

Attachment 1

Proposed 15-Day Changes to the Proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations

Table of Contents

I. Introduction	3
II. Summary of Proposed 15-Day Changes.....	3
A. Substantive Changes	3
B. Non-Substantive Changes	12

I. Introduction

This attachment describes 15-day changes to regulatory text of the California Air Resources Board (CARB or Board) Proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing Operations since CARB staff released the Initial Statement of Reasons (ISOR) for the Proposed Regulation on November 29, 2022.

II. Summary of Proposed 15-Day Changes

A. Substantive Changes

The following 15-day changes to the Proposed Amendments are made to incorporate the direction given by the CARB Board at the public meeting on January 27, 2023, and to improve clarity. The Board directed staff to provide an alternative phase out pathway that would allow decorative plating facilities to continue to use hexavalent chromium in their chrome plating processes for a limited time beyond January 1, 2027. These 15-day changes provide an alternative phase out pathway for decorative chrome platers that does not require them to phase out hexavalent chromium until January 1, 2030. Decorative chrome plating facilities that elect to comply with the alternative phase out pathway must comply with building enclosure requirements to reduce fugitive emissions starting January 1, 2026, until the 2030 phase out.

Decorative chrome plating facilities that do not pursue the alternative phase out pathway will be required to phase out hexavalent chromium by January 1, 2027, as previously required by the Proposed Amendments. Facilities that elect to pursue the alternative phase out pathway may receive up to a one-year extension to the January 1, 2030, phase out if they demonstrate to the District that the transition to alternative technology is delayed for one of the listed reasons that is beyond the owner or operator's reasonable control. As previously required by the Proposed Amendments, Districts may also grant up to a one-year extension to the January 1, 2027, phase out for facilities that do not elect to pursue the alternative phase out pathway.

Section 93102.3

Definition of "Modification"

The definition of "Modification" has been amended to add subsections (D) and (E). Subsection (D) says: "Construction of Building Enclosures required by section 93102.4(d) are not considered Modifications for the purposes of this ATCM." Subsection (E) says: "Changes related to the conversion to alternative technology to Hexavalent Chromium are not considered Modifications for the purposes of this ATCM."

Subsection (D) was added to clarify that facilities adding building enclosures for the purposes of complying with the building enclosure requirements do not fall under the definition of "Modification." This is necessary to clarify that the construction of building enclosures does not trigger the requirements for modified facilities set forth in section 93102.4(e).

The addition of subsection (E) clarifies that the conversions a facility must undergo to implement alternative technology, such as trivalent chromium plating, do not fall under the definition of "Modification." This is necessary to clarify that conversions related to this transition do not trigger the requirements for modified facilities set forth in section 93102.4(e).

Subsection (C) was also amended to correct grammar by changing "exceeding" to "exceed."

Section 93102.4

Section 93102.4(b)(1)

Subsection (b)(1) was amended to add the phrase "unless they elect to comply with the alternative phase out pathway requirements set forth in subsection (b)(1)(A)." This amendment was necessary to provide facilities the option of pursuing the alternative phase out pathway, which allows facilities to continue using hexavalent chromium for decorative plating until January 1, 2030, if they implement the building enclosure requirements to reduce fugitive emissions.

Section 93102.4(b)(1)(A)

Subsection (b)(1)(A) was added, which says "Facilities that elect to continue using Hexavalent Chromium for the purposes of Decorative Chrome Plating after January 1, 2027, shall submit a notification to the District as required by Appendix 1 by January 1, 2025, indicating that they are electing to pursue the alternative phase out pathway. Facilities that elect to comply with the alternative phase out pathway must comply with the Building Enclosure requirements set forth in subsection (d) starting on January 1, 2026, and shall not use any Hexavalent Chromium for the purposes of Decorative Chrome Plating in California after January 1, 2030."

Subsection (b)(1)(A) was added to provide the framework for facilities electing to comply with the alternative phase out pathway. Facilities that comply with the alternative phase out pathway may continue to use hexavalent chromium for decorative chrome plating after January 1, 2027, if they submit the required notification by January 1, 2025, indicating that they are electing to pursue the alternative phase out pathway. This submission must meet the requirements for submittals to the District set forth in Appendix 1. Staff selected January 1, 2025, to provide owners and operators one year from the date of the anticipated effective date

of the Proposed Amendments to decide whether they elect to comply with the alternative phase out pathway.

