

**RULE 1210. TOXIC AIR CONTAMINANT HEALTH RISKS –
PUBLIC NOTIFICATION AND RISK REDUCTION**
(Rev. Adopted & Effective February 13, 2025)

(a) **APPLICABILITY**

This rule is applicable to each existing stationary source required to prepare a health risk assessment, as determined by the Air Pollution Control Officer pursuant to the priority system and procedures set out in Section 44360 of the California Health and Safety Code.

(b) **EXEMPTIONS**

The provisions of Section (d) Public Notification and Public Meeting Requirements and Section (e) Risk Reduction Audits and Plans shall not apply to stationary sources for which industry-wide health risk assessments are prepared by the Air Pollution Control Officer pursuant to Section 44323 of the California Health and Safety Code.

(c) **DEFINITIONS**

(1) **"Airborne Toxic Risk Reduction Measure(s)"** means physical or operational changes or control measures implemented at a stationary source that reduce or eliminate toxic air contaminant emissions and associated health risks, whose reductions are real, permanent, quantifiable, and enforceable through District permits or permit conditions. Airborne toxic risk reduction measures may include changes in production processes, feed stock modifications, product reformulations, production system modifications, system enclosures or relocations within the facility, removal from service, emissions capture, emissions control, emissions conversion, or modifications to operational standards or practices. Airborne toxic risk reduction measures do not include measures which will result in an increased health risk to the public from exposures to the toxic chemical in another media.

(2) **"Best Available Retrofit Control Technology for Toxics (T-BARCT)"** means the most effective emission limitation, or retrofit emission control device or control technique, which:

(i) has been achieved in practice for that source or category of source; or

(ii) is any other emissions limitation or retrofit control technique found by the Air Pollution Control Officer to be technically feasible for that source or category of source, or for a specific source, while taking into consideration the cost of achieving health risk reductions, any non-air quality health and environmental impacts, and energy requirements.

(3) **"Cancer Burden"** means the estimated increase in the occurrence of cancer cases in a population subject to an individual cancer risk of equal to or greater than one in one million resulting from exposure to toxic air contaminants.

(4) **"Emissions Inventory Report"** means a document that identifies and describes sources of toxic air contaminant emissions at a stationary source, characterizes the nature of the discharge of such contaminants, and quantifies the types and amounts of toxic air contaminants emitted from each source.

(5) **"Emissions Inventory Year"** means the year in which the emissions occurred and for which an emissions inventory is required pursuant to California Health and Safety Code Section 44340 et seq.

(6) **"Emission Unit"** means the same as defined in Rule 2 – Definitions.

(7) **"Health Risk Assessment"** means a detailed comprehensive analysis prepared pursuant to Section 44361 of the California Health and Safety Code to evaluate and predict the dispersion of hazardous substances in the environment and the potential for exposure of human populations and to assess and quantify both the individual and population wide health risks associated with those levels of exposure.

(8) **"Individual Substance Acute Health Hazard Index"** means, for each air contaminant, the ratio of the maximum estimated concentration of that contaminant in the ambient air for the specified averaging time for a given acute health effect to the applicable reference exposure level for that contaminant for the same averaging time.

(9) **"Individual Substance Chronic Health Hazard Index"** means, for each air contaminant, the ratio of the maximum estimated concentration of that contaminant in the ambient air for the specified averaging time for a given chronic health effect to the applicable reference exposure level for that contaminant for the same averaging time.

(10) **"Industry-Wide Health Risk Assessment"** means a study to identify, characterize, and quantify the health risks that may result from emissions of toxic air contaminants from a class of stationary sources which the Air Pollution Control Officer finds meets all of the following:

(i) All stationary sources within the class fall within one four-digit Standard Industrial Classification (SIC) Code.

(ii) Individual preparation of emission inventory reports and health risk assessments would impose severe economic hardships on the majority of stationary sources within the class.

(iii) The majority of the class is composed of small businesses.

(iv) Releases of toxic air contaminants from individual stationary sources in the class can easily and generically be characterized and calculated.

