Proposed Amended Rule 1402

Working Group #3

May 26, 2016

Summary of Comments Received

- Received two comment letters after the March 2, 2016 Working Group Meeting
  - California Council for Environmental and Economic Balance (CCEEB) – March 18, 2016
  - Western States Petroleum Association (WSPA) – March 14, 2016

Summary of Comments from WSPA

- Supports proposed eligibility criteria of Priority Score > 10 and previously approved HRA
- Recommends 3 years with one, 2 year extension for implementation of Voluntary Risk Reduction Plan
- Supports implementation of Voluntary Risk Reduction Plan based on measures versus re-verifying a Risk Score
- More details on Risk Score are needed
- Public Notification for Voluntary Program should specify risk increase is due to adjustment in risk factors, not emission increases
- WSPA would like more details on how staff will estimate health risk for categorization
- Clarification when source tests would be required
- Risk Reduction Plans should be assessed relative to the OEHHA risk factors and HRA guidance in effect at the time the plans were approved

Summary of Comments from CCEEB

- Appreciate inclusive eligibility criteria for the Voluntary Risk Program
  - Are there facilities with first-ever HRAs submitted but not yet approved
  - Can a facility with a previously approved HRA that submitted a subsequent HRA, pending approval, participate?
- Mechanism needed to revise a Voluntary Risk Reduction Plan
- Risk Score methodology is needed
- In addition to the Risk Score, other approaches such as an HRA or HARP results should be allowed
- Evaluating implementation schedule for the Voluntary Risk Program and shortened submission and risk reduction schedules
- Generally agree with Public Notification for the Voluntary Risk Program
- Engage other stakeholders regarding reporting templates and other details for pre-ATIR Submittal

Key Changes Since Last Working Group Meeting

- Eliminated concept for categorizing facilities – added Potentially High Risk Facility
- Added more specificity for when a source test is required and the procedures
- Modifications for implementation of risk reduction plans and time extensions
- Modifications for eligibility for Voluntary Risk Reduction Program
- Allowing use of ATIR in lieu of Risk Score approach
- Incorporated consistent procedures for submitting and approving ATIRs, HRAs, and Risk Reduction Plans
- Removed reporting requirements to Governing Board for new or revised TACs

Purpose (a)

- Clarified that Rule 1402 also specifies ATIR and HRA requirements

(a) Purpose

The purpose of this rule is to reduce the health risk associated with emissions of toxic air contaminants from existing sources by specifying limits for maximum individual cancer risk (MICR), cancer burden, and noncancer acute and chronic hazard index (HI) applicable to total facility emissions and by requiring facilities to implement ~~risk reduction plans~~ Risk Reduction Plans to achieve specified risk limits, as required by the Hot Spots Act and this rule. The rule also specifies Air Toxics Inventory Report, Health Risk Assessment, public notification, and specified industry-wide emissions inventory requirements.

Applicability (b)

- Clarified Rule 1402 applicability
- Clarified Rule 1402 applies to any facility that “has the potential to greater than or equal to the Notification Risk Level” instead of “significant or action risk level”
- Deleted (b)(2) - redundant

(b) Applicability

This rule shall apply to any facility which has been notified by the Executive Officer to prepare an Air Toxics Inventory Report, Health Risk Assessment, or Risk Reduction Plan or is subject to the Hot Spots Act. This rule shall also apply ~~and~~ to any facility for which the impact of total facility emissions has the potential to be greater than or equal to the ~~exceeds any significant or action risk level~~ Notification Risk Level as indicated in ~~one of the following:~~

~~(1) A health risk assessment~~ a Health Risk Assessment approved or prepared by the District ~~or~~ for the purpose of this rule for a facility or category of facilities, including but not limited to facilities for which the District has prepared an industrywide emissions inventory pursuant to the Hot Spots Act or this rule.~~; or~~

~~(2) A health risk assessment pursuant to paragraph (b)(2), the risk reduction requirements of this rule shall not apply to facilities which have not been notified by the District to prepare a health risk assessment pursuant to this rule or the Hot Spots Act.~~

Definitions (c)

- Added threshold for lead
  - Action Risk Level and Notification Risk Level
- Definitions added for Voluntary Risk Reduction Program
  - Reference Exposure Level
  - Risk Score
- Definitions added to improve clarity
  - Air Toxics Inventory Report
  - Health Risk Assessment
  - Notification Risk Level
  - Reference Source
  - Potentially High Risk Level Facility
- Deleted definitions
  - Initial Plan Submittal Date
  - Phase I Facility

Definitions for Action and Notification Risk Levels

- Added threshold for lead
- No threshold for lead – so tied to the lead National Ambient Air Quality Standard (NAAQS) and SCAQMD rules
- Action Risk Level is based on lead NAAQS
- Notification Risk Level is based on lead NAAQS or applicable SCAQMD rule for lead, whichever is more stringent

(2) ACTION RISK LEVEL for purpose of this rule is a MICR of twenty-five in one million (25×10^{-6}), cancer burden of one half (0.5), ~~or~~ a total acute or chronic HI of three (3.0) for any target organ system at any receptor location, or an ambient air lead concentration greater than the National Ambient Air Quality Standard (NAAQS).

