

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION AND AMENDMENTS TO THE EMISSION INVENTORY CRITERIA AND GUIDELINES REPORT ADOPTED PURSUANT TO THE AIR TOXICS "HOT SPOTS" INFORMATION AND ASSESSMENT ACT OF 1987.

The Air Resources Board (Board or ARB) will conduct a public hearing at the time and place noted below to consider adopting amendments to the Emission Inventory Criteria and Guidelines Report (Report) and appendices, which have been proposed for incorporation by reference into the California Code of Regulations (CCR), Title 17, section 93300.5. The requirements in the Report were originally developed as CCR, Title 17, sections 93300 - 93355 and appendices under the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (the Act; Stats. 1987, ch. 1252; Health and Safety Code sections 44300 et seq.) for the preparation of site-specific air toxics emission inventory plans and reports by specific facilities. The staff is proposing amendments to the Report to exempt low risk facilities from reporting requirements and to streamline reporting requirements for intermediate and high risk facilities. The staff is also proposing to streamline other requirements in the Report and to add improvements that will focus reporting on those facilities and substances of most concern.

DATE: July 25, 1996

TIME: 9:30 a.m.

PLACE: Air Resources Board
Board Hearing Room, Lower Level
2020 L Street
Sacramento, CA

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., July 25, 1996, and continuing at 8:30 a.m. July 26, 1996, if necessary. This item may not be considered until July 26, 1996. Please consult the agenda for the meeting, which will be available at least 10 days before July 25, 1996, to determine the day this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Proposed Action and Sections Affected: Adoption and amendments to the Emission Inventory Criteria and Guidelines Report and appendices, which have been proposed for incorporation by reference into Title 17, CCR at section 93300.5 and which were formerly included as sections 93301-93355 and appendices, Title 17, CCR.

Background: The Air Toxics "Hot Spots" Information and Assessment Act of 1987 established a program (Hot Spots Program or Program) to develop a statewide inventory of site-specific air toxic emissions of what is currently over 700 substances, to assess the risk to public health from exposure to these emissions, and to notify the public of any significant health risks associated with these emissions. To implement this Program, the Act required the ARB, in consultation with the air pollution control districts, to develop emission inventory criteria and guidelines for preparing air toxics emission inventories. The guidelines were originally developed as Title 17, CCR, sections 93300 - 93347 and appendices (Emission Inventory Criteria and Guidelines Regulation or Regulation). The Regulation was approved by the Board on April 14, 1989, and became effective on October 30, 1989.

In June of 1990, the Regulation was amended to include procedures for preparing biennial updates to the emission inventories and to include reporting requirements for specific classes of facilities that emit less than ten tons per year of criteria air pollutants. These changes were necessary to meet the requirements of the Act. Also, specific sections of the Regulation were amended again in September 1990 and June 1991 to reflect updates to the list of substances that must be inventoried under the Hot Spots program.

In June 1993, the Regulation was amended to substantially reduce the biennial update reporting requirements for all facilities that were not determined to be a significant risk to public health under the Hot Spots Program. New forms were added to streamline the biennial update reporting for these facilities. In addition, provisions were added to remove facilities from the program that no longer met the definition of applicability as specified in the regulation. Other clarification and streamlining changes were also made such as changing requirements for reporting source test data below the level of detection, eliminating impractical source test requirements for waste water treatment facilities, restructuring the list of substances (Appendix A of the regulation), deleting supplemental reporting forms, and improving and clarifying reporting forms and instructions. The amended Regulation, Title 17, CCR, sections 93300-93355 and appendices, became effective on January 31, 1994.

In October 1993, the passage of Assembly Bill (AB) 1060 changed the update requirements from biennial to quadrennial (every four years). In January 1994, the Emission Inventory Criteria and Guidelines Regulation was amended to reflect the change in update requirements from a two-year to a four-year process.

In May 1996, the Board will consider repeal of sections 93301-93355 and appendices, and addition of new section 93300.5 which will incorporate by reference the Emission Inventory Criteria and Guidelines Report and appendices, formerly sections 93301-93355 and appendices. There will be no substantive changes made to the requirements of the Hot Spot Program at the May hearing.

