



BAY AREA  
AIR QUALITY  
MANAGEMENT  
DISTRICT

# **Public Workshop on Draft Amendments to Permitting Rules 2-1 and 2-5**

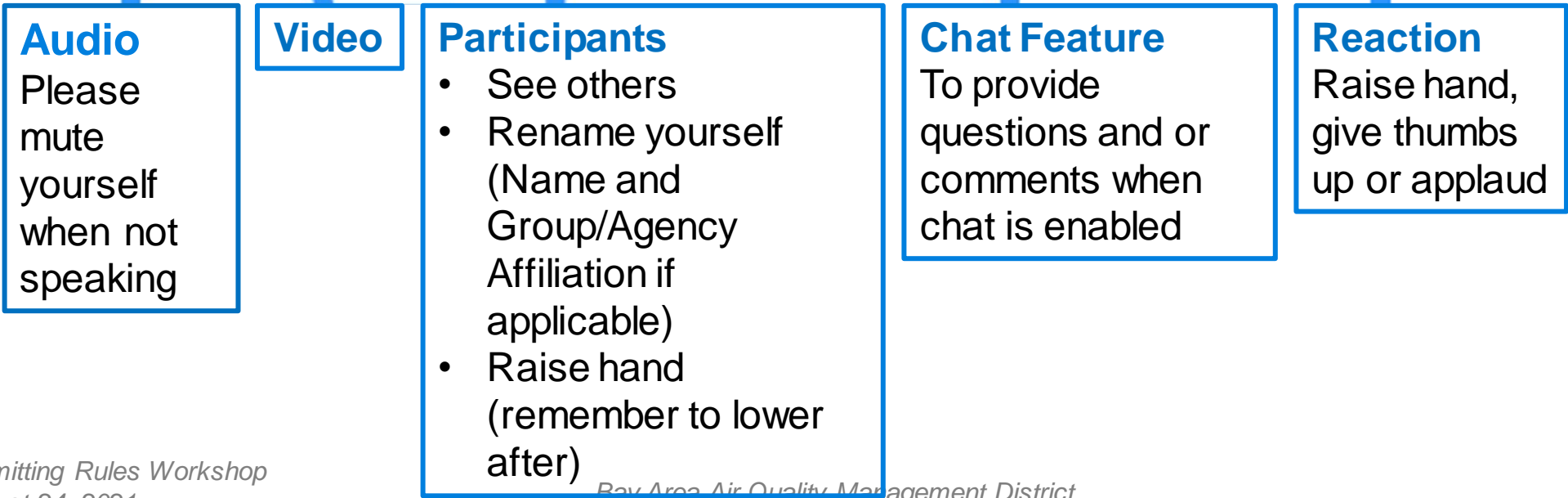
**Virtual Public Workshop  
August 24, 2021**

Note: The Air District will be recording this public workshop



# How to Use Video Conferencing

**Black menu bar at top or bottom of screen:**



# Technical Assistance



- ▶ If you need technical assistance, please call or text **(415) 604-1405** OR email **[info@interethnica.com](mailto:info@interethnica.com)**

# Virtual Participation Principles



- ▶ **One** person speaks at a time.
- ▶ Be **respectful** of one another's opinions.
- ▶ Please **mute** yourself when you're not speaking.
- ▶ **Share video if you like** so we can stay visually connected.
- ▶ Technology happens – please be **flexible and patient**.
- ▶ Remember this is just one meeting in a longer **process**.

# Workshop Agenda



1



**Zoom Poll**

2



**Staff Presentation & Participant Feedback**

3



**Comments and Questions**

4



**Closing and Next Steps**

# Polling Exercise



Let's get to know you

Poll

Where are you joining from?

What perspective best represents you tonight?



**Materials:** <https://www.baaqmd.gov/reg-2-permits> **Comments By:** Sept. 1, 2021



# Welcome and Opening Remarks



**Veronica Eady**

Senior Deputy Executive Officer of Policy & Equity

Bay Area Air Quality Management District

*Permitting Rules Workshop  
August 24, 2021*

*Bay Area Air Quality Management District*

# Presentation Topics



**1 Background on this Effort**

**2 Draft Changes to Rule 2-1**

**3 Draft Changes to Rule 2-5**

# Background and Timeline



Community Stakeholders

address air quality impacts from permitting activities in overburdened communities

