

Release Notes:

1. *This preliminary discussion draft of the proposed amendments to the Emission Inventory Criteria and Guidelines Report for the Air Toxics “Hot Spots” Program is provided for review purposes only. The draft is subject to ongoing revisions and refinement. Any proposed requirements in this document have no effect until the amendments are adopted by the California Air Resources Board, approved by the California Office of Administrative Law, and endorsed by the California Secretary of State.*
2. *The pre-existing regulation text is set forth below in normal type. The proposed amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions. Any text displayed inside square brackets “[]” was added only for clarification purposes and is not intended to be part of the regulatory text.*
3. *This review draft contains several references to Appendix E, which is being revised to align with the phase-in schedules and thresholds outlined in Tables A-1, A-2, and A-3 of the proposed amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR). The proposed CTR amendments can be viewed at: <https://ww2.arb.ca.gov/sites/default/files/2020-02/ctr-regulation-draft-feb2020.pdf>*

[Linked at: <http://www.arb.ca.gov/ab2588/2588guid.htm>]

**CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY
CALIFORNIA AIR RESOURCES BOARD**

EMISSION INVENTORY CRITERIA AND GUIDELINES

FOR THE AIR TOXICS "HOT SPOTS" PROGRAM

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**State of California
Air Resources Board
Air Quality Planning and Science Division
Planning and Technical Support Division**

EMISSION INVENTORY CRITERIA AND GUIDELINES REPORT

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EMISSION INVENTORY CRITERIA AND GUIDELINES REPORT

Section I. Purpose and How to Use This Report

A. Purpose.

This report sets forth the criteria and guidelines for preparing emission inventory plans and reports to develop site-specific inventories of air emissions of toxic substances, as required by the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (the "Act": Stats. 1987, ch. 1252; Health and Safety Code section 44300-44394, as amended). The requirements in this report are enforceable as regulations because this report is incorporated by reference into title 17 of the California Code of Regulations, section 93300.5.

This Emission Inventory Criteria and Guidelines Report does the following: 1) specifies which facilities are subject to air toxics emission inventory reporting and update reporting; 2) specifies information a facility operator must include in a facility's air toxics emission inventory plan and inventory report; 3) identifies specific classes of facilities that emit less than ten tons per year of criteria pollutants that are subject to the "Hot Spots" program and specifies their emission inventory reporting requirements; 4) specifies source testing requirements, acceptable emission estimation methods, and the reporting formats to be used; 5) establishes groups of the substances to be inventoried; 6) designates facilities into levels for purposes of update reporting, based on prioritization scores, risk assessment results, or *de minimis* thresholds; 7) exempts "low level" facilities from further update reporting unless specified reinstatement criteria are met, and specifies the update reporting requirements for other facilities; 8) specifies information a facility operator must include in a facility's update to their emission inventory; and 9) includes provisions for integrating "Hot Spots" reporting with other district programs if specified criteria are met.

The 2020 amendments revise the Emission Inventory Criteria and Guidelines Regulation (Title 17, California Code of Regulations, section 93300.5) to incorporate by reference, the 2020 amended Emission Inventory Criteria and Guidelines Report (2020 EICG Report). The amendments included in the 2020 EICG Report include revisions to the main Sections (Sections I through XI), as well as the Appendices (Appendix A through Appendix G).

Summary of Proposed Regulatory Amendments to EICG and Appendices

<u>Topic</u>	<u>Proposed Regulatory Updates</u>
<u>General</u>	<ul style="list-style-type: none"> • <u>Incorporate by reference the most recent OEHHA Risk Assessment Guidelines</u> • <u>Incorporate by reference the most recent CAPCOA Facility Prioritization Guidelines</u> • <u>Update several definitions for clarity and consistency with other programs</u> • <u>Update list of documents incorporated by reference</u> • <u>Harmonize with other reporting requirements</u>

<u>Topic</u>	<u>Proposed Regulatory Updates</u>
<p><u>Reporting Requirements</u></p>	<ul style="list-style-type: none"> • <u>Expand the reporting of building height and related parameters within zone of building downwash effects</u> • <u>Include language to address prior guidance regarding on-site mobile source coverage and other technical interpretations</u> • <u>Add factors for district consideration in determining facility exemptions and reinstatements</u> • <u>Add factors for district consideration in determining extent of update reporting provisions</u>
<p><u>Diesel Engine Reporting Requirements</u></p>	<ul style="list-style-type: none"> • <u>Update Diesel engine risk screening tables</u> • <u>Require reporting of emissions from stationary portable diesel engines greater than 50 horsepower at specified larger facilities</u> • <u>Clarify text allowing districts to override facility exemptions for smaller engines that may pose public health risk</u> • <u>Clarify scenarios that the districts may determine as routine operations for emissions reporting</u> • <u>Strengthen the use of population-wide impact parameters as a consideration for screening assessments</u>
<p><u>Appendix A – List of Reportable Substances</u></p>	<ul style="list-style-type: none"> • <u>Update the list of reportable substances to include new/modified chemicals of concern</u> • <u>Add three types of chemical functional group categories to Appendix A-I</u> • <u>Establish a phase-in schedule for reporting of newly added chemicals</u>
<p><u>Appendix C – Facility "Look-Up" Table</u></p>	<ul style="list-style-type: none"> • <u>Update the list of chemicals associated with specific industry sectors and broad overarching processes</u>
<p><u>Appendix D – Source Testing Requirements</u></p>	<ul style="list-style-type: none"> • <u>Add new source test requirements for waste management facilities, allowing for a two-step testing and review process</u> • <u>Add new source test requirements for secondary aluminum processing</u>
<p><u>Appendix E – Requirements for Facilities Emitting Less than 10 ton/year of Criteria Pollutants</u></p>	<ul style="list-style-type: none"> • <u>Update the classes/sectors and reporting thresholds to add facility types posing potential public health concerns</u> • <u>Revise categories and thresholds to more health protective levels, in light of 2015 OEHHA health risk science</u> • <u>Align the sector coverage with the Criteria and Toxics Reporting (CTR) Regulation</u> • <u>Add a class/sector for facilities that emit 4 or more tons per year of criteria pollutants (but less than 10 tons per year)</u>

<u>Topic</u>	<u>Proposed Regulatory Updates</u>
	<ul style="list-style-type: none"> • <u>Establish a sector phase-in schedule consistent with CTR Regulation</u>
<p><u>Appendix F – Criteria/Protocols for Screening Assessment</u></p>	<ul style="list-style-type: none"> • <u>Establish a stepwise protocol for determining acceptable types of screening air dispersion and other screening methods</u>

~~The 2006 amendments add a new chapter on diesel engine reporting requirements, new definitions, and other minor revisions to bring the Guidelines Regulation up to date. Otherwise, the bulk of the Guidelines Regulation is unchanged.~~

B. How to Use This Report.

This report is organized into sections which address related requirements. Table 1 provides a guide to locating information in this report, such as requirements for new facilities and update reporting requirements for facilities which completed previous reporting. ~~Table 2 provides a comparison of section numbers for the Emission Inventory Criteria and Guidelines Regulation (last amended January 31, 1994); the Regulatory Improvement Initiative (operative September 21, 1996); and the current Emission Inventory Criteria and Guidelines Report.~~

Figures 1 and 2, respectively, provide a graphical summary of the designations of facilities as "low level", "intermediate level", or "high level" facilities for purposes of update reporting, and the types of update requirements and acceptable alternatives corresponding to each of these levels. For definitions of terms, see section X.

TABLE 1
How to Locate Information in this Regulatory Report

<i>A. If you are a new facility....</i>	Refer to:
1. Is the facility subject to “Hot Spots” reporting requirements?	Section II. Applicability. Also see Appendix E for classes of smaller facilities.
- Do you have any diesel engines?	Section XI.
- Could a permit evaluation qualify facility for exemption as a "low level" facility?	Section II. C.
- Is your facility covered by an industrywide inventory prepared by the district?	Section II. C., and Section XI for diesel engines.
2. If you are required to prepare an emission inventory plan and report:	Section VI. Requirements for Preparing Emission Inventory Plans.
	Section VII. Requirements for Emission Inventory Reports.
	Section VIII. Other Requirements.
- Is any source testing required? What emission factors and estimation methods are acceptable?	Appendix D and Section IX. Source Testing and Emission Factors.
- What substances are covered?	Appendix A: List of Substances.
- If you need help identifying some likely substances from your facility's operation:	Appendix C: Facility "Look-Up" Table.
- What data must be reported and in what form?	Appendix B: Reporting Formats and Forms.
- Where are terms defined?	Section X. Definitions.

TABLE 1 (continued)

	Refer to:
<i>B. If your facility has reported at least once...</i>	
1. Has your facility changed so it no longer meets the applicability criteria?	Section III. Removal of Facilities That No Longer Meet Applicability Criteria.
2. Is your facility exempt from further compliance based on prioritization score?	Section II.J.
3. What is the update category of your facility?	Section IV. Update Categories and Exemptions From Update Reporting.
- "Low level" <u>facilities</u> : <u>exempted</u> from update reporting, unless changes trigger reinstatement criteria.	Section IV.A.
- "Intermediate level" <u>facilities for update reporting</u> .	Section IV.B.
- "High level" <u>facilities for update reporting</u> .	Section IV.C.
4. What update reporting is required? Can other reporting programs substitute?	Section V. Update Reporting Requirements.
- "Low level" facilities: exempt from updates.	Section V.D.
- "Intermediate level" facilities: track activity. May be able to substitute merged toxics/criteria inventory reporting for "Hot Spots" update requirement.	Section V.C.
- "High level" facilities: update risk-driving devices. May be able to substitute Risk Reduction Audit and Plan update (if required) for "Hot Spots" update requirement.	Section V.B.
- Facilities not yet prioritized.	Section V.E.
- Voluntary updates.	Section V.F.
- If revised emissions were used in a risk assessment.	Section V.G.
5. What data must be updated and in what format? Can previous information be used?	Sections V.H. - V.M.

6. Do you have any diesel engines?

Section XI.

