

Attachment A

March 22, 2005
PR1401.1a

PROPOSED RULE 1401.1 REQUIREMENTS FOR NEW AND RELOCATED FACILITIES NEAR SCHOOLS

- (a) Purpose
The purpose of this rule is to establish risk thresholds for new and relocated facilities that emit toxic air contaminants and are located within (XXX) feet of an existing school.

- (b) Applicability
 - (1) Applications for permit units at new or relocated facilities received on or after (*six months after date of adoption*) shall be subject to this rule. Applications shall be evaluated using the list of toxic air contaminants in the version of Rule 1401 that is in effect at the time the application is deemed complete.
 - (2) This rule shall not apply to equipment located at new or relocated facilities identified in Rule 219 as not requiring a written permit.

- (c) Definitions
 - (1) FACILITY means any permit unit or grouping of permit units or other air contaminant-emitting activities which are located on one or more contiguous properties within the District, in actual physical contact or separated solely by a public roadway or other public right-of-way, and are owned or operated by the same person (or by persons under common control), or an outer continental shelf (OCS) source as determined in 40 CFR Section 55.2. Such above-described groupings, if noncontiguous, but connected only by land carrying a pipeline, shall not be considered one facility. Notwithstanding the above, sources or installations involved in crude oil and gas production in Southern California Coastal or OCS Waters and transport of such crude oil and gas in Southern California Coastal or OCS Waters shall be included in the same facility which is under the same ownership or use entitlement as the crude oil and gas production facility on-shore.
 - (2) INDIVIDUAL SUBSTANCE ACUTE HAZARD INDEX (HI) is the ratio of the estimated maximum one-hour concentration of a toxic air contaminant for a potential maximally exposed individual to its acute reference exposure level.
 - (3) INDIVIDUAL SUBSTANCE CHRONIC HAZARD INDEX (HI) is the ratio of the estimated long-term level of exposure to a toxic air contaminant for a

potential maximally exposed individual to its chronic reference exposure level. The chronic hazard index calculations shall include multipathway consideration, if applicable.

- (4) **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 over a period of 70 years for residential and 40 years for worker receptor locations. The MICR calculations shall include multipathway consideration, if applicable.
- (5) **MODIFICATION** means any physical change in, change in method of operation, or addition to an existing permit unit that requires an application for a permit to construct and/or operate. Routine maintenance and/or repair shall not be considered a physical change. A change in the method of operation of equipment, unless previously limited by an enforceable permit condition, shall not include:
- (A) an increase in the production rate, unless such increase will cause the maximum design capacity of the equipment to be exceeded; or
 - (B) an increase in the hours of operation; or
 - (C) a change in ownership of a source; or
 - (D) a change in formulation of the materials processed which will not result in a net increase of the MICR, cancer burden, or chronic or acute HI from the associated permit unit.

For facilities that have been issued a facility permit pursuant to Regulation XX or a Title V permit pursuant to Regulation XXX, modification means any physical change in, change in method of operation of, or addition to an existing individual article, machine, equipment or other contrivance which would have required an application for a permit to construct and/or operate, were the unit not covered under a facility permit or Title V permit.

- (6) **NEW FACILITY** means a facility that requires a Permit to Operate that is being constructed for the first time at a location within the District, on or after *(six months after date of adoption)*. In the event that the location was previously occupied, such as an existing structure, the facility would be treated as new, where no previously existing equipment would remain at the location. Facilities requiring Permits to Operate solely due to a change of ownership or modification to an existing facility do not qualify as a new facility.
- (7) **RELOCATED FACILITY** means the removal of existing permit units from one parcel of land and installation at another parcel of land where two parcels are

not in actual physical contact and are not separated solely by a public roadway or other public right-of-way. Facilities requiring Permits to Operate solely due to a change of ownership or modification to an existing facility do not qualify as a relocated facility.

- (8) SCHOOL means any public or private school, including juvenile detention facilities with classrooms, used for purposes of the education of more than 12 children in kindergarten or any of grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The term includes any building or structure, playground, athletic field, or other area of school property, but does not include unimproved school property.

(d) Requirements

The Executive Officer shall deny the permits to construct at a new or relocated facility if emissions of any toxic air contaminant listed in Rule 1401, Table I, may occur, unless the applicant has substantiated to the satisfaction of the Executive Officer that all of the following requirements, as applicable, have been achieved. For the purpose of this rule, the MICR and hazard indices shall be calculated pursuant to Rule 1401 and the applicable risk assessment procedures:

- (1) Notwithstanding the requirements in this rule, all provisions contained in Rule 1401 apply.

(2) MICR

The facility-wide MICR does not exceed one in-one-million (1×10^{-6}) at any school within (XXX) feet of the facility. The facility-wide MICR is the sum of the calculated MICR values for all toxic air contaminants emitted from all equipment requiring a written permit to operate at the facility.

(3) Chronic Hazard Index

The facility-wide chronic HI for any target organ system does not exceed 1.0 at any school within (XXX) feet of the facility. The facility-wide chronic HI is the sum of the calculated individual substance chronic hazard indices for the target organ due to all toxic air contaminants emitted from all equipment requiring a written permit to operate at the facility.

(4) Acute Hazard Index

The facility-wide acute HI for any target organ system does not exceed 1.0 at any school within (XXX) feet of the facility. The facility-wide acute HI is the sum of the calculated individual substance acute hazard indices for the target organ due to all toxic air contaminants emitted from all equipment requiring a

written permit to operate at the facility.

(e) Exemptions

- (1) Emergency diesel-fueled engines subject to Rule 1470 – Requirements for Stationary Diesel-Fueled Internal Combustion Engines and Other Compression Ignition Engines.
- (2) Equipment used solely for the purpose of soil decontamination subject to Rule 1166 – Volatile Organic Compound Emissions from Decontamination of Soil.
- (3) Equipment permitted for use at various locations throughout the District not remaining at one site for more than 12 consecutive months.