(11) NOTIFICATION RISK LEVEL is a MICR of ten in one million (1.0×10^{-5}), a total acute or chronic HI of one (1.0) for any target organ system at any receptor location, or an ambient air lead concentration greater than the National Ambient Air Quality Standard (NAAQS) or greater than the applicable SCAQMD rule, whichever is more stringent.

Definition for Potentially High Risk Facility

- Potentially High Risk Facilities have a likely potential to either exceed or has exceeded the Significant Risk Level
- Basis of determination is:
  - Emissions data;
  - Ambient data; or
  - Data from previously approved HRA

(13) POTENTIALLY HIGH RISK LEVEL FACILITY is a facility which the Executive Officer has determined that emissions data, ambient data, or data from previously approved Health Risk Assessments indicate that the facility has a likely potential to either exceed or has exceeded the Significant Risk Level.

Definitions for Reference Source and Risk Score

- Reference Source is the basis of an emission factor such as a source test, AP-42, mass balance, or other published source
- Risk Score is score used for the Voluntary Risk Reduction Program
  - Estimate the residual health risk with risk reduction measures

(16) REFERENCE SOURCE is the basis of deriving an emission factor; such as a source test, AP-42, mass balance analysis, or other published source.

(18) RISK SCORE is a facility's position on a scale representing potential health risks. The risk score considers toxicity, quantity, volume, downwind distance, stack height, meteorological data, release type, building area, and operating schedule of equipment for each toxic air contaminant released from the facility; and the proximity and location of the facility to potential receptors as outlined in *SCAQMD Guidelines for the Voluntary Risk Reduction Program for AB2588 Facilities.*

Air Toxic Inventory Report Requirements (d)

- Added ATIR Requirements (d)
- Incorporating current practice of requiring ATIR – key component of HRA process
- Clarified that the EO may require an ATIR when emissions are potentially >*Notification Risk Level* not the Action Risk Level
- Moved HRA provisions to subdivision (e)

Air Toxics Inventory Report Requirements

~~Notwithstanding the requirements of subdivision (n), within 150 days of the date of notification by the Executive Officer, an operator shall submit to the District a health risk assessment for total facility emissions.~~ The Executive Officer may require ~~a health risk assessment or~~ an Air Toxics Inventory Report ~~emissions inventory~~ from a facility when, based upon investigation, the Executive Officer determines that emission levels from the facility could potentially cause exceedance of the ~~action risk levels~~Notification Risk Level.

Initial Submittal of Information for Air Toxics Inventory Reports (d)(1)

- Within 30 days of notification to prepare an ATIR, must submit:
  - A list of each device and/or process that will be included in the ATIR;
  - The TACs and the Reference Source for each device and/or process
- Objective is to identify the list of devices or processes and source of emission factors that will be in the ATIR before completed ATIR is submitted

(1) Submittal of Initial Information for Air Toxics Inventory Reports

Within 30 days of the date of notification by the Executive Officer to prepare an Air Toxics Inventory Report, an owner or operator shall submit:

(A) A list identifying each device and/or process that will be included in the Air Toxics Inventory Report following the procedures in the most current version of *SCAQMD Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act*; and

(B) The toxic air contaminants and Reference Source of each emission factor for each device and/or process that will be included in the Air Toxics Inventory Report.

Submittal of Air Toxic Inventory Reports (d)(2)

- ATIR must be submitted 150 days from date of notification to prepare an ATIR
- Use SCAQMD Supplemental Guidelines to prepare ATIR
- Allows additional time if a source test is required, for only the specific device or process where a source test is required – other portions of ATIR not related to source test must be submitted within 150 days from notification to prepare an ATIR

(2) Submittal of Air Toxics Inventory Reports

(A) Unless otherwise specified in subparagraph (B) below, within 150 days of the date of notification by the Executive Officer to prepare an Air Toxics Inventory Report, an owner or operator shall submit an Air Toxics Inventory Report following the procedures in the most current version of *SCAQMD Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act.*

(B) The additional time allowed under subparagraph (d)(3)(B) applies only for the submittal time of the portion of the ATIR for the specific device or process where a source test is required. The owner or operator shall submit the Air Toxics Inventory Report for the remainder of the devices and/or processes that do not require source testing within 150 days of notification by the Executive Officer to prepare an Air Toxics Inventory Report.

Air Toxic Inventory Report Source Test Requirements (d)(3)

- Added provisions for when a source test is required
- Objective is to ensure TACs are appropriately quantified – e.g. PM source test is not sufficient for toxic metals
- If a source test is required
  - EO will notify owner or operator of the appropriate source test method
  - Owner or operator is required to submit a source test protocol within 30 days and complete the source test within 120 days of notification of the appropriate source test method

(3) Source Test Requirements

(A) The Executive Officer will require the owner or operator to conduct a source test to quantify toxic air contaminant emissions if the Reference Source identified in subparagraph (d)(1)(B):

(i) Does not adequately quantify applicable toxic air contaminants;

(ii) Is not consistent with the purpose, type and/or size of the device or process; or

(iii) Is not in accordance with the most current version of *CARB Emission Inventory Criteria and Guidelines Report Appendix D.*

(B) The Executive Officer will notify the owner or operator that a source test is required and the appropriate source test method for the applicable device or process. Based on this notification, the owner or operator shall submit the following:

(i) A source test protocol within 30 days of the notification date to conduct a source test; and

(ii) The results of the source test for the device or process within 120 days from the notification date to conduct a source test.