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Figure 1

Update Reporting Requirements

Facility Status	Required Reports to be Submitted
<u>“High-Level” Facility for Update Reporting</u>	2588 Forms (see Appendix B-II) or HotSpots Analysis and Reporting Program (HARP) Data Submittal or Risk Reduction Audit and Plan (may substitute)
<u>“Intermediate-Level” Facility for Update Reporting**</u>	HARP or the 2-Page Update Summary Form (refer to Appendix BII, page 26 and page 27) or through Criteria Pollutant Reporting, or other District Reporting Program
<u>“Low-Level” Facility Exempted from Update</u>	No Report Required

** Includes facilities emitting specified quantities of Hazardous Air Pollutants (HAPs)

Figure 2

Exemption and Update Reporting Levels

	Prioritization Score*	Cancer Risk	Non-Cancer Hazard Index
<u>“High-Level” Facility for Update Reporting</u>	>10	≥10	>1.0
<u>“Intermediate-Level” Facility for Update Reporting**</u>	>1 and ≤10	≥1 and <10	≥0.1 and ≤1.0
<u>“Low-Level” Facility Exempted from Update Reporting</u>	≤1	<1	<0.1

* If a risk assessment was not required.

** Includes facilities emitting specified quantities of Hazardous Air Pollutants (HAPs) (section IV.A.(1)(e) and IV.B.(3)).

The terms “High-Level” Facility for Update Reporting; “Intermediate-Level” Facility for Update Reporting; and “Low-Level” Facility Exempted from Update Reporting pertain only to the emission update reporting requirements in Section IV and are different from the low, intermediate, and high priority terms used by many air districts for their prioritization score process for determining which facilities must conduct health risk assessments.

Section II. Applicability: Who Must Comply and When?

A. Facilities Whose Criteria Pollutant Emissions Are 25 Tons Per Year or More and Facilities Listed in a District Air Toxics Inventory, Report, or Survey.

Except for facilities or activities exempted by Health and Safety Code sections 44324, 44325, and 44344.4, as further defined in section III and IV, this regulation applies upon its effective date to any facility which:

- (1) manufactures, formulates, uses, or releases any listed substance or any other substance which reacts to form a listed substance, and releases 25 tons per year or more of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides; or
- (2) is listed in any current toxics use or toxics air emission survey, inventory, or report released or compiled by an air pollution control district or air quality management district (herein referred to as "district") and referenced in the list of "Air Pollution Control District Air Toxic Inventories, Reports, or Surveys" in Appendix A of title 17 California Code of Regulations, sections 90700 through 90705.

Plan Submittal Date: Every facility included in section II.A. shall submit an emission inventory plan to the appropriate district by August 1, 1989, unless the district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory prepared by the district in accordance with Health and Safety Code section 44323.

B. Facilities Whose Criteria Pollutant Emissions Are 10 Tons Per Year or More.

Effective July 1, 1989, this regulation applies to any facility which manufactures, formulates, uses, or releases any listed substance or any other substance which reacts to form a listed substance, and releases 10 or more but less than 25 tons per year of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides.

Plan Submittal Date: Every facility included in section II.B. shall submit an emission inventory plan to the appropriate district by August 1, 1990, unless the district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory prepared by the district.

C. New Facilities and Facilities Whose Criteria Pollutant Emissions Increase.

(1) Requirements for New Facilities and Facilities Whose Criteria Pollutant Emissions Increase.

This regulation applies to facilities commencing operation or increasing emissions of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides after June 1, 1989 which meet the conditions specified in section II.A. or II.B.

Plan Submittal Date: The operator of every such facility commencing operation or increasing emissions on or before January 1 of a given year shall submit an emission inventory plan to the appropriate district by the following August 1, unless:

- (a) Covered by Industrywide: The district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory prepared by the district.
- (b) Earlier Submission: The facility is subject to earlier submission of an inventory plan in accordance with district requirements adopted in accordance with Health and Safety Code sections 44365(b); or
- (c) Assessed Under District Permit Program: The entire new facility, or all of the modified facility's physical changes or changes in activities or operations which cause the facility's criteria pollutant emissions to increase so that the facility's emissions are above the levels specified in section II.A. or II.B., are subject to a district permit program established in accordance with Health and Safety Code section 42300, the district conducts an assessment which meets all the criteria specified in the following subsection II.C.(2), the facility qualifies under subsection II.C.2(a) or II.C.2(b), and the district issues a permit for the physical change or change in activities or operations or, for a new facility, a permit authorizing construction or operation of the facility.

(2) Alternative Evaluation for Facilities Subject to District Permit Program

The following alternative may be used, at district option, to determine whether a new or modified facility included in section II.C. must submit an emission inventory plan or comply with reporting requirements for "intermediate level" or "high level" facilities under section V.

- (a) New facility: If the entire new facility is subject to a district permit program established in accordance with Health and Safety Code section 42300, and the district conducts an assessment that meets all the criteria specified in section II.C.(2)(c), below, the district designates the entire new facility a "low level" facility in accordance with section IV.A., and the district issues a permit authorizing construction or operation of the new facility, then the new facility shall not be required to submit an emission inventory plan under section II.C.(1) and shall not be required to submit an emission inventory report under section II.J. If the facility is determined by the district to meet the criteria for an "intermediate level" or "high level" facility, then the facility must comply with reporting requirements for "intermediate level" or "high level" facilities, respectively, under section V.
- (b) Modified facility: If all of the modified facility's physical changes or changes in activities or operations which cause the facility's criteria pollutant emissions to increase above the levels specified in section II.A. or II.B. are subject to a district permit program established in accordance with Health and Safety Code section 42300, and the district conducts an assessment which meets all

the criteria specified in section II.C.(2)(c), below, the district designates the modified facility a "low level" facility in accordance with section IV.A., and the district issues a permit for all of the modified facility's physical changes or changes in activities or operations, then the modified facility shall not be required to submit an emission inventory plan under section II.C.(1) and shall not be required to submit an emission inventory report under section II.J. If the facility is determined by the district to meet the criteria for an "intermediate level" or "high level" facility, then the facility must comply with reporting requirements for "intermediate level" or "high level" facilities, respectively, under section V.

- (c) Criteria: The district assessment must include an evaluation of all the emissions and potential emissions of listed substances, or their associated risks, or both, whichever the district determines to be appropriate, from the new or modified facility. A risk assessment conducted to meet the requirements of this section shall comply with Health and Safety Code section 44360(b)(2). The district assessment must meet all of the following criteria:
- (i) The assessment evaluates all substances listed under Appendix A-I, herein, that are emitted or could potentially be emitted under the permitted conditions from the new or modified facility;
 - (ii) The assessment includes appropriate health effects values as specified in section (E)(7) of Appendix F;
 - (iii) The assessment evaluates the aggregate effect of changes on the entire facility, both from multiple sources within the facility, and from the aggregate effect over time of multiple changes;
 - (iv) The assessment evaluates the receptor distance for the facility;
 - (v) The assessment evaluates the total quantity of emissions of each listed substance that could potentially be allowed to be emitted under the enforceable level of the permit;
 - (vi) The district finds that the new or modified facility meets the criteria for a "low level" facility as specified in section IV.A., herein;
 - (vii) The district issues an enforceable permit or permits, which limit the emissions of listed substances for the entire facility including any emissions from the facility as modified by the physical changes or changes in activities or operations, to not exceed the levels evaluated in the assessment;
 - (viii) The assessment meets equivalent provisions for the elements of a plan as specified in Health and Safety Code sections 44340 and 44342, including but not limited to producing a comprehensive characterization

of the full range of pollutants; collecting or calculating data for all releases; ensuring that the collected data will ensure the ability to characterize risk, if needed under Health and Safety Code section 44361; that the source of all emissions is displayed or described; and that a facility diagram be available which meets the requirements of Health and Safety Code section 44342(b). A facility-total summary of the emissions may be used to comply with these provisions as long as the totals are calculated based on all releases; and

- (ix) The facility operator complies with all other applicable requirements of the "Hot Spots" program specified in Health and Safety Code sections 44300 - 44394.

D. Facilities Added to District Surveys.

This regulation applies to facilities added to a toxics use or toxics air emission survey, inventory, or report released or compiled by a district and subsequently referenced in Appendix A of title 17, California Code of Regulations, sections 90700 through 90705.

Plan Submittal Date: The operator of a facility added to Appendix A of title 17, CCR, sections 90700 through 90705 on or before April 1 of a given year shall submit an emission inventory plan to the appropriate district by the following August 1, unless the district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory prepared by the district.

E. Facilities Emitting Less Than 10 Tons Per Year of Criteria Pollutants.

(1) Facilities in a Class Listed in Appendix E.

[Note: Appendix E is being revised to align with Tables A-1, A-2, and A-3 of the proposed amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR). The proposed CTR amendments can be viewed at: <https://ww2.arb.ca.gov/sites/default/files/2020-02/ctr-regulation-draft-feb2020.pdf>]

This regulation applies to any facility which manufactures, formulates, uses, or releases any listed substance or any other substance which reacts to form a listed substance; and which releases less than 10 tons per year of each of total organic gases, particulate matter, nitrogen oxides, and sulfur oxides; and which belongs to any class listed in Appendix E.

The operator of any facility subject to this section which belongs to any class listed in Appendix E shall submit to the appropriate district an emission inventory plan and emission inventory report which meet all the requirements of this regulation, unless:

- (a) The district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory prepared by the district in accordance with Health and Safety Code section 44323;
- (b) The facility is subject to earlier submission of an inventory plan in accordance with sections II.A., II.B., II.C., or II.D., or in accordance with district requirements adopted in accordance with Health and Safety Code section 44365(b); or
- (c) The facility meets the general exclusion provision for facilities as specified in Note (1) to Appendix E.

Plan and Report Submittal: The inventory plan shall be due August 1, 1994 for any facility subject to this section and in operation on or before January 31, 1994. For any facility subject to this section commencing operation after January 31, 1994 and on or before January 1 of a given year, the operator shall submit an emission inventory plan to the appropriate district by the following August 1, except as provided in section II.E.(1)(a), (b), or (c) above. The schedule specified in Health and Safety Code sections 44340(b), 44341, and 44343, and in section II.A. and section VII.G. herein shall apply to the review, approval, and implementation of the plan and submittal of the report.

(2) Facilities in a Class Added or Amended in ~~to~~ Appendix E.

