reach out to the potentially affected sources to see if the analysis of risk was correct, and to discuss what they might do to meet the different thresholds presented at the workshop, and what those costs might be. This information will be used to inform the options to be presented at the second workshop and to the Board. Additionally, the District will need to make a recommendation to the Board, and this information will help determine the recommendation.

8. WORKSHOP COMMENT

Will this additional information be available before the comment period is over?

DISTRICT RESPONSE

Most likely not. Getting cost information can be time consuming – vendors may not be willing to provide estimates if they do not think they will make a sale (this issue is faced by all air districts in many permitting actions). The additional information should be available for the second workshop.

9. WORKSHOP COMMENT

Will this rule only affect existing sources, as new sources are subject to Rule 1200 and will have T-BACT (Toxics Best Available Control Technology)? And if the threshold is lowered, and existing, older facilities will need to install additional controls – many of them do not have the space that additional controls would need.

DISTRICT RESPONSE

That is correct. There is a corollary rule, Rule 1200, that applies to new and modified sources under the permitting program. Rule 1200 is based on what the source is allowed to emit, while Rule 1210 is based on what the source actually emits. Rule 1200 requires equipment above 1 in one million to be equipped with T-BACT and limits the total allowed emissions from a project to not exceed 10 in one million. The District understands the space needs for controls, and that is part of the analysis about technical feasibility and cost – space constraints affects the feasibility and leads to increased costs.

10. WORKSHOP COMMENT

Have you reached out to the 10 sources that might be affected, and how do I know if my facility is one of them?

DISTRICT RESPONSE

Originally, e-mails were sent to approximately 18 sources. If you did not receive an e-mail, you are not one of the potentially affected sources. The 10 remaining sources have not yet been notified.

11. WORKSHOP COMMENT

From attending the Board meeting where they directed the District to re-evaluate the cancer risk reduction threshold, it appears many people equated lowering the risk reduction threshold from 100 to 10 would save 90 lives, so how can you not do it? We need to find a way to educate the Supervisors and public about risk vs. actual cancer cases.

DISTRICT RESPONSE

The District agrees with this comment and welcomes a discussion about the best way to communicate what risk means.

12. WORKSHOP COMMENT

For the proposal to add toxic sources to the emission inventory in Rule 19.3, why are there no thresholds for reporting? The new CARB CTR regulation includes thresholds for reporting.

DISTRICT RESPONSE

Proposed amended Rule 19.3 is based on the facility's prioritization score under the Air Toxics "Hot Spots" Program, so it is already known which facilities are in Category A (sources which have to do a HRA) and which are in Category B (sources which might be asked to do a HRA). The District would be notifying the affected facilities covered by this, so facilities will not need to determine this on their own.

13. WORKSHOP COMMENT

Will the District need to add staff to review the additional HRAs and emission inventories?

DISTRICT RESPONSE

The District is currently in the budget process and might need to add one additional staff to help with this work. As we charge sources for reviewing HRAs, the position would at least be partially supported by those fees, but this position has not yet been approved.

14. WORKSHOP COMMENT

When will the District go back before the Governing Board?

DISTRICT RESPONSE

The Board has asked us to come back by April 2020.

15. WORKSHOP COMMENT

The schedule for rule development is too aggressive and additional time is needed to explore options, technical feasibility, and cost effectiveness components. The District should go to the Board before April 2020, with a proposal and plan (not a rule), and ask for an extension to finalize the rule amendments.

DISTRICT RESPONSE

While the schedule is shorter than you typically see for rule amendments, the District believes there is sufficient time to accomplish the review. However, the progress will be monitored, and if an extension is warranted, the District will consult with stakeholders about the best way to approach the Board to request such an extension.

16. WORKSHOP COMMENT

It is premature to suggest a risk reduction threshold of 10 in one million until the district can analyze the data and it can be demonstrated that methods to achieve this are available, proven and cost effective.

DISTRICT RESPONSE

The 10 in one million threshold in the rule language released for the workshop was simply a placeholder for the options that were presented. The District will present options to the Board for their consideration about what the appropriate health protective threshold should be. The District is considering options for sources who have done all they can reasonably do but cannot meet a threshold due to technical or economic issues, and plans to discuss potential options at the second workshop.

