AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO

DATE: May 15, 1996

TO: Air Pollution Control Board

SUBJECT: Adoption of New Rule 1200 (Toxic Air Contaminants - New Source Review)

SUMMARY:

Since 1984, the District has used the requirements of Rule 51 (Nuisance) to ensure toxic air contaminant emissions from new and modified equipment do not cause adverse public health problems and thus a public nuisance. If toxic air contaminants are of a type and quantity of concern, a public health risk assessment is required to show cancer and noncancer health risks are expected to be below acceptable levels established by the District.

In response to suggestions that the District adopt a rule containing the process and criteria used to review and approve new and modified equipment emitting toxic air contaminants, the District requested businesses and environmental groups assist in developing such a rule.

With one exception, the resulting Rule 1200 reflects the process and criteria currently used by the District and other districts to evaluate toxic air contaminant emissions from new and modified equipment. It requires risk assessments be done in accordance with procedures specified in the California Air Pollution Control Officers Association Air Toxics Hot Spots Program Risk Assessment Guidelines. The increase in cancer risk as a result of new or modified equipment is limited to one in one million or less if best available control technology for toxic air contaminants is not proposed and 10 in one million or less if best available control technology for toxic air contaminants is proposed. The increase in acute (short-term exposure) and chronic (long-term exposure) noncancer health risks is limited to a total health hazard index of one or less unless the District, after consulting with the state Office of Environmental Health Hazard Assessment, determines that an alternative health hazard index is sufficiently health protective.

The exception to current practice will allow a project having an expected cancer risk between 10 and 100 in one million to be approved if very specific and stringent requirements are met. This was the most controversial part of the rule development process. Businesses are adamant there should be provisions to approve projects with cancer risks over 10 but less than 100 in one million if stringent conditions were met requiring implementation of cancer risk mitigation measures and continued investigation and implementation of additional risk mitigation measures that might become available in the future. Environmental groups believe that cancer risks should be limited to 10 in one million or less.

The District expects few, if any, projects will be proposed with cancer risks exceeding 10 in one million because of the stringency of the conditions associated with exceeding this level. Two important conditions require installation of toxics best available control technology on all emission units associated with the new or modified project and on all existing emission units at the facility that have a cancer risk impact of 10 in one million at any location where the cancer

risk as a result of the project exceeds 10 in one million. The District believes all required conditions are reasonable to mitigate the risk from such a project. In addition, if the facility-wide cancer risk, including the cancer risk from a new or modified project, exceeds a cancer risk of 100 in one million, the facility will be subject to the facility-wide risk mitigation requirements of proposed new Rule 1210. This rule will require cancer risks be reduced below 100 in one million, generally over a five-year period.

Issue

Should the Board adopt new Rule 1200 including provisions allowing projects having cancer risks greater than 10 in one million if stringent conditions are met?

Recommendation

AIR POLLUTION CONTROL OFFICER:

Adopt the resolution adding new Rule 1200 and make appropriate findings:

(i) of necessity, authority, clarity, consistency, non-duplication and reference as required by Section 40727 of the State Health and Safety Code;

(ii) that the adoption of new Rule 1200 will alleviate a problem and will not interfere with attainment of ambient air quality standards (Section 40001 of the State Health and Safety Code);

(iii) that the adoption of new Rule 1200 will not significantly affect air quality or emissions limitations, and that an assessment of socioeconomic impacts is not required (Section 40728.5 of the State Health and Safety Code); and

(iv) that an Initial Study was prepared by the District pursuant to the California Environmental Quality Act, and the Initial Study revealed no substantial evidence that the proposed new Rule 1200 may have a significant effect on the environment;

(v) that a proposed Negative Declaration was prepared pursuant to the California Environmental Quality Act and that public notice and a public review period were provided for the proposed Negative Declaration; that no comments were received during said public review period; and that considering the initial study and proposed Negative Declaration and the entire record before the Board, a finding be and hereby is made by the Board in the exercise of its independent judgment that the proposed new Rule 1200 will not have a significant effect on the environment, and that an Environmental Impact Report need not be prepared; and

(vi) that there is no evidence that adoption of the new rule will have potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, and further that on the basis of substantial evidence the presumption of adverse effect in California Code of Regulations, Title 14, Section 753.5(c) has been rebutted.

(vii) approving the Certificate of Fee Exemption for De Minimis Impact Finding exempting the District from payment of fees to the California Department of Fish and Game.

Advisory Statement

Two members of the Air Pollution Control District Advisory Committee recommended adopting proposed new Rule 1200 at the February 28, 1996 meeting. One member was opposed because this member wanted to delete the portion of the rule allowing cancer risk greater than 10 in one million under specified conditions.

Fiscal Impact

Adopting the proposed new Rule 1200 will have no fiscal impact on the District.

Alternatives

Not adopt the proposed new Rule 1200. With one exception, this rule closely parallels the procedures and criteria used by the District for the past 12 years to review and approve new and modified equipment emitting toxic air contaminants. It was developed in cooperation with local environmental groups and businesses. This alternative is not recommended.

Adopt new Rule 1200 without provisions allowing approval of projects having cancer risks greater than 10 but less than 100 in one million. This would be consistent with current District practice and those of other districts in the state. However, during the rule development process, local businesses strongly stated there should be provisions for approving such projects if they will install best available control technology for toxic air contaminants, made reasonable efforts to mitigate the remaining risk and agreed to continue to investigate and implement ways to further reduce the risk in the future. Environmental groups disagree. The District has never had a project having a cancer risk exceeding 10 in one million and believes it is unlikely one would occur in the future. Since the requirements such a project would have to meet are substantial and there would not be long-term public exposure to significant risk levels, the District agreed to include provisions for such projects in the recommended rule.

BACKGROUND:

History

Prior to 1984, the District was primarily concerned with emissions of criteria air pollutants (and their precursors) for which health standards had been established; ozone, oxides of nitrogen, oxides of sulfur, particulate matter, carbon monoxide and lead. In 1984, there was substantial public concern over toxic air contaminants associated with the proposed San Marcos trash to energy project. To address this concern in the permit evaluation, the District worked with the California Department of Health Services and the Air Resources Board (ARB) to develop and implement methodologies to assess the potential cancer and noncancer public health impacts associated with toxic air contaminant emissions.

Subsequently, the California Air Pollution Control Officers Association (CAPCOA) obtained funding from the Environmental Protection Agency (EPA) to formalize and standardize these risk assessment methodologies for use by other air pollution control districts in California. The ARB encouraged districts to use these methodologies in conjunction with the public nuisance prohibition provisions in district rules to review new and modified sources of toxic air contaminants. The District continues to use Rule 51 (Nuisance) to ensure toxic air contaminant emissions do not create

a public nuisance by causing adverse public health impacts. Other districts implemented similar programs.

In 1987, the Air Toxics "Hot Spots" Act (AB 2588) was added to state law requiring existing businesses emitting toxic air contaminants to conduct a public health risk assessment and notify the affected public if they are being exposed to a "significant" risk. Subsequent amendments require businesses causing a significant public risk to mitigate that risk to below significant levels, generally over a five-year period.

Over the past two years, there have been increasing suggestions that the process and criteria used to review and approve new and modified equipment emitting toxic air contaminants be adopted by the District in regulatory form. The District requested assistance in developing such a rule from businesses and environmental groups in late 1994. Numerous meetings of the resulting work group were held.

Terminology

Toxic risk impact analyses use concepts and terminology that may not be familiar to the public. Accordingly, commonly used terms have been defined.

A health risk assessment is an analysis describing the increased chance of developing adverse health effects as a result of exposure to toxic air contaminants. It evaluates both cancer and noncancer health impacts.

Risk isopleths are lines on a map showing where the risk from an emission unit is the same. For example, there are risk isopleths showing where the risk is one in one million or less, isopleths showing where the risk is 10 in one million or less, etc. Risk isopleths are developed from computerized models using meteorlogical and other data specific to an emission unit and calculate the resulting expected risk.

Cancer risk is an estimate of the maximum possibility of a person developing cancer as a result of a lifetime (70 years) of continuous exposure to toxic air contaminants. It is usually presented in terms of the increased number of chances of contracting cancer in one million. For example, a cancer risk of eight in one million means that if a population of one million people were exposed to a specific concentration of a given chemical for 70 continuous years, a maximum of eight additional incidents of cancer could be expected.

Noncancer risk is evaluated in terms of a health hazard index which is the ratio of the maximum emission concentration to which a person is expected to be exposed to the concentration for that same toxic air contaminant deemed acceptable for acute (short-term exposure) and chronic (long-term exposure) exposure periods. A health hazard index of one or less indicates the expected concentration of a toxic air contaminant is the same or better than the concentration deemed acceptable for human exposure by health experts. Acceptable health effects data is provided by the state Office of Environmental Health Hazard Assessment (OEHHA). For purposes of this rule, chronic exposure means exposure over a period of one-year or more. Acute exposure generally means exposure over a one-hour period.

Toxics best available control technology is a level of control technology specific to toxic air contaminants emissions. It reflects the most stringent emission limitation or most effective emission control device (or control technique) achieved in practice for that emission unit or category of emission unit. It is determined after considering federal control technology requirements for the same toxic air contaminant.

Rule Requirements

With the one noted exception, allowing projects having cancer risks greater than 10 in one million under very stringent conditions, the provisions reflect current District criteria and that used by other California districts.

Rule 1200 applies to any new, relocated or modified emission unit required to obtain a District Authority to Construct that may increase emissions of one or more toxic air contaminants.

The rule specifies an allowable cancer risk of one in one million or less if a new or modified project is proposed for construction without using best available control technology for toxic air contaminants. If best available control technology is to be included, a cancer risk of 10 in one million or less is allowed. This encourages projects to use toxics best available control technology.

The rule also allows a noncancer health hazard index for both acute and chronic exposures of one or less (i.e. the concentration of the toxic air contaminant is approximately the same as the concentration allowable to protect public health). A noncancer health hazard index of greater than one is allowed only if OEHHA determines an alternate health hazard index of 5.0 or less is sufficiently health protective.

Toxic air contaminants to be evaluated and risk calculation methodologies are specified in the rule. Projects can reduce emissions and associated risk from existing emission units at the same facility to reduce the net risk increase from new or modified emission units. Risk assessments must be done in accordance with procedures specified in the California Air Pollution Control Officers Association (CAPCOA) Air Toxics Hot Spots Program Risk Assessment Guidelines or specified in any subsequent guidelines adopted by OEHHA. The health effects data used must be specified by OEHHA.

Automotive refinishing operations (not using chrome or lead pigmented paints), dry cleaning and service station equipment, and equipment used to strip coatings and paints from wood products are exempt from the rule if they use best available control technology for toxic air contaminants, have a maximum cancer risk of 100 in one million or less and a total health hazard index of 10 or less. Asphalt roofing kettles and tanks are exempt if they have a maximum cancer risk of 100 in one million or less and a total health hazard index of 10 or less. Equipment modified solely to comply with other District rule requirements or state or federal air toxic emission control requirements is also exempt from Rule 1200. The District will develop streamlined risk assessment procedures for other types of common equipment to expedite the review of projects and add exemptions, as appropriate, based on the results of the streamlined procedures.

Issue

Provisions have been included to allow approving a project having a cancer risk increase of greater than 10 but less than 100 in one million if stringent conditions are met. Neither current District practices nor other districts allow approving such projects.

Businesses strongly believed there should be a means to approve a project with cancer risks over 10 but less than 100 in a million, even if stringent conditions must be met to do so.

Environmental groups initially stated that cancer risks should be limited to 10 in one million or less, but if language allowing cancer risk greater than 10 but less than 100 in one million was added, the health risk assessment should also be required to show the cumulative cancer risk from the proposed project and other nearby, existing projects emitting toxic air contaminants.

The District is unaware of an existing methodology that could reasonably be used to perform cumulative risk assessments. However, to address this concern, the District added additional requirements for projects with a cancer risk impact of greater than 50 but less than 100 in one million to mitigate their toxic air contaminant impact by obtaining all available risk reductions from off-site permitted equipment having a cancer risk impact of greater than 10 in one million at locations where the cancer risk impact as a result of the project is greater than 10 in one million. This would mitigate the resulting cancer risk to the extent reasonable and make conducting a cumulative analysis less imperative.

The specific provisions to allow approving a project having a cancer risk increase greater than 10 but less than 100 in a million are:

- All equipment associated with the project that increases cancer risk by more than one in one million are equipped with toxics best available control technology. All other equipment at the same facility that have a cancer risk impact of greater than 10 in one million at locations where the cancer risk as a result of the project exceeds 10 in one million must also be equipped with toxics best available control technology;

- If the increase in cancer risk as a result of the project is more than 50 but less than 100 in one million, the equipment operator must obtain all available risk reductions from off-site permitted equipment having a cancer risk impact of greater than 10 in one million at locations where the cancer risk impact as a result of the project is greater than 10 in one million;

- The equipment operator prepares an annual report on feasible risk reduction methods available for reducing risk from emission units associated with the project to less than 10 in one million, and implements methods approved by the District. The District must include conditions requiring implementation of the feasible cancer risk reduction measures approved by the District in an Authority to Construct and Permit to Operate for the project;

- The facility where the equipment will be located is in compliance with all applicable state and federal air toxic emission control requirements;

- The cancer burden (the calculated increase in the potential occurrence of cancer in the population subject to a risk) as a result of the project is equal to or less than one;

- The equipment operator notifies affected persons of the project and holds a public meeting regarding the project after providing a 30-day notice; and,

- The District provides a 30-day period for the public to comment on the District's evaluation of the project, its ability to meet District requirements, and the required District report in support of approving the project.

Because of their interest in providing some means to approve a project with a cancer risk of over 10 but less than 100 in a million, these stringent conditions, including those added to respond to concerns of environmental groups, are acceptable to businesses. They require businesses to implement reasonable measures to mitigate public health impacts from such projects and continue to investigate and implement additional risk reduction measures that may become available in the future.

Environmental groups, though recognizing the Districts efforts to address their concerns about cumulative impacts, still believe that cancer risks should be limited to 10 in one million or less. In their view, deviating from this criteria will mean that the public will be less protected compared to current practices in other areas of the state.

It should be noted that the District has never evaluated a project that was not able to reduce its resulting cancer risk to less than 10 in one million and is unaware of any projects planned for the future that would exceed that level. As a result few, if any, projects are expected to request an Authority to Construct under these provisions. These facts can be used to support both sides of the debate. Given that the conditions are so restrictive and rarely used, there will be little or no expected public health impacts. On the other hand since the need for these provisions are so limited, there may be no compelling need for the exception.

It should also be noted that the District is proposing a new Rule 1210 to implement the public notification and risk mitigation requirements of the state Air Toxics "Hot Spots" program. This rule proposes to establish a facility-wide cancer risk level requiring mitigation at 100 in one million or less. Therefore, if the increase in cancer risk as a result of a new or modified project approved under Rule 1200 causes the cancer risk for a facility to exceed 100 in one million, that facility would be required to reduce the facility-wide cancer risk to less than 100 in one million consistent with the requirements of Rule 1210.

Further, one very important requirement a project with a cancer risk greater than 10 but less than 100 in one million must meet before it can be approved is that all other equipment at the same facility that has a cancer risk impact of greater than 10 in one million at locations where the cancer risk as a result of the project exceeds 10 in one million must also be equipped with toxics best available control technology. The District's experience with the Air Toxics "Hot Spots" program is that if an existing facility has a cancer risk of 100 in one million or greater, that risk has always been caused by a few emission units each having associated cancer risk of greater than 10 in one million. Therefore, if a project with a cancer risk greater than 10 but less than 100 in one million were proposed at a facility having an existing cancer risk greater than 100 in one million, Rule 1200 would require that facility to install toxics best available control technology on these high risk emission units before the project could be approved. This will substantially mitigate the net risk from the project.

The Air Resources Board has reviewed proposed Rule 1200 and has stated it meets the intent of state guidelines for approving new and modified sources of toxic air contaminants. ARB supports adopting Rule 1200.

Section 40728.5 of the State Health and Safety Code requires the District to perform a socio-economic impact assessment for new and revised rules and regulations significantly affecting air quality or emission limitations. The proposed new Rule 1200 will not significantly affect air quality or emissions limitations. Therefore, a socioeconomic impact assessment is not required.

On February 2, 1993, the Board directed that, with the exception of a regulation requested by business or a regulation for which a socioeconomic impact assessment is not required, no new or revised regulation shall be implemented unless specifically required by federal or state law. The proposed new Rule 1200 is consistent with this Board directive since a socioeconomic impact assessment is not required because the rule implements current District practice. In addition, the District strongly believes this rule is necessary to ensure the public will be adequately protected from adverse cancer and noncancer health impacts resulting from new and modified sources of toxic air contaminants. No other agency reviews health impacts of toxic air contaminants.

The District prepared an Initial Study of the proposed new rule pursuant to the California Environmental Quality Act (CEQA) to determine whether there is evidence that the adoption of the rule may have a significant effect on the environment. The Initial Study revealed no substantial evidence that the proposed new rule may have a significant effect on the environment.

On the basis of the Initial Study, the District prepared a proposed Negative Declaration. The District published Notice of Intent to adopt the proposed Negative Declaration, and solicited comments from the public during a review period. No comments were received on the proposed Negative Declaration during the public review period.

The California Environmental Quality Act (CEQA) requires that the Board review the Initial Study and proposed Negative Declaration and any comments received. The Board can approve the Negative Declaration only if it finds, on the basis of that review, that there is no substantial evidence that the project will have a significant effect on the environment. The Board must also make a finding that the Negative Declaration reflects the Board's independent judgment.

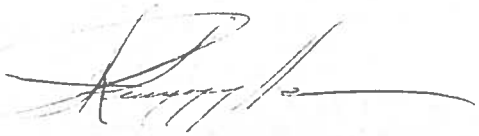
In addition, the District has prepared a Certificate of Fee Exemption for De Minimis Impact Finding pursuant to California Code of Regulations, Title 14, Section 753.5(c). The District will be exempted from payment of fees to the California Department of Fish and Game for reviewing the Negative Declaration if the Board finds after considering the Initial Study and the record as a whole that there is no evidence that adoption of the new rule will have potential for an adverse effect on wildlife resources or the habitat on which the wildlife depends, and the Boards finds, on the basis of substantial evidence, that the presumption of adverse effect in California Code of Regulations, Title 14, Section 753.5(c) has been rebutted.

A workshop was held on June 22, 1995. The workshop report, Initial Study and the Negative Declaration are attached.

Concurrence:-

GARY R. STEPHANY
Chief Administrative Officer (Acting)

Respectfully submitted,



BY: ROBERT R. COPPER
Deputy Chief Administrative Officer (Acting)

R. J. SOMMERVILLE
Air Pollution Control Officer

SUBJECT: Adoption of New Rule 1200 (Toxic Air Contaminants - New Source Review)

4/29/96

COUNTY COUNSEL APPROVAL: Form and Legality [X] Yes [ ] N/A
[ ] Standard Form [ ] Ordinance [X] Resolution

CHIEF FINANCIAL OFFICER/AUDITOR REVIEW: [ ] Yes [X] N/A
4 votes: [ ] Yes [X] No

CONTRACT REVIEW PANEL: [ ] Approved _____ [X] N/A

PREVIOUS RELEVANT BOARD ACTION: N/A

BOARD POLICIES APPLICABLE: N/A

CONCURRENCES: N/A

ORIGINATING DEPARTMENT: Air Pollution Control District, County of San Diego

CONTACT PERSON: Richard J. Smith, Deputy Director (750) 694-3303 MS: 0-176

R. J. SOMMERVILLE, APCO
DEPARTMENT AUTHORIZED REPRESENTATIVE

MAY 15, 1996
MEETING DATE

RESOLUTION NO. 96-163
WEDNESDAY, JUNE 12, 1996

NEW ADDED RULE

Re Rules and Regulations of the)
Air Pollution Control District)
of San Diego County . . . . .)

RESOLUTION ADDING RULE 1200 TO REGULATION XII OF THE RULES AND REGULATIONS OF THE SAN DIEGO COUNTY AIR POLLUTION CONTROL DISTRICT

On motion of Member Slater, seconded by Member Horn the following resolution is adopted:

WHEREAS, the San Diego County Air Pollution Control Board, pursuant to Section 40702 of the Health and Safety Code, adopted Rules and Regulations of the Air Pollution Control District of San Diego County; and

WHEREAS, said Board now desires to amend said Rules and Regulations; and

WHEREAS, notice has been given and a public hearing has been had relating to the amendment of said Rules and Regulations pursuant to Section 40725 of the Health and Safety Code.