[Note: Appendix E is being revised to align with Tables A-1, A-2, and A-3 of the proposed amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR). The proposed CTR amendments can be viewed at: <https://ww2.arb.ca.gov/sites/default/files/2020-02/ctr-regulation-draft-feb2020.pdf>]

This regulation applies to any facility subject to this section which belongs to any class subsequently added or amended in ~~to~~ Appendix E of this regulation.

Plan Submittal Date: The operator of any facility which belongs to a class added or amended in ~~to~~ Appendix E on or before April 1 of the year indicated in Appendix E, Table E-1, for the applicable District Group in Appendix E, Table E-2, corresponding to the "Phase" column in Appendix E, Table E-3 a given year shall submit the required emission inventory plan to the appropriate district by the following August 1, of the year indicated in the "Phase" column date in Appendix E, unless:

- (a) Covered by Industrywide: The district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory prepared by the district in accordance with Health and Safety Code section 44323;
- (b) Earlier Submission: The facility is subject to earlier submission of an inventory plan in accordance with sections II.A., II.B., II.C., or II.D., or in

accordance with district requirements adopted in accordance with Health and Safety Code section 44365(b);

- (c) Meets the General Exclusion Provisions in Appendix E: The facility meets the general exclusion provision for individual facilities as specified in Note (1) to Appendix E; or
- (d) Assessed Under District Permit Program: The entire facility, or all of the facility's processes which cause the facility to be subject to the requirements in Appendix E for an "Any SIC" class or a class limited to specified portions of an SIC, are subject to a district permit program established in accordance with Health and Safety Code section 42300, the district conducts an assessment which meets all the criteria specified in section II.C.(2), herein, the district designates the facility a "low level" facility in accordance with the criteria in section IV.A., and the district issues a permit for the physical change or change in activities or operations or, for a new facility, a permit authorizing construction or operation of the facility. If the facility meets the requirements under this section, II.E.(2), the facility shall not be required to submit an emission inventory plan or report under section II.E.(1).

(3) Facilities Emitting Less Than 10 Tons per Year of Criteria Pollutants and Identified By the District As Posing Concern to Public Health.

- (a) This regulation applies to any facility which does not otherwise belong to a class of facilities listed in Appendix E, but is a facility in any SIC that is identified by the district in accordance with this section and for which the district has made an initial assessment of the emissions from the facility, and the district has made a written determination that:
 - (i) there is a reasonable basis for determining that the facility may individually or in combination with other facilities pose a potential risk to public health exceeding the levels for prioritization score, cancer or non-cancer risk, or *de minimis* levels specified in section IV.A. for "low level" facilities, or the district has identified the emissions from the facility as being of health concern to the community, and
 - (ii) detailed toxics emission data are needed by the district to completely evaluate potential health risk to surrounding receptors.
- (b) Plan Submittal Date: The operator of any facility identified by the district under section II.E.(3)(a) of this section, and notified by the district on or before April 1 of a given year, shall submit an emission inventory plan that meets the requirements of this regulation to the appropriate district by the following August 1, unless:
 - (i) The district notifies the facility in writing that the facility's emissions are or will be included in an industrywide emission inventory prepared by the district in accordance with Health and Safety Code section 44323; or

- (ii) The facility is subject to earlier submission of an inventory plan in accordance with sections II.A., II.B., II.C., or II.D., or in accordance with district requirements adopted in accordance with Health and Safety Code sections 44365(b).
- (c) Any facility that meets the requirements of section II.E.(3)(a) belongs to the class of facilities listed in Appendix E as "Facilities identified by districts under section II.E.(3)(a)".

F. Solid Waste Disposal Facilities.

For purposes of this regulation, the phrase "in compliance with section 41805.5" as used in Health and Safety Code section 44325, regarding solid waste disposal facilities, shall refer only to those activities conducted at a solid waste disposal facility which are subject to the Calderon testing program described in Health and Safety Code section 41805.5 and which have complied with its requirements. All other activities conducted at a solid waste disposal facility are subject to the requirements of this regulation. A facility shall be deemed to have complied with the requirements of the Calderon testing program if the facility has performed the required testing or is on schedule, as determined by the district, to do so. A facility in compliance with Health and Safety Code section 41805.5 may use information collected under the Calderon testing program to satisfy the emission inventory requirements of this regulation for pollutants and activities subject to the Calderon testing program only.

G. Change in Ownership or Company Name.

The update requirements in section V apply to any facility subject to this regulation under the provisions of Health and Safety Code sections 44320 and 44322, which subsequently changes ownership or company name. Change in ownership or company name does not affect update reporting requirements or schedule.

H. Updates to the List of Substances, and Phase-In Provisions.

(1) Updates of New Substances With No Delayed Phase-In in "Effective Phase"

The For substances added to Appendix A, which have no delayed phase-in provisions denoted in the "Effective Phase" column of Appendix A, or which are denoted as "e" existing substances, the operator of any facility which manufactures, formulates, uses, or releases any such substance added to the list of substances, or which meets one of the chemical functional group definitions, on or before April 1 of the year the regulation is effective, given year shall include such substance in any emission inventory plan required under this regulation, or in the next update of the emission inventory required under Health and Safety Code section 44344 and section V, herein, unless the district notifies the facility in writing that the facility's emissions of the added substance are or will be included in an industrywide emission inventory prepared by the district.

(2) Updates of New Substances With “Effective Phase” Denoted as “ChemSet-1” or “ExistGrp”

[Note: Appendix E is being revised to align with Tables A-1, A-2, and A-3 of the proposed amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR). The proposed CTR amendments can be viewed at: <https://ww2.arb.ca.gov/sites/default/files/2020-02/ctr-regulation-draft-feb2020.pdf>]

Substances in Appendix A which are denoted in the “Effective Phase” column as “ChemSet-1” or “ExistGrp”, have an Effective Initial Emission Data Quantification Year at the date shown for that phase in Table 2a, and for the applicable District Group as shown in Appendix E, Table E-2. The operator of any facility which manufactures, formulates, uses, or releases any such substance added to the list of substances, or which meets one of the chemical functional group definitions, on or before April 1 of the Effective Initial Emission Data Quantification Year shall include such substance in any emission inventory plan required under this regulation, or in the next update of the emission inventory required under Health and Safety Code section 44344 and section V, herein, unless the district notifies the facility in writing that the facility's emissions of the added substance are or will be included in an industrywide emission inventory prepared by the district.

Table 2a. Effective Initial Emission Data Quantification Year For New Substances

<u>Effective Initial Emission Data Quantification Year for New Substances</u>			
<u>District Group</u>	<u>ExistGrp</u>	<u>ChemSet-1</u>	<u>ChemSet-2</u>
<u>A</u>	<u>2022</u>	<u>2022</u>	<u>2026</u>
<u>B</u>	<u>2023</u>	<u>2023</u>	<u>2027</u>

(3) Updates of New Substances With “Effective Phase” Denoted as “ChemSet-2”

[Note: Appendix E is being revised to align with Tables A-1, A-2, and A-3 of the proposed amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR). The proposed CTR amendments can be viewed at: <https://ww2.arb.ca.gov/sites/default/files/2020-02/ctr-regulation-draft-feb2020.pdf>]

Substances in Appendix A which are denoted in the “Effective Phase” column as “ChemSet-2” have an Effective Initial Emission Data Quantification Year for New Substances, at the date shown for that phase in Table 2a, and for the applicable District Group as shown in Appendix E, Table E-2. The operator of any facility which manufactures, formulates, uses, or releases any such substance added to the list of substances, or which meets one of the chemical functional group definitions, on or before April 1 of the Effective Initial Emission Data Quantification Year shall include such substance in any emission inventory plan required under this regulation, or in the next update of the emission inventory required under Health and Safety Code

section 44344 and section V, herein, unless the district notifies the facility in writing that the facility's emissions of the added substance are or will be included in an industrywide emission inventory prepared by the district.

(4) Availability of Emission Quantification Methods

If no emission quantification method exists to quantify emissions of a substance at the time of its "Effective Phase", the facility operator only needs to report the presence, use, or production of the substance and the amounts present, used, or produced within the facility, using the Appendix B "Supplemental Use and Production Quantity Reporting Form (S-UP-Q) or the equivalent information in a format required by the air district.

The availability of an emission quantification method shall be re-evaluated for these chemicals at the time of the next facility update reporting cycle. If a method is then available, emission quantification is required pursuant to the provisions in section VIII.E.(3).

I. Submittal of Emission Inventory Reports.

The operator of any facility subject to this regulation shall implement the facility's emission inventory plan as approved by the district and prepare and submit a report to the district in accordance with Health and Safety Code section 44341.

If the operator notifies the district in writing in the report that the operator believes specified information required in the facility diagram under section VII.B. involves the release of a trade secret, the district shall protect from disclosure any trade secret designated as such by the operator, if that trade secret is not a public record. The district shall notify the state board if an operator designates information as trade secret information in writing in the report.

J. Exemption From Further Compliance Based on Prioritization Score.

(1) Conditions

Except as specified in section II.J.(3), below, if a facility has submitted an emission inventory plan and an emission inventory report in accordance with this section and the district finds, and the state board concurs, that the facility's district-approved prioritization score for cancer and non-cancer health effects, based on the facility's most recent emission inventory or emission inventory update, are both equal to or less than 1.0, the facility is exempt from further compliance with the requirements of this regulation, unless the district denies the exemption for that facility based on the following criteria:

- (a) the district has good cause to believe the facility may pose a potential threat to public health and the facility therefore does not qualify for an exemption;
- and

- (b) the district requires the facility to document the facility's emissions and health impacts and the documentation does not support an exemption.

Any exempt facility that satisfies these conditions on or before January 1 of a given year is not required to submit any report to the district or the state board under this regulation for that or any subsequent year.

(2) Designation

Concurrence of the state board with the designation of an exempt facility will be presumed if the state board does not respond to the district within 45 days of the state board's receipt of the district's notification of its finding.