**May 12, 2021**  
Concepts  
Workshop

**July 1, 2021**  
CEHJ Meeting

**August 24, 2021**  
Draft Rule Amendments  
Workshop

**September 27, 2021**  
SSCI Meeting

**May 17, 2021**  
SSCI Meeting

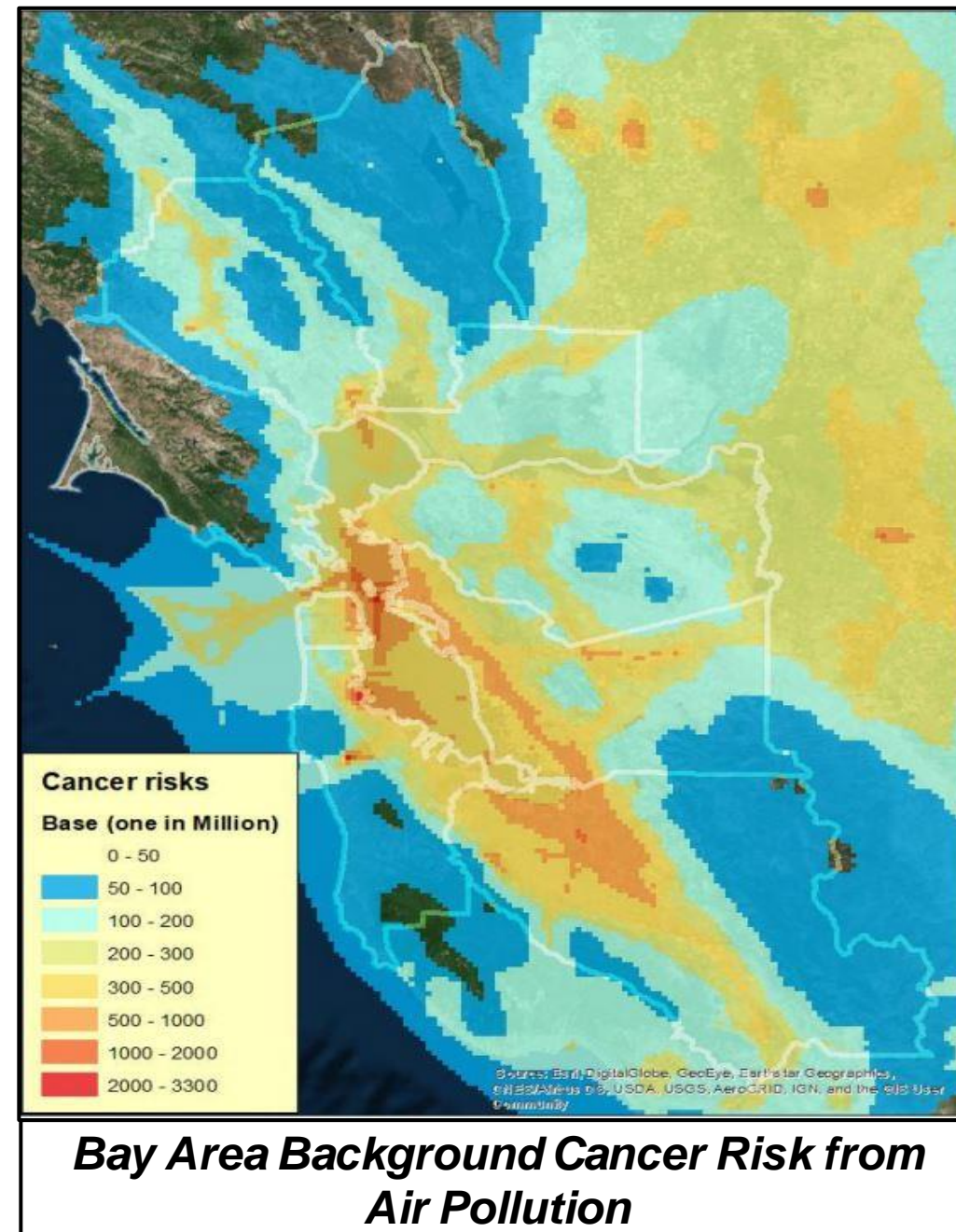
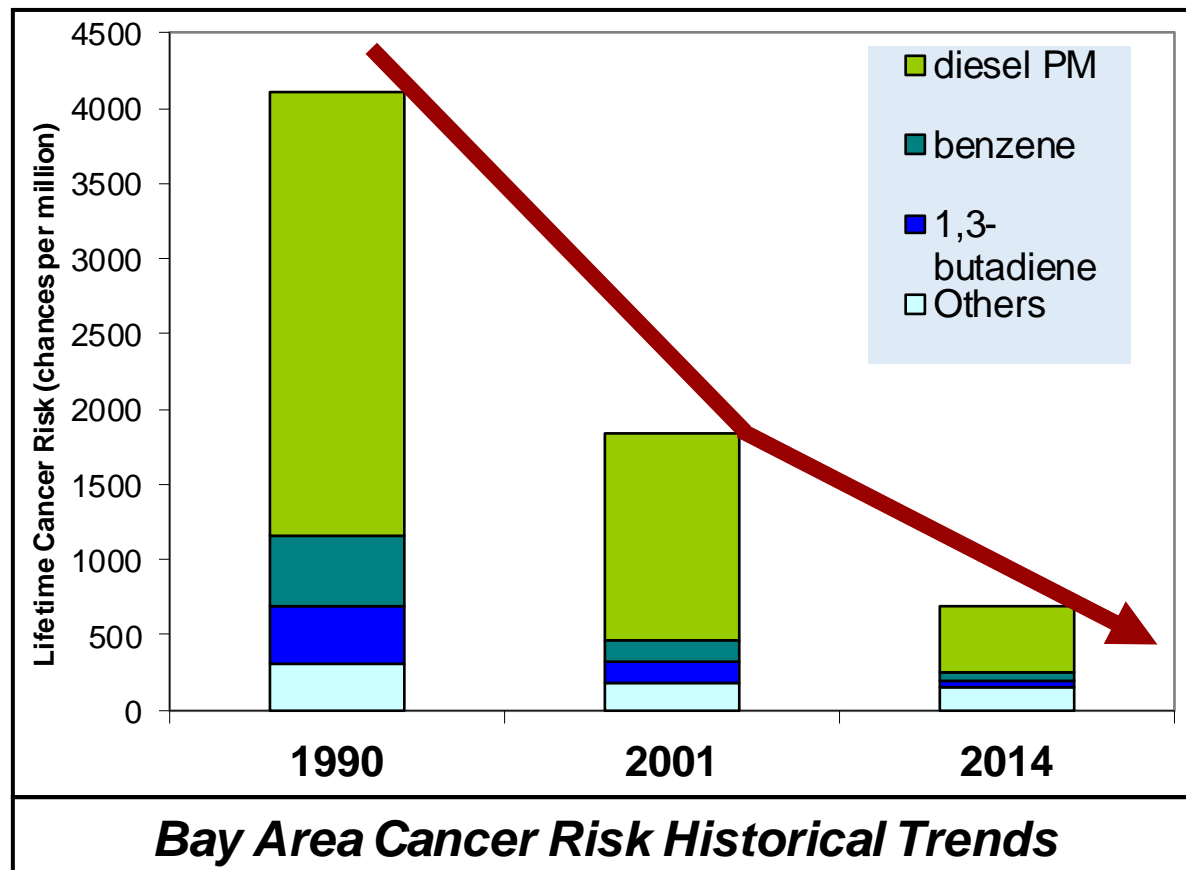
**July 22, 2021**  
Workshop Report  
Package Posted

