State of California
AIR RESOURCES BOARD

Resolution 89-48

April 13, 1989

Agenda Item No.: 89-6-2

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

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

WHEREAS, the Act sets forth a program to develop air toxics emission inventories and to assess the risk to public health from exposure to these emissions;

WHEREAS, Health and Safety Code Section 44340 requires the operator of every facility subject to the Act to prepare and submit to the appropriate district a proposed comprehensive emission inventory plan beginning August 1, 1989;

WHEREAS, Health and Safety Code Section 44342 requires the Board to develop criteria and guidelines for site-specific air toxics emission inventory plans on or before May 1, 1989;

WHEREAS, a district may approve the proposed plans submitted by facility operators only if they meet the requirements set forth in these criteria and guidelines.

WHEREAS, Health and Safety Code Section 44342 requires that the Board design the guidelines and criteria to ensure that, in collecting data to be used for emission inventories, actual measurement is utilized whenever necessary to verify emission estimates to the extent technologically feasible;

WHEREAS, the Board staff, in consultation with representatives of the air pollution control and air quality management districts ("districts") and the Department of Health Services, has developed a proposed emission inventory criteria and guidelines regulation, which has been discussed with the public at four consultation meetings;

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

WHEREAS, the staff has proposed changes to the original proposal in response to comments received from affected public agencies, industry representatives and other interested persons and has presented the modified version of the criteria and guidelines regulation to the Board for consideration;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code and the Board has considered the testimony presented by interested persons and the staff;

WHEREAS, the Board finds that:

1. The proposed criteria and guidelines for site-specific air toxics emission inventory plans comply with the specifications described in Health and Safety Code Section 44342. Specifically, the guidelines:

a. set forth requirements for a facility diagram which identifies actual and potential emission points and provides the necessary data to identify emission characteristics;

b. specify requirements and methods for source testing and measurement, and permit the use of estimation techniques such as emission factors, modeling, and mass balance analysis when appropriate to yield emission estimates to specified degrees of accuracy;

c. permit the use of pooled source test data for similar facilities and the use of existing data when its accuracy and relevance can be assured;

d. specify applicable reporting periods and standardized format for reports and data; and

e. eliminate overlap with the reporting requirements of Section 313 of Title III of the Superfund Amendment and Reauthorization Act of 1986 (Pub.L. 99-499) and Environmental Protection Agency regulations set forth in 40 CFR Part 372 to the extent feasible.

2. The criteria and guidelines ensure that the emission inventory plan will produce, from the list of substances compiled and maintained pursuant to Health and Safety Code Section 44321, a comprehensive characterization of the full range of hazardous materials that are released, or that may be released, to the surrounding air from a facility.

3. The criteria and guidelines ensure that, in collecting data to be used for emission inventories, actual measurement is utilized whenever necessary to verify emission estimates to the extent technologically feasible.

4. The degree of accuracy requirements set forth in the regulation are based upon state-of-the-art levels of detectability and measurement and on current knowledge of the potency of the substances being quantified, and are not intended as de minimis reporting levels for health effects purposes.

5. The criteria and guidelines will result in the collection of data useful to the districts in assessing and controlling toxic air emissions and to support the Board's program to identify and control toxic air contaminants pursuant to Health and Safety Code Sections 39650 et seq.

6. The economic impact of the proposed regulation may be significant for some small businesses where source testing is required; the proposed alternatives to source testing suggested for small businesses, as well as the availability of pooled source testing, will mitigate this economic impact to the extent feasible in consideration of the need to obtain accurate emission data.

7. This regulatory action will not have a significant adverse impact on the environment and is likely to benefit air quality by stimulating a reduction in emissions of both toxic and criteria pollutants and by providing information which will be used by the Board and others for control purposes.

8. In order to require submittal of the inventory plans by the August statutory deadline, these guidelines and criteria must be available to the facility operators and the districts as expeditiously as practicable after approval by the Board and should therefore be adopted as an emergency measure necessary for the immediate preservation of the public health, safety, and welfare. Such emergency adoption will assure that the guidelines are available for immediate use by the facilities and the districts in preparing and reviewing the inventory plans and reports. If the regulation is not adopted as an emergency measure, the August 1 submittal date and all of the subsequent dates set forth in the Act are likely not to be met, resulting in a significant delay in providing the public with knowledge about the nature and quantity of routine toxic releases into the air by specific sources of hazardous emissions, and of the health impacts of such releases.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby approves Sections 93300-93347, Title 17, California Code of Regulations, including Appendices A through D thereof, as set forth in Attachment A hereto, as modified in accordance with the Board's direction.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to make the modifications to attachment A in accordance with the Board's direction and to adopt Sections 93300-93347, Title 17, California Code of Regulations after making them available to the public for a period of 15 days; provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be

appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if he determines that this is warranted.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to adopt the regulations referenced above as emergency regulations in accordance with the procedures set forth in Government Code Section 11346.1, and to complete the procedures set forth in Government Code Sections 11346.4 through 11346.8 to formally adopt the regulations as expeditiously as practicable.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the adopted regulations to the districts for their use in reviewing the emission inventory plans and reports submitted by facility operators, and requests the districts to make the regulations available to the facility operators.

BE IT FURTHER RESOLVED that in order to provide consistency to facility operators in the collection and compilation of emission data for the purpose of ascertaining and measuring the hazardous air releases from their facilities, which may be located in different districts, and in consideration of the fact that pursuant to Health and Safety Code Sections 44340(c) and 44365(b) districts may establish more stringent criteria and requirements for approval of emission inventory plans and reports, the Board urges, and requests the Executive Officer to facilitate, coordination among districts as appropriate when developing and implementing any such additional requirements and in considering proposals for pooled source testing.

BE IT FURTHER RESOLVED that the Board hereby directs the Executive Officer to develop procedures to be considered by the Board for the biennial updates of emission inventories required by Health and Safety Code Section 44344 and for addressing toxic substances subsequently added to the list of substances set forth in Appendix A of the regulations.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to develop and bring to the Board for consideration more stringent degrees of accuracy in reporting quantities of substances present in or released from a facility as measurement or estimation methods improve and as better health effects information becomes available.

I hereby certify that the above is a true and correct copy of Resolution 89-48, as adopted by the Air Resources Board.

Cary Allison

Cary Allison, Board Secretary

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of Emission Inventory Crtieria and Guidelines Pursuant to the Air Toxics "Hot Spots" Information and Assessment Act of 1987.

Agenda Item No.: 89-6-2

Public Hearing Date: April 13, 1989

Issuing Authority: Air Resources Board

Comments: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Cary Allison
Board Secretary

Date: 9/28/89

ITEM NO.:
DATE: April 13, 1989

State of California

AIR RESOURCES BOARD

ITEM: Research Proposal No. 1619-142 entitled "Carbonaceous Species Methods Comparison Study, Interlaboratory Round Robin: Interpretation of Results"

RECOMMENDATION: Adopt Resolution 89-41 approving Proposal No. 1619-142 for an amount not to exceed $19,994.

SUMMARY:

The objective of this project is to analyze laboratory results that were obtained from thirteen groups in measurement of total, organic, and elemental carbon, in an interlaboratory round-robin of twenty samples as part of the Carbonaceous Species Methods Comparison Study. The contractor will interpret the results from the groups and attempt to account for any reported differences.

The results of the project will provide guidance to the ARB on how best to analyze carbonaceous aerosol particles, which constitute a major fraction of the PM10 found in urban areas.

The contractor for this study will be G2 Environmental, Inc., and the principal investigator will be Dr. Jitendra Shah.