17. WORKSHOP COMMENT

As part of the discussions at workshops and with decision makers, it would be helpful if the District acknowledges the reductions that existing regulations have done and that stationary sources only contribute less than 3% of the toxic emissions in the county.

DISTRICT RESPONSE

The District agrees with this comment and plans to include this information when discussing the proposed amendments with stakeholders and decision makers.

18. WORKSHOP COMMENT

The District needs to provide economic information and justification for the proposed threshold(s); provide options, and properly analyze impacts to the affected facilities. Industry is available and ready to provide technical and cost data to help the District develop an achievable and effective plan.

DISTRICT RESPONSE

While air toxics rules do not look at cost effectiveness like criteria pollutant rules, the District agrees that cost information and analysis will be important to the Board and appreciates industry's willingness to help collect and provide that information.

19. WORKSHOP COMMENT

The rule should consider a voluntary measure option similar to the South Coast AQMD Rule 1402 that allows opting into risk reduction before it is required.

DISTRICT RESPONSE

The District has researched the South Coast AQMD's voluntary risk reduction option and determined this is for sources who trigger public notification but not risk reduction, as an incentive to reduce risk when it is not required, by lessening the notification requirements so long as the source can reduce the risk below the notification threshold within two and one half years. The District agrees that this could incentivize risk reductions that might otherwise not happen and plans to include it in the options to be discussed at the second workshop.

20. WORKSHOP COMMENT

The District should consider an incremental implementation of the risk reduction threshold, to give the District and industry some flexibility should OEHHA again change the guidance on performing HRAs.

DISTRICT RESPONSE

Existing Rule 1210 allows up to 10 years, if needed, for a source to reduce their risk below the risk reduction threshold. Most facilities should be able to meet this timeline. However, for those that may not be able to meet this timeline, the District plans to include an allowance for facilities that have done what they can do to reduce their risk additional time for the technology to become available to reach the risk reduction threshold.

21. WORKSHOP COMMENT

The District should consider risk based on average emissions over several years because operations and emissions vary from year to year. As this is a lifetime cancer risk, using an average would make sense.

DISTRICT RESPONSE

The District will consider this approach and will discuss this with OEHHA.

22. WORKSHOP COMMENT

For risk reduction, the District should consider a staggered schedule and a clear off-ramp once a facility has tried all available and cost-effective measures to reduce risk. Example: five years to get to X in a million; five more years to get to Y in a million. This should be part of the proposal in April.

DISTRICT RESPONSE

See response to Comment #20.

23. WORKSHOP COMMENT

What will happen if an affected facility, after implementing all feasible measures, is unable to bring their risk below the threshold?

DISTRICT RESPONSE

See response to Comment #20.

24. WORKSHOP COMMENT

If risk reduction is triggered, facilities that have already invested in voluntary risk reduction measures should receive credit.

DISTRICT RESPONSE

As a facility that triggers risk reduction must reduce their risk below the reduction threshold, regardless of any reductions that were made in the past, it is unclear what credit could be given except for acknowledging the prior reductions and realizing there is less they would need to do now.

25. WORKSHOP COMMENT

If toxics control (T-BARCT?) is not financially feasible, the facility should receive an exemption for 5-10 years and then review and reassess T-BARCT.

DISTRICT RESPONSE

See response to Comment #20.

26. WORKSHOP COMMENT

The District should evaluate whether the resources that would be spent by industry to control stationary sources would be better spent reducing emissions from mobile sources. Would that not provide a much greater benefit in terms of risk reduction? Note that other facilities, such as distribution centers, have much higher emissions/risks that are not highlighted because they are not captured by AB2588.

DISTRICT RESPONSE

While a case could be potentially made that mobile source reductions would lead to better overall public health, the intent of the Air Toxics “Hot Spots” Program is to find stationary sources that are causing elevated risks to the surrounding population and have those with a high risk notify the affected population and those with significant risk reduce that risk. It should also be mentioned that one requirement of AB423 is to have the District consider adopting an Indirect Source Review rule that might look to control emissions from sources such as distribution centers.

27. WORKSHOP COMMENT

How is “feasible” and “reasonable” determined? We agree these terms should not be defined in the rule, but this should be considered and discussed in the District’s plan. For example, if a facility spends \$500,000 to reduce estimated cancer risk by one, is that reasonable?

