(Adopted April 8, 1994)(Amended March 17, 2000)(Amended March 4, 2005) (Amended June 5, 2015)
Version 05/20/16

RULE 1402. CONTROL OF TOXIC AIR CONTAMINANTS FROM EXISTING SOURCES

(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.

(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.~~

(c) Definitions

(1) ACCEPTABLE STACK HEIGHT for a permit unit is ~~defined as~~ a stack height that does not exceed two and one half (2.5) times the height of the permit unit or two and one half (2.5) times the height of the building housing the permit unit, and shall not be greater than 65 meters (213 feet), unless the owner or operator demonstrates to the satisfaction of the Executive Officer that a greater height is necessary.

(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).

(3) AIR TOXICS INVENTORY REPORT is a detailed facility toxics emissions inventory listed by device or process along with source parameter and location information as outlined in SCAQMD *Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act*.

(~~3~~4) CANCER BURDEN means the estimated increase in the occurrence of cancer cases in a population subject to a MICR of greater than or equal to one in one million (1×10^{-6}) resulting from exposure to toxic air contaminants.

(~~4~~5) FACILITY means any permit unit, ~~or~~ grouping of permit units, or other air contaminant-emitting activities which are located in one or more contiguous properties within the District, in actual physical contact or separately solely by a public roadway or other public right-of-way, and are owned or operated by the same person (or persons under common control). Such above-described groupings, if remotely located and connected only by land carrying a pipeline, shall not be considered one facility.

(6) HEALTH RISK ASSESSMENT is a technical study identifying toxic emissions released from a facility, exposure assessment, dose-response assessment and risk characterization as outlined by the Office of Environmental Health Hazard Assessment (OEHHA) *Air Toxics Hot Spots Program Guidance Manual for the Preparation of Risk Assessments* and the SCAQMD's *Supplemental Guidelines for Preparing Risk Assessments for the Air Toxics "Hot Spots" Information and Assessment Act.*

(~~5~~7) HOT SPOTS ACT means the Air Toxics "Hot Spots" Information and Assessment Act of 1987, incorporated ~~at~~ in Part 6, Division 26 of the Health and Safety Code, and amendments to this act.

(~~6~~8) INDIVIDUAL SUBSTANCE ACUTE HAZARD INDEX (HI) is the ratio of the estimated maximum one-hour, or other time period as specified by the Executive Officer, concentration of a toxic air contaminant at a receptor location to its acute reference exposure level.

(~~7~~9) INDIVIDUAL SUBSTANCE CHRONIC HAZARD INDEX (HI) is the ratio of the long-term level of exposure to a toxic air contaminant for a potential maximally exposed individual to the chronic reference exposure level for the toxic air contaminant.

~~(8) INITIAL PLAN SUBMITTAL DATE is the date that the initial risk reduction plan is submitted to the District, but no later than 180 days following notification by the Executive Officer that a risk reduction plan is required.~~

(~~9~~10) MAXIMUM INDIVIDUAL CANCER RISK (MICR) is the estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to toxic air contaminants calculated pursuant to the Risk Assessment Procedures referenced in subdivision (~~j~~l) for residential receptor locations. The MICR for worker receptor locations shall be calculated pursuant to the Risk Assessment Procedures referenced in subdivision (~~j~~l). The MICR calculations shall include multi-pathway consideration, if applicable.

(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.

(~~10~~12) OWNER OR OPERATOR means the person who owns or operates a facility or part of a facility.

~~(11) PHASE I FACILITY is any facility that either emitted more than 25 tons per year of any criteria pollutant or was listed in a toxics emitters list, and was required to submit emissions inventory reports pursuant to the Hot Spots Act for the calendar year 1989.~~

(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.

(~~12~~14) RECEPTOR LOCATION means:

(A) ~~for~~ For the purpose of calculating acute HI, any location outside the boundaries of the facility at which a person could experience acute exposure; and

(B) ~~for~~ For the purpose of calculating chronic HI, MICR, or cancer burden, any location outside the boundaries of the facility at which a person could experience chronic exposure.

