Bay Area Air District

APPENDIX A

Proposed Amendments to Regulation 11, Rule 18: Reduction of Risk from Air Toxic Emissions at Existing Facilities

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NOTE: Revisions to the November 2017 version of Rule 11-18 are indicated as follows: deletions are indicated as ~~red strikethrough~~ and additions are indicated as blue underline.

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REGULATION 11
HAZARDOUS POLLUTANTS
RULE 18
REDUCTION OF RISK FROM AIR TOXIC EMISSIONS AT EXISTING FACILITIES

(Adopted November 15, 2017)

11-18-100 GENERAL

11-18-101 Description: The purpose of this rule is to ensure that facilities that emit toxic air contaminants do not pose an unacceptable health risk to nearby residents, workers, or students.

11-18-102 Applicability: This rule applies to any toxic risk facility that is required to report the toxic air contaminant emissions inventory of the facility to the Air District pursuant to the Air Toxics "Hot Spots" Information and Assessment Act of 1987, California Health and Safety Code, Section 44300 *et seq*.

11-18-103 Exemption, Emergency-Use, Stationary Diesel Engines: This rule shall not apply to facilities for which the only source of toxic air contaminant emissions is one or more stationary diesel-fueled, compression-ignited engines operated only for emergency-use, as defined in Regulation 9, Rule 8, Section 9-8-231, and reliability-related activities, and the facility prioritization score is less than 250.

11-18-104 Exemption, Retail Gasoline Dispensing Facilities: This rule shall not apply to retail gasoline dispensing facilities with a prioritization score less than 250.

11-18-200 DEFINITIONS

11-18-201 Acute Hazard Index, or Acute HI: Acute hazard index is the sum of the individual acute hazard quotients for toxic air contaminants identified as affecting the same target organ or organ system.

11-18-202 Acute Hazard Quotient, or Acute HQ: Acute hazard quotient is the ratio of the estimated short-term average concentration of the toxic air contaminant to its acute reference exposure level (estimated for inhalation exposure).

11-18-203 Airborne Toxic Control Measure~~, or~~ (ATCM): A recommended method and, where appropriate, a range of methods, established by the California Air Resources Board (CARB) pursuant to the Tanner Act, California Health and Safety Code Section 39650 *et seq.*, that reduces, avoids, or eliminates the emissions of a toxic air contaminant.

11-18-204 Best Available Retrofit Control Technology for Toxics~~, or~~ (TBARCT): The most stringent of the following retrofit emission controls; considering the cost of achieving health risk reductions, any non-air quality health and environmental impacts, and energy requirements; provided that under no circumstances shall the controls be less stringent than the emission control required by any applicable provision of federal, State or District laws, rules, regulations or requirements:

204.1 The most effective retrofit emission control device or technique that has been successfully utilized for the type of equipment comprising such a source; or

204.2 The most stringent emission limitation achieved by a retrofit emission control device or technique for the type of equipment comprising such a source; or

204.3 Any retrofit control device or technique or any emission limitation that the APCO has determined to be technologically feasible for the type of equipment comprising such a source; or

204.4 The most stringent retrofit emission control for a source type or category specified as MACT by ~~U.S. EPA,~~the United States Environmental Protection Agency (U.S. EPA), or specified in an ATCM by CARB.

11-18-205 Cancer Risk: An estimate of the chance that an individual may develop cancer as a result of exposure to emitted carcinogens at a given exposed individual location, and considering, where

appropriate, Age Sensitivity Factors to account for inherent increased susceptibility to carcinogens during infancy and childhood.

11-18-206 **Chronic Hazard Index, or Chronic HI:** Chronic hazard index is the sum of the individual chronic hazard quotients for toxic air contaminants identified as affecting the same target organ or organ system.

11-18-207 **Chronic Hazard Quotient, or Chronic HQ:** Chronic hazard quotient is the ratio of the estimated annual average exposure of the toxic air contaminant to its chronic reference exposure level (estimated for inhalation and non-inhalation exposures).

11-18-208 **Exposed Individual (EI):** A person who is exposed to TACs emitted from a toxic risk facility who is not an employee or contractor of the facility. Exposed individual includes a resident, student, or worker who is not an employee of or a contractor for the toxic risk facility.

11-18-209 **Facility:** Any property, real or personal, which may incorporate one or more plants all being operated or maintained by a person as part of an identifiable business on contiguous or adjacent property, and shall include, but not be limited to manufacturing plants, refineries, power generating plants, ore processing plants, construction material processing plants, automobile assembly plants, foundries and waste processing sites.

