

NOTICE OF WORKSHOP

TO DISCUSS DRAFT AIR TOXICS "HOT SPOTS" (AB 2588) PUBLIC NOTIFICATION REQUIREMENTS AND PROCEDURES

The San Diego County Air Pollution Control District will hold a public meeting to discuss the Air Toxics "Hot Spots" Public Notification Requirements and Procedures developed to meet requirements of the AB 2588 (Air Toxics "Hot Spots") program. Comments regarding the proposed requirements and procedures may be submitted in writing prior to or during the workshop, which is scheduled as follows:

DATE: Tuesday - November 21, 1995

TIME: 9:00 a.m. to 12:00 Noon

**PLACE: Al Bahr Shrine
5440 Kearny Mesa Road
San Diego CA**

(Hwy 163 north to Clairemont Mesa west. Right turn on Kearny Mesa Road. Al Bahr is located behind the Hampton Inn)

Health and Safety Code Section 44362(b) requires the operator of a business to notify exposed individuals using specified procedures if the District determines there is potential significant health risk associated with emissions from that business based on a health risk assessment prepared pursuant to the Air Toxics "Hot Spots" program. Facilities are also required to reduce risks to below significant levels as expeditiously as possible (generally five years). The District is proposing notification requirements and procedures that define "significant risk levels" for purposes of public notification (Section 44362(b)). Significant risk level for risk mitigation is also proposed.

Major elements of the proposed notification requirements and procedures are:

- Establishment of a cancer risk of 10 in one million (10×10^{-6}) as the "significant risk" level for public notification;
- Establishment of a cancer risk of 100 in one million (100×10^{-6}) as the "significant risk" level for risk mitigation. Risks greater than this must be reduced below this level in accordance with a District-approved risk reduction plan, generally over a 5 year period;

Workshop Notice - Toxic "Hot Spots"
Public Notification Procedures & Requirements

-2-

- Establishment of a Total Hazard Index of 1.0 (up to 5.0 after consultation with OEHHA) as the non-cancer chronic and acute “significant risk” levels for public notification;
- A requirement for public notification using letters sent directly to residents and workplaces for facilities that have a cancer risk greater than 50 in one million (50×10^{-6});
- Provisions to allow public notification using District approved alternative notification procedures for facilities with risks between 10 in one million (10×10^{-6}) and 50 in one million (50×10^{-6});
- A requirement that public notification requirements be determined based on health risk assessments using 1989 emissions data unless a facility demonstrates that permanent, quantifiable and enforceable emission reductions have already been made which will significantly reduce facility risk and thus change its notification requirements;
- A requirement for affected businesses to submit a Public Notification Plan for District review and approval prior to notification;
- A requirement for annual notifications until the risks are shown to be reduced, and
- A requirement for community public meetings if significant public interest is demonstrated.

If you have any questions regarding these requirements or procedures, please call Mike Lake or Tom Weeks at (619) 694-3307. If you would like a copy of the draft requirements or procedures please call Juanita Ogata at (619) 694-8851.

RICHARD J. SMITH
Deputy Director

RJSm:TW:jo
10/23/95



Air Pollution Control Board
Greg Cox District 1
Dianne Jacob District 2
Pam Slater District 3
Ron Roberts District 4
Bill Horn District 5

Air Pollution Control Officer
R. J. Sommerville

NOTICE OF WORKSHOP

TO DISCUSS PROPOSED NEW RULE 1210. TOXIC AIR CONTAMINANT PUBLIC HEALTH RISKS - PUBLIC NOTIFICATION AND RISK REDUCTION

The San Diego County Air Pollution Control District will hold a public meeting to discuss proposed new Rule 1210 (Toxic Air Contaminant Public Health Risks - Public Notification and Risk Reduction). This new rule specifies the public notification requirements and procedures required by the AB 2588/SB 1351 (Air Toxics "Hot Spots") program. Comments regarding the proposed rule may be submitted in writing prior to or during the workshop, which is scheduled as follows:

DATE: Tuesday - April 9, 1996
TIME: 1:00 to 3:30 p.m.
PLACE: Air Pollution Control District
 Conference Room 139
 9150 Chesapeake Drive
 San Diego CA

Health and Safety Code Section 44362(b) requires the operator of a business to notify exposed individuals using specified procedures if the District determines there is potential significant health risk associated with emissions from that business based on a health risk assessment prepared pursuant to the Air Toxics "Hot Spots" program. Section 44391 requires facilities to reduce risks to below "significant" levels generally within five years.