(3) Reinstatement

Except as specified in section II.J.(3)(c) below, a facility exempted from further compliance under this section II.J. shall again be subject to requirements under this regulation if either of the following occurs:

- (a) A facility exempted from further compliance under this section II.J. shall, upon receipt of a notice from the district, again be subject to the requirements of this regulation and the operator shall submit an emission inventory update for those sources and substances for which a physical change in the facility or a change in activities or operations, or a change in other factors, including in the scientific understanding and estimation of emissions, exposures, and/or health risks, has occurred as follows:
- (i) The facility emits a substance newly listed in Appendix A, or which meets one of the chemical functional group definitions; or
 - (ii) A sensitive receptor has been established or constructed within 500 meters of the facility after the facility became exempt; or
 - (iii) The facility emits a substance for which the health effects value used for cancer or non-cancer health effects, as specified in section (E)(7) of Appendix F, has increased in potency. This includes substances for which OEHHA has adopted a new or modified health value-; or
 - (iv) A significant change has occurred in the emission measurement or emission quantification methodology applicable to the facility; or
 - (v) A significant change has occurred in air dispersion modeling or related exposure modeling methodology has occurred; or
 - (vi) A significant change has occurred in OEHHA health risk assessment methodology.

- (vii) Recognition that the emissions may have additional properties of concern including persistence and/or bioaccumulative properties;
- (viii) Recognition that the emissions include substances for which OEHHHA has identified oral cancer potencies and/or oral reference exposure levels, and which may have deposition as well as inhalation, and therefore have the potential for greater risk due to multipathway exposures, such as homegrown produce and livestock, impacts on drinking water and fishing, and mother's milk.
- (b) The operator of a facility exempted from further compliance under this section II.J. shall submit an emission inventory update under section V for those sources and substances for which a particular physical change in the facility or a change in activities or operations occurs, if as a result of the particular change, either of the following has occurred:
- (i) The facility has begun emitting a substance listed in Appendix A that was not included in the facility's previous emission inventory; or
 - (ii) The facility has increased its emissions of a substance listed in Appendix A to a level greater than the level previously reported for that substance, and the increase exceeds 100 percent of the previously reported level, or the district determines and notifies the facility that the increase may create a risk to the community that must be evaluated using a health risk assessment. The district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk.
- (c) Notwithstanding section II.J.(3)(b), above, a physical change or change in activities or operations at a facility shall not cause the facility to again be subject to the requirements of this regulation if all of the following conditions are met:
- (i) The physical change or change in activities or operations is subject to a district permit program established pursuant to Health and Safety Code section 42300; and
 - (ii) The district conducts an assessment of the potential changes in emissions or their associated risks, whichever the district determines to be appropriate, attributable to the physical change or change in activities or operations and finds that the changes in emissions will not result in a significant risk from the facility's total emissions. The district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other

facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk. A risk assessment conducted pursuant to this paragraph shall comply with Health and Safety Code section 44360(b)(2); and

- (iii) The district issues a permit for the physical change or change in activities or operations.

(4) Reinstatement Date.

An exempted facility that again becomes subject to requirements under this regulation on or before January 1 of a given year shall comply with the updating requirements of section V that would be due on or after August 1 of that year.

(5) Reprioritization.

For purposes of section II.J.(3), above, a district shall redetermine a facility's prioritization score, or evaluate the prioritization score as calculated and submitted by the facility, within 90 days from the date of receipt of the facility's emission inventory update submitted under section V.

Section III. Removal of Facilities That No Longer Meet Applicability Criteria

A. Facilities Whose Emissions Decrease Below 10 Tons Per Year of Criteria Pollutants.

(1) Conditions.

This regulation shall cease to apply to any facility whose emissions of total organic gases, particulate matter, nitrogen oxides, or sulfur oxides are reduced to the extent that the facility no longer satisfies the conditions specified in section II.A. and II.B., if the facility demonstrates to the district, and the district finds and the state board concurs that the following criteria are satisfied.

- (a) The facility does not satisfy the conditions specified in section II.A.(2) or any of the Phases in section II.E.;
- (b) The emission reductions are permanent and enforceable; and
- (c) The facility poses no significant risk to public health. The district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk.

Concurrence of the state board will be presumed if the state board does not respond to the district within 45 days of the state board's receipt of the district's notification of its finding.

The operator of any facility that satisfies these criteria and obtains the district's findings thereof and the state board's concurrence thereof on or before January 1 of a given year, shall not be required to comply with update requirements under section V. for that or any subsequent year.

(2) Reinstatement.

If at any time a facility ceases to satisfy any of the criteria specified in section III.A.(1), the facility is subject to the requirements of this regulation, including update requirements. The operator of a facility shall notify the district immediately if the facility ceases to satisfy any of the criteria specified in section III.A.(1).

B. Facilities Removed from District Surveys.

(1) Conditions.

This regulation shall cease to apply to any facility removed from a district's toxics use or toxics air emission survey, inventory, or report referenced in Appendix A of title 17 California Code of Regulations, section 90700 through 90705, if the facility demonstrates to the district, and the district finds and the state board concurs that the following criteria are satisfied.

(a) The facility does not satisfy the conditions specified in sections II.A., B, or E; and

(b) The facility poses no significant risk to public health.

Concurrence of the state board will be presumed if the state board does not respond to the district within 45 days of the state board's receipt of the district's notification of its finding.

The operator of any facility that satisfies these criteria and is deleted from a reference in Appendix A of title 17 California Code of Regulations, section 90700 through 90705, on or before April 1 of a given year shall not be required to comply with update requirements under section V for that or any subsequent year.

(2) Reinstatement.

If at any time a facility ceases to satisfy any of the criteria specified in section III.B.(1), the facility is subject to the requirements of this regulation, including update requirements. The operator of a facility shall notify the district immediately if the facility fails to satisfy the criteria specified in section III.B.(1).

C. Facilities Emitting Less Than 10 Tons Per Year of Criteria Pollutants And No Longer Falling Within An "Any SIC" Class Description Listed in Appendix E.

(1) Conditions.

This regulation shall cease to apply to any facility at which a process is discontinued such that the facility no longer belongs to an "any SIC" class listed in Appendix E, if the facility demonstrates to the district, and the district finds and the state board concurs that the following criteria are satisfied.

(a) the facility does not satisfy the conditions specified in section II.A., II.B., or any other condition specified in any Phase in section II.E.;

(b) the process is discontinued permanently; and

(c) the facility poses no significant risk to public health. The district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other facilities. The district may consider additional properties of concern including

persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk.

Concurrence of the state board will be presumed if the state board does not respond to the district within 45 days of the state board's receipt of the district's notification of its finding.

The operator of any facility that satisfies these and obtains the district's findings thereof and the state board's concurrence thereof on or before January 1 of a given year, shall not be required to comply with update requirements under section V for that or any subsequent year.

(2) Reinstatement.

If at any time a facility ceases to satisfy any of the criteria specified in section III.C.(1), the facility is subject to the requirements of this regulation, including update requirements. The operator of a facility shall notify the district immediately if the facility ceases to satisfy the criteria specified in section III.C.(1).

Section IV. Update Categories and Exemptions From Update Reporting

The update categories of facilities meeting the criteria specified in this section, as designated by the district, are "low level", "intermediate level", "high level", or "not yet prioritized".

A. "Low Level" Facilities Exempted From Update Reporting.

(1) Conditions.

Facilities exempt from further compliance with this regulation under section II.J. are exempt from update requirements under section V. Facilities that are not exempt under section II.J. may qualify to be designated "low level" facilities for update reporting purposes if they meet the following conditions.

Except as specified in section IV.A.(1)(e), for facilities which emit federal Hazardous Air Pollutants (HAPs) and section IV.A.(5), a facility that has completed and obtained district approval of its emission inventory, and that has completed all other applicable requirements, will be excluded from update reporting requirements under this regulation, if the district finds and the state board concurs that any of the following criteria are satisfied:

- (a) **Prioritization Score:** the facility was not required to conduct a risk assessment under Health and Safety Code section 44360(b), and the facility has been prioritized by its district in accordance with Health and Safety Code section 44360(a) using procedures that have undergone public review, and, based on the most recent district-approved toxics emission inventory, the facility's prioritization score is equal to or less than 1.0 for cancer health effects and is equal to or less than 1.0 for non-cancer health effects. Some appropriate procedures for estimating prioritization scores are presented in the California Air Pollution Control Officers' Association (CAPCOA) "Air Toxics 'Hot Spots' Program Facility Prioritization Guidelines, August 2016~~July 1990~~", which is incorporated by reference herein; or
- (b) **Approved Risk Assessment Result:** the facility was required to conduct a risk assessment under Health and Safety Code section 44360(a), and the facility has had its risk assessment approved by the district in accordance with Health and Safety Code section 44362 and has been notified in writing by the district that the risk assessment results show a total potential cancer risk at an actual receptor, summed across all pathways of exposure and all compounds, of less than one (1.0) case per one million persons and a total hazard index (H.I.) for each toxicological endpoint of less than 0.1. Some appropriate procedures for determining potential cancer risk and total hazard index are presented in the OEHHA "Air Toxics 'Hot Spots' Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, February 2015~~October 2003~~", which is incorporated by reference herein; or

- (c) *De Minimis* Thresholds For Specified Classes of Facilities: the facility's primary activity falls into one of the following classes in Appendix E, Table E-3 for which the Activity Level Reporting Threshold is established at a specific level other than "Any activity level" and the facility meets the specified criteria, unless the district required a health risk assessment and results show the facility would not qualify under section IV.A.(1)(b):

[Note: Appendix E is being revised to align with Tables A-1, A-2, and A-3 of the proposed amendments to the Regulation for the Reporting of Criteria Air Pollutants and Toxic Air Contaminants (CTR). The proposed CTR amendments can be viewed at: <https://ww2.arb.ca.gov/sites/default/files/2020-02/ctr-regulation-draft-feb2020.pdf>]

