

Frequently Asked Questions for 2022 Permit Reform and Implementation of Regulation 2-1 and 2-5 Amendments

Effective July 1, 2022, Air District permit regulations set more stringent health risk limits and public noticing requirements for projects located in overburdened communities, as defined in Regulation 2-1-243. Additional permit application fees and permit renewal fees may also apply to facilities located in overburdened communities.

A. Overburdened Communities (OBC)

Question: What is an overburdened community?

Answer: *Overburdened communities are locations that are especially vulnerable to air pollution impacts due to high background levels of air pollution or other environmental pollution burdens, presence of sensitive populations, and socioeconomic factors that may lead to inadequate health care or other health stressors. For the purposes of applying the overburdened community requirements in Regulation 2, Rules 1 and 5, an overburdened community is defined in Regulation 2, Rule 1, Section 243. The Air District uses the California Communities Environmental Health Screening Tool (CalEnviroScreen) to identify vulnerable census tracts and an Air District buffer zone to indicate locations of overburdened communities within the Air District*

Question: How can I determine if my project or facility is located within an overburdened community?

Answer: *To determine if your project or facility is located within an OBC, visit the following link to access the interactive overburdened communities map: <https://www.baaqmd.gov/about-air-quality/interactive-data-maps> and enter the address for your project or facility in the map tool. See Attachment 1 for additional instructions about finding and using this interactive map tool.*

Question: What can I do if a small portion of my facility is located within an OBC, but I do not plan to ever install any sources withing that OBC area?

Answer: *Contact your Air District permit engineer prior to your permit expiration date to discuss this situation explore your options.*

B. New Requirements for Facilities Located within Overburdened Communities

Question: What additional requirements apply to facilities located within an OBC?

Answer: *If your facility is located within an overburdened community, it will be subject to new permit renewal fees -see Fees below. In addition, permit applications for your facility that involve new or modified sources of toxic air contaminants may be subject to a more stringent cancer risk limit and public noticing requirements.*

Question: What additional requirements apply to permit applications from facilities located within an OBC?

Answer: *If your permit application is for a project that is located within an OBC and the project triggers a health risk assessment (HRA), the project will be subject to the public notice requirements described in Regulation 2-1-412. In addition, the project must meet a more stringent cancer risk limit of six (6.0) in a million pursuant to Regulation 2-5-302.1, unless the project is for an essential public service as defined in Regulation 2-5-230. Essential public service projects are subject to the standard cancer risk limit of ten (10.0) in a million, but the Regulation 2-1-412 public noticing requirements are still applicable. Permit applications for projects located within an OBC are also subject to additional fees – see Fees below.*

Question: What constitutes a project?

Answer: *A project includes any new or modified source that emits toxic air contaminants for which an Air District permit is requested AND any new or modified sources of toxic air contaminant emissions contained in related permit applications from the facility. Applications received within the five years prior to the current application are considered related projects unless the Air District finds otherwise. If any source in the project is located within an overburdened community, the project must meet OBC requirements.*

Question: What OBC requirements apply if a portion of my facility is located within an OBC but the project I am requesting permits for is located outside of the OBC?

Answer: *If your project is located outside of an OBC, it will be subject to the standard cancer risk limit of 10.0 in a million. OBC public noticing requirements will not apply, but the project may require school public noticing if the project is located within 1000 feet of a K-12 school and results in increases of toxic emissions.*

C. Fees

Question: What additional fees are required for facilities located within an OBC?

Answer: *If a facility holding Air District permits is located within an OBC, the facility will be subject to the new overburdened community renewal fee, as described in Regulation 3, Section 327.4, when the facility renews the permits. This fee is equal to 15% of the facility's total annual renewal fees.*

Question: What additional fees are required for permit applications for projects located in an OBC?

