

**SAN DIEGO COUNTY
AIR POLLUTION CONTROL DISTRICT**

**DRAFT PROPOSED ADMINISTRATIVE AMENDMENTS TO
RULE 1200 – TOXIC AIR CONTAMINANTS-NEW SOURCE REVIEW &
RULE 1210 – TOXIC AIR CONTAMINANT HEALTH RISKS-PUBLIC
NOTIFICATION AND RISK REDUCTION**

WORKSHOP REPORT

The San Diego County Air Pollution Control District (District) held a virtual public workshop on September 25, 2024, to discuss and receive input on draft proposed amendments to Rule 1200 (Toxic Air Contaminants-New Source Review) and Rule 1210 (Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction). A workshop notice was posted on the District’s website and social media, and distributed to interested parties including permit holders, applicants, chambers of commerce in the region, and to those subscribed to the District’s electronic mail service. The District also notified and invited attendees of the Portside and International Border Assembly Bill 617 Community Steering Committee meetings in September, of the virtual public workshop.

The virtual workshop was attended by 61 people, including 9 District staff. A summary of the comments and District responses from the virtual workshop and submitted written comments are provided below.

1. WORKSHOP COMMENT

What is the purpose of existing Rules 1200 and 1210?

DISTRICT RESPONSE

These District rules reflect State requirements to reduce public exposure to toxic air contaminants (TACs) emitted by new or modified stationary sources (under Rule 1200) and by existing facilities (under Rule 1210). Some of the types of toxic compounds and their sources addressed by these rules include diesel particulate matter from stationary engines, benzene from gasoline dispensing facilities, hexavalent chromium from chrome platers, and arsenic from haul roads.

More specifically, Rule 1200 applies to new or modified sources, requiring a public health risk assessment (HRA) and emission controls as necessary during the permitting process to meet specified health risk limits for cancer and non-cancer impacts. Rule 1210 applies to existing facilities, requiring them to report TAC emissions facility-wide, conduct an HRA of emissions of concern, notify nearby residents of any significant health risks, and reduce those risks to meet specified health risk limits.

2. WORKSHOP COMMENT

Why are Rules 1200 and 1210 proposed to be amended?

DISTRICT RESPONSE

Rules 1200 and 1210 currently include Tables I-III specifying the applicable State-approved health risk limits for cancer (Table I), chronic noncancer (Table II), and acute noncancer (Table III) impacts from exposure to TAC emissions. Consequently, whenever the State adds or revises health risk values, the District is obligated to amend Rules 1200 and 1210 to update Tables I-III accordingly.

Table I-III in Rules 1200 and 1210 have required updating at least 15 times since the rules were adopted in 1996. To efficiently manage this rulemaking workload, the rules currently include a unique provision allowing the District to update Tables I-III directly following public notice, without Governing Board approval. However, during a recent audit of the District's air quality program, the California Air Resources Board (CARB) determined this streamlined process for updating the rules without Governing Board approval is not consistent with the procedural requirements described in State law.

Accordingly, the District proposes to amend Rules 1200 and 1210 to incorporate State health risk values directly by statutory reference and remove Tables I-III, as they would no longer be needed. If approved by the Governing Board, these amendments prevent a need for frequent rule updates, improve program efficiency, and address CARB's audit finding to ensure the District's rulemaking process adheres to procedural requirements of State law.

3. WORKSHOP COMMENT

What safeguards are in place to ensure HRAs conducted by local facilities are accurate and based on the latest health risk limits adopted by the State?

DISTRICT RESPONSE

HRAs conducted by local facilities are reviewed for completeness and accuracy by the District, and HRAs conducted for compliance with State law (AB 2588) and Rule 1210 are also reviewed by the Office of Environmental Health Hazard (OEHHA). OEHHA is the State agency charged with responsibilities for establishing HRA guidelines and health risk limits for toxic compounds.

4. WORKSHOP COMMENT

If a facility is in the process of conducting an HRA when the State adopts new or revised health risk limits for a pertinent TAC, must the facility include that new air toxics information in its HRA?

DISTRICT RESPONSE

If health risk values are added or revised by OEHHA before a permit application for a new source or modification of an existing source (subject to Rule 1200) or a risk reduction plan application for an existing facility (subject to Rule 1210) is approved by the District, then corresponding changes to the health risk estimates will be required to reflect OEHHA's new or revised health risk values before the District acts on the application. If an existing facility is conducting an HRA as required by AB 2588, the health risk values used should be those in effect during the year the emissions inventory represents.

