



Bay Area Air District

PRELIMINARY STAFF REPORT
Draft Amendments to Regulation 11: Hazardous Pollutants,
Rule 18: Reduction of Risk from Air Toxic Emissions at
Existing Facilities

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I. INTRODUCTION

Regulation 11: Hazardous Pollutants, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities (Rule 11-18) was adopted by the Bay Area Air District (“Air District”) in 2017 to address facilities whose emissions of toxic air contaminants pose an elevated risk to nearby residents and workers. The purpose of Rule 11-18 is to prioritize existing facilities with the highest health impacts across the Bay Area and require them to reduce those impacts. Rule 11-18 requires existing facilities with health risks above specified risk action level (RAL) thresholds to either reduce those health risks below the Rule’s risk action thresholds or implement Best Available Retrofit Control Technology for Toxics (TBARCT) on all significant sources of health risks.

Committee members and environmental groups have raised concerns regarding delays in Rule 11-18 implementation, including the finalization of health risk assessments (HRA) and the development, submission, and approvals of Risk Reduction Plans (RRPs). These concerns about Rule 11-18 were raised at multiple Air District Stationary Source Committee meetings, and community members voiced similar concerns at Assembly Bill (AB) 617 Community Steering Committee meetings. Additionally, the Richmond-North Richmond-San Pablo Path to Clean Air (PTCA) includes a strategy to improve Rule 11-18, including rule amendments to improve efficiency and transparency.

To address these needs, the Air District is developing amendments to Rule 11-18 in two phases:

- **Phase 1** (current): focused on procedural improvements and implementation efficiency;
- **Phase 2** (future): focused on evaluating and potentially increasing rule stringency.

This Preliminary Staff Report provides background information, regulatory context, and a detailed description of the Phase 1 draft amendments to Rule 11-18. Air District staff is soliciting comments on these materials and will consider all input received during the public comment period toward further development of these amendments. Staff will then prepare the final proposal and staff report, along with other supporting documents, for additional review and comment. These final materials will be presented at a Public Hearing, where staff anticipates submitting the proposed rule amendments for consideration by the Air District Board of Directors.

Draft Rule Amendments

For Phase 1, Air District staff is developing amendments to Rule 11-18 that would expedite the HRA and RRP approval steps, as well as other changes that would improve implementation efficiency of this rule. These draft amendments focus on measures aimed at accelerating risk reduction and improving program efficiency to implement the requirements of the rule as soon as feasible. They are expected to expedite not only the overall implementation of the rule but also the reduction of toxic emissions and health risks from affected facilities. The key components of the draft amendments to Rule 11-18 include the following:

Health Risk Assessments (HRAs)

- Require facilities to prepare preliminary HRAs using District-approved modeling protocols. The protocols will apply standardized methods customized with site-specific information, allowing for greater efficiency by leveraging facility-specific knowledge and resources and enabling more preliminary HRAs to move forward simultaneously;
- Retain and exercise Air District authority to review, correct, and approve HRA inputs and

results;

- Establish specific deadlines for facilities to respond to Air District comments and corrections.
- Formalize the current practice of holding a public comment period on the preliminary HRA concurrent with the existing 90-day comment period for the facility;
- Add language outlining what happens when new emissions data affect the facility's HRA results and risk action level (RAL) status;

Risk Reduction Plans (RRPs)

- Revise the terminology and timeline associated with the Air District's review of draft Risk Reduction Plans (RRPs) from a 20-day "completeness review" to a 60-day "review" prior to public comment; and
- Clarify the circumstances under which extensions to the implementation of an RRP or risk reduction measure may be granted.

The amendments would provide considerable Air District time and resource savings for implementing the Rule 11-18 program, particularly in setting up the air dispersion model and entering input parameters, including toxic emissions data, source locations, stack parameters, meteorological data, terrain data, and receptor locations. The amendments also allow the Rule 11-18 program to process more HRAs concurrently by requiring facilities to submit HRA modeling protocols and preliminary HRA results for Air District review, rather than being constrained by the modeling bandwidth of Air District staff. This shift is expected to significantly accelerate implementation timelines across the program.

Draft Implementation Procedures

Staff has also developed draft amendments to the Rule 11-18 Implementation Procedures. The Implementation Procedures are a set of non-binding procedural guidelines developed to support consistent and transparent application of Rule 11-18. The current Implementation Procedures were published in 2024 after a public comment period, but they have not been formally adopted by the Board of Directors. The draft amendments to the Implementation Procedures include additional procedures necessary to align with the draft amendments to Rule 11-18, as well as administrative corrections and clarifications.

Additionally, the draft amendments to the Implementation Procedures revise the requirements and procedures for the Dispute Resolution Panel (DRP) established to ensure that disputes arising between the Air District and refineries during Rule 11-18 implementation can be addressed expeditiously. The revised procedures provide a clear process for refineries to resolve technical issues that remain unresolved after the public comment period, while also encouraging transparent use of the public comment process to streamline implementation. The amendments to the Dispute Resolution Panel procedures include the following:

- **Eligibility:** Convening the DRP would only be allowed for disputes involving HRAs or RRP for facilities defined as refineries under Regulation 8, Rule 1.
- **Submission Content:** Requests must identify specific disagreements with an Air District determination, propose specific remedies, and include supporting materials.
- **Timeliness and Prior Participation:** Only issues, remedies, or materials raised during the public comment period may be included, unless they address post-comment period changes made to the HRA or RRP.
- **Scope of Disputes:**

- After the Air District responds to comments on preliminary HRAs, disputes are limited to inventory and methodology issues.
- After the Air District responds to comments on draft RRP, disputes are limited to technical feasibility, economic burden, TBARCT determinations, or updated inventories.
- **Limits on Requests:** One request per facility per plan (HRA/RRP), each covering up to three distinct issues (each with a specific disagreement and proposed remedy).
- Additional requirements on request submissions to ensure that disputes can be resolved within a reasonable timeframe.

Future Amendments

The current draft amendments represent the first of the two phases of planned amendments to Rule 11-18. The second phase is anticipated to include potential increased stringency measures and additional rule improvements. This may include efforts such as reexamining risk action levels, additional measures to further limit or reduce health impacts on communities near Rule 11-18 facilities, or other changes to improve rule clarity, transparency and implementation of existing risk reduction requirements for reducing facility-wide health risk below risk action levels or installing all feasible risk reduction measures and TBARCT. The second phase has not yet been initiated, as its timing will depend on the ongoing prioritization of upcoming rulemaking projects and schedules.

II. BACKGROUND

A. Industry Description

With some narrow exceptions, Rule 11-18 applies to all facilities whose emissions of toxic air contaminants may result in an elevated risk to nearby receptors. This includes a broad range of commercial, industrial, and municipal facilities, including refineries, chemical plants, wastewater treatment facilities, foundries, forges, landfill operations, hospitals, crematoria, power plants, colleges and universities, military installations, and airline operations. These facilities operate diverse sources of toxic emissions, such as diesel-fueled internal combustion engines, wastewater treatment processes, combustion sources, and evaporative and fugitive emissions.¹ Applicability under Rule 11-18 is determined annually using a prioritization score calculation. Currently, approximately 350 facilities are expected to be screened under Rule 11-18.²

B. Pollutants

Rule 11-18 aims to reduce health impacts from affected facilities with emissions of toxic air contaminants (TACs). California Health and Safety Code Section 39655 defines a toxic air contaminant as “an air pollutant which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health.”³ Additionally, TACs include substances classified as federal hazardous air pollutants under

¹ Bay Area Air District, 2017. Regulation 11, Rule 18 Final Staff Report. Table 3 - Summary of Toxic Air Contaminant Emitting Facilities and Sources. https://www.baaqmd.gov/~media/dotgov/files/rules/regulation-11-rule-18/documents/20171115_fsr_1118-pdf.pdf?rev=6da6a14f5e7647c3a22743effd5844e7&sc_lang=en

² The list of facilities subject to Rule 11-18 is updated annually. The most up-to-date list can be accessed at the following link: <https://www.baaqmd.gov/community-health/facility-risk-reduction-program/facility-risk-reduction-list>

³ The text of Section 39655 of California Health and Safety Code can be accessed at the following link: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=39655&lawCode=HSC

Section 112 of the Clean Air Act (Section 7412 of Title 42 of United States Code).⁴ The California Air Resources Board lists over 200 toxic air contaminants. For the purposes of Rule 11-18, TACs include air pollutants that are identified in Table 2-5-1 of Regulation 2, Rule 5: New Source Review of Toxic Air Contaminants. The Air District periodically updates Table 2-5-1 to include new health effect values for TACs and new TACs that are identified by the California Office of Environmental Health Hazard Assessment.