11-18-210 **Gasoline Dispensing Facility (GDF):** Any stationary operation that dispenses gasoline directly into the fuel tanks of motor vehicles. This facility shall be treated as a single source which includes all necessary equipment for the exclusive use of the facility, such as nozzles, dispensers, pumps, vapor return lines, plumbing and storage tanks.

11-18-211 **Health Risk:** The potential for adverse human health effects resulting from exposure to emissions of toxic air contaminants and ranging from relatively mild temporary conditions, such as eye or throat irritation, shortness of breath, or headaches, to permanent and serious conditions, such as birth defects, cancer or damage to lungs, nerves, liver, heart, or other organs. Measures of health risk include cancer risk, chronic hazard index, and acute hazard index.

11-18-212 **Health Risk Assessment~~, or~~ (HRA):** An analysis that estimates the potential for increased likelihood of health risk for individuals in the affected population that may be exposed to emissions of one or more toxic air contaminants, determined in accordance with Section 11-18-602~~Rule 2-5, Section 2-5-603~~. An HRA report is a document that presents the HRA and follows the HRA report template approved by the APCO.

11-18-213 **Maximally Exposed Individual (MEI):** A person that may be located at the exposed individual location where the highest exposure to toxic air contaminants emitted from a given source or project is predicted, as shown by an APCO-approved HRA. MEI locations are typically determined for maximum cancer risk, chronic hazard index and acute hazard index based on exposure to residents, workers, and students.

11-18-214 **Maximum Achievable Control Technology~~, or~~ (MACT):** An emission standard promulgated by U.S. EPA pursuant to Section 112(d) of the Clean Air Act.

11-18-215 **Owner/Operator:** Any person who owns, leases, operates, controls, or supervises a facility~~, building, structure, installation, or source which directly or indirectly results or may result in emissions of any air pollutant~~.

11-18-216 **Prioritization Score:** The relative potential for health impacts from a facility based on the amount of TACs emitted from the facility, the relative toxicity of the TACs emitted, the proximity of the facility to exposed individuals and exposure factors for different types of exposed individuals. The methodology for determining a facility's prioritization scores is located in Appendix A to this rule.

~~**11-18-217** **Priority Community:** A geographic area where levels of toxic air contaminants are higher than other areas and where people may be particularly vulnerable and may bear disproportionately higher adverse health effects.~~

~~**11-18-218** **Risk Action Level**~~

~~218.1 Before January 1, 2020, any of the following health risk levels:~~

~~1.1 A cancer risk of 25 per million (25/M); or~~

~~1.2 A chronic hazard index of 2.5; or~~

~~1.3 An acute hazard index of 2.5.~~

~~218.2 Effective January 1, 2020, except as provided in Section 11-18-402, any of the following health risk levels:~~

~~2.1 A cancer risk of 10 per million (10/M); or~~

~~2.2 A chronic hazard index of 1.0; or~~

~~2.3 An acute hazard index of 1.0.~~

11-18-217 Risk Action Level: Any of the following health risk levels:

217.1 A cancer risk of 10 per million (10/M); or

217.2 A chronic hazard index of 1.0; or

217.3 An acute hazard index of 1.0.

~~**11-18-220**~~**11-18-218 Risk Reduction Measures:** Practices that reduce toxic air contaminant emissions or that reduce health risks at the facility being evaluated, including changes to production processes, feedstocks, product formulations, emission point locations, emissions capture and dispersion mechanisms, and the installation of TBARCT or other control devices.

11-18-219 Risk Reduction Plan ~~or Plan~~ (RRP): A document meeting the requirements of Section ~~11-18-404~~ 11-18-403.2 that identifies, among other things, sources, quantities, and causes of emissions responsible for meeting or exceeding~~exceedance of~~ any of the risk action levels set forth in Section ~~11-18-221~~11-18-217 and details risk reduction measures that will be implemented to reduce risk.

~~**11-18-221**~~**11-18-220 Significant Risk Threshold:** Any of the following toxic health risk levels:

~~221~~220.1 A cancer risk of 1.0 per million (1.0/M); or

~~221~~220.2 A chronic hazard index of 0.20; or

~~221~~220.3 An acute hazard index of 0.20.

~~**11-18-222**~~**11-18-221 Significant Source:** A source of toxic air contaminants or health risk that poses a risk equal to or greater than a significant risk threshold at any MEI location at which all sources at the facility, taken together, pose a health risk equal to or greater than a risk action level.