To comply with the alternative phase out pathway, facilities must comply with the building enclosure requirements set forth in section 93102.4(d) starting January 1, 2026. Building enclosures will reduce the release of fugitive emissions from decorative chrome plating facilities in the interim period before the phase out goes into effect. Facilities will have one year following the deadline for submission of this notification to meet the January 1, 2026, deadline to install the building enclosures required for facilities to comply with the alternative phase out pathway. It is necessary to require the notification to be submitted one year prior to the effective date of the building enclosure requirements to ensure decorative plating facilities decide whether they will follow the alternative phase out pathway with sufficient time to complete the construction of the required building enclosures.

This subsection also sets the phase out date of January 1, 2030, for facilities that comply with the alternative phase out pathway. This date was chosen to provide decorative chrome plating facilities three extra years to use hexavalent chromium if they implement the building enclosure requirements. The additional three years provides more time for facilities to prepare for the transition to alternative technology.

Section 93102.4(b)(2)

Subsection (b)(2) was amended to add a reference to subsection (b)(1)(A).

The addition of "or (b)(1)(A)" was necessary to specify that the extension is available to facilities complying with the extended phase out pathway in addition to facilities complying with the January 1, 2027, phase out date. Staff provided this extension to accommodate facilities experiencing delays related to the listed issues that are beyond the owner or operator's control. The District can grant this extension for up to a year (which would make the phase out date January 1, 2031) if they determine that the requirements in the Proposed Amendments are met. These are the same requirements applicable to facilities requesting an extension to the January 1, 2027, phase out date.

Section 93102.4(b)(2)(A)

Subsection (b)(2)(A) was amended to add the phrase "or by October 1, 2029, for Facilities that elect to comply with the alternative phase out pathway in subsection (b)(1)(A)."

The addition of this phrase is necessary because the October 1, 2026, deadline for submission of an application for an extension to the phase out is not applicable to facilities that elect to comply with the alternative phase out pathway. Facilities that elect to comply with the alternative phase out pathway do not have to phase out until January 1, 2030, and will not know if they will need an extension by October 1, 2026. The due date of October 1, 2029, for submission of a request for an extension was

chosen because it is three months before the phase out date of January 1, 2030, which provides sufficient time for a facility to identify whether an extension is needed and for the District to issue its determination prior to the phase out date. This is consistent with the three-month period that is provided for decorative plating facilities that do not elect to comply with the alternative phase out pathway and must phase out by January 1, 2027. The October 1, 2026, deadline continues to be applicable to decorative chrome plating facilities that do not elect to comply with the alternative phase out pathway.

Section 93102.4(b)(2)(A)3.

Subsection (b)(2)(A)3. was amended to add the phrase “or by January 1, 2030, for Facilities that elect to comply with the alternative phase out pathway pursuant to subsection (b)(1)(A).”

The addition of this phrase was necessary because the January 1, 2027, date is not applicable to facilities that elect to comply with the alternative phase out pathway. This provision provides an extension for facilities that experience delays in receiving the authority to construct permit in time to complete the transition to alternative technology by the applicable phase out date. The January 1, 2027, date in subsection 3 does not apply to facilities that elect to comply with the alternative phase out pathway since they would not need to transition to alternative technology until January 1, 2030. To receive an extension pursuant to subsection 3, facilities complying with the alternative phase out pathway would need to demonstrate that an extension is necessary because the District has not issued the authority to construct in time for them to complete the construction necessary to transition to alternative technology by January 1, 2030. The January 1, 2027, date in subsection 3 continues to be applicable to decorative chrome plating facilities that do not elect to comply with the alternative phase out pathway.

Section 93102.4(b)(2)(B)3.

Subsection (b)(2)(B)3. was amended to add the phrase “or prior to January 1, 2029, for facilities that elect to comply with the alternative phase out pathway pursuant to subsection (b)(1)(A).”