NOW THEREFORE IT IS RESOLVED AND ORDERED that the San Diego County Air Pollution Control Board finds that the proposed new Rule 1200 will not have significant effect on the environment and that an Environmental Impact Report need not be prepared pursuant to the California Environmental Quality Act; and

IT IS FURTHER RESOLVED AND ORDERED by the San Diego County Air Pollution Control Board that the Rules and Regulations of the Air Pollution Control District of San Diego County be and hereby are amended as follows:

Proposed Rule 1200 is added to Regulation XII to read as follows:

RULE 1200. TOXIC AIR CONTAMINANTS - NEW SOURCE REVIEW

(a) APPLICABILITY

Except as provided in Section (b) of this rule, this rule applies to any new, relocated, or modified emission unit which may increase emissions of one or more toxic air contaminant(s) and for which an Authority to Construct or Permit to Operate is required pursuant to Rule 10, or for which a Notice of Intention or Application for Certification has been accepted by the California Energy Commission. An Application for Certification shall be considered equivalent to an application for an Authority to Construct. Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

(b) **EXEMPTIONS**

(1) The standards of Section (d) shall not apply to:

(i) The modification of an emission unit made exclusively to comply with the Maximum Achievable Control Technology (MACT) requirements adopted pursuant to either Section 111 or 112 of the Federal Clean Air Act or to comply with requirements of these rules and regulations adopted to implement federal MACT requirements.

(ii) The modification of an emission unit made exclusively to comply with a state Air Toxic Control Measure (ATCM) required by Division 26, Part 2, Chapter 3.5 of the California Health and Safety Code (AB 1807 program) or to comply with a requirement of these rules and regulations adopted to implement state ATCM requirements.

(iii) An existing emission unit requiring a permit solely because of changes to Rule 11 of these rules and regulations provided the application for permit is submitted within one-year after the applicable change to Rule 11 is adopted.

(iv) The modification of an emission unit made exclusively to implement a District approved risk reduction plan required by Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program) or to comply with a requirement of these rules and regulations adopted to implement state SB 1731 program requirements.

(v) The following emission units provided the resulting increase in maximum incremental cancer risk at every receptor location is less than 100 in one million, the total acute noncancer health hazard index is less than 10 and the total chronic noncancer health hazard index is less than 10:

(A) Dry cleaning emission units, provided that Toxics Best Available Control Technology (T-BACT) will be installed.

(B) Gasoline service station emission units, provided that T-BACT will be installed.

(C) Asphalt roofing kettles and tanks.

(D) Automotive refinishing operations not using chrome or lead pigmented coatings.

(E) Emission units used for wood product stripping operations, provided that T-BACT will be installed.

(2) The standards of Subsections (d)(1) and (d)(3) shall not apply to the modification of an emission units made exclusively to comply with a requirement of these rules and regulations, but not including Rule 1200. The Air Pollution Control Officer may determine for good cause, on a case by case basis, that this exemption does not apply to a modified emission unit. In the event such a determination is made, written notice shall be provided by the Air Pollution Control Officer to the project applicant as soon as possible and before the application is deemed complete pursuant to Rule 18. This notice shall state the specific reason why the Air Pollution Control Officer has determined that this exemption does not apply and shall specify what additional requirements the project applicant must meet.

(c) **DEFINITIONS**

(1) **"Air Toxic Control Measure (ATCM)"** means a requirement to reduce emissions of one or more toxic air contaminants developed pursuant to Division 26, Part 2, Chapter 3.5 of the California Health and Safety Code (AB 1807 program).

(2) **"Cancer Burden"** means the estimated potential increase in the occurrence of cancer cases in a population subject to an incremental cancer risk of greater than one in one million resulting from exposure to toxic air contaminants. It shall be calculated pursuant to Section (e).

(3) **"Concurrent Emission Reductions"** means permanent, quantifiable, enforceable, and surplus emission reductions occurring at the same stationary source and within the six months prior to or at the same time as the commencement of operations of new or modified emission units constituting a project. Emission reductions resulting from the shutdown of an emission unit are eligible to be concurrent emission reductions. Concurrent emission reductions shall be calculated pursuant to Section (e).

Notwithstanding the definition of "Surplus," emission reductions required by Section 111 or 112 (MACT) of the federal Clean Air Act, or Division 26, Part 2, Chapter 3.5 (ATCM) of the California Health and Safety Code may be used as concurrent emission reductions if they occur before they are required by the applicable MACT or ATCM. However, their use as concurrent emission reductions shall expire on the date the reductions required by the applicable MACT or ATCM are actually required to take place. The Permit to Operate for any emission unit which has used such an emission reduction to satisfy in whole or in part the requirements of this rule, shall expire and become null and void on the date that the reductions required by the applicable MACT or ATCM are actually required to take place, unless additional concurrent emission reductions are provided in an amount necessary to satisfy the requirements of this rule.

(4) **"Contiguous Property"** means the same as defined in Rule 2 of these Rules and Regulations.

(5) **"Emission Unit"** means any article, machine, equipment, contrivance, process or process line which emits or may emit one or more toxic air contaminants.

(6) **"Enforceable"** means can be enforced by the District through inclusion of conditions on a valid and current permit.

(7) **"Future Potentially Feasible Cancer Risk Reduction Measure"** means control measures and techniques that are in excess of T-BACT and are expected to be technologically feasible and economically practicable in the future. They include, but are not limited to, pollution prevention measures such as product substitution or modification, process modification, feedstock modification, operational and maintenance improvements; changes in basic control equipment; and enclosing systems or processes to reduce emissions. Future potentially feasible cancer risk reduction measures are different from T-BACT in that they apply to existing permit units. Future potentially feasible cancer risk reduction measures are determined on a case-by-case basis.

(8) **"Maximum Achievable Control Technology (MACT)"** means emission controls or limitations included in any Section 112 requirement of the federal Clean Air Act, including any implementing regulations of the U.S. Environmental Protection Agency, for any source class or category.

(9) **"Maximum Incremental Cancer Risk" (MICR)** means the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to toxic air contaminant(s). It shall be calculated pursuant to Section (e) and using net emission increases from the project or emission unit.

(10) **"Modified Emission Unit"** means an emission unit which undergoes any physical or operational change which results or may result in an increase in an emission unit's toxic air contaminant potential to emit, including toxic air contaminants not previously emitted. An emission unit which undergoes the following shall not be considered a modified emission unit, provided such change is not contrary to any permit condition, and the change does not result in an increase in the toxic air contaminant potential to emit of any toxic air contaminant:

(i) The movement of a portable emission unit from one stationary source to another.

(ii) Repair or routine maintenance.

(iii) An increase in the hours of operation.

(iv) Use of alternate fuel or raw material.

(11) **"Permanent"** means enforceable and which will exist for the life of the project or emission unit, as may be limited by enforceable permit conditions.

(12) **"Post-Project Potential To Emit"** means a project's or emission unit's potential to emit after issuance of an Authority to Construct for the proposed project or emission unit, calculated pursuant to Section (e).

(13) **"Potential to Emit"** means the maximum quantity of toxic air contaminant emissions, including fugitive emissions, that a project or emission unit is capable of emitting considering emission control equipment and calculated pursuant to Section (e).

(14) **"Pre-Project Potential To Emit"** means a project's or emission unit's potential to emit prior to issuance of an Authority to Construct for the proposed project or emission unit, calculated pursuant to Section (e).

(15) **"Project"** means an emission unit or aggregation of emission units located at a stationary source for which an application or combination of applications for Authority to Construct or modified Permit to Operate are under District review. It includes any emission unit(s) modified to provide concurrent emission reductions.

(16) **"Quantifiable"** means that a reliable basis for calculating the amount, rate, nature and characteristics of an emission change can be established, as determined by the Air Pollution Control Officer.

(17) **"Receptor Location"** means any location beyond the project's or emission unit's stationary source boundaries where the Air Pollution Control Officer has determined exposure to the project's or emission unit's (not including any emission unit modified to provide concurrent emission reductions) emissions could reasonably occur.

(18) **"Relocated"** means moved within San Diego County from one stationary source to another stationary source.

(19) **"Stationary Source"** means the same as defined in Rule 2 of these Rules and Regulations.

(20) **"Surplus"** means in excess of any emission reductions which are required by this rule, or which are required by or which the Air Pollution Control Officer reasonably expects will be required by Section 111 or 112 (MACT) of the federal Clean Air Act, or Division 26, Part 2, Chapter 3.5 (ATCM) of the California Health and Safety Code.

Emission reductions used as concurrent emission reductions as part of a project or emission unit subject to the requirements of this rule which occur before the Air Pollution Control Officer reasonably expects they will be required by Section 111 or 112 (MACT) of the federal Clean Air Act, or Division 26, Part 2, Chapter 3.5 (ATCM) of the California Health and Safety Code shall be deemed to be permanently surplus. Emission reductions occurring before (*6 months before date of adoption*) are not surplus.

Emission reductions associated with Section 111 or 112 (MACT) of the federal Clean Air Act, or Division 26, Part 2, Chapter 3.5 (ATCM) of the California Health and Safety Code and which have been publicly noticed to be required by the federal Environmental Protection Agency (EPA) or the California Air Resources Board (ARB), as applicable, may be deemed to be reasonably expected to occur by the Air Pollution Control Officer. If subsequent public notice is given by such agency that such emission reductions will not be required, such emission reductions shall be deemed to be surplus.

(21) **"Total Acute Noncancer Health Hazard Index"** means the estimated potential risk of acute public health effects and is the sum of the individual substance acute health hazard indexes affecting the same target organ system for a potential maximally exposed individual for all toxic air contaminants identified in Table III. It shall be calculated using net emission increases from the project or emission unit. It shall be calculated pursuant to Section (e).

(22) **"Total Chronic Noncancer Health Hazard Index"** means the estimated potential risk of chronic public health effects and is the sum of the individual substance chronic health hazard indexes affecting the same target organ system for a potential maximally exposed individual for all toxic air contaminants identified in Table II. It shall be calculated using net emission increases from the project or emission unit. It shall be calculated pursuant to Section (e).

(23) **"Toxic Air Contaminant (TAC)"** means the air contaminants listed in Table I (carcinogenic), Table II (noncarcinogenic - chronic) or Table III (noncarcinogenic - acute) which have a health standard, approved by the state Office of Environmental Health Hazard Assessment (OEHHA) and listed in the California Air Pollution Control Officers Association (CAPCOA) Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993 or listed in any health risk assessment guidelines adopted by OEHHA, pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 procedures), that replaces all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993.

The Air Pollution Control Officer may revise Tables I, II, or III upon OEHHA adoption of revised CAPCOA Air Toxics Hot Spots Program Risk Assessment Guide-lines or upon OEHHA adoption of any health risk assessment guidelines or revisions pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 procedures), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993, or with the concurrence of OEHHA and 30 days after public notice of the proposed changes is published in a newspaper of general circulation. A

member of the public may petition the Air Pollution Control Officer to add air contaminants to these tables.

(24) **"Toxics Best Available Control Technology (T-BACT)"** means the most effective emission limitation or 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 control technique, including process and equipment changes of basic and control equipment and implementation of pollution prevention measures, found by the Air Pollution Control Officer to be technologically feasible for that source or category of source, or for a specific source. If there is an applicable MACT standard, the Air Pollution Control Officer shall evaluate it for equivalency with T-BACT.

(d) **STANDARDS**

The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate for any new, relocated, or modified emission unit increasing emissions of one or more toxic air contaminants listed in Tables I, II, or III unless all of the following requirements are met:

(1) Cancer Risk

(i) T-BACT Not Applied. The increase in maximum incremental cancer risk at every receptor location is equal to or less than one in one million for any project for which new, relocated, or modified emission units that increases maximum incremental cancer risk are not equipped with T-BACT; and

(ii) T-BACT Applied. Except as provided in (d)(1)(iii), the increase in maximum incremental cancer risk at every receptor location is equal to or less than 10 in one million for any project for which all new, relocated, or modified emission units that increases maximum incremental cancer risk are equipped with T-BACT.

(iii) Maximum Incremental Cancer Risk Greater Than 10 in One Million. The Air Pollution Control Officer may grant an Authority to Construct and/or Permit to Operate for a new, relocated, or modified emission unit with an increase in maximum incremental cancer risk at any receptor location of greater than 10 in one million but less than 100 in one million provided all of the following conditions are met:

(A) All new, relocated, or modified emission unit(s) associated with the project that increase maximum incremental cancer risk by more than one in one million are equipped with T-BACT.

(B) The Air Pollution Control Officer prepares a report in support of approving an Authority to Construct for the project. The following information shall be included in the report and shall be provided by the project applicant in report format to the satisfaction of the Air Pollution Control Officer:

(1) Identification of the toxic air contaminants that would be emitted.

(2) Identification of the cancer and noncancer (chronic and acute) health impacts of the toxic air contaminants that would be emitted.

(3) A discussion of any uncertainty associated with the risk assessment that the applicant believes is noteworthy.

(4) A discussion of the benefits associated with the new or modified project (any emission unit modified to provide concurrent emission reductions need not be included).

(5) A discussion of any local, state or federal mandates requiring the new or modified project (any emission unit modified to provide concurrent emission reductions need not be included).

(6) Identification of project impacts on environmental media other than air.

(7) Identification of all sensitive receptors impacted by the new or modified project (any emission unit modified to provide concurrent emission reductions need not be included).

(8) A discussion of how the stationary source will comply with all applicable MACT and ATCM requirements at the time of Authority to Construct issuance.

(9) A demonstration that the cancer burden as a result of the project will not exceed 1.0.

(10) A cancer risk reduction plan for the project (any emission unit modified to provide concurrent emission reductions need not be included) to include the following information:

(i) Identification of the processes and activities causing the toxic air contaminant emissions from the project and what portion of the total project risk is due to each.

(ii) Identification of all future potentially feasible cancer risk reduction measures for the project type.

(iii) An estimate of the risk reduction potential of all future potentially feasible cancer risk reduction measures.

(iv) An estimate of how long it would take to implement all future potentially feasible cancer risk reduction measures.

(v) A determination of the technical feasibility and cost-effectiveness to implement all future potentially feasible cancer risk reduction measures.

(vi) Identification of and a commitment to implement future potentially feasible cancer risk reduction measures for the project to reduce the maximum incremental cancer risk increase from the project to 10 in one million or less, and a detailed schedule for implementation.

(11) A discussion of how each requirement of Subsections (d)(1)(iii), (d)(2), and (d)(3) will be met.

The report required by this Subsection shall be available in draft form for public review at the Air Pollution Control District and at a minimum of one public library (to be determined by the Air Pollution Control Officer) near affected persons for the 30 days required by Subsection (d)(1)(iii)(J) before it is finalized.

(C) The Air Pollution Control Officer will include in any Authority to Construct that is issued for the project a condition(s) requiring implementation of the future potentially feasible cancer risk reduction measures the project applicant committed to implement pursuant to the requirement of Subsection (d)(1)(iii) (B)(10)(vi).

(D) If the project is a modification of an existing stationary source emitting one or more toxic air contaminant(s), T-BACT shall be installed on all permitted emission units at the stationary source that have a maximum incremental cancer risk impact of greater than 10 in one million at any receptor location where the increase in maximum incremental cancer risk as a result of the project is greater than 10 in one million. The Air Pollution Control Officer shall not consider emission units modified to comply with this requirement as part of the project unless specifically requested to do so by the project applicant. Emissions and risk impact data to be used for such impact determinations from non-project emission units shall be from the District program to implement Section 44362 of Division 26 (AB 2588) of the California Health and Safety Code, as such data exists on the date a complete permit application for the project is filed with the District, unless the Air Pollution Control Officer approves the use of other emissions and risk impact data as being more representative.

(E) If the increase in maximum incremental cancer risk as a result of the project is greater than 50 in one million at any receptor location,

(1) all available cancer risk reductions shall be provided from permitted emission units:

(i) located at stationary sources other than the stationary source where the project is located or will be located (e.g. off-site emission reductions), and

(ii) which have a maximum incremental cancer risk impact of greater than 10 in one million at any receptor location where the maximum incremental cancer risk impact as a result of the project is greater than 10 in one million;

or,

(2) cancer risk reductions shall be provided until the increase in maximum incremental cancer risk from the project at all receptor locations is equal to or less than 10 in one million.

Emissions and risk impact data to be used for such impact determinations shall be from the District program to implement Section 44362 of Division 26 (AB 2588) of the California Health and Safety Code, as such data exists on the date a complete permit application for the project is filed with the District, unless the Air Pollution Control Officer approves the use of other emissions and risk impact data as being more representative.

Cancer risk reductions from any single emission unit required by this Subsection (d)(1)(iii)(E) shall not be required if the project applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the anualized cost of such cancer risk reduction (from such single emission unit) per unit of maximum incremental cancer risk reduced is greater than 1.25 times the annualized cost per unit of maximum incremental cancer risk reduced by T-BACT for the project (not including any emission unit modified to provide concurrent emission reductions).

All emission reductions provided pursuant to this subsection shall be enforceable, permanent, and quantifiable. The stationary source operator shall demonstrate to the satisfaction of the Air Pollution Control Officer that the requirements of this Subsection have been met. If emission reductions from permitted units are provided such that the resulting maximum incremental cancer risk from the project at all receptor locations within the project impact area is equal to or less than 10 in one million, the requirements of Subsections (d)(1)(iii)(B), (D), (F), (I), and (J) shall not apply.

(F) The stationary source operator will prepare an annual report on risk reduction methods, including pollution prevention, available for reducing the resulting project (not including any emission unit modified to provide concurrent emission reductions) maximum incremental cancer risk for affected emission units to less than or equal to 10 in one million. Such report shall meet the same requirements as established for the District's program to implement Division 26, Part 6, Chapter 6 (SB 1731 risk reduction program) of the California Health and Safety Code. The stationary source operator shall implement the approved risk reduction methods within one year from the date of approval by the District.

(G) The stationary source is in compliance with all applicable MACT and ATCM requirements at the time of Authority to Construct issuance.

(H) The cancer burden as a result of the project is equal to or less than 1.0.

(I) The stationary source operator will notify affected persons of the project and, after providing a minimum 30 day notice, hold a public meeting (in the area affected by the project)to discuss the project. Notification shall be in writing and shall meet the same requirements as established for District notification procedures to implement Section 44362 of Division 26 (AB 2588 Air Toxics Hot Spots notification program) of the California Health and Safety Code.

(J) After written notice is provided to affected persons, the Air Pollution Control Officer has provided a 30 day period for the public to submit written comments on the following as they relate to the project:

(1) Does the project meet all applicable federal, state and Air Pollution Control District requirements;

(2) Are there any special considerations in the affected community that warrant disapproval of the project;

(3) Are there alternative processes or control technologies that should be considered;

(4) Are the applicable terms and conditions of the proposed permit enforceable by the Air Pollution Control Officer; and,

(5) Was proper public notice provided regarding the project?

Written notice of the proposed project and comment period shall be prepared by the Air Pollution Control Officer and shall include notice that the draft report required by Subsection (d)(1)(iii)(B) and the Air Pollution Control Officer's analysis of the project are available for public review at the Air Pollution Control District and at a mimimum of one specified public library (to be determined by the Air Pollution Control Officer) near the affected persons. The notice shall be provided to affected persons by the stationary source operator at the same time as the notice required by Subsection (d)(1)(iii)(I) is provided to affected persons.

(2) Total Acute Noncancer Health Risk

The increase in the total acute noncancer health hazard index at every receptor location as a result of the project is equal to or less than one unless the Air Pollution Control Officer, after consulting with the state OEHHA, determines that an alternate total acute noncancer health hazard index is sufficiently health protective. In such case, the increase in total acute noncancer health hazard index shall be limited to the alternative total acute noncancer health hazard index at every receptor location.

(3) Total Chronic Noncancer Health Risk

The increase in the total chronic noncancer health hazard index at every receptor location as a result of the project is equal to or less than one unless the Air Pollution Control Officer, after consulting with the state OEHHA, determines that an alternate total chronic noncancer health hazard index is sufficiently health protective. In such case, the increase in total chronic noncancer health hazard index shall be limited to the alternative total chronic noncancer health hazard index at every receptor location.

(e) PROCEDURES

(1) Health risk estimates shall be performed for toxic air contaminants listed in Tables I, II, III using corresponding state OEHHA health risk values in effect on the date action on the application(s) is taken. In the event health risk values are added or revised by OEHHA after the application is deemed complete pursuant to Rule 18, the Air Pollution Control Officer shall advise the project applicant in writing as soon as possible thereafter. The project applicant shall make the necessary changes to the health risk estimates to incorporate the new or revised health risk values and submit them to the Air Pollution Control Officer. However, if requested to do so by the project applicant, the Air Pollution Control Officer (in lieu of the project applicant) shall make the necessary changes to the health risk estimates to incorporate the new or revised health risk values.