**September 1, 2021**  
Workshop Comment  
Period Closes

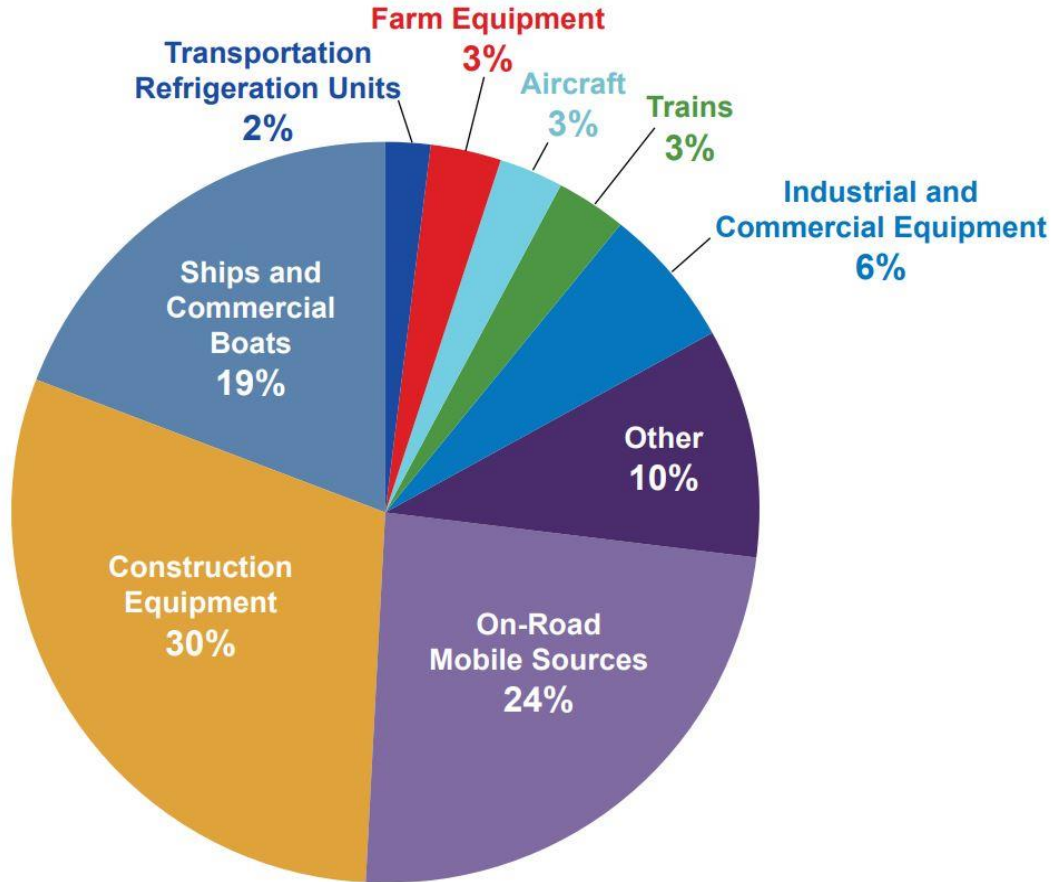
**End of 2021**  
Board Hearing



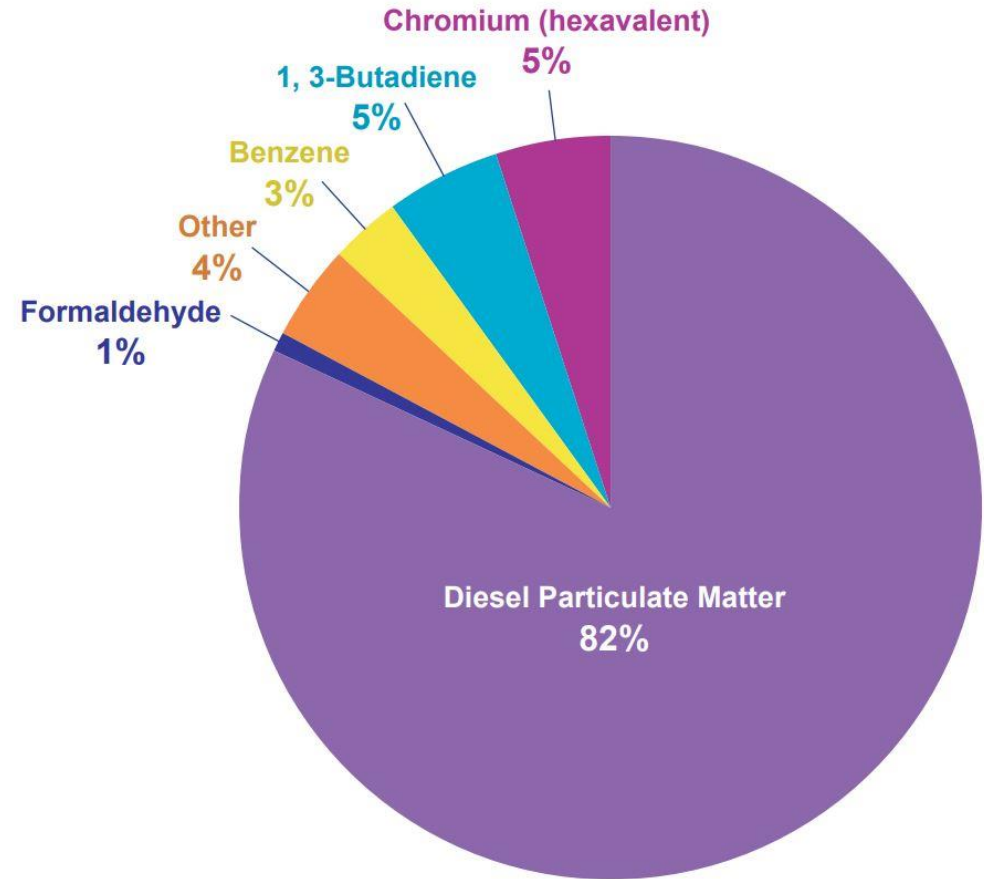
# Background: Exposure



# Background: Emissions



***Cancer-Risk Weighted Toxic Air Contaminant Emissions by Emission Source Category, 2015***



***Cancer-Risk Weighted Emission Estimates by Toxic Air Contaminant, 2015***

# May Concepts Workshop Comments



## CONCEPT WORKSHOP COMMENT THEMES

Cancer Risk Limit  
CEQA Thresholds  
Cumulative Impacts  
Education  
Emission Credits  
Permit Renewals  
Engagement  
Rule 11-18