(11) **"Isopleth"** means the boundaries of the area that is exposed to health risks at or above the significant risk threshold(s)

(12) **"Maximum Individual Cancer Risk"** means the estimated probability of a maximally exposed individual contracting cancer as a result of exposure to toxic air contaminants emitted from a stationary source.

(13) **"Prioritization Score"** means a value indicative of a stationary source's toxic air contaminant emissions strength, arrived at by utilizing emissions data contained in an approved emission inventory report, air contaminant toxicity data recommended by the state Office of Environmental Health Hazard Assessment, and a calculation methodology established by the Air Pollution Control Officer. Separate prioritization scores are determined for toxic air contaminants with the potential for causing carcinogenic effects, noncarcinogenic acute effects, and noncarcinogenic chronic effects.

(14) **"Risk Reduction Audit and Plan"** means a study prepared by the owner or operator, or representative, of a stationary source which identifies sources and emissions of toxic air contaminants at the stationary source that contribute to the exceedance of the significant risk threshold(s) and which proposes airborne toxic risk reduction measures that are sufficient to reduce health risks from such emissions to below the significant risk threshold(s).

(15) **"School"** means any public or private school used for the education of more than 12 children in one or more grades from preschool through grade 12, but does not include any school in which education is primarily conducted in a private home.

(16) **"Sensitive Receptors"** include hospitals, healthcare facilities (e.g., community clinics) schools, day care facilities, elderly housing and convalescent facilities, libraries, and other facilities where the occupants are more susceptible to the adverse effects of exposure to toxic air contaminants, as determined by the Air Pollution Control Officer.

(17) **"Significant Risk Threshold"** means any of the following health risk levels:

- (i) Except as provided in Subsection (e)(1)(ii), maximum individual cancer risks equal to or greater than 10 in one million, or
- (ii) Cancer burden equal to or greater than 1.0, or
- (iii) Total acute noncancer health hazard index equal to or greater than 1.0, or
- (iv) Total chronic noncancer health hazard index equal to or greater than 1.0.

(18) **"Small Business"** means the same as defined in California Government Code Section 11342.610.

(19) **"Stationary Source"** means the same as defined in Rule 2 – Definitions.

(20) **"Technically Feasible"** means a control technology or technique that has been achieved in practice, as determined by the Air Pollution Control Officer.

(21) **"Total Acute Noncancer Health Hazard Index"** means the estimated risk of acute health effects and is the sum of the individual substance acute health hazard indexes affecting the same target organ system for a maximally exposed individual for all toxic air contaminants emitted from a stationary source for which OEHHA has established acute noncancer health effect values pursuant to Section 44360 of the California Health and Safety Code.

(22) **"Total Chronic Noncancer Health Hazard Index"** means the estimated risk of chronic health effects and is the sum of the individual substance chronic health hazard indexes affecting the same target organ system for a maximally exposed individual for all toxic air contaminants emitted from a stationary source for which OEHHA has established chronic noncancer health effect values pursuant to Section 44360 of the California Health and Safety Code.

(23) **"Toxic Air Contaminant"** means a substance which:

(i) Is required to be included on the list of toxic substances compiled and maintained by the California Air Resources Board (ARB) pursuant to Section 44321 of the California Health and Safety Code; and

(ii) Has cancer and/or noncancer (chronic and/or acute) health effect values established by OEHHA pursuant to Section 44360 of the California Health and Safety Code.

(d) PUBLIC NOTIFICATION AND PUBLIC MEETING REQUIREMENTS

(1) The owner or operator of each stationary source for which a health risk assessment has been approved by the Air Pollution Control Officer and which risk assessment indicates health risks at or above the significant risk threshold(s), shall provide written public notice of such risks and conduct a public meeting in accordance with the provisions of Subsections (d)(2) through (d)(11).

Public notice shall be by direct mailing, to each resident, business, parent or guardian of each student, and administrators of each school, hospital, day care center, convalescent home and any other sensitive receptor within the isopleth exposed to health risks at or above the significant risk threshold(s).