11-18-222 Site-Specific Modeling Protocol: A document that describes the process for conducting a Health Risk Assessment required by Air District regulations and programs, and that identifies the steps and assumptions to be taken during the air dispersion modeling and risk assessment process for a specific site.

11-18-223 Source: Any article, machine, equipment, operation, contrivance or related groupings of such that may produce and/or emit air pollutants.

11-18-224 Stationary Diesel-Fueled, Compression-Ignited Engine: An internal combustion engine with operating characteristics significantly similar to the theoretical diesel combustion cycle that is operated, or intended to be operated, at a specific site for more than one year or is attached to a foundation at that site.

11-18-225 Toxic Air Contaminant ~~or~~ (TAC), or Air Toxic: An air pollutant that may cause or contribute to an increase in mortality or in serious illness or that may pose a present or potential hazard to human health. For the purposes of this rule, TACs consist of the substances listed in Table 2-5-1 Toxic Air Contaminant Trigger Levels in Regulation 2, Rule 5.

11-18-226 Toxic Risk Facility: Any facility that manufactures, formulates, uses, or releases any toxic air contaminant or any other substance that reacts to form a TAC.

11-18-227 Unreasonable Economic Burden: When the annualized cost of compliance (the sum of the annual operating cost and annualized capital costs) exceeds ten percent of the annual profits of a facility or one percent of the annual operational budget of a non-profit facility.

11-18-300 STANDARDS

11-18-301 Compliance with Risk Reduction Plan: The owner/operator of a toxic risk facility that poses a health risk, as determined by an APCO-approved HRA, equal to or greater than one or more of the risk action levels in effect pursuant to Section ~~11-18-218~~ 11-18-217 shall obtain and maintain APCO approval of a Risk Reduction Plan in accordance with Section 11-18-403, and shall implement the risk reduction measures on the timeline specified in the approved Risk Reduction Plan and comply with all other requirements and timelines in the approved Risk

Reduction Plan.:

~~301.1 Submit a proposed Risk Reduction Plan to the APCO in accordance with Section 11-18-403;~~

~~301.2 Obtain and maintain APCO approval of a Risk Reduction Plan in accordance with Section~~**s** ~~11-18-403, 404, and 405; and~~

~~301.3 Implement the risk reduction measures and comply with all other requirements in the approved Risk Reduction Plan~~

11-18-400 ADMINISTRATIVE REQUIREMENTS

~~**11-18-401 Health Risk Assessment Information Requirement**: Within 60 days of a request from the APCO, a facility owner/operator shall submit to the APCO any information necessary to complete an HRA of the facility. The facility owner/operator may request additional time to submit the requested information (up to an additional 60 days) provided that the facility owner/operator can demonstrate that additional time is necessary.~~

~~**11-18-402 Early Application of Risk Action Levels:** The APCO may conduct an HRA for or apply the risk action levels specified in Section 11-18-218.2 to any toxic risk facility located within a Priority Community at any time after the adoption of this rule.~~

~~**11-18-403 Notification of HRA Results and Submission of Plan:** The APCO shall provide the facility owner/operator with a copy of the preliminary HRA. The facility owner/operator shall be given 90 days to review and comment on the preliminary HRA. After taking into account any comments from a facility on preliminary HRA results and correcting factual errors, the APCO shall notify a facility owner/operator when a final APCO-approved HRA indicates a facility health risk equals or exceeds one or more of the risk action levels set forth in Section 11-18-218 and provide the facility owner/operator with a copy of the final APCO-approved HRA. Within 180 days of notification, the facility owner/operator shall submit a draft Risk Reduction Plan to the APCO that complies with Section 11-18-404. The APCO may allow additional time for the Plan submission to ensure the Plan is compatible with any applicable safety regulations.~~

11-18-401 Health Risk Assessment Procedures – Legacy: For a facility owner/operator that has received notification from the APCO that the site-specific modeling protocol has been finalized by the APCO before [date of rule adoption], the following requirements shall apply as appropriate:

401.1 Submission of Information: Within 60 days of a request from the APCO, the facility owner/operator shall submit to the APCO any information the APCO deems necessary, including, but not limited to, a TAC emissions inventory and TAC emissions release data, to complete an HRA of the facility. The facility owner/operator may request up to 60 additional days to submit the requested information provided that the facility owner/operator can establish, to the APCO's satisfaction, that such additional time is necessary.

401.2 Comment Period: The APCO shall prepare and publish a preliminary HRA report. The APCO shall notify the facility owner/operator and the public of the availability of the preliminary HRA report and hold a 90-day review and comment period.