Toxic air contaminants are emitted by a wide range of sources and industrial operations. Common sources of TAC emissions include:

- Combustion processes (e.g., diesel particulate matter from diesel fuel combustion)
- Industrial processes (e.g., toxic metals from metal plating or petroleum refining operations)
- Fugitive emissions (e.g., leaks from gas station equipment and equipment leaks from joints or connections)
- Off-gassing (e.g., emissions or releases of organic compounds from materials slowly over time)
- Natural sources (e.g. wildfires and naturally occurring asbestos)

Among facilities permitted by the Air District, Figure 1 highlights the industries with the highest prioritization score, categorized by standard industrial classification (SIC). The prioritization score for a facility is a conservative, preliminary indicator of its relative potential to impact public health. It is based on the quantity of TAC emitted, the relative toxicity of those TACs, and the facility's proximity to potential receptors.

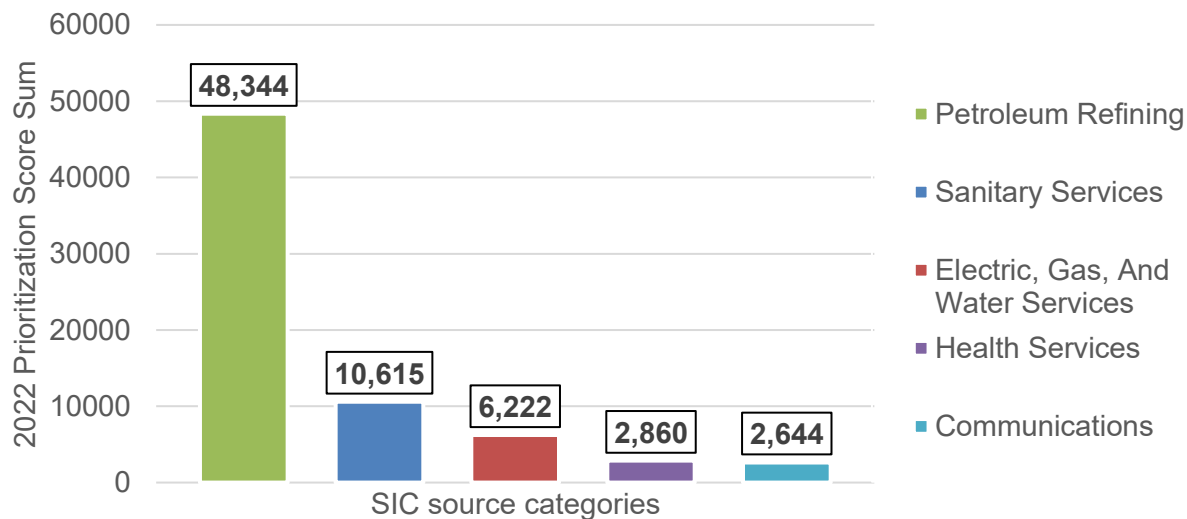


Figure 1 – 2022 Prioritization Score from Air District-Permitted Facilities, Largest SIC Source Categories.

Previous research by the Air District found that acrolein, benzene, 1,3-Butadiene, diesel particulate matter, and formaldehyde account for more than 90 percent of all toxicity-weighted

⁴ The text for Clean Air Act Section 112 (42 U.S.C. section 7412) can be accessed at the following link: <https://www.law.cornell.edu/uscode/text/42/7412>

toxic air contaminant emissions⁵ from all sources, including area sources, point sources, on-road mobile sources, non-road mobile sources, and biogenic sources in the Bay Area.⁶

C. Regulatory History

1. Bay Area Air District

Regulation 11: Hazardous Pollutants, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities

The Air District adopted Rule 11-18 in 2017 to reduce health risks from existing facilities. Rule 11-18 requires any existing facility that equals or exceeds the risk action level (RAL), as defined in Section 11-18-218 of the current rule, to take action. The RAL is defined as a cancer risk of 10 cancer cases in a population of one million exposed individuals (10/M), an acute hazard index of 1.0, or a chronic hazard index of 1.0. Affected facilities must either:

1. Reduce facility-wide health risks below all RALs; or
2. If the facility-wide health risk cannot be reduced below the RAL, install Best Available Retrofit Control Technology for Toxics (TBARCT) on all Significant Sources, which are defined as specific air toxics sources within the facility that exceed a cancer risk of 1 in one million (1/M) or a chronic or acute hazard index of 0.2.

Rule 11-18 is currently implemented in four key steps:

1. Identifying facilities that are potentially subject to Rule 11-18 based on prioritization scores.⁷
2. Updating toxic emissions inventories and assessing health impacts from toxic emissions through a facility-wide Health Risk Assessment (HRA).
3. Determining if the HRA results indicate that the facility meets or exceeds any of the RALs in Rule 11-18.
4. Implementing approved Risk Reduction Plans (RRPs) for facilities subject to Rule 11-18.

The first two steps are essential in identifying health risks from facilities, and both steps rely on an accurate emissions inventory to inform Air District decisions.

In the third step, the Air District compares the estimated health risk from the facility-wide HRA to the risk action levels contained in Rule 11-18. If any health risk from the HRA equals or exceeds any of the risk action levels, the facility is required to implement an RRP.

The final step of this process is the implementation of Rule 11-18 risk reduction requirements. This stage of the process includes the submittal, review, approval, and implementation of the RRP. Facilities exceeding any of the RALs must submit an RRP to the Air District for review and approval. The RRP must outline how the facility will implement risk reduction measures to comply with the rule. Once the RRP is approved, the facility must submit annual reports to the Air District

⁵ Toxicity-weighted emissions are a means of comparing the relative toxicity of TAC emissions in an inventory by multiplying the mass emissions of a specific TAC by the corresponding health values related to its toxic potency.

⁶ Refer to pg. 2 of BAAQMD, 2019. Air Toxics Data Analysis and Regional Modeling in the San Francisco Bay Area to Support AB617, which can be accessed at the following link: https://www.baaqmd.gov/~media/files/ab617-community-health/west-oakland/baaqmd_2016_toxics_modeling_report-pdf.pdf?la=vi-vn

⁷ Prioritization scores represent the relative potential for health impacts from a facility based on the amount of TACs emitted from a facility, the relative toxicity of the TACs emitted, and the proximity of the facility to possible receptors.

detailing emissions reductions achieved until the plan is fully implemented or the facility demonstrates compliance with the RRP.

