Virtual Public Workshop on Regulation 11, Rule 18
Reduction of Risk from Air Toxic Emissions at Existing Facilities

February 15, 2024
Overview

- Introduction and Agenda Review
- Opening Remarks
- Overview of Rule 11-18 and Update Process
  - Q&A #1
- Proposed Updates to Implementation Procedures and Rule Amendment Concepts
  - Q&A #2
- Next Steps
Meeting Guidelines

• Be respectful of one another’s opinions.

• Please share the floor time to allow others to speak.

• Participants will automatically be muted except when called on.

• Disruptive participants may be removed from the workshop.

• Please be patient if there are technical difficulties.

• Participants will be able to ask questions and provide input during Q&A/comment agenda items.
How to Use Zoom Video Conferencing

Mute/Unmute
Please mute yourself when not speaking

Participants
- See others
- Rename yourself **(Name, Affiliation)**
- Raise hand

Chat
To ask questions and provide comments when chat is enabled

Reactions
- Raise hand

Closed-captioning
Click “more” in the Zoom taskbar to access live transcription.

If you need technical assistance, please send a chat to
Zoom Tech Host Jennifer Vazconcelo
Opening Remarks
Dr. Meredith Bauer, DEO
Overview of Rule 11-18
What does Rule 11-18 require?

- **Goal**
  - Identify facilities that pose elevated health risks due to stationary source emissions and require those facilities to reduce health risks.

- **Requirements**
  - Reduce facility health risks from all stationary sources below *Risk Action Levels*, OR
  - Install best available controls on each *Significant Source* of health risk
What are the key steps needed to implement Rule 11-18?

1. Update toxic inventory
2. Conduct HRA
3. Compare facility health risks to Risk Action Levels
4. Notify facility, if a Risk Reduction Plan (RRP) is required
5. Ensure RRP meets Rule 11-18 requirements
6. Approve TBARCT for Significant Sources, if health risks will exceed Risk Action Levels
7. Verify that risk reductions are implemented on schedule
8. Verify that implemented controls meet Rule 11-18 requirements
Update Process:
Implementation Procedures and Rule Amendment Concepts
Why is Air District updating Rule 11-18 and associated Implementation Procedures?

- Public and Board have expressed concerns about Air District’s implementation of Rule 11-18:
  - Air District delays in completing Health Risk Assessments (HRAs)
  - Length of time to implement risk reductions as allowed by current rule
- Public and Board have requested:
  - Program efficiency improvements
  - Interim risk reduction measures
2-Step Process to Update Implementation Procedures (IP) and Rule 11-18

- **Step 1** – Update IP Based on Current Rule 11-18
  - Post draft revisions to Rule 11-18 IP document based on 2017 Rule 11-18 and update website (December 27, 2023)
  - Conduct workshop on draft IP (February 15, 2024)
  - Collect public comment on draft IP (*Comment Deadline* = February 29, 2024)
  - Post updated IP and response to comments on draft IP (April 2024)
2-Step Process to Update IP and Rule 11-18 (continued)

- **Step 2** – Further Updates: Amend Rule 11-18 and Re-Update IP
  - Continue developing amendments to Rule 11-18
    - Concept Paper → Draft Amendments → Proposed Amendments
  - Coordinate rule amendments with associated updates of the IP
    - Develop 2\textsuperscript{nd} round of IP updates to pair with proposed rule amendments
  - Conduct workshop and public comment on draft amendments to rule and associated IP document
  - Bring proposed rule amendments to the Board for consideration
Questions on Rule 11-18 or the Update Process?
Proposed Updates to Implementation Procedures Document and Rule Amendment Concepts
Goals

- **Goal #1** – Improve Transparency
- **Goal #2** – Implement Risk Reductions Sooner
- **Goal #3** – Improve Program Efficiency
Goal #1 – Improve Transparency