The addition of this phrase was necessary because the January 1, 2026, date in subsection 3 is not applicable to facilities that elect to comply with the alternative phase out pathway. Facilities complying with the alternative phase out pathway that request an extension pursuant to subsection (b)(2)(A)3. must include documentation demonstrating that the owner or operator submitted a complete application for an authority to construct by January 1, 2029. This provides the same one-year timeframe as the existing requirement applicable to facilities that do not elect to comply with the alternative phase out pathway. The request will not be approved if the facility failed to submit a complete application for an authority to construct by January 1, 2026 (for

facilities not complying with the alternative phase out pathway) or by January 1, 2029, (for facilities complying with the alternative phase out pathway). Staff included this deadline so that an extension pursuant to this subsection is only granted to owners and operators who ensure timely submission of their permit applications to the District. This aligns with staff's intent to provide an extension for delays on the District's end rather than for delays caused by the owner or operator.

Section 93102.4(b)(2)(D)

Subsection (b)(2)(D) was amended to add the phrase: ", or January 1, 2030, for facilities that elect to comply with the alternative phase out pathway pursuant to subsection (b)(1)(A)."

The addition of this phrase was necessary for consistency with subsection (b)(2), which provides that the District can grant an extension of up to one year. For facilities that comply with the alternative phase out pathway and request an extension, the District may grant an extension up to January 1, 2031, one year from the January 1, 2030, phase out date. This is consistent with the up to one-year extension available for facilities that do not elect to comply with the alternative phase out pathway. The District may use its discretion to determine an appropriate timeframe to grant for each facility's extension based on the amount of additional time the request demonstrates is needed to complete the transition, but not more than one year from the applicable phase out date.

Section 93102.4(c)(1)(A)

Subsection (c)(1)(A) was amended to delete the word "facilities" and move the phrase "until January 1, 2026" from the end of the subsection to earlier in the sentence. The following phrase was added "chrome plating tanks for use for the purposes of."

These changes improve readability and clarify staff's intent to apply the requirements in subsection (c)(1) to chrome plating tanks that are used for the purposes of functional chrome plating until January 1, 2026, when the requirements of subsection (c)(2) would become effective.

Section 93102.4(c)(1)(B)

Subsection (c)(1)(B) was amended to add the phrase "chrome plating tanks used for the purpose of" and to delete the phrase "facilities until January 1, 2027, or the date that an extension granted pursuant to section 93102.4(b)(2) expires."

This amendment was necessary to accommodate the dates associated with the alternative phase out pathway and to improve clarity. The limits in subsection (c) apply to decorative chrome plating facilities for as long as the facility continues to use hexavalent chromium for the purposes of decorative chrome plating. This change simplifies the language of the requirement and accommodates the addition of the

alternative phase out pathway and the potential one-year extension. The date facilities must stop using hexavalent chromium depends on whether the facility is complying with the alternative phase out pathway, whether the facility received an extension, and the length of the extension granted by the District. Decorative chrome plating facilities that do not follow the alternative phase out pathway must cease use of hexavalent chromium for decorative chrome plating on January 1, 2027, unless they receive an extension of up to one year to January 1, 2028. Facilities that elect to comply with the alternative phase out pathway must cease use of hexavalent chromium for decorative chrome plating on January 1, 2030, unless they receive an extension of up to one year to January 1, 2031.

The amended language clarifies that subsection (B) only applies for as long as the facility continues to use hexavalent chromium for the purposes of decorative chrome plating. Because subsection (c)(1) indicates that it only applies to chrome plating tanks that use hexavalent chromium, a decorative chrome plating facility that no longer uses hexavalent chromium would not need to meet the requirements in subsection (c)(1). As such, facilities that no longer use hexavalent chromium would not have to comply with the requirements in subsection (c)(1) even if they stopped using hexavalent chromium prior to the applicable phase out date. This aligns with the intent of the requirement, which is aimed at limiting hexavalent chromium emissions from chrome plating tanks, and which would not be necessary if hexavalent chromium is not used at the facility for the purposes of decorative chrome plating.

Section 93102.4(c)(2)(A)

Subsection (c)(2)(A) was added to say, "Beginning on January 1, 2026, chrome plating tanks that use hexavalent chromium for the purposes of both decorative chrome plating and functional chrome plating shall comply with the emission limitation in subsection (c)(2) instead of complying with the requirements set forth in subsection (c)(1)."