Answer: *If the permit application is for a project that is located within an OBC and the project requires a health risk assessment, the applicant will be required to pay the Regulation 3, Section 302.7 overburdened community application fee (\$1000 per application) and the Regulation 3, Section 318 public notice fees (\$ 2,272 per application plus any public noticing costs exceeding this amount) in addition to regular permitting and risk assessment fees for the project.*

Question: What permit application fees apply if a portion of my facility is located within an OBC but the project I am requesting permits for is located outside of the OBC?

Answer: *If your project is located outside of an OBC, it will not be subject to the OBC application fee or OBC public noticing fees. If the project is located within 1,000 feet of a K-12 school and*

the project results in increases of toxic emissions, then the school public noticing fees will apply.

D. Timeline of Application Submittal

Question: If I submitted an application prior to July 1, 2022 and my project is in an OBC and triggers an HRA, will my project be subject to the more stringent requirements?

Answer: *For projects located within an OBC, if your project was deemed complete by the Air District prior to July 1, 2022, the project will be subject to a cancer risk limit of 10.0 in a million pursuant to Regulation 2-1-409. If this project was NOT deemed complete by July 1, 2022, it will be required to meet the new cancer risk limit of 6.0 in a million.*

ALL permit applications for projects located within an OBC, regardless of the date the project was deemed complete, will be subject to public notice requirements if the project requires an HRA. Public notice fees will also apply.

Question: If I have already received an Authority to Construct (ATC) for my project which is located within an OBC and triggered an HRA, will the project be required to undergo public noticing before a Permit to Operate (PTO) is issued?

Answer: *No, if the authority to construct was issued prior to July 1, 2022, a public notice is not required prior to issuing the final permit to operate.*

Question: Does renewal of an Authority to Construct for a project located within an OBC that triggers an HRA require public noticing?

Answer: *No. If the project is being substantially modified as part of this ATC renewal, the project will require a new application and the new application would be subject to public noticing.*

E. Forms

Question: Will I be required to fill out new forms if my facility is located within an OBC?

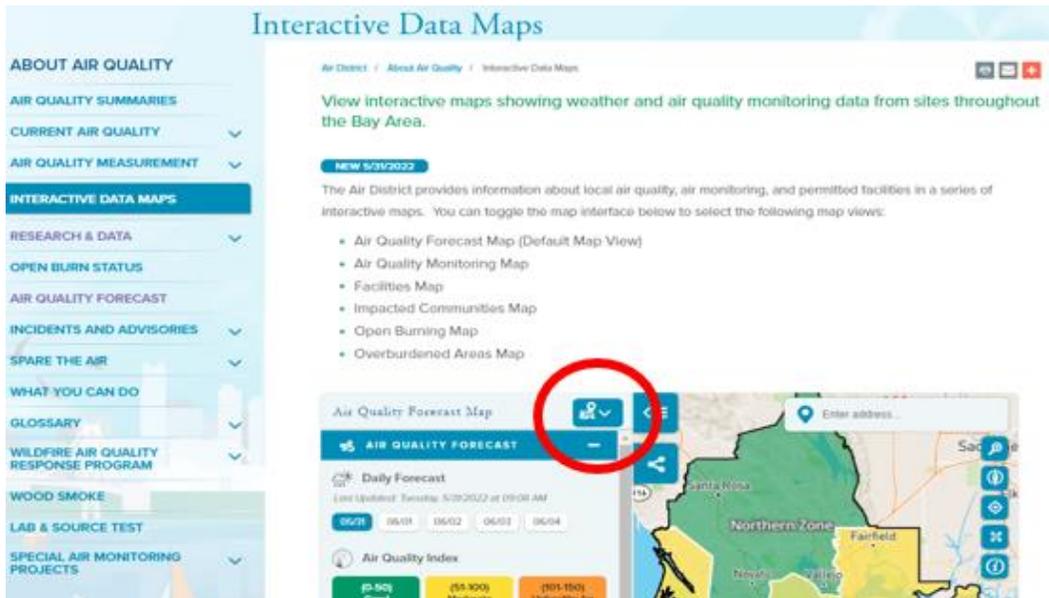
Answer: *The P-101B/Facility Creation Form, which must be submitted with all permit applications, has been updated and requests the Applicant indicate whether or not the facility is located within an OBC.*