(2) The Air Pollution Control Officer shall estimate health risk (cancer and non-cancer) and cancer burden in accordance with procedures specified in the CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993 or specified in any health risk assessment guidelines adopted by the state OEHHA, pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program), that replace

all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993.

(3) Exposure Periods of Concern

Total chronic noncancer health risk and maximum incremental cancer risk estimates shall be calculated based on the project's or emission unit's emission increase in annual toxic air contaminant potential to emit. Total acute noncancer health risk estimates shall be based on the project's or emission unit's emission increase in toxic air contaminant potential to emit for the exposure period of concern.

(4) Calculation of Emission Increases

Emission increases from a new or relocated project or emission unit shall be calculated as the new project's or emission unit's post project potential to emit. Emission increases from a modified project or emission unit shall be calculated as the project's or emission unit's post project potential to emit minus its pre-project potential to emit.

(5) Calculation of Potential to Emit

Except as provided in (i) and (ii) below, the potential to emit shall be calculated based on the maximum design capacity or other operating conditions which reflect the maximum potential emissions, including fugitive emissions.

(i) Permit Limitations Shall Be Used: If specific limiting conditions contained in an Authority to Construct or Permit to Operate restrict or will restrict emissions to a lower level, these limitations shall be used to calculate the potential to emit.

(ii) Potential to Emit Shall Not Exceed Maximum Potential: If specific conditions limiting a project's or emission unit's pre-project potential to emit are not contained in an Authority to Construct or a Permit to Operate, the pre-project potential to emit shall be limited to the project's or emission unit's actual emissions only to the extent that such emissions do not violate any District, state or federal law, rule, regulation, order or permit condition.

For purposes of this requirement, the Air Pollution Control Officer may allow the pre-project potential to emit to be based on the highest level of actual emissions occurring during a consecutive one-year period within the five-year period preceding the receipt date of the application to the extent that the emission level was not in excess of any District, state or federal law, rule, regulation, order or permit condition.

(6) Calculation of Actual Emissions for Determining Emission Reductions

(i) Actual emissions of an existing emission unit shall be averaged over the most representative two consecutive years within the five years preceding the receipt date of an application, as determined by the Air Pollution Control Officer. Such actual emissions shall not include emissions in excess of any District, state or federal law, rule, regulation, order or permit condition.

(ii) For emission units that have not been operated for a consecutive two-year period, which is representative of actual operations within the five years preceding the receipt date of the application, the calculation of actual emissions shall be based on the average of any two one-year operating periods determined by the Air Pollution Control Officer to be representative within that five-year period. If a representative two-year time period or two one-year time period does not exist, the calculation of

actual emissions shall be based on the average of the total operational time period within that five-year period.

(iii) Actual emissions for emission units operated for a period of less than six months shall be based on an average over the longest operating time period determined by the Air Pollution Control Officer to be most representative of actual operations.

(7) When concurrent emission reductions are provided, the resulting reduction in health risk at each evaluated receptor location shall be subtracted from the health risk increase at the same receptor location to provide a net health risk as a result of the project at each such receptor location.

Total chronic noncancer health risk and maximum incremental cancer risk reduction estimates shall be calculated based on the project's or emission unit's annual emission reduction in toxic air contaminants. Total acute noncancer health risk reduction estimates shall be based on the project's or emission unit's emission reduction in toxic air contaminants for the exposure period of concern.

In order for an emission reduction to qualify as a concurrent emission reduction when determining the net acute noncancer health risk as a result of a project or emission unit, the applicant shall demonstrate that there will be a resulting health risk reduction to mitigate emission increases from the project or emission unit for each and every acute time period of concern.

(8) Calculation of Emission Reductions

(i) An actual emission reduction may only be used as a concurrent emission reduction. Actual emissions calculated pursuant to Subsection (e)(6) shall be used for purposes of determining an actual emission reduction in accordance with this Subsection (e)(8). An actual emission reduction must be quantifiable, enforceable and surplus and may be temporary or permanent in duration. A temporary actual emission reduction shall be identified as temporary and shall include a specific date beyond which the reductions are no longer valid.

(A) Actual emission reductions from the shutdown or relocation of an emission unit shall be calculated based on the emission unit's pre-project actual emissions.

(B) Actual emission reductions from a modified project or emission unit shall be calculated as the project's or emission unit's pre-project actual emissions minus the project's or emission unit's post-project potential to emit.

(ii) Adjustment for Determining Actual Emission Reduction: If an emission unit has been permitted and operated for a period of less than two years, the emission unit's actual emissions, for purposes of determining decreases in cancer risk or noncancer chronic risk, shall be calculated as the unit's actual emissions over the actual operating time period times the actual operating time period in days divided by 1460.

(iii) If an emission unit was operated in violation of any District, state or federal law, rule, regulation, order, or permit condition during the period used to determine actual emissions, the actual emissions shall be adjusted to reflect the level of emissions which would have occurred if the emission unit had not been in violation.

(9) When concurrent emission reductions are provided, the project applicant shall apply for and the Air Pollution Control Officer shall approve or deny, as appropriate, an Authority to Construct and a new or modified Permit to Operate with appropriate conditions for the emission unit(s) providing the concurrent emission reductions, or retire a Permit to Operate for the emission unit(s) in the event of a shutdown.

(10) Toxic air contaminant exposure scenarios used to estimate health risk shall be consistent with land use designations at the time the application is deemed complete, except where the project owner has direct control over discretionary uses.

(11) To the extent possible, the Air Pollution Control Officer shall develop screening risk assessment procedures for common equipment and toxic air contaminants to expedite and standardize review for compliance with Section (d). The procedures shall be maintained in writing and available upon request. The Air Pollution Control Officer shall propose additional exemptions to Section (b) that the the Air Pollution Control Officer deems appropriate, based on the results of these screening procedures.

Table I

Toxic Air Contaminants for Which Potential Carcinogenic Impacts Must Be Calculated[a]

Substance	Substance
Acetaldehyde	Ethylene dibromide
Acrylamide	(1, 2 - Dibromoethane)
Acrylonitrile	Ethylene dichloride
Arsenic	(1, 2 - Dichloroethane)
Arsenic compounds (inorganic)	Ethylene oxide
Asbestos	Formaldehyde
Benzene	Furans (chlorinated)
Benzidine (and its salts)	Hexachlorobenzene
Beryllium	Hexachlorocyclohexanes
Bis (chloromethyl) ether	Hydrazine
1,3-Butadiene	Methylene chloride (Dichloromethane)
Cadmium	Nickel and nickel compounds
Cadmium compounds	N-Nitrosodiethylamine
Carbon tetrachloride	N-Nitrosodimethylamine
Chlorinated dibenzo-p-dioxins	p-Nitrosodiphenylamine
(as 2, 3, 7, 8 - equivalents)	N-Nitrosodi-n-butylamine
Chlorinated dibenzofurans	N-Nitrosomethylethylamine
(as 2, 3, 7, 8 - equivalents)	N-Nitrosodi-n-propylamine
Chloroform	N-Nitrosopyrrolidine
Chlorophenols	PCBs (Polychlorinated biphenyls)
Pentachlorophenol	PAHs (Polycyclic aromatic hydrocarbons)
2, 4, 6 - Trichlorophenol	including, but not limited to:
Chloroprene	Benz[a]anthracene
Chromium (hexavalent)	Benzo[b]fluoranthene
Coke oven emissions	Benzo[k]fluoranthene
1, 2 - Dibromo -3- chloropropane (DBCP)	Benzo[a]pyrene
p-Dichlorobenzene	Dibenz[a,h]anthracene
(1, 4 - Dichlorobenzene)	Indeno[1,2,3-cd]pyrene
3,3' - Dichlorobenzidene	Perchloroethylene (Tetrachloroethylene)
Di (2 -ethylhexyl) phthalate (DEHP)	Propylene oxide
1, 4 - Dioxane	Trichlorethylene
Dioxins (chlorinated)	Urethane
(see chlorinated dibenzo-p-dioxins)	Vinyl chloride
Epichlorohydrin	

a. Unit Risk Values shall be obtained from the CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993 or any health risk assessment guidelines adopted by the state Office of Environmental Health Hazard Assessment (OEHHA), pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993.

Table II

Toxic Air Contaminants for Which Potential Chronic Noncancer Impacts Must Be Calculated[a]

Substance	Substance
Acetaldehyde	Epichlorohydrin
Acrolein	Ethyl acrylate
Acrylamide	Ethyl chloride
Acrylonitrile	Ethylene Dibromide (1, 2 - Dibromoethane)
Ammonia	Ethylene Dichloride (1, 2 - Dichloroethane)
Arsenic	Ethylene glycol butyl ether
Benzene	Ethylene glycol monethylether
Benzidine (and its salts)	Ethylene glycol ethyl ether acetate
Benzyl chloride	Ethylene glycol methyl ether
Beryllium	Ethylene glycol methyl ether acetate
Bromine	Ethylene oxide
Bromine compounds	Formaldehyde
Hydrogen bromide	gamma-Hexachlorocyclohexane
Bromine pentafluoride	Gasoline vapors
Cadmium	Glutaraldehyde
Carbon tetrachloride	Hexachlorobenzene
Chlorinated dibenzo-p-dioxins (as 2, 3, 7, 8 - equivalents)	Hexachlorocyclopentadiene
	Hydrazine
Chlorinated dibenzofurans {as 2, 3, 7, 8 - equivalents}	Hydrochloric acid
	Hydrogen cyanide
Chlorine	Hydrogen fluoride
Chlorobenzene (monochlorobenzene)	Hydrogen sulfide
Chlorofluorocarbons	Isocyanates
Chloroform	Toluene-2, 4-diisocyanate
Chlorophenols	Toluene-2, 6-diisocyanate
2-Chlorophenol	Methyl isocyanate
Pentachlorophenol	Lead and compounds
Tetrachlorophenols	Maleic anhydride
Chloropicrin	Manganese and compounds
Chloroprene	Mercury and compounds (inorganic)
Chromium (hexavalent)	Methanol
Copper	Methyl bromide
Cresols (o, m, p)	Methyl chloroform (1, 1, 1 - TCA)
Dibensodioxins (chlorinated)	Methylene chloride
(see chlorinated dibenzo-p-dioxins	4, 4' - Methylene dianiline (and its dichloride)
Dibenzodioxins (chlorinated)	Methyl mercury
(see chlorinated dibenzofurans)	methyl methacrylate
1, 2 - Dibromo-3-chloropropane (DBCP)	Mineral fibers (< 1% free silica)
p - Dichlorobenzene (1, 4 - Dichlorobenzene)	Naphthalene
1, 4- Dioxane	Nickel and nickel compounds
Di(2-ethylhexyl) phthalate	Nitrobenzene
Dimethylamine	2 - Nitropropane

Table II - continued

Toxic Air Contaminants for Which Potential Chronic Noncancer Impacts Must Be Calculated[a]

Substance	Substance
Ozone	Sodium hydroxide
Perchloroethylene (Tetrachloroethylene)	Styrene
Phenol	Sulfates
Phosphine	Toluene
Phosphorous (white)	Trichloroethylene
Phthalic anhydride	Vinyl chloride
PCBs (Polychlorinated biphenyls)	Vinylidene chloride
Propylene oxide	Xylenes
Selenium compounds	Zinc compounds

Table III

Toxic Air Contaminants for Which Potential Acute Noncancer Impacts Must Be Calculated[a]

Chemical	Chemical
Ammonia	Hydrogen fluoride
Acrolein	Hydrogen sulfide
Arsine	Maleic anhydride
Benyzl chloride	Mercury (inorganic)
Carbon tetrachloride	Methyl chloroform
Chlorine	Methylene chloride
Copper and compounds	Nickel compounds
1, 4 - Dioxane	Ozone
Ethylene glycol methyl ether	Perchloroethylene (Tetrachloroethylene)
Ethylene glycol ethyl ether	Phosgene
Ethylene glycol monoethyl ether acetate	Propylene oxide
Ethylene glycol monobutyl ether	Selenium
Formaldehyde	Sodium hydroxide
Hydrochloric acid	Sulfates
Hydrogen cyanide	Xylenes

a. Reference Exposure Levels and toxic endpoint information shall be obtained from the CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993 or any health risk assessment guidelines adopted by the state Office of Environmental Health Hazard Assessment (OEHHA), pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993.

IT IS FURTHER RESOLVED AND ORDERED that the subject addition of Rule 1200 to Regulation XII shall take effect upon adoption.

PASSED AND ADOPTED by the Air Pollution Control Board of the San Diego County Air Pollution Control District, State of California, this 12th day of June, 1996 by the following votes:

AYES: Cox, Jacob, Slater, Roberts, Horn

STATE OF CALIFORNIA)ss
County of San Diego)

I hereby certify that the foregoing is a full, true, and correct copy of the Original Resolution which is now on file in my office.

ARLINE S. HULTSCH
Assistant Clerk of the Air Pollution Control Board

By L. Monteleone
Lorena Loaiza Monteleone, Deputy

BOARD OF SUPERVISORS
COUNTY SEAL
SAN DIEGO COUNTY, CALIFORNIA

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL
BY L. Dutton
DEPUTY

This is a true certified copy of the original document on file or of record in my office. It bears the seal of the County of San Diego and signature of the Clerk of the Board of Supervisors, imprinted in purple ink.

Thomas J. Pastuszka
Clerk of the Board, San Diego County, California
6/12/96
By Deputy L. Monteleone

Resolution No. 96-163
6/12/96 (APCB 1)

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO

PROPOSED NEW RULE 1200
CHANGE COPY

RULE 1200. TOXIC AIR CONTAMINANTS - NEW SOURCE REVIEW

(a) APPLICABILITY

Except as provided in Section (b) of this rule, this rule applies to any new, relocated, or modified emission unit which may increase emissions of one or more toxic air contaminant(s) and for which an Authority to Construct or Permit to Operate is required pursuant to Rule 10, or for which a Notice of Intention or Application for Certification has been accepted by the California Energy Commission. An Application for Certification shall be considered equivalent to an application for an Authority to Construct. Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

(b) EXEMPTIONS

(1) The standards of Section (d) shall not apply to:

(i) The modification of an emission unit made exclusively to comply with the Maximum Achievable Control Technology (MACT) requirements adopted pursuant to either ~~of~~ Section 111 or 112 of the Federal Clean Air Act or to comply with requirements of these rules and regulations adopted to implement federal ~~Maximum Achievable Control Technology~~ MACT requirements.

(ii) The modification of an emission unit made exclusively to comply with a state Air Toxic Control Measure (ATCM) required by Division 26, Part 2, Chapter 3.5 of the California Health and Safety Code (AB 1807 program) or to comply with a requirement of these rules and regulations adopted to implement state ATCM ~~Air Toxic Control Measure~~ requirements.

(iii) An existing emission unit requiring a permit solely because of changes to Rule 11 of these rules and regulations provided the application for permit is submitted within one-year after the applicable change to Rule 11 is adopted.

(iv) The modification of an emission unit made exclusively to implement a District approved risk reduction plan required by Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program) or to comply with a requirement of these rules and regulations adopted to implement state SB 1731 program requirements.

(v) The following emission units provided the resulting increase in maximum incremental cancer risk at every receptor location is less than 100 in one million, the total acute noncancer health hazard index is less than 10 and the total chronic noncancer health hazard index is less than 10:

(A) Dry cleaning emission units, provided that Toxics Best Available Control Technology (T-BACT) will be installed.

~~(vi)~~ (B) Gasoline service station emission units, provided that T-BACT will be installed.

~~(vii)~~ (C) Asphalt roofing kettles and tanks.

~~(viii)~~ (D) Automotive refinishing operations not using chrome or lead pigmented coatings.

(E) Emission units used for wood product stripping operations, provided that T-BACT will be installed.

(2) The standards of Subsection (d)(1) and (3) shall not apply to the modification of an emission unit made exclusively to comply with a requirement of these rules and regulations, but not including Rule 1200. The Air Pollution Control Officer may determine for good cause, on a case-by-case basis, that this exemption does not apply to a modified emission unit. In the event such a determination is made, written notice shall be provided by the Air Pollution Control Officer to the project applicant as soon as possible and before the application is deemed complete pursuant to Rule 18. This notice shall specify the specific reason why the Air Pollution Control Officer has determined that this exemption does not apply and shall specify what additional requirements the project applicant must meet.

(c) **DEFINITIONS**

(1) "**Air Toxic Control Measure (ATCM)**" means a requirement to reduce emissions of one or more toxic air contaminants developed pursuant to Division 26, Part 2, Chapter 3.5 of the California Health and Safety Code (AB 1807 program).

(2) "**Cancer Burden**" means the estimated potential increase in the occurrence of cancer cases in a population subject to an incremental cancer risk of greater than one in one million resulting from exposure to toxic air contaminants. It shall be calculated pursuant to Section (e). ~~in accordance with procedures developed by the state Office of Environmental Health Hazard Assessment (OEHHA) and approved for use with Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program).~~

(3) "**Concurrent Emission Reductions**" means permanent, quantifiable, enforceable, and surplus emission reductions occurring at the same stationary source and within the six months prior to or at the same time as the commencement of operations of

new or modified emission units constituting a project. Emission reductions resulting from the shutdown of an emission unit are eligible to be concurrent emission reductions. Concurrent emission reductions shall be calculated pursuant to Section (e).

Notwithstanding the definition of "Surplus", emission reductions required by Section 111 or 112 (MACT) of the federal Clean Air Act, or Division 26, Part 2, Chapter 3.5 (ATCM) of the California Health and Safety Code may be used as concurrent emis

sion reductions if they occur before they are required by the applicable MACT or ATCM. However, their use as concurrent emission reductions shall expire on the date the reductions required by the applicable MACT or ATCM are actually required to take place. The Permit to Operate for any emission unit which has used such an emission reduction to satisfy in whole or in part the requirements of this rule, shall expire and become null and void on the date that the reductions required by the applicable MACT or ATCM are actually required to take place, unless additional concurrent emission reductions are provided in an amount necessary to satisfy the requirements of this rule.

(4) "**Contiguous Property**" means two or more parcels of land with a common boundary or separated solely by a public or private roadway or other public or private right-of-way. Non-adjoining parcels of land which are connected by a process line, conveyors, or other equipment shall be considered to be contiguous property. Non-adjoining parcels of land separated by bodies of water designated "navigable" by the U.S. Coast Guard shall not be considered contiguous properties.

~~(4)~~ (5) "**Emission Unit**" means any article, machine, equipment, contrivance, process or process line which emits or may emit one or more toxic air contaminants.

~~(5)~~ (6) "**Enforceable**" means can be enforced by the District through inclusion of conditions on a valid and current permit.

~~(6)~~ (7) "**Future Potentially Feasible Cancer Risk Reduction Measure**" means control measures and techniques that are in excess of T-BACT and are expected to be technologically feasible and economically practicable in the future. They include, but are not limited to, pollution prevention measures such as product substitution or modification, process modification, feed stock modification, operational and maintenance improvements; changes in basic control equipment; and enclosing systems or processes

to reduce emissions. Future potentially feasible cancer risk reduction measures are different from T-BACT in that they apply to existing permit units. Future potentially feasible cancer risk reduction measures are determined on a case-by-case basis.

~~(7)~~ (8) "**Maximum Achievable Control Technology (MACT)**" means emission controls or limitations included in any Section 112 requirement of the federal Clean Air Act, including any implementing regulations of the U.S. Environmental Protection Agency, for any source class or category.

~~(8)~~ (9) "**Maximum Incremental Cancer Risk**" **(MICR)** means the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to toxic air contaminant(s). It shall be calculated pursuant to Section (e) and using net emission increases from the project or emission unit. ~~in accordance with procedures developed by the state Office of Environmental Health Hazard Assessment (OEHHA) and approved for use with Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program).~~

~~(9)~~ (10) "**Modified Emission Unit**" means an emission unit which undergoes any physical or operational change which results or may result in an increase in an emission unit's toxic air contaminant potential to emit, including toxic air contaminants not previously emitted. An emission unit which undergoes the following shall not be considered a modified emission unit, provided such change is not contrary to any permit condition, and the change does not result in an increase in the toxic air contaminant potential to emit of any toxic air contaminant:

(i) The movement of a portable emission unit from one stationary source to another.

(ii) Repair or routine maintenance.

(iii) An increase in the hours of operation.

(iv) Use of alternate fuel or raw material.

~~(10)~~(11) "**Permanent**" means enforceable and which will exist for the life of the project or emission unit, as may be limited by enforceable permit conditions.

