



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

PUBLIC HEARING NOTICE

November 13, 2009

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

On **Wednesday, December 16, 2009**, the Board of Directors of the Bay Area Air Quality Management District will conduct a public hearing to consider proposed amendments to Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants and the Health Risk Screening Analysis (HRSA) Guidelines for this rule and to consider adoption of a CEQA Negative Declaration. The hearing will be held in the 7th floor Board Room of the District Office, 939 Ellis Street, San Francisco. District Board meetings commence at 9:45 a.m.

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. This rule also reduces existing health risks by requiring updated control requirements when older, more highly polluting sources are modified or replaced. The proposed amendments will increase conformity with State health risk assessment guidelines that have been approved by the California Office of Environmental Health Hazard Assessment (OEHHA) and will establish procedures for tracking toxic air contaminant (TAC) emission changes in Priority Communities and for assessing the cumulative impacts that may result from these TAC emission changes. The proposed amendments will:

- Incorporate OEHHA's Age Sensitivity Factors (ASFs) into the cancer risk calculation procedures;
- Update health effects values in Table 2-5-1 for numerous toxic air contaminants based on revisions to health effect values approved by OEHHA as of June 1, 2009;
- Add cancer potency weighting factors and chronic reference exposure level weighting factors to Table 2-5-1;
- Revise risk screen trigger levels in Table 2-5-1 based on the proposed new cancer risk calculation procedures and the updated health effects values;

- Add an administrative requirement, Section 2-5-404, for the APCO to publish and update the list of Priority Communities and the Priority Community Designation Guidelines.
- Add an administrative requirement, Section 2-5-405, for the APCO to publish and update a Cumulative Impact Summary Report for Priority Communities. To accomplish this task, the District will track toxicity weighted emission increases and reductions in each Priority Community.

To clarify existing requirements and to explain the proposed Priority Community tracking provisions, District staff is also proposing a number of other changes to Regulation 2, Rule 5 exemptions, definitions, and procedures. These proposed amendments will:

- Add operating time for initial start-up testing to the emergency operating time and emissions test operating time exemptions in Section 2-5-111 for emergency standby engines;
- Revise four existing definitions (Sections 2-5-206, 2-5-212, 2-5-216, and 2-5-218) and add three new definitions (Sections 2-5-225, 2-5-226, and 2-5-227) to explain existing and new terminology and to clarify the applicability of existing and new procedures;
- Add the Toxic NSR Program initiation date, January 1, 1987, to Section 2-5-601 to clarify the emission calculation procedures for modified sources;
- Add Section 2-5-604 to explain the calculation procedures for toxicity weighted emission increases and reductions.

Pursuant to the California Environmental Quality Act (Public Resources Code § 21000 et seq.), an initial study for the proposed amendments has been conducted, concluding that the proposed amendments would not have significant adverse environmental impacts. Notice is hereby given that the District intends to adopt a negative declaration for the amendments pursuant to Public Resources Code section 21080(c) and CEQA Guidelines section 15070 et seq.

The proposed amendments to Regulation 2, Rule 5, a staff report, socioeconomic impact analysis, CEQA environmental analysis and draft Negative Declaration are available on the District website at:

<http://www.baaqmd.gov/Divisions/Planning-and-Research/Rule-Development/Current-Regulatory-Public-Hearings.aspx>.

Comments on the proposed amendments and draft Negative Declaration may be directed to Scott Lutz, Toxic Evaluation Section Manager, Bay Area Air Quality Management District, 939 Ellis Street, San Francisco, California, 94109, at (415) 749-4676, via fax at (415) 749-4949, or via e-mail at slutz@baaqmd.gov. Written comments on the regulatory proposal and Negative Declaration will be accepted from Friday, November 13, 2009 until 5:00 p.m. on Thursday, December 3, 2009.