The Hot Spots Emission Inventory Criteria and Guidelines Report (Report): The Report: (1) specifies which facilities are subject to air toxics emission inventory 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 test requirements, acceptable emission estimation methods, and reporting forms to be used; (5) establishes two groups of substances to be inventoried, one for which emissions must be quantified and a second for which only information on production, use, or other presence must be reported; and, (6) specifies information a facility operator must include in a facility's update to their emission inventory.

The proposed amendments would streamline Hot Spots emission inventory reporting requirements and the quadrennial update process. The proposed amendments also clarify and improve the regulation based upon comments received from the general public, industry, and the air pollution control districts (districts). Changes are proposed to:

- exempt low risk facilities from update reporting of emission inventory data under the Hot Spots Program;
- streamline update reporting requirements for intermediate and high risk facilities required to report emission inventory data;
- define criteria for evaluating facilities exempted from reporting when changes have occurred that could increase the risk posed by the facility to the public and determining whether additional reporting is appropriate;
- add language to allow for integration of Hot Spots reporting requirements with other reporting programs already being conducted by the district;
- add language that allows districts to identify "unique facilities" that emit less than 10 tons per year criteria pollutants and that are subject to program requirements based on the facility's air toxics risk;
- define de minimis levels for specific categories of facilities emitting less than 10 tons per year of criteria pollutants which would exempt those facilities from program requirements;

- revise and consolidate Appendix E-I and E-II, the list of facilities emitting less than 10 tons per year of criteria pollutants;
- revise the Appendix A list of substances included in the Hot Spots Program and create an A-III list (substances that facilities do not have to report unless the substances are being manufactured at the facility);
- revise which data fields will be considered confidential on reporting forms;
- add new reporting form formats to reflect a merged toxic and criteria pollutant data base; and
- make other amendments to clarify the intent of the requirements.

Incorporation by Reference: The following documents are proposed to be incorporated by reference into the Report: (1) San Joaquin Valley Unified Air Pollution Control District Rule 2201 "New and Modified Stationary Source Review Rule", Section 3.29, as amended June 15, 1995 (definition of facility "Stationary Source"); (2) ASTM Methods: D2361-85 amended as of 1985, D3177-89 amended as of 1989, E776-87 amended as of 1987, E775-87 amended as of 1987, D808-87 amended as of 1987, D129-64 amended as of 1964, (source test methods for determining quantities of trace elements in fuel and material samples); (3) EPA Methods 7196, 7471, 7740, 6010, all dated September 1986 and set forth in SW-846, Test Methods for Evaluating Solid Waste, Third Edition, November 1986, (source test methods for determining quantities of certain metals and trace elements in fuel, waste, and material samples); (4) California Air Pollution Control Officers' Association (CAPCOA) "Air Toxics 'Hot Spots' Program Facility Prioritization Guidelines, July 1990"; (5) California Air Pollution Control Officers' Association (CAPCOA) "Air Toxics 'Hot Spots' Program Revised 1992 Risk Assessment Guidelines, October 1993"; (6) "California Air Toxics Emission Factors (CATEF): A CARB Database", Version 1.2, May 1996; (7) Air dispersion models: U.S. EPA SCREEN3 (96043) model, February 1996, and the U.S. EPA ISC3 (95250) model, September 1995; (8) California Environmental Protection Agency (Cal/EPA), Standards and Criteria Working Group, "California Cancer Potency Factors: Update", 1994; (9) U.S. Environmental Protection Agency, Integrated Risk Information System (IRIS) data base (Software Version 1.0, 1992), 1996 and (10) "Additional Appendices to the Emission Inventory Criteria and Guidelines Report for the Air Toxics 'Hot Spots' Program", May 1996, including Appendix B-II "Reporting Forms and Instructions" and Appendix C "Facility Guideline Index (Facility "Look-Up" Table)".

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

ARB staff has prepared a Staff Report entitled "Proposed Amendments to the Air Toxics Hot Spots Emission Inventory Criteria and Guidelines Report," which includes the initial statement of reasons for the proposed action and a summary of the environmental

impacts of the proposal, if any. Copies of the Staff Report and the full text of the proposed language may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, California, (916) 322-2990. The Board staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below.