The Executive Officer shall consider the possibility of potential exposure at a location in determining whether the location will be considered a receptor location.

(15) REFERENCE EXPOSURE LEVEL (REL) is the concentration level at or below which no adverse non-cancer health effects are anticipated for the specified exposure duration.

(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.

(~~13~~17) RISK REDUCTION MEASURE is a control measure which will reduce or eliminate the health risk associated with emissions of toxic air contaminants that, is real, permanent, quantifiable, and enforceable through District permit conditions, if applicable, and meets the requirements of the Hot Spots Act. Risk reduction measures may include, but are not limited to: feedstock modification; product reformulations; production system modifications; system enclosure, emissions control, capture or conversion; operational standards or practices modifications; emissions collection and exhaust; source control; or alternative technologies.

(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*.

(~~14~~19) SIGNIFICANT RISK LEVEL for purpose of this rule is a MICR of one hundred in one million (1.0×10^{-4})~~,~~ or a total acute or chronic HI of five (5.0) for any target organ system at any receptor location.

(~~15~~20) TOTAL ACUTE HAZARD INDEX (HI) is the sum of the individual substance acute HIs for all toxic air contaminants identified in the risk assessment guidelines as affecting the same target organ system.

(~~16~~21) TOTAL CHRONIC HAZARD INDEX (HI) is the sum of the individual substance chronic HIs for all toxic air contaminants identified in the risk assessment guidelines as affecting the same target organ system.

(~~17~~22) TOXIC AIR CONTAMINANT (TAC) is an air pollutant which may cause or contribute to an increase in mortality or serious illness, or which may pose a present or potential hazard to human health as listed by OEHHA.

(d) 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.

(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.

(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.

(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.

(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.

(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.

(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.

~~(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 achieve required risk reductions within the required time period; or~~

~~(B) the only known technology or risk reduction measure that can be implemented within the facility that will meet the facility-wide risk reduction requirements within the required time period will result in a cost impact that exceeds both of the following:~~

~~(i) $4,000,000 per cancer case avoided; and~~

~~(ii) $18,000 per ton of pollutant reduced if the TAC is also a criteria pollutant.~~

~~(C) Any extension beyond the first two year extension for each facility must be approved by the Governing Board in a public hearing before going into effect.~~

~~(3) The operator shall implement risk reduction measures in an approved plan by the dates specified in the plan for each risk reduction measure.~~

(f) ~~Submittal of~~ Risk Reduction Plan~~s~~ 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.~~

~~Table A~~
~~Risk Reduction Plan Submittal Dates~~

~~**Applicability**~~	~~**Health Risk Assessment (HRA) Approval Date**~~	~~**Plan Submittal Date**~~
~~Any Facility ≥ Action Risk Level~~	~~Before March 17, 2000~~	~~180 Days After March 17, 2000~~
	~~On and After March 17, 2000~~	~~180 Days After HRA Approval Date~~
~~Notification by Executive Officer~~	~~Not Applicable~~	~~180 Days from date of notification from Executive Officer~~

~~(3) The operator shall submit to the Executive Officer for approval a risk reduction plan which includes at a minimum all of the following:~~

(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;

(E) Specification of the risk reduction measures that shall be implemented by the owner or operator to comply with the requirements of ~~subdivision (e)~~ paragraph (f)(1) to achieve the ~~action risk level~~ Action Risk Level or the lowest achievable level;

(F) A schedule for implementing the specified risk reduction measures as quickly as feasible. The schedule shall include the submittal of all necessary applications for permits to construct or modify within 180 days of approval of the ~~plan~~ Risk Reduction Plan, or in accordance with another schedule subject to approval of the Executive Officer, and specify the dates for other increments of progress associated with implementation of the risk reduction measures;

(G) If requesting a time extension, provide the information specified under paragraph (k)(3). Time extensions shall be approved as specified under paragraph (k)(4); ~~required to demonstrate that the request meets the required criteria specified under paragraph (e)(2) and the length of time up to two years requested~~;

(H) An estimation of the residual health risk after implementation of the specified risk reduction measures; and

(I) Proof of certification of the Risk Reduction Plan ~~risk reduction plan~~ as meeting all requirements by an individual who is officially responsible for the processes and operations of the facility.

