

State of California  
AIR RESOURCES BOARD

**Notice of Public Availability of Modified Text**

**PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE AB 2588 AIR TOXICS  
“HOT SPOTS” EMISSION INVENTORY CRITERIA AND GUIDELINES REGULATION**

Public Hearing Date: November 16, 2006  
Public Availability Date: March 20, 2007  
Deadline for Public Comment: April 13, 2007

At its public hearing on November 16, 2006, the Air Resources Board (the Board or ARB) approved the amendment of section 93300.5, title 17, California Code of Regulations (CCR) and the incorporated Emission Inventory Criteria and Guidelines Report, including appendices, which provides guidance to facilities and districts on implementing the “Hot Spots” Program requirements.

The “Hot Spots” Program is a public right-to-know air toxics program implemented by the local air pollution control and air quality management districts to ensure that stationary sources subject to “Hot Spots” do not pose a significant risk to public health. The Emission Inventory Criteria and Guidelines Report and Regulation (Guidelines Regulation), adopted by the Board in 1989, and last amended on July 25, 1996, provides guidance to facilities and districts on “Hot Spots” reporting requirements. The proposed amendments to the Guidelines Regulation, approved by the Board on November 16, 2006, focus on reporting requirements for diesel engines.

**The Board’s Action**

At the hearing, the staff presented, and the Board approved modifications to the regulations and the incorporated Emission Inventory Criteria and Guidelines Report, including appendices, originally proposed in the Staff Report released on September 29, 2006. Staff developed the modifications in response to comments received since the Staff Report was published. The Board also directed staff to incorporate the approved modifications into the proposed regulatory text, with such other conforming modifications as may be appropriate, and to make the modified text available for a supplemental period of at least 15 days.

**Modified Text Being Made Available**

Subsequent to the hearing, staff identified other conforming modifications that are needed to clarify reporting requirements, and to reorganize the regulatory text to address applicability provisions approved by the Board. Excerpts of the Guidelines Regulation and its appendices showing the proposed modifications are set forth in Attachment 1 to this Notice. The attachment includes the initially proposed amendments, as modified by the staff’s suggested modifications presented to and approved by the Board at the hearing, and additional conforming modifications

proposed by staff. The full text of the Guidelines Regulation showing the modifications, and the full modified text of its appendices being modified, are available at the ARB internet site shown later in this Notice.

### **Summary of Proposed Modifications**

The following summarizes the proposed modifications and the rationale for making them.

#### **Section X. Definitions**

The numbering for “Emitting Process” was changed from 13 to 13.5. The definition of “Stationary Diesel Engine” has been simplified to allow for consistent interpretation.

#### **Section XI. Diesel Engine Reporting Requirements.**

**A. General.** Applicability criteria were moved to section B.

**B. Applicability.** The title of the section was renamed. An applicability provision for portable diesel engines was added to postpone reporting requirements until 2010. This allows the “Hot Spots” Guidelines Regulation to align with the timing of the first risk reduction requirement in the portable diesel engine airborne toxic control measure (ATCM). The applicability provision for agricultural diesel engines was moved from section A to section B. Also, reporting requirements for stationary diesel engines that will be retrofitted, replaced, or removed from service at a hospital that is subject to the Alquist Hospital Facilities Seismic Safety Act of 1983 will now be postponed until after 2011. Language was added to clarify that the risk of one is “one per million.”

#### **C. Diesel PM Inventory Reporting Requirements for Facilities with Diesel Engines**

**(2)(b) Stationary Diesel Engines Equal to or Less than 50 Horsepower.** Language was added to clarify that facilities are not required to submit data for diesel engines equal to or less than 50 horsepower unless the district determines there is good cause to expect that the engines at the facility have the potential to pose a significant risk.

**(2)(c) Portable Diesel Engines of Any Size.** Language was added to clarify that facilities are not required to submit portable engine data unless the district determines that there is good cause to expect that the routine and predictable emissions from the portable diesel engines used at the facility have the potential to pose a significant risk.