On November 21, 1995, the District held a workshop to discuss proposed notification requirements and procedures that defined risk levels for purposes of public notification, and defined the "significant risk level" for purposes of risk mitigation. Based on comments received, changes were made to the proposal. Subsequently, the District determined it would be more appropriate for the Air Pollution Control Board to adopt a rule to specify these requirements and procedures. Resulting Rule 1210 was developed using the requirements and procedures previously discussed at the November 21, 1995 workshop as a framework. Major elements of proposed Rule 1210 are:

- Establishment of a cancer risk of 10 in one million (10×10^{-6}) as the risk level requiring public notification;
- Establishment of a cancer burden (potential increase in the occurrence of cancer cases) of one (1) or greater as the level requiring public notification;
- Establishment of a Total Hazard Index of 1.0 (up to 5.0 after consultation with OEHHA) as the non-cancer chronic and acute risk levels requiring public notification;
- A requirement for public notification using letters sent directly to residents and workplaces;

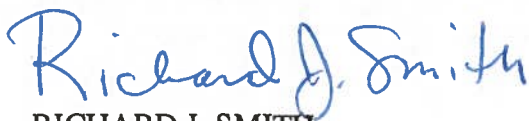
9150 Chesapeake Drive • San Diego • California 92123-1096 • (619) 694-3307
FAX (619) 694-2730 • Smoking Vehicle Hotline 1-800-28-SMOKE

Workshop Notice - Rule 1210
Health Risk - Public Notification Risk Reduction

-2-

- A requirement that public notification requirements be determined based on health risk assessments using 1989 emissions data unless (1) the District has approved an updated risk assessment for the facility or (2) an updated risk assessment (based on an approved inventory report) is submitted in accordance with a specified schedule and facility prioritization scores demonstrate risks have likely dropped below public notification or risk mitigation levels as a result of permanent, quantifiable and enforceable emission reductions which will change facility notification or mitigation requirements;
- A requirement for affected businesses to submit a Public Notification Plan for District review and approval, and implement the plan within 30 days of such approval;
- A requirement for multilingual notifications in specified conditions,
- A requirement for annual notifications until risks are shown to be below notification levels,
- A requirement to provide, within 30 days of request, additional information to the public concerning health risk;
- A requirement for community public meetings if significant public interest is demonstrated;
- Establishment of a cancer risk of 100 in one million (100×10^{-6}) as the "significant risk" level for risk mitigation;
- Establishment of a cancer burden of one or greater as the "significant risk" level for risk mitigation;
- Establishment of a Total Hazard Index of 1.0 (up to 5.0 after consultation with OEHHA) as the non-cancer chronic and acute "significant risk" levels for risk mitigation;
- A requirement that risks exceeding "significant risk" levels be reduced below these levels in accordance with a District-approved risk reduction plan over a five-year period;
- Establishment of criteria by which the District may shorten or lengthen the five-year allowable period to reduce risk to below "significant risk" levels.
- Provisions for public review and comment on risk reduction plans; and

If you have any questions regarding proposed Rule 1210, please call Mike Lake or Tom Weeks at 694-3307. If you would like a copy of the rule please call Juanita Ogata at (619) 694-8851.



RICHARD J. SMITH
Deputy Director

RJSm:jo
3/7/96

PROPOSED NEW RULE 1210

**RULE 1210. TOXIC AIR CONTAMINANT PUBLIC HEALTH RISKS -
PUBLIC NOTIFICATION AND RISK REDUCTION**

(a) **APPLICABILITY**

This rule is applicable to each stationary source required to prepare a public health risk assessment pursuant to Section 44360 of the Health and Safety Code.

(b) **EXEMPTIONS**

The provisions of Sections (d) and (e) of this rule shall not apply to stationary sources for which industry-wide generic public health risk assessments are prepared by the Air Pollution Control Officer pursuant to Section 44323 of the Health and Safety Code.