- ~~(i) the facility primarily performs printing as described by Standard Industrial Classification (SIC) Codes 2711 through 2771 or 2782, and the facility uses an annual average of two gallons per day or less (or 17 pounds per day or less) of all graphic arts materials (deducting the amount of any water or acetone), unless the district required a health risk assessment and results show the facility would not qualify under section IV.A.(1)(b); or~~
- ~~(ii) the facility is a wastewater treatment plant as described by SIC Code 4952 which does not have a sludge incinerator, and the facility's maximum throughput does not exceed 10,000,000 gallons per day, unless the district required a health risk assessment and results show the facility would not qualify under section IV.A.(1)(b); or~~
- ~~(iii) the facility is a crematorium for humans or animals, as described by SIC Code 7261 or any SIC Code that describes a facility using an incinerator to burn biomedical waste (animals), the facility uses only propane or natural gas as fuel, and the facility annually cremates no more than 300 human bodies or 43,200 pounds of remains (human or animal). Facilities using incinerators that burn biomedical waste other than cremating humans or animals do not qualify for this exemption.~~
- ~~(iv) the facility is primarily a boat building and repair facility or the facility is primarily a ship building and repair facility, as described by SIC Codes 3731 or 3732, respectively, and the facility uses 10 gallons per year or less of coatings or is a coating operation using hand-held nonrefillable aerosol cans only, unless the district required a health risk assessment and results show the facility would not qualify under section IV.A.(1)(b); or~~
- ~~(v) the facility is a hospital or veterinary clinic building that is in compliance with the control requirements specified in the Ethylene Oxide Control Measure for Sterilizers and Aerators, section 93108 of title 17, California Code of Regulations, and has an annual usage of ethylene oxide of less than 100 pounds per year if it is housed in a single story building, or has~~

~~an annual usage of ethylene oxide of less than 600 pounds per year if it is housed in a multi-story building, unless the district required a health risk assessment and results show the facility would not qualify under section IV.A.(1)(b).~~

- (d) Results of Approved Screening Risk Assessment: the facility was not required to conduct a risk assessment under Health and Safety Code section 44360(b), and if the facility's prioritization score is greater than 1.0, the district, or the facility with the concurrence of the district, conducted, at district option, a worst-case, health conservative risk assessment using screening air dispersion modeling, as described below, to demonstrate that the facility's screening risk levels qualify the facility for a "low level" exemption under this section.
- (i) Screening Criteria: the facility must use a worst-case, health conservative methodology, and must obtain written concurrence from the district and the Office of Environmental Health Hazard Assessment (OEHHA) that the methodology meets all of the criteria specified in the screening protocols and flow diagrams included in Appendix F of this regulation, and conforms to acceptable procedures for calculating cancer risk and hazard index. Some appropriate procedures for determining potential cancer risk and total hazard index are presented in the OEHHA "Air Toxics 'Hot Spots' Program Risk Assessment Guidelines, Guidance Manual for Preparation of Health Risk Assessments, February 2015~~October 2003~~, which OEHHA "Air Toxics 'Hot Spots' Risk Assessment Guidelines, October 2003", which is incorporated by reference herein.
- (ii) Approval Process: upon receipt of a proposal for use of a screening risk assessment, the district shall ensure that all components of information required under this section are included and that the methodology meets all state and district criteria for appropriate procedures. If the district determines that the proposal is not complete, the district will identify components that need to be included and will notify the facility. The facility may revise its proposal and resubmit it to the district. Once the proposal and risk assessment are complete, the district shall immediately submit the assessment to OEHHA for technical review and comment. To the extent practicable, OEHHA will determine whether the proposed screening risk assessment is acceptable and will note any deficiencies in the assessment, and will respond within 45 days of receipt of the assessment. OEHHA's approval of the assessment will be presumed if OEHHA does not respond to the district within 45 days of OEHHA's receipt of the assessment. The facility operator shall correct any deficiencies identified by OEHHA. The district may approve the assessment only if both the district and OEHHA find the assessment acceptable.
- (iii) Screening Threshold: the facility qualifies as a "low level" facility for purposes of this section and is exempted from update reporting

requirements under section V, if the approved screening risk assessment shows a total potential cancer risk at the point of maximum off-site impact, summed across all pathways of exposure and all compounds, of less than one (1.0) case per one million persons and a total hazard index for each toxicological endpoint of less than 0.1. However, the district may also consider population exposure in the screening assessment, and consider the facility's risk individually or in combination with other facilities, and the district may determine and notify the facility operator that the facility does not qualify for a "low level" exemption if the district determines that the population exposure and/or combined exposure is significant. One acceptable indication of significant population exposure could be a cancer burden of 0.5 or greater.

- (iv) Screening Assessment Date: if the screening risk assessment is completed and approved on or before April 1 of a given year, the results may be used to qualify the facility for an exemption from update reporting requirements under section V that would be due in August of that year.
- (e) Exemption Does Not Apply to Facilities Emitting Specified Quantities of HAPs: Notwithstanding sections IV.(1)(a) through (d), a facility that emits the following quantities of any listed substances which are designated by the United State Environmental Protection Agency as a Hazardous Air Pollutants (federal HAP, or HAP) under title III of the federal Clean Air Act Amendments of 1990 (42 U.S. 7412(b)), shall not be designated a "low level" facility for purposes of this section and shall not be exempted from update reporting under section V:
 - (i) Five or more tons per year of any individual HAP substance, or
 - (ii) A combined total of 12.5 or more tons per year of HAP substances.
- (f) Facilities with Diesel Engines: a "Diesel Engine-Only" facility may use screening health risk assessment tables provided by CARB or the district that are consistent with OEHHA risk assessment methodology and with the provisions of Section XI and Appendix F.

(2) Designation.

Concurrence of the state board with the designation of a "low level" facility will be presumed if the state board does not respond to the district within 45 days of the state board's receipt of the district's notification of its finding.

A facility designated by the district as "low level" on or before April 1 of a given year shall be exempt from update requirements under section V that would be due in August of that year.

(3) Reinstatement.

(a) A facility exempted from update reporting under section IV.A.(1) shall, upon receipt of a notice from the district, again be subject to the update requirements in section V of this regulation and the operator shall submit an emission inventory update, within 180 days or on an alternative schedule specified in writing by the district, for those sources and substances for which a physical change affecting the facility, a change in facility activities or operations, or a change in other factors, including the scientific understanding and estimation of emissions, exposures, and/or health risks, has occurred, as follows:

- (i) The facility emits a substance which has been added to the list of substances in accordance with Health and Safety Code section 44321 and for which there is an appropriate health effects value as specified in section (E)(7) of Appendix F; or
- (ii) The district determines that a sensitive receptor has been established or constructed within 500 meters of the facility after the facility became exempt; or
- (iii) The facility emits a substance for which there is an appropriate health effects value as specified in section (E)(7) of Appendix F and the district determines the health effects value indicates the facility no longer qualifies as a "low level" facility under section IV.A.(1); or
- (iv) A significant change has occurred in the emission measurement or emission quantification methodology applicable to the facility; or
- (v) A significant change has occurred in air dispersion modeling or related exposure modeling methodology; or
- (vi) A significant change has occurred in OEHHA health risk assessment methodology.
- (vii) Recognition that the emissions may have additional properties of concern including persistence and/or bioaccumulative properties;
- (viii) Recognition that the emissions include substances for which OEHHA has identified oral cancer potencies and/or oral reference exposure levels, and which may have deposition as well as inhalation, and therefore have the potential for greater risk due to multipathway exposures, such as homegrown produce and livestock, impacts on drinking water and fishing, and mother's milk.
- (ixiv) The district determines that the approved source test method or emission estimation method used by the facility to calculate its emissions

changed after the district determined the facility's prioritization score or risk, to such an extent that the facility no longer qualifies for an exemption as a "low_level" facility under section IV.A.(1) using the new method to estimate or calculate the facility's emissions; or

- (xv) The district determines there is good cause to expect the facility no longer qualifies for an exemption as a "low level" facility under section IV.A.(1).

At district option, in making the determination, the district may take into account any of the following factors: estimates of the quantity of toxic emissions from the facility; potency or toxicity of the substances released from the facility; nature of the release characteristics of the emissions; proximity of receptors; level of uncertainty in the estimated quantity or toxicity of the emissions; presence of one or more substances for which there is no approved, quantitative health effects value but for which there is quantitative or qualitative data indicating adverse health effects; control equipment affecting the emissions; anticipated or permitted levels of operation of the facility; comparison of anticipated operations and releases from the facility relative to other facilities which have been found to exceed the criteria for "low_level" facilities, as specified in section IV; proximity of other facilities and sources of toxic emissions; other factors affecting the release, toxicity, dispersion, or potential risk of the likely emissions from the facility; and any other factor the district considers relevant.

- (b) A facility exempted from update reporting under section IV.A.(1) shall again be subject to update requirements of section V, as follows. If a physical change or a change in facility activities or operations affecting the facility or a change in other factors, including the scientific understanding and estimation of emissions, exposures, and/or health risks, has occurred so that the facility no longer satisfies the exemption criteria of section IV.A.(1) that qualified the facility to be a "low level" facility, the operator shall submit an emission inventory update within 180 days, or on an alternative schedule specified in writing by the district.
- (c) If a substantial decrease in the receptor distance occurred for the facility, and the facility operator could reasonably be expected to estimate the decreased distance, so that the facility no longer qualifies for an exemption as a "low level" facility under section IV.A.(1), the facility operator shall notify the district immediately unless the facility has received a notice from the district in accordance with section IV.A.(3)(a)(ii), above.

(4) Alternative Evaluation for Facilities Subject to District Permit Program.

Notwithstanding section IV.A.(2), a physical change affecting the facility or a change in facility activities or operations shall not cause the facility to again be subject to the update reporting requirements in section V if the district determines that all the following conditions are met:

- (a) The physical change or change in activities or operations is subject to a district permit program established in accordance with Health and Safety Code section 42300;
- (b) The district conducts an assessment of the potential changes in toxics emissions or their associated risks, whichever the district determines to be appropriate, attributable to the physical change or change in activities or operations of the facility, and finds that the changes in emissions will not cause the facility to cease to satisfy the exemption criteria specified in section IV.A.(1) which qualify the facility to be a "low level" facility;
- (c) The district assessment meets all of the following criteria:
 - (i) The assessment evaluates all substances listed under Appendix A;
 - (ii) The assessment evaluates appropriate health effects values as specified in section (E)(7) of Appendix F;
 - (iii) The assessment evaluates the aggregate effect of changes on the entire facility, both from multiple sources within the facility, and from the aggregate effect over time of multiple changes;
 - (iv) The assessment evaluates any decreases in receptor distance;
 - (v) The assessment evaluates any significant improvements in emission quantification methods applicable to the substances emitted from the facility;
 - (vi) The assessment evaluates the total quantity of emissions of each listed substance that could potentially be allowed to be emitted under the enforceable level of the permit; ~~and~~
 - (vii) The district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk., and.
 - (vii) If the proposed modification is only for replacement of existing equipment with identical newer equipment, the district may streamline the evaluation to make only the following determinations: that the new equipment will have emissions of listed toxic substances equivalent to those emitted by the existing equipment; that the substances have had no changes in health effects values and no significant improvements in quantification method since the facility's most recent district assessment;

and the receptor distance has not decreased since the facility's most recent district assessment.

- (d) The district issues an enforceable permit for the physical change or change in facility activities or operations, which limits the toxic emissions to within the levels included in the evaluation; and
- (e) The facility operator complies with all other applicable requirements of the Hot Spots program specified in Health and Safety Code sections 44300 - 44394, including but not limited to health risk assessment, public notification, and risk reduction audit and plan requirements if applicable to the facility.
- (f) Update of emission data: If, as a result of the evaluation for the permitted change, a previously "low level" or "intermediate level" facility still qualifies as a "low level" or "intermediate level" facility, respectively, then the district need not transmit updated emission data to the state board. If, as a result of the evaluation for the permitted change, a facility meets the criteria for an "intermediate level" or a "high level" facility, as specified in sections IV.B. and C., the facility shall, within 180 days of district request or from the commencement of operation under the permit, whichever is later, submit to the district the updated emission data in the applicable format for "intermediate level" or "high level" facilities, in the applicable format for updates as specified in section V or in an alternative format approved by the district. The district shall transmit the data for the updated emissions to the state board, in the format for updates specified in section V, or an alternative format approved by the state board.

(5) District Determination Regarding Exemption.

If a district has good cause to believe that a facility may individually or in combination with other facilities pose a potential threat to public health and that a facility therefore does not qualify for an exemption claimed by the facility from the reporting requirements of this regulation, the district may require the facility to document, in a format specified by the district, the facility's emissions and impacts, or the changes in emissions expected to occur as a result of a particular physical change, a change in activities or operations at the facility, or a change in other factors including the scientific understanding and estimation of emissions, exposures, and/or health risks. The district may deny the exemption if the documentation does not support the claim for exemption.

At district option, in making the determination, the district may take into account any of the following factors: estimates of the quantity of toxic emissions from the facility; potency or toxicity of the substances released from the facility; nature of the release characteristics of the emissions; proximity of receptors; level of uncertainty in the estimated quantity or toxicity of the emissions; presence of one or more substances for which there is no approved, quantitative health effects value but for which there is quantitative or qualitative data indicating adverse health effects; control equipment affecting the emissions; anticipated or permitted

levels of operation of the facility; comparison of anticipated operations and releases from the facility relative to other facilities which have been found to exceed the criteria for "low level" facilities, as specified in section IV; proximity of other facilities and sources of toxic emissions; other factors affecting the release, toxicity, dispersion, or potential risk of the likely emissions from the facility; and any other factor the district considers relevant. The district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk. .

(iv) A significant change has occurred in the emission measurement or emission quantification methodology applicable to the facility; or

(v) A significant change has occurred in air dispersion modeling or related exposure modeling methodology; or

(vi) A significant change has occurred in OEHHA health risk assessment methodology;:-

(vii) Recognition that the emissions may have additional properties of concern including persistence and/or bioaccumulative properties;

(viii) Recognition that the emissions include substances for which OEHHA has identified oral cancer potencies and/or oral reference exposure levels, and which may have deposition as well as inhalation, and therefore have the potential for greater risk due to multipathway exposures, such as homegrown produce and livestock, impacts on drinking water and fishing, and mother's milk.

B. "Intermediate Level" Facilities For Update Reporting.**(1) Conditions.**

If a facility has completed and obtained district approval of its emission inventory and completed all other applicable requirements, and the facility does not qualify as a "low level" facility under section IV.A.(1), and meets any one or more of the criteria of this section IV.B.(1), the facility shall be designated as an "intermediate level" facility for update reporting purposes. The facility shall comply with the update requirements for "intermediate level" facilities as specified in section V.C., if the district finds and the state board concurs that the following criteria are satisfied.

- (a) **Prioritization Score:** the facility was not required to conduct a risk assessment under Health and Safety Code section 44360(b), and the facility has been prioritized by its district in accordance with Health and Safety Code section 44360(a) using procedures as described in section IV.A.(1), and the facility's prioritization score is less or equal to 10 for cancer health effects and is less than or equal to 10 for non-cancer health effects; or
- (b) **Approved Risk Assessment Result:** the facility was required to conduct a risk assessment under Health and Safety Code section 44360(b), and the facility has had its risk assessment approved by the district in accordance with Health and Safety Code section 44362, as described in section IV.A.(1), and has been notified in writing by the district that the risk assessment results show a total potential cancer risk at an actual receptor, summed across all pathways of exposure and all compounds, of less than ten (10) cases per one million persons and a total hazard index (H.I.) for each toxicological endpoint of less than or equal to 1.0; or
- (c) **Results of Approved Screening Risk Assessment:** if the facility was not required to conduct a risk assessment under Health and Safety Code section 44360(b), and the facility's prioritization score is greater than or equal to 10, the district, or the facility with the concurrence of the district, may conduct a worst-case, health conservative risk assessment using screening air dispersion modeling, as described below, to demonstrate that the facility's screening risk levels qualify the facility for the "intermediate level" for purposes of update reporting.
 - (i) **Screening Criteria:** the facility must use a worst-case, health conservative methodology, and must obtain written concurrence from the district and the Office of Environmental Health Hazard Assessment (OEHHA) that the methodology meets all of the criteria and protocols specified in Appendix F of this regulation, and conforms to acceptable procedures for calculating cancer risk and hazard index. Some appropriate procedures for determining potential cancer risk and total hazard index are presented in the OEHHA "Air Toxics 'Hot Spots' Risk Assessment Guidelines,

Guidance Manual for Preparation of Health Risk Assessments, February 2015~~October 2003~~", which is incorporated by reference herein.

- (ii) Approval Process: upon receipt of a proposal for use of a screening risk assessment, the district shall ensure that all required components of information are included and that the methodology meets all state and district criteria for appropriate procedures. If the district determines that the proposal is not complete, the district will identify components that need to be included and will notify the facility. The facility may revise its proposal and resubmit it to the district. Once the proposal and assessment are complete, the district shall immediately submit the assessment to OEHHA for technical review and comment. To the extent practicable, OEHHA will determine whether the proposed screening risk assessment is acceptable and will note any deficiencies in the assessment, and will respond within 45 days of receipt of the assessment. OEHHA's approval of the assessment will be presumed if OEHHA does not respond to the district within 45 days of OEHHA's receipt of the assessment. The facility operator shall correct any deficiencies identified by OEHHA. The district may approve the assessment only if both the district and OEHHA find the assessment acceptable.
- (iii) Screening Threshold: the facility qualifies as an "intermediate level" facility for purposes of update reporting requirements, if the approved screening risk assessment results show a total potential cancer risk at the point of maximum off-site impact, summed across all pathways of exposure and all compounds, of less than ten (10) cases per one million persons and a total hazard index for each toxicological endpoint of less than or equal to 1.0.
- (iv) Screening Assessment Date: if the screening risk assessment is completed and approved on or before April 1 of a given year, the results may be used to qualify the facility as an "intermediate level" facility regarding update requirements under section V that would be due in August of that year.

(2) Designation.

Concurrence of the state board with the designation of an "intermediate facility" will be presumed if the state board does not respond to the district within 45 days of the state board's receipt of the district's notification of its finding.

A facility designated by the district as "intermediate level" on or before April 1 of a given year shall comply with update requirements for "intermediate level" facilities that would be due on or after August 1 of that year.

(3) Facilities Emitting Specified Quantities of HAPs.

If, based on the most recent district-approved toxics emission inventory report, a facility's prioritization score is greater than 1.0 for either cancer or non-cancer

health effects and the facility emits the following quantities of any listed substances which are designated by the United States Environmental Protection Agency (U.S. EPA) as a Hazardous Air Pollutant (HAP):

- (a) Five or more tons per year of any individual HAP substance, or
- (b) A combined total of 12.5 or more tons per year of HAP substances,

the facility shall be designated an "intermediate level" facility and shall comply with the update reporting requirements specified in section V for "intermediate level" facilities, unless the facility exceeds any of the criteria in section IV.B.(1). A facility exceeding the criteria specified in section IV.B.(1) shall be designated a "high level" facility and shall comply with the update reporting requirements specified in section V for "high level" facilities.

C. "High Level" Facilities For Update Reporting.

(1) Conditions.

All facilities exceeding any one of the criteria specified in section IV.B. shall be designated by the district, with the concurrence of the state board, as "high level" facilities for update reporting purposes and shall comply with the update requirements specified in section V for "high level" facilities.

(2) Designation.

Concurrence of the state board with the designation of a "high level" facility will be presumed if the state board does not respond to the district within 45 days of the state board's receipt of the district's notification of its designation.

A facility designated by the district as "high level" on or before April 1 of a given year shall comply with update reporting requirements "high level" facilities that would be due on or after August 1 of that year.

D. Facilities Not Yet Prioritized.

The operator of any facility that has not been prioritized by the district in accordance with Health and Safety Code section 44360(a) shall comply with the update reporting requirements specified in section V.E.

E. Timing for Designation of Update Categories.

If a facility has completed all applicable requirements and has been designated by the district into the appropriate update category on or before April 1 of a given year, the results of the district's categorization may be applied to the facility's applicable update reporting requirements under section V that would be due on or after August 1 of that year.

F. Redesignation If Facility is Reprioritized.

The district shall reevaluate and may redesignate a facility's update category if the district re-prioritizes a facility subsequent to the original designation of the facility's update category. If a facility has been re-designated by the district on or before April 1 of a given year, the results of the district's categorization may be applied to the facility's applicable update reporting requirements under section V that would be due for any update requirement due on or after August 1 of that year.

The district may redesignate a facility to a lower update category than previously only if the facility demonstrates to the district, and the district finds and the state board concurs that the following criteria are satisfied.

- (1) The redesignation must be based on the most recent district-approved emission inventory;
- (2) The emission and risk reductions are permanent and enforceable;
- (3) The facility meets the criteria specified in section IV for the applicable update category;

(4) The facility poses no significant risk to public health; . The district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility’s risk individually or in combination with other facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk.