#### **E. Risk Analysis Procedures for Facilities with Diesel Engines. (2) Health Risk Assessment Update for an Existing Facility with a Diesel Engine.**

Language was added to clarify that the facility may submit an updated health risk assessment to the district to prove that the facility is not a significant risk. A correction was made to a reference to reporting requirements, and language was added to clarify that the non-cancer risk refers to the non-cancer health index.

**G. Redesignation. (1) Facilities That Increase Their Emissions.** The language was simplified to remove unnecessary references.

**Appendix A-I. Substances for Which Emissions Must Be Quantified.** One substance, (Dichlorofluoromethane {Freon 12}), was added to Appendix A-I. All of the other adjustments to existing listed substances are summarized below:

Bromine pentafluoride was re-alphabetized. Hydrogen bromide was moved to the existing chemical group bromine compounds. The Chemical Abstract Services (CAS) number for decabromodiphenyl oxide was removed because the substance was moved under a new class of substances, Polybrominated diphenylethers (PBDEs), and the name is retained in the original position to help guide users to the new location for the substance. Parentheses were replaced with brackets for diesel PM, PFOA, PBDEs, and vinyl trichloride. A correction was made to dichlorofluoromethane, which was incorrectly listed in the Guidelines Regulation as Freon 12, which should have been listed as Freon 21. Freon 12 (dichlorodifluoromethane) was added as a new substance to avoid confusion between listed substances, and to ensure that information for both substances could be collected separately if necessary. Reporting of polychlorinated biphenyls (PCBs) was clarified with the word "total." Hydrogen selenide was moved to the existing chemical group selenium compounds. The word "respirable" for crystalline silica was put in parentheses for consistency with other listings. Oleum, sulfur trioxide, and sulfuric acid were grouped together for consistency under a new heading of sulfuric acid and oleum. The spelling of perfluorooctanoic acid was corrected. The name for xylenes was simplified. The 9/06 add date was updated to 11/06 for newly listed substances to reflect the November Board Hearing date.

**Appendix C-II. Further Responsibilities for Specific Facility Classes.** On page 42, the spelling for asbestos was corrected.

**Appendix F. Criteria for Inputs for Risk Assessment Using Screening Air Dispersion Modeling.** The reference for EPA factors that are no longer used in "Hot Spots" has been removed to align with the removal of the California Air Pollution Control Officers Association (CAPCOA) factors. The Office of Environmental Health Hazard Assessment (OEHHA) Risk Assessment Guidelines supersede these references, as described in the Staff Report.

**Appendix G. List of Documents Incorporated By Reference.** The reference for the Consolidated Table was moved from reference 13 to reference 5.

Staff has made several other non-substantial modifications throughout the regulation to correct grammatical and typographical errors, correct references and citations, and improve the clarity of the regulation.

The Board took the action described above by adopting Resolution 06-40. A copy of Resolution 06-40 is provided in Attachment 2. Attachment A to the resolution contains the amendments as initially proposed in the Staff Report released September 29, 2006. Attachment B to the resolution lists modifications to the Guidelines Regulation that were proposed to the Board on the day of the hearing. The regulatory documents for this rulemaking, including Attachment 1 and 2 to this Notice, are available online at the following ARB internet site: <http://www.arb.ca.gov/regact/hotspot06/hotspot06.htm>.

Copies of these documents may also be obtained from the Board's Public Information Office by calling (916) 322-2990, or by visiting the 1<sup>st</sup> floor Visitors and Environmental Services Center, 1001 I Street, Sacramento, California 95814. If you would like a hardcopy of this information sent to you through postal mail, please call Mr. Chris Halm at (916) 323-4865, or by email at [chalm@arb.ca.gov](mailto:chalm@arb.ca.gov).

### **Comments and Subsequent Action**

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section(s) 93300.5, title 17, CCR, after making them available to the public for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the modifications approved by the Board may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail: Clerk of the Board  
Air Resources Board  
1001 I Street  
Sacramento, California 95814

Electronic submittal: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Facsimile submittal: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

If you have special language needs, please contact Alexa Malik, Regulations Coordinator, at (916) 322-4011 or by email at [amalik@arb.ca.gov](mailto:amalik@arb.ca.gov). TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

Attachments