



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

APPENDIX B— Additional Concurrent Efforts and Changes Not Recommended at This Time

April 2021

I. ADDITIONAL CONCURRENT AND PLANNED EFFORTS

Community advocates have recommended several big-picture concepts that Air District staff has taken into consideration while developing updates to the permitting regulation. Staff has met internally to discuss how best to apply these concepts to the permitting program. None of the concepts listed below are being recommended for inclusion into the permitting regulation at this time based on staff discussions, but staff plans to continue assessing ways in which many of the concepts listed below could be incorporated into the permitting regulation in the future. Additionally, please see Section II below for a brief discussion on concepts staff considered but do not recommend for inclusion in the permitting regulation.

A. *Determination of risk from nearby sources analysis*

Air District staff does not recommend incorporating into the permitting regulation an analysis of the impact of each individual source of air pollution near a proposed project. This analysis is sometimes called a cumulative impacts analysis, although the term cumulative impacts is loosely defined. The cumulative impacts analysis described here is currently addressed through application of the Air District's CEQA Thresholds of Significance, where impacts can be mitigated, and where the cumulative impact is the summation of the cancer risks, hazards, and PM_{2.5} concentrations from all significant sources identified within a 1,000-foot radius of the project.¹ Discussions among Air District staff regarding the incorporation of a CEQA-style cumulative impacts analysis into the permitting regulation made clear that doing so is premature at this time. The CEQA methodology relies on less refined methods of estimating emissions and associated risks because the method of compliance is risk mitigation, rather than total denial of an Air District permit for the project. In contrast, in the permitting context, a project that exceeds the cumulative risk threshold would not be issued a permit to operate.

Furthermore, the Air District's proposal to consider background air quality would likely be a better representation of background risk than the analysis of nearby sources of air pollution, which only considers impacts from those sources and not transported pollutants. It is for this reason and the reasons described above that the Air District does not recommend implementing an analysis to determine risk from nearby existing sources of air pollution at this time.

B. *Lowering TBACT threshold*

Staff evaluated whether to lower the threshold in Rule 2-5 at which projects need to install the Best Available Control Technology for Toxics (TBACT) from 1 to 0.5 in a million-cancer risk. Staff's preliminary determination is that lowering the threshold would not make the regulation much more health protective than it already is. Further analysis will determine if this change would be effective at reducing air pollution in overburdened communities.

C. *Community Focused Rules Development*

In addition to the PM Strategy, staff is developing a document that prioritizes developments of and amendments to community-focused rules. The purpose of the document is to identify and evaluate existing and potential rules, incentives, and programs that can be utilized to address localized community health impacts from air pollution.

¹ BAAQMD, 2012. Recommended Methods for Screening and Modeling Local Risks and Hazards. May. Pages 82-83. See also BAAQMD, 2017. California Environmental Quality Act: Air Quality Guidelines. May. Pages 5/15-5/16.

Through the AB 617 community co-lead model, staff has identified certain sources of concern driving community health risk. While the AB 617 process is designed to provide further study to specific communities identified by the California Air Resources Board, Air District staff seeks to implement measures identified as key for community health protection at the local level. Targeted rule development projects that would be prioritized in the document would be those that are most impactful in benefiting community health.

II. OTHER CONCEPTS CONSIDERED

Some suggestions from community advocates are not possible to implement at this time because of insurmountable technical, legal, or policy challenges. Below, staff explains why three suggestions are currently not workable in the current effort to amend the Permitting Regulation.

A. *Permitting moratorium*

Community advocates have been clear that they generally do not want to see new sources of air pollution receive Air District permits to operate near to where they live and work, although advocates have also said that they do not want to see things like restaurants or hospitals prohibited from operating because of more stringent Air District rules. Although a moratorium to permitting in a community is not currently a regulatory option, the proposed changes described above would make it more difficult for larger sources that affect more people to add or modify sources. Also, updating the Air District's Health Risk Assessment Guidelines for gas stations and other facilities that dispense gasoline would make the permitting regulation more health protective, especially at the local level, because of the ubiquity of gas stations in communities and their toxic emissions. Staff has identified potential changes to Rule 2-5 that would be responsive to community advocates' calls to consider the fact that people live nearby large industrial facilities, and that large industrial facilities that harm community health should not be allowed to increase risk in the community via Air District-permitted projects. Furthermore, because many of the largest industrial facilities that require Air District permits to operate are located in and around overburdened communities, the recommended changes to Rule 2-5 would be responsive to community advocates' concerns about Air District permitting in areas with the most vulnerable populations.

Additionally, staff is tracking changes at the land use level to learn from recent and proposed changes in other local jurisdictions throughout California and the United States to rezone areas and reduce community exposure to industrial air pollution.

B. *Mandatory on-site risk reduction at existing facilities*

Staff assessed the feasibility of requiring facilities that present the highest modeled cancer risk to reduce risk elsewhere within the facility so that facility-wide risk would not increase overall. Staff determined that such a change in Rule 2-5 would conflict with Rule 11-18, which requires facilities to minimize risk facility-wide to below the risk action level or install Best Available Retrofit Control Technology for Toxics (TBARCT). Because it is likely that many facilities will comply with Rule 11-18 through installation of TBARCT, the only way for these facilities to comply with a mandatory risk reduction at the facility for new projects would be to shut down existing equipment, which could lead to facility-wide shutdowns and/or large layoffs of employees.

REFERENCES

BAAQMD, 2012. Recommended Methods for Screening and Modeling Local Risks and Hazards. May. Available: <https://www.baaqmd.gov/~media/files/planning-and-research/ceqa/risk-modeling-approach-may-2012.pdf?la=en>