(iv) A significant change has occurred in the emission measurement or emission quantification methodology applicable to the facility; or

(v) A significant change has occurred in air dispersion modeling or related exposure modeling methodology; or

(vi) A significant change has occurred in OEHHA health risk assessment methodology;

(vii) Recognition that the emissions may have additional properties of concern including persistence and/or bioaccumulative properties;

(viii) Recognition that the emissions include substances for which OEHHA has identified oral cancer potencies and/or oral reference exposure levels, and which may have deposition as well as inhalation, and therefore have the potential for greater risk due to multipathway exposures, such as homegrown produce and livestock, impacts on drinking water and fishing, and mother’s milk.

and

- (5) If the facility was required to conduct a risk assessment under Health and Safety Code section 44360(a) based on a previous emission inventory report, the facility must demonstrate to the satisfaction of the district and the state board that using the most recent district-approved emission inventory results in revised risk assessment values which meet the risk assessment criteria specified in section IV for the applicable update category.

Concurrence of the state board will be presumed if the state board does not respond to the district within 45 days of the state board's receipt of the district's notification of its finding.

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Section V. Update Reporting Requirements

A. General Update Reporting Requirements.

Facility operators required to report under section II are subject to update reporting requirements as specified in section V, unless: (1) the facility is exempted under section II.J. or III, (2) the facility is designated as a "low level" facility and exempted from update reporting requirements under section IV.A., or (3) the district notifies the facility in advance in writing that the facility's emissions will be included in an industrywide emission inventory prepared by the district in accordance with Health and Safety Code section 44323.

Every facility operator subject to update reporting requirements shall submit either an Update Summary Form or an update plan and report, as specified in sections V.B. through V.M., below. Facility operators shall comply with these requirements in accordance with the schedule specified in section V.L. In sections V.B. through V.M. the terms "high level", "intermediate level", and "low level" mean the same as specified in section IV of this regulation, and shall be based on emissions from the most recent facility emission inventory approved by the district.

B. Update Reporting Requirements for "High Level" Facilities.

(1) Continue to Update Reports on the Risk-Driving Devices or All Devices.

Every four years the operator of any facility which is categorized by the district as a "high level" facility under section IV.C., shall submit to the district an update plan and report, as specified in section V.I., unless the facility meets the criteria for alternative update reporting as specified in section V.B.(2). Operators subject to this section shall identify and report all changes in emissions for those devices which constitute, at a minimum, the upper 80 percent of the facility's risk, such that the aggregated risk of devices not identified does not exceed either one cancer in a million or a noncancer hazard index of 0.1, in the judgment of the district. Devices shall be identified with the concurrence of the district. Alternatively, facility operators subject to this section may, at their option, submit update plans and reports which show all changes to all devices at the facility.

(2) Alternative: Update Reporting Through Risk Reduction Audit and Plan.

If the facility is required to prepare a risk reduction audit and plan under Health and Safety Code section 44391, and the facility submits an emission inventory update in accordance with Health and Safety Code section 44391(h) which the district determines to contain equivalent information as required for update reporting for "high level" facilities under section V.B.(1), the facility may submit the risk reduction emission inventory update to the district to comply with the update requirement for "high level" facilities. The district shall redetermine the facility's prioritization score, or evaluate the prioritization score as calculated and

submitted by the facility, within 90 days from the date of receiving notice that the facility has completed the implementation of a risk reduction plan prepared pursuant to Health and Safety Code section 44392. The district shall transmit the updated emission inventory data to the state board in a format approved by the state board as specified in section VII.C.

C. Update Reporting Requirements for "Intermediate Level" Facilities.

(1) Track Activity Changes and Update Reports if Significant Increases.

Every four years the operator of any facility which is categorized by a district as an "intermediate level" facility under section IV.B., shall complete and submit to the district for review the Update Summary Form in Appendix B, as specified in section V.H. Based on data reported on Part C of the Update Summary Form, any facility that experienced a significant increase in facility activity since the facility's previous emission inventory report was submitted shall submit an update plan and report, as specified in section V.I. The update plan and report shall include updated information for devices that experience significant increases in activity.

- (a) Significant Increases. For facility operators subject to section C.(1), significant increases in facility activity shall be defined as a 10 percent or greater increase in device activity. Devices may be identified as described in either section V.C.(1)(a)(i) or (ii) below:
- (i) Any Devices. Any device whose activity (as measured by increases in throughput, fuel usage or type, feed rates, emissions, or process rates) has increased by 10 percent or greater since the facility's previous emission inventory report was submitted; or
 - (ii) Substantial Risk Devices. Those devices which constitute, at a minimum, the upper 80 percent of the facility's risk, such that the aggregated risk of devices not identified does not exceed either one cancer in a million or a noncancer hazard index of 0.1, in the judgment of the district, along with any additional considerations of concern in the judgement of the district.

When considering the potential impacts of the aggregate risk of devices not identified, the district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk.

Devices shall be identified with the concurrence of the district. Facility operators shall provide updated data in an update plan and report for any of the identified devices with activity increases of 10 percent or more (as

measured by increases in throughput, fuel usage or type, feed rates, emissions, or process rates).

- (b) Consolidated Device Data: At their option, facility operators may consolidate devices for the purpose of quantifying increases in device activity when reporting on the Update Summary Form in Appendix B. All devices, so consolidated, must be within the same Source Classification Code (SCC). Increases shall be in comparison to the activity for comparable devices as reported in the facility's most recently submitted and approved emission inventory report. When the sum of the changes in activity for all consolidated devices within an SCC exceeds a 10 percent increase, an updated Process Information and Emission Information Form must be submitted by the facility operator for any individual device or grouped devices (reported on the same Process Information Form) whose activity increases by 10 percent or more.
- (c) Other Criteria: Based upon data reported in Part B of the Update Summary Form or other information required by the district, districts may require a facility operator to submit an emission inventory update plan and report for the facility as specified in section V.I.

(2) Alternative: Track Through Combined Criteria/Toxics Inventory Reporting.

The facility shall be exempted from the activity tracking and update requirements in section V.C.(1) if the district notifies the facility in advance in writing that the facility's toxics emissions are included by the district in a combined district emission inventory program that includes criteria pollutants and toxic substances, and if the facility provides throughput and other data requested by the district in accordance with the combined program. The district shall report the updated emission inventory to the state board with its combined emission inventory updates.

D. Update Reporting Requirements for "Low Level" Facilities.

Facilities categorized by the district as "low level" facilities under section IV.A. are not subject to the update reporting requirements of this section.

E. Update Reporting Requirements for Facilities Not Yet Prioritized.

(1) If the Facility's Emission Inventory Report Has Been Approved.

If a facility whose emission inventory report has been approved by the district has not been prioritized by the district under Health and Safety Code section 44360(a), the facility is an "intermediate level" facility for purposes of update reporting, and the facility shall comply with the activity tracking and

update requirements in section V.C. for "intermediate level" facilities, unless one or more of the following occurs:

- (a) If the facility operator requests in writing that the district, within 90 days of receipt of the request, prioritize the facility and designate its update category in accordance with section IV herein, the district shall, within 90 days of receipt of the request, prioritize the facility in accordance with Health and Safety Code section 44360(a) using procedures that have undergone public review, and designate the facility's update category. The district shall notify the facility operator of the prioritization results, if requested by the operator to do so.
- (b) If the district prioritizes and designates the update category of the facility within 90 days of the request or within 90 days following the effective date of this regulation, whichever comes later, the facility shall comply with the applicable update reporting requirements specified in this section for "low level", "intermediate level", or "high level" facilities.
- (c) If the district does not prioritize and designate the update category of the facility within 90 days as specified in section V.E.(1)(b), above, the facility must complete Part A of the Update Summary Form in Appendix B, as specified in section V.H.

For any facility prioritized by August 1 of a given year, section V.E.(1) no longer applies to the facility for that year or for any subsequent year.

(2) If the Facility's Emission Inventory Report Has Not Been Approved.

If a facility with an emission inventory plan (or update plan) approved by the district has submitted a complete emission inventory report (or update report) within 180 days after district approval of the plan, but has not been prioritized by the district in accordance with Health and Safety Code section 44360(a), and has not been notified by the district regarding either (a) approval of the report, (b) the need for corrections or modifications to the report, or (c) that the facility will be included in an industrywide inventory prepared by the district, then the facility is an "intermediate level" facility for purposes of update reporting, and shall comply with the activity tracking and update requirements in section V.C. for "intermediate level" facilities, unless one or more of the following criteria are satisfied:

- (a) If the facility operator requests in writing that the district, within 120 days of receipt of the request, review and approve its emission inventory report, or notify the facility of needed corrections, the district shall, within 120 days of receipt, either (i) approve the report and provide the facility's prioritization and update categorization results, (ii) notify the facility of needed corrections to the report, or (iii) notify the facility that it will be included in an industrywide inventory prepared by the district.

- (b) If the district notifies the facility within 120 days of the request or within 120 days of the effective date of this regulation, whichever comes later, that corrections are needed to the emission inventory report, the facility shall revise the report according to the timeframe specified by the district and return it to the district for review and approval. If corrections are not needed to the emission inventory report and the district prioritizes and designates the update category of the facility within 120 days, the facility shall comply with the applicable update reporting requirements specified in section V for "low level", "intermediate level", or "high level" facilities as appropriate.
- (c) If the district does not prioritize the facility or notify the facility operator of needed corrections within 120 days as specified in section V.E.(2)(b), above, the facility shall comply with the following update reporting requirements: the operator shall complete and submit to the district Part A of the Update Summary Form in Appendix B, as specified in section V.H.

For any facility prioritized by August 1 of a given year, section V.E.(2) no longer applies to the facility for that year or for any subsequent year. Districts shall redetermine a facility's prioritization score, or evaluate the prioritization score as calculated by the facility, within 90 days from the date of receipt of an emission inventory update submitted under section V.

F. Voluntary Updates.

Any facility operator may voluntarily submit an update plan and report to satisfy the requirements of section V, following approval and scheduling by the district.

G. Data Revised for Prioritizations or Risk Assessments.

If a facility's previous emission inventory report has been approved by the district and the facility operator requests, and a district allows, a facility operator to use revised inventory data for prioritization or risk assessment, the facility operator shall submit an update report to the district which reflects any changes from the previously submitted and approved emission inventory report. The district shall submit this updated inventory to the state board.