401.3 Approval and Comparison to Risk Action Levels: After taking into account any comments on the preliminary HRA report and making any alterations to the HRA, the APCO shall approve and finalize the HRA report. The APCO shall notify the facility owner/operator whether the final, APCO-approved HRA indicates a facility health risk equals or exceeds one or more of the risk action levels set forth in Section 11-18-217. The APCO shall provide the facility owner/operator with a copy of the final, APCO-approved HRA report.

11-18-402 Health Risk Assessment Procedures: For a facility owner/operator that has not yet received notification by the APCO as of [date of rule adoption] that the site-specific modeling protocol has been finalized, the following requirements shall apply as appropriate:

402.1 Notification: The APCO shall notify a facility owner/operator that the facility owner/operator must prepare an HRA for the facility when the APCO determines that an HRA is warranted based on the facility's prioritization scores and other relevant factors. With the notification, the APCO shall provide an APCO-approved TAC emissions inventory to the facility owner/operator.

402.2 Site-Specific Modeling Protocol:

2.1 A facility owner/operator shall provide a draft site-specific modeling protocol to the APCO within 60 days of receiving a notification from the APCO pursuant to Section 11-18-402.1. The facility owner/operator may request up to 60 additional days to submit the draft site-specific modeling protocol provided that the facility owner/operator can establish, to the APCO's satisfaction, that such additional time is necessary.

2.2 After receiving the draft site-specific modeling protocol, the APCO shall either:

2.1 Notify the facility owner/operator that the site-specific modeling protocol is approved for use in the preliminary HRA, or

2.2 Notify the facility owner/operator that alterations to the site-specific modeling protocol are required and specify the required alterations.

2.3 If alterations are required, the facility owner/operator shall implement all alterations and resubmit the draft site-specific modeling protocol within 30 days of receiving the notification.

2.4 After receiving the resubmitted draft site-specific modeling protocol, the APCO shall either:

4.1 Notify the facility owner/operator that the site-specific modeling protocol is approved for use in the preliminary HRA, or

4.2 Make additional alterations to the site-specific modeling protocol. After making any alterations, the APCO shall send the facility owner/operator a final site-specific modeling protocol that is approved for use in the preliminary HRA.

402.3 Preliminary HRA Review:

3.1 The facility owner/operator shall submit a draft preliminary HRA report to the APCO within 90 days of receiving approval of a site-specific modeling protocol pursuant to Section 11-18-402.2.4.1 or 11-18-402.2.4.2. In its submission, the facility owner/operator shall provide all information necessary for reproducing the results of the HRA, including, but not limited to, TAC emissions inventory data, documentation of any changes to TAC emissions inventory data, TAC emissions release data, and any assumptions required to reproduce the results of the HRA. The facility owner/operator may request up to an additional 30 days to submit the draft preliminary HRA report provided that the facility owner/operator can establish, to the APCO's satisfaction, that such additional time is necessary.

3.2 If, after receiving the draft preliminary HRA report, the APCO determines that alterations to the draft preliminary HRA report are required, the APCO shall notify the facility owner/operator of the specific alterations to the draft preliminary HRA report that are required, unless the APCO elects to proceed under Section 11-18-402.3.4.

3.3 Upon receiving notice from the APCO that alterations to the draft preliminary HRA report are required, the facility owner/operator shall implement all alterations and resubmit the draft preliminary HRA report within 30 days of receiving the notification from the APCO. The facility owner/operator may request up to an additional 30 days to implement the alterations and resubmit the draft preliminary HRA report provided that the facility owner/operator can establish, to the APCO's satisfaction, that such additional time is necessary. In

its submission, the facility owner/operator shall provide all information necessary for reproducing the results of the HRA.

3.4 The APCO may also, pursuant to Section 11-18-402.6, finalize the preliminary HRA and preliminary HRA report and make any alterations to the preliminary HRA and preliminary HRA report, including, but not limited to, altering TAC emissions inventory data, TAC emissions release data, or assumptions and information underlying the HRA.

402.4 Public Comment: The APCO shall approve and publish a preliminary HRA report. The APCO shall notify the facility owner/operator and the public of the availability of the preliminary HRA report and hold a 90-day review and comment period. The APCO shall consider any written comments received during the comment period.

402.5 Approval and Comparison to Risk Action Levels:

5.1 If, after the public comment period, the APCO determines that alterations to the preliminary HRA report are required, the APCO shall notify the facility owner/operator of the specific alterations to the preliminary HRA report that are required, unless the APCO elects to proceed under Section 11-18-402.5.3.

