



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

California Environmental Quality Act

NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION

LEAD AGENCY: Bay Area Air Quality Management District

Contact: Scott Lutz Phone: 415-749-4676

SUBJECT: NOTICE OF INTENT TO ADOPT NEGATIVE DECLARATION PURSUANT TO SECTION 21092 AND 21092.3 OF THE PUBLIC RESOURCES CODE AND CEQA GUIDELINES SECTION 15072

Project Title: Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants

Project Location: The rules and proposed amendments apply within the Bay Area Air Quality Management District ("District"), which includes all of Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, and Santa Clara counties, and the southern portions of Solano and Sonoma counties.

Project Description: Regulation 2, Rule 5 prevents significant increases in health risks resulting from new and modified sources of toxic air contaminants based on preconstruction permit review. The program also reduces existing health risks by requiring updated control requirements when older, more highly polluting sources are modified or replaced.

The proposed amendments incorporate revised California Office of Environmental Health Hazard Assessment (OEHHA) health risk assessment methodologies for proposed projects throughout the District. The amendments would initially result in an increase in stringency of Toxics-Best Available Control Technology and Project Risk cancer risk standards for new and modified sources by a factor of 1.7 relative to existing requirements. This increased stringency would result from the use of age sensitivity factors that increase cancer risk estimates as follows: (1) a factor of 10 for exposures that occur from the third trimester of pregnancy to 2 years of age, and (2) a factor of 3 for exposures that occur from 2 years to 15 years of age. These age sensitivity factors were adopted by OEHHA on June 1, 2009. The proposed amendments would require these age sensitivity factors to be used in the permit evaluation program under Regulation 2, Rule 5 upon adoption.

OEHHA has also adopted a revised risk assessment methodology for non-cancer health effects. This methodology includes consideration of possible differential effects on the health of infants, children and other sensitive subpopulations. To date, OEHHA has adopted revised Reference Exposure Levels (RELs) using the new methodology for seven toxic air contaminants, and additional air contaminants will be reviewed for new or revised RELs using the new methodology over time.

The proposed amendments revise Table 2-5-1 to incorporate changes to risk assessment guidelines that have been adopted by OEHHA as of June 1, 2009. These revisions include cancer potency factors, RELs and emission trigger levels.

Finally, the proposed amendments contain a toxics tracking provision for each Priority Community under the District's Community Air Risk Evaluation program. Under this provision, the District will track and report emissions changes of toxic air contaminants from permitted stationary sources, mobile sources, and area wide source over time.

Negative Declaration: A copy of the Negative Declaration is available for review on the District's website at http://www.baaqmd.gov/pln/ruledev/regulatory_public_hearings.htm and at the District office at 939 Ellis Street, San Francisco.

Written comments on the Negative Declaration must be addressed to Scott Lutz, Air Quality Engineering Manager, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, California, 94109. Comments also can be sent by fax to (415) 749-4949 or by e-mail to slutz@baaqmd.gov. Comments on the negative declaration will be received from Friday, November 13, 2008 until 5:00 pm on Thursday, December 3, 2009.

Public Hearing: On Wednesday, December 16, 2009 at 9:45 a.m., the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing to consider amendments to Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants, and the adoption of a Negative Declaration pursuant to the California Environmental Quality Act (CEQA). The hearing will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco.