

TOXICS NSR FACT SHEET

Proposed Changes to Air Toxics New Source Review Program

The Air Toxics NSR Program is one of several District regulatory programs that apply to industrial and commercial facilities that emit toxic air contaminants (TACs). The goal of this program is to prevent significant increases in health risks resulting from proposed projects that involve new and modified sources emitting TACs. The program is also intended to reduce existing health risks by requiring updated control requirements when older, more highly polluting, sources are modified or replaced. For the last eighteen years, the District has been implementing the Air Toxics NSR Program through the District's pre-construction permit review process based on policies and procedures established by the District's Air Pollution Control Officer (APCO).

In May and June 2003, the District introduced proposed changes to the Air Toxics NSR Program at a series of public workshops. District staff proposed to codify the risk management policies and procedures into a new District rule, Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants, that would be adopted by the District's Board of Directors. This proposed rule included a number of updates and enhancements to the current program, which were primarily intended to improve conformity with updated State risk assessment and risk management guidelines. The District also proposed related amendments to several existing District rules and Manual of Procedures.

The District conducted five public workshops in 2003 and has made numerous revisions to the 2003 proposal based on public comments, and due to amendments to State guidelines and District regulations that have been adopted since 2003. The District has also identified several additional District rules that require amendments to ensure consistency with the current proposal. A list of the regulatory proposals follows.

Proposed Adoption of:

- REGULATION 2, RULE 5: NEW SOURCE REVIEW OF TOXIC AIR CONTAMINANTS
- MANUAL OF PROCEDURES, VOLUME II, PART 4: NEW AND MODIFIED SOURCES OF TOXIC AIR CONTAMINANTS

Proposed Amendments to:

- REGULATION 2: PERMITS, RULE 1: GENERAL REQUIREMENTS
- REGULATION 2: PERMITS, RULE 2: NEW SOURCE REVIEW
- REGULATION 2: PERMITS, RULE 9: INTERCHANGEABLE EMISSION REDUCTION CREDITS
- REGULATION 3: FEES
- REGULATION 8: ORGANIC COMPOUNDS, RULE 34: SOLID WASTE DISPOSAL SITES

- REGULATION 8: ORGANIC COMPOUNDS, RULE 40: AERATION OF CONTAMINATED SOIL AND REMOVAL OF UNDERGROUND STORAGE TANKS
- REGULATION 8: ORGANIC COMPOUNDS, RULE 47: AIR STRIPPING AND SOIL VAPOR EXTRACTION OPERATIONS
- REGULATION 11: HAZARDOUS POLLUTANTS, RULE 16: PERCHLORO-ETHYLENE AND SYNTHETIC SOLVENT DRY CLEANING OPERATIONS

The proposed rule and rule amendments will update and enhance program requirements primarily to conform to current State guidelines. The most significant program changes (from the existing Risk Management Policy) are:

- Currently, Health Risk Screening Analyses (HRSAs) are completed to evaluate chronic (i.e., long-term) health risks resulting from TAC emissions. The proposed rule will add the consideration of acute (i.e., short-term) health risks to these HRSAs.
- Currently, Best Available Control Technology for Toxics (TBACT) is required for a project that results in a cancer risk of greater than 1.0 in one million. The proposed rule will change the TBACT threshold from a project basis to a source basis and will add a TBACT threshold for non-cancer health risks. Under the proposed rule, any new or modified source is required to have TBACT if the source risk has a cancer risk greater than 1.0 in one million or a chronic hazard index greater than 0.20. These changes focus the imposition of control equipment to those sources that significantly contribute to risk (including noncarcinogenic effects) while avoiding imposition of TBACT on sources that have little effect on risk.
- The proposed rule will remove existing exemptions from project health risk limits for dry cleaners due to advances in less-toxic technologies; this change will provide additional regulatory incentive to use alternatives to Perchloroethylene.
- The proposed rule and Health Risk Screening Analysis (HRSA) Guidelines will include updated lists of toxic air contaminants, toxicity values, and exposure assessment procedures that are consistent with State (OEHHA) risk assessment guidelines. The rule and HRSA guidelines will be periodically updated to incorporate future changes to the OEHHA guidelines.
- The proposed amendments to Regulation 3 will increase permit application fees for affected permit applicants in order to fund the additional staff resources that will be required to handle the expected increases in the quantity and complexity of HRSAs.

