

TITLES 17 AND 26. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF AMENDMENTS TO THE EMISSION INVENTORY CRITERIA AND GUIDELINES REGULATION ADOPTED PURSUANT TO THE AIR TOXICS "HOT SPOTS" INFORMATION AND ASSESSMENT ACT OF 1987.

The Air Resources Board (the "Board" or "ARB") will conduct a public hearing at the time and place noted below to consider adopting amendments to the emission inventory criteria and guidelines regulation which was developed as a requirement of the Air Toxics "Hot Spots" Information and Assessment Act of 1987 ("the Act"; Stats. 1987, ch. 1252; Health and Safety Code Sections 44300 et seq.) for the preparation of site-specific air toxics emission inventory plans and reports by specific facilities. The staff is proposing amendments to the regulation to streamline emission reporting requirements and to provide clarifications and improvements to the regulation.

DATE: June 10, 1993

TIME: 9:30 a.m.

PLACE: Air Resources Board
Hearing Room, Lower Level
2020 "L" Street
Sacramento, California

This item will be considered at a two-day meeting of the Board, which will commence at 9:30 a.m., June 10, 1993, and will continue at 8:30 a.m., June 11, 1993. This item may not be considered until June 11. Please consult the agenda for the meeting, which will be available at least 10 days before June 10, 1993, to determine the day on which this item will be considered.

INFORMATIVE DIGEST OF PROPOSED ACTION

Sections Affected: Proposed adoption of amendments to Sections 93300-93354, Titles 17 and 26, California Code of Regulations ("CCR").

The Air Toxics "Hot Spots" Information and Assessment Act of 1987 established a program ("Hot Spots Program" or "Program") to develop a statewide inventory of site-specific air toxic emissions of what is currently over 700 substances, to assess the risk to public health from exposure to these emissions, and to notify the public of any significant health risk associated with these emissions. To implement this Program, the Act required the ARB, in consultation with the air pollution control districts, to develop emission inventory criteria and guidelines for preparing air toxics emission inventories (the "Regulation"). The Regulation was approved by the Board on April 14, 1989, and became effective on October 30, 1989.

In June of 1990, the Regulation was amended to include procedures for preparing biennial updates to the emission inventories and to include the reporting requirements for specific classes of facilities that emit less than ten tons per year of criteria air pollutants. These changes were necessary to meet the requirements of the Act. Also, specific sections of the Regulation were amended again in September 1990 and June 1991 to reflect

updates to the list of substances that must be inventoried under the Hot Spots program.

The Hot Spots Emission Inventory Criteria and Guidelines Regulation:

1) specifies which facilities are subject to air toxics emission inventory reporting; 2) specifies the information a facility operator must include in a facility's air toxics emission inventory plan and inventory report; 3) identifies specific classes of facilities that emit less than ten tons per year of criteria pollutants that are subject to the Hot Spots program and specifies their emission inventory reporting requirements; 4) specifies source test requirements, acceptable emission estimation methods, and the reporting forms to be used; 5) establishes two groups of the substances to be inventoried, one for which emissions must be quantified and a second for which only information on production, use, or other presence must be reported; and, 6) specifies the information a facility operator must include in a facility's biennial update to their emission inventory.

The proposed amendments would streamline the Hot Spots emission inventory reporting requirements and the biennial update process pursuant to a review of the program conducted in part in response to Senate Bill 1524 (Stats. 1992, ch. 684; Health and Safety Code Section 25507.3, Sec 6). The proposed amendments also clarify and improve the regulation based upon comments received from the general public, industry, and the air pollution control districts (the "districts"). Changes are proposed to:

- substantially reduce the biennial update reporting requirements for all facilities that are not determined to be a significant risk to public health under the Hot Spots program;
- add a new reporting form, the Biennial Summary Form, to streamline biennial update reporting;
- add provisions for removing facilities from the program that no longer meet the definition of applicability as specified in the regulation;
- add instructions for reporting source test data results that are below the level of detection (LOD) and allow emissions from source test results to be reported as "ND" (for non-detect) when all values are below the LOD;
- revise Appendix D source test requirements to eliminate requirements that have been determined to be infeasible or impractical;
- restructure and annotate the list of substances (Appendix A of the regulation) to consolidate and clarify information pertaining to the substances;
- remove supplemental reporting forms, and improve and clarify the reporting forms and instructions; and
- revise the requirements for plans and reports to clarify and streamline the reporting requirements based upon comments received.