Air Toxic Inventory Report Approval (d)(4)

Within 30 days of receipt, EO will confirm receipt and conduct an initial review of the HRA

EO reviews and approves or rejects based on consistency with Guidelines, completeness, and accuracy.

If rejected, owner or operator shall correct all deficiencies and resubmit within 30 days.

EO will either approve the resubmitted ATIR or modify resubmitted ATIR and approve as modified.

Adding This Provision

(4) Approval of Air Toxics Inventory Reports

(A) Within 30 days of receipt of the Air Toxics Inventory Report, the Executive Officer will confirm receipt in writing and conduct an initial review of the Air Toxics Inventory Report.

(B) The Executive Officer will approve or reject the Air Toxics Inventory Report and notify the owner or operator. Approval or rejection will be based on:

(i) Consistency with the most current version of *SCAQMD Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act;* includes the required Report Summary; was prepared using the appropriate software; and provides information for the facility, device, process, emissions, stack data, and any other information specified in the Supplemental Guidelines; and

(ii) The completeness and accuracy of the information.

(C) Within 30 days of the date of notification by the Executive Officer of Air Toxic Inventory Report rejection, an owner or operator shall revise and resubmit an Air Toxics Inventory Report that corrects all identified deficiencies.

Health Risk Assessment Submittal (e)(1)

- Added more details to the submittal requirements
- Staff will use the approved ATIR and calculate the health risk using HARP
- Executive Officer will notify facility if > Notification Level and owner or operator must submit HRA within 90 days of notification
- Potentially High Risk Level Facilities must submit HRA within 30 days of notification

(e) Health Risk Assessment Requirements

The Executive Officer shall require a Health Risk Assessment from a facility when the Air Toxics Inventory Report or the Executive Officer determines that emission levels from the facility could potentially cause exceedance of the Notification Risk Level.

(1) Submittal of Health Risk Assessment

An owner or operator shall submit a Health Risk Assessment for approval following the procedures in the most current version of *SCAQMD Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act* based on the following schedule:

(A) Within 90 days of the date of notification by the Executive Officer to prepare a Health Risk Assessment, if the facility has not been notified that it is a Potentially High Risk Level Facility; or

(B) Within 30 days of the date of notification by the Executive Officer to prepare a Health Risk Assessment, if the facility has been notified that it is a Potentially High Risk Level Facility.

Health Risk Assessment Approval (e)(2)

Within 30 days of receipt, EO will confirm receipt and conduct an initial review of the HRA.

EO reviews, and approves or rejects based on consistency with Guidelines, completeness, and accuracy.

If rejected, owner or operator shall correct all deficiencies and resubmit HRA within 60 days.

EO will either approve the resubmitted HRA or modify resubmitted HRA and approve as modified.

(2) Approval of Health Risk Assessments

(A) Within 30 days of receipt of the Health Risk Assessment, the Executive Officer will and confirm receipt in writing and conduct an initial review of the Health Risk Assessment.

(B) The Executive Officer will approve or reject the Health Risk Assessment and notify the owner or operator in writing. Approval or rejection will be based on:

(i) The Health Risk Assessment was prepared consistent with the most current version of *SCAQMD Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act* and includes: a Table of Contents; Executive Summary; Hazard Identification; Exposure Assessment which provides the Facility Description, Emissions Inventory and Air Dispersion Modeling; Risk Characterization; applicable references, appendices, and computer files; and

(ii) The completeness and accuracy of the information.

(C) Within 60 days of the date of notification of rejection, an owner or operator shall revise and resubmit a Health Risk Assessment that corrects all identified deficiencies.

(D) The Executive Officer will either approve the revised and resubmitted Health Risk Assessment or modify the Health Risk Assessment and approve it as modified.

Risk Reduction Requirements (Previous Provision)

- Provisions for Risk Reduction Requirements were moved to subdivision (f)
- Requirements for time extensions moved to subdivision (k)

~~(e) Risk Reduction Requirements~~

~~The following requirements shall apply to the operator of any facility whose emissions cause an exceedance of any significant or action risk level as indicated in a health risk assessment approved or prepared by the District:~~

~~(1) Any operator whose facility-wide risk is greater than or equal to the action risk level shall implement the risk reduction measures specified in a risk reduction plan approved by the Executive Officer to reduce the impact of total facility emissions below the action risk level as quickly as feasible but by no later than three (3) years from the initial plan submittal date.~~

~~(2) For any operator whose facility-wide risk is less than the significant risk level, the Executive Officer may approve time extensions to comply with paragraph (e)(1) in increments of up to two (2) additional years to implement risk reduction measures and achieve required risk reductions, provided the operator demonstrates one or more of the following criteria:~~

~~(A) there is no known technology or risk reduction measure that is commercially available or can~~

Submittal of Risk Reduction Plan (f)(1)

- If facility is a Potentially High Risk Level Facility, must submit Risk Reduction Plan 180 days from notification that facility is a Potentially High Risk Level Facility
- All other facilities with an approved HRA ≥ Action Risk Level, must submit Risk Reduction Plan 120 days from the date HRA is approved

