

TITLE 17. CALIFORNIA AIR RESOURCES BOARD

ADOPTION AND AMENDMENTS TO THE EMISSION INVENTORY CRITERIA AND GUIDELINES REPORT ADOPTED PURSUANT TO THE AIR TOXICS "HOT SPOTS" INFORMATION AND ASSESSMENT ACT OF 1987

UPDATED INFORMATIVE DIGEST OF ACTION

Actions and Sections Affected: Adoption and amendments to section 93300.5, Title 17, California Code of Regulations (CCR), and to the Emission Inventory Criteria and Guidelines Report, incorporated by reference therein.

The objective of the Emission Inventory Criteria and Guidelines Report (Guidelines Report; Guidelines; Report) adopted pursuant to the Air Toxics "Hot Spots" Information and Assessment Act is to provide criteria and guidelines for the preparation of site-specific emission inventory plans and reports by affected facility operators as required under the Air Toxics "Hot Spots" program. The inventory requirements have been streamlined to focus on the sources and substances of greatest concern and to conform with recent statutory changes.

Background: The Air Toxics "Hot Spots" Information and Assessment Act of 1987 and subsequent amendments (the Act; Health and Safety Code sections 44300 - 44394) established a program to inform and protect the California public from exposures to toxic air pollutants. The Act established a program to inventory routine emissions of toxic substances into the air and to assess the public health risk to those who are exposed. The Act requires that toxic air emissions from facilities be quantified and compiled into an emission inventory according to criteria and guidelines developed by the Air Resources Board (ARB; Board), that each facility be prioritized to determine whether a health risk assessment must be conducted, that the risk assessments be conducted according to methods developed by the Office of Environmental Health Hazard Assessment (OEHHA), that the public be notified of potentially significant risks posed by nearby facilities, and that emissions which result in potentially significant risk be reduced.

To implement the program, the Act required the ARB, in consultation with the air pollution control and air quality management districts (districts), to develop the emission inventory criteria and guidelines for preparing air toxics emission inventories. The guidelines were originally developed as Title 17, CCR, sections 93300 - 93347 and appendices (Emission Inventory Criteria and Guidelines Regulation; 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 meet requirements of the Act to include procedures for updates to the emission inventories and to include reporting requirements for specific classes of facilities that emit less than ten tons per year of criteria air pollutants. 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.

In June 1993, the Regulation was amended to substantially reduce the update reporting requirements

for all facilities that were not determined to be a significant risk to public health under the Hot Spots program. Provisions were added to remove facilities from the program that no longer met the applicability criteria. Other clarification and streamlining changes were also made. The amended Regulation, Title 17, CCR, sections 93300-93355 and appendices, became effective on January 31, 1994. In October 1993, the passage of Assembly Bill 1060 changed the update requirements from biennial to quadrennial (every four years), and the Regulation was amended in January 1994 to reflect this change.

In May 1996, the Board re-codified the Regulation by repealing sections 93301-93355 and appendices, and adding new section 93300.5 which incorporates by reference the Emission Inventory Criteria and Guidelines Report and appendices, formerly Title 17, CCR, sections 93301-93355 and appendices. There were no substantive changes made to the requirements of the Hot Spots program at the May hearing. The action was taken as part of the California Environmental Protection Agency's Regulatory Improvement Initiative in response to the Governor's Executive Order No. W-127-95 regarding "regulatory relief" efforts to reduce the regulatory burden on California businesses and the economy. Section 93300.5 and the Emission Inventory Criteria and Guidelines Report incorporated therein became operative on September 21, 1996.