(c) **DEFINITIONS**

(1) "**Airborne Toxic Risk Reduction Measure**" means changes at a stationary source that reduce or eliminate toxic air contaminant emissions subject to this rule. Airborne toxic risk reduction measures may include changes in production processes, feed stock modifications, product reformulations, production system modifications, system enclosures, emissions capture, emissions control, emissions conversion, or modifications to operational standards or practices. Airborne toxic risk reduction measures do not include measures which will result in an increased health risk to the public from exposures to the toxic chemical in another media, nor which will result in an increased health risk to stationary source workers or the consumer.

(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.

(3) "**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-adjointing parcels of land which are connected by a process line, conveyors or other equipment shall be considered to be a contiguous property. Non-adjointing parcels of land separated by bodies of water designated "navigable" by the U. S. Coast Guard shall not be considered contiguous properties.

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

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

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

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

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

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

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

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

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

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

(11) "**Public Health Risk Assessment**" means a study to identify, characterize and quantify the potential cancer and noncancer public health risks that may result from public exposure to emissions of toxic air contaminants emitted from one or more emission units at a stationary source.

(12) "**Risk Reduction Audit and Plan**" means a study prepared by the owner or operator of a stationary source which identifies sources and emissions of toxic air contaminants at the stationary source that result in potentially significant public health risks and which proposes airborne toxic risk reduction measures that are sufficient to reduce potential public health risks from such emissions to less than significant risk mitigation levels as specified in this rule.

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

(14) "**Small Business**" means the same as defined in Government Code Section 11342(e).

(15) **"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.

(16) **"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 emitted from a stationary source and identified in Table III.

(17) **"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 emitted from a stationary source and identified in Table II.

(18) **"Toxic Air Contaminant"** 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 are 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 replace 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 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.

(d) **PUBLIC HEALTH RISK NOTIFICATION REQUIREMENTS**

(1) Except as provided in Subsections (d)(2) and (d)(3), the owner or operator of each stationary source for which a public health risk assessment has been approved by the Air Pollution Control Officer and which risk assessment indicates potential public health risks at or above the levels specified in Subsections (d)(1)(i), (ii), (iii) or (iv) shall provide written public notice of such risks. Public notice shall be by direct mailing, to each resident, business, employee, parent or guardian of each student, and administrators of each school, hospital, day care center, convalescent home and any other sensitive receptor potentially exposed to such risks as specified by the Air Pollution Control Officer.

(i) Maximum incremental cancer risks equal to or greater than 10 in one million, or

(ii) Cancer burden equal to or greater than 1.0, or

(iii) Total acute noncancer health hazard index equal to or greater than 1.0,

or

(iv) Total chronic noncancer health hazard index equal to or greater than 1.0.

Upon receipt of written notice from the Air Pollution Control Officer that the approved public health risk assessment indicates potential public health risks equal to or greater than the above levels, the owner or operator shall provide written public notice in accordance with the provisions of Subsections (d)(5) through (d)(15) of this rule.

(2) Written public notice shall not be required for a total acute or chronic non-cancer health hazard index equal to or greater than 1.0 but less than 5.0 if the Air Pollution Control Officer determines, after consultation with the state OEHHA, that adverse public health effects are unlikely to occur at the levels of exposure estimated in the approved public health risk assessment.

(3) If the approved public health risk assessment for a stationary source is based on estimated toxic air contaminant emissions at the source during calendar year 1989, the written public notice required by Subsection (d)(1) shall be based on the 1989 emissions-based approved risk assessment unless the owner or operator of the stationary source has submitted an updated risk assessment which has been approved by the Air Pollution Control Officer or has:

(i) Submitted an updated emission inventory report which has been approved by the Air Pollution Control Officer, and

(ii) Demonstrated that, based on the approved updated emission inventory report, the stationary source prioritization scores indicate that potential public health risks are likely to have dropped below the public notification levels specified in Subsection (d)(1) or below the significant risk levels for risk reduction specified in Subsection (e)(1), and

(iii) Demonstrated that the decreases in stationary source prioritization scores and indicated public health risks are the result of: permanent, quantifiable and enforceable changes in estimated emissions; changes in emission factors or methods of estimating emissions or toxic air contaminant exposure levels approved by the Air Pollution Control Officer; or, changes in toxicity, cancer potency, acceptable public exposure levels, or methods for estimating public exposures recommended by the state OEHHA, and

(iv) Prepared and submitted an updated public health risk assessment in accordance with the following schedule:

(A) Within 45 days after receipt of a final determination from the Air Pollution Control Officer that the stationary source is eligible to base the public notification required by Subsection (d)(1) on an updated public health risk assessment, submit for approval by the Air Pollution Control Officer a protocol describing the manner by which the updated public health risk assessment will be conducted.