(f) ~~Submittal of~~ Risk Reduction Plans~~-~~ Requirements

~~(1) The Executive Officer will publish procedures for preparing risk reduction plans under this rule. The procedures will include self-conducted audits and checklists which may be used by certain categories of facilities in lieu of preparing a risk reduction plan.~~

(~~2~~1) An owner or operator of a facility shall submit a Risk Reduction Plan ~~a risk reduction plan~~ to the Executive Officer to reduce the impact of total facility emissions below the Action Risk Level based on the following schedule:

(A) If the approved Health Risk Assessment shows a risk greater than or equal to the Action Risk Level, the Risk Reduction Plan shall be submitted within 120 days from the date of Health Risk Assessment approval or Health Risk Assessment preparation by the SCAQMD; or

(B) If the facility has been notified that it is a Potentially High Risk Level Facility, the Risk Reduction Plan must be submitted within 180 days from the date of notification by the Executive Officer that the facility is a Potentially High Risk Level Facility~~, as specified in Table A.~~

Risk Reduction Plan Submittal Information (f)(2)

- No substantial changes to information required in Risk Reduction Plan
- Clarifications

(2) If an owner or operator is required to submit a Risk Reduction Plan pursuant to paragraph (g)(1), the Risk Reduction Plan shall include:

(A) The name, address, and SCAQMD facility identification number ~~and SIC code of the facility~~;

(B) A facility risk characterization which includes an updated ~~air toxics emission inventory~~ Air Toxics Inventory Report and ~~health risk assessment~~ Health Risk Assessment, if the risk due to total facility emissions has increased above or decreased below the levels indicated in the previously approved ~~health risk assessment~~ Health Risk Assessment;

(C) Identification of each source from which risk needs to be reduced in order to achieve a risk below the ~~action risk level~~ Action Risk Level.;

(D) For each source identified in subparagraph (f)~~(3)(C)~~(2)(C), an evaluation of the risk reduction measures available to the owner or operator, including emission and risk reduction potential, estimated costs, and time necessary for implementation;

Risk Reduction Plan Approval (f)(3)

EO shall approve or reject the Risk Reduction Plan within 3 months based on complete and accurate information.
EO may approve in parts or in its entirety.

The owner or operator can appeal rejection of Risk Reduction Plan to the Hearing Board.

If the Hearing Board denies the appeal, the owner or operator must revise and resubmit Risk Reduction Plan within 30 days.

Revised Risk Reduction Plan shall correct all deficiencies by the EO.

(~~g~~3) Approval of Risk Reduction Plans

(~~1~~A) The Executive Officer shall approve or reject the ~~plan~~ Risk Reduction Plan within three (3) months of submittal based on the complete and accurate information contained in paragraph (f)(~~3~~2). The Executive Officer may approve the Risk Reduction Plan in parts or in its entirety.

(B) The owner or operator may appeal the rejection of ~~a plan~~ parts or the entire Risk Reduction Plan ~~or the failure of the Executive Officer to act on a plan submittal~~ to the Hearing Board under Rule 216 – Appeals. If the Hearing Board denies the appeal, ~~plans~~ Risk Reduction Plans shall be revised and resubmitted within ~~90~~ 30 days after the decision. The revised ~~plan~~ Risk Reduction Plan shall correct all deficiencies identified by the Executive Officer. The approved ~~plan~~ Risk Reduction Plan shall be subject to Rule 221 – Plans.

Risk Reduction Plan Approval (f)(3) *(Continued)*

- No substantive changes to (f)(3)(C)
- Moved (f)(3) to Implementation of Risk Reduction Plans

(~~2~~C) If the ~~risk reduction plan~~ Risk Reduction Plan contains a facility risk characterization demonstrating to the satisfaction of the Executive Officer that the facility does not exceed the ~~action risk level~~Action Risk Level, the ~~plan~~ Risk Reduction Plan may be approved without the inclusion of the ~~plan~~ Risk Reduction Plan components specified in subparagraphs (f)~~(3)~~(2)(C) through (H).

~~(3) Measures to achieve risk reductions required by the approved plan shall be incorporated by the Executive Officer through enforceable permit conditions or compliance plans.~~

Submittal of Early Action Reduction Plans for Potentially High Risk Level Facilities (g)(1)

- Potentially High Risk Level Facilities must submit an Early Action Reduction Plan with 90 days of notification
- Objective is to start implementing risk reduction measures immediately
- Implementation is concurrent with preparing ATIR and HRA

(g) Early Action Reduction Plans for Potentially High Risk Level Facilities

(1) Submittal of Early Action Reduction Plans

Within 90 days of the date of notification by the Executive Officer that the facility is a Potentially High Risk Level Facility, an owner or operator shall submit an Early Action Reduction Plan that identifies a list of measures that can be implemented immediately to reduce the facility-wide health risk. The Early Action Reduction Plan shall include:

(A) The name, address, and SCAQMD facility identification number;

(B) Identification of device(s) or process(es) that are the key health risk driver(s);

(C) Risk reduction measure(s) that can be implemented by the owner or operator that includes but are not limited to procedural changes, process changes, physical modifications, and curtailments; and

(D) A schedule for implementing the specified risk reduction measures.

