

# Proposed Amended Rule 1466 Control of Particulate Emissions from Soils with Toxic Air Contaminants



PUBLIC WORKSHOP

SEPTEMBER 19, 2017

# Background

---

- Adopted July 7, 2017
- In the adoption Resolution, the Governing Board directed staff to expand the list of toxic air contaminants to include pesticides, herbicides, other metals, persistent bio-cumulative toxics, and semi-volatile organic compounds as early as practicable
- PAR 1466 Public Process
  - Two Working Group Meetings
    - August 3, 2017
    - September 12, 2017



# Applicability (Subdivision (b))

---

- Expands applicability to include sites that have been designated and notified as Hazardous Material Release Sites by a county, local, or state regulatory agency pursuant to Health and Safety Code Section 25260, effective January 1, 2018
- Health and Safety Code – HSC § 25260
  - “Hazardous materials release site” means any area, location, or facility where a hazardous material has been released or threatens to be released into the environment.
- County, local, or state regulatory agency pursuant
  - Environmental health departments, planning departments, fire departments, and public health offices

# Definitions (subdivision (c))

---

- Combine “Applicable Toxic Air Contaminants” with “Soil with Applicable Toxic Air Contaminants”
- New definition for “Soil with Applicable Toxic Air Contaminants” will reference soil that has been identified by
  - The U.S. EPA, the DTSC, the State Water Board, the Regional Water Board, or a county, local, or state regulatory agency to contain one or more of the applicable toxic air contaminants as listed in Table I that exceed action levels as specified by the designating agency; or
  - The Executive Officer to contain one or more of the toxic air contaminants listed in Rule 1401 – New Source Review of Toxic Air Contaminants or California Code of Regulations, Section 93001

# Rule 1466 Table I – Applicable Toxic Air Contaminants

## Existing Applicable Toxic Air Contaminants

- **arsenic and arsenic compounds (inorganic)**
  - including, but not limited to:
  - arsenic compounds (inorganic)
  - Arsine
- **asbestos**
- **cadmium and cadmium compounds**
- **chromium (hexavalent) and chromium compounds**
  - including, but not limited to:
  - barium chromate
  - calcium chromate
  - lead chromate
  - sodium dichromate
  - strontium chromate
  - zinc chromate
- **lead and lead compounds (inorganic, including elemental lead)**
  - including, but not limited to:
  - lead compounds (inorganic)
  - lead acetate
  - lead chromate
  - lead phosphate
  - lead subacetate
- **nickel and nickel compound**
  - including, but not limited to:
  - nickel acetate
  - nickel carbonate
  - nickel carbonyl
  - nickel hydroxide
  - nickel oxide
  - nickel subsulfide
  - nickelocene
  - refinery dust from the pyrometallurgical process
- **mercury and mercury compounds (inorganic)**
  - including, but not limited to:
  - mercuric chloride
  - methyl mercury
- **polychlorinated biphenyls (PCBs)**
  - 3,3',4,4' tetrachlorobiphenyl
  - 3,4,4',5 tetrachlorobiphenyl
  - 2,3,3',4,4' pentachlorobiphenyl
  - 2,3,4,4',5 pentachlorobiphenyl
  - 2,3',4,4',5 pentachlorobiphenyl
  - 2',3,4,4',5 pentachlorobiphenyl
  - 3,3',4,4',5 pentachlorobiphenyl
  - 2,3,3',4,4',5 hexachlorobiphenyl
  - 2,3,3',4,4',5' hexachlorobiphenyl
  - 2,3',4,4',5,5' hexachlorobiphenyl
  - 3,3',4,4',5,5' hexachlorobiphenyl
  - 2,3,3',4,4',5,5' heptachlorobiphenyl