Litigation

On December 15, 2017, the Western States Petroleum Association and its members Valero Refining Company, Tesoro Refining and Marketing Company, and Phillips 66 Company, filed a lawsuit against the Air District challenging the adoption of Rule 11-18. The petitioners ultimately dismissed their lawsuit pursuant to a settlement entered into in March 2019.⁸ The settlement outlined provisions for emission factors used in the development of the toxic emissions inventory, HRA procedures and presentation of results, the dispute resolution panel process, and TBARCT determination for sources of significant risk.

On October 25, 2022, Communities for a Better Environment (CBE) filed a lawsuit against the Air District challenging the adoption of the Rule 11-18 Implementation Procedures. The Air District engaged in negotiations with CBE and worked cooperatively to identify ways to improve transparency and public participation in the Air District programs as an alternative to litigation. CBE ultimately dismissed its lawsuit against the Air District pursuant to a settlement agreement entered into in September 2023.⁹ To build better transparency with community members and the public, the Air District agreed to hold a public comment period regarding the 2024 revisions to the Implementation Procedures, and to provide additional information on the Air District's website regarding the status of health risk evaluation and reduction at the most impactful facilities. The Air District also agreed, among other things, to meet regularly with CBE and other community-based environmental justice organizations to discuss the implementation of this program and other issues of concern.

Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants

The Air District adopted its Air Toxics New Source Review (NSR) program in 1987. In 2005, the Air District codified the procedures and policies of the Air Toxics NSR Program by adopting a new Air District rule – Regulation 2: Permits, Rule 5: New Source Review of Toxic Air Contaminants (Rule 2-5). The primary purpose of Rule 2-5 was to (1) evaluate and mitigate potential increases in public health risks resulting from new and modified sources emitting TACs; and (2) provide net health risk benefits by improving the level of control when existing sources are modified or replaced. Rule 2-5 differs from Rule 11-18 in that Rule 2-5 only applies to new or modified sources of toxic air contaminants. Together, Rules 2-5 and 11-18 are intended to minimize health risks from TACs at both new and existing facilities

Rule 2-5 contains various limits and thresholds on project health risks. In general, a project may not result in a cancer risk exceeding 10/M; additionally, a project located within an Overburdened Community may not result in a cancer risk exceeding 6/M. All projects are also subject to a limit of 1.0 for chronic or acute hazard index. In addition, any new or modified source with an individual source risk that exceeds a cancer risk of 1/M, or an acute or chronic hazard index of 0.2, is

⁸ The settlement agreement can be accessed at the following link: https://www.baaqmd.gov/~media/files/communications-and-outreach/news-and-events/penalties-and-assessments/final-executed-settlement-agreement-rule-11-18-litigation-pdf.pdf?rev=703c0b2ef2224780a55f213567ee8784&sc_lang=en

⁹ The settlement agreement can be accessed at the following link: https://www.baaqmd.gov/~media/files/communications-and-outreach/news-and-events/penalties-and-assessments/cbe-vs-baaqmd-acsc-no-22cv020451-settlement-agreement-090223-pdf.pdf?rev=df71576fc1634c5cb54323fd8d1776bf&sc_lang=en

required to install Best Available Control Technology for Toxics (TBACT). New or modified sources applying for an air permit must comply with the health risk requirements in this rule prior to construction. Moreover, Rule 2-1 contains public noticing requirements for projects located in Overburdened Communities that are subject to Rule 2-5 health risk assessment requirements.

2. State Regulation

California Assembly Bill (AB) 2588 Air Toxics Hot Spots (ATHS) Program

Rule 11-18 currently works in conjunction with CARB's statewide Air Toxics "Hot Spots" program to address risk from existing facilities. The program is also referred to as the "AB 2588 Program" (named after the Air Toxics "Hot Spots" Information and Assessment Act of 1987).¹⁰

The program focuses on reducing risks from stationary sources that emit TACs. It requires the development of emissions inventories, allows air districts to require risk assessments, and, for facilities that exceed risk levels set by local air districts, requires notification of exposed individuals and the implementation of risk reduction plans. Additionally, the program mandates toxics inventory updates every four years and requires facilities to pay fees to support Air District and CARB inventory efforts.

In accordance with the California Air Toxics "Hot Spots" Information and Assessment Act of 1987, most facilities must regularly report routine and predictable toxic emissions from stationary sources to their local air district. The Bay Area Air District utilizes this data, along with the toxicity of each TAC and the type of associated health impacts (cancer versus non-cancer), and the proximity of receptors to the facility to generate facility prioritization scores. These scores help identify facilities requiring further inventory review and determine the order in which health risk assessments (HRAs) are conducted, if necessary.

Under AB 2588, the Air District established public notification risk levels at 10/M for cancer risk and 1.0 for chronic and acute hazard indices. Facilities exceeding these thresholds must notify all exposed individuals, either through direct letters to neighbors or public notices in newspapers. For mandatory risk reduction, Air District policy set action levels at 100/M for cancer risk and 10 for chronic and acute hazard indices. Currently, there is no facility in the Bay Area basin for which an HRA shows an exceedance of these mandatory risk reduction levels. Under AB 2588, facilities with health risk less than 100/M for cancer risk and 10 for chronic and acute hazard indices, but greater than 10/M for cancer risk and 1.0 for chronic or acute hazard index, are not required to reduce health risk. Under existing Rule 11-18, however, these facilities are required to either reduce facility-wide health risks below all RALs; or install TBARCT on all Significant Sources, if the health risk for the facility cannot be reduced below the RAL.

AB 2588 also requires the Air District to prepare and publish an annual report. This report outlines the priorities and categories designated under AB 2588 for HRAs, ranks and identifies facilities based on health risk, and details progress in developing control measures to reduce TAC emissions.

Concurrently, with the establishment of AB 2588 in 1987, the Air District's Board of Directors adopted the Air District's Toxic Control Program. In November 1990, under Board Resolution No.

¹⁰ The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987, Connelly): <https://www2.arb.ca.gov/our-work/programs/ab-2588-air-toxics-hot-spots>

1986, the Board adopted a revised version of the program, requiring the implementation of AB 2588 and the Air District's Toxic Program. In addition to these requirements, the resolution required the publication of an annual report that included additional elements beyond the AB 2588 reporting requirements. These additional elements include providing updates on the Air District's Toxic Program, Air Toxics New Source Review, facility risk reduction, TAC control measures, TAC emissions inventory, air toxics ambient air monitoring, and community health protection.

California Airborne Toxic Control Measures (ATCM)

Under the Toxic Air Contaminant Identification and Control (AB 1807) Program,¹¹ CARB is responsible for developing and adopting airborne toxic control measures (ATCMs) to reduce emissions of TACs from specific industrial sources and sectors, such as stationary diesel engines or perchloroethylene from dry cleaning operations. The Bay Area Air District and other local air quality agencies are required to implement and enforce these ATCMs, and may adopt local rules and regulations that are equivalent to or more stringent than the ATCM.

3. Federal Regulation

National Emission Standards for Hazardous Air Pollutants (NESHAPs), developed by U.S. EPA in accordance with Section 112 of the Clean Air Act, are also considered ATCMs in California. These regulations generally focus on larger "major source" facilities and require that emissions be reduced by requiring sources to meet Maximum Achievable Control Technology (MACT). The focus of recent NESHAP development has shifted to rules that apply to smaller "area source" facilities. Under State law, the Air District must ensure that all permitted sources meet federal MACT Standards, or rules that are at least as stringent.