Overburdened Community Identification  
Gas Stations  
Greenhouse Gases  
Enforcement  
Land Use  
Mobile Sources  
Enhanced Notification  
Moratorium  
Exemptions  
Fine Particulate Matter Emissions

# Overview of Relevant Permitting Rules



## Regulation 2, Rule 1: General Requirements (Rule 2-1)

- Procedure for the review of **modified** and **new sources of air pollution**
- Issuance of **authorities to construct** and **permits to operate**

## Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants (Rule 2-5)

- Review of **new** and **modified sources** of **toxic air contaminant** emissions
- **Evaluate** potential public exposure and health risk
- **Mitigate** potentially significant health risks resulting from these exposures
- Provide net health risk benefits by improving the **level of control** when existing sources are modified or replaced

# Rule 2-1: General Requirements



## PURPOSE

Provide more information to the public on active permit applications in communities that face environmental and health burdens

Overburdened Communities

Enhanced Notifications

# Rule 2-1 Updates



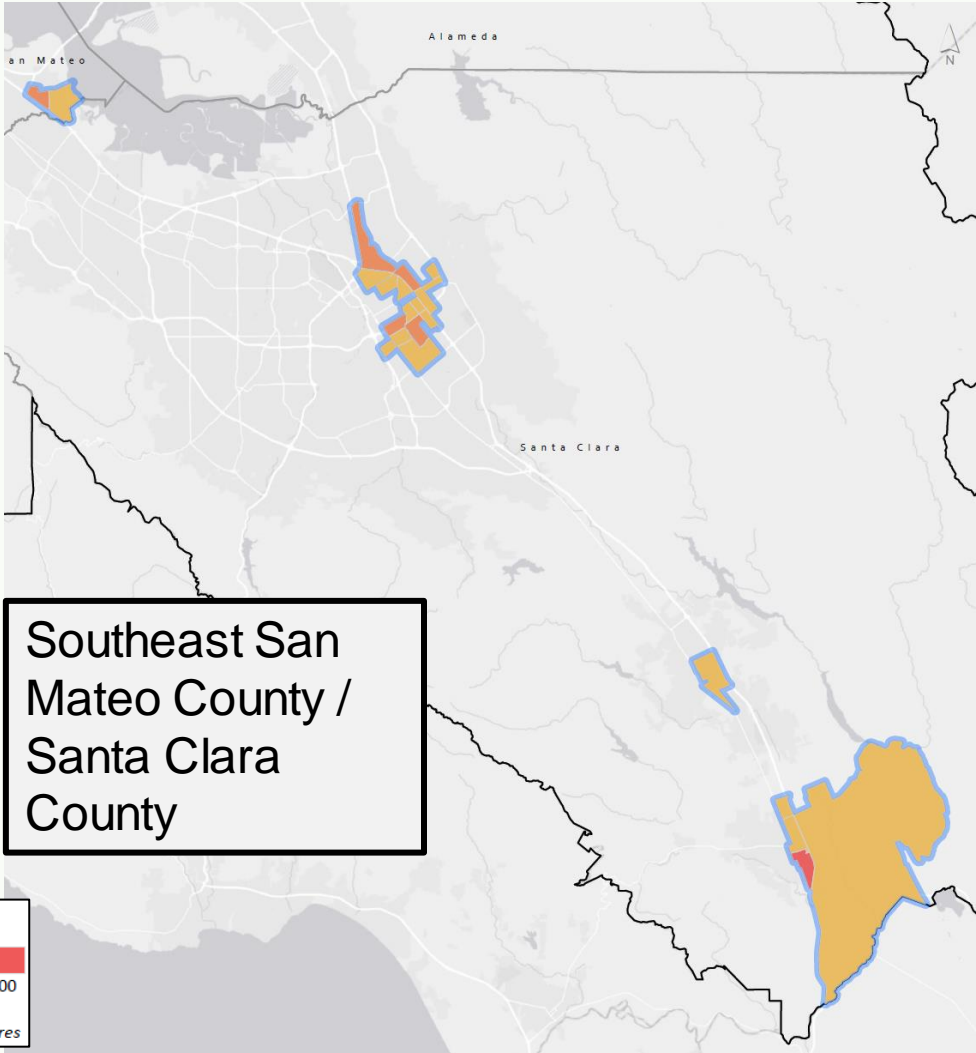
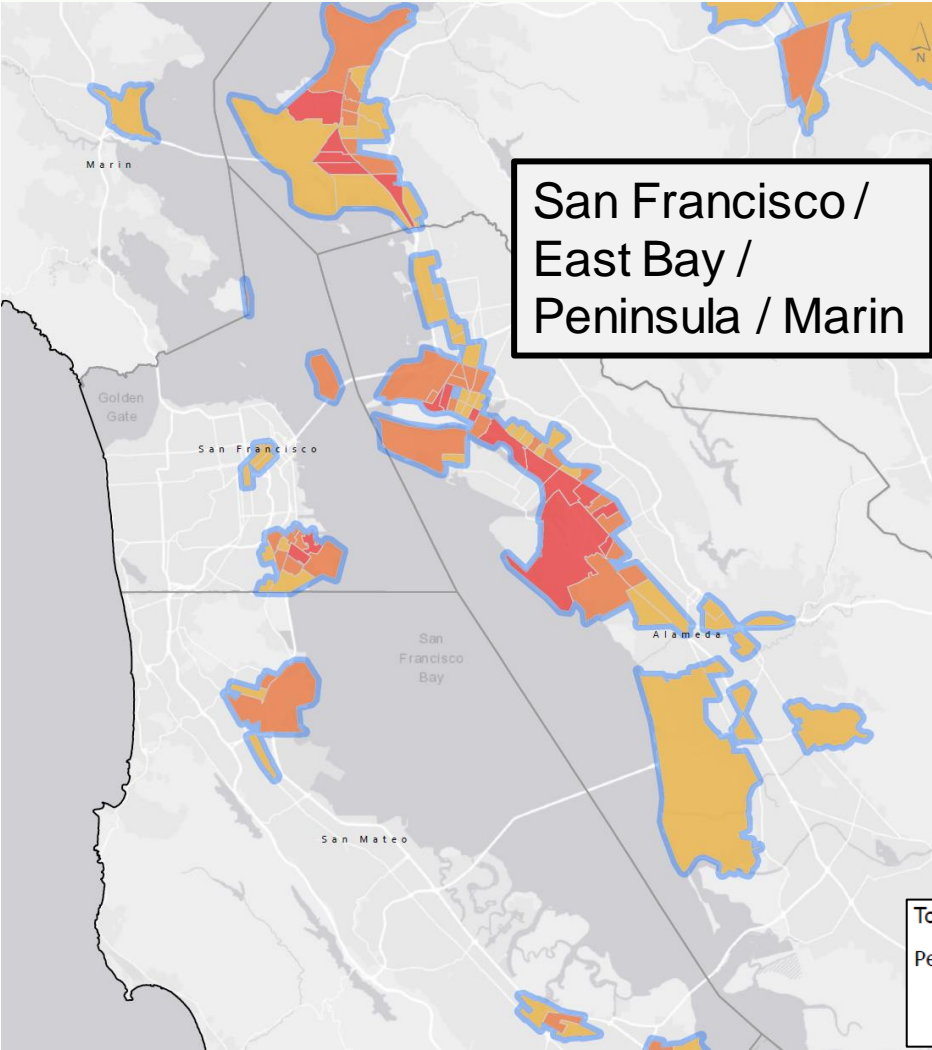
## DEFINITIONS