~~(11)~~(12) "**Post-Project Potential To Emit**" means a~~n~~ project's or emission unit's ~~or an aggregation of emission units'~~ potential to emit after issuance of an Authority to Construct for the proposed project or emission unit, calculated pursuant to Section (e).

(13) "**Potential to Emit**" means the maximum quantity of toxic air contaminant emissions, including fugitive emissions, that a project or emission unit is capable of emitting considering emission control equipment and calculated pursuant to Section (e).

~~(12)~~(14) "**Pre-Project Potential To Emit**" means a~~n~~ project's or emission unit's ~~or an aggregation of emission units'~~ potential to emit prior to issuance of an Authority to Construct for the proposed project or emission unit, calculated pursuant to Section (e). ~~If specific conditions limiting an emission unit's pre-project potential to emit are not contained in an Authority to Construct or a Permit to Operate, the pre-project potential to emit shall be limited to the emission unit's actual emissions or to a lower level of emissions, as the applicant and the Air Pollution Control Officer may agree, provided such limitation is enforceable through permit conditions.~~

~~(13)~~(15) "**Project**" means an emission unit or aggregation of emission units located at a stationary source for which an application or combination of applications for Authority to Construct or modified Permit to Operate are under District review. It includes any emission unit(s) modified to provide concurrent emission reductions.

~~(14)~~(16) "**Quantifiable**" means that a reliable basis for calculating the amount, rate, nature and characteristics of an emission change can be established, as determined by the Air Pollution Control Officer.

~~(15)~~(17) "**Receptor Location**" means any location beyond the project's or emission unit's stationary source boundaries where the Air Pollution Control Officer has determined exposure to the project's or emission unit's (not including any emission unit modified to provide concurrent emission reductions) emissions could reasonably occur.

~~(16)~~(18) "**Relocated**" means moved within San Diego County from one stationary source to another stationary source.

~~(17)~~(19) "**Stationary Source**" means an emission unit or aggregation of emission units which are located on the same or contiguous properties and which units are under common ownership or entitlement to use. Stationary sources also include those emission units or aggregation of emission units located in the California Coastal Waters.

~~Properties shall be deemed to be contiguous properties if they are separated solely by a public roadway or other public right-of-way.~~

~~(18)~~(20) "**Surplus**" means in excess of any emission reductions which are required by this rule, or which are required by or which the Air Pollution Control Officer reasonably expects will be required by Section 111 or 112 (MACT) of the federal Clean Air Act, or Division 26, Part 2, Chapter 3.5 (ATCM) of the California Health and Safety Code.

Emission reductions used as concurrent emission reductions as part of a project or emission unit subject to the requirements of this rule which occur before the Air Pollu-

tion Control Officer reasonably expects they will be required by Section 111 or 112 (MACT) of the federal Clean Air Act, or Division 26, Part 2, Chapter 3.5 (ATCM) of the
California Health and Safety Code shall be deemed to be permanently surplus. Emission reductions occurring before (*6 months before date of adoption*) are not surplus.

Emission reductions associated with Section 111 or 112 (MACT) of the federal Clean Air Act, or Division 26, Part 2, Chapter 3.5 (ATCM) of the California Health and Safety Code and which have been publicly noticed to be required by the federal Environmental Protection Agency or the California Air Resources Board, as applicable, may be deemed to be reasonably expected to occur by the Air Pollution Control Officer. If subsequent public notice is given by such agency that such emission reductions will not be required, such emission reductions shall be deemed to be surplus.

~~(19)~~(21) "**Total Acute Noncancer Health Hazard Index**" means the sum of the individual substance acute health hazard indexes affecting the same target organ system for a potential maximally exposed individual for all toxic air contaminants identified in Table III. It shall be calculated using net emission increases from the project or emission unit. It shall be calculated pursuant to Section (e). ~~the procedures developed by the state Office of Environmental Health Hazard Assessment (OEHHA) and adopted for use with the state SB1731 program as affecting the same target organ system.~~

~~(20)~~(22) "**Total Chronic Noncancer Health Hazard Index**" means the sum of the individual substance chronic health hazard indexes affecting the same target organ system for a potential maximally exposed individual for all toxic air contaminants identified in Table II. It shall be calculated using net emission increases from the project or emission unit. It shall be calculated pursuant to Section (e). ~~the procedures developed by the state Office of Environmental Health Hazard Assessment (OEHHA) and adopted for use with the state SB1731 program as affecting the same target organ system.~~

~~(21)~~(23) "**Toxic Air Contaminant (TAC)**" means Hazardous Air Pollutants (HAP's) listed in Section 112 of the Federal Clean Air Act, or air contaminants listed in Table~~s~~ I (carcinogenic), Table II (noncarcinogenic - chronic) or Table III (noncarcinogenic - acute) which have a health standard, approved by the state Office of Environmental Health Hazard Assessment (OEHHA) and listed in the California Air Pollution Control Officers Association (CAPCOA) Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993 or listed in any health risk assessment guidelines adopted by

OEHHA, pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 procedures), that replaces all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993. The Air Pollution Control Officer may revise Tables I, II, or III upon OEHHA adoption of revised CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines or upon OEHHA adoption of any health risk assessment guidelines or revisions adopted pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 procedures), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993, or with the concurrence of OEHHA and 30 days after public notice of the proposed changes is published in a newspaper of general circulation. A member of the public may petition the Air Pollution Control Officer to add air contaminants to these tables.

~~(22) "**Toxic Air Contaminant Potential to Emit**" means the maximum quantity of toxic air contaminant emissions, including fugitive emissions, that an emission unit is capable of emitting considering emission control equipment. If the project applicant agrees to enforceable hourly, daily and/or annual limitations on the operation of the emission unit, and any associated emission control equipment, as a condition to receiving an Authority to Construct and/or Permit to Operate, such limitations shall be used to establish the toxic air contaminant potential to emit.~~

~~(23)~~(24) "**Toxics Best Available Control Technology (T-BACT)**" means the most ~~stringent~~ effective emission limitation or ~~the most effective~~ 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 control technique, including process and equipment changes ~~in process and~~ of basic and control equipment and implementation of pollution prevention measures, found by the Air Pollution Control Officer to be technologically feasible for that source or category of source, or for a specific source. If there is an applicable MACT standard, the Air Pollution Control Officer shall evaluate it for equivalency with T-BACT.

(d) **STANDARDS**

The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate for any new, relocated, or modified emission unit increasing emissions of one or more toxic air contaminants listed in Tables I, II, or III unless all of the following requirements are met:

(1) **Cancer Risk**

(i) T-BACT Not Applied. The increase in maximum incremental cancer risk at every receptor location is equal to or less than one in one million for any project for which new, relocated, or modified emission units that increases maximum incremental cancer risk are not equipped with T-BACT; and

(ii) T-BACT Applied. Except as provided ~~below~~ in (d)(1)(iii), the increase in maximum incremental cancer risk at every receptor location is equal to or less than 10 in one million for any project for which all new, relocated, or modified emission units that increases maximum incremental cancer risk are equipped with T-BACT.

(iii) Maximum Incremental Cancer Risk Greater Than 10 in One Million. The Air Pollution Control Officer may grant an Authority to Construct and/or Permit to Operate for a new, relocated, or modified emission unit with an increase in maximum incremental cancer risk at any receptor location of greater than 10 in one million but less than 100 in one million provided all of the following conditions are met:

(A) All new, relocated, or modified emission unit(s) associated with the project that increase maximum incremental cancer risk by more than one in one million are equipped with T-BACT.

(B) The Air Pollution Control Officer prepares a report in support of approving an Authority to Construct for the project. The following information shall be included in the report and shall be provided by the project applicant in report format to the satisfaction of the Air Pollution Control Officer: ~~by the project applicant.~~

(1) Identification of the toxic air contaminants that would be emitted.

(2) Identification of the cancer and noncancer (chronic and acute) health impacts of the toxic air contaminants that would be emitted.

(3) A discussion of any uncertainty associated with the risk assessment that the applicant believes is noteworthy.

(4) A discussion of the benefits associated with the new or modified project (any emission unit modified to provide concurrent emission reductions need not be included).

(5) A discussion of any local, state or federal mandates requiring the new or modified project (any emission unit modified to provide concurrent emission reductions need not be included).

(6) Identification of project impacts on environmental media other than air.

(7) Identification of all sensitive receptors impacted by the new or modified project (any emission unit modified to provide concurrent emission reductions need not be included).

(8) A discussion of how the stationary source will comply with all applicable MACT ~~Maximum Achievable Control Technology~~ and ATCM ~~Air Toxic Control Measure~~ requirements at the time of Authority to Construct issuance.

(9) A demonstration that the cancer burden as a result of the project will not exceed 1.0.

(10) A cancer risk reduction plan for the project (any emission unit modified to provide concurrent emission reductions need not be included) to include the following information:

(i) Identification of the processes and activities causing the toxic air contaminant emissions from the project and what portion of the total project risk is due to each.

(ii) Identification of all future potentially feasible cancer risk reduction measures ~~in excess of T-BACT~~ for the project type.

(iii) An estimate of the risk reduction potential of all future potentially feasible cancer risk reduction measures. ~~and measures in excess of T-BACT.~~

(iv) An estimate of how long it would take to implement all future potentially feasible cancer risk reduction measures. ~~and measures in excess of T-BACT.~~

(v) A determination of the technical feasibility and cost-effectiveness to implement all future potentially feasible cancer risk reduction measures. ~~and measures in excess of T-BACT for the project.~~

(vi) Identification of and a commitment to implement future potentially feasible cancer risk reduction measures for the

project to reduce the maximum incremental cancer risk increase from the project to 10 in one million or less, and a detailed schedule for implementation. ~~and measures in excess of T-BACT that will be implemented to reduce potential risk from the project, and a detailed schedule for implementation. If the plan shows that these measures are insufficient to reduce the increase in maximum incremental cancer risk to 10 in one million or less, the plan shall identify all potential reductions in the future.~~

(11) A discussion of how each requirement of Subsections (d)(1)(iii)~~(ii)~~, (d)(2), and (d)(3) will be met.

The report required by this Subsection shall be available in draft form for public review at the Air Pollution Control District and at a minimum of one public library (*to be determined by the Air Pollution Control Officer*) near affected persons for the 30 days required by Subsection (d)(1)(iii)~~(ii)~~(J) before it is finalized.

(C) The Air Pollution Control Officer will include in any Authority to Construct that is issued for the project a condition(s) requiring implementation of the future potentially feasible cancer risk reduction measures the project applicant committed to implement pursuant to the requirement of Subsection (d)(1)(iii)(B)(10)(vi). ~~The project has satisfied all other requirements of this rule.~~

(D) If the project is a modification of an existing stationary source emitting one or more toxic air contaminant(s), T-BACT shall be installed on all permitted emission units at the stationary source that have a maximum incremental cancer risk impact of greater than 10 in one million at any receptor location where the increase in maximum incremental cancer risk as a result of the project is greater than 10 in one million. The Air Pollution Control Officer shall not consider emission units modified to comply with this requirement as part of the project unless specifically requested to do so by the project applicant. Emissions and risk impact data to be used for such impact determinations from non-project emission units shall be from the District program to implement Section 44362 of Division 26 (AB 2588) of the California Health and Safety Code, as such data exists on the date a complete permit application for the project is filed with the District, unless the Air Pollution Control Officer approves the use of other emissions and risk impact data as being more representative.

(E) If the increase in maximum incremental cancer risk as a result of the project is greater than 50 in one million at any receptor location,

(1) all available cancer risk reductions shall be provided from permitted emission units:

(i) located at stationary sources other than the stationary source where the project is located or will be located (e.g. off-site emission reductions), and

(ii) which have~~ing~~ a maximum incremental cancer risk impact of greater than 10 in one million at any receptor location where the maximum incremental cancer risk impact as a result of the project is greater than 10 in one million;

or,

(2) cancer risk reductions shall be ~~are~~ provided until the ~~resulting~~ increase in maximum incremental cancer risk from the project
at all receptor locations ~~within the project impact area~~ is equal to or less than 10 in one million.

Emissions and risk impact data to be used for such impact determinations shall be from the District program to implement Section 44362 of Division 26 (AB 2588) of the California Health and Safety Code, as such data exists on the date a complete permit application for the project is filed with the District, unless the Air Pollution Control Officer approves the use of other emissions and risk impact data as being more representative.

Cancer risk reductions from any single emission unit required by this Subsection (d)(1)(iii)(E) shall not be required if the project applicant demonstrates to the satisfaction of the Air Pollution Control Officer that the annualized cost of such cancer risk reduction (from such single emission unit) ~~Emissions reductions which exceed an annualized cost per unit of maximum incremental cancer risk reduced of 1.25 times the annualized cost~~ per unit of maximum incremental cancer risk reduced is greater than 1.25 times the annualized cost per unit of maximum incremental cancer risk reduced by T-BACT for the project (not including any emission unit modified to provide concurrent

emission reductions). ~~are not required to be provided.~~

All emission reductions provided pursuant to this subsection shall be enforceable, permanent, and quantifiable. The stationary source operator shall demonstrate to the satisfaction of the Air Pollution Control Officer that the requirements of this subsection have been met. If emission reductions from permitted units are provided such that the resulting maximum incremental cancer risk from the project at all receptor locations within the project impact area is equal to or less than 10 in one million, the requirements of Subsections (d)(1)(iii)~~(ii)~~(B), (D), (F), (I), and (J) shall not apply.

(F) The stationary source operator will prepare an annual report on risk reduction methods, including pollution prevention, available for reducing the resulting project (not including any emission unit modified to provide concurrent emission reductions) maximum incremental cancer risk for affected

emission units to less than or equal to 10 in one million. Such report shall ~~be prepared in accordance with~~ meet the same requirements ~~of~~ as established for the District's program to implement Division 26, Part 6, Chapter 6 (SB 1731
risk reduction program) of the California Health and Safety Code. The stationary source operator shall implement the approved risk reduction methods within one year from the date of approval by the District.

(G) The stationary source is in compliance with all applicable MACT and ATCM requirements at the time of Authority to Construct issuance.

(H) The cancer burden as a result of the project is equal to or less than 1.0.

(I) The stationary source operator will notify affected persons of the project and, after providing a minimum 30-day notice, hold a public meeting (in the area affected by the project) to discuss the project. Notification shall be in writing and ~~in accordance with~~ shall meet the same requirements as established for District notification procedures to implement Section 44362 of Division 26 (AB 2588 Air Toxics Hot Spots notification program) of the
California Health and Safety Code.

(J) After written notice is provided to affected persons, the Air Pollution Control Officer has provided a 30-day period for the public to submit written comments on the following as they relate to the project:

(1) Does the project meet all applicable federal, state and Air Pollution Control District requirements;

(2) Are there any special considerations in the affected community that warrant disapproval of the project;

(3) Are there alternative processes or control technologies that should be considered;

(4) Are the applicable terms and conditions of the proposed permit enforceable by the Air Pollution Control Officer; and,

(5) Was proper public notice provided regarding the project?

Written notice of the proposed project and comment period shall be prepared by the Air Pollution Control Officer and shall include notice that the draft report required by Subsection (d)(1)(iii)~~(ii)~~(B) and the Air Pollution Control Officer's analysis of the project are available for public review at the Air Pollution Control District and at a mimimum of one specified public library (*to be determined by the Air Pollution Control Officer*) near the affected persons. The notice shall be provided to affected persons by the stationary source operator at the same time as the notice required by Subsection (d)(1)(iii)~~(ii)~~(I) is provided to affected persons.

(2) **Total Acute Noncancer Health Risk**

The increase in the total acute noncancer health hazard index at every receptor location as a result of the project is equal to or less than one unless the Air Pollution Control Officer, after consulting with the state OEHHA ~~Office of Environmental Health Hazard Assessment~~, determines that an alternate total acute noncancer health hazard index is sufficiently health protective. In such case, the increase in total acute noncancer health hazard index shall be limited to the alternative total acute noncancer health hazard index at every receptor location.

(3) **Total Chronic Noncancer Health Risk**

The increase in the total chronic noncancer health hazard index at every receptor location as a result of the project is equal to or less than one ~~1~~ unless the Air Pollution Control Officer, after consulting with the state OEHHA ~~Office of Environmental Health Hazard Assessment~~, determines that an alternate total chronic noncancer health hazard

index is sufficiently health protective. In such case, the increase in total chronic noncancer health hazard index shall be limited to the alternative total chronic noncancer health hazard index at every receptor location.

(e) **PROCEDURES** [*Section (e) and Tables I, II, and III have been completely revised. See Attachment for a copy of the Workshop Draft.*]

(1) Health risk estimates shall be performed for toxic air contaminants listed in Tables I, II, III using corresponding state OEHHA health risk values in effect on the date action on the application(s) is taken. In the event health risk values are added or revised by OEHHA after the application is deemed complete pursuant to Rule 18, the Air Pollution Control Officer shall advise the project applicant in writing as soon as possible thereafter. The project applicant shall make the necessary changes to the health risk estimates to incorporate the new or revised health risk values and submit them to the Air Pollution Control Officer. However, if requested to do so by the project applicant, the Air Pollution Control Officer (in lieu of the project applicant) shall make the necessary changes to the health risk estimates to incorporate the new or revised health risk values.

(2) The Air Pollution Control Officer shall estimate health risk (cancer and non-cancer) and cancer burden in accordance with procedures specified in the CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993 or specified in any health risk assessment guidelines adopted by the state OEHHA, pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October, 1993.

(3) Exposure Periods of Concern

Total chronic noncancer health risk and maximum incremental cancer risk estimates shall be calculated based on the project's or emission unit's emission increase in annual toxic air contaminant potential to emit. Total acute noncancer health risk estimates shall be based on the project's or emission unit's emission increase in toxic air contaminant potential to emit for the exposure period of concern.

(4) Calculation of Emission Increases

Emission increases from a new or relocated project or emission unit shall be calculated as the new project's or emission unit's post project potential to emit. Emission increases from a modified project or emission unit shall be calculated as the project's or emission unit's post project potential to emit minus its pre-project potential to emit.

(5) Calculation of Potential to Emit

Except as provided in (i) and (ii) below, the potential to emit shall be calculated based on the maximum design capacity or other operating conditions which reflect the maximum potential emissions, including fugitive emissions.

(i) Permit Limitations Shall Be Used: If specific limiting conditions contained in an Authority to Construct or Permit to Operate restrict or will restrict emissions to a lower level, these limitations shall be used to calculate the potential to emit.

(ii) Potential to Emit Shall Not Exceed Maximum Potential: If specific conditions limiting a project's or emission unit's pre-project potential to emit are not contained in an Authority to Construct or a Permit to Operate, the pre-project potential to emit shall be limited to the project's or emission unit's actual emissions only to the extent that such emissions do not violate any District, state or federal law, rule, regulation, order or permit condition.

For purposes of this requirement, the Air Pollution Control Officer may allow the pre-project potential to emit to be based on the highest level of actual emissions occurring during a consecutive one-year period within the five-year period preceding the receipt date of the application to the extent that the emission level was not in excess of any District, state or federal law, rule, regulation, order or permit condition.

(6) Calculation of Actual Emissions for Determining Emission Reductions

(i) Actual emissions of an existing emission unit shall be averaged over the most representative two consecutive years within the five years preceding the receipt date of an application, as determined by the Air Pollution Control Officer. Such actual emissions shall not include emissions in excess of any District, state or federal law, rule, regulation, order or permit condition._

(ii) For emission units that have not been operated for a consecutive two-year period, which is representative of actual operations within the five years preceding the receipt date of the application, the calculation of actual emissions shall be based on the average of any two one-year operating periods determined by the Air Pollution Control Officer to be representative within that five-year period. If a representative two-year time period or two one-year time period does not exist, the calculation of actual emissions shall be based on the average of the total operational time period within that five-year period._

(iii) Actual emissions for emission units operated for a period of less than six months shall be based on an average over the longest operating time period determined by the Air Pollution Control Officer to be most representative of actual operations._

(7) When concurrent emission reductions are provided, the resulting reduction in health risk at each evaluated receptor location shall be subtracted from the health risk increase at the same receptor location to provide a net health risk as a result of the project at each such receptor location.

Total chronic noncancer health risk and maximum incremental cancer risk reduction estimates shall be calculated based on the project's or emission unit's annual emission reduction in toxic air contaminants. Total acute noncancer health risk reduction estimates shall be based on the project's or emission unit's emission reduction in toxic air contaminants for the exposure period of concern.

In order for an emission reduction to qualify as a concurrent emission reduction when determining the net acute noncancer health risk as a result of a project or emission unit, the applicant shall demonstrate that there will be a resulting health risk reduction to mitigate emission increases from the project or emission unit for each and every acute time period of concern.