4. Air Toxics Control Programs in Other Jurisdictions

South Coast Air Quality Management District (SCAQMD) - Rule 1402: Control of Toxic Air Contaminants from Existing Facilities

SCAQMD Rule 1402 ("Control of Toxic Air Contaminants from Existing Facilities") was adopted in April 1994. The rule establishes facility-wide risk requirements for existing facilities that emit TACs and implements the State AB 2588 Air Toxics "Hot Spots" program. The rule includes requirements for toxic emissions inventories, HRAs, public notification, and risk reduction. The rule requires facilities that exceed the Notification Risk Level (a cancer risk of 10/M or an acute or chronic hazard index of 1.0) as demonstrated by an approved HRA to issue a public notification. If the health risk posed by the facility exceeds the Action Risk Level (a cancer risk of 25/M, a cancer burden of 0.5, or an acute or chronic hazard index of 3.0), the facility is required to reduce its facility-wide risk. Any facility whose TAC emissions result in an exceedance of the Significant Risk Level (a cancer risk of 100/M or an acute or chronic hazard index of 5) must implement risk reduction measures to bring the health risk level below the Significant Risk Level within three years of submitting the initial risk reduction plan. Additionally, the rule includes a Voluntary Risk Reduction Program that encourages facilities to reduce their risk below the Notification Risk Level. Facilities participating in this program are not subject to the standard emissions inventory, HRA, and RRP requirements of the rule.

¹¹ The Toxic Air Contaminant Identification and Control Act (AB 1807, Tanner 1983): [https://www2.arb.ca.gov/resources/documents/ab-1807-toxics-air-contaminant-identification-and-control#:~:text=The%20Toxic%20Air%20Contaminant%20Identification,%2C%20and%202\)%20risk%20management](https://www2.arb.ca.gov/resources/documents/ab-1807-toxics-air-contaminant-identification-and-control#:~:text=The%20Toxic%20Air%20Contaminant%20Identification,%2C%20and%202)%20risk%20management)

III. DRAFT RULE AMENDMENTS

The draft amendments focus on measures aimed at accelerating risk reduction and improving program efficiency to implement the requirements of the rule as soon as feasible. The key components of the draft amendments include the following:

Health Risk Assessments (HRAs)

- Require facilities to prepare preliminary HRAs using District-approved modeling protocols. The protocols will apply standardized methods customized with site-specific information;
- Retain and exercise Air District authority to review, correct, and approve HRA inputs and results;
- Define time periods for facilities to respond to Air District comments and corrections;
- Add language outlining what happens when new emissions data affect the facility's HRA results and risk action level (RAL) status; and
- Formalize the current practice of holding a public comment period on the preliminary HRA concurrent with the existing 90-day comment period for the facility.

Risk Reduction Plans (RRPs)

- Revise the terminology and timeline associated with the Air District's review of draft Risk Reduction Plans (RRPs) from a 20-day "completeness review" to a 60-day "review" prior to public comment; and
- Clarify the circumstances under which extensions to the implementation of an RRP or risk reduction measure may be granted.

These draft amendments are described in greater detail below.

A. Definitions

Draft amendments to this section of the Rule (Section 11-18-200) would remove obsolete requirements that are no longer applicable. The section would also be renumbered to reflect the changes associated with added and deleted definitions, and references to section numbers would be updated throughout the rule. Several definitions would also be updated or modified, which are described in detail below.

Section 11-18-208 – Exposed Individual (EI): The proposed amendment updates this definition to explicitly state, "an employee or contractor of the facility is not considered an Exposed Individual."

Section 11-18-215 – Owner/Operator: The proposed amendment removes the reference to "building, structure, installation, or source" from this definition due to redundancy. This language is redundant because these terms are already encompassed within the definition of "facility," and all provisions of Rule 11-18 apply specifically to facility owner/operators. As a result, the deleted terms do not affect the scope of applicability.

Section 11-18-217 – Priority Community (Removed): Prior to January 1, 2020, the existing rule allowed the application of the more stringent RALs in Section 11-18-218.2 to facilities in Priority Communities. As the less stringent RALs in former Section 11-18-218.1 expired on January 1, 2020, the more stringent risk action levels are currently applicable to all facilities. This definition would therefore be removed as it is no longer referenced in the Rule.

Section 11-18-217 (Previously 218) – Risk Action Level: The less stringent risk action levels contained in former Section 11-18-218.1 would be removed because they expired as of January 1, 2020, and are no longer applicable.

Section 11-18-222 – Site-Specific Modeling Protocol: The draft amendments to this section would add a definition for a document – “Site-Specific Modeling Protocol” – that facility owner/operators are required to submit to the Air District, for review, correction (if needed), and approval before facility owner/operators can prepare and submit an HRA.

B. Standards

Draft amendments to this section of the Rule (Section 11-18-300) would include minor changes to the structure of this section for clarity. References to section numbers have been updated throughout.

Section 11-18-301 – Compliance with Risk Reduction Plan: The draft amendments to this section would include a reorganization of text for clarity and moving the Risk Reduction Plan submittal requirements to amended Section 11-18-403.

C. Administrative Requirements

Draft amendments to the Administrative Requirements section of the Rule (Section 11-18-400) would include revisions that would require affected facility owner/operators to prepare and submit preliminary facility-wide HRAs, as well as a 90-day public comment period for the preliminary HRA. The amendments to this Section include a restructuring of the section to improve readability and clarity given the updated process. References to section numbers would be updated throughout.

Section 11-18-401 – Health Risk Assessment Procedures - Legacy (Formerly titled – Health Risk Assessment Information Requirement): The draft amendments to Section 11-18-401 would introduce language that includes a deadline for the facilities that are subject to the current HRA procedures (henceforth referred to as “legacy” procedures). Facilities that have been notified that a site-specific modeling protocol is approved by the Air District before the adoption date of the proposed amended rule would follow the legacy HRA procedures in this section.

The draft amendments to this section would also incorporate procedures from Section 11-18-403 of the current rule, including provisions for public comments on the preliminary HRA, as well as the approval process for the preliminary HRA and final HRA. These procedures would apply to the facilities that are subject to the legacy HRA procedures or that have been notified that a site-specific modeling protocol is approved before the adoption date of the amended rule. Additionally, the draft amendments would formalize the current practice of holding a single 90-day public and facility comment period after the preliminary HRA results are made available.

Former Section 11-18-402 – Early Application of Risk Action Levels (Removed): This entire section would be removed because it is only relevant to the expired risk action level deadlines in former Section 11-18-218, which is proposed for deletion in the draft amendments. The risk action

levels in former Section 11-18-218.1 became obsolete on January 1, 2020, and the more stringent risk action levels are currently applicable to all facilities.

Section 11-18-402 – Health Risk Assessment Procedures: The draft amendments to this section would outline the updated HRA procedures and include provisions regarding their effective date. Facilities that have not received a notification that their site-specific modeling protocol is approved as of the adoption date must follow the updated HRA procedures in this section.

Although existing Rule 11-18 is silent as to who must conduct HRAs, the Air District generally prepares the HRAs under the existing Rule 11-18 Implementation Procedures. Under the draft amendments to Section 11-18-402, the facility owner/operator would generally be responsible for conducting the preliminary HRA using the following steps outlined in Sections 11-18-402.1 through 402.6.

1. Notification: The Air District would notify the facility owner/operator that it must prepare the HRA. The procedure to determine which facilities may require an HRA is described in Section 4.1 of the Implementation Procedures. In short, the Air District uses prioritization scores to rank facilities based on health impact potential and to determine when facilities should undergo further review. The three criteria used to calculate prioritization scores are: (1) annual toxic emissions, (2) health effects values for toxic compounds, and (3) proximity adjustment factors.
2. Site-Specific Modeling Protocol: After the facility owner/operator has been notified to prepare the HRA, they must submit a site-specific protocol to the Air District within 45 days. If revisions are required, they must address all Air District comments and suggestions in a single revision and resubmit the protocol within 14 days of receiving the Air District comments.
3. Preliminary HRA Review: After Air District approval of the site-specific modeling protocol, the facility owner/operator must provide preliminary HRA results based on the approved modeling protocol within 90 days, along with any additional information necessary to reproduce the preliminary HRA results. This additional information includes, at a minimum, the toxic emissions inventory, documentation of any changes to the emissions inventory, toxic release data, details related to the facility and its surroundings, sources of toxic emissions, air dispersion modeling, and any electronic files that are required to reproduce the HRA results. Facility owner/operators may request additional time (up to 30 additional days) to provide the preliminary HRA results if they demonstrate additional time is necessary.

