

PROPOSED AMENDMENTS TO THE EMISSION INVENTORY CRITERIA AND GUIDELINES REPORT AND REGULATION FOR THE AIR TOXICS "HOT SPOTS" PROGRAM

Proposed Modifications to the Original Proposal Made Available for Supplemental Public Comment

Public Availability Date: March 20, 2007

Note: Shown below are the staff's suggested modifications to the originally proposed regulatory language set forth in Appendix A to the Staff Report: Initial Statement of Reasons released on September 29, 2006. This document is printed in a style to indicate changes from the originally proposed language. The originally proposed amendments are shown in underline to indicate additions to and ~~strike through~~ to indicate deletions from the existing regulatory text. Unless otherwise provided, the proposed modifications to the original proposal are shown by double underline to indicate additions and ~~double strike through~~ to indicate deletions. Asterisks (*****) indicate that a portion of the regulation has not been modified, and is not included in this attachment.

Amend the Emission Inventory Criteria and Guidelines Report, incorporated by reference in title 17 California Code of Regulations section 93300.5, to read as follows:

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Section X. Definitions

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(~~71313.5~~) **"Emitting process"** means any fugitive source or any operation within a device that involves the manufacture, formulation, use, or release of one or more of the listed substances, when the substance is present in any capacity whatsoever, including but not limited to an ingredient, product, auxiliary, or catalyst.

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(30) **"Stationary Diesel Engine" or "Stationary CI Engine"** means a CI engine that is designed to stay in one location, or remains in one location. ~~A CI engine is stationary if the engine or its replacement is attached to a foundation, or if not so attached, has been determined by the district to be stationary for the purposes of "Hot Spots" reporting.~~

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Section XI. Diesel Engine Reporting Requirements

A. General.

In 1998, ARB identified diesel exhaust particulate matter (diesel PM) as a toxic air contaminant. As part of that process, the California Office of Environmental Health Hazard Assessment (OEHHA) adopted a cancer potency factor for public exposure to diesel PM. Application of the diesel PM cancer potency factor to emissions at facilities with diesel engines indicated that many of these facilities had the potential to pose a significant risk to the public.

Due to the large number of facilities with diesel engines and the toxicity of diesel PM, special reporting procedures apply to facilities with diesel engines. The special diesel reporting procedures were developed in part to integrate the AB 2588 "Hot Spots" process for facilities with diesel engines with the Stationary Diesel Engine Air Toxic Control Measure (ATCM; section 93115, title 17, California Code of Regulations) to eliminate duplicative reporting requirements.

~~A facility is not subject to this regulation if a facility prioritization score, a screening health risk assessment, or a health risk assessment is equal to or less than one, as described in section XI.D.(1)(b).~~

~~The requirements of this section are not applicable to agricultural diesel engines through and including December 31, 2011. Beginning January 1, 2012, this section is applicable to stationary agricultural diesel engines. District may use emissions inventory information collected pursuant to other district programs to satisfy the reporting requirements in section XI.(C)(2).~~

B. Facilities Subject to Diesel Engine Reporting Requirements Applicability.

(1) A facility with a diesel engine is subject to section XI of this regulation if the facility meets the following criteria.

- (i) The facility operates any number of diesel engines for more than 20 hours per year combined total at the facility for non-emergency operations; and
- (ii) The use of any number of diesel engines is a routine and predictable operation of the facility; and
- (iii) The diesel engine is not a "vehicle" or "motor vehicle" as defined in Vehicle Code sections 670 or 415, which is referenced in Health and Safety Code section 39039.

(2) The requirements of this section do not apply to portable diesel engines until January 1, 2010.

(3) The requirements of this section do not apply to agricultural diesel engines until January 1, 2012. The district may use emissions inventory information collected

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pursuant to other district programs to satisfy the reporting requirements in section XI.(C)(2).