Approval of Early Action Reduction Plans (g)(2)

Within 30 days of receipt, EO will confirm receipt and conduct an initial review of the Early Action Reduction Plan.

EO reviews, and approves or rejects based on the risk reduction measures, the implementation schedule, and estimation of the residual health risk after implementation.

If rejected, owner or operator shall correct all deficiencies and resubmit within 14 days.

EO will either approve the resubmitted Early Action Risk Reduction Plan or modify the resubmitted Plan and approve as modified.

Approval of Early Action Reduction Plans

(A) Within 30 days of receipt of the Early Action Reduction Plan, the Executive Officer will conduct an initial review of the Early Action Reduction Plan and confirm receipt.

(B) The Executive Officer will approve or reject the Early Action Reduction Plan based on the identified risk reduction measures, the implementation schedule, and estimation of the residual health risk after implementation of the specified risk reduction measures and notify the owner or operator.

(C) If the Early Action Reduction Plan is rejected, the owner or operator shall revise and resubmit the Plan within 14 days of the rejection. The revised Early Action Reduction Plan shall correct all deficiencies identified by the Executive Officer.

(D) If the Executive Officer rejects the Early Action Reduction Plan a second time, the Executive Officer may modify the Early Action Reduction Plan and approve it as modified.

(E) The approved Early Action Reduction Plan shall be subject to Rule 221 – Plans.

Voluntary Risk Reduction Requirements – Participation (h)(1)

- Eligibility criteria:
  - Facility has previously approved HRA below Action Risk Level
  - Facility is not a Potentially High Risk Level Facility
- Owner or operator must submit a written acceptance within 30 days of notification from EO
- By accepting to participate, must comply with all requirements of Program
- Compliance with Voluntary Risk Reduction requirements is in lieu of ATIR, HRA, and Risk Reduction Plan requirements

(h) Voluntary Risk Reduction Requirements

(1) Participation in Voluntary Risk Reduction Program

(A) The Executive Officer will notify an owner or operator of eligibility to participate in the Voluntary Risk Reduction Program based on the following criteria:

(i) The facility has a Health Risk Assessment approved or prepared by the District for the purpose of the Hot Spots Act or this rule that is below Action Risk Level; and

(ii) The Executive Officer has determined that the facility is not a Potentially High Risk Level Facility.

(B) After notification from the Executive Officer of eligibility, the owner or operator of the eligible facility may participate in the Voluntary Risk Reduction Program by:

(i) Submitting a written acceptance to participate in the Voluntary Risk Reduction Program within 30 days of the date of the notification; and.

(ii) Comply with all requirements in this subdivision (h). Compliance with this subdivision shall be in lieu of the requirements in subdivisions (d), (e), and (f).

Voluntary Risk Reduction Plan Requirements (h)(2)

- Within 90 days of acceptance to participate, the owner or operator must submit a Voluntary Risk Reduction Plan
- Details are in the *SCAQMD Guidelines for the Voluntary Risk Reduction Program for AB2588 Facilities*
- The Voluntary Risk Reduction Plan must either reduce total facility emissions below:
  - Risk Score ≤ 10; or
  - Below the Notification Risk Level

(2) Voluntary Risk Reduction Plan

(A) Within 90 days of acceptance, an owner or operator shall submit for approval a Voluntary Risk Reduction Plan to reduce the impact of total facility emissions to:

(i) A Risk Score of less than or equal to 10; or

(ii) Below the Notification Risk Level.

(B) The Voluntary Risk Reduction shall follow the procedures in the most current version of *SCAQMD Guidelines for the Voluntary Risk Reduction Program for AB 2588 Facilities*.

Voluntary Risk Reduction Guidelines
Voluntary Risk Reduction Plan

- The name, address, and SCAQMD facility identification number;
- A current facility risk characterization which includes increases or decreases in facility emissions for each device and process compared to the previously approved HRA;
- For each device or process from which emissions are to be reduced, a description of the risk reduction measure(s) and estimated emission reductions for each toxic air contaminant that will be implemented to achieve a Risk Score less than or equal to 10 or a HRA threshold of below Notification Risk Level;
- Permit number(s) associated with device(s) or process(es) to be reduced; and
- Schedule for implementing the specified risk reduction measures. The schedule shall include dates for increments of progress, including submittal dates for application for permits, purchase of equipment, source tests and commissioning of equipment.