The Air District then reviews the preliminary HRA report submitted by the facility owner/operator. If any revisions to the preliminary HRA report are necessary, the Air District will provide a list of necessary revisions to the facility owner/operator. If revisions are required, the facility owner/operator must address all Air District comments and suggestions in a single revision and resubmit the preliminary HRA within 14 days. If, after one round of alterations, the Air District determines additional alterations are needed, the Air District may notify the facility owner/operator of an additional round of alterations to the HRA report, which the facility owner/operator must implement within 14 days of receiving the notification.

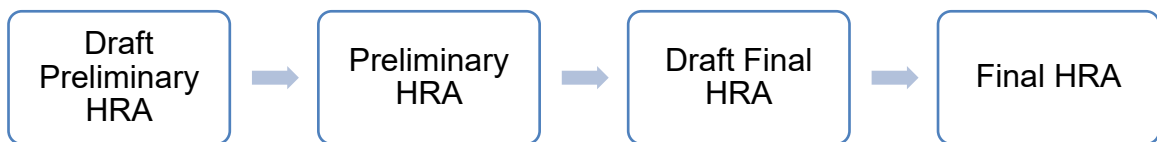
4. Public Comment: The draft amendments to Section 11-18-402.4 include a single 90-day public and facility comment period after the preliminary HRA results become available.
5. Approval and Comparison to Risk Action Levels: The draft amendments to Section 11-18-402.5 outline the procedures for the review, correction (if needed), and approval of the

final HRA for facilities that are subject to the updated HRA procedures. If revisions to the preliminary HRA are necessary before submittal of the final HRA, the facility owner/operator must address all Air District comments and suggestions in a single revision and submit the final HRA within 14 days. Facility owner/operators may request additional time (up to 30 additional days) to provide the preliminary HRA results if they demonstrate additional time is necessary.

Once a final HRA has been approved, the Air District will publish the final HRA report and notify the facility owner/operator if the final HRA indicates a facility health risk that equals or exceeds one or more of the risk action levels set forth in Section 11-18-217 (previously Section 11-18-218).

6. APCO-Prepared HRAs: Lastly, a proposed provision allowing the Air District not to use a facility-prepared HRA was added to Section 11-18-402.6 when it is more expedient to do so or when the facility owner/operator lacks the resources to conduct the HRA. Instead, the Air District may use an HRA prepared by the Air District to determine whether the facility's health risk meets or exceeds one or more of the risk action levels specified in amended Section 11-18-217 (previously Section 11-18-218).

These steps introduce four terms associated with approval phases of the HRA:



These phases distinguish between facility-submitted drafts, Air District review steps, and the points at which an HRA becomes an official determination:

- **Draft Preliminary HRA**: The initial analysis prepared and submitted by the facility, based on an Air District-approved site-specific modeling protocol. This draft is subject to Air District review and revision.
- **Preliminary HRA**: The revised report approved and published by the Air District for a 90-day public comment period. This document represents the District's preliminary determination of facility risk but remains open to further revision based on comments or new information.
- **Draft Final HRA**: A revised version of the preliminary report prepared after the comment period, incorporating any required changes identified by the Air District. This draft serves as the facility's submission pending final District approval.
- **Final HRA**: The Air District-approved report following all review, revisions, and public comment. This report is the official record of the facility's health risk determination and is used to evaluate whether the facility exceeds one or more risk action levels (RALs).

The proposed amendments to this section would provide considerable Air District time and resource savings for implementing the Rule 11-18 program, particularly in setting up the air dispersion model and entering input parameters, including toxic emissions data, source locations, stack parameters, meteorological data, terrain data, and receptor locations. Additionally, by requiring facility owner/operators to submit HRA modeling protocols and preliminary HRA results for Air District review, the amendments allow the Rule 11-18 program to process many HRAs concurrently rather than being constrained by the modeling bandwidth of Air District staff. This shift is expected to significantly accelerate implementation timelines across the program. These changes—requiring the facility owner/operator to submit HRA modeling protocols and preliminary HRA results for Air District review and approval (or disapproval)—also align the Rule 11-18

program with common practices used in similar programs in other air districts (such as South Coast AQMD Rule 1402).

These submittals would be required to adhere to established and standardized guidelines (including the Air District Air Toxics Control Program HRA Guidelines¹² and the Air District Modeling Protocol¹³) that provide strict, prescriptive procedures that limit discretion in the analysis. Lastly, the facility submittals would still be subject to strict oversight from the Air District. The Air District would review submittals for accuracy and errors to ensure that they meet the guidelines. The Air District would maintain the authority to approve or correct as appropriate. The Air District would continue to evaluate potential improvements to the Air District HRA review process that can be implemented to ensure that the preliminary HRAs prepared and submitted by facilities meet the applicable guidelines and requirements to accurately reflect the toxic impacts of the facilities.

Section 11-18-403 – Risk Reduction Plan Procedures (Previously Section 11-18-404, Formerly titled – Risk Reduction Plan Content Requirements and Section 11-18-405, Formerly titled – Review and Approval of Risk Reduction Plans): The draft amendments to this section would incorporate an existing provision, previously located in Section 11-18-402, requiring facilities with a health risk that equals or exceeds one or more of the RALs to submit a draft RRP within 180 days. Additionally, former Section 11-18-405 Review and Approval of Risk Reduction Plans would be incorporated into section 11-18-403 as subsections 11-18-403.3 through 11-18-403.6.

The amendments would revise the timeline and terminology associated with the Air District's review of draft Risk Reduction Plans. Specifically, the timeframe for the review has been updated from 20 business days to 60 calendar days, and the term "completeness review" has been revised to "review" to better reflect the depth and intent of the Air District's evaluation prior to public comment. This change aligns the review period with timelines used in similar permitting programs and provides sufficient time for a thorough and consistent evaluation of submittals, thereby supporting the efficient progression of the rule implementation process.

The amendments would also clarify that any extensions granted for compliance through application of TBARCT will be limited to the specific source or group of sources requiring the extension for the implementation of the risk reduction measure and not the entire RRP. Any extension for facilities that can feasibly comply with the risk action levels would be limited to the specific risk reduction measure for which the extension is required.

Lastly, the amendments in this section would resolve several terminology issues in the current rule. The first resolves an inconsistency in terminology, where the terms "technologically feasible," "technically feasible," and "feasible" were used interchangeably. The amendments standardize usage to "technologically feasible" throughout the rule to ensure consistency and clarity. Secondly, Section 11-18-403.2.6.1 is revised to clarify that the RRP must reduce the health risk below the risk action levels at *each* location of the Maximum Exposed Individual (MEI). In the original language, the requirement stated the risk must be below the action level at *any* MEI, which could be misread to allow compliance if risk was reduced at one MEI location but remained above the action level at another.