On July 25, 1996, the Board considered further amendments to the Emission Inventory Criteria and Guidelines Report, the subject of this action. This is part of Phase II of a two-phased effort by the ARB begun in 1995 to further streamline the Hot Spots program requirements. These streamlining efforts are appropriate now that many expectations of the Program and its goals are coming to fruition. The Phase I effort culminated in approval by the Board in January 1996 of the Hot Spots Fee Regulation for fiscal year 1995-96, which included substantial reductions to the State costs associated with the Program and exempted from fees a large number of facilities identified as posing little or no risk to public health. The Phase II effort extends these exemptions from fees to the reporting and applicability provisions for facilities as well, and makes additional streamlining improvements to the emission inventory requirements of the Program. The Phase II effort was also extended to the development of the Fee Regulation for fiscal year 1996-97, which was approved by Board at the September 26, 1996 hearing.

Description of Regulatory Action: At the public hearing held July 25, 1996, the Board considered the adoption and amendments to section 93300.5, Title 17, California Code of Regulations (CCR), and the Emission Inventory Criteria and Guidelines Report (Guidelines Report; Guidelines; Report) and appendices, which is incorporated by reference into the CCR. The Guidelines are required by the Act for the preparation of site-specific air toxics emission inventory plans and reports by specified facilities.

The Emission Inventory Criteria and Guidelines Report specifies: (1) types of facilities that must report and update their emissions inventory; (2) emission data to submit; (3) methods for quantifying emissions; and (4) toxic substances for which emissions must be reported.

The regulatory action presented to the Board at the July 25, 1996 public hearing is described in detail in the Staff Report: Initial Statement of Reasons for Proposed Rulemaking: Proposed Amendments to the Emission Inventory Criteria and Guidelines Report Published in Accordance with the Air Toxics "Hot Spots" Information and Assessment Act of 1987, released June 7, 1996.

At the public hearing, after considering the ARB's staff recommendation and the public testimony, the Board approved the proposed adoption and amendments to section 93300.5, Title 17, CCR, and the Emission Inventory Criteria and Guidelines Report, incorporated by reference therein, with modifications presented for consideration at the hearing and with additional modifications as might be appropriate in light of comments received and to conform to statutory changes.

The passage of Assembly Bill (AB) 564 in September 1996 amended the Air Toxics "Hot Spots" statute in several ways, including adding provisions that: exempt specified low priority facilities from further compliance with the Hot Spots program; reinstate exempted facilities if specified criteria are met; specify an alternative evaluation process for facilities subject to district permit programs; and other changes.

As directed by the Board, additional modifications to the Guidelines Report were made available to the public for a 15-day comment period from February 6, 1997, to February 21, 1997. After consideration of the comments received, the Executive Officer adopted the amendments to section 93300.5 and the Emission Inventory Criteria and Guidelines Report and appendices.

The adopted amendments will streamline the program by focusing update reporting on the facilities and substances that pose the greatest health risks, and exempting low-risk facilities from further reporting. The amendments also clarify and improve the Guidelines based upon comments received from the general public, industry, and the districts.

The amendments are summarized as follows, with 15-day modifications separately indicated.

The amendments include provisions to:

- exempt low risk facilities from update reporting of emission inventory data under the Hot Spots program;
- streamline update reporting requirements for intermediate and high risk facilities required to report emission inventory data;
- define criteria for evaluating facilities exempted from reporting when changes have occurred that could increase the risk posed by the facility to the public and determining whether additional reporting is appropriate;
- add language to allow for integration of Hot Spots reporting requirements with other reporting programs already being conducted by the district, including district permit programs;
- add language to include in the program's requirements, facilities emitting less than 10 tons per year of criteria pollutants that the district identifies as posing a potential public health risk;
- define *de minimis* levels for specific categories of facilities emitting less than 10 tons per year of criteria pollutants which would exempt those facilities from program requirements;

- revise and consolidate Appendix E-I and E-II, which list the classes of facilities emitting less than 10 tons per year of criteria pollutants;
- revise the Appendix A list of substances included in the Hot Spots program and create an A-III list (substances that facilities do not have to report unless the substances are being manufactured at the facility);
- revise identification of data fields to be considered confidential on reporting forms;
- add new reporting formats to reflect a merged toxics and criteria pollutant data base; and
- make other amendments to clarify the intent of the requirements.

