

AB 2588 “Hot Spots” Frequently Asked Questions

(September 2007)

On November 16, 2006, the Air Resources Board (ARB/Board) adopted amendments to the AB 2588 Air Toxics “Hot Spots” Emission Inventory Criteria and Guidelines Regulation (Guidelines, Section 93300.5, Title 17, California Code of Regulations) to align the Guidelines with the Air Toxic Control Measure (ATCM) for stationary diesel engines. These amendments are available on the internet here:

<http://www.arb.ca.gov/ab2588/2588guid.htm>.

1. Q: Who is subject to the AB 2588 “Hot Spots” Program?

A: Any business/facility in California that emits >10 tons/yr of organic gasses, PM, NOx, or SOx, or smaller facilities included in Appendix E of the Emission Inventory Criteria and Guidelines Regulation like gas stations, dry cleaners, and chrome platers, are subject to “Hot Spots”. The Guidelines, including Appendix E, can be found here:

<http://www.arb.ca.gov/ab2588/2588guid.htm>.

2. Q: Who enforces the “Hot Spots” Law?

A: The local air district enforces all “Hot Spots” requirements. ARB and OEHHA provide guidance. If you have specific questions about a facility, please contact your local air [district](#).

3. Q: How are changes to “Hot Spots” made?

A: The State legislature passed legislation in 1987 (AB 2588, Connelly) that requires the ARB to adopt a regulation that specifies how local air districts implement the AB 2588 “Hot Spots” Law. The Guidelines Regulation has been updated several times over the past 15 years and implements the intent of the Legislature. The Guidelines Regulation describes which types of facilities are subject to the Program, which pollutants are reported, and how those emissions are reported.

4. Q: What changes were adopted by the Board in November 2006?

A: The “Hot Spots” reporting requirements were aligned with the stationary diesel engine ATCM, and a new reporting threshold for diesel engines will augment the 3,000 gal/yr diesel fuel usage threshold. The OEHHA Health Risk Assessment Guidelines and new health values were incorporated by reference, and new substances were added to Appendix A, the list of substances required to be reported.

5. Q: When did these new requirements become applicable?

A: All of the local air districts are currently evaluating emissions and risk from diesel engines. The formal amendments were approved by the Office of Administrative Law and then filed with the CA. Secretary of State on August 27, 2007. The new Guidelines are in effect on September 26, 2007.

6. Q: Are there any emission limits under “Hot Spots”?

A: Not exactly. As long as emissions from the facility do not significantly impact public health, there are no emission limits. However, other permits and district rules may apply. Speak with your local air district to get more information on local rules.

7. Q: Are engines 50 horsepower or less subject to “Hot Spots”?

A: Small engines that are used on a ‘routine and predictable’ basis, and that the district determines are likely to pose a significant risk, are subject to “Hot Spots” beginning in 2010.

8. Q: Are portable engines subject to “Hot Spots”?

A: Portable equipment that is used on a ‘routine and predictable’ basis is subject to “Hot Spots” if the district has good cause to expect that the emissions from the portable engines at the facility are likely to pose a significant risk. The Board approved a delay in applicability until 2010 for portable engines. Tactical Support Equipment (TSE) at a military base may be subject to “Hot Spots” reporting requirements. However, because TSE is often deployed overseas, these emissions

may not always be 'routine and predictable' and subject to "Hot Spots". Please contact your local air district to determine what needs to be included in an inventory.

9. Q: How can risk be evaluated at facilities with portable equipment?

A: Generally, districts evaluate risk using the best information available for a facility, usually based on the previous calendar year's emissions. In some cases, when the location of equipment frequently changes at a facility, the district may choose to evaluate the risk posed to receptors using the worst-case distance (usually the closest distance to the receptor). If that risk is acceptable, the facility is then free to move the equipment to another location without triggering any additional requirements.

Some districts evaluate risk at the fenceline of the facility, while others evaluate existing receptor distances and the impacts to those individuals. Contact your district to determine what risk assessment policies they use.

10. Q: Are emissions from portable equipment generated by third-party contractors that do work at a facility subject to "Hot Spots"?

A: Emissions from portable equipment may be subject to the Guidelines Regulation if the activity in question is 'routine and predictable', and likely poses a significant risk. In practice, districts have relationships with many entities at a facility, including owners, operators, consultants, and tenants. The district may require an inventory to be reported from any, or all, of those entities. Often the facility operator is best able to estimate emissions, and the district would rely on them to provide emissions information. It is ultimately the responsibility of the facility owner to estimate all applicable emissions from the facility if the district is unable to compile emissions information from other sources.