¹² 2021 BAAQMD Air Toxics Control Program HRA Guidelines can be accessed at the following link: https://www.baaqmd.gov/~media/dotgov/files/rules/reg-2-permits/2021-amendments/documents/20211215_hraguidelines-pdf.pdf?rev=eb18ff83f96049fa84d54552b58baee3

¹³ 2020 BAAQMD Health Risk Assessment Modeling Protocol can be accessed at the following link: https://www.baaqmd.gov/~media/files/ab617-community-health/facility-risk-reduction/documents/baaqmd_hra_modeling_protocol-pdf.pdf?la=en

Two sections would also update expired or recodified references. Section 11-18-403.6 updates a citation to the Public Records Act which was recodified to Section 7924.510 of the Government Code (formerly Section 6245.7). Section 11-18-403.2.8 would remove references to Health and Safety Code 25570.3, which has been repealed.

Section 11-18-404 – Reconsideration of Prioritization Score: The draft amendments would provide a process for a facility owner/operator to request a recalculation of its prioritization score, used to determine whether an HRA is required, after the facility owner/operator has been notified by the Air District to prepare an HRA. Within 30 days of receiving the HRA notification, the facility owner/operator may submit a request to the Air District to reevaluate its prioritization score based on a revised toxic emissions inventory. This is intended to address facilities that have had major changes which may no longer be subject to the HRA requirements, to ensure that Air District resources are properly focused on facilities with the most potential risk.

In the reevaluation request, the facility owner/operator would be required to provide the recalculated prioritization score, a revised emissions inventory, and documentation of the changes to the emissions inventory. This documentation would be required to include at a minimum all proposed changes with clear references to the original data, a description of the nature of each proposed change (e.g. correction, addition, deletion), and the justification or basis for each proposed change.

If warranted, the Air District may issue a notification to the facility owner/operator withdrawing the HRA requirement based on the recalculated prioritization score. However, unless the Air District formally withdraws the HRA requirement, the deadlines for submitting a draft site-specific modeling protocol under Section 11-18-402.2 and a preliminary HRA report under amended Section 11-18-402.3 would remain unchanged by the submission of a reconsideration request.

Section 11-18-405 – Additional Emissions Data: The draft amendments to this section include a provision that would allow facility owner/operators to request that the Air District consider additional testing or studies before finalizing emissions data for specific sources. As part of the draft preliminary HRA report submission, the facility owner/operator must include a table listing the sources, the currently estimated emissions for each source, and details about the testing and/or studies it proposes to conduct. If the Air District agrees to consider such additional data, all updated emissions data obtained from the testing or studies must be submitted for review and approval no later than the date the facility owner/operator submits its draft Risk Reduction Plan pursuant to amended Section 11-18-403.1. If the Air District has agreed to consider additional data and the facility owner/operator submits those data, the Air District may revise the final HRA to reflect the new information and may, if warranted, rescind its notification under Sections 11-18-401.3 or 11-18-402.5.2 that the facility's health risk equals or exceeds one or more of the risk action levels outlined in Section 11-18-217.

Additional provisions are being proposed for Sections 11-18-405.3 through 405.5 to clarify the procedural steps following the submission of updated emissions data.

- **If the new emissions data shows the facility risk is reduced below all RALs:**
Section 11-18-405.3 would require that if, based on the new emissions data, the Air District determines that a facility no longer exceeds a risk action level and rescinds its notification, it must issue a revised preliminary HRA report for public comment and finalize a revised HRA accordingly.
- **If the new emissions data shows the facility risk remains above an RAL:**
Section 11-18-405.4 would address situations where updated data result in a revised HRA but the facility's risk remains above an action level. In such cases, the revised HRA must

be released alongside the draft Risk Reduction Plan for public review, and the Air District must consider any comments on the updated HRA before finalizing the Plan.

- **If the new emissions data has not been reviewed yet:**

Section 11-18-405.5 would specify that if a facility owner/operator submits a draft Risk Reduction Plan before the Air District has reviewed the new emissions data, the facility owner/operator must submit two versions of the Plan—one assuming the data are accepted and one assuming they are not—ensuring that planning continues without delay while maintaining flexibility depending on the outcome of the emissions data review.

These provisions are intended to ensure that updated emissions data can be applied to Risk Reduction Plan obligations and, where appropriate, incorporated into revised HRAs without significant delay. However, the original final HRA remains valid as a record of the facility's risk based on the information available at the time of its preparation. The availability of newer emissions data does not render the original HRA "incorrect," but rather reflects the ongoing refinement of facility-specific data. This approach preserves the integrity of the HRA process as both a record of past risk and a tool for planning future risk reduction.

Section 11-18-406 – Additional Emissions Data: The draft amendments to this section would clarify that when a facility updates its RRP based on newly available information, the update must not significantly delay implementation of the emission reductions in the original plan. The facility's original plan remains in effect until the Air District approves the update. In addition, the amendment specifies that the Air District may disapprove an updated plan if it would not result in a greater health risk reduction than the original plan.

D. Monitoring and Records

There are no substantive amendments to the purpose section of the Rule 11-18 Implementation Procedures.

E. Manual of Procedures

This section would be added to provide technical references for items that were formerly done by the Air District but the amendments would now require facilities to complete. This includes the health risk assessment guidelines (Section 11-18-602) and the prioritization score calculation procedures (Section 11-18-601). While the prioritization score calculation is still initially conducted by the Air District, this procedure reference is included as amendments to Section 11-18-405 would allow facility owner/operators the option to recalculate their prioritization scores using the same methodology to request reconsideration of the prioritization score.

IV. DRAFT AMENDMENTS TO RULE 11-18 IMPLEMENTATION PROCEDURES

The Implementation Procedures are a set of non-binding procedural guidelines developed to support consistent and transparent application of Rule 11-18. They provide additional detail on the procedural steps the Air District and affected facilities follow during key phases of rule implementation, such as health risk assessment preparation, risk reduction plan development, and dispute resolution. The current Implementation Procedures were published in 2024 after a public comment period, but they have not been formally adopted by the Board of Directors.

The proposed amendments to the Implementation Procedures are intended to ensure alignment with the draft rule amendments and to further improve program clarity and efficiency. The draft amendments to the Rule 11-18 Implementation Procedures include additional procedures necessary to align with the draft amendments to Rule 11-18, as well as administrative corrections and clarifications. Additionally, the requirements and procedures associated with the Dispute Resolution Panel in the Implementation Procedures would be amended to ensure disputes arising between the Air District and a facility during Rule 11-18 implementation can be addressed expeditiously. These amendments to the Implementation Procedures are described in greater detail below. References to revised Rule 11-18 section numbers and Implementation Procedures section numbers would also be updated throughout.

A. Introduction

There are no substantive amendments to the introduction section of the Rule 11-18 Implementation Procedures.

B. Purpose

There are no substantive amendments to the purpose section of the Rule 11-18 Implementation Procedures.

C. Definitions

Section 3.1 Rule 11-18 Definitions (removed): This entire section would be removed due to redundancy, as this section only contained definitions directly from Section 200 of the rule language. The removal was intended to improve the readability and organization of this section.

Section 3.2 Additional Definitions and Acronyms (removed): This entire section would be removed and the definitions and acronyms under this section would be moved to Section 3 of this document. This revision is intended to improve the readability and organization of this section.

D. Procedures

Draft amendments to this section of the Implementation Procedures have been made to reflect the revised requirements and procedures described in the draft amendments to Rule 11-18. References to revised Rule 11-18 section numbers and Implementation Procedures section numbers would also be updated throughout.

Section 4.1.1 Rule 11-18 Toxic Emissions Inventories: The draft amendments to this section would clarify that the TAC emissions inventories used in Rule 11-18 implementation are limited to the pollutants listed in Table 2-5-1 of Rule 2-5. This is consistent with the Rule 11-18 definition of TACs in Section 11-18-229 for the purposes of the rule. TACs in Rule 11-18 are limited to the pollutants listed in Table 2-5-1 of Rule 2-5.