H. Update Summary Form

- (1) Operators of facilities identified in sections V.C., V.E.(1)(c), and V.E.(2)(c) shall complete and submit the Update Summary Form, included in Appendix B, for the applicable update reporting year based on the schedule specified in section V.L.
- (2) Districts shall review the Update Summary Form and respond to the facility operator as specified in section V.M. The Update Summary Form shall satisfy a facility's update requirements for facilities specified in section V.C., V.E.(1)(c), and V.E.(2)(c) unless the operator is notified by the district that an update plan and report is required as specified in section V.

- (3) In reviewing Update Summary Form to determine whether to require the facility to submit an update plan and report, districts may take into account factors including, but not necessarily limited to:
- (a) increases in throughput, fuel usage, process rate changes, or emissions;
 - (b) changes in types of fuels or substances used at the facility;
 - (c) determinations that previous source test data are inadequate;
 - (d) addition of new processes or equipment to the facility which cause increases in emissions;
 - (e) issuance of new permits or changes in permit conditions;
 - (f) emissions of any listed substances not previously reported, including newly listed substances, that may cause the facility to exceed the criteria specified in section IV for the facility's current update category;
 - (g) emissions of listed substances for which there is an appropriate health effects value as specified in section (E)(7) of Appendix F, such that the facility may exceed the criteria specified in section IV for the current update category;
 - (h) facility status as it pertains to current or future air pollution control measures;
 - (i) reductions in the distance from the facility to the nearest receptor;
 - (j) changes in emission factors;
 - ~~(k) other factors the district considers relevant.~~
 - (k) changes in building parameters that may affect building downwash effects;
 - (l) the district may consider population-wide impact assessment in addition to point estimates of risk, and may consider the facility's risk individually or in combination with other facilities. The district may consider additional properties of concern including persistence and bioaccumulative properties. The district may consider the potential for non-inhalation, multipathway exposures to contribute greater risk. and
 - (m) other factors the district considers relevant.

I. Update Plans and Update Reports.

- (1) The operator of any facility subject to the plan and report update requirements of this section shall submit to the district any required update plan and update report according to the schedules specified in section V.L. The update plan and report need only update changes in information contained in the previously submitted emission inventory plan and emission inventory report for the facility in order to represent the most current values of the information required under sections VI through IX and Appendices A through F. Such information includes but is not limited to any applicable substances added to Appendix A in accordance with section II.H., which have not previously been addressed in the plan or report.
- (2) Except as provided in section V.J., at least the following updated information shall be submitted as part of the update plan and report:
- (a) For those facilities subject to section V.I. under section V.B., updated information shall be submitted for all components of the plan and report as may be necessary to reflect any change in any parameter which affects the

nature or quantity of emissions of a listed substance from the facility for all devices identified under section V.B.

- (b) For facilities subject to section V.I. under section V.C., updated information shall be submitted for those components of the plan and report which may be necessary to describe emission increases (including emissions of previously unreported listed substances) for all devices identified under section V.C.
- (3) Updated information, when required, may include but is not limited to: the effects of changes in the emission controls affecting the process, changes in input materials used, changes in the nature or quantity of any emitting process, and changes in the proposed method of quantifying emissions. A revised process flow diagram and facility diagram shall only be submitted when new components or processes not reflected in the prior diagrams have been added at the facility. Each such change shall be clearly marked.
- (4) As required, updated information shall be provided for each applicable component of a plan and report to address any new operation, process, or listed substance at the facility, and to account for any revised or additional requirements under this subchapter which apply to the facility, including but not limited to any applicable substances added to Appendix A under section II.H.
- (5) For any revision proposed in an update plan which reflects a reduction in emissions, the facility operator shall include in the update plan adequate documentation to demonstrate to the district the basis and magnitude of the reduction.
- (6) An update report shall include all applicable report components as required under section VII, except that only the reporting forms which reflect revised information shall be submitted, with each addition, deletion, and change indicated as specified in Appendix B. The report shall include the results of any additional source test(s) and any other supporting documentation for updates, as specified in section VII.D., including any new or updated source test results under section VII.D.(2) where such tests have been performed prior to the date of submittal of the update report.

J. Use of Previously Submitted Information.

- (1) Except as specified for previous source test results in section V.J.(2), J.(3), and J.(4), the facility operator may propose in an update plan to use an applicable component of a previously submitted plan or report to satisfy the update requirement for that component, and the district may approve the proposal, if the facility operator provides adequate documentation to demonstrate to the district that:
 - (a) no change has occurred since the last update which would affect the accuracy of the previously reported information; or

- (b) the previously reported information characterizes the current emissions to within the required degree of accuracy.
- (2) Except as specified in section V.J.(3), the facility operator may propose in the update plan to use the results of a previous source test conducted in accordance with section IX. to fulfill the update requirements for a source test required under section IX.A. and Appendix D provided that:
 - (a) the test meets the requirements for use of previous source tests specified in section IX.A.(4); and
 - (b) the test meets all other applicable requirements specified in sections IX.A. through IX.D.

Such a proposal to use the "results of a previous source test" may include a proposal to calculate a revised emission result by applying the site-specific emission factor developed under section IX.F., together with current values of the applicable "usage units" as specified in section IX.F., provided that the current values of the relevant process parameters do not exceed the range of values characterized by the previous source test and that all applicable provisions in section V.J.(2) and J.(3) are met.

- (3) Unless exempted by the district, the results of a previous source test shall not be used to fulfill update requirements for a source test required under section IX.A. and Appendix D if:
 - (a) a major change, including but not limited to: long-term shutdown of equipment, startup of new or modified equipment, change in air pollution control equipment, or change in the input materials affecting listed substances, has occurred in the operation of the facility which affects the emitting process for which testing is required; or,
 - (b) the facility has been cited by the district for a violation of any rule limiting or controlling a listed substance associated with the emitting process for which testing is required; or
 - (c) the previous source test data submitted by the facility has been determined by the district or the Executive Officer of the Air Resources Board to be invalid or inadequate to accurately assess emissions for the tested process(es).
- (4) The district may approve a proposal to use the results of a previous source test to fulfill an update of a required source test if the district determines that the requirements specified in subsections J.(2) and J.(3) are met. The district may require a new test to update a previous source test if the district has reason to believe that conditions affecting the emissions of listed substances have changed or if the district determines that significantly improved emission quantification is technologically feasible and appropriate for the particular facility.

K. Update Reporting Year.

- (1) Information required on the Update Summary Form shall reflect facility operations for the calendar year (the update year) prior to the year the Update Summary Form is due. Information required on the Update Summary Form which describes changes at a facility shall be referenced to either the previously submitted emissions inventory report or to the previous update year, as specified for individual questions on the form.
- (2) Emissions data in any update plan and update report shall reflect facility operations during the calendar year (the update year) prior to the year in which the plan is due.

L. Schedule for Update Submittal.

- (1) Update submittals shall be due according to the following schedule unless the district specifies in writing in advance an alternative schedule within the required four-year update period.
 - (a) For any facility subject to the requirements of this regulation under sections II.A. and V.B., the update plan shall be due by August 1, 1994, and every four years thereafter.
 - (b) For any facility subject to the requirements of this regulation under sections II.A. and either V.C. or V.E., the Update Summary Form shall be due by February 1, 1994, and every four years thereafter. If the district requires that the facility prepare an update plan, such plan shall be due August 1 of the year the Update Summary Form is due.
 - (c) For any facility subject to the requirements of this regulation under sections II.B. and V.B., the update plan shall be due by August 1, 1995, and every four years thereafter.
 - (d) For any facility subject to the requirements of this regulation under sections II.B. and either V.C. or V.E., the Update Summary Form shall be due by February 1, 1995, and every four years thereafter. If the district requires that the facility prepare an update plan, such plan shall be due August 1 of the year the Update Summary Form is due.
 - (e) For any facility subject to the requirements of this regulation under either section II.C. or II.D. and section V.B., the update plan shall be due by August 1 of the year which is four years after the year the initial plan submittal was required, and every four years thereafter.
 - (f) For any facility subject to the requirements of this regulation under either section II.C. or II.D. and either section V.C. or V.E., the Update Summary Form shall be due by February 1 of the year which is four years after the year the initial plan submittal was required and every four years thereafter. If the

Update Summary Form indicates that the facility must prepare an update plan, such plan shall be due August 1 of the same year the Update Summary Form is due.

- (g) For any facility subject to the requirements of this regulation under any of section II.E.(1)(a) or II.E.(2) or II.E.(3) and section V.B., the update plan shall be due by August 1, 1994 and every four years thereafter.
 - (h) For any facility subject to the requirements of this regulation under any of section II.E.(1)(a) or II.E.(2) or II.E.(3) and either section V.C. or V.E., the Update Summary Form shall be due by February 1, 1994, and every four years thereafter. If the district requires that the facility prepare an update plan, such plan shall be due August 1 of the year the Update Summary Form is due.
 - (i) For any “diesel engine-only” facility, the requirements in section XI shall apply.
- (2) Except as provided in section V.L.(3), the schedule specified for the inventory plan and report in Health and Safety Code sections 44340(b), 44341, and 44343, and in section VII.A. and VII.G. of this regulation shall apply to the review, approval, and implementation of the update plan and update report.
- (3) Nothing in subsection V.L.(2) shall preclude an operator from submitting a proposed update report at the same time as the update plan provided that all applicable revisions are included in the update report and that no new source testing was required for the facility. If upon review of the update plan, the district requires the operator to revise the update plan, the operator shall implement the revised plan and incorporate all applicable revisions to the update report.

M. Schedule for Update Summary Form Review.

- (1) Districts shall review facility Update Summary Forms. Following review, districts shall notify facility operators in writing if the facility operator must submit an emissions inventory update plan and report as specified in section V.I. Districts shall notify facilities of the requirement to perform an update by May 1 of the year the Update Summary Form was submitted, or within 90 days of receipt of the form if an alternative submittal schedule was specified by the district.
- (2) If the district does not respond to the facility operator as specified in section V.M.(1), the Update Summary Form shall meet the facility's update requirements for the update year. However, failure of the district to respond does not prevent the district from requiring updated information if the district determines that information provided on the Update Summary Form is erroneous, incomplete, or the existing facility emissions inventory does not adequately characterize facility emissions.