



# PUBLIC HEARING NOTICE

April 20, 2005

TO: INTERESTED PARTIES  
FROM: EXECUTIVE OFFICER / APCO  
SUBJECT: **PUBLIC HEARING: REGULATION 2: PERMITS, RULE 5:  
NEW SOURCE REVIEW OF TOXIC AIR CONTAMINANTS**

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On **Wednesday, June 15, 2005**, the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing to discuss adoption of a new regulation, **Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants**, and amendments to associated District regulations and to the Manual of Procedures to provide consistency with the new rule. In addition, the Board will consider certification of a Final Environmental Impact Report (EIR) for the proposed amendments pursuant to the California Environmental Quality Act (Public Resources Code, §21000 *et seq*). The hearing will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco. **The Board meeting will commence at 9:45 a.m.**

The District is proposing to codify the policies and procedures that make up the existing Air Toxics New Source Review (NSR) Program by adopting a new District rule, Reg. 2-5: New Source Review of Toxic Air Contaminants, and a new part to its Manual of Procedures. Amendments to several other District rules are also proposed in order to maintain consistency with Regulation 2, Rule 5.

Proposed Adoption of:

- Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants
- Manual of Procedures, Volume II, Part 4: New and Modified Sources of Toxic Air Contaminants

Proposed Amendments to:

- Regulation 2, Rule 1: General Requirements
- Regulation 2, Rule 2: New Source Review
- Regulation 2, Rule 9: Interchangeable Emission Reduction Credits
- Regulation 8, Rule 34: Solid Waste Disposal Sites
- Regulation 8, Rule 40: Aeration of Contaminated Soil and Removal of Underground Storage Tanks
- Regulation 8, Rule 47: Air Stripping and Soil Vapor Extraction Operations
- Regulation 11, Rule 16: Perchloroethylene and Synthetic Solvent Dry Cleaning Operations

The goal of the District Air Toxics NSR Program is to prevent significant increases in health risks resulting from new and modified sources of toxic air contaminants (TACs) based on preconstruction permit review. The program is also intended to reduce existing health risks by requiring updated control requirements when older, more highly polluting sources are modified or replaced. District staff completes a site-specific health risk screening analysis (HRSA) as part of the permit evaluation process for any proposed project with TAC emissions that exceed specified de minimis toxic trigger levels. Depending on the results of an HRSA, new and modified sources may be required to control emissions of TACs using the Best Available Control Technology for Toxics, or TBACT. The residual emissions remaining after the use of TBACT are also evaluated to make sure that the health risks for any exposed individual in the surrounding community will not be significantly increased by the proposed project. The existing program also allows the District's Air Pollution Control Officer discretion to consider the degree of uncertainty in the HRSA, along with a number of other factors, in making a risk management decision to issue or deny a permit.

The proposed new rule and amendments to existing rules would change the existing Air Toxics NSR Program by:

- (1) adding a project risk limit for acute health risks ( HI = 1.0 );
- (2) requiring TBACT for chronic non-cancer health risks ( at HI > 0.20 );
- (3) using updated toxicity values and exposure assessment procedures (primarily from [OEHHA Air Toxic Hot Spots Program Guidance Manual for Preparation of Health Risk Assessment](#));
- (4) removing "special" project cancer risk limits for perchloroethylene dry cleaners; all sources now limited to cancer risk of 10 in a million; and
- (5) eliminating discretionary risk authority for the APCO; all sources now limited to cancer risk of 10 in a million and non-cancer Hazard Index of 1.0.

The District also intends to increase Risk Screening Fees to fund addition staff necessary to perform more complex Health Risk Screening Analyses required by the new rule and changes to State risk assessment guidelines. These fee changes are being combined with other contemporaneous changes to Regulation 3.

The District chose to prepare a draft Environment Impact Report (EIR) in accordance with provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) pursuant to State CEQA Guidelines, Section 15082. The Draft EIR concludes that significant adverse air quality impacts may occur due to the conversion of dry cleaners from using perchloroethylene to other less toxic alternatives. The health benefits associated with decreased exposure to perchloroethylene provide an overriding consideration to any possible increase in ozone forming volatile organic compounds from an increase in the use of alternative dry cleaning solvents. The Draft EIR is available on the District's website at [http://www.baaqmd.gov/pln/ruledev/regulatory\\_public\\_hearings.asp](http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.asp). **Comments on the draft EIR will be received during the period from April 21, 2005 until 5:00 p.m on Monday, May 23, 2005.**

Draft regulatory language for proposed Regulation 2, Rule 5, the Manual of Procedures, associated changes to other District regulations, and a draft staff report is available on the District's web site at <http://www.baaqmd.gov/pln/ruledev/workshops.asp>. Final proposed regulatory texts and a final staff report will be available at least 30 days before the public hearing at [http://www.baaqmd.gov/pln/ruledev/regulatory\\_public\\_hearings.asp](http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.asp). Copies of these documents may also be requested by calling May Leung at (415) 749-4729. Comments on the proposal should be directed to Scott Lutz, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, California 91409, telephone (415) 749-4676, fax (415) 749-4949, or e-mail at [slutz@baaqmd.gov](mailto:slutz@baaqmd.gov). **Written comments on the proposed regulatory changes must be received by the District by to 5:00 p.m. on Tuesday, June 7, 2005.**