(8) Calculation of Emission Reductions

(i) An actual emission reduction may only be used as a concurrent emission reduction. Actual emissions calculated pursuant to Subsection (e)(6) shall be used for purposes of determining an actual emission reduction in accordance with this Subsection (e)(8). An actual emission reduction must be quantifiable, enforceable and surplus and may be temporary or permanent in duration. A temporary actual emission reduction shall be identified as temporary and shall include a specific date beyond which the reductions are no longer valid.

(A) Actual emission reductions from the shutdown or relocation of an emission unit shall be calculated based on the emission unit's pre-project actual emissions.

(B) Actual emission reductions from a modified project or emission unit shall be calculated as the project's or emission unit's pre-project actual emissions minus the project's or emission unit's post-project potential to emit.

(ii) Adjustment for Determining Actual Emission Reduction: If an emission unit has been permitted and operated for a period of less than two years, the emission unit's actual emissions, for purposes of determining decreases in cancer risk or noncancer chronic risk, shall be calculated as the unit's actual emissions over the actual operating time period times the actual operating time period in days divided by 1460.

(iii) If an emission unit was operated in violation of any District, state or federal law, rule, regulation, order, or permit condition during the period used to determine actual emissions, the actual emissions shall be adjusted to reflect the level of emissions which would have occurred if the emission unit had not been in violation.

(9) When concurrent emission reductions are provided, the project applicant shall apply for and the Air Pollution Control Officer shall approve or deny, as appropriate, an Authority to Construct and a new or modified Permit to Operate with apropriate conditions for the emission unit(s) providing the concurrent emission

reductions, or retire a Permit to Operate for the emission unit(s) in the event of a shutdown.

(10) Toxic air contaminant exposure scenarios used to estimate health risk shall be consistent with land use designations at the time the application is deemed complete, except where the project owner has direct control over discretionary uses.

(11) To the extent possible, the Air Pollution Control Officer shall develop screening risk assessment procedures for common equipment and toxic air contaminants to expedite and standardize review for compliance with Section (d). The procedures shall be maintained in writing and available upon request. The Air Pollution Control Officer shall propose additional exemptions to Section (b) that the the Air Pollution Control Officer deems appropriate, based on the results of these screening procedures.

Table I

Toxic Air Contaminants for Which Potential Carcinogenic Impacts Must Be Calculated[a]

Substance	Substance
Acetaldehyde	Ethylene dibromide
Acrylamide	(1, 2 - Dibromoethane)
Acrylonitrile	Ethylene dichloride
Arsenic	(1, 2 - Dichloroethane)
Arsenic compounds (inorganic)	Ethylene oxide
Asbestos	Formaldehyde
Benzene	Furans (chlorinated)
Benzidine (and its salts)	Hexachlorobenzene
Beryllium	Hexachlorocyclohexanes
Bis (chloromethyl) ether	Hydrazine
1,3-Butadiene	Methylene chloride (Dichloromethane)
Cadmium	Nickel and nickel compounds
Cadmium compounds	N-Nitrosodiethylamine
Carbon tetrachloride	N-Nitrosodimethylamine
Chlorinated dibenzo-p-dioxins	p-Nitrosodiphenylamine
(as 2, 3, 7, 8 - equivalents)	N-Nitrosodi-n-butylamine
Chlorinated dibenzofurans	N-Nitrosomethylethlamine
(as 2, 3, 7, 8 - equivalents)	N-Nitrosodi-n-propylamine
Chloroform	N-Nitrosopyrrolidine
Chlorophenols	PCBs (Polychlorinated biphenyls)
Pentachlorophenol	PAHs (Polycyclic aromatic hydrocarbons)
2, 4, 6 - Trichlorophenol	including, but not limited to:
Chloroprene	Benz[a]anthracene
Chromium (hexavalent)	Benzo[b]fluoranthene
Coke oven emissions	Benzo[k]fluoranthene
1, 2 - Dibromo -3- chloropropane (DBCP)	Benzo[a]pyrene
p-Dichlorobenzene	Dibenz[a,h]anthracene
(1, 4 - Dichlorobenzene)	Indeno[1,2,3-cd]pyrene
3,3' - Dichlorobenzidene	Perchloroethylene (Tetrachlooethylene)
Di (2 -ethyhexyl) phthalate (DEHP)	Propylene oxide
1, 4 - Dioxane	Trichlorethylene
Dioxins (chlorinated)	Urethane
(see chlorinated dibenzo-p-dioxins)	Vinyl chloride
Epichlorohydrin	

a. Unit Risk Values shall be obtained from the CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993 or any health risk assessment guidelines adopted by the state Office of Environmental Health Hazard Assessment (OEHHA), pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993.

Table II

Toxic Air Contaminants for Which Potential Chronic Noncancer Impacts Must Be Calculated[a]

Substance	Substance
Acetaldehyde	Epichlorohydrin
Acrolein	Ethyl acrylate
Acrylamide	Ethyl chloride
Acrylonitrile	Ethylene Dibromide (1, 2 - Dibromoethane)
Ammonia	Ethylene Dichloride (1, 2 - Dichloroethane)
Arsenic	Ethylene glycol butyl ether
Benzene	Ethylene glycol monethylether
Benzidine (and its salts)	Ethylene glycol ethyl ether acetate
Benzyl chloride	Ethylene glycol methyl ether
Beryllium	Ethylene glycol methyl ether acetate
Bromine	Ethylene oxide
Bromine compounds	Formaldehyde
Hydrogen bromide	gamma-Hexachlorocyclohexane
Bromine pentafluoride	Gasoline vapors
Cadmium	Glutaraldehyde
Carbon tetrachloride	Hexachlorobenzene
Chlorinated dibenzo-p-dioxins	Hexachlorocyclopentadiene
(as 2, 3, 7, 8 - equivalents)	Hydrazine
Chlorinated dibenzofurans	Hydrochloric acid
{as 2, 3, 7, 8 - equivalents}	Hydrogen cyanide
Chlorine	Hydrogen fluoride
Chlorobenzene (monochlorobenzene)	Hydrogen sulfide
Chlorofluorocarbons	Isocyanates
Chloroform	Toluene-2, 4-diisocyanate
Chlorophenols	Toluene-2, 6-diisocyanate
2-Chlorophenol	Methyl isocyanate
Pentachlorophenol	Lead and compounds
Tetrachlorophenols	Maleic anhydride
Chloropicrin	Manganese and compounds
Chloroprene	Mercury and compounds (inorganic)
Chromium (hexavalent)	Methanol
Copper	Methyl bromide
Cresols (o, m, p)	Methyl chloroform (1, 1, 1 - TCA)
Dibensodioxins (chlorinated)	Methylene chloride
(see chlorinated dibenzo-p-dioxins	4, 4' - Methylene dianiline (and its dichloride)
Dibenzodioxins (chlorinated)	Methyl mercury
(see chlorinated dibenzofurans)	methyl methacrylate
1, 2 - Dibromo-3-chloropropane (DBCP)	Mineral fibers (< 1% free silica)
p - Dichlorobenzene (1, 4 - Dichlorobenzene)	Naphthalene
1, 4- Dioxane	Nickel and nickel compounds
Di(2-ethylhexyl) phthalate	Nitrobenzene
Dimethylamine	2 - Nitropropane

Table II - continued

Toxic Air Contaminants for Which Potential Chronic Noncancer Impacts Must Be Calculated[a]

Substance	Substance
Ozone	Styrene
Perchloroethylene (Tetrachloroethylene)	Sulfates
Phenol	Toluene
Phosphine	Trichloroethylene
Phosphorous (white)	Vinyl chloride
Phthalic anhydride	Vinylidene chloride
PCBs (Polychlorinated biphenyls)	Xylenes
Propylene oxide	Zinc compounds
Selenium compounds	
Sodium hydroxide	

a. Reference Exposure Levels and toxic endpoint information shall be obtained from the CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993 or any health risk assessment guidelines adopted by the state OEHHA, pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993.

Table III

Toxic Air Contaminants for Which Potential Acute Noncancer Impacts Must Be Calculated[a]

Chemical	Chemical
Ammonia	Hydrogen fluoride
Acrolein	Hydrogen sulfide
Arsine	Maleic anhydride
Benyzl chloride	Mercury (inorganic)
Carbon tetrachloride	Methyl chloroform
Chlorine	Methylene chloride
Copper and compounds	Nickel compounds
1, 4 - Dioxane	Ozone
Ethylene glycol methyl ether	Perchloroethylene (Tetrachloroethylene)
Ethylene glycol ethyl ether	Phosgene
Ethylene glycol monoethyl ether acetate	Propylene oxide
Ethylene glycol monobutyl ether	Selenium
Formaldehyde	Sodium hydroxide
Hydrochloric acid	Sulfates
Hydrogen cyanide	Xylenes

a. Reference Exposure Levels and toxic endpoint information shall be obtained from the CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993 or any health risk assessment guidelines adopted by the state Office of Environmental Health Hazard Assessment (OEHHA), pursuant to Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program), that replace all or part of such CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines, October 1993.

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO

NEGATIVE DECLARATION

1. Project Name:

Adoption of new Rule 1200, Toxic Air Contaminants - New Source Review, in the San Diego County Air Pollution Control District Rules & Regulations.

2. Project Description:

The District has proposed adopting new Rule 1200, Toxic Air Contaminants - New Source Review, specifying District criteria and procedures for approving applications for Authority to Construct new and modified equipment emitting toxic air contaminants. With one exception, the criteria and procedures being proposed are the same as those used by the District for the past 12 years when approving such equipment, and are consistent with the requirements of other California air pollution control districts.

To protect public health and welfare from the potential for nuisance from the emissions of toxic air contaminants pursuant to District Rule 51 - Nuisance, the District currently requires risk assessments be done in accordance with the procedures specified in the California Air Pollution Control Officers Association Air Toxics "Hot Spots" Program Risk Assessment Guidelines. The increase in cancer risk as a result of new or modified equipment is limited to one in one million or less if no emission control technology is proposed, and ten in one million or less if best available control technology for toxic air contaminants (TBACT) is proposed. The increase in acute (short term exposure) and chronic (long term exposure) noncancer health risks is limited to a total health hazard index of one or less unless the District, after consulting with the state office of environmental health hazard assessment, determines that an alternative health hazard index is sufficiently health protective.

The exception to the current criteria and procedures that would be allowed by Rule 1200 is provisions whereby a project having an expected cancer risk greater than 10 but no more than 100 in one million may be approved only if very specific and stringent requirements are met. The current criteria does not allow cancer risks for new or modified projects to exceed 10 in one million.

3. Project Location:

Entire area within the boundaries of San Diego County. San Diego County is the southwestern most county in California.

4. Proposed Finding:

This Negative Declaration was prepared pursuant to the provisions of CEQA. The District has determined that there is no reasonable possibility that this project may result in a significant impact upon the environment. The Initial Study is attached to support this finding.

INITIAL STUDY

San Diego Air Pollution Control District

Adoption of New Rule 1200
New Source Review - Toxic Air Contaminants

March 20, 1996

Prepared by
Paul A. Davis

San Diego Air Pollution Control District
9150 Chesapeake Drive
San Diego, CA 92123-1096

CONTENTS

I. INTRODUCTION

A. Project Name:

Adoption of new Rule 1200, Toxic Air Contaminants - New Source Review, in the San Diego County Air Pollution Control District Rules & Regulations.

B. Project Applicant:

San Diego County Air Pollution Control District
9150 Chesapeake Drive
San Diego, California 92123-1095

C. Project Location:

The entire area within the boundaries of San Diego County. San Diego County is the southwestern most county in California.

II. PROJECT DESCRIPTION

The District has proposed adopting new Rule 1200, Toxic Air Contaminants - New Source Review, specifying District criteria and procedures for approving applications for Authority to Construct new and modified equipment emitting toxic air contaminants. With one exception, the criteria and procedures being proposed are the same as those used by the District for the past 12 years when approving such equipment, and are consistent with the requirements of other California air pollution control districts.

To protect public health and welfare from the potential for nuisance from the emissions of toxic air contaminants pursuant to District Rule 51 - Nuisance, the District currently requires risk assessments be done in accordance with the procedures specified in the California Air Pollution Control Officers Association air toxics hot spots program risk assessment guidelines. The increase in cancer risk as a result of new or modified equipment is limited to one in one million or less if no emission control technology is proposed, and ten in one million or less if best available control technology for toxic air contaminants (TBACT) is proposed. The increase in acute (short term exposure) and chronic (long term exposure) noncancer health risks is limited to a total health hazard index of one or less unless the District, after consulting with the state office of environmental health hazard assessment, determines that an alternative health hazard index is sufficiently health protective.

The exception to the current criteria and procedures that would be allowed by Rule 1200 is provisions whereby a project having an expected cancer risk greater than 10 but no more than 100 in one million may be approved only if very specific and stringent requirements are met. The current criteria does not allow cancer risks for new or modified projects to exceed 10 in one million.

A copy of the proposed new Rule 1200 is attached.

III. ENVIRONMENTAL EFFECTS

A. Discussion

The consequence of the very specific and stringent requirements that must be met for new or modified projects to qualify for the 100 in one million standard in lieu of the current 10 in one million is that excess cancer risk is mitigated through the requirement that available nonproject toxic air contaminant emission reductions be provided. Additionally, industry comments during regulatory development indicated the provisions are sufficiently stringent that their use is unlikely. Also to be considered is that the standard for existing facilities is 100 in one million.

Because Rule 1200 proposes to codify existing procedures, the provisions allowing higher risk projects than allowed by current procedures include provisions mitigating overall public exposure, and because the standard for new or modified projects is as stringent or more stringent than for existing facilities, there is no reasonable possibility of significant impact on the environment from the adoption of Rule 1200.

B. Environmental Checklist

	YES	MAYBE	NO
1. Earth. Will the proposal result in:			
a. Unstable earth conditions or in changes in geologic substructure?	____	____	x
b. Disruptions, displacements, compaction or overcovering of the soil?	____	____	x
c. Change in topography or ground surface relief features?	____	____	x
d. The destruction, covering or modification of any unique geologic or physical features?	____	____	x
e. Any increase in wind or water erosion of soils, either on or off the site?	____	____	x
f. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	____	____	x
g. Exposure of people or property to geologic hazards such as earthquakes, landslides, mudslides, ground failure, or similar hazards?	____	____	x
2. Air. Will the proposal result in:			
a. Significant air emissions for some air contaminants?	____	____	x
b. The creation of objectionable odors?	____	____	x
c. Alteration of air movement, moisture, or temperature, or any change in climate, either locally or regionally?	____	____	x
3. Water. Will the proposal result in:			
a. Changes in currents, or the course of direction of water movements, in either marine or fresh waters?	____	____	x
b. Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	____	____	x
c. Alterations to the course or flow of flood waters?	____	____	x

	YES	MAYBE	NO
d. Change in the amount of surface water in any water body?	____	____	x
e. Discharge into surface waters, or any alteration of surface water quality, including but not limited to temperature, dissolved oxygen, or turbidity?	____	____	x
f. Alteration of the direction or rate of flow of ground water?	____	____	x
g. Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?	____	____	x
h. Substantial reduction in the amount of water otherwise available for public water supplies?	____	____	x
i. Exposure of people or property to water related hazards such as flooding or tidal waves?	____	____	x
4. **Plant Life.** Will the proposal result in:			
a. Change in the diversity of species, or number of any species of plants (including trees, shrubs, grass, crops, and aquatic plants)?	____	____	x
b. Reduction of the numbers of any unique, rare or endangered species of plants?	____	____	x
c. Introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	____	____	x
d. Reduction in acreage of any agricultural crop?	____	____	x
5. **Animal Life.** Will the proposal result in:			
a. Change in the diversity of species, or numbers of any species of animals (birds, land animals including reptiles, fish and shellfish, benthic organisms or insects)?	____	____	x
b. Reduction of the numbers of any unique, rare or endangered species or animals?	____	____	x
c. Introduction of new species of animals into an area, or result in a barrier to the migration or movement of animals?	____	____	x
d. Deterioration to existing fish or wildlife habitat?	____	____	x

	YES	MAYBE	NO
6. **Noise.** Will the proposal result in:			
a. Increases in existing noise levels?	____	____	x
b. Exposure of people to severe noise levels?	____	____	x
7. **Light and Glare.** Will the proposal produce new light and glare?	____	____	x
8. **Land Use.** Will the proposal result in a substantial alteration of the present or planned land use of an area?	____	____	x
9. **Natural Resources.** Will the proposal result in increases in the rate of use of any natural resource?	____	____	x
10. **Risk of Upset.** Will the proposal involve:			
a. A risk of an explosion or the release of hazardous substances (including, but not limited to oil, pesticides, chemicals or radiation) in the event of an accident or upset conditions?	____	____	x
b. Possible interference with an emergency response plan or an emergency evacuation plan?	____	____	x
11. **Population.** Will the proposal alter the location, distribution, density, or growth rate of the human population of an area?	____	____	x
12. **Housing.** Will the proposal affect existing housing, or create a demand for addition housing?	____	____	x
13. **Transportation/Circulation.** Will the proposal result in:			
a. Generation of substantial additional vehicular movement?	____	____	x
b. Effects on existing parking facilities, or demand for new parking?	____	____	x
c. Substantial impact upon existing transportation systems?	____	____	x
d. Alterations to present patterns of circulation or movement of people and/or goods?	____	____	x

	YES	MAYBE	NO
e. Alterations to waterborne, rail or air traffic?	____	____	x
f. Increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	____	____	x
14. Public Services. Will the proposal have an effect upon, or result in a need for, new or altered governmental services in any of the following areas:			
a. Fire protection?	____	____	x
b. Police protection?	____	____	x
c. Schools?	____	____	x
d. Parks or other recreational facilities?	____	____	x
e. Maintenance of public facilities, including roads?	____	____	x
f. Other government services?	____	____	x
15. Energy. Will the proposal result in:			
a. Use of substantial amounts of fuel or energy?	____	____	x
b. Substantial increase in demand upon existing sources of energy, or require the development of new sources of energy?	____	____	x
16. Utilities. Will the proposal result in a need for new systems, or substantial alterations to existing utilities?	____	____	x
17. Human Health. Will the proposal result in:			
a. Creation of any health hazard or potential health hazard (excluding mental health)?	____	____	x
b. Exposure of people to potential health hazards?	____	____	x
18. Aesthetics. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?	____	____	x

	YES	MAYBE	NO
19. **Recreation.** Will the proposal result in an impact upon the quality or quantity of existing recreational opportunities?	____	____	x
20. **Cultural Resources.** Will the proposal:			
a. Result in the alteration of or the destruction of a prehistoric or historic archaeological site?	____	____	x
b. Result in adverse physical or aesthetic effects to a prehistoric or historic building, structure, or object?	____	____	x
c. Have the potential to cause a physical change which would affect unique ethnic cultural values?	____	____	x
d. Restrict existing religious or sacred uses within the potential impact area?	____	____	x
21. **Mandatory Findings of Significance.** Does the project have:			
a. The potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory?	____	____	x
b. The potential to achieve short-term, to the disadvantage of long-term, environmental goals? (A short-term impact on the environment is one which occurs in a relatively brief, definitive period of time while long-term impacts will endure well into the future.)	____	____	x
c. Impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)	____	____	x
d. Environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	____	____	x

IV. DETERMINATION OF CONSISTENCY WITH EXISTING ZONING, PLANS, AND LAND-USE CONTROLS

Adoption of Rule 1200 will be consistent with existing zoning, plans, and other applicable land use controls.

V. DETERMINATION OF DEPARTMENT OF FISH & GAME DE MINIMIS IMPACT FINDING

Based on the information contained in the environmental checklist of this Initial Study, there is no evidence before the San Diego County Air Pollution Control District that adoption of new Rule 1200 will have any potential for adverse effect on wildlife resources or the habitat upon which the wildlife depends; and,

The San Diego County Air Pollution Control District has, on the basis of substantial evidence, rebutted the presumption of adverse effect to the resources listed in Section 753(d) of the Fish and Game Code.

VI. DETERMINATION OF ENVIRONMENTAL DOCUMENT

On the basis of this initial evaluation:

[X] I find the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION should be prepared.

[ ] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures(s) described in the Initial Study will be applied to the project. A MITIGATED NEGATIVE DECLARATION should be prepared.

[ ] I find the proposed project, individually and/or cumulatively, MAY have a significant effect on the environment and determine that an ENVIRONMENTAL ASSESSMENT is required.