Section 4.1.2 Prioritization Scores: The draft amendments to this section would align the procedures associated with the proximity adjustment factor with the procedures in the California

Air Pollution Control Officers Association (CAPCOA) Air Toxics “Hot Spots” Program - Facility Prioritization Guidelines document.¹⁴

Additionally, draft provisions to request reconsideration of prioritization scores due to corresponding changes in Rule Section 11-18-404 would be added.

Section 4.1.3 Prioritization Score Thresholds: The draft amendments to this section would remove references to the less stringent risk action level in Rule Section 11-18-217 (previously 11-18-218.1), which expired in 2020, and to the application of the more stringent risk action level in Rule Section 11-18-217 (previously 11-18-218.2). The risk action level in Rule Section 11-18-217 now applies to all facilities subject to the rule.

Section 4.1.4 Toxic Emissions Inventory and Toxic Emissions Release Data Review and Correction Process (previously Inventory Review and Correction Process): The draft amendments to this section include additional language on how maximum hourly emissions data may be estimated for the toxic emissions inventory, as well as changes reflecting the updated HRA procedures. Additionally, the draft amendments outline provisions that would allow a facility owner/operator to request the Air District to consider additional testing or studies for specific sources before finalizing the toxic emissions inventory data.

Section 4.2 Assessing Health Impacts: The draft amendments to this section would align with the draft changes in Section 11-18-402, which would require facility owner/operators to submit a site-specific modeling protocol for review and approval by the Air District, as well as preliminary HRA results along with any supporting materials necessary to reproduce those results. This section would also provide examples of the type of documentation that are typically required to reproduce the results of the HRA and should be submitted with the preliminary HRA result.

Additionally, the draft amendments to this section would clarify that the Air District may prioritize HRAs for facilities located in Overburdened Communities, as defined in Regulation 2: Permits, Rule 1: General Requirements, Section 2-1-243, and in communities selected by the California Air Resources Board for additional resources under Assembly Bill 617 pursuant to Health and Safety Code sections 42705.5(c)–(d) or 44391.2(c). This reflects the current practice for conducting HRAs for Rule 11-18 facilities. Lastly, the reference to applying RALs to a subset of sources within these communities has been removed consistent with the draft rule language updates to remove the obsolete provision in previous Rule Section 11-18-218.1.

Section 4.2.1 Vendors for Health Risk Assessment Services (Removed): This section on the Air District’s use of vendors for HRAs would be removed to align with the draft amendments to Rule 11-18, as under the draft amendments the facility owner/operator would be required to submit preliminary HRAs for their facilities. The current language in this section of the Implementation Procedures would therefore no longer be applicable and would be removed.

Section 4.2.1 (previously Section 4.2.2) Modeling Protocol for Health Risk Assessments: This entire section would be removed since the facility owner/operator would be providing the site-specific modeling protocol and preliminary HRA results for review and approval by the Air District with amendments to Rule Section 11-18-401.2.

¹⁴ California Air Pollution Control Officer Association (CAPCOA) Air Toxic “Hot Spots” Program - Facility Prioritization Guideline document can be accessed at the following link: <https://capcoa.org/capcoa-prioritization-guidelines>

Section 4.2.2 (previously Section 4.2.3) Guidelines for Health Risk Assessments: The draft amendment to this section would remove references to procedures associated with lists of authorized vendors and contractors. Additionally, the draft amendment would replace the procedures associated with HRAs conducted by the vendors or contractors (previously in Section 4.2.5) with procedures consistent with the draft amendments to Rule 11-18.

The revision of the procedures for HRAs conducted by facilities, vendors, or contractors reflect the draft changes to Section 11-18-402 and would outline the detailed steps for the review and approval process of preliminary HRAs submitted by the facility owner/operator. It would also specify the public noticing process for the preliminary HRA, the process for revising of the preliminary HRA after the public comment period, and the publication of the Air District-approved final HRA. In addition, the draft amendments to this section outline procedures for the review, correction (if needed), and approval of both the Preliminary and final HRA.

Section 4.2.4 Procedures for HRAs Conducted by the Air District (Removed): This entire section would be removed and is no longer applicable under the draft rule amendments. The draft rule amendments require that preliminary HRAs be prepared and submitted for review by facility owner/operators instead of the Air District conducting the HRAs. An overview of legacy procedures where the Air District still prepares the HRA as described in Rule Section 11-18-401 would be included in Section 4.2.2 of the Implementation Procedures.

Section 4.2.5 Procedures for HRAs Conducted by Vendors or Contractors (Removed): This entire section would be removed, and the procedures associated with HRAs conducted by the vendors or contractors previously in this section would be moved to Section 4.2.2 and revised (as described above).

E. Dispute Resolution Panel

The draft amendments to this section would add additional requirements and procedures associated with implementation of a Dispute Resolution Panel (DRP) to ensure technical disputes that arise between the Air District and a facility during Rule 11-18 implementation can be addressed expeditiously, while still offering certain facilities a clear process to resolve technical issues that remain unresolved after the public comment period. The following draft amendments have been made to this section:

Limit the usage of DRP to refineries and matters related to refineries: The current Implementation Procedures allow a DRP to be convened for matters related to any Rule 11-18 facility, whether requested by the public or industry. To minimize delays in Rule 11-18 implementation and reduce the staff resources required to convene a DRP, the draft amendment to this section would limit the use of DRPs to matters specifically related to HRAs and RRs for refineries, as defined in Regulation 8: Organic Compounds, Rule 1: General Provisions, Section 8-1-211. The public and other industries would still have the opportunity to resolve disputed matters during other steps in the process (such as the comment period or Air District review and facility resubmittal process).

The Air District agreed, in its above-mentioned settlement with the Western States Petroleum Association, to afford refineries "the opportunity to be heard (in writing) by the DRP on technical disputes arising under Rule 11-18." The complexity and number of operations at refineries make estimates of emissions for these facilities particularly challenging to determine. For this reason, and to balance between refined emissions estimates and Air District resources, these facilities were identified to be in the greatest potential need of the DRP process to provide additional

guidance on especially complex technical issues. The Air District anticipates that limiting DRP access to the refineries will result in time and resource savings by restricting the DRP process to only the most complex facilities, where additional expertise and support are most needed.

Additional requirements and procedures associated with convening a DRP: The draft amendments to this section would incorporate additional requirements for submitting a request to convene a DRP, as well as criteria related to the types of disputes that may be submitted for DRP review. The following requirements and procedures have been added to the DRP process:

- A DRP may only be convened for disputes related to HRAs and RRP.
- Each entity would be limited to one request to convene a DRP for the HRA and one request for the RRP. In addition, each request would be limited to a total of three issues.
- After the Air District responds to comments on preliminary HRAs, the types of matters that may be raised would be limited to the emissions inventory and the methodology used in the HRA.
- After the Air District responds to comments on draft risk reduction plans, the types of matters that can be raised are limited to the technical feasibility or economic burden involved in a demonstration pursuant to Sections 11-18-403.2.6.1 and 11-18-403.2.6.3, determination of TBARCT, and any updates to the inventory that have been made pursuant to Section 11-18-405.
- A new request related to matters that have been previously resolved or repeatedly raised without new substantive information would not be reconsidered.
- New information that becomes available after the Air District approval of the emissions inventory or modeling protocol would not be considered to constitute a dispute.

Requests on disputed matters that cover multiple issues, are overly burdensome, or outside the scope of the DRP: The draft amendments to this section would also add language that allows the Air District to reframe or rephrase questions that cover multiple issues or are overly burdensome. The Air District may also reject a specific issue in the request or the entire request if the disputed matter is overly burdensome or falls outside the appropriate scope of the DRP.

These additional requirements would be included to ensure that the DRP and Air District staff are not overburdened by broad, repetitive, or out-of-scope requests for review of Air District decisions. Furthermore, the restrictions on the number of requests per entity and the number of topics per request are intended to encourage requestors to resolve disputed matters during other steps in the process (such as the comment period or Air District review and facility resubmittal process), rather than relying solely on the DRP process.

F. Stakeholder Meetings

There are no amendments to the stakeholder meetings section of the Rule 11-18 Implementation Procedures.

V. EMISSIONS, EMISSIONS REDUCTIONS AND COST

A. Current Emissions and Potential Emissions Reductions

Draft amendments to Rule 11-18 are limited to procedural aspects associated with implementation of the Rule, and the amendments are not expected to directly impact emissions for the affected facilities beyond the existing Rule 11-18 requirements. Although there are no

emissions changes expected with the draft amendments, draft amendments may lead to an expedited implementation of risk reduction measures, which may lead to emissions reductions and health risk reductions from the Rule 11-18 facilities being realized sooner.

B. Compliance Costs

Staff is evaluating the potential compliance costs associated with the draft amendments, including additional expenses incurred by the affected facilities related to HRAs conducted by third parties or vendors. Currently, the Air District performs HRAs for facilities undergoing compliance assessments under Rule 11-18; these facilities are required to pay a fee in accordance with Regulation 3: Fees, Section 3-342 ("Fee for Facility-wide Health Risk Assessment"). This section establishes a fee based on the number of hours required to conduct or review an HRA, at an hourly rate of \$281. Staff is currently assessing the potential cost differences between HRAs conducted by the Air District and those conducted by facilities, third parties, or vendors. No additional costs are expected to be incurred due to the other draft amendment items.

The Air District will continue to assess and gather additional information on compliance costs. An analysis of potential compliance costs and the socioeconomic impact of these amendments will be included, as appropriate, in the final staff report and proposed rule amendment package for consideration by the Air District Board of Directors.

C. Air District Impacts

Concerns regarding delays in Rule 11-18 implementation and risk reduction progress have been raised by committee members, community members and representatives, and environmental groups at multiple Air District Stationary Source Committee meetings and at AB 617 Community Steering Committee meetings. Numerous factors have contributed to these delays, including lack of sufficient staff resources to perform HRAs, increases in the number of permit applications, impacts due to the COVID-19 pandemic, extensive discussions with facilities on technical issues, and the diversion of modeling staff resources to other projects, including high-visibility permit applications, public meetings, rulemaking efforts, and enforcement actions. The draft amendments to Rule 11-18 are intended to prevent further delays and expedite implementation of Rule 11-18. The amendments would allow more efficient and effective use of Air District staff resources for Rule 11-18 implementation and would reduce the amount of staff resources that would be necessary for full rule implementation.

VI. RULE DEVELOPMENT / PUBLIC PARTICIPATION PROCESS

In December 2023, the Air District published the 2023 draft amendments to the Rule 11-18 Implementation Procedures and a Rule 11-18 Amendments Concept Paper to solicit comments on these materials. A public workshop was held virtually on February 15, 2024, to discuss the materials and gather additional comments from the public. Thirty-six attendees, including representatives from the affected facilities, community-based organizations, and the public, participated in the workshop.

The Air District received twelve written comment letters and seven oral comments at the workshop on the 2023 draft amendments to the Rule 11-18 Implementation Procedures and Rule 11-18

Amendments Concept Paper. Comments were submitted by the Bay Area Clean Water Agencies (BACWA), Benicia Community Air Monitoring Program (BCAMP), California Council for Environmental and Economic Balance (CCEEB), the Chevron Products Richmond Refinery, Communities for a Better Environment (CBE), Tesla, and twelve individuals. The written and oral comments on the Rule 11-18 amendment concepts addressed topics such as the combined facility review and public comment periods, dispute resolution panel process, health risk assessment procedures, toxic emissions inventories, and the requirement for facilities to conduct and submit HRAs.

In March 2024, staff presented an update on the amendments to the Rule 11-18 Implementation Procedures and the Rule 11-18 amendment concepts to the Air District Stationary Source Committee. During the meeting, five public comments were made, raising concerns about facilities conducting and submitting HRAs, the prioritization score for high-risk (Phase 1) facilities, and the use of health risk assessments instead of health impact assessments. The Air District published the Rule 11-18 Final Implementation Procedures in April 2024 and continued with the rule development effort for amendments to Rule 11-18.

Staff conducted additional engagement throughout the continued development of the Rule 11-18 draft amendments. Staff met with CBE and others in accordance with the 2023 settlement agreement to provide an update on the implementation progress on Rule 11-18 and the rule development effort in February 2024, June 2024, December 2024, and July 2025. Staff also met with Chevron Richmond Refinery in August 2024 and with CCEEB in September 2024 to discuss items related to Rule 11-18, including implementation progress, emissions inventory, Rule 11-18 Implementation Procedures, and rule amendment concepts.

Staff also provided an informational update to the Path to Clean Air Community Steering Committee for the Richmond-North Richmond-San Pablo Community during its regular meetings in January and February 2025, providing an overview of Rule 11-18 and updates on its implementation and amendment progress.

Next Steps

Air District staff is publishing the draft amendments to Rule 11-18, draft amendments to the Rule 11-18 Implementation Procedures, and the Preliminary Staff Report for public review to solicit comments on these materials. Input received during the public comment period will be considered in further developing the Rule 11-18 and Implementation Procedures amendments. Staff will then prepare the final proposal and staff report, along with other supporting documents, for additional review and comment. These materials will be presented at a Public Hearing, where staff anticipates submitting the proposed rule amendments for consideration by the Air District Board of Directors.

As part of the rule development process, Air District staff evaluates potential environmental impacts as required by the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., as well as the CEQA Guidelines that have been adopted by the Air District to help implement the statutory provisions of CEQA.

Air District staff typically contracts an external environmental consultant to prepare required CEQA documents and analysis. Staff anticipates the preparation of an Addendum to the Recirculated Final Environmental Impact Report (EIR) that was certified in 2017 with adoption of

Rule 11-18 by the Board of Directors¹⁵ since the rule amendments only involve minor technical changes or additions and none of the conditions described in CEQA Section 21166 (Cal. Gov't Code section 21166) calling for the preparation of subsequent or supplemental EIR is expected to occur.

In addition, Air District staff will contract an external economic consultant to prepare a socioeconomic analysis to evaluate the potential economic effects on the Bay Area that may result from amendments to Rule 11-18. This report will be made available for public review and comment along with other materials prepared for the final proposal package before consideration by the Air District Board of Directors.

VII. CONCLUSION

The Air District is developing amendments to Rule 11-18 to accelerate risk reduction for facilities that exceed the RAL and to improve program efficiency for faster rule implementation. The draft amendments aim to ensure that the health-protective measures required by the Rule are implemented as soon as feasible, without delays, to mitigate health impacts from affected facilities.

Air District staff has published the draft amendments to Rule 11-18 and the Rule 11-18 Implementation Procedures, along with the Preliminary Staff Report, for public review and encourages interested parties to submit comments for consideration. Staff will continue to refine and evaluate the draft amendments to the rule and Rule 11-18 Implementation Procedures in preparation for presenting the final proposed amendments to the Air District Board of Directors for consideration.

¹⁵ Final Environmental Impact Report for the Bay Area Air Quality Management District for Rule 11-18 from November 2017 can be accessed at the following link: https://www.baaqmd.gov/~/media/dotgov/files/rules/regulation-11-rule-18/documents/20171115_rfeir_1118-pdf.pdf?rev=055e56fae4e0474dbbc1393e5252f22e&sc_lang=en