This is necessary to clarify staff's intent that a chrome plating tank used for both decorative chrome plating and functional chrome plating is required to meet the emission limitation in subsection (c)(2) instead of the requirements of (c)(1) starting on January 1, 2026. This addition was necessary to clarify which requirements must be met after January 1, 2026, for a chrome plating tank that is used for both functional and decorative purposes. If a chrome plating tank is used for both functional and decorative chrome plating purposes, it would have to comply with the emission limitation in subsection (c)(2) after January 1, 2026, instead of continuing to comply with subsection (c)(1).

Section 93102.4(d)

Subsection (d) was amended to add the following language: "The following requirements apply beginning January 1, 2026, to functional chrome plating

operations that use hexavalent chromium and to decorative chrome plating operations that elect to comply via the alternative phase out pathway in subsection (b)(1)(A) for as long as they continue to use hexavalent chromium.”

This amendment was necessary to provide that the building enclosure requirements are also applicable to decorative chrome plating operations that elect to comply with the alternative phase out pathway. Section 93102.4(b)(1)(A) requires decorative chrome plating facilities that choose the alternative phase out pathway to comply with the building enclosure requirements in section 93102.4(d). This is necessary to reduce fugitive emissions in the interim period prior to the phase out on January 1, 2030, for decorative chrome platers using the alternative phase out pathway.

Previously, subsections 93102.4(d)(1) and (d)(2) specified that they applied to functional chrome plating facilities beginning January 1, 2026. This applicability language was moved to subsection (d) to improve clarity and readability. Building enclosures are required to reduce fugitive emissions prior to the phase out for functional chrome plating facilities and decorative chrome plating facilities that elect to comply with the alternative phase out pathway. These requirements begin January 1, 2026, and continue until the facility ceases to use hexavalent chromium. Facilities need only comply with the building enclosure requirements for as long as they continue to use hexavalent chromium. This aligns with the purpose of the building enclosure requirements to reduce fugitive emissions of hexavalent chromium, which would not apply to facilities that no longer use hexavalent chromium.

Decorative plating facilities that do not elect to comply with the alternative phase out pathway need not incur the expense of constructing building enclosures to reduce fugitive emissions because they must cease using hexavalent chromium one year after the effective date of the building enclosure requirements. However, it is necessary for decorative plating facilities that avail themselves of the additional time provided by the alternative phase out pathway to implement these interim measures to reduce fugitive emissions during this additional interim period allowed by the alternative phase out pathway.

Section 93102.4(d)(1)

Subsection (d)(1) was amended to remove the following language: “beginning January 1, 2026,” “Functional,” and “Facilities operating.” It was also amended to add the phrase “operations that use any.”

As discussed above, the applicability language now included in subsection (d) accommodates the addition of the alternative phase out pathway and sets forth the applicability of the building enclosure requirements to functional chrome plating facilities. As such, it is no longer necessary for subsection (d)(2) to specify that it applies to functional chrome plating facilities beginning January 1, 2026.

The phrase “chrome plating facilities operating Tier I, Tier II, or Tier III Hexavalent Chromium Tanks” was replaced by “chrome plating operations that use any Tier I, Tier II, or Tier III Hexavalent Chromium Tanks” to clarify that these requirements apply to chrome plating operations that use any Tier I, Tier II, or Tier III tanks. This clarifies that the requirements apply to facilities that only have one Tier tank as well as facilities that have any combination of Tier I, Tier II, or Tier III tanks.

An “s” was added to the word “tank” in subsection (d)(1)(A) to improve grammar.

Section 93102.4(d)(2)

Subsection (d)(2) was amended to delete the following language: “Functional,” “Facilities operating,” “and,” and “beginning January 1, 2026.” The phrase “operations that use any” was added.

As discussed above, the applicability language now included in subsection (d) accommodates the addition of the alternative phase out pathway and sets forth the applicability of the building enclosure requirements to functional chrome plating facilities. As such, it is no longer necessary for subsection (d)(2) to specify that it applies to functional chrome plating facilities beginning January 1, 2026.

The word “and” was replaced with “or” and the phrase “that use any” was added to make it clear that this subsection applies to chrome plating operations that use any Tier II or Tier III tanks. This clarifies that the requirements apply to facilities that only have one Tier II or Tier III tank as well as to facilities that have multiple Tier II or Tier III tanks.