March 20, 1996
Date

PAUL A. DAVIS
Program Policy Specialist
County of San Diego
Air Pollution Control District

AIR POLLUTION CONTROL DISTRICT
COUNTY OF SAN DIEGO

PROPOSED NEW RULE 1200
NEW SOURCE REVIEW - TOXIC AIR CONTAMINANTS

RULE 1200. NEW SOURCE REVIEW - TOXIC AIR CONTAMINANTS

(a) APPLICABILITY

Except as provided in Section (b) of this rule, this rule applies to any new, relocated, or modified emission unit which may increase emissions of one or more toxic air contaminant(s) and for which an Authority to Construct or Permit to Operate is required pursuant to Rule 10, or for which a Notice of Intention or Application for Certification has been accepted by the California Energy Commission. An Application for Certification shall be considered equivalent to an application for an Authority to Construct. Compliance with this rule does not relieve a person from having to comply with other applicable requirements in these rules and regulations, or state and federal law.

(b) EXEMPTIONS

(1) The standards of Section (d) shall not apply to:

(i) The modification of an emission unit made exclusively to comply with the Maximum Achievable Control Technology requirements of Section 112 of the Federal Clean Air Act or to comply with requirements of these rules and regulations adopted to implement federal Maximum Achievable Control Technology requirements.

(ii) The modification of an emission unit made exclusively to comply with a state Air Toxic Control Measure required by Division 26, Part 2, Chapter 3.5 of the California Health and Safety Code (AB 1807 program) or to comply with a requirement of these rules and regulations adopted to implement state Air Toxic Control Measure requirements.

(iii) An existing emission unit requiring a permit solely because of changes to Rule 11 of these rules and regulations provided the application for permit is submitted within one year after the applicable change to Rule 11 is adopted.

(iv) The modification of an emission unit made exclusively to implement a District approved risk reduction plan required by Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program) or to comply with a requirement of these rules and regulations adopted to implement state SB 1731 program requirements.

(v) Dry cleaning emission units, provided that T-BACT will be installed.

(vi) Gasoline service station emission units, provided that T-BACT will be installed.

(vii) Asphalt roofing kettles and tanks.

(viii) Automotive refinishing operations not using chrome or lead pigmented coatings.

(7) **"Maximum Achievable Control Technology (MACT)"** means emission controls or limitations included in any Section 112 requirement of the federal Clean Air Act, including any implementing regulations of the U.S. Environmental Protection Agency, for any source class or category.

(8) **"Maximum Incremental Cancer Risk" (MICR)** means the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to toxic air contaminant(s). It shall be calculated in accordance with procedures developed by the state Office of Environmental Health Hazard Assessment (OEHHA) and approved for use with Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program).

(9) **"Modified Emission Unit"** means an emission unit which undergoes any physical or operational change which results or may result in an increase in an emission unit's toxic air contaminant potential to emit, including toxic air contaminants not previously emitted. An emission unit which undergoes the following shall not be considered a modified emission unit, provided such change is not contrary to any permit condition, and the change does not result in an increase in the toxic air contaminant potential to emit of any toxic air contaminant:

(i) The movement of a portable emission unit from one stationary source to another.

(ii) Repair or routine maintenance.

(iii) An increase in the hours of operation.

(iv) Use of alternate fuel or raw material.

(10) **"Permanent"** means enforceable and which will exist for the life of the project, as may be limited by enforceable permit conditions.

(11) **"Post-Project Potential To Emit"** means an emission unit's or an aggregation of emission units' potential to emit after issuance of an Authority to Construct for the proposed project.

(12) **"Pre-Project Potential To Emit"** means an emission unit's or an aggregation of emission units' potential to emit prior to issuance of an Authority to Construct for the proposed project. If specific conditions limiting an emission unit's pre-project potential to emit are not contained in an Authority to Construct or a Permit to Operate, the pre-project potential to emit shall be limited to the emission unit's actual emissions or to a lower level of emissions, as the applicant and the Air Pollution Control Officer may agree, provided such limitation is enforceable through permit conditions.

(13) **"Project"** means an emission unit or aggregation of emission units located at a stationary source for which an application or combination of applications for Authority to Construct or modified Permit to Operate are under District review. It includes any emission unit(s) modified to provide concurrent emission reductions.

(14) **"Quantifiable"** means that a reliable basis for calculating the amount, rate, nature and characteristics of an emission change can be established, as determined by the Air Pollution Control Officer.

(22) **"Toxic Air Contaminant Potential to Emit"** means the maximum quantity of toxic air contaminant emissions, including fugitive emissions, that an emission unit is capable of emitting considering emission control equipment. If the project applicant agrees to enforceable hourly, daily and/or annual limitations on the operation of the emission unit, and any associated emission control equipment, as a condition to receiving an Authority to Construct and/or Permit to Operate, such limitations shall be used to establish the toxic air contaminant potential to emit.

(23) **"Toxics Best Available Control Technology (T-BACT)"** means the most stringent emission limitation or the most effective emission control device or control technique which has been achieved in practice for that source or category of source, including changes in process and basic equipment and implementation of pollution prevention measures. If there is an applicable MACT standard, the Air Pollution Control Officer shall evaluate it for equivalency with T-BACT.

(d) STANDARDS

The Air Pollution Control Officer shall deny an Authority to Construct or Permit to Operate for any new, relocated, or modified emission unit increasing emissions of one or more toxic air contaminants listed in Tables I, II, or III unless all of the following requirements are met:

(1) **Cancer Risk:**

(i) T-BACT Not Applied

The increase in maximum incremental cancer risk at every receptor location is equal to or less than one in one million for any project for which new, relocated, or modified emission units that increase maximum incremental cancer risk are not equipped with T-BACT; and

(ii) T-BACT Applied

Except as provided below, the increase in maximum incremental cancer risk at every receptor location is equal to or less than 10 in one million for any project for which all new, relocated, or modified emission units that increase maximum incremental cancer risk are equipped with T-BACT.

The Air Pollution Control Officer may grant an Authority to Construct and/or Permit to Operate for a new, relocated, or modified emission unit with an increase in maximum incremental cancer risk at any receptor location of greater than 10 in one million but less than 100 in one million provided all of the following conditions are met:

(A) All new, relocated, or modified emission unit(s) associated with the project that increase maximum incremental cancer risk by more than one in one million are equipped with T-BACT.

(B) The Air Pollution Control Officer prepares a report in support of approving an Authority to Construct for the project. The following information shall be included in the report and shall be provided to the Air Pollution Control Officer by the project applicant:

(vi) Identification of feasible risk reduction measures and measures in excess of T-BACT that will be implemented to reduce potential risk from the project, and a detailed schedule for implementation. If the plan shows that these measures are insufficient to reduce the increase in maximum incremental cancer risk to 10 in one million or less, the plan shall identify all potential reductions in the future.

(11) A discussion of how each requirement of Sections (d)(1)(ii), (d)(2), and (d)(3) will be met.

The report required by this Subsection shall be available for public review at the Air Pollution Control District and at a minimum of one public library (to be determined by the Air Pollution Control Officer) near affected persons for the 30 days required by Subsection (d)(1)(ii)(J).

(C) The project has satisfied all other requirements of this rule.

(D) If the project is a modification of an existing stationary source emitting one or more toxic air contaminant(s), T-BACT shall be installed on all permitted emission units at the stationary source that have a maximum incremental cancer risk impact of greater than 10 in one million at any receptor location where the increase in maximum incremental cancer risk as a result of the project is greater than 10 in one million. The Air Pollution Control Officer shall not consider emission units modified to comply with this requirement as part of the project unless specifically requested to do so by the project applicant. Emissions and risk impact data to be used for such impact determinations from non-project emission units shall be from the District program to implement Section 44362 of Division 26 (AB 2588) of the California Health and Safety Code, as such data exists on the date a complete permit application for the project is filed with the District, unless the Air Pollution Control Officer approves the use of other emissions and risk impact data as being more representative.

(E) If the increase in maximum incremental cancer risk as a result of the project is greater than 50 in one million, all available risk reductions shall be provided from permitted emission units having a maximum incremental cancer risk impact of greater than 10 in one million at any receptor location where the maximum incremental cancer risk impact as a result of the project is greater than 10 in one million, or are provided until the resulting increase in maximum incremental cancer risk from the project at all receptor locations within the project impact area is equal to or less than 10 in one million. Emissions and risk impact data to be used for such impact determinations shall be from the District program to implement Section 44362 of Division 26 (AB 2588) of the California Health and Safety Code, as such data exists on the date a complete permit application for the project is filed with the District, unless the Air Pollution Control Officer approves the use of other emissions and risk impact data as being more representative. Emissions reductions which exceed an annualized cost per unit of maximum incremental cancer risk reduced of 1.25 times the annualized cost per unit of maximum incremental cancer risk reduced by T-BACT for the project (not including any emission unit modified to provide concurrent emission reductions) are not required to be provided. All emission reductions provided pursuant to this subsection shall be enforceable, permanent, and quantifiable. The stationary source operator shall demonstrate to the

persons by the stationary source operator at the same time as the notice required by Subsection (d)(1)(ii)(I) is provided to affected persons.

(2) Total Acute Noncancer Health Risk

The increase in the total acute noncancer health hazard index at every receptor location as a result of the project is equal to or less than one unless the Air Pollution Control Officer, after consulting with the state Office of Environmental Health Hazard Assessment, determines that an alternate Total Health Hazard Index is sufficiently health protective.

(3) Total Chronic Noncancer Health Risk

The increase in the total chronic noncancer health hazard index at every receptor location as a result of the project is equal to or less than one unless the Air Pollution Control Officer, after consulting with the state Office of Environmental Health Hazard Assessment, determines that an alternate Total Health Hazard Index is sufficiently health protective.

(e) PROCEDURES

(1) Emission estimates used in estimating health risks shall be based on the project's increase in toxic air contaminant potential to emit, estimated project operating schedule and project operational limitations to be contained in permit conditions. Total chronic noncancer health risk and maximum incremental cancer risk estimates shall be calculated based on the project's increase in annual toxic air contaminant potential to emit. Total acute noncancer health risk estimates shall be based on the project's increase in toxic air contaminant potential to emit for the exposure period of concern.

(2) Emission increases from a modified emission unit shall be calculated as the emission unit's post project potential to emit minus its pre-project potential to emit.

(3) When concurrent emission reductions are provided, the project applicant shall apply for and the Air Pollution Control Officer shall approve or deny, as appropriate, an Authority to Construct and a new or modified Permit to Operate with apropriate conditions for the emission unit(s) providing the concurrent emission reductions.

(4) The Air Pollution Control Officer shall estimate health risk in accordance with procedures developed by the state Office of Environmental Health Hazard Assessment (OEHHA) and approved for use with Division 26, Part 6, Chapter 6 of the California Health and Safety Code (SB 1731 program).

(5) When calculating the increases in total acute and chronic noncancer health hazard indexes, and increase in maximum incremental cancer risks from a project when concurrent emission reductions are provided, emissions from the new or modified emission units constituting the project shall be consistent with Subsection (e)(1) and from existing units providing concurrent emission reductions shall be based on actual emission levels for the exposure period of concern averaged over the most representative two consecutive years within the five years preceding the receipt date of the application for the project, as determined by the Air Pollution Control Officer.

(6) Health risk estimates shall be performed for toxic air contaminants listed in Tables I, II, III using corresponding state Office of Environmental Health Hazard Assessment (OEHHA) health risk values in effect on the date action on the application(s) is taken. In the event health risk values are added or revised by OEHHA after the application

TABLE I

Toxic Air Contaminants for Which Potential Carcinogenic Impacts Should Be Calculated

Substance	Unit Risk $(ug/m^3)^{-1}$	Reference[c]
Acetaldehyde	2.7E-6	OEHHA-ATES/ARB
Acrylamide	1.3E-3	IRIS/OEHHA-RCHAS
Acrylonitrile	2.9E-4	OEHHA-RCHAS
Arsenic	3.3E-3	OEHHA-ATES/ARB
Arsenic compounds (inorganic)	3.3E-3	OEHHA-ATES/ARB
Asbestos	[1.9E-4/100 fibers/m^3][a]	OEHHA-ATES/ARB
Benzene	2.9E-5	OEHHA-RCHAS
Benzidine (and its salts)	1.4E-1	OEHHA-RCHAS
Beryllium	2.4E-3	IRIS
Bis (chloromethyl) ether	1.3E-2	OEHHA-RCHAS
1,3-Butadiene	1.7E-4	OEHHA-ATES/ARB
Cadmium	4.2E-3	OEHHA-RCHAS
Cadmium compounds	4.2E-3	OEHHA-ATES/ARB
Carbon tetrachloride	4.2E-5	OEHHA-RCHAS, ATES
Chlorinated dibenzo-p-dioxins[b] (as 2, 3, 7, 8 - equivalents)	3.8E+1	OEHHA-RCHAS, ATES/ARB
Chlorinated dibenzofurans[b] (as 2, 3, 7, 8 - equivalents)	3.8E+1	OEHHA-RCHAS, ATES/ARB
Chloroform	5.3E-6	OEHHA-ATES/ARB
Chlorophenols		
Pentachlorophenol	4.6E-6	OEHHA-RCHAS
2, 4, 6 - Trichlorophenol	2.0E-5	OEHHA-RCHAS
Chloroprene	1.3E-7	OEHHA-RCHAS
Chromium (hexavalent)	1.4E-1	OEHHA-RCHAS
Coke oven emissions	6.2E-4	IRIS
1, 2 - Dibromo -3- chloropropane (DBCP)	2.0E-3	OEHHA-RCHAS
p-Dichlorobenzene (1, 4 - Dichlorobenzene)	1.1E-5	OEHHA-RCHAS
3,3' - Dichlorobenzidene	3.4E-4	OEHHA-RCHAS
Di (2 -ethyhexyl) phthalate (DEHP)	2.4E-6	OEHHA-RCHAS
1, 4 - Dioxane	7.7E-6	OEHHA-RCHAS
Dioxins (chlorinated)[b] (see chlorinated dibenzo-p-dioxins)		
Epichlorohydrin	2.3E-5	OEHHA-RCHAS
Ethylene dibromide (1, 2 - Dibromoethane)	7.1E-5	OEHHA-RCHAS, ATES/ARB
Ethylene dichloride (1, 2 - Dichloroethane)	2.0E-5	OEHHA-RCHAS, ATES/ARB
Ethylene oxide	8.8E-5	OEHHA-ATES/ARB
Formaldehyde	6.0E-6	OEHHA-ATES/ARB
Furans (chlorinated)[b] (see chlorinated dibenzofurans)		
Hexachlorobenzene	5.1E-4	OEHHA-RCHAS
Hexachlorocyclohexanes	1.1E-3	OEHHA-RCHAS
Hydrazine	4.9E-3	IRIS

TABLE II

Toxic Air Contaminants for Which Potential Chronic Noncancer Impacts Should Be Calculated

Substance	Inhalation[a] (ug/m^3) Reference Exposure Level (REL)	Reference[b]
Acetaldehyde	9.0E+0	IRIS
Acrolein	2.0E-2	IRIS
Acrylamide	{7.0E-1}	IRIS
Acrylonitrile	2.0E+0	IRIS
Ammonia	1.0E+2	IRIS
Arsenic[c]	5.0E-1	TLV[1]
Benzene[c]	7.1E+1	TLV
Benzidine (and its salts)	{1.0E+1}	IRIS
Benzyl chloride	1.2E+1	TLV[1]
Beryllium[d]	4.8E-3	TLV[1]
Bromine	1.7E+0	TLV[1]
Bromine compounds		
Hydrogen bromide	2.4E+1	TLV[1]
Bromine pentafluoride	1.7E+0	TLV[1]
Cadmium[c]	{3.5E+0}	IRIS
Carbon tetrachloride[c]	{2.4E+0}	IRIS
Chlorinated dibenzo-p-dioxins [c,d] (as 2, 3, 7, 8 - equivalents)	{3.5E-6}	Ref. 1
Chlorinated dibenzofurans[c] {as 2, 3, 7, 8 - equivalents}	{3.5E-6}	Ref. 1
Chlorine	7.1E+0	TLV[1]
Chlorobenzene (monochlorobenzene)	{7.0E+1}	IRIS
Chlorofluorocarbons	{7.0E+2}	IRIS
Chloroform[c]	{3.5E+1}	IRIS
Chlorophenols		
2-Chlorophenol	1.8E+1	IRIS
Pentachlorophenol	2.0E-1	DTSC
Tetrachlorophenols	8.8E+1	DTSC
Chloropicrin	1.7E+0	TLV[1]
Chloroprene	1.0E+0	HEAST
Chromium (hexavalent)[c]	2.0E-3	HEAST
Copper	2.4E+0	TLV[1]
Cresols (o, m, p)	1.8E+2	IRIS
Dibensodioxins (chlorinated) (see chlorinated dibenzo-p-dioxins)		
Dibenzodioxins (chlorinated) (see chlorinated dibenzofurans)		
1, 2 - Dibromo-3-chloropropane (DBCP)	2.0E-1	IRIS
p - Dichlorobenzene (1, 4 - Dichlorobenzene)	7.0E+2	EPA

Table II - continued

Substance	Inhalation[a] (ug/m^3) Reference Exposure Level (REL)	Reference[b]
Nitrogen dioxide	4.7E+2	CAAQS
2 - Nitropropane	2.0E+1	IRIS
Ozone	1.8E+2	CAAQS
Perchloroethylene[c] (Tetrachloroethylene)	{3.5E+1}	IRIS
Phenol	4.5E+1	TLV
Phosphine	{1.0E+1}	IRIS
Phosphorous (white)	{7.0E-2}	IRIS
Phthalic anhydride	{7.0E+3}	IRIS
PCBs (Polychlorinated biphenyls)	1.2E+0	TLV[1]
Propylene oxide	3.0E+1	IRIS
Selenium compounds	5.0E-1	TLV[1]
Sodium hydroxide	4.8E+0	TLV[1]
Styrene	{7.0E+2}	IRIS
Sulfates	2.5E+1	CAAQS
Sulfur dioxide	6.6E+2	CAAQS
Toluene	2.0E+2	DTSC
Trichloroethylene[c]	6.4E+2	TLV
Vinyl chloride[c]	2.6E+1	CAAQS
Vinylidene chloride	{3.2E+1}	IRIS
Xylenes	3.0E+2	HEAST
Zinc compounds	3.5E+1	SPHEM

a - Values in { } have been converted from oral acceptable exposure levels (mg/kg/day) by assuming a 70kg person breathes $20m^3$ per day and equal absoprtion occurs by the inhalation and oral routes.

b - IRIS, "Reference Doses from EPA's Integrated Risk Information System";
OEHHA-ATES, level was calculated by the Office of Environmental Health Hazard Assessment staff using a 100-fold safety factor with a NOEL from the literature;
OEHHA-PETS refers to the Office of Environmental Health Hazard Assessment, Air Toxicology and Epidemiology Section;
SPHEM, the Superfund Public Health Evaluation Manual, 1986, pp. 149-156;
CAAQS, California Ambient Air Quality Standard;
EPA, letter from EPA's Pollutant Assessment Branch listing chemicals with verified inhalation RfDs as of July 31, 1989;
HEAST, EPA Health Effects Assessment Summary Tables, Fourth Quarter FY-1991;
DTSC, Department of Toxic Substances Control Applied Action Levels;
TLV[1] indicates that the number is derived from an ACGIH TLV value which has been divided by an uncertainty factor of 420. [4.2 (to extrapolate from a 40-hour work week to a 168-hour full week) times 10 (to extrapolate from healthy workers to sensitives) times 10 (since adverse health effects are often seen at the TLVs)]

c - Declared a Toxic Air Contaminant by ARB due to carcinogenicity.

d - Considered a carcinogen by EPA.

e - NOTE: Report both the 30-day and the annual average concentrations for lead.

See References on Page 17.

References to Table I

1. EPA, 1984. Health Effects Document for Benzo[a]pyrene, EPA/540/1-86/022, September, 1984. NTIS PB86-134335.

References to Table II

1. EPA, 1985. "Health Assessment Document for Polychlorinated Dibenzo-p-Dioxins," EPA 600/8-84-014.

2. Snellings M. W.; Zelenak, J. P.; and Weil, C. S., 1982. "Effects on Reproduction in Fischer 344 Rats Exposed to Ethylene Oxides by Inhalation for One Generation," Toxicology and Applied Pharmacology 63:382-388.

References to Table III

1. These values are equal to the ambient concentration limits (ACLs) for 60-minute exposures developed by Lewis and Alexeeff "Quantitative Risk Assessment of Noncancer Health Effects for Acute Exposure to Air Pollutants". Presented at the 1989 Annual Meeting of the Air and Waste Management Association.