- ① Overburdened Community: census tract  $\geq 70^{\text{th}}$  percentile CalEnviroScreen Version 4.0 or within 1,000 feet of any such tract  
**Section 2-1-243**

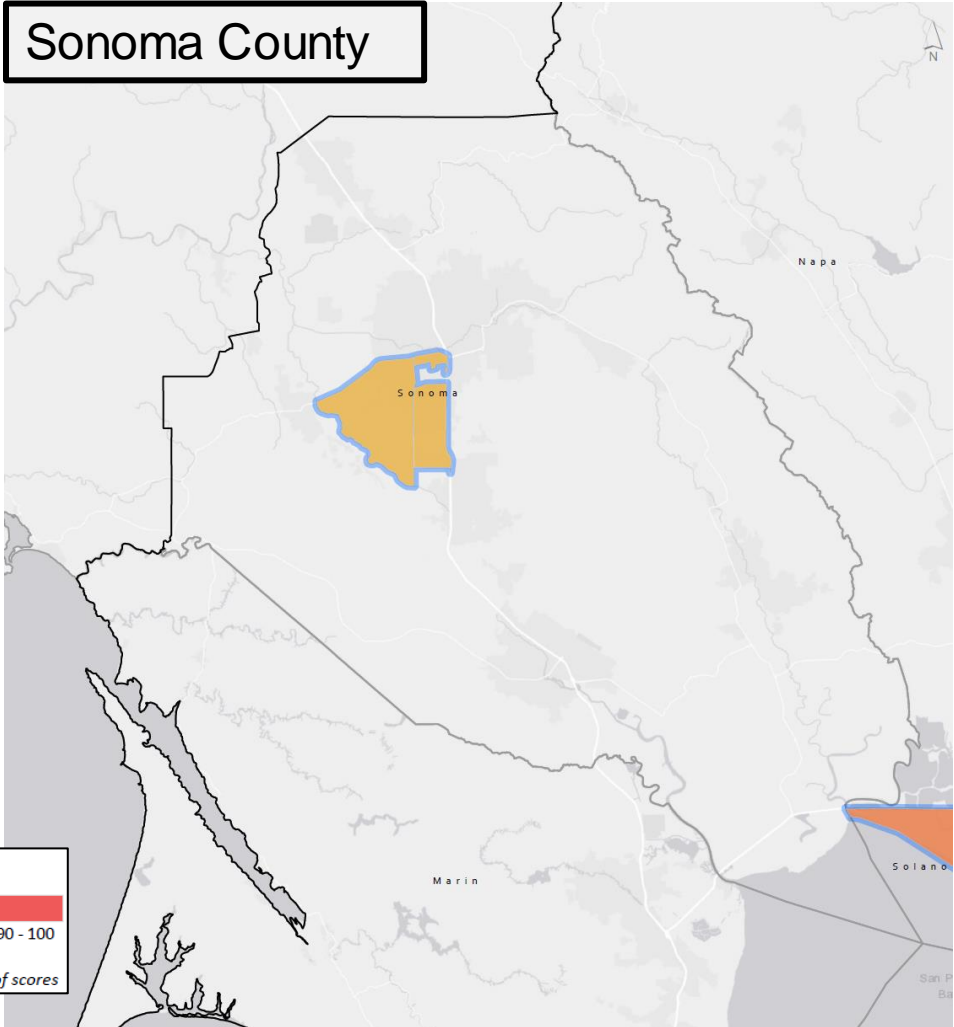
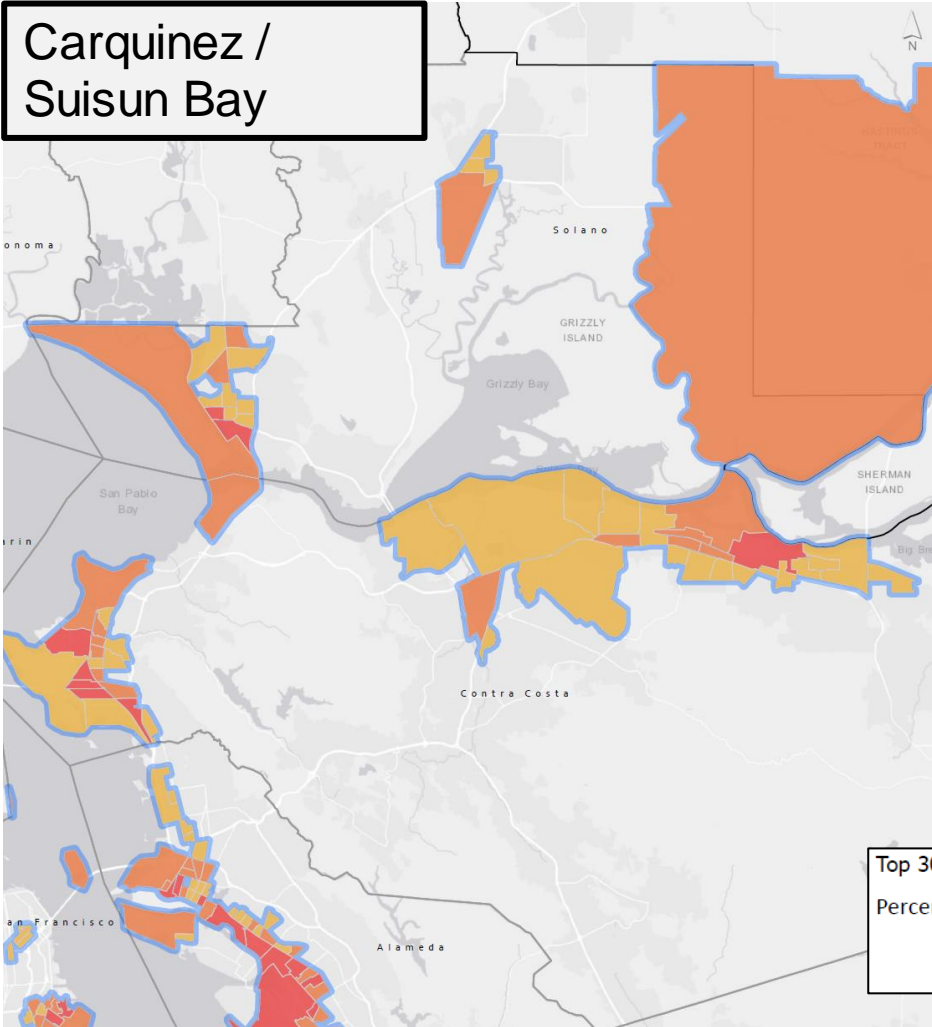
## ADMINISTRATIVE REQUIREMENTS