Voluntary Risk Reduction Guidelines Risk Score and Notification Level

- Current proposal is to allow two options for approving and demonstrating that facility emissions are sufficiently reduced
- Risk Score Approach
  - Enhancement to Priority Score
  - Assumes all emissions come from single stack
  - No variations in stack parameters
- Notification Risk Level Approach
  - Based on facility submittal of an ATIR
  - Incorporates details of location of point sources and the associated stack parameters
  - SCAQMD staff would run HARP to determine the facility-wide health risk – which is compared to Notification Risk Level

Notification Risk Level Approach

- Staff is contemplating moving away from the Risk Score and focusing on the Notification Risk Level Approach
- Notification Risk Level Approach is:
  - More accurate health risk estimation
  - Procedures for ATIRs are established
  - Accounts for variation in stack locations and parameters
  - Facilities with multiple sources will likely select the Notification Risk Level Approach
  - ATIR is less complex for facilities with a few sources
- Staff investigating approach that can simplify ATIR to focus on changes for one or two sources that are the risk drivers, for those facilities with multiple sources

Voluntary Risk Reduction Plan Approval Requirements (h)(3)

Within 30 days of receipt, the EO will conduct an initial review of the Voluntary Risk Reduction Plan and confirm receipt

EO reviews and approves or rejects the Voluntary Risk Reduction Plan . If rejected, owner or operator shall correct all deficiencies and resubmit the Voluntary Risk Reduction Plan within 14 days.

If the resubmitted Voluntary Risk Reduction Plan is approved, facility begins implementation.

If the resubmitted Voluntary Risk Reduction Plan is denied, the facility can no longer participate in the Voluntary Risk Reduction Program and must submit an ATIR.

(3) Approval of Voluntary Risk Reduction Plans

(A) Within 30 days of receipt, the Executive Officer will conduct an initial review of the Voluntary Risk Reduction Plan and confirm receipt.

(B) The Executive Officer approve or reject the Voluntary Risk Reduction Plan based on the complete and accurate information as outlined in *SCAQMD Guidelines for the Voluntary Risk Reduction Program for AB 2588 Facilities.*

(C) Within 14 days of the date of rejection, the owner or operator shall correct all deficiencies identified by the Executive Officer and resubmit the Voluntary Risk Reduction Plan.

(D) If the revised Voluntary Risk Reduction Plan is denied, the owner or operator shall treat this denial as a request to prepare an ATIR under paragraph (d) and comply with all subsequent requirements following such notification.

(E) Any approved Voluntary Risk Reduction Plan shall be subject to Rule 221 – Plans.

Implementation of Voluntary Risk Reduction and Risk Reduction Plans (i)(1)

- Implementation of Risk Reduction Plan is two and a half years from the initial Risk Reduction Plan submittal date
- Implementation of Voluntary Risk Reduction Plan two and a half years from the date the Voluntary Risk Reduction Plan is approved
- Measures must be implemented by the dates specified in the Plan
- Measures shall be incorporated through enforceable permit conditions and compliance plans

(~~h~~i) Implementation of Risk Reduction Plans and Risk Reduction Progress Reports

(1) Implementation of Risk Reduction Plans

(A) The owner or operator shall implement the risk reduction measures specified in the Risk Reduction or Voluntary Risk Reduction Plan approved by the Executive Officer as quickly as feasible but no later than:

(i) Two and a half (2.5) years from the initial Risk Reduction Plan submittal date pursuant to paragraph (f)(1); or

(ii) Two and a half (2.5) years from the date of the Voluntary Risk Reduction Plan approval pursuant to paragraph (h)(3).

(B) The owner or operator shall implement risk reduction measures in an approved Risk Reduction Plan by the dates specified in the Risk Reduction or Voluntary Risk Reduction Plan for each risk reduction measure.

(C) Measures to achieve risk reductions required by the approved Risk Reduction or Voluntary Risk Reduction Plan shall also be incorporated by the owner or operator through enforceable permit conditions or compliance plans.

Implementation of Early Action Reduction Plans (i)(2)

- Implementation of Early Action Reduction Plan is based on the dates specified in approved Early Action Reduction Plan for each risk reduction measure

(2) Implementation of Early Action Reduction Plans

The owner or operator shall implement risk reduction measures in an approved Early Action Reduction Plan by the dates specified in the Early Action Reduction Plan for each risk reduction measure.

Progress Reports (i)(3)

- Progress reports are required for both Risk Reduction and Voluntary Risk Reduction Plans
- Progress reports must be submitted 12 months after Plan approval
- Main addition for Progress Reports for Risk Reduction Plans is to identify the status of applicable permit applications

(3) Progress Reports for Risk Reduction and Voluntary Risk Reduction Plans

The owner or operator shall submit to the Executive Officer for review annual progress report(s), ~~starting no later than~~ 12 months after approval of the ~~plan~~ Risk Reduction or Voluntary Risk Reduction Plan which shall include, at a minimum, all of the following:

(~~1~~A) The increments of progress achieved in implementing the risk reduction measures specified in the ~~plan~~Risk Reduction or Voluntary Risk Reduction Plan;

(B) Submittal dates of all applicable permit application(s), the status of the applications, and the permit numbers, if applicable;

(~~2~~C) A schedule indicating dates for future increments of progress;

(~~3~~D) Identification of any increments of progress that have been or will be achieved later than specified in the plan and the reason for achieving the increments late; and

(~~4~~E) A description of any increases or decreases in emissions of toxic air contaminants that have occurred at the facility, including a description of any associated permits that were subject to Rule 1401, since approval of the plan.

