



#### Air Pollution Control Board

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## COMPLIANCE ADVISORY

### NOTICE OF ADOPTION OF NEW RULE 1200, TOXIC AIR CONTAMINANTS - NEW SOURCE REVIEW

On June 12, 1996 the Air Pollution Control Board adopted a new Rule 1200 (Toxic Air Contaminant - New Source Review). The rule specifies the District's health risk evaluation process and criteria for approving new, modified and relocated equipment that emits toxic air contaminants. Acceptable cancer and noncancer (acute and chronic exposure) public health risks are specified.

**Applicability** Rule 1200 applies to any new, modified or relocated equipment (individual emission units) for which an Authority to Construct or Permit to Operate is required and which may increase one or more toxic air contaminants listed in the rule.

The risk management criteria (criteria for approving a project) specified in the rule apply to emission increases from a project. Project applicants can include emissions reductions from other existing equipment to offset emission increases from the new or modified equipment (i.e. the rule allows netting). The emission increase associated with a project is defined as the difference between the project's potential to emit air toxics before modification and its potential to emit after modification. Emission calculation procedures are specified in the rule.

A health risk assessment is an analysis estimating the potential increased chance of developing adverse health effects (both cancer and non-cancer) as a result of exposure to toxic air contaminants. Risk assessments (if required) can be performed by a facility owner or operator, or a third party. They must be done in accordance with state Office of Environmental Health Hazard Assessment (OEHHA) requirements and using OEHHA health effects data and must be approved by the District.

**Exemptions** Rule 1200 does not apply to equipment modified exclusively to comply with federal Maximum Achievable Control Technology requirements, the requirements of new District Rule 1210 which implements the risk mitigation requirements of the state Air Toxic Hot Spots program, or a state Air Toxic Control Measure. Automotive refinishing operations not using chrome or lead pigmented paints, asphalt roofing kettles and tanks, and dry cleaning and service station equipment using Best Available Control Technology for air toxics (T-BACT) are also exempt from the rule if the 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.

### STANDARDS

#### **Cancer Risk for projects not equipped with T-BACT**

The criteria for cancer risk for projects not equipped with Best Available Control Technology for air toxics (T-BACT) specifies that a project cannot cause an increase in the calculated potential for causing cancer of more than one in one million.

**Cancer risk  
for projects  
equipped with  
T-BACT**

For projects equipped with T-BACT, a project cannot cause an increase in the calculated potential for causing cancer of more than ten in one million.

**Approval of  
projects having  
cancer risks  
greater than 10  
in one million**

Rule 1200 also allows approval of a project having a cancer risk increase of greater than 10 but less than 100 in one million if all of the following conditions are met:

- All equipment associated with the project that increase cancer risk by more than one in one million are equipped with T-BACT. All other equipment at the same facility (stationary source) that have a cancer risk impact of greater than ten in one million at other locations where the cancer risk as a result of the project exceeds ten in one million must also be equipped with T-BACT.
- The District prepares a report in support of approving the project.
- The facility operator prepares an annual report on risk reduction methods available for reducing risk from equipment associated with the project to less than 10 in one million, and implements methods approved by the District.
- The facility 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 facility operator notifies affected persons of the project and hold a public meeting regarding the project after providing a 30-day notice.
- The District provides a 30-day period for the public to comment on the District's evaluation of the project and the project's ability to meet District requirements.
- If the increase in cancer risk as a result of the project is more than 50 in one million but less than 100 in one million, the facility operator must obtain all available risk reductions from off-site equipment (permitted) having a cancer risk impact of greater than ten in one million at locations where the cancer risk impact as a result of the project is greater than ten in one million.

**Noncancer risk**

The rule 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.

A copy of Rule 1200 can be obtained by calling (619) 694-3307. If you have any questions concerning its requirements please call Tom Weeks at (619) 694-3894, Mike Lake at (619) 694-3313 or Dick Smith at (619) 694-3303.