5.2 Upon receiving notice from the APCO that alterations to the preliminary HRA report are required, the facility owner/operator shall implement all alterations and submit a draft final HRA report within 30 days of receiving the notification from the APCO. The facility owner/operator may request up to an additional 30 days to implement all alterations and submit the draft final HRA report provided that the facility owner/operator can establish, to the APCO's satisfaction, that such additional time is necessary. In its submission, the facility owner/operator shall provide all information necessary for reproducing the results of the HRA.

5.3 The APCO may also, pursuant to Section 11-18-402.6, finalize the final HRA and final HRA report and make any alterations to the HRA and HRA report, including, but not limited to, altering TAC emissions inventory data, TAC emissions release data, or assumptions and information underlying the HRA.

5.4 The APCO shall approve and publish a final HRA report. The APCO shall notify the facility owner/operator if the final, APCO-approved HRA for the facility indicates a facility health risk equals or exceeds one or more of the risk action levels set forth in Section 11-18-217.

402.6 APCO-Prepared HRAs: When it is more expedient to do so or when the facility owner/operator lacks the resources to conduct the HRA, the APCO may use an HRA and/or HRA report prepared in whole or in part by the APCO to determine whether a facility health risk equals or exceeds one or more of the risk action levels set forth in Section 11-18-217.

~~**11-18-404 Risk Reduction Plan Content Requirements:** A Risk Reduction Plan shall include the following:~~

11-18-403 Risk Reduction Plan Procedures:

403.1 Submission of RRP: Within 180 days of receiving a notification pursuant to Section 11-18-401.3 or 11-18-402.5.4 that a facility health risk equals or exceeds one or more of the risk action levels set forth in Section 11-18-217, the facility owner/operator shall submit a draft RRP to the APCO. The APCO may allow additional time for the RRP submission to ensure the RRP is compatible with any applicable safety regulations.

403.2 Contents: A Risk Reduction Plan shall include the following:

~~4042~~.1 The name and address of the facility.

~~4042~~.2 The North American Industry Classification System (NAICS) code for the facility.

~~4042~~.3 A description of risk from the facility including:

3.1 Summary data from the applicable APCO-approved TAC ~~air toxic~~ emissions inventory.

3.2 Summary data from the ~~health risk assessment~~HRA.

3.3 Identification of the processes and emission points that are significant sources contributing to the facility health risks and a characterization of the risk from each.

~~4042~~.4 A list of sources at which risk reduction measures will be implemented and a description of each risk reduction measure to be implemented at each source, including:

4.1 A description of the source and any existing controls that reduce risk,

4.2 A description of each risk reduction measure,

4.3 Anticipated emission reductions from the risk reduction measure,

4.4 Anticipated health risk reduction from the risk reduction measure

~~4042~~.5 A schedule for implementing each risk reduction measure, including:

5.1 Dates for filing applications for permits to construct.

5.2 Dates equipment will be installed (if applicable).

5.3 Dates process changes will be completed (if applicable).

5.4 Dates for demonstrating the effectiveness of risk reduction measures.

~~4042~~.6 A demonstration that:

6.1 The health risk from the facility will be reduced to a level below the risk action levels set forth in Section 11-18-~~218.2~~217 at ~~any~~ each MEI by no later than five years after ~~Plan~~ RRP approval through implementation of the risk reduction measures pursuant to the proposed schedule; or

~~6.2 The health risk from the facility will be reduced to a level below the risk action levels set forth in Section 11-18-218.2 at any MEI by no later than five years after Plan approval plus such time, not to exceed five additional years, as is necessary to address a technical feasibility issue or to avoid placing an unreasonable economic burden on the facility operator; or~~

6.2 All risk reduction measures that are technologically feasible to implement without placing an unreasonable economic burden on the facility owner/operator will be implemented within five years of RRP approval, and the health risk from the facility will be reduced to a level below the risk action levels set forth in Section 11-18-217 at each MEI by no later than five years after RRP approval plus such time, not to exceed five additional years, as is necessary to address a technological feasibility issue or to avoid placing an unreasonable economic burden on the facility owner/operator; or

~~6.3 The facility will comply through application of TBARCT and can show that:~~

~~3.1 The health risk from the facility cannot be reduced to a level below the risk action level because it is not feasible, and~~

~~3.2 TBARCT has been installed on all significant sources of risk, or will be installed no later than five years after Plan approval plus such time, not to exceed five additional years, as is necessary to address a technical feasibility issue or to avoid placing an unreasonable economic burden on the facility operator.~~

6.3 The health risk from the facility cannot be reduced to a level below the risk action levels set forth in Section 11-18-217 because it is not technologically feasible to do so without placing an unreasonable economic burden on the facility owner/operator, and TBARCT has been installed on all significant sources of risk, or will be installed on all such sources no later than five years after RRP approval plus an extension up to five years if granted by the APCO, as is necessary to address a technological feasibility issue or to avoid placing an unreasonable economic burden on the facility owner/operator. Such an extension shall

be limited to the source or group of sources that require the extension.