Further inquiries regarding this matter should be directed to Richard Bode, Manager, Emission Inventory Methods Section, Technical Support Division, P.O. Box 2815, Sacramento, California, 95812, (916) 322-3807.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies, except as noted below:

Adoption of the proposed regulation should result in cost savings to state and local agencies subject to the Act because of reductions in reporting requirements for those affected agencies. The Executive Officer has determined a cost savings of approximately \$50,000 to state and local agencies. This represents a savings in compliance costs due to reductions in reporting requirements for local agencies, such as air, water, and solid waste facilities, elementary and secondary schools, general government agencies (e.g. public transit districts, municipal airports and general municipal maintenance agencies), general medical/surgical hospitals, and publicly owned water treatment works, and for State agencies, such as State colleges and universities, correctional institutions, general government agencies, general medical/surgical hospitals, and psychiatric hospitals.

The Executive Officer has also determined in accordance with Government Code Section 11346.5(a)(8) that adopting the proposed amendments will not have a significant adverse economic impact on businesses, including the ability of California businesses to compete with businesses in other states.

Finally, the Executive Officer has determined that there will be no additional cost impact, as defined in Government Code section 11346.5(a)(9), but rather a cost savings on private persons or businesses directly affected resulting from the proposed action.

Adoption of the proposed regulatory action should result in cost savings to those private persons and businesses subject to the Act because of reductions in reporting

requirements for affected facility operators subject to those requirements.

The Executive Officer has determined in accordance with Government Code section 11346.5(a)(3) that adoption of the proposed amendments will not adversely affect small businesses, but rather result in a cost savings for small businesses directly affected resulting from the proposed reductions in reporting requirements.

In accordance with Government Code section 11346.3, the Executive Officer has determined that adoption of the proposed amendments will not affect the creation or elimination of jobs within the State of California, and will not affect the creation of new businesses or the elimination of existing businesses within California or the expansion of businesses currently doing business within California. An assessment of the economic impacts of the proposed regulatory action can be found in the Staff Report.

In addition, before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action (Government Code section 11346.5(a)(12)).

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento, California, 95812, no later than 12:00 noon, July 24, 1996, or received by the Board Secretary at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring any suggestions for modification of the proposed regulatory action to the attention of staff in advance of the hearing.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in sections 39600, 39601, 44320, 44322, 44323, 44340, 44342, 44344, 44360 and 44362 of the Health and Safety Code. The amended regulation is proposed to interpret and make specific sections 41805.5, 44320, 44321, 44322, 44323, 44324, 44325, 44340, 44341, 44342, 44343, 44344, 44345, 44346, 44360, and 44365 of the Health and Safety Code, section 6254.7, Government Code; and 17 CCR sections 90700-90705, Appendix A. The amendments were developed in cooperation with the districts, the general public, industry, and the Office of Environmental Health Hazard Assessment. Public consultation meetings to discuss the proposed amendments were held in December 1995, February 1996, and April 1996, in Sacramento, Fresno, and Los Angeles. Comments and suggestions received at the meetings have been considered by the staff

in developing the proposed amendments. However, comments previously submitted must be submitted again in accordance with the procedures set forth in this notice in order for the comments to be considered by the Board.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. Such modifications may include but are not limited to: changes in Report format; changes to the requirements and procedures for emission inventory plans and reports and provisions related to source testing, and the requirements and procedures for updates, including the criteria used to determine which facilities perform updates and the information to be updated; changes to threshold levels, exemption criteria, de minimis levels, criteria to define applicability, requirements regarding confidential data; changes to the list of substances and the applicable degrees of accuracy; changes to the reporting forms, formats, and instructions; changes to the documents incorporated by reference; changes to reflect amendments to air basin boundaries; changes to the classes of small facilities; and changes to criteria for screening risk assessments and the like.

In the event such modifications are made, the full text of the amendments with the modifications clearly indicated will be made available to the public, for written comment, at least 15 days before they are adopted. The public may request a copy of the modified report text from the Board's Public Information Office, 2020 L Street, Sacramento, California, 95814, (916) 322-2990.

This is a statewide regulation. Once adopted by the Board, and approved by the Office of Administrative Law, the amendments to the Emission Inventory Criteria and Guidelines Report will apply upon their effective date to all subject facilities preparing emission inventories or updates or otherwise subject to the requirements of the Report. These amendments need not be incorporated to district rules and regulations to be effective.

CALIFORNIA AIR RESOURCES BOARD

for Michael R. Boyd
for James D. Boyd
Executive Officer

Date: May 28, 1996