- ② Extend Permit Application review from **35** days to **45** days
  - *Further consideration: limit extended review to the most complex applications***Section 2-1-408**
- ③ Enhanced notification for projects within Overburdened Communities  
**Section 2-1-412**

# CalEnviroScreen 4.0

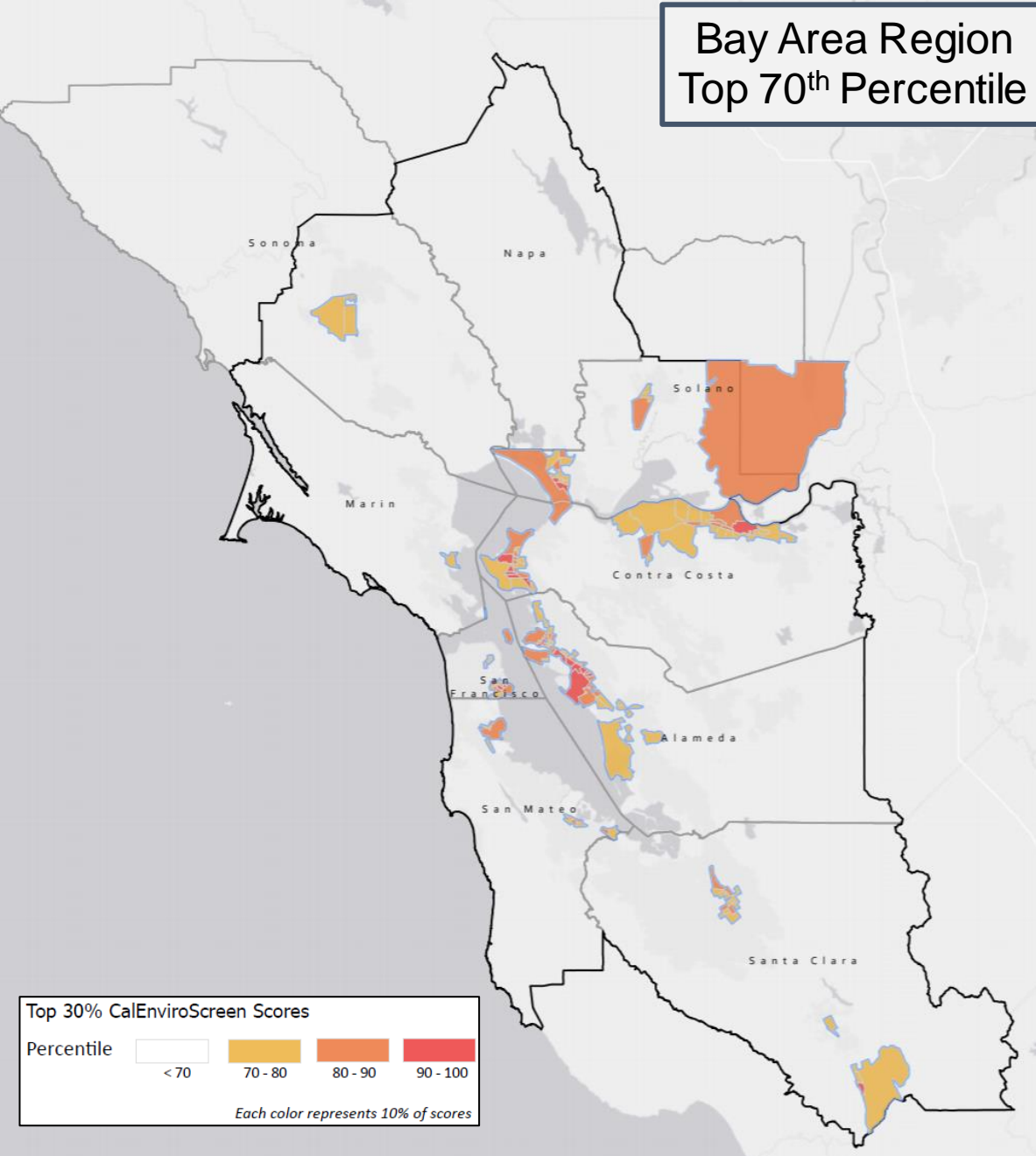


# CalEnviroScreen 4.0



Bay Area Region  
Top 70<sup>th</sup> Percentile

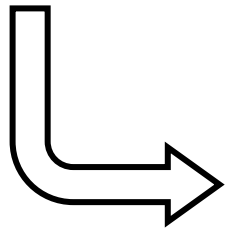
# CalEnviroScreen 4.0





# Rule 2-1: Potentially Impacted Projects

## Enhanced Notification Requirement



**Double** project notifications


Annual Average		Enhanced Notification Additional		Projected Annual Total
72	+	66	→	138


# What could this mean?



## POTENTIAL IMPACTS

 Increased **transparency** and **public awareness**

 Increased permit processing time

 Increased **expense** borne by permit applicants

 No change to Air District **permitting authority**

# Feedback Session



## FEEDBACK

- 1 Designation of Overburdened Communities
- 2 Draft enhanced notification requirements for Overburdened Communities
- 3 Draft extended application review timeline



**Materials:** <https://www.baaqmd.gov/reg-2-permits> **Comments By:** Sept. 1, 2021



# Rule 2-5: Toxic New Source Review



## PURPOSE

**Reduce** exposure to toxic air contaminant emissions by increasing the level of stringency for new or modified equipment subject to air toxics new source review

Subregional Changes

Regional Changes

# Rule 2-5 Updates



## EXEMPTIONS

- ① Limited Exemption, Emergency Standby Engines  
**Section 2-5-111**
- ② Exemption, Small Internal Combustion Engines and Gas Turbines  
**Section 2-5-113**
- ③ Exemption, Small Gas-fired Boilers and Similar Combustion Equipment  