~~4042~~.7 An estimate of residual health risk following implementation of the risk reduction measures specified in the ~~Plan~~RRP.

~~4042~~.8 A certification that the ~~Plan~~ RRP meets all requirements. The person who makes this certification shall be one of the following:

8.1 An engineer who is registered as a professional engineer pursuant to Section 6762 of the Business and Professions Code; or

8.2 An individual who is responsible for the operations of the facility.~~source; or~~

~~8.3 An environmental assessor registered pursuant to Section 25570.3 of the Health and Safety Code~~.

403.3 Draft RRP Review:

3.1 The APCO shall conduct a review of the draft RRP. The APCO shall notify the facility owner/operator in writing if the APCO determines that the submitted RRP does not meet the requirements of Section 11-18-403.2 and will specify the basis for this determination.

3.2 Upon receipt of such notification, the facility owner/operator shall correct the identified deficiencies and resubmit the draft RRP within 45 days.

3.3 If the APCO determines that the facility owner/operator failed to correct any deficiency identified in the notification or that the RRP otherwise fails to comply with Section 11-18-403.2, the APCO may disapprove the RRP or may notify the facility owner/operator that the draft RRP continues to fail to meet the requirements of Section 11-18-403.2 and provide one additional opportunity to submit a draft RRP in 45 or fewer days.

403.4 Public Comment: The draft RRP, including any revisions made to correct deficiencies, will be made available to the public for 45 days (with the exception of confidential information). The APCO will consider any written comments received during this period prior to approving or disapproving the draft RRP.

403.5 Final Action:

5.1 The APCO shall approve the draft RRP if the APCO determines that the draft RRP meets the requirements of Section 11-18-403.2 and shall provide written notification to the facility owner/operator.

5.2 If the APCO determines after the public comment period that the draft RRP does not meet the requirements of Section 11-18-403.2, the APCO shall notify the facility owner/operator in writing and will specify the basis for this determination.

5.3 Upon receipt of such notification, the facility owner/operator shall correct the identified deficiencies and resubmit the draft RRP within 45 days.

5.4 If the APCO determines that the facility owner/operator failed to correct any deficiency identified in the notification or that the RRP otherwise fails to comply with Section 11-18-403.2, the APCO shall disapprove the draft RRP.

403.6 Public Inspection: Within 30 days of the approval of an RRP under Section 11-18-403.5.1, the APCO shall publish the RRP on the Air District's website, and shall notify any member of the public who submitted comments under Section 11-18-403.4, or who otherwise requested such notification of this action in writing. In making information available for public inspection, the confidentiality of trade secrets, as designated by the facility owner/operator, shall be handled in accordance with Section 7924.510 of the Government Code.

403.7 Disapproval of RRP: If the APCO disapproves an RRP pursuant to Sections 11-18-403.3.3 or 11-18-403.5.4, the disapproval shall constitute a failure to obtain APCO approval of an RRP pursuant to Section 11-18-301, unless the disapproval is of an updated RRP submitted pursuant to Section 11-18-406.

~~**11-18-405 Review and Approval of Risk Reduction Plans:** The procedure for determining whether a draft Plan submitted pursuant to Section 11-18-403 meets the applicable requirements of this rule is as follows:~~

405.1 Review: Within 20 business days of receipt of the draft Plan, the APCO will conduct a completeness review of the draft Plan. The APCO will notify the facility owner/operator in writing if the submitted Plan is lacking information necessary to make an approval determination. The facility owner/operator shall submit a complete draft Plan within 45 days of receipt of this notification. If the APCO determines that the resubmitted draft Plan is still incomplete, the APCO may disapprove the Plan or may notify the facility owner/operator that the draft Plan continues to lack necessary information and provide another opportunity to submit a complete draft Plan in 45 or fewer days.