DISTRICT RESPONSE

Rule 1210 currently contains guidance on determining feasibility and reasonableness (see, for example, Subsections (e)(3) and (e)(4)), and the District is willing to discuss this guidance with any interested stakeholders.

28. WORKSHOP COMMENT

The “return on equity” concept should be removed. Use of this concept would result in widely disparate ideas of what is “economically feasible.” Regulation language currently defines reasonable as not greater than 10% of the average return on equity. How much is that for a large world-wide manufacturing company? How much is that for a public agency or the Navy?

DISTRICT RESPONSE

The District agrees and plans to replace the “return on equity” concept with one that is easier to understand and more applicable to both industrial facilities and government agencies.

29. WORKSHOP COMMENT

The currently proposed 15-month implementation schedule is overly ambitious and not consistent with other districts.

DISTRICT RESPONSE

The District agrees that this would not be consistent with other districts’ rules. The District will consider if such an implementation schedule is needed or not.

30. WORKSHOP COMMENT

Consider including an exemption for emergency engines which would be consistent with other large districts’ risk rules.

DISTRICT RESPONSE

The District will consider this.

31. WORKSHOP COMMENT

Consider adding definitions of “High” and “Medium Priority” facilities to the rule.

DISTRICT RESPONSE

These terms are not proposed to be used in either Rule 1210 or 19.3. Proposed amended Rule 19.3 does refer to Category A and Category B facilities, and references those to the District's Air Toxics "Hot Spots" Prioritization Procedure, so it appears that separate definitions would not been needed.

JS:jl
01/22/20

**AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO**

**DRAFT PROPOSED AMENDMENTS TO
RULE 1210 – TOXIC AIR CONTAMINANT PUBLIC HEALTH RISKS-
PUBLIC NOTIFICATION AND RISK REDUCTION
RULE 19.3 – EMISSION INFORMATION**

2ND WORKSHOP REPORT

The San Diego County Air Pollution Control District (District) held a second public workshop on January 30, 2020, to discuss and receive input on the draft proposed amendments to Rule 1210 – Toxic Air Contaminant Public Health Risks-Public Notification and Risk Reduction, and Rule 19.3 – Emission Information. A meeting notice was mailed to each permit holder, applicant, registration holder, chamber of commerce in the region, interested parties through the County of San Diego’s electronic mail service, the U.S. Environmental Protection Agency (EPA), the California Air Resources Board (ARB), other interested parties, and posted on the District’s website.

The workshop was attended by 43 people. The comments and District responses are provided below:

1. WORKSHOP COMMENT

What is your prediction for the number of facilities that will be impacted by the updated list of toxic air contaminants and changing the risk threshold?

DISTRICT RESPONSE

The State Office of Environmental Health Hazard Assessment (OEHHA) and ARB are looking to update the list of Toxic Air Contaminants (TAC) that should be included in the Hot Spots Program. There is no information on what the risk values will be for all of these compounds. The District does not require facilities to test for every chemical on the current pollutant table – only the ones we know are emitted are required to be reported. This update could have an impact on facilities’ risk values but at this time we cannot know how much of an effect.

2. WORKSHOP COMMENT

The State has told us they are working hard to develop risk values, and, in some cases, they will estimate these values based on years of health data from similar compounds. It seems like there are very few facilities above these proposed thresholds. Why would the County of San Diego be looking to change these thresholds with all this uncertainty in the coming years when San Diego is in a satisfactory state?

DISTRICT RESPONSE

The San Diego County Air Pollution Control Board (Board) is concerned that having the highest cancer risk reduction threshold in the State is not doing all that can be done to protect the residents in the County. The Board asked the District to evaluate lowering that threshold and present them options to consider. One of these options is to keep the same risk thresholds. Ultimately this decision is up to the Board.

3. WORKSHOP COMMENT

I think the report to the Board should also discuss how risk increased by a factor of 2.7 due to the last OEHHA change. Is it possible to list a potential cost to all the facilities in the County of San Diego?