5. WORKSHOP COMMENT

Under the statewide Emission Inventory and Criteria Guidance (EITG) Regulation adopted by CARB in 2020, the wastewater sector is not required to report certain TACs (those added to CARB's list during the EICG rulemaking) until 2029. In the interim, CARB's regulation requires the wastewater industry to develop and implement a two-step protocol, first involving screening to identify the presence of relevant TACs followed by source testing to quantify airborne emissions.

DISTRICT RESPONSE

To clarify, the proposed amendments to District Rules 1200 and 1210 have no effect on CARB's statewide EITG Regulation or its phased implementation by the wastewater sector. Regardless, the District acknowledges the comment and looks forward to coordinating with CARB and the wastewater sector as it develops and implements the two-step protocol described in CARB's EITG Regulation.

6. WORKSHOP COMMENT

Are existing and/or replacement permitted generators affected by the proposed rule amendments?

DISTRICT RESPONSE

No, aside from the impacts to Rule 1200 and Rule 1210 described in the proposed rule amendments and this workshop report (incorporating State health risk values directly by statutory reference and removing Tables I-III), the rule amendments will have no effect on permitted generators or other permitted units whether existing, replacement, or new.

7. WORKSHOP COMMENT

Do the proposed rule amendments impact emission quantification factors for gasoline dispensing facilities?

DISTRICT RESPONSE

No, the proposed rule amendments have no effect on emission quantification factors for gasoline dispensing facilities or other emission units.

8. WORKSHOP COMMENT

The Industrial Environmental Association (IEA) offers the following recommendations for additional amendments to other provisions of Rules 1200 and 1210 based on the experience of its membership implementing the existing rules: (a) an HRA should include only those toxic compounds on CARB's TAC list when the facility's HRA was initiated rather than approved; (b) an interpreter for community meetings should be required only when requested by the public rather than for every meeting; (c) community meetings should be required biennially rather than annually. IEA would be happy to suggest draft rule language if that would be helpful as a starting point.

DISTRICT RESPONSE

The District is required to ensure a source will comply with all applicable requirements in effect, as of the date of approval of the permit application (for a new source or modification of an existing source) or approval of the risk reduction plan application (for an existing facility). The request to address only those chemicals on CARB's TAC list when the HRA is initiated, which could be months before the application is approved, cannot be incorporated because it would limit the District's ability to ensure a source will comply with all applicable requirements. Please see District Response to Comment 4 for additional information on the timing and applicability of new or revised health risk values.

The requested additional changes to the existing requirements for translation and frequency of community meetings are beyond the scope of this rulemaking project. They will be evaluated and considered when these rules are next revised, allowing all stakeholders adequate opportunity to evaluate and provide comments to the District.

9. WRITTEN COMMENT

The City of San Diego requests that the District acknowledge CARB's agreement in its statewide emissions-reporting regulation to allow the wastewater sector to continue to report using best available data and methods until newer pooled source testing data is available. A statewide pooled emissions study organized by the California Association of Sanitation Agencies is underway to determine and quantify detectable air toxics at wastewater treatment facilities.

DISTRICT RESPONSE

The District acknowledges the comment. Please see District response to Comment 5.

10. WRITTEN COMMENT

The City of San Diego believes the Rule 1210 definition for “Facility” is more expansive than the definition in the State’s Air Toxic “Hot Spots” Information and Assessment Act. Rule 1210 refers to the District’s Rule 2 (Definitions) to define “Facility” using both the “Stationary Source” and “Contiguous Property” definitions. Together these two definitions expand upon the State’s definition of “facility” to include “non-adjointing parcels of land which are connected by a process line, conveyors, or other equipment.”

The City is concerned these definitions could require combined HRAs for facilities that are located significant distances from one another but share a process line. The City believes combined HRAs for nonadjacent facilities would not yield meaningful or accurate risk assessment results and appreciates the District currently shares this concern. The City respectfully requests this position be memorialized via additional amendments to Rule 1210 definitions for “Stationary Source” and “Contiguous Property” to prevent facilities from being combined for the purposes of an HRA solely on the basis of a shared process line.

DISTRICT RESPONSE

To clarify, the District agrees that, depending on the distance between the facilities, the emissions from one facility may not have a considerable or significant impact on the receptors surrounding a non-adjacent facility connected by a process line, conveyor or other equipment.

The requested additional amendments are beyond the scope of this rulemaking project. They will be evaluated and considered when these rules are next revised, allowing all stakeholders adequate opportunity to evaluate and provide comments to the District.

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12/04/24