Section 93102.4(e)(2)

Subsection (e)(2) was amended to remove the phrase “During Tank Operation,” to add the words “Tank” and “all of,” and to capitalize the word “Operation.”

The phrase “During Tank Operation” was deleted to improve readability and clarity. Previously, the word “operation” did not correspond to a defined term. The addition of the word “Tank” and the capitalization of the word “Operation” indicates that this is referring to the defined term “Tank Operation.” This change improves clarity by incorporating the defined term and improves readability by deleting the redundant phrase “During Tank Operation” at the beginning of subsection (e)(2).

The words “all of” were added to clarify that a modified facility is required to control the emissions of hexavalent chromium pursuant to subsections (e)(2)(A) and (e)(2)(B) from all of the facility’s chrome plating tanks, not just the tanks that are undergo modifications.

Section 93102.4(f)(2)(C)2.

Subsection (f)(2)(C) was amended to add subsection 2., which says “If the Owner or Operator elects to control Tier II Tank(s) per the requirements of section 93102.4(g)(2), the applicable surface area shall be based on the total surface area of all Tier II and Tier III Tank(s) connected to the same Add-on Air Pollution Control Device.”

This change was necessary to specify what tanks are included in the surface area calculation for Tier II tanks if the owner or operator elects to comply with section 93102.4(g)(2) by following the requirements set forth in subsection (f)(2) instead of complying with section 93102.4(g)(1). The addition of subsection (f)(2)(C)2. clarifies that the surface area calculation for Tier II tanks complying with subsection (f)(2) pursuant to subsection (g)(2) includes the area of all Tier II tank(s) and Tier III tank(s) connected to the same add-on air pollution control device. If the Tier II tank is connected to the same control device as any other Tier II or Tier III tanks, the total surface area is based on all of those Tier II and Tier III tanks. If the Tier II tank is not connected to the same add-on control device as any other Tier II or Tier III tanks, the total surface area would be that of the Tier II tank at issue. It is necessary to include the total surface area of all Tier II and Tier III tanks connected to the same control device because each Tier II and Tier III tank will contribute emissions of hexavalent chromium. If all contributing tanks are not included in the calculation of the applicable emission limitation, the emission factor may under-represent the expected hexavalent chromium emissions and a source test may erroneously demonstrate that the emissions from the tanks exceed the applicable emission limit.

Section 93102.5

Section 93102.5(c)(7)(A)

Subsection (c)(7)(A) was amended to delete “for housekeeping” and to add the phrase “to comply with the housekeeping requirements in subsection (c)”

This amendment was necessary to clarify that only cleaning equipment and supplies used to comply with the housekeeping requirements set forth in subsection (c) need to be stored in the enclosed storage area. Previously, this condition could have been interpreted to include any cleaning equipment and supplies at that facility, such as a sponge used to wash dishes in the breakroom. This clarifies the requirement to align with the intent of the Proposed Amendments to require cleaning equipment and supplies that may be contaminated with hexavalent chromium to be stored in the enclosed storage area to reduce fugitive emissions.

Section 93102.5(d)(4)(B)

Subsection (d)(4)(B) was amended to add the phrase “at Facilities that use Hexavalent Chromium for the purposes of Functional Chrome Plating and at Facilities that elect to

comply with the alternative phase out pathway in section 93102.4(b)(1)(A).” It was also amended to add the phrase “for as long as the facility continues to use hexavalent chromium” to the end.

This amendment was necessary to clarify that the requirement for buffing, grinding, and polishing operations to be conducted within a building enclosure does not apply to decorative chrome plating facilities that do not elect to comply with the alternative phase out pathway. Such facilities are required to phase out hexavalent chromium by January 1, 2027, and staff does not intend to require them to incur the costs to construct building enclosures around their buffing, grinding, and polishing operations by January 1, 2026, because they are required to phase out hexavalent chromium the following year.

This amendment was also necessary to clarify that the requirement for buffing, grinding, and polishing operations to be conducted within a building enclosure only applies to facilities for as long as they continue to use hexavalent chromium. This is necessary because staff does not intend for this requirement to apply to a chrome plating facility that no longer uses hexavalent chromium.