(B) Within 90 days of approval of the protocol, submit an updated public health risk assessment to the Air Pollution Control Officer for approval. The updated health risk assessment shall be prepared following the approved protocol.

(C) Within 30 days of written notice from the Air Pollution Control Officer identifying any deficiencies in the updated public health risk assessment, revise and resubmit for approval a corrected risk assessment that addresses those deficiencies.

If an updated public health risk assessment has been prepared and approved pursuant to this Subsection (d)(3), the written public notice required by Subsection (d)(1) shall be given based upon the results of the updated health risk assessment and in accordance with the provisions of Subsections (d)(5) through (d)(15) of this rule. Public notice shall be given upon receipt of written notice from the Air Pollution Control Officer that the updated risk assessment has been approved and that the results indicate potential public health risks above the levels specified in Subsection (d)(1)(i), (ii), (iii), or (iv). In the event an updated health risk assessment is disapproved, or the owner or operator fails to comply with the schedule for updating a risk assessment specified in this Subsection (d)(3), the Air Pollution Control Officer may require the owner or operator to provide public notice based on the most recent approved public health risk assessment for the stationary source.

(4) In implementing the provisions of Subsection (d)(3), the Air Pollution Control Officer shall:

(i) By (15 days after rule adoption), make a preliminary determination of each affected stationary source's eligibility to update its public health risk assessment and provide written notice of the preliminary determination to each affected stationary source. The preliminary determination shall be based on the most recent approved emission inventory report for the stationary source, updated stationary source prioritization scores, stationary source permit information, and stationary source supplied information, and

(ii) Provide the owner or operator of each affected stationary source 30 days to submit written comments on the preliminary determination and to submit any relevant additional information, and

(iii) By (60 days after rule adoption), make a final determination of each affected stationary source's eligibility to update its public health risk assessment and provide written notice of the final determination to each affected stationary source, and

(iv) Within 30 days of receipt of a risk assessment protocol submitted pursuant to Subsection (d)(3)(iv)(A), approve or revise and approve the protocol and provide written notice of the approval to the owner or operator of the affected stationary source; and

(v) Within 60 days of receipt of an updated public health risk assessment submitted pursuant to Subsection (d)(3)(iv)(B), approve, revise and approve, or disapprove the risk assessment and provide written notice of the approval or disapproval to the owner or operator and notice of whether the results of the most recently approved public health risk assessment indicate potential public health risks above the levels specified in Subsection (d)(1).

(5) Within 45 days of the date of written notice from the Air Pollution Control Officer that public notification is required pursuant to Subsections (d)(1) or (d)(3) of this rule, the owner or operator of a stationary source shall prepare and submit to the Air Pollution Control Officer, for approval, a public notification plan. The plan shall include all of the following:

(i) A proposed public notification letter to be signed by the Air Pollution Control Officer. The proposed notification letter shall be similar to the model notification letter provided by the Air Pollution Control Officer.

(ii) Any proposed optional stationary source informational letter to accompany the public notification letter.

(iii) The name and phone number of the person responsible for coordinating public notification for the stationary source.

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

(v) A list of all zip codes or census tracts to be included in the notification, and the estimated total number of notification letters to be mailed.

(vi) A list of all schools, hospitals, day care centers, convalescent homes and other sensitive receptors to be notified.

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

(viii) A proposed method for responding to public comments and requests.

(6) The owner or operator of a stationary source required to provide written public notice pursuant to this rule shall implement the stationary source public notification plan, as approved by the Air Pollution Control Officer, within 30 days of the date of written notice from the Air Pollution Control Officer of such approval. Each written public notice shall be mailed via the U.S. Postal Service and shall contain:

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

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

(iii) Any stationary source informational letter that has been approved by the Air Pollution Control Officer.