405.2 Public Comment: The draft Plan, including any revisions made to correct deficiencies, will be made available to the public for 45 days (with exception of confidential information). The APCO will consider any written comments received during this period prior to approving or disapproving the final draft Plan.

405.3 Final Action:

3.1 The APCO will approve the draft Plan if the APCO determines that the draft Plan meets the requirements of Section 11-18-404 and will provide written notification to the facility owner/operator.

3.2 If the APCO determines that the draft Plan does not meet the requirements of Section 11-18-404, the APCO will notify the facility owner/operator in writing and will specify the basis for this determination. Upon receipt of such notification, the facility owner/operator shall correct the identified deficiencies and resubmit the draft Plan within 45 days.

3.3 If the APCO determines that the facility owner/operator failed to correct any deficiency identified in the notification, the APCO will determine that the facility owner/operator has failed to meet the requirements of Section 11-18-404, and will disapprove the draft Plan.

405.4 Public Inspection: Within 30 days of the approval of a Plan under Section 11-18-405.3, the APCO shall post the Plan on the Air District's website, and shall notify any member of the public, who submitted comments under Section 11-18-405.2, or who otherwise requested such notification of this action in writing. In making information available for public inspection, the confidentiality of trade secrets, as designated by the refinery owner/operator, shall be handled in accordance with Section 6254.7 of the Government Code.

11-18-404 Reconsideration of Prioritization Scores:

404.1 Within 30 days of receiving a notification from the APCO pursuant to Section 11-18-402.1, a facility owner/operator may request that the prioritization scores be reevaluated using a revised TAC emissions inventory. In order to request such reconsideration, the facility owner/operator shall recalculate the prioritization scores in accordance with Appendix A.

404.2 Based on the recalculated prioritization scores, the APCO may send the facility owner/operator a notification withdrawing the requirement that the facility owner/operator prepare an HRA if the APCO determines, in the APCO's sole discretion, that the potential health risk from the facility does not warrant HRA review. Unless the APCO withdraws the requirement that the facility owner/operator prepare an HRA, the deadlines for submission of a draft site-specific modeling protocol pursuant to Section 11-18-402.2 and preliminary HRA report pursuant to Section 11-18-402.3 are not altered by submission of a request pursuant to this section.

11-18-405 Additional Emissions Data:

405.1 In its draft preliminary HRA submission pursuant to Section 11-18-402.3.1, the facility owner/operator may request that the APCO consider additional, future testing or studies before finalizing emission data for specific sources. The facility owner/operator shall include a table in the draft preliminary HRA report that lists the sources, the currently estimated emissions for each source (which shall be used in the draft

preliminary HRA), and information regarding the testing and/or studies that it requests to conduct in the future. If the APCO agrees, in its sole discretion based on balancing the potential value of the testing or studies against the burden of potentially reopening the HRA, to consider such additional testing or studies, all updated emission data obtained through the testing and/or studies must be submitted for review and approval to the APCO no later than the date on which the facility owner/operator submits a draft RRP pursuant to Section 11-18-403.1.

405.2 If the APCO has agreed to consider additional testing or studies before finalizing emission data for specific sources, and if the facility owner/operator submits such data, the APCO may alter the final HRA to account for this new information and may, if warranted, rescind its notification to the facility owner/operator pursuant to Sections 11-18-401.3 or 11-18-402.5.4 that a facility health risk equals or exceeds one or more of the risk action levels set forth in Section 11-18-217.

405.3 If the APCO rescinds its notification to the facility owner/operator that a facility health risk equals or exceeds one or more of the risk action levels set forth in Section 11-18-217, the APCO shall subsequently release a revised preliminary HRA report for public comment as described in Section 11-18-402.4 and shall proceed to review and finalize a revised final HRA report and compare the HRA results in the HRA report to the risk action levels as described in Section 11-18-402.5.

405.4 If the APCO alters the final HRA but the risk in the altered HRA remains above one or more of the risk action levels set forth in Section 11-18-217, then the APCO shall base its review of the draft RRP in Section 11-18-403.3 on the altered HRA results, and will release the revised HRA report with the RRP pursuant to Section 11-18-403.4. The APCO shall consider any comments received on the altered HRA report before finalizing the altered HRA report, as described in Section 11-18-402.5.4, and RRP.

405.5 If a facility owner/operator proceeding pursuant to Section 11-18-405.1 submits a draft RRP before the APCO has reviewed and considered any additional emissions data, the draft RRP must include all the elements required in Section 11-18-403.2 both under the assumption that the request for consideration of additional emissions data will be granted and under the assumption that the request will be denied.