(g3) Approval of Risk Reduction Plans

(1A) 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.

(2C) 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.~~

(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.

(2) 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.

(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).

(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*.

(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.

(~~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.

(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.

(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

(4E) 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.

(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*.

(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.

(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.

(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;

(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.

(~~j~~l) Risk Assessment Procedures

(1) The Executive Officer shall periodically publish or designate procedures for determining health risks under this rule. To the extent possible, the procedures shall be consistent with the policies and procedures of the ~~Office of Environmental Health Hazard Assessment (~~OEHHA~~)~~. Such procedures shall specify:

(A) Acute and chronic reference exposure levels and upper bound estimates of carcinogenic potency that shall be used in evaluating risks;

(B) Compounds that must be subject to a multiple pathway risk assessment. A compound is subject to multiple pathway analysis if the Executive Officer determines that it may reasonably be expected to cause health risk through ingestion exposure, if it is expected to deposit and persist in the environment after emission, and if a quantitative oral cancer potency estimate or reference exposure level has been derived for the compound;

(C) Health protective assumptions that shall be used in evaluating exposure to compounds from inhalation and other routes of exposure;~~.~~

(D) Risk for the potential maximally exposed individual in residential areas and health protective estimates of exposure duration in nonresidential areas; and

(E) Estimates of pollutant dispersion and risk from a source shall not be based upon stack height in excess of acceptable stack height as defined in (c)(2~~1~~).

~~(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.~~

(~~5~~2) The Executive Officer will publish procedures for determining the emissions estimates to be used in risk assessments in cases in which a compound has not been detected in analyses which have been conducted according to District-approved methods, including procedures for excluding such compounds from risk assessments. The procedures shall provide methods for estimating the most likely emission levels of non-detected compounds based on consideration of the likelihood of presence and the method detection limits of compounds.

(~~k~~m) Alternate Hazard Index Levels

An alternate ~~hazard index~~HI level may be used as the Action Risk Level ~~action risk level~~ for a particular total acute or chronic HI if the Executive Officer, in consultation with the ~~Office of Environmental Health Hazard Assessment~~OEHHA, determines that such alternate ~~hazard index~~HI level is protective against adverse health effects. The alternate HI level shall not in any case exceed 10. The facility owner or operator shall attain the alternate HI level for the action risk level.

(~~l~~n) Disclaimer

Compliance with this rule does not authorize the emission of a toxic air contaminant in violation of any federal, state, local or District law or regulation or exempt the owner or operator from any law or regulation.

~~(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.~~

(~~n~~o) Emissions Inventory Requirements

(1) These emission inventory requirements are applicable to the operator of any facility that has not yet submitted a total facility toxic emissions inventory under the Hot Spots ~~Program~~Act, where:

(A) ~~t~~The facility emits one or more toxic air contaminants on Table I and its annual emissions exceed one or more of the threshold(s) identified in Table I; or

(B) ~~the~~ The primary business operation of the facility is listed in Table II and its annual emissions exceed one or more of the threshold(s) identified in Table II.

(2) The operator of any facility subject to subparagraph (~~n~~o)(1)(A) shall submit an emissions inventory within 60 days of notification from the Executive Officer.

(3) The operator of any facility subject to subparagraph (~~n~~o)(1)(B) shall submit an inventory within 60 days of notification from the Executive Officer, unless the AQMD Governing Board adopts a source-specific rule prior to three years after March 17, 2000 that specifically exempts the industry, of which the facility is a member, from the inventory provisions of this rule.