# Table I – Applicable Toxic Air Contaminants

---

## Added Applicable Toxic Air Contaminants

- For sites identified by the U.S. EPA, DTSC, Water Boards, and other regulatory agencies
- Effective January 1, 2018
- **Dioxins**
  - 2,3,7,8-tetrachlorodibenzo-p-dioxin
  - 1,2,3,7,8-pentachlorodibenzo-p-dioxin
  - 1,2,3,4,7,8-hexachlorodibenzo-p-dioxin
  - 1,2,3,6,7,8-hexachlorodibenzo-p-dioxin
  - 1,2,3,7,8,9-hexachlorodibenzo-p-dioxin
  - 1,2,3,4,6,7,8-heptachlorodibenzo-p-dioxin
  - 1,2,3,4,6,7,8,9-octachlorodibenzo-p-dioxin
  - total tetrachlorodibenzo-p-dioxin
  - total pentachlorodibenzo-p-dioxin
  - total hexachlorodibenzo-p-dioxin
  - total heptachlorodibenzo-p-dioxin
- **Pesticides**
  - chlordane
  - dichlorodiphenyltrichloroethane (DDT)
  - dichlorodiphenyldichloroethylene (DDE)
  - dichlorodiphenyldichloroethane (DDD)
- **Polycyclic Aromatic Hydrocarbons (PAHs)**
  - benzo[a]anthracene
  - benzo[a]pyrene
  - benzo[b]fluoranthene
  - benzo[k]fluoranthene
  - chrysene
  - dibenz[a,h]anthracene
  - indeno[1,2,3-c,d]pyrene



# Applicable Toxic Air Contaminants

## Added Applicable Toxic Air Contaminants

- For Executive Officer Designated Sites
- Effective January 1, 2018
  - All compounds listed in Rule 1401
  - All Hazardous Air Pollutants Identified as Toxic Air Contaminants as listed in California Code of Regulations, Section 93001



# Applicable Toxic Air Contaminants

## US EPA, DTSC, Water Board, and Other Agency Designated Sites

Arsenic, Asbestos,  
Cadmium, Hexavalent  
Chromium, Lead,  
Mercury, Nickel, PCBs



Dioxins (Rule 1401 Table  
1), Pesticides, and PAHs

## SCAQMD Designated Sites

Arsenic, Asbestos,  
Cadmium, Hexavalent  
Chromium, Lead,  
Mercury, Nickel, PCBs



Dioxins (Rule 1401 Table  
1), Pesticides, and PAHs



Any Rule 1401 or  
California Code of  
Regulations Toxic Air  
Contaminants



# Monitoring Requirements (Subdivision (d))

- Appendix 1 – Executive Officer Approved PM<sub>10</sub> Monitors
  - Performance Standard for Resolution
    - Changed from 0.1 to 1.0  $\mu\text{g}/\text{m}^3$



# Requirements to Minimize Fugitive Dust Emissions (subdivision (e))

---

- Modifications to track-out provision to not allow track-out to extend beyond “25 feet in cumulative length from the point of origin from an active operation” instead of “25 feet from the property line”((e)(3)(C))
- Modifications to truck transporting requirements to replace the word “freeboard” with “space between the soil and the top of the truck bed” ((e)(5)(D))





# Notifications Requirements (subdivision (f))

- For notification of intent to conduct earth-moving activities, owner or operator shall include estimated volume of soil with applicable toxic air contaminants ((f)(1)(G))
- Add paragraph (f)(2) Notification Updates
  - Notifications pursuant to paragraph (f)(1) shall be updated when any of the following conditions arise
    - Earlier Start Date ((f)(2)(A))
      - A change in the start date of any earth-moving activity to an earlier start date shall be reported to the SCAQMD no later than 72 hours before any earth-moving activities begin.
    - Later Start Date ((f)(2)(B))
      - A delay in the start date of any earth-moving activity shall be reported to the SCAQMD as soon as the information becomes available, but no later than the original start date.





# Executive Officer Designated Sites (subdivision (i))

---

For Executive Officer designated sites, include:

- Executive Officer will consult with local, county, or state regulatory agencies ((i)(1))
- Executive Officer may consider site history, including current and/or previous type of operation(s) and use(s) at the site and regulatory history ((i)(1)(A))

