

## CEQA

### NOTICE OF PREPARATION OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR ADOPTION OF DISTRICT REGULATION 2, RULE 5: NEW SOURCE REVIEW OF TOXIC AIR CONTAMINANTS

Interested Agencies, Organizations and Individuals:

**Subject:** Notice is hereby given that the Bay Area Air Quality Management District (BAAQMD) will be the lead agency and will prepare an Environmental Impact Report (EIR) in connection with the project described in this notice. This Notice of Preparation is being prepared pursuant to California Public Resources Code § 21080.4 and CEQA Guidelines Section 15082.

**Project Title:** BAAQMD Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants

**Project Location:** The rule will apply within the BAAQMD, which includes all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, and the southern portions of Solano and Sonoma counties.

**Project Description:** The District is proposing to codify the policies and procedures that make up the existing Air Toxics New Source Review (NSR) Program by adopting a new District rule, Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants, and a new part to its Manual of Procedures. Amendments to several other District rules are also proposed in order to maintain consistency with Regulation 2, Rule 5. The goal of the District Air Toxics NSR Program is to prevent significant increases in health risks resulting from new and modified sources of toxic air contaminants (TACs) based on pre-construction permit review. 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. District staff completes a site-specific health risk screening analysis (HRSA) as part of the permit evaluation process for any proposed project with TAC emissions that exceed specified de minimis toxic trigger levels. Depending on the results of an HRSA, new and modified sources may be required to control emissions of TACs using the Best Available Control Technology for Toxics, or TBACT. The residual emissions remaining after the use of TBACT are also evaluated to make sure that the health risks for any exposed individual in the surrounding community will not be significantly increased by the proposed project. The existing program also allows the District's Air Pollution Control Officer discretion to consider the degree of uncertainty in the HRSA, along with a number of other factors, in making a risk management decision to issue or deny a permit. The most significant changes in the Air Toxics NSR Program included in the proposed rule are: (1) adding the consideration of acute health risks in HRSAs, (2) requiring TBACT for chronic non-cancer health risks, (3) using updated toxicity values and exposure assessment procedures, and (4) removing "special" project risk limits for dry cleaners.

**Probable Environmental Impacts:** Codification of the Air Toxics NSR program and the proposed changes to the program is intended to and expected to benefit public health and the environment. However, even though the project is not expected to result in

significant environmental impacts, the District has chosen to prepare an EIR to ensure a comprehensive exploration of any potential for impacts.

**Response:** This notice provides information on the above project and provides you an opportunity to submit comments on potential environmental effects that should be considered in the EIR. If the proposed project has no bearing on you or your agency, no action on your part is necessary. Due to the time limits mandated by State law, your response must be sent at the earliest possible date but ***not later than 30 days*** after receipt of this notice. If you or your agency wishes to submit comments, they may be sent to Scott Lutz, via the contact information below.

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