

State of California
AIR RESOURCES BOARD

Resolution 96-41

July 25, 1996

Agenda Item No.: 96-6-1

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (Board) to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature found in the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (Act, AB 2588, Connelly, Chapter 1252, Statutes of 1987, Health and Safety Code Section 44300 et seq., including subsequent amendments) that facilities manufacturing or using hazardous substances may be exposing nearby populations to toxic air releases on a routine basis and that it is in the public interest to ascertain the nature and quantity of hazardous releases from specific sources which may create air toxics "hot spots";

WHEREAS, the Act sets forth a program (Program or Air Toxics Hot Spots Program) to develop air toxics emission inventories and to assess the risk to public health from exposure to air toxics;

WHEREAS, in accordance with Health and Safety Code Section 44342, the Board approved criteria and guidelines for site-specific air toxics emission inventory plans and reports on April 14, 1989;

WHEREAS, in accordance with Health and Safety Code Section 44344, the Board approved procedures for the update of the emission inventories on June 14, 1990;

WHEREAS, in accordance with Health and Safety Code Section 44322(c), the Board identified classes of facilities that emit less than 10 tons per year of criteria pollutants to be included in the Air Toxics Hot Spots Program and specified a timetable for their inclusion on June 14, 1990;

WHEREAS, in accordance with Health and Safety Code sections 44344, 44320, and 44322, the Board adopted amendments to streamline the update reporting procedures, allow facilities to be removed from the program that no longer meet applicability requirements, and clarify and improve the criteria and guidelines on June 10, 1993;

WHEREAS, in accordance with the Governor's Executive Order No. W-127-95 (Regulatory Improvement Initiative) which ordered all California state agencies to identify regulatory reforms that will reduce the regulatory burden of the regulated community, the Board, on May 30, 1996, repealed sections 93301 through 93355 and Appendices A through E, Title 17, California Code of

Regulations and adopted section 93300.5, Title 17, California Code of Regulations, and the Emission Inventory Criteria and Guidelines Report and appendices incorporated by reference therein (Report);

WHEREAS, the Board staff, in consultation with representatives of the air pollution control and air quality management districts (districts) and the Office of Environmental Health Hazard Assessment, and in response to comments from affected industry representatives and other interested persons, has proposed a number of amendments to the Report, which have been discussed with the public at nine consultation meetings, and at other meetings and teleconferences with industry, health and environmental groups, and district representatives;

WHEREAS, legislation is pending which, if passed, could necessitate further modifications to the Report, to ensure consistency with statute;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with section 11340), Part 1, Division 3, Title 2 of the Government Code;

WHEREAS, changes have been proposed to the originally-noticed text of the Regulation based on the need for clarifications and based on information presented by districts regarding reporting formats, among other things;

WHEREAS, based upon the information presented by the staff and the comments received prior to and at the hearing, the Board finds that:

1. The proposed amendments to the Report for site-specific air toxics emission inventory plans comply with Health and Safety Code Section 44342 and improve the regulation by:
 - a) restructuring the list of substances (Appendix A) to simplify reporting and updating emissions;
 - b) revising the degree of accuracy values in Appendix A-I to reflect relative toxicity of the substances;
 - c) modifying the reporting formats and instructions (Appendix B) to allow greater flexibility in reporting data and to allow alternative reporting through combined toxics and criteria pollutant inventory submittals;
 - d) consolidating classes of facilities that emit less than 10 tons per year of criteria pollutants that are included in the Air Toxics Hot Spots Program (Appendix E) to

require emission reporting from only those facilities of concern and excluding the remainder, and to set a threshold for excluding low level facilities from requirements in Appendix E; and

- e) clarifying the definitions, structure, and language in the Report.
2. The proposed amendments to specify categories and threshold criteria (including addition of a new Appendix F) for update reporting and to streamline procedures for the updates to the emission inventories comply with Health and Safety Code Section 44344, and ensure:
- a) that facilities which pose or have the potential to pose significant risk to public health will continue to be tracked and updated, while streamlining their update requirements and allowing flexibility and integration with other reporting programs wherever possible;
 - b) that low risk facilities will be exempted from further update reporting requirements, subject to provisions for district review of the exemption and for reinstatement if subsequently warranted; and
 - c) that facility information collected under the Program adequately reflects the health risk the current facility emissions may pose to the public, and includes information on any new operations at the facilities and emissions of any additional listed substances.
3. The proposed amendments will result in elimination of costs and requirements to exempted facilities, and will reduce costs and streamline requirements for most remaining facilities.
4. This regulatory action will not have a significant adverse impact on the environment and may benefit air quality by stimulating a reduction in emissions of both toxic and criteria pollutants and by providing information which will be used by the Board and others for control purposes.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves amendments to section 93300.5, Title 17, California Code of Regulations, as set forth in Attachment A hereto, and approves the amendments to the Emission Inventory Criteria and Guidelines Report, including appendices, which is incorporated by reference therein.

BE IT FURTHER RESOLVED that, in accordance with its comments, the Board directs the Executive Officer to clarify and revise as appropriate the proposed Guideline Report procedures regarding district determinations for identification or exemption of facilities.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the Emission Inventory Criteria and Guidelines Report, including appendices, after making any changes necessitated by the passage of pending legislation or clarification regarding district determinations and after making the modified language available for public comment for a period of 15 days, provided that the Executive Officer shall consider such written comments regarding

the modification as may be submitted during this period, shall make modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

I hereby certify that the above is a true and correct copy of Resolution 96-41, as adopted by the Air Resources Board.

Pat Hutchens

Pat Hutchens, Board Secretary

Resolution 96-41

July 25, 1996

Identification of Attachments to the Resolution

Attachment A: Amendments to Title 17, California Code of Regulations, section 93300.5 and Report incorporated by reference therein, and appended to the Staff Report released June 7, 1996, and including staff's suggested changes distributed at the July 25, 1996, hearing.

ATTACHMENT A

1. Amend section 93300.5, Title 17, California Code of Regulations, to read as follows:

93300.5. Incorporation by Reference. This subchapter shall apply to any facility subject to the Air Toxics "Hot Spots" Information and Assessment Act of 1987, Health and Safety Code sections 44300-44394. Subject facilities shall comply with the provisions of the "Emission Inventory Criteria and Guidelines Report" including its appendices, published by the Air Resources Board on ~~May 30, 1996~~, June 7, 1996, as amended on July 25, 1996, which is incorporated by reference herein. The "Emission Inventory Criteria and Guidelines Report" including appendices is available upon request from the Air Resources Board's Public Information Office, 2020 L Street, Sacramento, California, 95814, telephone (916) 322-2990. The Air Resources Board may also be contacted via its Internet home page at: <http://www.arb.ca.gov>.

Note: Authority cited: Sections 39600, 39601, 44320, 44322, 44323, 44340, 44342, 44344, 44360, and 44362, Health and Safety Code. Reference: Sections 41805.5, 44320, 44321, 44322, 44323, 44324, 44325, 44340, 44341, 44342, 44343, 44344, 44345, 44346, 44360, and 44365, Health and Safety Code; Section 6254.7, Government Code; and 17 CCR Sections 90700-90705, ~~Appendices A, B, and E-F.~~

Note: Proposed modifications to be considered by the Board at the hearing are shown by underline to indicate additions to and ~~slashes~~ to indicate deletions from the original proposal. Section 93300.5 was adopted by the Board on May 30, 1996, but has not yet been approved by the Office of Administrative Law.