Attachment 1

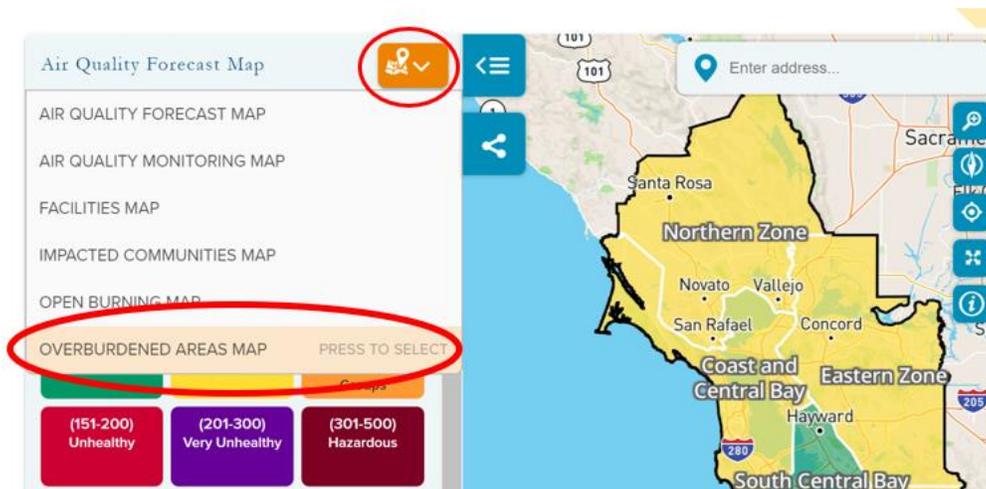
Overburdened Communities Map Help

Visit the following link to access the interactive Overburdened Community Map:
<https://www.baaqmd.gov/about-air-quality/interactive-data-maps>.

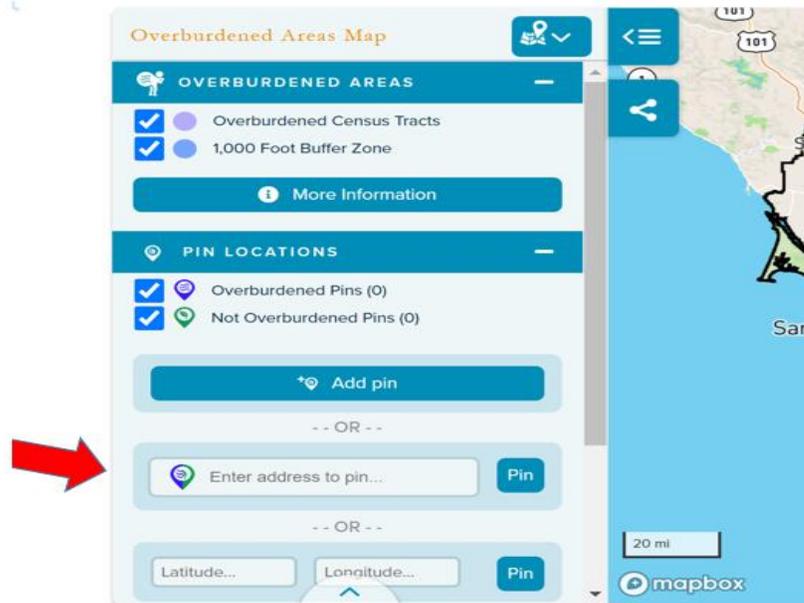
Choose the drop-down menu circled in red below.



Choose "Overburdened Areas Map" circled in red below.



Enter project address or cross streets in the area indicated by the red arrow below. Latitude and Longitude (in decimal degrees) may also be entered in place of an address



Map will zoom to the entered address or location and insert a pin. Areas shaded in blue or lavender are overburdened community areas. A blue pin indicates the location is within an overburdened community. A green pin in an area with no lavender or blue shading is outside of an overburdened community.