11. Q: What if my equipment is not permitted?

A: If the facility is subject to "Hot Spots", it does not matter if the equipment is permitted. All sources subject to the regulation must be included in the emission inventory.

12. Q: Do facilities have to calculate the emissions from motor vehicles?

A: No, emissions from motor vehicles are not subject to "Hot Spots".

13. Q: Which pollutants must be reported?

A: Check with your local air district, and see Appendix A (List of Substances that must be reported) and Appendix C (Responsibilities of all Facilities) of the Guidelines Regulation. In most cases, only diesel PM would be reported for diesel engines.

14. Q: If an engine is not subject to the ATCM for stationary diesel engines, or if it qualifies for an exemption under the ATCM, is it also exempt from "Hot Spots"?

A: No. The "Hot Spots" program has specific reporting requirements that are independent of all other rules, regulations, permit conditions, or other air pollution control laws, including the ARB's ATCM for stationary diesel engines. An engine that is exempt from the ATCM is not automatically exempt from "Hot Spots" reporting requirements. However, because many of the exemptions are for low-risk and remotely located engines, most of these engines will comply with "Hot Spots" by complying with the ATCM.

15. Q: Is there a remote location exemption?

A: No, all facilities subject to "Hot Spots" must report their emissions. However, because "Hot Spots" is risk based, emissions that occur far away from people and residences will likely not impact public health and a risk assessment will probably not be necessary.

16. Q: Are emergency operations subject to "Hot Spots" reporting? How do you define an emergency?

A: Emergency operations are not subject to "Hot Spots" reporting. Emergency operations are neither routine nor predictable. With respect to the definition of emergency, the Guidelines Regulation includes the same definition of emergency operations that is found in the stationary diesel engine ATCM. The stationary diesel engine ATCM defines emergency operations as: "The failure or loss of electrical power service or natural gas supply which is caused by any reason other than the enforcement of a contractual obligation the owner or operator has with a third party or any other party, including the

failure of a facility's internal power distribution system; and, which is demonstrated to the district APCO's satisfaction to have been beyond the reasonable control of the owner or operator. Emergency operations also include the pumping of water or sewage to prevent or mitigate a flood or sewage overflow, the pumping of water for fire suppression or protection, and the powering of ALSF-1 and ALSF-2 airport runway lights under category II or III weather conditions; the pumping of water to maintain pressure in the water distribution system if a pipe breaks that substantially reduces water pressure, or there is high demand on the water supply system due to high use of water for fire suppression, or the breakdown of electric-powered pumping equipment at sewage treatment facilities or water delivery facilities”.

17. Q: What happens when pollutants are assigned a new health value?

A: OEHHA regularly adopts new health values when data becomes available. When a new health value is adopted, OEHHA reviews new risk assessments and advises the district to include the new health value in the risk assessment. The district also reevaluates facilities already subject to AB 2588 that emit substances with new health values to determine if an updated health risk assessment is necessary.

18. Q: Are cumulative emissions from multiple facilities addressed under “Hot Spots”?

A: Not specifically. The “Hot Spots” regulation requires that the cumulative emissions from all equipment and pollutants at a single facility be evaluated, but does not directly address emissions from multiple facilities within a given area.

19. Q: Can a facility submit an updated health risk assessment to the district to prove that they are low risk?

A: Yes, the Board approved modifications to the proposed amendments to the Guidelines Regulation that allows a facility to submit updated risk information to the district.

20. Q: How can I get more information about “Hot Spots”?

A: ARB compiles emissions data for all facilities subject to “Hot Spots”. This information is publicly available on our Facility Search Tool here: <http://www.arb.ca.gov/app/emsinv/facinfo/facinfo.php>. General information about “Hot Spots” is here: <http://www.arb.ca.gov/ab2588/ab2588.htm>. Each district is required to publish an annual report. Many of these reports are available here: <http://www.arb.ca.gov/ab2588/reports.htm>. Sign up for our email listserve to receive updated information here: <http://www.arb.ca.gov/listserv/ab2588.htm>. For questions, please contact Gabe Ruiz, (916) 322-7673, or g Ruiz@arb.ca.gov.