INCORPORATION BY REFERENCE

Documents proposed for incorporation by reference into the proposed amended regulation include: 1) those sections containing the definition of facility ("stationary source") in the San Joaquin Valley Unified Air Pollution Control District Rule 2201, "New and Modified Stationary Source Review Rule", Section 3.3, as amended December 17, 1992; and, 2) ASTM Methods: D2361-85 amended as of 1985, D3177-89 as amended as of 1989, E776-87 amended as of 1987, and E775-87 amended as of 1987, which are source test methods for determining quantities of trace elements in fuel and material samples.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON

The Board staff has prepared a Staff Report entitled "Proposed Amendments to the Air Toxics Hot Spots Emission Inventory Criteria and Guidelines Regulation" which includes the initial statement of reasons for the proposed action and a summary of the environmental impacts of the proposal, if any. Copies of the Staff Report and the full text of the proposed regulatory language with amendments shown in underline and strike-out format may be obtained from the Board's Public Information Office, 2020 L Street, Sacramento, CA, (916) 322-2990. The Board staff has compiled a record which includes all information upon which the proposal is based. This material is available for inspection upon request to the contact person identified immediately below.

Further inquiries regarding this matter should be directed to Richard Bode, Manager, Special Pollutants Emission Inventory Section, Technical Support Division, P.O. Box 2815, Sacramento, California, 95812, (916) 322-3807.

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred in reasonable compliance with the proposed regulations are presented below.

The Board's Executive Officer has determined that the proposed regulatory action will not create costs or savings, as defined in Government Code section 11346.5(a)(6), to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to local agencies, except as noted below:

Adoption of the proposed regulation should result in substantial cost savings to those state and local agencies which are subject to the Air Toxics Hot Spots Act due to substantial reductions in reporting requirements for those affected agencies.

The Executive Officer has also determined that adopting the proposed amendments will not have a significant adverse economic impact on businesses.

Finally, the Executive Officer has determined that there will be no additional cost impact, as defined in Government Code section 11346.53(e), but rather a cost savings on private persons or businesses directly affected resulting from the proposed action.

Adoption of the proposed regulatory action should result in substantial cost savings to those private persons and businesses which are subject to the Air Toxics Hot Spots Act due to substantial reductions in reporting requirements for those affected facility operators.

In addition, before taking final action on the proposed regulatory action, the Board must determine that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing. To be considered by the Board, written submissions must be addressed to and received by the Board Secretary, Air Resources Board, P. O. Box 2815, Sacramento, CA 95812, no later than 12:00 noon, June 9, 1993, or received by the Board Secretary at the hearing.

The Board requests but does not require that 20 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing. The Board encourages members of the public to bring any suggestions for modification of the proposed regulatory action to the attention of staff in advance of the hearing.

STATUTORY AUTHORITY AND HEARING PROCEDURES

This regulatory action is proposed under that authority granted in Sections ~~39600, 39601, 44320, 44322, 44342, and 44344~~ of the Health and Safety Code. The amended regulation is proposed to interpret and make specific Sections 44320-44323, 44340-44346, and 44360(a) of the Health and Safety Code. The amendments were developed in cooperation with the districts, the general public, industry, and the Office of Environmental Health Hazard Assessment. Public consultation meetings to discuss the proposed amendments were held in November 1992, and February 1993. Comments and suggestions received at the meetings have been considered by the staff in developing the proposed amendments. However, comments previously submitted must be submitted again pursuant to the procedures set forth in this notice in order for them to be considered by the Board.

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with nonsubstantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action. Such modifications may include but are not limited to changes to the requirements and procedures for biennial updates, including the criteria used to determine which facilities perform updates and the information to be updated.

In the event such modifications are made, the full text of the amendments with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before they are adopted. The public may request a copy of the modified regulatory text from the Board's Public Information Office, 2020 L Street, Sacramento, CA 95814, (916) 322-2990.

This is a statewide regulation. Once adopted by the Board, the amendments to the emission inventory criteria and guidelines regulation will apply to all subject facilities at the time of the biennial updates of their emission inventories, beginning with those facilities required to update information for 1993. These amendments need not be incorporated to district rules and regulations to be effective.

CALIFORNIA AIR RESOURCES BOARD


for James D. Boyd
Executive Officer

Date: April 12, 1993