Final Implementation Report for Voluntary Risk Reduction Plans

- Owners or operators that are participating in the Voluntary Risk Reduction Program must submit a Final Implementation Report

(4) Final Implementation Report for Voluntary Risk Reduction Plans

The owner or operator shall submit to the Executive Officer a final implementation report by the voluntary risk reduction deadline as specified in subparagraph (h)(3)(A) following the procedures in the most current version of *SCAQMD Guidelines for the Voluntary Early Risk Reduction Program for AB2588 Facilities.*

The final implementation report shall include, at a minimum, all of the following:

- The name, address, and SCAQMD facility identification number;
- The approved Voluntary Early Risk Reduction Plan;
- Proof the operator implemented the risk reduction measures in the approved Voluntary Risk Reduction Plan;
- The emission reductions of each toxic air contaminant for each risk reduction measure; and
- A description of any increases or decreases in emissions of each toxic air contaminant that has occurred at the facility since the approval of the Voluntary Risk Reduction Plan and not accounted for in any risk reduction measures.

Updating and Modifications of Risk Reduction Plans (j)

- No substantive changes in (j)(1) – added Voluntary Risk Reduction Plan
- Clarifying modification procedures and added Voluntary Risk Reduction Plan
- Added that existing approved Risk Reduction Plan is in effect until Modified Risk Reduction Plan is approved

(ij) Updating and Modification of Risk Reduction Plans

(1) If information becomes known to the Executive Officer after the last submitted ~~plan~~Risk Reduction or Voluntary Risk Reduction Plan that would substantially impact risks to exposed persons, implementation, or effectiveness of the ~~risk reduction plan~~ Risk Reduction or Voluntary Risk Reduction Plan, the Executive Officer may require the either Plans ~~plan~~ to be updated and resubmitted.

(2) Except for the time of risk reduction completion, the owner or operator may request ~~Prior to a~~ changes ~~in the risk reduction measures or schedule specified~~ in the ~~currently~~ approved ~~plan~~ Risk Reduction or Voluntary Risk Reduction Plan, ~~the operator shall~~ by submitting to the Executive Officer for approval ~~an application for~~ a modified Risk Reduction ~~plan~~ or Voluntary Risk Reduction Plan~~modification~~. The ~~application~~ owner or operator shall include a demonstration that ~~the~~ any change in the risk reduction measures is necessary and will still result in expeditious compliance ~~with this rule~~ to achieve below the Action Risk Level ~~risk level as specified in the approved plan~~. The last approved Risk Reduction or Voluntary Risk Reduction Plan is valid until the modified Risk Reduction or Voluntary Risk Reduction Plan is approved. ~~Any request for a time extension shall be made at least 180 days before the end of the applicable deadline to achieve the required facility-wide risk level that is specified in the approved risk reduction plan.~~

Risk Reduction Time Extensions (k)

- Provisions for time extensions will be same for Risk Reduction and Voluntary Risk Reduction Plans
- A one-time, time extension for up to two years is allowed
- Requests for time extensions can be made:
  - At the time the Risk Reduction or Voluntary Risk Reduction Plan is submitted, or
  - 180 days before the end of the deadline in the approved Risk Reduction or Voluntary Risk Reduction Plan

(jk) Risk Reduction Time Extensions

(1) An owner or operator may submit a request to the Executive Officer for a one-time extension for up to two years to complete implementation of a Risk Reduction or Voluntary Risk Reduction Plan provided the facility-wide health risk is below the Significant Health Risk Level at the time of the request for the time extension.

(2) An owner or operator that elects to submit a request for a time extension shall submit the request:

(A) At the time the Risk Reduction Plan or the Voluntary Risk Reduction Plan is submitted pursuant to paragraph (f)(2) or subparagraph (h)(2)(B), respectively; or

(B) At least 180 days before the end of the risk reduction deadline specified in the Approved Risk Reduction Plan or Approved Voluntary Risk Reduction Plan.

Information Required for Time Extensions (k)(3)

- Information required includes:
  - Description measure(s) which additional time is needed
  - Reason(s) time extension is needed
  - Progress in implementing Plan
  - Estimated health risk level at time extension requested and at the end of the risk reduction period
  - Length of time needed

(3) An owner or operator that submits a request for a time extension request shall provide the following information to the Executive Officer:

(A) A description of the risk reduction measure(s) for which a time extension is needed;

(B) The reason(s) a time extension is needed;

(C) Progress in implementing risk reduction measures in the Risk Reduction or Voluntary Risk Reduction Plan;

(D) Estimated health risk level at the time of the time extension request and at the end of the risk reduction period;

(E) The length of time requested;

Approval of Time Extensions (k)(4)

- Criteria for approval:
  - Facility-wide health risk is below Significant Risk Level at time of submittal of request
  - Timely submittal of request
  - Demonstration that extension is needed for circumstances beyond the control of the owner or operator
  - Time extension will not result in an unreasonable risk to public health
- Moving reference to economic or technical feasibility

Moving

Will add economic and technical infeasibility here

(4) Approval of Time Extensions

The Executive Officer will review the request for the time extension and will approve the time extension based on the following criteria:

(A) The facility-wide health risk is below the Significant Risk Level at the time of submittal of the time extension request;

(B) Timely submittal of the time extension request;

~~(C) Demonstration that a time extensions is needed due to either economic burden or technical infeasibility;~~

(D) The owner or operator provides sufficient details identifying the reason(s) a time extension is needed that demonstrates to the Executive Officer that there are specific circumstances beyond the control of the owner or operator that necessitate additional time to complete implementation of a Risk Reduction or Voluntary Risk Reduction Plan. Such a demonstration can include, but is not limited to, providing detailed schedules, engineering designs, construction plans, permit applications, and purchase orders; and

(E) The time extension will not result in an unreasonable risk to public health.