2. These numbers were derived by dividing the Threshold Limit Value by 100. The TLVs in these cases were considered to be human LOAELs by Office of Environmental Health Hazard Assessment, Air Toxicology and Epidemiology Section staff. Reference: American Conference of Governmental Industrial Hygenists, Documentation of the Threshold Limit Values and Biologicl Exposure Indices, 1986, Cincinnati.

3. California ambient air quality standard (one-hour averaging time). California Code of Regulations, Title 17, section 70200.

4. California ambient air quality standard (24-hour averaging time). California Code of Regulations, Title 17, section 70200.

AIR POLLUTION CONTROL DISTRICT
SAN DIEGO COUNTY

NEW RULE 1200
TOXIC AIR CONTAMINANTS - NEW SOURCE REVIEW.

WORKSHOP REPORT

A workshop notice was mailed to all companies in San Diego County that have District permits. Notices were also mailed to all Chambers of Commerce in San Diego County, all Economic Development Corporations and other interested parties.

The workshop was held on June 22, 1995, and was attended by 35 persons. The workshop comments and District responses are as follows:

1. WORKSHOP COMMENT

The District should add an exemption for wood product stripping, similar to that in the South Coast Air Quality Management District. This exemption should require T-BACT and have an upper bound for allowable cancer risk of 100 in one million.

DISTRICT RESPONSE

An exemption for wood product stripping, operations that will install T-BACT has been added to the proposed rule.

2. WORKSHOP COMMENT

Comments from the California Air Resources Board have suggested that equipment that is exempt from the rule in Section (b) have risk caps not to be exceeded of 100 in one million for cancer risk and 10 for Total Hazard Index (THI). Why did ARB select these values as caps when the rule specifies a cancer risk of 10 in one million (100 if specified criteria are met) and a THI of 1 (5 if approved by the state Office of Environmental Health Hazard Assessment)?

DISTRICT RESPONSE

The ARB's suggested caps are contained in their Risk Management Guidelines for New and Modified Sources of Toxic Air Pollutants. They are simply guidelines for districts to consider when developing rules to regulate new and modified sources of toxic air contaminants. The ARB comment is intended to suggest that the District include an upper bound of allowable risk for exempt equipment.

When proposed Rule 1200 was developed, the addition of an upper bound to the exemptions was considered. It was decided not to do so because there was concern this would imply a risk assessment was required to ensure this upper bound was not exceeded. This was not the District's intent. Since the District was unaware of any exempted equipment that could have a risk that would approach a limit of 100 in one million, it was decided not to include such an upper limit in the exemption. However, in response to the ARB suggestion, an upper limit for cancer risk of 100 in one million has been added for exempt equipment. The District will make use of look-up tables and other streamlining methods to ensure this upper risk limit is not exceeded without the need to perform a risk assessment.

3. WORKSHOP COMMENT

The rule is applicable to projects for which a Notice of Intention or Application for Certification has been accepted by the California Energy Commission. What size projects are required to seek such approvals from the CEC?

DISTRICT RESPONSE

Typically, these are projects that produce 50 or more megawatts of electricity.

4. WORKSHOP COMMENT

If this rule is adopted, at what point in time will applications be subject to it?

DISTRICT RESPONSE

The District is currently applying the criteria contained in the proposed rule to new and modified sources of toxic air contaminants. Therefore, as a practical matter, the date on which applications will be subject to the rule does not matter. However, the District will specify that the rule will become effective 30 days after adoption.

5. WORKSHOP COMMENT

What data will be used to determine what off-site emission units will need to be reduced in order for sources required to provide off-site offsets to be permitted? Will modeling be required

DISTRICT RESPONSE

The District intends on using data from the AB 2588 program unless the Air Pollution Control Officer approves the use of other emissions and risk impact data as being more representative. This criteria is specified in Subsection (d)(1)(ii)(E).

6. WORKSHOP COMMENT

What happens if an offsite-emission unit shows up on the AB 2588 data as having a risk impact greater than 10 in one million where the impact from the project is greater than 10 in one million but in fact, this off-site emission unit has already reduced its emissions below 10 in one million subsequent to its submittal of the AB 2588 data?

DISTRICT RESPONSE

In this case, the project would not be required to obtain emission reductions from this off-site emission unit. The language in Subsection (d)(1)(ii)(E) allowing the Air Pollution Control Officer to approve the use of other emissions and risk impact data as being more representative would allow the use of updated emissions and risk data.

7. WORKSHOP COMMENT

The District should revise the rule to allow only cancer risks of 10 in one million or less. There should be no provisions to approve projects with risks greater than 10 in one million.

DISTRICT RESPONSE

The risk management criteria contained in the rule is specific to an individual emission unit. They were developed as part of a cooperative working group effort between the District, local businesses, the military and environmental groups. It was the consensus of this working group that projects with cancer risks greater than 10 in one million should be allowed if they met the very stringent criteria specified in Subsection (d)(1)(ii). The District agrees and will retain the provisions allowing projects with cancer risks greater than 10 in one million, not to exceed 100 in one million.

8. WORKSHOP COMMENT

There are discontinuities that occur with the computer modeling of fugitive sources of emissions. The problem is greatest when modeling for acute exposures (e.g. 1 hour exposures). The District should ensure that its modeling of area fugitive emissions provides results that are as accurate as possible. If such accuracy cannot be assured, the District should consider not requiring modeling of these area fugitive emission sources.

DISTRICT RESPONSE

The District strongly believes there should be risk management criteria specified in the rule for acute exposures to toxic air contaminants. However, the District will ask its air quality modeling staff to address this issue. If available modeling overpredicts short term concentrations when modeling fugutive emissions, this will be addressed in the District's air quality modeling procedures. People who have information regarding the ability to accurately model fugitive emissions, particularly for acute exposures, are invited to contact the District's Air Toxics Section.

9. WORKSHOP COMMENT

The major standards of Section (d) - Standards should be bolded so they are easier to use.

DISTRICT RESPONSE

The District agrees and has bolded and underlined the major risk management standards contained in Section (d).

10. WORKSHOP COMMENT

Greater specificity and clarity should be provided in Section (e) concerning emission and risk calculation procedures.

DISTRICT RESPONSE

Section (e) has been revised to add additional language regarding emission calculation procedures, particularly with respect to calculating emission increases, potential to emit, actual emissions and emission reductions.

11. WORKSHOP COMMENT

Section (e)(6) should be revised to specify that a member of the public can request that the Air Pollution Control Officer make changes to a risk assessment incorporating new of revised health risk values that have been approved by the state Office of Environmental Health Hazard Assessment.

DISTRICT RESPONSE

Section (e)(6) was intended to require a project applicant to make necessary changes to the health risk assessment to incorporate new or revised health risk values issued by the state Office of Environmental Health Hazard Assessment and submit the revised risk assessment to the District. Concern was expressed over the time and cost of doing so and it was suggested that if such a situation occurred, the project applicant should have the option of requesting the District to make the necessary changes in lieu of the applicant. It was not intended to allow only a project applicant to request that updated health risk values be used. Section (e)(6) [now (e)(1)] has been clarified. If a person is aware of revised health risk data they do not believe the District is aware of, that person can bring this information to the District's attention.

12. WORKSHOP COMMENT

Table II does not include target organs. Does the District plan on applying risk management criteria to target organs for chronic exposure as well as acute exposure?

DISTRICT RESPONSE

Yes. Noncancer health risks will be calculated for chronic and acute exposure on a target organ basis. The definitions for "Total Acute Noncancer Health Hazard Index" and "Total Chronic Noncancer Health Hazard Index" specify that this will be done. The risk calculation procedures referenced in Section (e) also specify that the Total Hazard Index shall be calculated on a target organ basis. To eliminate confusion, the listing of target organs (toxicological end points) have been deleted from Table II.

13. WORKSHOP COMMENT

What will the District do if it is aware of a chemical for which health effects data exists but such data has not yet been approved by OEHHA, or a chemical which is not on Table I, II or III but for which health effects data exists?

DISTRICT RESPONSE

This is addressed in the definition of "Toxic Air Contaminant" which specifies that the Air Pollution Control Officer may revise Tables I, II, or III upon OEHHA adoption of revised CAPCOA Air Toxics Hot Spots Program Risk Assessment Guidelines or with the concurrence of OEHHA and 30 days after public notice of the proposed changes is published in a newspaper of general circulation. A member of the public may also petition the Air Pollution Control Officer to add pollutants to these tables.

14. WORKSHOP COMMENT

The District should give careful consideration to the Air Resources Board's suggestion to incorporate a general reference the federal Clean Air Act rather than to the MACT requirements of Section 112. Referencing Sections 111 and 112 would adequately address ARB's concern.

DISTRICT RESPONSE

As suggested, the District has revised the reference to Maximum Achievable Control Technology requirements in the federal Clean Air Act to specify "...Maximun Achievable Control Technology requirements adopted pursuant to either Section 111 or 112 of the federal Clean Air Act or to comply with ...". The referenced ARB comment is presented in Comment #40.

15. WORKSHOP COMMENT

Does the rule allow a grandfathered emission unit to net emissions and net risk increases and decreases?

DISTRICT RESPONSE

Yes. The rule allows the netting of risk increases and decreases.

16. WORKSHOP COMMENT

When does the rule require off-site offsets to be obtained?

DISTRICT RESPONSE

Off-site offsets are required only if an emission unit has an off-site increase in cancer risk of greater than 50 in one million. Off-site offsets are then required in accordance with the requirements of Subsection (d)(1)(ii)(E).

17. WRITTEN COMMENT

Facilities with cancer risk levels over 10 per million should not be permitted to locate in San Diego County. Some areas are already significantly impacted by air toxics (360 - 510 cancers per million) and the problem should not be allowed to grow worse. The District has not proposed to study cumulative risks from industrial and vehicular sources of air toxics. The rule should not allow new sources of significant amounts of air toxics to be added to the already

significant problem. Section (d) should be amended to include a cap of 10 cancers per million and the remainder of Section (d)(1)(ii) should be stricken.

DISTRICT RESPONSE

As noted in the response to comment #7, the risk management criteria contained in the rule is specific to an individual emission unit. These criteria were developed as part of a cooperative working group effort between the District, local businesses, the military and environmental groups. It was the consensus of this working group that projects with cancer risks greater than 10 in one million should be allowed if they met the very stringent criteria specified in Subsection (d)(1)(ii). The District agrees and will retain the provisions allowing projects with cancer risks greater than 10 in one million, not to exceed 100 in one million. Given the stringency of the requirements of Subsection (d)(1)(ii) and the difficulty and cost of meeting these requirements, the District believes few, if any, projects will be permitted under the provisions of this Subsection.

18. WRITTEN COMMENT

The significant risk level for purposes of AB 2588 and SB 1731 and the thresholds under which new and modified sources will be permitted under New Source Review (Rule 1200) do not have to be identical. Final consideration of the allowable New Source Review rule thresholds should be postponed until after a decision regarding the significant risk levels for purposes of the AB 2588/SB 1731 program are finalized.

DISTRICT RESPONSE

The District agrees that the significant risk level for purposes of AB 2588 and SB 1731 and the thresholds under which new and modified sources will be permitted under New Source Review (Rule 1200) do not have to be identical. The risk management criteria contained in proposed Rule 1200 is specific to an individual emission unit. The risk management criteria proposed for the AB 2588/SB 1731 program is on a facility-wide basis. The risk management criteria in Rule 1200 cannot be compared to that for the AB 2588/SB 1731 program unless an assumption is made concerning the average number of emission units at an existing facility subject to the AB 2588/SB 1731 program.

19. WRITTEN COMMENT

The definition of "Toxic Air Contaminant" specifies that the Air Pollution Control Officer (APCO) may revise the toxic substances listed in Tables I, II, or III with the concurrence of the Office of Environmental Health Hazard Assessment and after 30 days public notice. A further stipulation should be added that a member of the public may petition the APCO to add pollutants to these tables. This will give the public the ability to call attention to and request development of health based standards for toxic substances of local concern.

DISTRICT RESPONSE

Language has been added to the definition of "Toxic Air Contaminant" to specifiy that a member of the public may petition the APCO to add pollutants to these tables.

20. WRITTEN COMMENT

As written, the proposed provisions apply to all equipment not specifically exempted by Rule 11 or proposed Rule 1200. Through its current Rule 51 procedures, the District exempts a much larger number of sources, if not by written policy then by practice.

Exempted equipment should include such things as: internal combustion engines, degreasers, parts cleaners, emergency stand-by equipment, low capacity use factor equipment, portable equipment, etc. These may need to be limited due to size, capacity factor and toxicity considerations.

DISTRICT RESPONSE

Section (b) lists all new and modified equipment currently exempted by the District from air toxics review requirements. As noted in Subsection (e)(8) [now (e)(11)], the District will develop screening risk assessment procedures for common equipment and toxic air contaminants to expedite and standardize review for compliance with Rule 1200. The District will propose additional exemptions to Section (b) that are deemed appropriate.

21. WRITTEN COMMENT

The provisions of Subsection (b)(2) do not exempt the identified equipment from the provisions of Subsection (d)(2) - Total Acute Noncancer Health Risk. Although it is agreed that acute noncancer health risks should be controlled, this provision brings to light a regulatory trap created by the BARCT, RACT and Rule 1200 provisions.

As part of the rule adoption process undertaken to implement BARCT and RACT requirements, the District has required sources to achieve specific emission limitations or control efficiencies. In many cases, the limitations and control levels which the BARCT and RACT rule require can be achieved with only one technology or are best achieved by one technology. If the one technological option inevitably results in toxic emissions, what would occur if the risk levels associated with the use of the technology exceed an HHI level of 1? The source would be denied the application for control equipment because it cannot meet the requirements of Rule 1200, but it would also be in violation or potential violation of the BARCT and RACT provisions requiring (essentially) that the equipment be installed. This should be addressed.

DISTRICT RESPONSE

The District strongly believes the public health needs to be protected from acute exposures to toxic air contaminants. Therefore, the requirement to evaluate emission units modified exclusively to comply with a District requirement will be retained. District rules reflecting federal RACT considered potential adverse health impacts resulting from emission control equipment. The District has been advised that potential adverse health impacts resulting from emission control equipment were also considered when the BARCT guidelines were developed. These considerations are reflected in District rules adopted to meet BARCT requirements and were reconsidered during the District's rule adoption process. Future rules adopted to meet state BARCT requirements will also consider potential adverse health impacts, including acute impacts, before adoption. The District does not believe this will be an issue.

22. WRITTEN COMMENT

Subsection (c)(12) - Pre-Project Potential to Emit. The definition includes language addressing those situations in which an existing emission unit does not have specific limiting conditions on a permit. In such cases, the definition states that "actual emissions" are to be used. However, "actual emissions" are not defined. It appears the District's intent is to mirror the language contained in the District's Rule 20.1 - New Source Review rule Subsection (d)(1)(i)(B). That subsection states that for emission units with no specific limiting conditions, the pre-project potential to emit is to be based on the highest actual emission occurring during the one-year period within the five year period preceding the receipt date of the application.

A definition for "actual emissions" should be added which utilizes the cited language of Rule 20.1. This will ensure consistency in the calculation methodology between both rules and reduce confusion about what is referred to as "actual emissions".

DISTRICT RESPONSE

Section (e) has been revised to add a procedure for calculating "actual emissions".

23. WRITTEN COMMENT

Subsection (c)(17) - Stationary Source. This definition is somewhat different than that contained in the District's NSR rule. Such differences may result in increased processing times for applications. Of concern is the included wording pertaining to "contiguous", which differs from the criteria NSR definition in some potentially significant ways.

DISTRICT RESPONSE

The definition of "Stationary Source" has been revised to be consistent with the District's New Source Review rules.

24. WRITTEN COMMENT

Subsection (c)(18) - Surplus. The definition contains language requiring that reductions be in excess of those which the APCO "reasonably expects will be required" by the Clean Air Act. How does the District intend to make such a determination? Will the only factor in making such a determination be those stated in the third paragraph of the definition? If the District's assumptions about future section 112 requirement are incorrect, does the District intend to adjust toxic emission reductions accordingly, up or down?

The definition also contains language stating that concurrent reductions must occur after the date of adoption of the rule. It is unclear why such a limitations is necessary. Certainly the ability to use previous reductions should be limited but, in a manner analogous to the NSR and emission offset rule provisions, previous reductions should not be discarded altogether. The definition of "Concurrent Emission Reductions" allows a six month window for such reductions. The definition of surplus should allow for the inclusion of concurrent reductions made six months prior to adoption of the rule. The extension of this time period is particularly important given that there are not provisions for the banking or trading toxic air containment emission reductions.

DISTRICT RESPONSE

The definition of "Surplus" has been revised to specify that emission reductions occurring up to 6 months before the date of adoption of Rule 1200 are surplus.

25. WRITTEN COMMENT

Subsection(c)(22) - Toxic Air Contaminant Potential to Emit. The proposed rule does not contain procedures for calculating potential to emit. Such calculation procedures are necessary to ensure consistency from one application to another, from one processing engineer to another and to provide predictability to the application process. The definition and calculation procedures should be generally (but not verbatim) based on the District's NSR definition. Particular care should be taken to make the NSR and Toxics NSR calculation procedures as consistent as possible. It is important not to make the definitions so different that it would increase application processing time.

Additionally, this definition states "... as a condition to receiving an Authority to Construct and/or Permit to Operate, ..." This should be changed to state: "If the project applicant agrees to include enforceable hourly... ~~as a condition to receiving an~~ to be contained in an Authority to Construct and/or Permit to Operate". This more accurately reflects the District's intent and is consistent with the language in Subsection (e)(1).

DISTRICT RESPONSE

Section (e) has been revised to add a procedure for calculating "Potential to Emit".

26. WRITTEN COMMENT

Subsection (d) - Standards. For new equipment, the increased risk results from a new unit's potential to emit. For existing equipment, the increased risk results from the increase in the emission unit's potential to emit. It is unclear that such a distinction has been made in the regulation or that the language is explicit enough to make the distinction. For example, the determination of increased risk for relocated equipment is calculated differently than for new and modified equipment. The District's criteria NSR rule recognizes these differences.

Inclusion in Subsection (e) of a provision defining how increases in maximum incremental cancer risk, increases in total acute noncancer health hazard index and increases in total chronic noncancer health hazards index are determined would provide the needed clarification. Subsection (e)(1) does not appear to fully address this issue.

DISTRICT RESPONSE

Section (e) has been revised to add the suggested calculation procedures.

27. WRITTEN COMMENT

The wording in Subsection (d)(1)(ii)(B)(10)(i) through (vi) is somewhat confusing. The language used throughout these provision: "Identification of feasible risk reduction measures and measures in excess of T-BACT" seems redundant. It would appear that the definition of "feasible risk reduction measures" includes measures in excess of T-BACT and therefore "measures in excess of T-BACT" is unnecessary. There also appears to be a typographical error

in the language since the term contained in the definitions section of the rule is "feasible cancer risk reduction measure."

The term "feasible risk reduction measure" should be changed to state "feasible cancer risk reduction measure" and deleting the wording "and measures in excess of T-BACT" from all of the like language. The District should consider adding the term "measures in excess T-BACT" to the definition of "feasible cancer risk reduction measure" if it believes that such clarification is appropriate.

DISTRICT RESPONSE

As suggested, the definition of "feasible cancer risk reduction measure" has been revised to specify that it includes control measures in excess of T-BACT. Section (d)(1)(ii)(B)(10)(ii) through (vi) has been revised to delete language specifying that feasible cancer risk reduction measures must be in excess of T-BACT. The noted typographical error has been corrected.

28. WRITTEN COMMENT

Subsection (d)(1)(ii)(B)(10)(vi). The wording in Subsection (d)(1)(ii)(B)(10)(vi) is somewhat confusing. This portion of the regulation (first sentence) requires all feasible risk reduction measures be implemented. The language does not seem to limit which of these feasible risk reduction measures are to be implemented nor does it limit what equipment the measures are to be installed on, be it project, all on stationary source units or off stationary source units. The provisions of Subsection (d)(1)(ii)(C) et seq. contain specific language as to which units must be equipped with controls and specifies to what extent controls must be installed. The language of Subsection (d)(1)(ii)(B)(10)(vi) does not appear to have any such limitations and indeed could be interpreted to supersede the provisions of Subsection (d)(1)(ii)(C) et seq.

It also appears unclear what is meant by "identify all potential reductions in the future" (second sentence). This term is vague and undefined by the proposed rule. It is presumed the intended meaning is to identify potentially feasible risk reduction measures, those measures which are not currently technologically feasible, but which may be so at a later point in time. This would be consistent with ARB guidelines.