(7) Multilingual notifications shall be provided by the owner or operator of a stationary source required to provide public notification pursuant to this rule if ten percent or more of the recipients within any census tract in the area to receive notification are non-English speaking. In such case, the notifications shall be provided in those languages which are the primary language of 10 percent or more of the total persons to be notified in that census tract.

(8) Any stationary source informational letter to be included in the notification required by this rule shall be approved by the Air Pollution Control Officer and shall enhance and not undermine the public health risk notification process. The stationary source informational letter may include:

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

(ii) A discussion of steps taken, or future steps planned, by the stationary source to reduce emissions or risks to the public. The owner or operator shall document to the Air Pollution Control Officer any such steps taken and/or provide a written commitment to the Air Pollution Control Officer for any steps planned.

(iii) A brief and factual discussion of the risk assessment results and the uncertainties and conservatism of the risk assessment.

(iv) The name, address and phone number of a stationary source contact regarding the public notification and the risk assessment.

(9) Each public notification shall be mailed in an envelope supplied by the Air Pollution Control Officer. The envelope shall be marked with the name and address of the Air Pollution Control District and the words "Public Health Information" if mailed to areas where the approved health risk assessment indicates potential risks below the significant risk mitigation levels specified in Section (e) of this rule. The envelope shall be marked with the words "Public Health Notice" if mailed to areas where the approved health risk assessment indicates potential risks at or above the significant risk mitigation levels.

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

(11) Written notice to the parents or legal guardians of students attending schools with potential exposure to risks above the notification levels specified in Subsection (d)(1) shall be notified by one of the following methods as determined by the administrator of the affected school:

(i) The owner or operator of the stationary source shall provide written notice by direct mailing based on a mailing list of parents or guardians provided by the school, or

(ii) The administrator of the school, or an assignee of the administrator, shall distribute notices provided by the stationary source owner or operator to the parents or guardians. The cost of such distribution shall be paid by the owner or operator of the stationary source, or

(iii) An alternative method acceptable to the administrator of the school and the owner or operator of the stationary source, provided the Air Pollution Control Officer finds that such method meets the intent of the notification requirements of this rule.

(12) The owner or operator of the stationary source shall prepare and distribute a public health risk assessment summary to those notified persons requesting additional information within 30 days of such requests. The summary shall be approved in advance by the Air Pollution Control Officer and shall provide information on the health risk assessment in more detail than the initial public notification. The summary shall include information concerning stationary source operations, emissions, potential cancer and non-cancer public health impacts, and current and future stationary source risk reduction efforts.

(13) If, based on the public response received within 30 days of public notification, the Air Pollution Control Officer determines, on a case-by-case basis, that a public meeting is required, the Air Pollution Control Officer shall so notify the owner or operator of the affected stationary source and the owner or operator shall hold a public meeting within 60 days after public notification. The meeting shall be held at a time and place that facilitates public attendance. Translators shall be present if 10 percent or more of the expected audience is non-English speaking. The Air Pollution Control Officer, or designee, shall attend each public meeting.

The owner or operator of a stationary source required to conduct a public meeting shall plan, provide notice of and conduct such meeting, and shall bear the costs, including District costs, of holding the meeting. Notice of the meeting shall be sent to all persons expressing interest in having a meeting, shall be provided at least 14 days prior to the meeting, and shall be in English and the primary language(s) spoken by each non-English speaking ethnic group representing 10 percent or more of the persons receiving notice of the meeting.

(14) The owner or operator of a stationary source required to provide public notification pursuant to Section (d) of this rule, and which stationary source's most recently approved public health risk assessment indicates potential public health risks above the significant risk mitigation levels specified in Section (e) of this rule, shall provide public notification, in accordance with the procedures of this rule, annually. The owner or operator may cease annual public notification upon demonstrating, to the satisfaction of the Air Pollution Control Officer, that potential public health risks have been reduced below the significant risk mitigation levels.

(15) A copy of all information provided by the owner or operator of a stationary source to the public, pursuant to the notification requirements of this rule, shall also be provided to the Air Pollution Control Officer.