(2) Within 45 days of the date of written notice from the Air Pollution Control Officer that public notification is required, the owner or operator of a stationary source shall prepare and submit to the Air Pollution Control Officer, for approval, a public notification plan. The plan shall include all of the following:

(i) A proposed public notification letter to be signed by the Air Pollution Control Officer. The proposed notification letter shall be identical in form and text to the model notification letter provided by the Air Pollution Control Officer and shall include the additional stationary source-specific information required by the model notification letter. When applicable, the proposed public notification letter shall also include information about the required public meeting, such as date and

location of the meeting and/or how the public can participate in the meeting if the meeting is virtual.

(ii) Any proposed optional stationary source informational letter to accompany the public notification letter which shall comply with the requirements of Subsection (d)(3)(iv).

(iii) Clear and readable maps with isopleths.

(iv) The name, e-mail address, and phone number of the person(s) responsible for coordinating public notification and the public meeting for the stationary source.

(v) A description of the proposed methodology, such as the use of a mailing service, for obtaining the addresses of residents and persons to be notified and for carrying out the notification process.

(vi) A list of all addresses to be included in the notification area.

(vii) A list of all schools, hospitals, day care centers, convalescent homes and other sensitive receptors to be notified and a proposal on how the owner or operator will notify businesses and/or sensitive receptors pursuant to Subsections (d)(3)(v) and (vi).

(viii) A list of the primary languages spoken by non-English speaking persons in the area to receive notification where such language is the primary language of 5% or more of the total persons to be notified in any census tract in the area to receive notification.

(ix) A proposed method, including a timeline and due date, for responding to public comments and requests.

The Air Pollution Control Officer shall approve, or revise and approve, the public notification plan within 30 days of receipt of the plan.

(3) Within 30 days of the date of written notice from the Air Pollution Control Officer of the approval of the public notification plan, the owner or operator of a stationary source shall implement the approved public notification plan. Each written public notice shall contain only:

(i) The approved public notification letter signed by the Air Pollution Control Officer.

(ii) An “Air Toxics Hot Spots Fact Sheet” and a “Public Response Survey Card” reproduced from originals provided by the Air Pollution Control Officer.

(iii) A copy of the maps, with the isopleths, that was submitted with the notification plan pursuant to Subsection (d)(2)(iii).

(iv) An optional stationary source informational letter that has been approved by the Air Pollution Control Officer and shall enhance and not undermine the health risk notification process. The content of the optional stationary source informational letter shall be limited to the following:

(A) A discussion of toxic air contaminants emitted, emission rates, and the reasons why the emissions occur.

(B) A discussion of steps taken by the stationary source to reduce emissions or health risks to the public.

(C) A brief and factual discussion of the health risk assessment results and the health protective assumptions of the health risk assessment.

(D) The name, e-mail address, and phone number of the stationary source contact(s) regarding the public notification, the public meeting, and the health risk assessment.

(v) For each public notification directed to a business, that the business post or circulate the District public notification letter for review by all on-site employees of the business.

(vi) For each public notification directed to a school, a request that the administrator of the school, or an assignee of the administrator, distribute notices provided by the owner or operator of a stationary source to the parents or guardians of students attending the school. The cost of such distribution shall be paid by the owner or operator.

(vii) At the option of the owner or operator, a notice to carry out the warning requirements of Section 25249.6 of the California Health and Safety Code provided such notice has been determined by the Air Pollution Control Officer not to conflict with the intent or content of the public notifications required by this rule.

(4) Multilingual notifications shall be provided by the owner or operator of a stationary source if 5% or more of the recipients within any census tract in the area to receive notification are non-English speaking. In such case, the notifications shall be provided in those languages which are the primary language of 5% or more of the total persons to be notified in that census tract.

(5) Distribution of the public notice must be conducted by the U.S. Postal Service or other postage provider. The cost of distribution of the public notice shall be paid by the owner or operator of the stationary source.

(6) Each public notification shall be mailed in an envelope supplied by the Air Pollution Control Officer and addressed to "Current Resident" of private residences, businesses, or sensitive receptors.