- Completed Website Additions
- Future Web Site Updates
- Proposed Updates Included in Draft Implementation Procedures (IP)
Goal #1 – Improve Transparency

- Completed Website Additions:
  - Revised Rule 11-18 Process Flow Chart for HRA & RRP
  - Provided Process Duration for Typical Facility
  - Updated Phase I & II Facility Lists (based on Year 2022 Prioritization Scores), including:
    - Prioritization Score and last HRA results (if available)
    - Ranking/priority for facility evaluations
    - Explanation of changes to Phase I facility list
    - Facility status and staff contact
  - Public Notice for Draft IP & Rule Amendments Concept – comment opportunity
Goal #1 – Improve Transparency

- **Rule 11-18 Risk Reduction Facilities**
- **Updated Phase I Facility List**
- Includes "Search & Filters" functionality
  - Keyword
  - Action Level
  - Facility Type
  - City & County
- **Link:** click [here](#)
Goal #1 – Improve Transparency

- **Future Website Updates:**
  - Frequent updates to status for Phase I facilities on Rule 11-18 website (~quarterly)
  - Update documents posted on website, for example:
    - Annual updates to Phase I & II facility lists
    - Draft HRAs for comments
    - Final HRAs
    - Draft RRP for comments
    - Final RRP
Goal #1 – Improve Transparency

- **Proposed Updates Included in Draft IP:**
  - Section 1.2 Public Engagement
    - Public Workshops on IP revisions
    - Regular Meetings with public stakeholders
  - Section 4.1 – Combined two tables into Table 1
  - Section 4.2 – Expanded on general processing order
  - Sections 4.2.4 and 4.2.4 – Added detailed procedures for completing HRAs
  - Section 4.3 – Added detailed procedures for approval of RRP
  - Section 5 – Added detailed procedures for Dispute Resolution Panel (DRP) review
Goal #2 – Implement Risk Reductions Sooner

- Proposed Updates Included in Draft IP (Step 1)
- Rule Amendment Concepts & Further IP Updates (Step 2)

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<tr>
<th>Updates</th>
<th>Step 1</th>
<th>Step 2</th>
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<tr>
<td>Review Subset of Sources</td>
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<td>Compliance Milestones</td>
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<td>Earlier Risk Reduction Deadlines for High-Risk Facilities</td>
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<td>Prioritize HRA in Priority Community and Update the Priority Community Definition</td>
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<td>Limit Facility Extensions for RRP Implementation</td>
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Goal #2 – Review Subset of Sources (Step 1)

- **Description:**
  - Proposes applying risk action levels to a subset of sources at a facility located within a Priority Community
    - Draft IP: Section 4.2, Page 17 and Regulation 11-18-402

- **Impacts:**
  - Allows Air District to identify a small group of sources with high impacts and more quickly require risk reduction measures
Goal #2 – Compliance Milestones (Step 1)

- **Description:**
  - In addition to requiring full implementation of the RRP within 5 years, the current rule also requires an implementation schedule. Draft IP updates clarify that the schedule would identify specific (e.g., annual) compliance milestones be demonstrated through annual progress reports.
    - Draft IP: Section 4.3, Step 9, Page 22 and Regulations 11-18-404.5 & 404.6 and 11-18-501

- **Impacts:**
  - Require the facilities to meet earlier risk reduction milestones than five years
Goal #2 – Require Earlier Risk Reductions for Facilities with Higher Risk (Step 2)

- **Description:**
  - Add an intermediate risk reduction requirement – prior to the 5-year deadline – for facilities exceeding a certain risk threshold

- **Impacts:**
  - Provides an intermediate milestone in the RRP
  - Partial risk reduction achieved prior to the 5-year RRP deadline
Goal #2 – Prioritize HRA in Priority Community and Update the Priority Community Definition (Steps 1 and 2)

- **Description:**
  - **Facility Review Order** - Proposes giving highest review order ranking to facilities in Priority Communities (Step 1)
    - Draft IP: Section 4.2, Page 17 and Regulation 11-18-402
  - Provides further clarity and examples of “Priority Communities” where facility HRAs can be prioritized