DISTRICT RESPONSE

Reducing risk to neighborhoods will be vastly different for each type of facility. Some facilities, like landfills, can have formaldehyde controls where the cost is already known. For other facilities, moving the source to a different part of their site can reduce their risk. Facilities in other parts of the State have purchased the houses where the risk exceeds the threshold. Because there are many options, the District cannot do a specific cost analysis. The Board wants to choose the option that protects both public health and industry, and the report will include typical costs of controls the sources may select for the common emissions that drive the risk.

4. WORKSHOP COMMENT

Regarding the technology option, does the District have examples of what reduction in risk it expects to see if someone took a Toxics-Best Available Retrofit Control Technology (T-BARCT) extension?

DISTRICT RESPONSE

It is unknown what level of reductions T-BARCT would provide. The Bay Area Air Quality Management District structured their rule to say that facilities must reduce their risk below the threshold in five years, show they need 10 years or show that they meet T-BARCT, but has not had any facility meet the T-BARCT option yet. Some sources may have the potential to take advantage of this program. The District's existing rule is silent about what happens if the facilities fail to reduce risk in 10 years, and this is for the facilities that are doing their best to reduce risk and adapt to technology that becomes available in the next 10 years. Allowing facilities to keep doing what they are doing while reducing as much risk as they can. T-BARCT will be different for different emission sources. The District is proposing a biannual review for the rule, to ensure facilities are continuing to do all they can to reduce risk.

5. WORKSHOP COMMENT

Earlier, you were saying the T-BARCT extension is not facility-specific but process-specific. Is my understanding accurate?

DISTRICT RESPONSE

This would be an option if the facility cannot get below the reduction threshold. The specific units at a facility (a facility may have one unit or a thousand units) that are above the risk threshold are the units that must have T-BARCT.

6. WORKSHOP COMMENT

What would happen in a situation where a facility has multiple processes that are over the threshold, and they add controls to one of these processes but not the others?

DISTRICT RESPONSE

First, the District would look at the total risk from the facility to see if they are above the threshold. If the facility is above the threshold, all the sources above 1 in a million would be reviewed. If all of those sources above 1 in a million have T-BARCT, then they comply with the extension.

7. WORKSHOP COMMENT

If the facility has 20 other units that are above the threshold without T-BARCT, will the units they have that are T-BARCT be taken into consideration with granting them an additional five years? I understand we do not want to put people out of business, but at what point should we?

DISTRICT RESPONSE

At that point, the facility has already had 10 years to reduce the risk of each process above 1 in a million below the threshold. Every two years after that, the facility will be evaluated to determine what is considered T-BARCT now and is that being implemented. This is not to put people out of business but still move them towards lowering their risk. Companies that are not doing what they can to lower their risk will be found in violation. Evaluating these facilities every two years will likely force the technology because facilities will be asking vendors to help them out with their situation. The vision is for facilities to keep working to reduce their risk and force them to keep moving in that direction.

8. WORKSHOP COMMENT

Where did the two-year review come from? Having been in the review cycle, we feel two years is too short as the review process can take around a year.

DISTRICT RESPONSE

The District wants to ensure that facilities keep marching towards having their facility reach the risk threshold. The District feels that five years is too long and one year is too frequent but ultimately, it is up to the Board.

9. WORKSHOP COMMENT

Will there be any chance for offsets to lower risk, for example, providing funds to decrease mobile sources?

DISTRICT RESPONSE

It would have to be proven that the project being funded is lowering the risk for the surrounding neighborhoods that is impacted by the stationary source. The purpose of the Hot Spots Program is to lower the risk from the stationary source operation to a specific population, and currently there are no provisions to include mobile source reductions.

10. WORKSHOP COMMENT

It looks like there are four options. Will these be going directly to the Board or is there a staff report that will accompany the options?

DISTRICT RESPONSE

The District will be preparing a Board Letter (similar to a staff report) that will be discussing the options and the workshop. Board Letters must accompany anything going to the Board to explain to them what is going on. The Board specifically asked the District to see if the risk should be lowered and to give them options. The District will notify everyone 30 days before the Board meeting with the Board Letter.

11. WORKSHOP COMMENT

For the proposed Voluntary Risk Reduction Program, how will the District enforce facilities to reach and stay under 10 in one million?

