

December 2, 2016

Bay Area Air Quality Management District  
375 Beale Street, Suite 600  
San Francisco, CA 94105

SUBJECT: Regulation 11-18 Comments

Dear Victor Douglas:

Criterion Catalysts & Technologies, LP would like to submit the following comments regarding the Bay Area Air Quality Management District (BAAQMD) proposed Regulation 11 Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities.

1. The 30 day time requirement to submit health risk assessment information requested under the proposed 11-18-401 is insufficient for facilities with few environmental compliance personnel to properly respond. For a facility that has not completed a facility wide health risk assessment, obtaining the required parameters for sources and buildings can be time consuming. In addition, some sources may not measure exhaust temperatures, stack flow rates, or hours of annual operation, if not required in their permits. Gathering this information would be particularly difficult for a facility with limited personnel if it were to occur during a month when other major regulatory reports were also due. BAAQMD should consider revising the time requirement to 60-90 days to allow facilities adequate time to respond with accurate and credible data for the information request.
2. Prior to finalizing the rule, BAAQMD should provide facilities with guidance on what would be classified as meeting “Best Available Retrofit Control Technology for Toxics” (TBARCT) to satisfy 11-18-301.2.1. In order to plan for implementation of Rule 11-18, it would be useful for facilities to know if their sources already achieve TBARCT or if they may have to consider additional pollution control technology.
3. BAAQMD should consider adding a step after the initial information request in 11-18-401. This proposed step would allow the facility to review and provide additional information to BAAQMD prior to the final approved HRA. As an alternative, BAAQMD should consider allowing facilities time to prepare their own HRA for submittal to BAAQMD for review and approval. Currently, there is no guarantee a facility has any opportunity to discuss and revise the initial HRA prepared by BAAQMD. Health risk assessments are complex and often require multiple iterations and refinements to accurately represent a facility’s risk. Since some outcomes of the regulation require public notification and disclosure of the HRA, it is essential the BAAQMD and the facility present an HRA with the most accurate information as agreed upon by both parties to the public.
4. If a Risk Reduction Plan is required, the three year timeline is too short for the required implementation. Prior to implementation the following must be completed: a feasibility study, engineering design, capital funding approval, permitting from the BAAQMD and/or other necessary agencies, construction time and testing of the new system. BAAQMD should consider extending the timeline required for implementation to account for more realistic timeline of the risk reduction projects. It would not be practicable to shorten the time as suggested in 11-18-402.2 to less than three years.
5. BAAQMD should consider adding language to allow updating and modification of the risk reduction plans. This language would provide a way to adjust a plan if there are problems during detailed design and implementation with a strategy outlined in the original plan. This would allow the facility to provide an alternative plan for review if this occurs.

6. The BAAQMD should consider adding language to allow a case-by-case determination of the risk action level for an HI greater than 1 as allowed by South Coast Air Quality Management District (SCAQMD). This is particularly essential for acute HI. Some sources can be used for limited amounts of time, but could still have peak high emissions and result in an estimate of elevated HI. In some cases, the nature of the chemical does not result in immediate harm if exposed for a short duration. This may also be necessary to represent equipment operated in a batch process for less than an hour, which cannot easily be modeled accurately. Some example language can be found in SCAQMD Rule 1402 (k):

“An alternate hazard index level may be used as the action risk level for a particular total acute or chronic HI if the Executive Officer, in consultation with the Office of Environmental Health Hazard Assessment, determines that such alternate hazard index level is protective against adverse health effects. The alternate HI level shall not in any case exceed 10. The facility operator shall attain the alternate HI level for the action risk level.”
7. BAAQMD should consider adding explicit language on how quickly revisions to previous risk determinations would be required for changes, such as equipment no longer qualifying as TBARCT, addition or changes to toxic air contaminants toxicity factors, or changes to risk assessment models or methodologies. The South Coast Air Quality Management District (SCAQMD) Rule 1402 (j) has some suggested timelines to consider incorporating into this rule.

If you have any questions regarding these comments, please contact me at (925) 458-7214.

Thank you,

*Jeff Luengo*

Jeff Luengo  
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