(e) STATIONARY SOURCE TOXIC AIR CONTAMINANT RISK REDUCTION AUDITS AND PLANS

(1) Except as provided in Subsections (e)(2), (e)(3) and (e)(4), within six months of receipt of written notice from the Air Pollution Control Officer that a stationary source's approved public health risk assessment indicates potential public health risks equal to or greater than one or more of the following significant risk mitigation levels, the owner or operator shall submit to the Air Pollution Control Officer, for review for completeness, a stationary source toxic air contaminant risk reduction audit and plan:

- (i) Maximum incremental cancer risks equal to or greater than 100 in one million, or
- (ii) Cancer burden equal to or greater than 1.0, or
- (iii) Total acute noncancer health hazard index equal to or greater than 1.0, or
- (iv) Total chronic noncancer health hazard index equal to or greater than 1.0.

The risk reduction audit and plan shall contain airborne toxic risk reduction measures proposed by the owner or operator which will be sufficient to reduce the stationary source emissions to levels that result in potential public health risks below the significant risk mitigation levels specified above. Such emission reductions shall be accomplished within five years of the date the plan is submitted to the Air Pollution Control Officer.

(2) A risk reduction audit and plan shall not be required for a total hazard index for acute or chronic health risks equal to or greater than 1.0 but less than 5.0 if the Air Pollution Control Officer determines, after consultation with the state OEHHA, that adverse public health effects are unlikely to occur at the levels of exposure estimated in the approved public health risk assessment.

(3) The Air Pollution Control Officer may shorten the period for a stationary source to reduce risks below the significant risk mitigation levels if the Air Pollution Control Officer finds that it is technically feasible and economically practicable for the stationary source to do so or if the Air Pollution Control Officer finds that the emissions from the stationary source pose an unreasonable health risk. In determining whether the period for risk reduction shall be shortened, the Air Pollution Control Officer shall consider:

(i) Whether it is technically feasible to the estimated maximum incremental cancer risks for exposed persons to less than **250** in one million and total chronic and acute noncancer health hazard indexes to less than 10.0 in less than five years.

(ii) Whether the annualized cost of the airborne toxic risk reduction measures necessary to meet the public health risk levels of Subsection (e)(3)(i) exceeds 10 percent of the preceding five-year average annual return on equity for the owner or operator, whichever has the higher average annual return on equity.

(iii) Whether the airborne toxic risk reduction measures which could be implemented in less than five years are based on technologies that have been proven in field applications, as determined by the Air Pollution Control Officer.

(iv) Whether there are alternative airborne toxic risk reduction measures available that are technically feasible and economically practicable and which can be implemented by the owner or operator sooner than the measures proposed by the owner or operator. If such alternative measures are available, the Air Pollution Control Officer may require that such measures be implemented prior to or in replacement of one or more of the measures proposed by the owner or operator.

(4) The Air Pollution Control Officer may lengthen the period for a stationary source owner or operator to reduce risks below the significant risk mitigation levels by up to an additional five years. To do so, the Air Pollution Control Officer must find that a period longer than five years will not result in an unreasonable risk to public health and that requiring implementation of the risk reduction audit and plan within five years would impose an unreasonable economic burden on the owner or operator, or is not technically feasible. In determining whether an owner or operator should be allowed more than five years to reduce risks below the significant risk mitigation levels, the Air Pollution Control Officer shall:

(i) Not allow more than five years to reduce the estimated maximum incremental cancer risks for exposed persons to less than **250** in one million and total chronic and acute noncancer health hazard indexes to less than 10.0.

(ii) Not require airborne toxic risk reduction measures to be implemented within five years, except as necessary to meet the requirements of Subsection (e)(4)(i), to the extent that the annualized cost of such measures exceeds 10 percent of the preceding five-year average annual return on equity for the owner or operator, whichever has the higher average annual return on equity.

(iii) Not require airborne toxic risk reduction measures to be implemented within five years, except as necessary to meet the requirements of Subsection (e)(4)(i), to the extent those measures are based on technologies that have not yet been proven in field applications, as determined by the Air Pollution Control Officer.

(iv) Determine if alternative airborne toxic risk reduction measures are available that are technically feasible and economically practicable and which can be implemented by the owner or operator sooner than the measures proposed by the owner or operator. If such alternative measures are available, the Air Pollution Control Officer may require that such measures be implemented prior to or in replacement of one or more of the measures proposed by the owner or operator.