(4) The operator of any facility that is required to submit an emissions inventory pursuant to subparagraph (~~n~~o)(1)(A) shall submit an inventory that includes the toxic air contaminant(s) identified in Table I applicable to the facility. The operator of any facility that is required to submit an emissions inventory pursuant to subparagraph (~~n~~o)(1)(B) shall submit an inventory that includes: (1) the toxic air contaminant(s) listed in Table II within the industry category that is applicable to the facility; and (2) the toxic air contaminants listed in Table I applicable to the facility, if applicable. The emissions inventory shall be prepared consistent with the emissions inventory methodology specified by the most current version of CARB ~~"ARB's~~ *Emissions Inventory Criteria and Guidelines*" ~~(July 1997)~~ and/or any subset of these Guidelines as specified by the Executive Officer.

~~(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.~~

(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.

~~(1) The operator of any facility for which total facility risk, as determined through a District approved HRA or progress report, exceeds the action risk level shall provide the following 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:~~

~~(A) written public notification to report the progress of risk reductions pursuant to the most recent Board approved "Public Notification Procedures for Phase I and II Facilities Under the Air Toxics Hot Spots Information and Assessment Act" Section III.C.2. Public Notice Materials, which requires notice materials written in both English and Spanish, and additional languages as deemed appropriate by the Executive Officer; Section III.C.3. Area of Distribution (Area of Impact); Section III.C.4. Method of Distribution; and Section III.C.5. Verification of Distribution.; and~~

~~(B) public meetings if the total facility risk, as determined through a District approved HRA or the progress report, exceeds a MICR of one hundred in one million (100×10^{-6}), pursuant to the "Public Notification Procedures for Phase I and II Facilities Under the Air Toxics Hot Spots Information and Assessment Act" Section III.D. Public Meetings.~~

~~(2) Any operator with a facility-wide risk that exceeds an MICR of 10 in one million or a Hazard Index of 1.0 (0.5 for lead) as determined through a District approved HRA, shall notice the public in accordance with California Health and Safety Code Section 44362 and the most recently District approved "Public Notification Procedures for Phase I and II Facilities Under the Air Toxics Hot Spots Information and Assessment Act".~~

TABLE I
EMISSIONS REPORTING THRESHOLDS FOR SPECIFIC TACs

TAC	THRESHOLD
1,3 Butadiene	2 lb/yr
Benzene	14 lb/yr
Cadmium	0.09 lb/yr
Formaldehyde	67 lb/yr
Hexavalent Chromium	0.002 lb/yr
Methylene Chloride	400 lb/yr
Nickel	1.5 lb/yr
Perchloroethylene	67 lb/yr

TABLE II
EMISSIONS REPORTING THRESHOLDS FOR SPECIFIC INDUSTRIES

INDUSTRY	TAC	THRESHOLD
Biomedical Sterilizing Operations	Ethylene Oxide	4.5 lb/yr
Dry Cleaning	Perchloroethylene	67 lb/yr
	Methylene Chloride	400 lb/yr
Gasoline Stations	Benzene in Gasoline	14 lb/yr
Metal Finishing	Hexavalent Chromium	0.002 lb/yr
	Cadmium	0.09 lb/yr
	Nickel	1.5 lb/yr
	Copper	500 lb/yr
Motion Picture Film Processing	Perchloroethylene	67 lb/yr
Rubber	Chlorinated Dibenzofurans, Benzene, Xylenes, Toluene, Phenol, and Methylene Chloride	1,000 lb of rubber product cured/ processed per year
Wood Stripping/Refinishing,	Methylene Chloride	400 lb/yr
	DEHP	32 lb/yr
	Glycol ethers and their acetates, Ethylene Glycol (Mono)Methyl Ether, and Ethylene Glycol (Mono)Ethyl Ether Acetate	500 lb/yr
	Ethylene Glycol (Mono)Butyl Ether and Ethylene Glycol (Mono)Ethyl Ether	2,000 lb/yr
	Ethylene Glycol (Mono)Methyl Ether Acetate and Ethylene Glycol (Mono)Methyl Ether	1,000 lb/yr