- **Impacts:**
  - Clarifies that early application of risk action level can be utilized for Overburdened and AB 617 Communities
Goal #2 – Limit Facility Extensions for RRP Implementation (Step 2)

- **Description:**
  - Clarify that any extensions to RRP deadlines would only apply to a specific source and equipment

- **Impacts:**
  - Limits the circumstances that would grant extension for the entire RRP
  - Avoid unnecessary delays in implementation of risk reductions at other sources
Goal #3 – Improve Program Efficiency

- Proposed Updates Included in Draft IP (Step 1)
- Rule Amendment Concepts & Further IP Updates (Step 2)

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<td>Allow Early Voluntary Submission of RRP</td>
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<td>Combined Comment Period</td>
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<td>Dispute Resolution Panel Process</td>
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Goal #3 – Require Facilities to Complete HRAs (Step 2)

- **Description:**
  - Require the facilities to prepare and submit the HRA report
    - See comments in draft IP, Page 18 and Section 4.2.5, Pages 20-22
  - Air District would provide review and approval (e.g., use of Air District-approved emissions inventory, Air District approval of HRAs)
  - Air District will perform HRAs when needed

- **Impacts:**
  - Speeds implementation of rule
  - Significant resource savings for Air District
Goal #3 – Allow Early Voluntary Submission of RRP (Step 2)

- **Description:**
  - Allow facilities to voluntarily submit an RRP early (prior to completion of an HRA) if the facility or the Air District expects the facility will require risk reduction
  - HRA will be included in the RRP submission based on abated emission levels to verify compliance

- **Impacts:**
  - Speeds implementation of rule
  - Resource savings for Air District
Goal #3 – Combine Facility Review and Public Comment Periods (Steps 1 and 2)

- **Description:**
  - Withdrawn procedure - two separate review periods:
    - 90-day facility review period after preliminary HRA is completed (required by current rule)
    - 45-day public comment period after draft HRA is completed (not in current rule)
  - Combine the facility and public review periods into a single 90-day comment period for all stakeholders after the completion of preliminary HRA
    - Draft IP: Section 4.2.4, Step 3, page 20 and Regulation 11-18-403 (Step 1)

- **Impacts:**
  - Speeds implementation of RRP
  - Resource savings for Air District
Goal #3 – Clarify Dispute Resolution Panel Process (Steps 1 and 2)

- **Description:**
  - Proposes a single opportunity to request Dispute Resolution Panel for HRA disputes (Step 1)
    - Draft IP: Section 4.2.4, Step 8, page 20
  - Limits use of DRP for RRPs to the setting of extended compliance times (Step 1)
    - Draft IP: Section 5, page 23
  - Add specific procedures associated with DRP (Steps 1 and 2)

- **Impacts:**
  - Provide a more clear and effective process for resolving technical disputes and continuing implementation of rule
Questions?
Submitting Public Comment

- **Public Comment Deadline:** February 29, 2024
- Email to [Rule11-18@baaqmd.gov](mailto:Rule11-18@baaqmd.gov)
- Or mail to Alexander Sohn at 375 Beale Street, Suite 600, San Francisco, CA 94105
Next Steps

▪ **Q1/Q2 2024** – Public outreach efforts for Rule 11-18 Implementation Procedures and Concept Paper

▪ **April 2024** – Publish final Rule 11-18 Implementation Procedures and Response to Comment documents

▪ **Q2/Q3 2024** – Commence with the rulemaking process

▪ **Option to subscribe for updates at:**
Glossary

- **DRP** – Dispute Resolution Panel
- **HRA** – Health Risk Assessment
- **OBC** – Overburdened Community
- **RRP** – Risk Reduction Plan
- **IP** – Implementation Procedures
- **TBARCT** – Best Available Retrofit Control Technology for Toxics