The 15-day modifications are summarized as follows:

Modifications to Section 93300.5, Title 17, CCR: Update the date of the Report to be incorporated by reference and include public availability information. Add references to Health and Safety Code sections added or amended by AB 564.

Modifications to the Format and Date of the Emission Inventory Criteria and Guidelines Report (including appendices):

Update the date of the Report to reflect the date of the finally adopted version. Include Appendix B-II and Appendix C (previously proposed under separate cover and incorporated by reference) in the main Report; delete provisions pertaining to their separate incorporation by reference and delete obsolete cover and header pages.

Modifications to the Reporting Forms and Instructions: In Appendix B, make minor changes to increase the width of data fields for device ID, stack ID, and a district-use process description field, to accommodate district needs. Make a minor change to the name and instructions for the additional/optional field for Fraction VOC/PM2.5 to ensure consistency with the merged toxics and criteria pollutant data reporting system. Insert the inadvertently omitted Table B-III for Method of Estimate Codes. In Table B-I, correct the district code entry for Riverside County in the Salton Sea Air Basin to be South Coast AQMD, consistent with recent Board-adopted boundaries. Clarify the provisions pertaining to confidential and trade secret data on the forms, formats, and the instructions in Appendix B and in section VII.B.(3). In Appendix B-I, make two corrections to conform with the merged toxics and criteria pollutant data reporting system: insert the inadvertently omitted data field for "Mailing State" on "I. Facility Information;" and correct the units for "Maximum Hourly Emissions" for radionuclides to be milliCuries/hr (not milliCuries/yr) on "V. Emission Information."

Modifications to the Applicability Provision Regarding Facilities Identified by the District: Clarify that section II.(E)(3) pertains to facilities posing a potential health concern and refer to specific levels consistent with other sections of the Guidelines. Remove the optional list of factors the districts may use to evaluate facilities.

Modifications to Conform to Amended Statute: AB 564, chaptered on September 19, 1996, amended the Act to exempt specified facilities from further compliance with the Hot Spots Program, to reinstate

exempted facilities if changes occur, to address facilities through permit evaluations, and to make other revisions. At the July 25, 1996, public hearing, the Board directed the staff to make conforming amendments to the Emission Inventory Criteria and Guidelines Report to reflect the amended Statute if AB 524 were enacted. Amendments are thus proposed to the applicability, update, and definition sections of the Report (sections II, III, IV, V and X), to conform with the revised Statute.

Modifications to the List of Substances (Appendix A): Move Saccharin from Appendix A-II to Appendix A-III, to require reporting of the substance only if manufactured by the facility. In Appendix A-I, add individual entries for several substances that are currently reported only as a part of the totals under the chemical groups for Chlorophenols, Fluorocarbons, and Hexachlorocyclohexanes to ensure that the quantities of these individual substances, which have specific health effects values, will be reported separately and properly accounted for in health risk assessments.

Make minor corrections as follows: In Appendix A-I, add the standard annotation for [PAH, POM] and [POM], respectively, to the group total entries for PAHs and (polychlorinated) Dioxins, for consistency with other substances which are annotated in this way to show that they are substances within the broader classes of Polycyclic Aromatic Hydrocarbons [PAH] and Polycyclic Organic Matter [POM]. In Appendix A-III, correct the spelling of "steroids" on substance 1010 Androgenic (anabolic) steroids. Add asterisk after 7/96 date to clearly indicate new substances added since the last regulation update.

Update Versions of Test Methods for Fuel and Material Analysis: Update the version numbers and dates of several EPA and ASTM source test methods used for fuel and material analysis and incorporated by reference, to reflect the more recent method versions.