- (4) The requirements of this section do not apply until January 1, 2012, to a stationary emergency standby diesel engine at a hospital provided all of the following are met:
- a. The hospital meets the definition of "hospital building" in Health and Safety Code section 129725.
 - b. The owner of the hospital submitted a plan and compliance schedule to the Office of Statewide Health Planning and Development in accordance with Health and Safety Code section 130050.
 - c. The plan and compliance schedule identifies the stationary emergency standby diesel engine to be replaced, retrofitted, or removed from service.
 - d. The stationary emergency standby diesel engine is replaced, retrofitted, or removed from service concurrent with seismic upgrades required pursuant to the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, as amended (Chapter 1 (commencing with Section 129675) of Part 7 of Division 107 of the Health and Safety Code), and
 - e. The owner of the hospital submits a plan and compliance schedule, consistent with the information provided in subparagraphs b and c, to the district that identifies the stationary emergency standby diesel engine to be replaced, retrofitted, or removed from service.
- (5) A facility is not subject to this regulation if a facility prioritization score is less than one, or a screening health risk assessment or a health risk assessment is equal to or less than one per million.

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

(1) Reporting Schedule

(a) Existing Facilities with Diesel Engines

The operator of a facility with any number of diesel engines shall submit a diesel PM inventory to the district that includes all of the information listed in section XI.C.(2) upon request by the district.

(b) Additional Diesel Engine or Equipment Installed at a Facility

The operator of any facility that intends to install a diesel engine must submit sufficient information to the district in order for the district to calculate a prioritization score or screening health risk assessment.

(c) Previously Submitted and Updated Diesel Engine Information

The district may exempt the facility from providing all or part of the information identified in XI.C(2) if there is a current record of the information in the facility's permit to operate, permit application, district registration program, or

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other district records. The district may also consider updated information from the facility.

(d) Submittal of Diesel Engine Information from the District to ARB

The district shall submit the diesel PM inventory from facilities with diesel engines subject to this regulation to ARB during the next applicable inventory submittal, and as part of the inventory report for the other toxics at the facility during the regular quadrennial reporting schedule thereafter. The district shall also submit a list of facilities with diesel engines and their risk assessment scores and status in the "Hot Spots" Program upon request by ARB.

(2) Reporting Requirements

(a) Stationary Diesel Engines Greater than 50 Horsepower

The operator of a facility shall submit the following information to the district for each diesel engine, unless the information is already available to the district.

- Engine owner or company name
- Address/location of each diesel engine
- Contact name, phone number, address, and e-mail
- Rated brake horsepower
- Make, model, engine family, and serial number of engine
- Year of manufacture (or approximate age)
- Exhaust stack height from ground
- Control equipment (turbo, aftercooler, injection timing retard, catalyst, diesel particulate filter, other)
- Fuel used (CARB diesel, jet fuel, diesel, alternative diesel fuel, alternative fuel, combination-dual fuel, other)
- General description of how engine is used
- Typical load (% of bhp rating)
- Typical annual hours of operation
- Fuel usage rate
- Distance to nearest offsite receptor location (commercial / residential)
- Is engine already included in an existing ARB "Hot Spots" emission inventory?
- Emission factor for PM
- Diameter and direction (horizontal or vertical) of stack outlet
- End of stack (open or capped)
- Compliance plan describing how the facility is complying with the stationary diesel engine ATCM.

The district may request that additional or more detailed information be submitted in order to describe the relative locations of engines, buildings, and receptors.

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(b) Stationary Diesel Engines Equal to or Less than 50 Horsepower

The district may request operator of a facility is not required to submit the information in section XI.C.(2)(a) for diesel engines equal to or less than 50 horsepower unless the district determines there is good cause to expect that the routine and predictable emissions from the engines at the facility have the potential to pose a significant risk.

(c) Portable Diesel Engines of Any Size

The district may request the information in section XI.C.(2)(a) for portable diesel engines if the district determines there is good cause to expect that the engines at the facility have the potential to pose a significant risk. The operator of a facility is not required to submit the information in section XI.C.(2)(a) for portable diesel engines unless the district determines 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.

D. "Diesel Engine-Only" Facility Classification.

The district may classify a facility as a diesel engine-only facility if the district determines that diesel engine emissions are the only air pollutants released from the facility that have the potential to impact public health. A diesel engine-only facility is eligible for modified requirements, as described in sections XI.E through XI.G.

A facility designated as "Low-Level" (prioritization score less than or equal to one, or a screening risk assessment or health risk assessment less than one per million) may request that the district include the facility in the diesel engine-only facility classification if the facility has submitted the information in section XI.C.(2) to the district. An "Intermediate-Level" or "High-Level" facility is not eligible to be classified as a diesel engine-only facility.