11-18-406 Updated Risk Reduction Plan: For an RRP ~~Plan~~ meeting the requirements of Section ~~11-18-404.6.3~~11-18-403.2.6.3, if information becomes available after the initial APCO approval regarding emissions reduction technologies that may be used by a facility owner/operator that would significantly reduce health risks to exposed persons or the feasibility of an RRP ~~Plan~~, the APCO may require or, upon request by a facility owner/operator and approval by the APCO, allow the facility owner/operator to update the RRP ~~Plan~~ to reflect the information and resubmit the RRP ~~Plan~~ to the APCO for approval pursuant to Section 11-18-403, provided the update does not significantly delay implementation of emission reductions from the timeline proposed in the facility's original RRP. The facility's original RRP will remain in effect until the APCO approves the updated RRP. The APCO may disapprove an updated RRP even if the updated RRP meets the requirements of Section 11-18-403.2 if the APCO determines the updated RRP is inconsistent with this Section or would not result in a significant reduction in health risk as compared to the original RRP.

11-18-500 MONITORING AND RECORDS

11-18-501 Progress Reports: The facility owner/operator shall report annually to the APCO progress on the emission reductions achieved by the RRP ~~Plan~~ until the RRP ~~Plan~~ is fully implemented or the facility owner/operator can demonstrate to the APCO compliance with Section 11-18-301~~.2~~. Reports shall be made no later than each anniversary of the date on which the RRP ~~Plan~~ was

approved pursuant to Section ~~11-18-405.3~~11-18-403.5.1 and shall be consistent with a format developed by the APCO.

11-18-600 MANUAL OF PROCEDURES

11-18-601 Prioritization Score Calculation Procedures: A facility owner/operator that requests reconsideration of its prioritization scores pursuant to Section 11-18-404 shall calculate any revised prioritization scores using the procedures set forth in Appendix A and the most current version of the District's Prioritization Score Procedures for Air Toxics Hot Spots Program and Regulation 11, Rule 18.

11-18-602 Health Risk Assessment Procedures: Each Health Risk Assessment shall be prepared in accordance with the District's Health Risk Assessment Guidelines.

Appendix A: Equations for Calculating Standard Prioritization Scores and Alternative Prioritization Scores for Specific Facility Types:

The standard prioritization score (PS) calculation equations are shown below:

$PS_{CANCER} = \Sigma [(E_i) \times (U_i)] \times (PAF) \times (NF_{CANCER})$

$PS_{NON\text{-}CANCER} = \Sigma [(E_i)/(REL_i)/(8760)] \times (PAF) \times (NF_{NON\text{-}CANCER})$

Where the variables for the standard prioritization score equations are:

E_i = Toxic air contaminant emissions from the facility (lbs/year) of each TAC (i)

OEHHA approved toxicity factors for each toxic air contaminant:

U_i = Unit Risk Value for each carcinogenic TAC (i), $(\mu g/m^3)^{-1}$

REL_i = Chronic Reference Exposure Level (REL) for each TAC (i), $\mu g/m^3$

PAF = Proximity Adjustment Factors (PAF) for nearest exposed individual

NF = Normalization Factors (NF) for each type of health effect (NF_{CANCER} and $NF_{NON\text{-}CANCER}$)

The alternative prioritization score (PS) calculation equations are shown below:

$PS_{CANCER} = \Sigma [(E_i) \times (U_i)] \times (PAF_{EI}) \times (EF_{EI}) \times (NF_{CANCER})$

$PS_{NON\text{-}CANCER} = \Sigma\{(E_i)/(REL_i)/(8760)\} \times (PAF_{EI}) \times (EF_{EI}) \times (NF_{NON\text{-}CANCER})$

Where the variables for the alternative prioritization score equations are:

E_i = Toxic air contaminant emissions from the facility (pounds/year) of each TAC (i)

OEHHA approved toxicity factors for each toxic air contaminant:

U_i = Unit Risk Value for each carcinogenic TAC (i), $(\mu g/m^3)^{-1}$

REL_i = Chronic Reference Exposure Level (REL) for each TAC (i), $\mu g/m^3$

PAF_{EI} = Proximity Adjustment Factor (PAF) for each type of exposed individual ($PAF_{RESIDENT}$ or PAF_{WORKER})

EF_{EI} = Exposure Factor (EF) for each type of exposed individual ($EF_{RESIDENT}$ or EF_{WORKER})

NF = Normalization Factors (NF) for each type of health effect (NF_{CANCER} and $NF_{NON\text{-}CANCER}$)