The above proposals include numerous revisions from the 2003 proposal. The major differences from the 2003 proposal are highlighted below.

- In 2003, the District proposed to clarify and expand discretionary risk management authority found in the existing Risk Management Policy and to provide new opportunity for public participation in these discretionary decisions. Projects that complied with the specific findings requirements would have been allowed to meet facility risk limits of 100 in one million for cancer risk and 10.0 for

acute and chronic hazard indices instead of the project risk limits of 10.0 in one million for cancer risk and 1.0 for hazard indices. The District has deleted the specific findings exemption, the risk reduction measures requirement, the facility risk limits, and all related definitions, administrative requirements, and procedural provisions from the proposed Regulation 2, Rule 5. Discretionary risk management actions will not be allowed, and all projects will be required to comply with project risk limits of 10.0 in one million for cancer risk and 1.0 for acute hazard index and 1.0 for chronic hazard index.

- The District has augmented Table 2-5-1 by adding the RELs and Cancer Potency Factors that were used to calculate the Acute and Chronic Trigger Levels. Since 2003, OEHHA has updated health effects values for several compounds. These revised health effects values and the resulting revised trigger levels have been incorporated into Table 2-5-1. In addition, the trigger level calculation procedures have been amended due to OEHHA's recent adoption of modified breathing rate assumptions into the State risk assessment procedures and due to numerous enhancements of the Hotspots Analysis Reporting Program (HARP) that have occurred since 2003. These trigger level calculation modifications resulted in revised trigger levels for many compounds.
- The District also amended Section 2-5-402 Health Risk Screening Analysis Guidelines by describing how and when Table 2-5-1 and the District's HRSA guidelines will be modified in the future. The District will periodically review, through a rule development process, the feasibility of implementation, enforcement, and compliance with project risk limits, for any new or revised health effects values adopted by OEHHA or any other exposure factors (e.g., breathing rate factors, exposure durations) that affect the emission trigger levels, prior to use of OEHHA's amended health effects values and exposure factors for Regulation 2, Rule 5.
- The District clarified in Section 2-5-301 that the TBACT threshold for chronic hazard index is 0.20 rather than 0.2. In practice, this change reduces the TBACT threshold from a possible high of 0.25 (which rounds down to 0.2 for one significant figure) to 0.205 (which rounds down to 0.20 for two significant figures).
- The District made numerous improvements to the emission calculations procedures in Sections 2-5-601 and 2-5-602 to ensure clarity and consistency.
- Emissions due to emergency use of emergency standby engines are exempt from the current risk management policy and were proposed for exemption from Regulation 2, Rule 5 in 2003 pursuant to Section 2-5-111. The District is proposing to expand this exemption to include emissions arising from emission testing of these engines that is required by the APCO. This proposed emissions testing exemption for diesel engines is consistent with the Airborne Toxic Control Measure for diesel engines that was recently adopted by CARB.
- The District added definitions for acute hazard quotient and chronic hazard quotient and has clarified the related definitions for hazard index.
- The District revised the definition of cancer risk by removing the quantitative discussion of exposure duration for residential and worker receptors. The appropriate exposure durations will be identified in the District's HRSA guidelines rather than this definition.

- For the definition of “project”, the District clarified the circumstances under which a previous permit application will be considered part of the current project.
- The District clarified the definitions of “Health Risk Screening Analysis”, “modified source of toxic air contaminants”, “receptor location”, “reference exposure level”, and “worker receptor” and made numerous other editorial revisions to the proposed rule.

The proposed rule and rule amendments, the Manual of Procedures revisions, and the current Risk Management Policy and Risk Evaluation Procedures are available on the District’s website at <http://www.baaqmd.gov/pln/ruledev/workshops.asp>. The District has also issued a Notice of Preparation of a draft Environmental Impact Report for this rule development project. This notice is also available on the District’s website at the above address. Written copies of these materials are available upon request.

Any questions regarding the District’s proposal or the scheduled workshop should be directed to Scott Lutz, Manager of the District’s Toxic Evaluation Section, at (415) 749-4676, or sent electronically to slutz@baaqmd.gov. Written comments on the proposal may be submitted to:

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