(v) Determine that the owner or operator will implement those airborne toxic risk reduction measures that are technically feasible and economically practicable as expeditiously as possible.

The Air Pollution Control Officer shall not allow longer than five years if not specifically requested by the owner or operator. In making such a request, the owner or operator shall provide, in the manner and form prescribed by the Air Pollution Control Officer, all relevant information needed by the Air Pollution Control Officer to make the determinations specified above. The Air Pollution Control Officer may impose conditions on the approval of a period longer than five years as necessary to ensure that airborne toxic risk reduction measures that are technically feasible and economically practicable are implemented as expeditiously as possible.

(5) The risk reduction audit and plan submitted by the owner or operator shall contain all of the following:

(i) The name, location and standard industrial classification (SIC) code of the stationary source.

(ii) The identification of the emission units and toxic air contaminants emitted by each emission unit that contribute to potential public health risks above the significant risk mitigation levels specified in Subsection (e)(1). Emission units shall be listed by decreasing contribution to the total potential public health risks estimated for the stationary source. Toxic air contaminants shall be listed for each emission unit by decreasing contribution to the potential public health risk estimated for that unit.

The plan need not include identification of emission units which emit toxic air contaminants in amounts which the approved public health risk assessment indicate do not cause maximum incremental cancer risks greater than 1.0 in a million, nor a total acute noncancer health hazard index of 1.0 or greater, nor a total chronic non-cancer health hazard index of 1.0 or greater. The plan shall include identification of all emission units for which the owner or operator proposes to reduce toxic air contaminant emissions as part of the risk reduction audit and plan.

(iii) A listing and an evaluation of all airborne toxic risk reduction measures available to the owner or operator and which could be used to reduce emissions from the emission units identified in Subsection (e)(5)(ii). The evaluation shall identify the emission units and toxic air contaminants affected by each measure and the extent of emission reductions that would be achieved for each emission unit and each affected contaminant.

(iv) The identification of and the rationale for the airborne toxic risk reduction measures proposed for implementation by the owner or operator. The plan shall also include the rationale for not proposing for implementation any of the airborne toxic risk reduction measures identified as available to the owner or operator, including those identified as infeasible or not economically reasonable.

(v) A schedule for implementing the proposed airborne toxic risk reduction measures within five years or within a shorter or longer period as determined by the Air Pollution Control Officer pursuant to Subsections (e)(3) or (e)(4) of this rule. The schedule shall include specific increments of progress towards implementing the airborne toxic risk reduction measures. The schedule shall include dates by which applications for any authorities to construct or modified permits to operate will be submitted to the Air Pollution Control Officer, by which each measure will be in place, and by which the actual in-use effectiveness of each measure will be demonstrated to the Air Pollution Control Officer.

(vi) A demonstration that the proposed airborne toxic risk reduction measures will be sufficient to reduce or eliminate toxic air contaminant emissions from the stationary source to levels sufficient to ensure that potential public health risks from such emissions are below the significant risk mitigation levels specified in Subsection (e)(1) of this rule. The demonstration shall be made through analogy with the approved public health risk assessment for the stationary source or by submission of a revised forecast risk assessment. The demonstration shall include any foreseeable new or increased emissions of toxic air contaminants from the stationary source and the estimated public health risks resulting from such new or increased emissions during the period approved for implementation of the risk reduction audit and plan.

(vii) A schedule for providing progress reports on reductions in emissions of toxic air contaminants and estimated public health risks achieved under the implemented plan. Progress reports shall be provided not less frequently than annually and may be incorporated into toxic air contaminant emission inventory report updates required pursuant to Section 44344 of the Health and Safety Code.

(viii) A certification by an engineer registered as a professional engineer pursuant to Section 6762 of the Business and Professions Code, by an individual responsible for processes or operations of the affected stationary source, or by an environmental assessor registered pursuant to Section 25570.3 of the Health and Safety Code, that the audit and plan submitted meets the requirements of Section (e) of this rule and Part 6, Chapter 6 of Division 26 of the Health and Safety Code.