# Exemptions (subdivision (k))

---

- Added to the exemption for linear trenching for sewer projects to include linear trenching for water projects on roadways with soil with applicable toxic air contaminant(s) directly loaded into a truck or bin for transport
  - Exempted from all requirements except:
    - Paragraph (e)(2), adequately wet soil
    - Paragraph (e)(3), vehicles
    - Paragraph (e)(4), stockpiles
    - Paragraphs (e)(5) and (e)(6), truck loading and unloading
    - Paragraph (e)(7), spilled soil
    - Paragraph (e)(8), wind speed
    - Paragraph (e)(11), schools, early education centers, and joint use agreement properties
    - Subdivision (f), notification requirements
    - Subdivision (h), recordkeeping requirements
    - Subdivision (i), Executive Officer designated sites



# California Environmental Quality Act (CEQA)

---

- California State Law adopted 1970
- Purpose [CEQA Guidelines Section 15002(a)]
  - Inform governmental decision-makers and public about potential significant effects of projects
  - Identify ways to avoid or reduce adverse impacts
  - Require feasible alternatives and mitigation measures to prevent significant environmental damage
  - Disclose to the public why a project was approved
- Applies to projects undertaken by a Public Agency such as SCAQMD adoption of rules [CEQA Guidelines Section 15002(b)]
  - Required to comply with CEQA when approving a project [CEQA Guidelines Section 15002(d)]
  - Required for discretionary approvals [CEQA Guidelines Section 15002(i)]
- Lead Agency = SCAQMD
  - Oversight and legal responsibility for appropriate CEQA document preparation, circulation, response to comments, and approval/certification

# CEQA (*continued*)

---

- PAR 1466 is a project subject to CEQA
- Decision to prepare 30-day Draft Subsequent Environmental Assessment (SEA) to the July 2017 Final EA
  - PAR 1466 contains changes that are revisions to the previous project approved by the SCAQMD Governing Board in July 2017
  - CEQA Guidelines Section 15162 (b) allows preparation of a SEA based on project changes or new information available after adoption of the July 2017 Final EA
  - No significant impacts are expected with PAR 1466
  - No CEQA scoping meeting is required to be held
  - Analysis of alternatives and mitigation measures are not required
  - Will contain project description (Chapter 1) and environmental checklist (Chapter 2) to evaluate the revised project's impacts on 17 topic areas previously analyzed in the July 2017 Final EA
  - Will be released for 30-day public review period in 2017
- Final SEA
  - Will include responses to Draft SEA comment letters and any necessary modifications to Draft SEA
  - Governing Board must certify Final SEA

# Socioeconomic Impact Assessment

---

- Purpose
  - Identify key socioeconomic issues and potential stakeholders' concerns
- Socioeconomic Analysis typically includes
  - Type of affected facilities and businesses, including small businesses
  - Range of probable costs, including those to industry
  - Availability and cost-effectiveness of alternatives to the rule amendments
  - Impacts on employment and the economy of the four-county region

# Socioeconomic Impact Assessment *(continued)*

---

- Key Elements
  - Consider potential costs for an estimated average of 10-13 sites per year:
    - 8-9 sites per year impacted by recently adopted Rule 1466
    - 2-4 additional sites per year impacted by the proposed amendment
  - Cost estimated based on extension of the analysis of Rule 1466:
    - PM<sub>10</sub> monitors
    - Sweepers
    - Water and water trucks
    - Fencing with windscreens
    - Onsite Dust Control Supervisor

# Schedule

---

- |                    |                             |
|--------------------|-----------------------------|
| • October 3, 2017  | Written Comments Due        |
| • October 20, 2017 | Stationary Source Committee |
| • November 3, 2017 | Set Hearing                 |
| • December 1, 2017 | Public Hearing              |



# SCAQMD Contacts

## Rule Development

- Uyen-Uyen Vo, [uvo@aqmd.gov](mailto:uvo@aqmd.gov), (909) 396-2238
- Michael Morris, [mmorris@aqmd.gov](mailto:mmorris@aqmd.gov), (909) 396-3282

## CEQA

- Ryan Bañuelos, [rbanuelos@aqmd.gov](mailto:rbanuelos@aqmd.gov), (909) 396-3479

## Socioeconomic

- Anthony Oliver, [aoliver@aqmd.gov](mailto:aoliver@aqmd.gov), (909) 396-2851

## General Questions

- Susan Nakamura, [snakamura@aqmd.gov](mailto:snakamura@aqmd.gov), (909) 396-3105