(7) If the owner or operator of a stationary source fails to carry out the public notification requirements, the Air Pollution Control Officer shall carry out such notification at the earliest possible date. All District costs of such notification shall be paid by the owner or operator.

(8) The owner or operator of a stationary source shall provide subsequent public notification annually, in accordance with the procedures of this rule and shall include the status of the risk reduction plan, when applicable, in the notification. The owner or operator may cease annual public notification upon demonstrating, to the satisfaction of the Air Pollution Control Officer, that health risks have been reduced to below the significant risk threshold(s) or the owner or operator is not required by the Air Pollution Control Officer to prepare a health risk assessment based on the most recent prioritization score.

(9) Within 15 days of the date of distribution of public notification materials, the owner or operator of a stationary source shall submit to the Air Pollution Control Officer proof of distribution which shall include:

- (i) the addresses included in the mailing and receipts from the U.S. Postal Service or other postage provider, and
- (ii) a copy of all information provided by the owner or operator to the public pursuant to the notification requirements of this rule, and
- (iii) a description of how the owner or operator notified businesses and/or sensitive receptors pursuant to Subsections (d)(3)(v) and (vi).

(10) Within 30 days of the initial public notification, or the annual public notification if applicable as determined by the Air Pollution Control Officer, the owner or operator of a stationary source shall conduct a public meeting, in coordination with the Air Pollution Control Officer, and shall:

- (i) Reserve a venue for the public meeting at a time that facilitates public attendance. The venue shall be located within, or if not feasible, nearby the notification area. A virtual public meeting may be conducted with approval from the Air Pollution Control Officer.
- (ii) Make all necessary arrangements for the meeting including, but not limited to, providing for audio visual equipment and personnel. Interpreters shall be present if a multilingual public notification is required pursuant to Subsection (d)(4).
- (iii) Attend the meeting to answer any questions related to the stationary source operations.
- (iv) Bear the costs, including District costs, of holding the meeting.

(11) The Air Pollution Control Officer, or designee, shall establish the agenda of the meeting, in collaboration with the owner or operator of the stationary source, and attend each public meeting to provide information regarding the Air Toxics Hot Spots Program and the results of the health risk assessment.

(e) RISK REDUCTION AUDITS AND PLANS

(1) Within 180 days of receipt of written notice from the Air Pollution Control Officer that a stationary source's most recent approved health risk assessment indicates health risks at or above the significant risk threshold(s), the owner or operator shall submit to the Air Pollution Control Officer, for completeness review and approval, a risk reduction audit and plan. For the purpose of this section, the significant risk threshold for maximum individual cancer risk shall be:

(i) equal to or greater than 10 in one million for emissions inventory years 2018 and later, or

(ii) equal to or greater than 100 in one million for emissions inventory years prior to 2018.

The risk reduction audit and plan shall comply with the requirements of Subsection (e)(2). Such risk reductions shall be accomplished within five years of the date the plan is approved by the Air Pollution Control Officer, unless an extension has been granted pursuant to Subsections (e)(4) or (e)(5).

(2) The risk reduction audit and plan submitted by the owner or operator shall be accompanied by appropriate application(s) to implement the plan and contain all of the following:

(i) The name and location of the stationary source.

(ii) A facility risk characterization which includes an updated emissions inventory report and health risk assessment, if the risk due to total facility emissions has increased to above or decreased to below the levels indicated in the previously approved health risk assessment.

(iii) The identification of all the emission unit(s) for which the owner or operator proposes to reduce toxic air contaminant emissions and the identification of the airborne toxic risk reduction measures proposed for implementation to reduce such emissions, and the anticipated emission and health risk reductions.

(iv) A schedule for implementing the proposed airborne toxic risk reduction measures within five years. The schedule shall include specific increments of progress towards implementing the airborne toxic risk reduction measures.