(6) Within 30 days of receipt of a risk reduction audit and plan submitted pursuant to this Section (e), the Air Pollution Control Officer shall provide notice in a newspaper of general circulation, and direct notice to all individuals requesting such notice for the specific stationary source, of receipt of the plan, the availability of the plan for public inspection, and an opportunity to provide written comments regarding the plan within 30 days.

(7) Within 90 days after receipt of a risk reduction audit and plan submitted pursuant to this Section (e), the Air Pollution Control Officer shall determine whether the plan is complete and so notify the owner or operator. A plan will be determined to be complete if it meets all of the requirements of this section. In determining whether a plan is complete, the Air Pollution Control Officer shall evaluate whether the airborne toxic risk reduction measures proposed are sufficient to achieve the emission reductions necessary to reduce potential public health risks below the significant risk mitigation levels specified in

Subsection (e)(1) within five years or such other period approved by the Air Pollution Control Officer pursuant to Subsections (e)(3) and (e)(4).

(8) If the Air Pollution Control Officer finds that a risk reduction audit and plan is incomplete, the Air Pollution Control Officer shall remand the plan to the owner or operator for revision, specifying the deficiencies in the plan. Within 90 days of the date the remanded plan is received, the owner or operator shall submit a revised risk reduction audit and plan that corrects the deficiencies identified by the Air Pollution Control Officer.

Within 90 days of receipt of a revised plan, the Air Pollution Control Officer shall determine whether the revised plan is complete and so notify the owner or operator. If the Air Pollution Control Officer finds that the revised risk reduction audit and plan does not adequately correct the deficiencies identified and is not complete, the Air Pollution Control Officer shall so notify the owner or operator in writing and may remand the plan to the owner or operator for further revision or may disapprove the plan and find the owner or operator to be in violation of this rule.

(9) The owner or operator of a stationary source subject to the requirements of this Section (e) shall commence implementation of the risk reduction audit and plan for the stationary source upon receipt of written notice from the Air Pollution Control Officer that the plan has been determined to be complete.

(10) Upon full implementation of each airborne toxic risk reduction measure identified in a risk reduction audit and plan determined to be complete by the Air Pollution Control Officer, the measure shall become enforceable by the Air Pollution Control Officer through inclusion of appropriate and necessary conditions on valid and current permits to operate for the affected emission units. This Subsection (e)(10) shall not preclude an owner or operator from requesting, nor the Air Pollution Control Officer from granting, modifications to a permit to operate for an affected emission unit if the owner or operator demonstrates that the modifications will not interfere with the attainment of the risk reductions, and dates, contained in the complete risk reduction audit and plan.

(11) The Air Pollution Control Officer may require that a risk reduction audit and plan be revised and resubmitted if the Air Pollution Control Officer receives new information regarding toxic air contaminant emissions from the stationary source or alternative airborne toxic risk reduction measures that would significantly impact or reduce risks to exposed persons.

(f) All costs incurred by the Air Pollution Control Officer in carrying out the public notification and risk reduction audit and plan requirements of this rule in conjunction with an affected stationary source shall be paid by the owner or operator of that stationary source in accordance with Section (m) of Rule 40 of these Rules and Regulations.

Table I

Toxic Air Contaminants With Potential Carcinogenic Impacts^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 With Potential Chronic Noncancer Impacts^a

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

Table II - continued

Toxic Air Contaminants With Potential Chronic Noncancer Impacts^a

| Substance | Substance |
|---|---------------------|
| Naphthalene | Propylene oxide |
| Nickel and nickel compounds | Selenium compounds |
| Nitrobenzene | Sodium hydroxide |
| 2 - Nitropropane | Styrene |
| Ozone | Sulfates |
| Perchloroethylene (Tetrachloroethylene) | Toluene |
| Phenol | Trichloroethylene |
| Phosphine | Vinyl chloride |
| Phosphorous (white) | Vinylidene chloride |
| Phthalic anhydride | Xylenes |
| PCBs (Polychlorinated biphenyls) | Zinc compounds |

- 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 With Potential Acute Noncancer Impacts^a

| Chemical | Chemical |
|---|---|
| Ammonia | Hydrogen fluoride |
| Acrolein | Hydrogen sulfide |
| Arsine | Maleic anhydride |
| Benzyl 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.