**Section 2-5-116**

# Rule 2-5 Updates



## DEFINITIONS

- ④ Extend lookback period in the **project** definition from **3→5** years  
**Section 2-5-216**
- ⑤ Priority Community definition **deleted** and replaced by  
**Overburdened Community** under Rule 2-1, Section 2-1-243  
**Section 2-5-227**
- ⑥ Essential Public Service **defined** to mean
  - A police or fire fighting facility
  - A hospital or other medical emergency facility; or
  - A building designated as an emergency shelter location**Section 2-5-230**

# Rule 2-5 Updates



## DEFINITIONS

- ⑦ Acute Receptor defined to provide applicability of acute hazard index  
**Section 2-5-231**

## STANDARDS

- ⑧ More stringent **cancer risk limit** of 6 in one million in Overburdened Communities  
**Section 2-5-302**
- ⑨ Contemporaneous risk reductions and alignment with proposed Section 2-5-302 cancer risk limits  
**Section 2-5-303**

# Rule 2-5 Updates



## ADMINISTRATIVE REQUIREMENTS

- ⑩ Delete Designation of Priority Community, due to proposed Overburdened Community definition under Regulation 2, Rule 1, Section 2-1-243  
**Section 2-5-404**
- ⑪ Delete Cumulative Impact Summary for Priority Communities as procedures are no longer necessary  
**Section 2-5-405**

# Rule 2-5 Updates



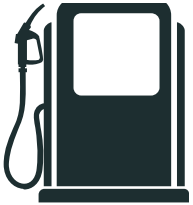
## MANUAL OF PROCEDURES

- ⑫ Clarify procedures for calculating baseline throughput  
**Section 2-5-602**
- ⑬ Updates to **Table 2-5-1**: new and revised HEV adopted by OEHHA, draft acute trigger levels for consistency with Rule 11-18  
**Table 2-5-1**

# Other Proposed Updates



## GASOLINE DISPENSING FACILITIES



2015

Update Air District HRA Guidelines to reflect use of 2015 OEHHA HRA Guidelines for gas stations