E. Risk Analysis Procedures for Facilities with Diesel Engines.

(1) Screening Risk Assessment for "Diesel Engine-Only" Facilities

The district may evaluate the diesel PM risk from a facility with diesel engines using either the screening health risk assessment tables approved by the district that are consistent with the OEHHA Risk Assessment Guidelines. Based on the results of the screening risk assessment or prioritization score, the district shall determine if a full health risk assessment is necessary. A facility with a screening health risk assessment less than one per million is not subject to this regulation.

(2) Health Risk Assessment Update for an Existing Facility with a Diesel Engine

A facility operator may request that the district recalculate the facility risk by adding a screening health risk assessment score for diesel PM to the current

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health risk assessment for the facility, or the operator may submit an updated health risk assessment to the district.

If the combined risk indicates that the facility is a potential significant risk, the district may require the facility to conduct a full health risk assessment.

If the combined risk indicates that the facility is not a significant risk, the health risk assessment shall be updated by the district to reflect the diesel risk, the facility shall be classified as an "Intermediate-Level" facility, and is subject to the reporting requirements specified in section IV.C.B.

If the combined risk is less than one per million, and the non-cancer risk health index is less than 0.1, the facility is not subject to this regulation.

F. "Diesel Engine-Only" Facilities That Reduce Their Operating Hours.

Any diesel engine-only facility that reduces their total operating hours for their diesel engines to 20 hours per year or less for all engines (for non-emergency operations) is not subject to this regulation. However, if the district determines that there is good cause to expect the engines at the facility may pose a significant risk, the facility shall again be subject to this regulation.

G. Redesignation.

(1) Facilities That Increase Their Emissions

If a facility that the district has designated as a diesel engine-only facility increases emissions of any listed substance, the facility is subject to section ~~II.C.(2) and II.E.(1) of this regulation and~~ must submit an inventory update to the district.

(2) District Requirements

The district shall reevaluate and shall redesignate a facility's update category within 180 days of the facility submitting an updated inventory report pursuant to section XI.G.(1), and transmit this information to ~~the~~ ARB.

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Appendix A-I

Substances for Which Emissions Must Be Quantified

*[Note: Please review the full text of Appendix A for a complete listing of all substances as they appear in the Guidelines Report. Modifications to Appendix A appear as **strikeout Bold** instead of ~~doublestrikeout~~ to show deletions in the actual Excel table.]*

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APPENDIX C-II

FURTHER RESPONSIBILITIES FOR SPECIFIC FACILITY CLASSES

(page 42 – under Mining of Non-Metals, Sand and Gravel)
Asbestos, Crystalline silica

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APPENDIX F

CRITERIA FOR INPUTS FOR RISK ASSESSMENT USING SCREENING AIR
DISPERSION MODELING

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(7) Health effects values used for cancer and non-cancer health effects are subject to the approval by the Office of Environmental Health Hazard Assessment (OEHHA). Health effects values used for cancer risk assessment are those available in the California Environmental Protection Agency (Cal/EPA), Standards and Criteria Working Group document entitled "California Cancer Factors: Update", 1994, available through the Office of Environmental Health Hazard Assessment, and incorporated by reference herein. Some health effects values for assessing non-cancer health impacts are available in the CAPCOA-OEHHA "Air Toxics 'Hot Spots' Program Revised 1992 Risk Assessment Guidelines, October 1993 2003,", including the use of health values from the Consolidated Table of OEHHA / ARB approved risk assessment health values (April 2005), which is are incorporated by reference herein. ~~Other health effects values for non-cancer risk assessment are available on the United States Environmental Protection Agency, Integrated Risk Information System (IRIS) database (Software Version 1.0, 1992), 1996. The CAPCOA Risk Assessment Guidelines will be superseded by OEHHA Air Toxics Hot Spots Risk Assessment.~~

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APPENDIX G

LIST OF DOCUMENTS INCORPORATED BY REFERENCE

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(5) Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values (April 2005), California Air Pollution Control Officers' Association (CAPCOA) "Air Toxics 'Hot Spots' Program Revised 1992 Risk Assessment Guidelines, October 1993".

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~~(13) Consolidated Table of OEHHA/ARB Approved Risk Assessment Health Values (April 2005).~~