DISTRICT RESPONSE

The District has built into the rule what needs to go into a source's commitment to obtaining this goal. First, it must be agreed that the source can realistically make those reductions in two and a half years and it would become a permit condition. If the source is not able to get below 10 in one million, it would have to apply to get that condition modified and it would have to fully comply with Hot Spots and do notifications. Going forward, the District would check the source's risk every year or every two years to make sure it is below 10. If it stays below 10, it is good. If it goes above 10, it has two and a half years to get back down through reductions or changes to the Health Risk Assessment (HRA). If the source gets back down below 10, it can reenter the Voluntary Risk Reduction Program.

12. WORKSHOP COMMENT

The first purposed change to Rule 1210 states, "or as required by the Air Pollution Control Officer". Do other districts have this in their rules or are they on their way to changing this? Also, can the District describe a scenario where this part of the rule would be utilized?

DISTRICT RESPONSE

That language was added into Rule 1210(a) to be specifically clear that the District is going to look at inventories on an annual or biannual basis. If that language was not added, the District would have been forced to use the Hot Spots wording which would only allow inventory every four years.

13. WORKSHOP COMMENT

I wanted to confirm that emergency operations are excluded from risk reduction measures.

DISTRICT RESPONSE

For facilities that only have diesel emergency engines, the District will only look at those on an industry-wide level and those facilities are exempt from Rule 1210. If the facility does not meet this exemption, the District will only quantify the non-emergency usage. In other words, emergency use is not punished in Hot Spots.

14. WORKSHOP COMMENT

Is construction equipment considered routine maintenance? What about the maintenance of the buildings?

DISTRICT RESPONSE

Yes, it is included if a construction company builds things onsite. If a shipyard business builds ships, that is also included. If a business is expanding and it needs additional warehouses, the building of the warehouses is not part of the stationary source activities. Maintenance is included in stationary source activities.

15. WORKSHOP COMMENT

Rule 1210(d)(12) says if a public meeting is required, it takes place 90 days after the public notification. My understanding of the process is that the public will notify the District of their interest, and the District will then determine if a public meeting is required. Could this language be changed so that the start date is the day the District determines the public meeting is required? Setting up these meetings can be quite time-consuming. I am worried that the District might take 50 or 60 days, then the facility is only left with 30 days to set up the meeting.

DISTRICT RESPONSE

The District would not spend 50 days to determine a public meeting. Comments are received within 30 days and the District would know within a week if a public meeting would be required. Typically, if a facility is trying to decide if a public meeting is needed, it should prepare for one because the District tends to default to a public meeting.

16. WORKSHOP COMMENT

Construction or adding on controls can require additional permits from other agencies if the controls require additional buildings. There should be some consideration if it is known that a facility will need to get a CEQA permit that could take three years

DISTRICT RESPONSE

This situation can be considered in allowing more than five years to reach the threshold. The District will have to consider if it will want to allow a total of more than 10 years for risk reduction.

17. WORKSHOP COMMENT

The voluntary risk reduction plan allows changes to be made after the plan is approved. Request language be added to avoid situations where the District may require changes to the plan after the facility has invested resources in procuring emission control equipment.

DISTRICT RESPONSE

If the District becomes aware of new information that should be included into the plan, this will be first discussed with the facility before requiring the plan be approved. For instance, if the new information shows the risk is higher than previously determined, the existing plan may not get the reduction that is needed. If the information shows an easier or less costly method of achieving the reductions, then it would be up to the facility if they want to take advantage of that method.

18. WORKSHOP COMMENT

We recommend that the language in Rule 1210(d)(3)(x)(A) read as “2015 or subsequent updates” or “current OEHHA guidelines”.

DISTRICT RESPONSE

The District agrees and has made that change.

19. WORKSHOP COMMENT

Facilities and the District should get a longer review period for preparing the required public notice. Especially for first-time notifiers, as it might take a while to come to a consensus on how to communicate risk without causing undue alarm.

DISTRICT RESPONSE

While it is important to ensure the notice is factual but does not cause undue alarm, a timeline is needed to ensure the noticing occurs in a timely manner.

20. WORKSHOP COMMENT

Currently, we are only allowed to use direct mail for notifications. Would it be possible to add “or by any means of electronic communication that is found to be acceptable by the District,” into the rule?