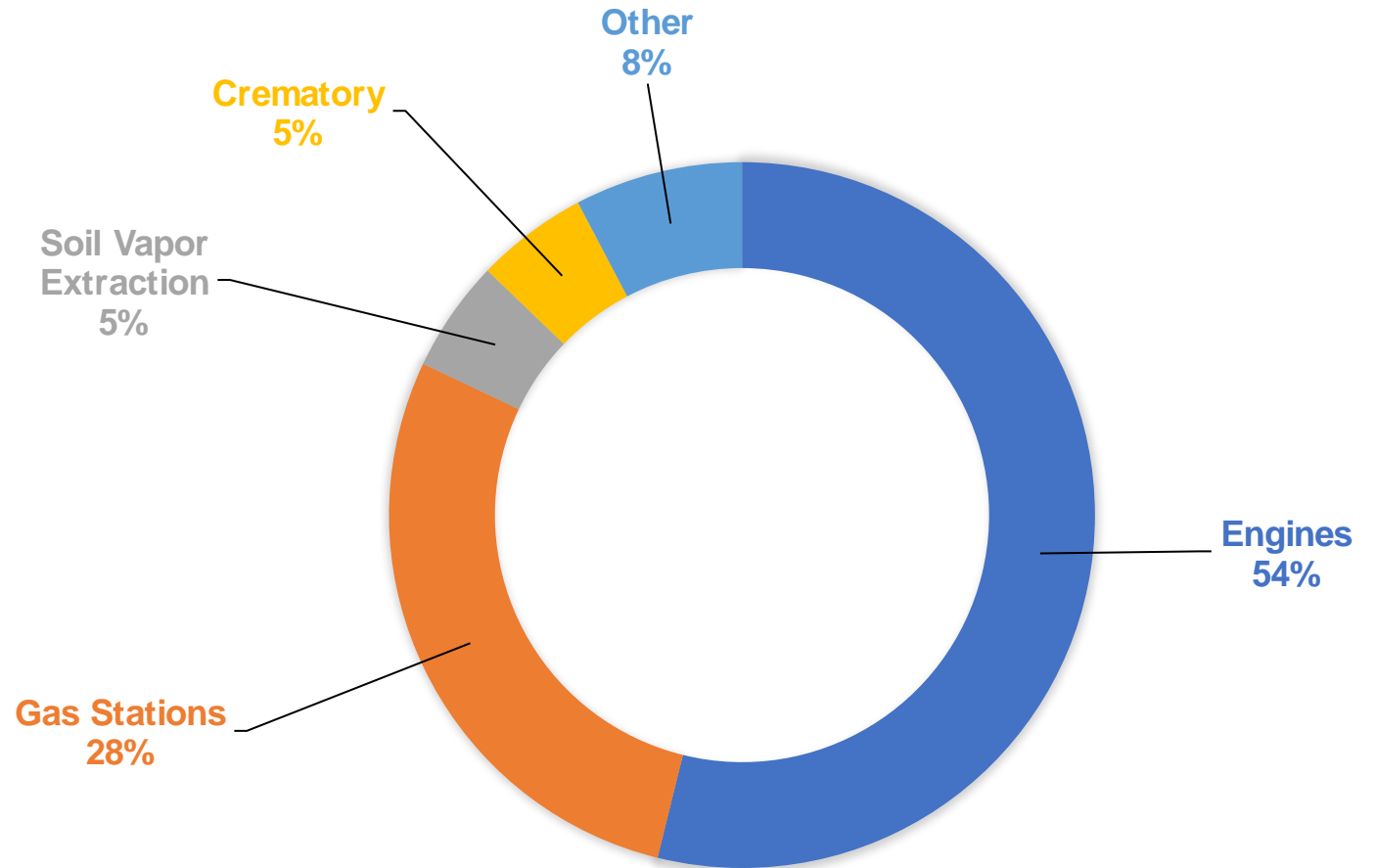


# Rule 2-5: Potentially Impacted Projects

Percentage of Cancer Risk Assessments by Project Type

Projects with Cancer Risk of **6-10** in One Million in Overburdened Communities

February 2017 - February 2021





# Rule 2-5: Potentially Impacted Projects (per year)

## Overburdened Communities



**Diesel Engines**



**+5**



**Gas Stations**



**+3**

## Outside Overburdened Communities



**Gas Stations**




**+7**

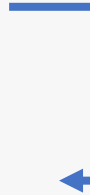
# What could this mean?



Potential **impacts** of a more stringent cancer risk limit

Primarily affected project types: **Gas Stations**  
**Diesel Generators**

 **Health benefits** from cleaner sources



 Increased expense borne by permit applicants

 Increased permit processing time

Potential disproportionate  of **business & services**



Excepting essential public services

# Next Steps



## Next Steps

### OPPORTUNITIES FOR FEEDBACK

- Comments due by **Sept. 1, 2021**
- Report out on this workshop to Stationary Source and Climate Impacts Committee on **Sept. 27, 2021**
- Prepare Board Hearing package rule amendments based on feedback

# Feedback Session



## FEEDBACK

1

More stringent cancer risk limit in Overburdened Communities

2

Emissions from emergency engine use



**Materials:** <https://www.baaqmd.gov/reg-2-permits> **Comments By:** Sept. 1, 2021



# THREE MINUTE STRETCH BREAK

The workshop will resume shortly.




Workshop Evaluation Survey:

<https://www.surveymonkey.com/r/Q5QBN2J>



# Comments, Questions and Answer Session



-  Please mute yourself when you're not speaking
-  Please raise your hand if you wish to speak and wait for the facilitator to let you know when you can unmute yourself & speak
-  The Zoom Chat is also available for comments & questions



**Materials:** <https://www.baaqmd.gov/reg-2-permits> **Comments By:** Sept. 1, 2021



# Closing and Timeline



Materials available at: <https://www.baaqmd.gov/reg-2-permits>



Workshop  
Comments Deadline:

**September 1, 2021**

- Comments received will be posted to website
- Contact staff to discuss or for follow-up questions

***Staff contact:***

**Jacob Finkle**  
**Senior Air Quality Specialist**  
**Rule Development**  
[jfinkle@baaqmd.gov](mailto:jfinkle@baaqmd.gov)

**THANK YOU FOR YOUR ENGAGEMENT**

# Workshop Evaluation & Announcement



## WORKSHOP EVALUATION

**Help us improve our workshops and rule development process by completing this short survey in the link below.**

<https://www.surveymonkey.com/r/Q5QBN2J>



## COMMUNITY ADVISORY COUNCIL (CAC)

**Come join the first Air District CAC & help develop key Air District initiatives.**

**Apply by 5PM, September 7, 2021**

<https://www.baaqmd.gov/cacapp>