(v) A demonstration, including supporting documentation such as emission calculations, that the proposed airborne toxic risk reduction measures will reduce or eliminate toxic air contaminant emissions from the stationary source. The

demonstration shall be made through analogy with the approved health risk assessment for the stationary source or by submission of a revised forecast risk assessment. The demonstration also shall include any foreseeable new or increased emissions of toxic air contaminants from the stationary source and the estimated health risks resulting from such new or increased emissions during the period approved for implementation of the risk reduction audit and plan.

(vi) A schedule for providing progress reports on reductions in emissions of toxic air contaminants and estimated health risks achieved under the implemented plan. Progress reports shall include a technology review, as applicable, that provides an update on new emissions reducing technologies, and shall be provided not less frequently than within 12 months from when the plan is approved, and annually thereafter, and may be incorporated into emission inventory report updates required pursuant to Section 44344 of the California Health and Safety Code.

(3) Within 30 days of receipt of a risk reduction audit and plan submitted pursuant to Subsection (e)(2), the Air Pollution Control Officer shall provide public notice of such plan receipt and make the risk reduction audit and plan available for public review and provide for a 30-day comment period.

(4) The Air Pollution Control Officer may, upon a request pursuant to Subsection (e)(6), allow a 3-year extension for an owner or operator of a stationary source to reduce risks to below the significant risk threshold(s) provided the owner or operator has installed T-BARCT on all emission units within the stationary source contributing to the exceedance of the significant risk threshold(s).

(5) The Air Pollution Control Officer may, upon a request pursuant to Subsection (e)(6), allow subsequent 3-year extensions for an owner or operator of a stationary source to reduce risks to below the significant risk threshold(s) provided the owner or operator has implemented all technically feasible measures on all emission units within the stationary source contributing to the exceedance of the significant risk threshold(s).

(6) The owner or operator of a stationary source requesting an extension to reduce risks to below the significant risk threshold(s) shall submit the extension request to the Air Pollution Control Officer, in the manner and form prescribed by the Air Pollution Control Officer. The extension request shall include all of the following:

(i) Demonstration that T-BARCT and/or all technically feasible control measures, as applicable, have been installed or implemented on all emission units within the stationary source contributing to the exceedance of the significant risk threshold(s).

(ii) Quantification of the risk reduction that has been achieved by the implementation of T-BARCT and/or all technically feasible control measures, as applicable, from all emission units within the stationary source contributing to the exceedance of the significant risk threshold(s).

(iii) An implementation schedule which shall include dates for installation and/or implementation of all technically feasible control measures, as applicable.

The Air Pollution Control Officer may impose conditions on the approval of additional time, as necessary, to ensure that airborne toxic risk reduction measures that are technically feasible are implemented as expeditiously as possible.

(7) Within 30 days of receipt of an extension request, pursuant to Subsections (e)(4) or (e)(5), the Air Pollution Control Officer shall provide public notice of such extension request and make the extension request available for public review and provide for a 30-day comment period.

(8) At least 30 days prior to the approval of any extension request, the Air Pollution Control Officer shall conduct a public meeting to discuss the proposed extension and obtain input from the public.

(9) If the Air Pollution Control Officer finds that the risk reduction audit and plan is not approvable, the Air Pollution Control Officer shall notify the owner or operator in writing and may remand the plan to the owner or operator for further revision. An approvable plan shall be submitted by the owner or operator within 60 days of such notification. If an approvable plan is not submitted, the Air Pollution Control Officer may disapprove the plan and find the owner or operator to be in violation of this rule.

(10) The Air Pollution Control Officer may require that a risk reduction audit and plan be revised and resubmitted if the Air Pollution Control Officer receives new information regarding toxic air contaminant emissions from the stationary source or alternative airborne toxic risk reduction measures that would significantly impact or reduce risks to exposed persons. A revised plan shall be submitted by the owner or operator within 60 days of such notification.

(f) PROGRAM FEES

All costs incurred by the Air Pollution Control Officer associated with the public notification, public meeting, and risk reduction audit and plan requirements of this rule in conjunction with an affected stationary source shall be paid by the owner or operator of that stationary source in accordance with Subsection (f)(6) Toxic Hot Spots, of Rule 40 – Permit and Other Fees.