DISTRICT RESPONSE

While there has been a trend towards electronic notification for general public notices, this has not happened for directly notifying individuals, as is required by Rule 1210 and also by AB3205 school noticing (for notifying the addresses within 1000 feet of the emission source). For electronic communication to be effective, you would need the emails (or some other electronic method of communicating) of all members of each affected household and all employees of affected businesses. This could be viewed as intrusive and could take longer gathering all this extra information from private citizens. The District will monitor advances in electronic communication

to see if this could work in the future, but at the present time, it would not comply with the State law (California Health and Safety Code Section 44362(b)) that Rule 1210 implements.

21. WORKSHOP COMMENT

We recommend changing the requirement to prepare and distribute a health risk assessment summary from the current timeframe of “...within 30 days of such request...” to “...within 30 days of being notified by the Air Pollution Control Officer of such request...”. Additionally, we recommend the summary be approved “...prior to distribution...” rather than the current language of “...in advance...”. These changes are because the requests will be sent to the District, and the District then sends them to the facility, so giving the facility the full 30 days to prepare and have approved the summary is appropriate. Similarly, not requiring the summary to be prepared prior to a request being made will save resources if no request is made.

DISTRICT RESPONSE

The District agrees and has made that change.

22. WORKSHOP COMMENT

We recommend changing the requirement to hold a public meeting be changed from “...within 90 days after public notification...” to “...within 90 days of the Air Pollution Control Officer notifying the owner or operator of the requirement to hold a public meeting...”. As the facility will not know if a meeting has been requested, or if a meeting will be required, until after the District makes that determination, and that determination will be made after the close of the 30 day period to request a meeting, any delay by the District in making the determination will give less time to the facility to prepare for and schedule the public meeting.

DISTRICT RESPONSE

The District agrees and has made that change.

23. WORKSHOP COMMENT

IEA believes no change in risk threshold is necessary. In the past, when OEHHA reevaluated risk values for pollutants, the risk for certain facilities increased by a factor of about 2.7 while the facilities did not increase emissions at all. The more that is learned about the risk of compounds, the risk thresholds are effectively lowered. San Joaquin Valley’s risk threshold will remain at 100 in one million and we believe San Diego should too.

DISTRICT RESPONSE

Thank you for your comment.

24. WORKSHOP COMMENT

T-BARCT should not be required if it has been determined that implementing T-BARCT is technically infeasible to reduce risks below the significant risk mitigation level.

DISTRICT RESPONSE

T-BARCT means the most effective emission limitation, or retrofit emission control device or control technique, which:

That has been achieved in practice for that source or category of source; or

Is any other emissions limitation or retrofit control technique found by the APCO to be technologically feasible for that source or category of source, or for a specific source, while taking into consideration the cost of achieving health risk reduction, any non-air quality health and environmental impacts, and energy requirements. If there is an applicable Maximum Achievable Control Technology (MACT) standard, the APCO shall evaluate it for equivalency with T-BARCT.

In other words, T-BARCT is limited to controls or reductions that have been achieved in practice and can feasibly be applied to existing units. Additionally, T-BARCT is only applicable if there is a technological reason why the facility, as a whole, cannot reduce below the risk reduction threshold to show individual emission sources at the facility are as well controlled as they can be.

25. WORKSHOP COMMENT

We recommend having a quadrennial review instead of a biannual review as it takes time for facilities to research new effective technology and after this, it will take time for the District to review.

DISTRICT RESPONSE

The District agrees that the proposed two-year review cycle may be too short but feels a four-year review cycle is too long, so the District has changed the requirement to a three-year review cycle.

26. WORKSHOP COMMENT

Why is the District using the SIC codes rather than the NAICS codes?

DISTRICT RESPONSE

The District continues to use SIC codes within the emissions inventory as ARB still requires them to be submitted. However, as there is no need to submit either SIC codes or NAICS codes with a risk reduction audit and plan, the requirement to submit the facility's SIC codes with this plan has been removed.

27. WORKSHOP COMMENT

Facilities should be allowed to submit an HRA documenting risk below the Risk Reduction Plan Threshold as an alternative to the implementation of a Risk Reduction Plan.