Risk Assessment Procedures (I)

- No changes to the procedures or reference to procedures
- Removed provisions to report to the Board regarding new or revised TACs
- Adoption Resolution will include a commitment to include in the AB2588 Annual Report:
  - Information regarding new or revised TACs; and
  - Preliminary estimates of Rule 1402 program impacts associated with the new or revised TAC

~~(2) Within 120 days of publication of risk assessment guidelines required to be published by the OEHHA pursuant to the Air Toxics "Hot Spots" Information and Assessment Act of 1987, the Executive Officer shall report to the District Governing Board if there are any material differences between the OEHHA guidelines and the criteria specified in this rule and recommend for Board approval whether to proceed with amendments to this rule in order to make the rule consistent with the OEHHA guidelines before their designation as the risk assessment guidelines under this rule.~~

~~(3) Promptly after OEHHA finalizes the identification of a new TAC or revises a risk value for an existing TAC, staff will provide notice to the Governing Board and affected industries. Use of any new TAC or a more stringent risk value in health risk assessments for this rule shall be 12 months after the Governing Board receives and files the report containing such notification, unless the Governing Board approves another implementation schedule through an official Board action.~~

~~(4) Also, within 150 days of new chemicals being identified or changes in risk values being finalized by OEHHA, staff will report to the District's Governing Board regarding preliminary estimates of Rule 1402 program impacts that are associated with the new values.~~

Subdivisions (m), (n) and (o)

- No substantive changes to:
  - Alternate Hazard Index Levels, moved to subdivision (m)
  - Disclaimer, moved to subdivision (n)
  - Emissions Inventory Requirements, moved to subdivision (o)
- Deleted subdivision (m) that use of risk reduction measures to comply with other regulatory requires are acceptable as risk reduction measure for Rule 1402 – will include in Staff Report
- Deleted subdivision (o) for Phase 1 facilities – provision is obsolete

~~(m) Risk reduction measures implemented in order to comply with other regulatory requirements are acceptable risk reduction measures for the purposes of this rule, provided they are consistent with the requirements of this rule.~~

~~(o) Phase I Facility Health Risk Assessment Revision Requirements~~

~~(1) Any operator of a Phase I facility that was required to submit a Hot Spots health risk assessment and has not received District approval on the health risk assessment, due to a request by the operator to update the inventory, shall submit to the District by July 1, 2000 or earlier, as requested by the Executive Officer, a revised total facility inventory for the year 1995 or later which meets the requirements of the Hot Spots Act.~~

~~(2) Phase I facilities requested to provide a revised facility inventory pursuant to paragraph (o)(1), that fail to do so, shall be subject to public notification requirements on the most recent inventory data and OEHHA reviewed risk assessment that is subject to District approval that the facility submitted to the District pursuant to the Hot Spots Act.~~

Public Notification Procedures (p)

- All notifications must follow the SCAQMD Notification Procedures
- No substantive changes for triggers for Notifications for HRAs and Progress Reports
- Added Notification provision for Voluntary Risk Reduction

(p) Public Notification Requirements

Public notification shall follow the procedures in the most current version of *SCAQMD Public Notification Procedures for Facilities Under the Air Toxics "Hot Spots" Information and Assessment Act.*

(1) Health Risk Assessment

The owner or operator of any facility for which total facility risk, as determined through a District approved or prepared Health Risk Assessment, is greater than or equal to the Notification Risk Level shall provide public notification.

(2) Voluntary Risk Reduction Plan

Public notification will be provided by SCAQMD following the procedures in the most current version of *SCAQMD Public Notification Procedures for Facilities Under the Air Toxics "Hot Spots" Information and Assessment Act.*

(3) Progress Reports

(A) The owner or operator of any facility for which total facility risk, as determined through a progress report pursuant to requirements in subdivision (i), is greater than or equal to the Action Risk Level shall provide written public notification 12 months after the Executive Officer approves the Risk Reduction Plan and every 12 months thereafter, until the total facility risk is below the Action Risk Level; and

(B) The owner or operator of any facility for which total facility risk, as determined through a progress report pursuant to requirements in subdivision (i), is greater than or equal to the Significant Risk Level shall conduct public meetings.

Public Notification for Voluntary Risk Reduction

- Modified Public Notification for VRR includes:
  - Information about the OEHHA Revised Guidance on estimating health risk
    - With the OEHHA Revised Guidance the facility's estimated health risk will be higher
  - Facility is volunteering to make risk reductions that:
    - Account for changes in risk estimates based on the Revised OEHHA Guidance
    - Go beyond what is required through regulatory requirements - earlier and more reductions
  - List of participating facilities – name and address
- Placed on SCAQMD Website on the "AB 2588 Notices" page and included in the AB 2588 Annual Report

Rule Development Schedule

- Next Working Group Meeting – June 2016
- Public Workshop – July 2016
- Set Hearing – September 2, 2016
- Public Hearing – October 7, 2016

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