Incorporation by Reference: Under section X and Appendix F, incorporate by reference additional documents: (1) Standard Industrial Classification Manual (1987); (2) specified portions of the United States Environmental Protection Agency Integrated Risk Information System (IRIS) database (software version 1.0, 1992), 1996; (3) California Air Pollution Control Officers' Association (CAPCOA) Air Toxics "Hot Spots" Program Revised 1992 Risk Assessment Guidelines, October 1993; and (4) CAPCOA Air Toxics "Hot Spots" Program Facility Prioritization Guidelines, July 1990. In Appendix F, update the reference for another document incorporated by reference, the California Environmental Protection Agency, Standards and Criteria Working Group document entitled "California Cancer Potency Factors: Update," memo dated 1994, with attachment updated as of April 4, 1995. Add Appendix G, List of Documents Incorporated by Reference.

Clarifications and Minor Corrections:

- Clarify that appropriate health effects values to be used are those as specified in section E(7) of Appendix F (section II.C.(2)(c)(ii), sections IV.A.(3)(a)(i) and (iii), section IV.A.(4)(c)(ii), and sections V.H.(3)(f) and (g)).
- In Appendix F, clarify the incorporation by reference of Cal/EPA and U.S. EPA IRIS health values, and clarify OEHHA health values.
- In Section I, add and update Table 2, previously in the staff report only, to assist in following the section numbering between prior regulation formats and the current Report.
- Clarify the title of section II.A. to include all facilities affected by the section.

- Clarify in sections II.C., II.E., and IV.A. that alternative evaluation applies to facilities subject to district permit programs and clarify resulting reporting requirements.
- In section II.E. update reference to plan and report submittal date.
- Correct section numbering in section IV.F.
- In section IV, add explanatory text to introduction, clarify language regarding conditions and qualifications to meet *de minimis* thresholds, clarify provisions regarding Hazardous Air Pollutant (HAP) emissions, clarify language regarding update of emission data, and clarify language regarding district notification of facility designations.
- In section V.E., add clarifying language regarding update requirements for unprioritized facilities.
- In section V.G., add language clarifying requirements for updated and revised emission inventory data.
- In section X, add several definitions for clarity.
- Correct obsolete term "subchapter" in section V.I.(4).
- Correct cross-references in sections IV.A.(1)(b), IV.F.(5), V.A., V.I.(6), V.J.(2)(b), V.L.(g) and (h), and VII.D.(1).
- Use lower case on the word "section" consistently throughout when referring to Health and Safety Code, California Code of Regulations, and the Emission Inventory Criteria and Guidelines Report sections. Also use complete section numbering for clarity throughout, omitting the term "subsection" and partial section numbering.
- Correct typographical grammar error in section IX.D.(3), and correct other minor typographical errors, adjust page numbering and table of contents, and other nonsubstantive changes.

Finally, a number of technical changes without substantive effect have also been made in the Report to remove underlines from table and section headers, to make minor typographical corrections, and to remove explanatory annotations. These changes are indicated on the pages included in this rulemaking file under the entry titled "Section 100 Changes: 1 CCR Section 100 Changes Without Regulatory Effect".

Comparable Federal Regulations: The Act established an air quality program unique to the State of California. No parallel federal requirement exists at this time. Although Title III section 313 of the federal Superfund Amendments and Reauthorization Act (SARA) contains some toxics emissions reporting requirements, it applies to considerably fewer substances and facilities, and does not collect data sufficient to conduct risk assessments, endeavor to evaluate or assess potential health risks, require individual facility notifications of public risk, or require risk reduction efforts. There is no federal program which specifically intends to identify air toxics hot spots facilities. Accordingly, there is no

conflict or duplication between this Emission Inventory Criteria and Guidelines Report and current federal regulations.

Economic and Fiscal Effect: The adopted amendments to the Guidelines Report provide a cost savings to State and local government facilities as well as private industry facilities. The adopted amendments substantially reduce the number of facilities required to submit quadrennial emission inventory update reports and provide several options other than the current update requirements for those facilities still subject to update reporting requirements. Therefore, the adopted amendments will substantially reduce costs and burdens to facilities while maintaining the effectiveness of the Program to identify air toxics hot spots.