DISTRICT RESPONSE

The requirements from Rule 1210 that apply to a facility are based on the most recently approved HRA. Therefore, if a facility is in the midst of implementing a required risk reduction plan but performs a new HRA (due to changing conditions at the facility), and this new HRA is approved and shows the facility is now below the risk reduction threshold, then the facility can request to stop implementing the plan. If the District agrees that continued implementation of the plan is not needed for the facility to remain below the risk reduction threshold, then the facility can stop implementing the plan. As this is how the District currently implements the rule, no additional language needs to be added to Rule 1210.

28. WORKSHOP COMMENT

The District should consider risk based on average emissions over several years. "Lifetime" cancer risk using averaged emissions would make sense.

DISTRICT RESPONSE

The District is considering this approach and has started discussions with OEHHA. Note that no changes to Rule 1210 would be needed to incorporate this concept, if the District and OEHHA determine it is appropriate, as Rule 1210 does not specify how the HRA is performed

29. WORKSHOP COMMENT

The District should evaluate whether the resources that would be spent by industry to control stationary sources would be better spent reducing emissions from mobile sources.

DISTRICT RESPONSE

See response to Comment #9 of this Workshop Report, and response to Comment #26 in the *first* Workshop Report.

30. WORKSHOP COMMENT

The currently proposed 15-month implementation schedule is overly ambitious and not consistent with other districts.

DISTRICT RESPONSE

The District agrees and has removed the previously proposed schedule prior to this second workshop.

31. WORKSHOP COMMENT

We are in favor of switching to 10 in one million for the Risk Reduction Threshold.

DISTRICT RESPONSE

Thank you for your comment.

32. WORKSHOP COMMENT

Regarding the proposed voluntary risk reduction option. While the District is in favor of incentivizing facilities to reduce risk when it is not otherwise required to be reduced, it opposes circumventing the public's right to know what is impacting them. If a facility is over the public notification threshold, they should do the full public notice. If the District wants to incentivize the facility to make reductions, another way to do this should be found.

DISTRICT RESPONSE

This option is only for facilities that are above the public notification threshold, but below the risk reduction threshold, and therefore is only included in rule Options 2, 3, and 4 (as Option 1 uses the same threshold for both, there is no place for this option). There is no legal requirement for these facilities to reduce the risk they potentially pose, only notify the affected people once every 2 years. If a facility chooses this option, they are committing to reducing their risk below the notification level within two and a half years, and the public notification would be done via the District's website – this will not be done without a public notification.

POST-WORKSHOP CHANGES

Change #1: The District has decided to include the toxic air contaminant inventory requirements previously proposed to be in Rule 19.3, to be included in proposed amended Rule 1210. This is to keep the toxic air contaminant requirements within Rule 1210 and preserve Rule 19.3 for criteria pollutant inventories. New section (g) in proposed amended Rule 1210 has been added, along with necessary revisions to sections (a), (d) and (e).

Change #2: The District has decided to re-order the numbering of different options for the risk reduction threshold, as follows:

New Option Number	Risk Reduction Threshold	Old Option Number
1	10 in one million	4
2	25 in one million	3
3	50 in one million	2
4	100 in one million	1

Further discussion of option numbers in this post-workshop changes section will refer to the new numbering system.

Change #3: Pursuant to Comment #18, above, subsection (d)(4)(x)(A) in Options 2, 3, and 4, has been amended to read "...about the 2015, *or subsequent*, update to the...". Note that this relates to the Voluntary Risk Reduction Program requirements that are not included in Option 1.

Change #4: Pursuant to Comment #21, above, subsection (d)(11) in Option 1 and (d)(12) in Options 2, 3, and 4, has been amended to read "...within 30 days of *being notified by the Air Pollution Control Officer of* such requests..." and "...shall be approved ~~in advance~~ by the Air Pollution Control Officer *prior to distribution* and shall...".

Change #5: Pursuant to Comment #22, above, subsection (d)(12) in Option 1 and (d)(13) in Options 2, 3 and 4, has been amended to read "...within 90 days *of the Air Pollution Control Officer notifying the owner or operator of the requirement to hold a public meeting. after public notification.*".

Change #6: Pursuant to Comment #25, above, subsection (e)(6)(v) in all Options has been amended to read "...re-evaluated on a *triennial biennial* basis to determine...".

Change #7: Pursuant to Comment #26, above, subsection (e)(7)(i) in all Options has been amended to read "The name; *and* location ~~and standard industrial classification (SIC) code~~ of the stationary source."