



San Diego County Air Pollution Control District

December 17, 2021

COMPLIANCE ADVISORY

Rule 1210 – Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction

On November 4, 2021, the San Diego County Air Pollution Control District (District) Governing Board adopted revisions to District Rule 1210 – *Toxic Air Contaminant Health Risks-Public Notification and Risk Reduction*. Rule 1210 was originally adopted in 1996 in response to the California Air Toxics "Hot Spots" Information and Assessment Act (Hot Spots Act), Assembly Bill 2588, which requires local air pollution control districts to evaluate toxic air contaminant emissions from various stationary sources and determine which sources generate emissions that may present public health concerns which would trigger public notification and/or risk reduction.

In an effort to minimize the public's exposure to potential toxic air contaminants, the revisions to Rule 1210 require affected facilities to reduce their estimated cancer risk to below 10 in one million threshold (the same threshold used for public notifications) within a 5-year timeframe. However, some facilities may need additional time to reduce the estimated cancer risk to below 10 in one million due to the need for development of future technological advancements. Thus, the amended rule includes provisions for an extension period for situations when reducing the cancer risk is not technically feasible. A 3-year extension may be granted, provided that the facility has installed Best Available Retrofit Control Technology for Toxics (T-BARCT) on all emission units within the stationary source contributing to the exceedance of the significant risk threshold(s). Subsequent extensions may be granted provided that the facility has further installed all technically feasible controls on all emission units within the stationary source contributing to the exceedance of the significant risk threshold(s).

The adopted revision to Rule 1210 includes the following changes:

- Require that all initial public notifications contain clear and readable maps with isopleths;
- Require proof of distribution of public notification materials by a certain timeframe;
- Require that a public meeting be conducted for all initial public notifications, and for subsequent annual notifications, as determined and requested by the Air Pollution Control Officer;
- Specify that the new cancer risk reduction requirements shall apply to health risk assessments conducted for emissions inventory years 2018, and later with an estimated cancer risk equal to or greater than 10 in one million;
- Specify that the cancer risk reduction requirements shall apply to health risk assessments conducted for emissions inventory years prior to 2018 with an estimated cancer risk equal to or greater than 100 in one million;

- Specify requirements for risk reduction audit and plans. If a risk reduction audit and plans is not approvable, the Air Pollution Control Officer shall notify the owner or operator in writing and may remand the plan to the owner or operator for further revision. An approvable plan shall be submitted by the owner or operator within 60 days of such notification. If an approvable plan is not submitted, the Air Pollution Control Officer may disapprove the plan and find the owner or operator to be in violation of Rule 1210.
- Require the Air Pollution Control Officer to provide a public notice within 30 days of receipt of risk reduction audit and plan and any extension request, and make each document available for public review with a 30-day public comment period;
- Include a provision for a 3-year extension to reduce the estimated cancer and non-cancer risks to below the significant risk reduction thresholds provided that the facility has installed T-BARCT;
- Provide for additional 3-year extension options to reduce the estimated cancer and non-cancer risks to below the significant risk reduction thresholds provided all further additional technically feasible controls besides T-BARCT have been implemented; and
- Require the Air Pollution Control Officer to conduct a public meeting at least 30 days prior to the approval of any extension requests to discuss any proposed extension requests and obtain input from the public.

A copy of the adopted rule is available on the District's website at <https://bit.ly/3pi2E63>. If you have any questions, please contact the Compliance Division at (858) 586-2650 or by email at apcdcomp@sdapcd.org.