There is concern about what would be done with the information contained in the plan. Is it the District's intent to incorporate the plan as a condition for granting the permit as is fairly clear from the language of the first sentence will be the case? If so, how would the identified measures be required to be implemented? The proposed rule does not contain provisions for the incorporation of this information into a permit nor does it appear to limit the District's authority to require a source to implement those measures, nor for consideration of cost or technological feasibility.

If it is not the District's intent to incorporate this plan as part of the permit provisions, this provision should be deleted. It appears that the provisions of Subsection (d)(1)(ii)(D) &(E) take care of the issue of identifying and implementing feasible cancer risk reduction measures at a source, making the provisions of Subsection(d)(1)(ii)(B)(10)(vi) unnecessary. If the language is kept, there will be projects where public pressure will be brought to bear on the District to require the potentially feasible cancer risk reduction measures identified in the plan. These latter measures are very speculative and, given Subsection (d)(1)(ii)(D) & (E), seemingly unnecessary.

If the plan is to be incorporated into a permit, the provisions also do not allow for modification of the plan nor do they address what would happen should one of the measures identified in the plan prove not to be technologically feasible nor is the timing for implementation of these measures identified nor is there a selection criteria for which ones need to be implemented at permit issuance or if later changes are necessary. Further, it is unclear how future regulatory action requiring some of the measures identified in the plan will affect original permit issuance. For example, if the plan identifies a given control technique which has not yet been implemented and a toxic control measure promulgated after project and plan approval requires those reductions, would this affect the original project issuance and resultant permit conditions, since the reductions would no longer be "surplus"?

DISTRICT RESPONSE

[paragraph 1] Subsection (d)(1)(ii)(B)(10)(vi) has been revised to specify that, to the maximum extent possible, the plan must identify future potentially feasible cancer risk reduction measures necessary to reduce the increase in maximum incremental cancer risk to 10 in one million or less. Subsection (d)(1)(ii)(B)(10) specifies that the cancer risk reduction plan is required only for the project that increases cancer risk. Emission units modified to provide concurrent emission reductions do no need to be included.

[paragraph 2] Subsection (d)(1)(ii)(B)(10)(vi) has been revised to clarify the intent and make it more consistent with the ARB Guidelines. In addition, Feasible Cancer Risk Reduction Measures have been redefined as Future Potentially Feasible Cancer Risk Reduction Measures and are control measures and techniques that are in excess of T-BACT and are expected to be technologically feasible and economically practicable in the future. They include, but are not limited to, pollution prevention measures such as product substitution or modification, process modification, feedstock modification, operational and maintenance improvements; changes in basic control equipment; and enclosing systems or processes to reduce emissions. Future potentially feasible cancer risk reduction measures are different from T-BACT in that they apply to existing permit units. Future potentially feasible cancer risk reduction measures are determined on a case-by-case basis.

[Paragraph 3] Subsection (d)(1)(ii)(C) has been revised to require the District to include in any Authority to Construct that is issued for a project subject to this Subsection a condition(s) requiring implementation of the future potentially feasible cancer risk reduction measures the project applicant committed to implement pursuant to the requirement of Subsection (d)(1)(ii)(B)(10)(vii).

[Paragraph 4] Subsection (d)(1)(ii)(B)(10) requires a project applicant to evaluate cancer risk reduction measures that are expected to be potentially feasible in the future and commit to implementing those measures within a specified time frame. A requirement to implement such measures will be contained as a permit condition in any Authority to Construct that is issued. The intent is to reduce the impact of the project to 10 in one million or less, or as close as possible to this risk level.

[Paragraph 5] If any of the measures identified in the plan prove not to be technologically feasible or the timing for implementation is not feasible, the project applicant may apply to the District to modify an Authority to Construct or Permit to Operate condition requiring such implementation. The District will evaluate such application and modify the Authority to Construct or Permit to Operate if it agrees such modification is warranted by the information presented by the applicant.

29. WRITTEN COMMENT

Subsection (b)(1)(ii)(B)(10)(vi). The following wording changes should be made:

"Identification of feasible cancer risk reduction measures ~~and measures in excess of T-BACT~~ that will be implemented in conjunction with the project to reduce potential risk from the project, and a detailed schedule for implementation. If the plan shows that these measures are insufficient to reduce the increase in maximum incremental cancer risk to 10 in one million or less, the plan shall identify all potentially ~~reductions in the future~~ feasible risk reduction measures."

A new definition should be added for "potentially feasible risk reduction measures" which generally states that they are feasible risk reduction measures which are not technologically feasible today, but which may be at some point in the future.

Additionally, the issues discussed above regarding enforceability, selection criteria, timing, criteria for limiting what potential reductions are to be required, modifications to the plan, etc. should be addressed. Wording should be added which will allow the source and the District to modify the approved risk reduction plan as necessary if measures prove not to be technologically feasible or if other measures come forth which could be substituted for some of the measures originally identified in the plan. The issue of potentially feasible risk reduction measures which indeed prove to not be technologically feasible should be addressed, as well as technology selection criteria, cost and timing.

DISTRICT RESPONSE

Section (d)(1)(B)(10) has been revised to clarify the intent and applicability. Feasible Cancer Risk Reduction Measures have been redefined as Future Potentially Feasible Cancer Risk Reduction Measures and are control measures and techniques that are in excess of T-BACT and are expected to be technologically feasible and economically practicable in the future.

If any of the measures identified in the plan prove to not be technologically feasible, or the timing for implementation of such measures proves to not be feasible, or other measures evolve which could be substituted for measures originally in the plan, the project applicant may apply to the District to modify an Authority to Construct or Permit to Operate condition requiring the implementation of such measure. The District will evaluate any such application and modify the Authority to Construct or Permit to Operate as appropriate on a case-by-case basis.

30. WRITTEN COMMENT

Subsection (d)(1)(ii)(E) is confusing. It appears to require that, if a project's increased risk is greater than 50 in one million, all "available risk reductions" be provided from "permitted" emission units which, based on AB2588 records, have an existing risk of over 10 in one million in the same area where the proposed project will have a risk of over 10 in one million or all "available risk reductions" be provided until the resulting increase in risk from the proposed project at all receptor locations within the proposed "project impact area" is equal to or less than 10 in one million.

a. The term "all available risk reductions" is not defined and it is unclear what this encompasses. We note that this term is different than that used in Subsection

(d)(1)(ii)(B)(10)(vi) ("all potential reductions in the future") discussed above. The language could be clarified by changing it as follows: "all available cancer risk reductions".

b. It is unclear what is meant by "permitted" emission units. If this is intended to mean off-stationary source permitted emission units, the rule should specifically state so. As written, the provision is not specific enough to easily decipher that the intent is to require "available risk reductions" from off-stationary source permitted emission units within the proposed project's 10 in one million area of impact.

c. The term "project impact area" is unclear and is not defined. This term is the same as that used in the PSD provisions of the District's criteria NSR rules. The terms have different meanings. The term should be defined.

d. The requirement to reduce a proposed project's maximum risk to less than 10 in one million at all receptor locations is confusing. If the District's intent is to have the source reduce the incremental increase in the cancer risk in the project's immediate area as a way of addressing potential "hot spot" issues, the following changes are recommended:

"... or are provided until the ~~resulting~~ expected incremental increase in ~~maximum incremental~~ cancer risk, including background risk as determined utilizing AB2588 data, from the project at all receptor locations within the project impact area is equal to or less than 10 in one million after the project."

e. The language limiting how much emission reductions must be provided based on cost and availability of emission reductions does not appear to give relief from the language requiring risk reductions. This is as a result of three things. First, emission reductions do not necessarily result in a commensurate reduction in risk. If the emissions being reduced are not particularly toxic, but they are very expensive to obtain, will the District allow the cost limitation criteria to be utilized? Secondly, the crafted language does not specifically state that, if a project proponent can demonstrate that the cost of obtaining the reductions exceed the specified cost criteria or if emission reductions are not available, then showing the reductions in risk required by the first sentence are no longer necessary or reduced to another level. This tie-in should be explicitly stated. Thirdly, it is unclear if the cost criteria is intended to consider only single source of reductions or the overall cost of making the reductions necessary to achieve an overall project impact of less than 10 in one million.

DISTRICT RESPONSE

a. Subsection (d)(1)(ii)(E) has been clarified as suggested to specify "all available cancer risk reductions".

b. Subsection (d)(1)(ii)(E) has been clarified to specify that emission reductions must be provided from permitted emission units at stationary sources other than the stationary source where the project is located or will be located (i.e. off-site emission reductions).

c. The term "project impact area" means an area impacted by the emissions increase from the project. However, this term has been deleted from Subsection (d)(1)(ii)(E).

d. Subsection (d)(1)(ii)(E) has been revised to clarify the intent, similar to the suggested language.

e. Subsection (d)(1)(ii)(E) specifies that emission reductions shall not be required if the anualized cost of the associated risk reduction per unit of maximum incremental cancer risk reduced is greater than 1.25 times the annualized cost per unit of maximum incremental cancer risk reduced by T-BACT for the project. If emission reductions do not result in a commensurate reduction risk, the risk reduction per unit of maximum incremental cancer risk reduced will be greater than 1.25 times the annualized cost per unit of maximum incremental cancer risk reduced by T-BACT for the project and therefore the emission reductions would not be required.

If the cost of obtaining the reductions exceeds the specified cost criteria or if emission reductions are not available, they do not have to be provided. Subsection (d)(1)(ii)(E) has been modified to clarify this.

Subsection (d)(1)(ii)(E) has been clarified to state that the cost effectiveness exemption is applicable if the project applicant demonstrates that the anualized cost of the cancer risk reduction (from a single emission unit) per unit of maximum incremental cancer risk reduced is greater than 1.25 times the annualized cost per unit of maximum incremental cancer risk reduced by T-BACT for the project. If off-site emission reductions are not available, to reduce the resulting increase in cancer risk from the project to less than 10 in one million they are not required.

31. WRITTEN COMMENT

Subsection (d)(2) and (3). The language allows the use of an alternative total health hazard index. The intent appears to be for the District to consult with OEHHA to determine if the health effects data used in determining the HHI are appropriate for those projects having an HHI greater than 1. The District would then take OEHHA's comments into account in determining whether such a project could be approved. This should be clarified.

DISTRICT RESPONSE

Language has been added to Subsection (d)(2) to clarify that when the state Office of Environmental Health Hazard Assessment determines that an alternate total acute noncancer health hazard index is sufficiently health protective, the increase in total acute noncancer health hazard index shall be limited to the alternative total acute noncancer health hazard index at every receptor location. Language has also been added to Subsection (d)(3) to make this same clarification for the total chronic noncancer health hazard index.

32. WRITTEN COMMENT

Subsection (d)(2) and (d)(3). The language allows the use of an alternative total health hazard index. This could mean one that is higher or lower. This language is of concern because it may make the required demonstration a moving target. Further, differing opinions on what this value is for a given compound often exist. The way the regulatory language is crafted, an alternative HHI could be used even if OEHHA has not made a final decision or if insufficient data exists. This could lead to the use of speculative and non-science based HHI's.

DISTRICT RESPONSE

The intent of Subsections (d)(2) and (d)(3) is to allow the District to use a Total Hazard Index of greater than 1.0 but less than 5.0 if after checking with the state Office of Environmental Health Hazard Assessment it is determined that the use of such an alternate Total Hazard Index is appropriate. This comment asks whether the District will use a THI of less than 1.0 if OEHHA's response is that a THI of less than 1.0 is appropriate based on the most recent health affects data. If OEHHA recommends that a THI of less than 1.0 is appropriate based on the most recent health affects data, the District will use the THI of less than 1.0 recommended by OEHHA.

33. WRITTEN COMMENT

Subsection (e)(3). Language should be added which specifically states that shutdowns can also be used for concurrent emission reductions.

DISTRICT RESPONSE

The definition of Concurrent Emission Reductions has been modified to specify that emission reductions resulting from the shutdown of an emission unit are eligible to be concurrent emission reductions.

34. WRITTEN COMMENT

Subsection (e)(4). This provision states that OEHHA procedures are to be used for determining health risk. Most District's including SDCAPCD have utilized CAPCOA guidelines and procedures to date. OEHHA's procedures have not yet been adopted. The District should not require the use of procedures which have not been finalized or adopted by OEHHA. The language should be revised to allow the use of CAPCOA methods until such time as the OEHHA methods are adopted.

DISTRICT RESPONSE

OEHHA is currently developing revised health risk assessment guidelines. This will be done in 4 phases: (1) evaluation of acute noncancer health effects, (2) evaluation of cancer health effects, (3) evaluation of chronic noncancer health effects, and (4) exposure and uncertainty analysis. OEHHA adoption of these guidelines is not expected for at least another year. In the interim, District will use the CAPCOA guidelines. The rule has been revised to reflect this.

35. WRITTEN COMMENT

Subsection (e)(5). This language is confusing and should be revised as follows:

(5) "When calculating ~~the~~ increases in total acute and chronic noncancer health hazard indexes and ~~increases~~ in maximum incremental cancer risk from a project ~~when~~ which is providing concurrent emission reductions ~~are provided~~, emissions shall be calculated as follows:

(i) For ~~from the~~ new or modified emission units ~~constituting the~~ which are part of the proposed project, emissions shall be based on the proposed project's increase in toxic air contaminant potential to emit consistent with the provisions of Subsection (e)(1), and

(ii) For ~~from~~ existing emission units ~~providing~~ from which concurrent emission reductions will be provided, emissions shall be based on the emission unit's actual emissions ~~levels~~ for the exposure period of concern ~~averaged over the most representative two consecutive years within the five years preceding the receipt date of the application for the project, as determined by the Air Pollution Control Officer~~.

Procedures to determine increased risk from such emission units shall be conducted as provided for by Subsection (e)(4)."

The cited provision also utilizes the term "actual emissions." As discussed above, a definition for "actual emissions" should be added to the proposed rule. It should be noted that the meaning of "actual emissions" contained in Subsection (e)(5) is different than that used in the definition of pre-project potential to emit (Subsection (c)(12)). Therefore, it appears that the District intends to have (as the existing NSR rule does) two different definitions for actual emissions; one to be used when determining pre-project potential to emit for emission units which do not have enforceable permit conditions limiting potential to emit and another for determining pre-project potential to emit for projects which do.

DISTRICT RESPONSE

Section (e) has been revised to address the concerns raised by this comment. Section (e) has also been revised to add a procedure for calculating "actual emissions".

36. WRITTEN COMMENT

Subsection (e)(8). The District is encouraged to develop screening procedures and add equipment, as appropriate, to the exemptions list as soon as practical.

DISTRICT RESPONSE

The requested screening procedures are currently under development and are expected to be available for use by the time Rule 1200 is adopted and becomes effective.

37. WRITTEN COMMENT

Table II. This list of toxic air contaminants for which chronic noncancer impacts should be calculated includes nitrogen dioxide and sulfur dioxide which are criteria air contaminants. Other than toxic compounds which are also volatile organic compounds, the District has not analyzed criteria air contaminants for purposes of toxics health impacts. Inclusion of these compounds goes beyond existing District Rule 51 policy provisions and should be deleted from the list.

DISTRICT RESPONSE

OEHHA recently decided not to require air district's to include NOx and SOx in health risk assessments. Districts routinely evaluate the potential health impacts of these pollutants as part

of their ozone control programs. Therefore, these criteria air pollutants have been dropped from Table II as requested. These pollutants will not need to be included in health risk assessments.

38. WRITTEN COMMENT

As a matter of general concern, the District should ensure that those provisions of proposed Rule 1200 pertaining to the control of existing equipment, use of AB2588 and AB1731 data and procedures do not conflict and are consistent with the provisions and requirements of existing state AB2588 and AB1731 procedures. The District should consider that the potential for conflict and inconsistencies exists and should ensure that such potential is taken into account in the proposed rule. For example, if a source triggers the provisions of Rule 1200(d)(1)(ii)(D) and the source has already identified certain reductions as part of the AB1731 process, would such plan be acceptable for purposes of proposed Rule 1200, or would the plan have to be modified to identify further reductions? If further reductions need be identified, how would such a modification fit in with proposed rule and existing AB1731 provisions?

To help in this concern, the District might consider including rule provisions which would allow the District to accept a risk prevention or risk reduction program developed to satisfy state or federal requirements in lieu of the risk reduction plan required in the proposed rule. This would allow sources to ensure that risk reduction plans are closely coordinated from an overall plant wide basis and include a deliberate strategy for risk reductions and are not an accumulation of plans put together for a series of projects. In addition, the rule does not appear to allow for the modification of these plans. Should subsequent projects or modifications to a facility be necessary, the rule does not appear to allow for the modification of the plans.

DISTRICT RESPONSE

A simple response to the example given would be that a plan designed to meet the SB 1731 program may not be adequate for purposes of Rule 1200(d)(1)(ii). However, the District will evaluate risk reduction plans developed for other regulatory programs on a case-by-case basis for adequacy in meeting the requirements of Subsection (d)(1)(ii). As noted in the response to Comment # 28, the project applicant may apply to the District to modify an Authority to Construct or Permit to Operate condition requiring implementation of an approved plan. The District will evaluate such application and modify the Authority to Construct or Permit to Operate if it agrees, on a case-by-case basis, such modification is warranted by the information presented by the applicant.

39. WRITTEN COMMENT

Air quality modeling of fugitive sources (e.g. haul roads, wind erosion, quarrying activities, etc.) using existing EPA approved models, including ISCST2, results in overprediction of actual off-site impacts. This is true for annual and 1-hour fenceline concentrations. Because of this it is recommended that area fugitive emissions be excluded from the calculation of both acute and long-term (carcinogenic and chronic) exposures and health risks.

DISTRICT RESPONSE

The District's Air Monitoring and Technical Services division reviewed this comment and stated that the Environmental Protection Agency's new ISC3 model should address the problems observed when ISC2 is used to model area and fugitive sources. The District recommends that

the ISC3 model be used to model area and fugitive emissions. The District will monitor this issue and, if warranted, revisit it at a later date.

40. ARB COMMENT

Instead of referring to the Maximum Achievable Control Technology requirements of Section 112 of the federal Clean Air Act, a reference to the requirements of Sections 111 and 112 should be made. This broader reference would cover situations like the Medical Waste Incinerator MACT adopted under Section 111 but which contains limits for HAPS.

DISTRICT RESPONSE

The District has revised the reference to Maximum Achievable Control Technology requirements in the federal Clean Air Act to specify "...Maximun Achievable Control Technology requirements adopted pursuant to either Section 111 or 112 of the federal Clean Air Act or to comply with ...".

41. ARB COMMENT

A risk cap should be established for the exemptions listed in Sections (b)(1)(v) - (viii). A risk cap of 100 per million and a total hazard index of 10 is suggested. Having such a cap would not make it necessary for all sources in these categories to do a health risk analysis. Based on the current work being done in the development of area-wide risk assessments for service stations and dry cleaners, simplified screening analyses (e.g. look-up tables or simplified computer model) will be available to easily determine if the risk cap is exceeded.

DISTRICT RESPONSE

As noted in the response to Comment #2, the ARB's suggested caps are contained in their Risk Management Guidelines for New and Modified Sources of Toxic Air Pollutants. They are simply guidelines for districts to consider when developing rules to regulate new and modified sources of toxic air contaminants. The ARB comment is intended to suggest that the District include an upper bound of allowable risk for exempt equipment.

When proposed Rule 1200 was developed, the addition of an upper bound to the exemptions was considered. It was decided not to do so because there was concern this would imply a risk assessment was required to ensure this upper bound was not exceeded. It was not the District's intent to require such sources prepare a risk assessment. Since the District was unaware of any exempted equipment that could have a risk that would approach a limit of 100 in one million, it was decided not to include such an upper limit in the exemption. However, in response to the ARB suggestion, an upper limit for cancer risk of 100 in one million has been added for exempt equipment. As suggested by ARB, the District will make use of look-up tables and other streamlining methods to ensure this upper risk limit is not exceeded without the need to perform a risk assessment.

42. ARB COMMENT

The phrase "...or any other emission limitation found by the Air Pollution Control Officer to be technically feasible..." should be added to the definition of T-BACT in Section (c)(23).

DISTRICT RESPONSE

The definition of T-BACT has been revised to conform to the definition suggested in the California Air Resources Board's Risk Management Guidelines for New and Modified Sources of Toxic Air Pollutants.

43. ARB COMMENT

Section (d)(1)(E) should be clarified that it is applicable only when off-site offsets are required.

DISTRICT RESPONSE

Section (d)(1)(E) has been revised to clarify the intent and applicability.

RJSm:jo