Section 93102.13

Section 93102.13(d)(1)

Subsection (d)(1) was amended to delete the word “currently,” and to add the phrase “prior to January 1, 2024.”

The change was necessary to clarify the meaning of the word “currently.” “Currently” was intended to refer to facilities that are already utilizing trivalent chromium plating prior to the effective date of the Proposed Amendments, which staff expects to be January 1, 2024. To remove ambiguity, the term “currently” was replaced by the phrase “prior to January 1, 2024.”

B. Non-Substantive 15-day Changes

Overarching Changes

“CFR” changed to “Code of Federal Regulations”

Staff changed all instances of the abbreviation for “CFR” to “Code of Federal Regulations” for consistency.

“U.S.C.” changed to “United States Code”

Staff changed all instances of the abbreviation for “U.S.C.” to “United States Code” for consistency.

“This Regulation” changed to “this ATCM”

Staff changed all instances of “this regulation” to “this ATCM” for consistency. “This ATCM” is used to refer to the Proposed Amendments to the Airborne Toxic Control Measure for Chromium Electroplating and Chromic Acid Anodizing (California Code of Regulations, title 17, sections 93102 through 93102.16).

Section 93102.3

Definition of “Breach”

Staff amended the definition of “Breach” to remove a typo that included an extra “that.”

Definition of “Hard Chrome Plating”

The definition of “Hard Chrome Plating” was amended to replace the word “part” with the term “Base Material.” This change improves clarity and consistency by using the defined term “Base Material” instead of the undefined word “part.”

Definition of “Initial Start-Up”

The definition of “Initial Start-Up” was amended to remove “or” and “modified” and add the phrase “that has undergone a Modification” and “, or the first time a Trivalent Chromium Plating Tank begins operation.”

The addition of the first time a trivalent chromium plating tank begins operation to this definition was necessary to clarify the requirement in section 93102.6(a)(1)(A).

Section 93102.6(a)(1)(A) requires trivalent chromium plating facilities electing to comply with the emission limitation in subsection (A) to conduct a source test “upon Initial Start-Up.” This amendment clarifies what the definition of “Initial Start-Up” means in the context of trivalent chromium plating.

The word “modified” was removed and replaced with phrase “that has undergone a Modification.” This change improves clarity and consistency by using the defined term “Modification” instead of the undefined word “modified.”

Section 93102.4

Section 93102.4(d)(2)(B)

Subsection (d)(2)(B) was amended to move the word “or” and “remains closed” from after the phrase “and that fully covers the opening” to before the phrase “be equipped with a HEPA filter.” This change improves the readability of this provision.

Section 93102.4(e)(1)

Subsection (e)(1) was amended to replace the word “modify” with the phrase “undergo a Modification.” This change improved clarity by using the defined term “Modification” rather than the undefined term “modify.”

Similarly, subsection (e)(1)(B) was amended to replace the word “modified or” with the phrase “that undergo modifications, including being” to improve clarity by using the defined term “Modification” rather than the undefined term “modify,” and to improve readability.

Section 93102.7

Section 93102.7(a)(1)

Subsection (a)(1) was amended to remove the phrase “Functional Chrome Plating” and add the phrase “for the purposes of Functional Chrome Plating” to improve the clarity of this condition. The word “applicable” was deleted and the reference to subsection (c)(2) was added to clarify that the source test must demonstrate compliance with the emission limitation in subsection (c)(2) of section 93102.4.

Section 93102.7(a)(2)

Subsection (a)(2) was amended to remove the word “modified” to improve readability and clarity of this condition.

Section 93102.13

Section 93102.13(b)(1)

Subsection (b)(1) was amended to capitalize “facilities” for consistency in capitalizing defined terms.

Appendix 1

The mailing address for documentation submitted to CARB was amended to add “Risk Reduction Branch” so that the mail will be sent to the Chief of the Risk Reduction Branch of the Transportation and Toxics Division.

Appendix 5

Staff updated the Table of District rules in Appendix 5 to accurately reflect the names and numbers of the current District breakdown rules listed. These updates do not impact the District’s breakdown rules themselves and do not alter the requirements of the Proposed Amendments.