



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 17

Toxic Air Contaminant Control Programs Annual Report - 2024

**Board of Directors
October 2, 2024**

**Carol Allen
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Presentation Outcome

- Public Hearing to discuss the content and significance of:
 - Air District's Toxic Air Contaminant (TAC) Control Programs Annual Report – 2024, which includes:
 - Air District's Annual Report required by Assembly Bill (AB) 2588 Air Toxic Hot Spots (ATHS) Program

Presentation Requested Action

- None; the Board of Directors will hold a public hearing to receive testimony, but no action is required at this time

Presentation Outline

- Background on Annual Report
- Air District's Major Toxic Control Programs
- Program Highlights
- Next Steps

Background on Annual Report

- **Public has Raised Concerns About Toxic Emissions Information and Potential Health Impacts**
 - Timeliness of Annual Reports required for the AB 2588 Air Toxic Hot Spots Program
 - Accessibility of Toxic Emission Inventory Data for Permitted Facilities
 - Pace of Health Risk Assessments and Risk Reductions for Existing Facilities Under Regulation 11, Rule 18

Background on Annual Report (cont.)

- **Air District Responses to Public Concerns**

- December 2023 – Published Facility Air Toxic Rankings and Explanation of Facility Assessment Priorities
- April 2024 – Posted Facility Toxic Inventories for Data Collection Years 2020, 2021, and 2022
- April 2024 – Updated Regulation 11, Rule 18 Implementation Procedures through a Public Process
- September 2024 – Introduced new Toxic Inventory Mapping Tool

Background on Annual Report (cont.)

- **Toxic Air Contaminant (TAC) Control Program Annual Report**
 - Includes Elements Required for AB 2588 Air Toxics Hot Spots Program Annual Reports [CA Health & Safety (H&S) Code 44363]
 - Consolidates and Updates the Description of Air District TAC Control Programs
 - Improves Accessibility to Information about Toxic Emissions, Health Risk Assessments (HRAs), and Risk Reduction Measures

Air District TAC Control Programs

- **Goals:**
- **Identify and Reduce Health Impacts from Air Pollution**
 - In local areas, or “hot spots” with unhealthy risk levels
 - From source categories with a potential to cause elevated health risks
 - From new projects to prevent new elevated health risks
 - To address community toxic concerns and disparate impacts

Air District TAC Control Programs (cont.)

- **Stationary Source Programs:**

- **Air Toxics New Source Review (NSR)** – Preconstruction review for new or modified sources that emit TACs
- **Facility Risk Reduction** – Identification, assessment and reduction of health risks from existing facilities
- **TAC Control Measures** – Control regulations for source categories that emit TACs
- **TAC Emissions Inventory** – Identification and reporting of TAC emissions from permitted facilities

- **Air Pollution Programs:**

- **Air Toxics Ambient Air Monitoring** – Identification and assessment of TAC concentrations in ambient air
- **Community Health Protection** – Reduction of air quality disparities and improvement of community health in vulnerable communities

Facility Risk Reduction Programs

AB 2588 Air Toxic Hot Spots

- Requires districts set risk management thresholds
- Requires facilities report toxic emissions to districts
- Requires public notification and risk reduction if facility health risks exceed thresholds
- Requires Annual Reports

Regulation 11, Rule 18

- Air District set more stringent risk management thresholds
- Air District improves facility toxic emissions factors
- Requires public comment periods on HRAs and risk reduction plans and may require best available retrofit controls (TBARCT) on significant risk sources

Stationary Source TAC Control Programs

Risk Management Thresholds and Actions

Program	Cancer Risk (in a million)	Non-Cancer (hazard index)	Actions
Toxic NSR Source Risk	1.0	0.2	Best Available Control Technology for Toxics (TBACT) – Applies to New or Modified Sources
Rule 11-18 Source Risk	1.0	0.2	Best Available Retrofit Control Technology for Toxics (TBARCT) – May Apply to Existing Sources at Subject Facilities
Toxics NSR Project Risk	6 (OBC), 10 (non-OBC)	1.0	Project Risk Limits – Public Noticing for Projects in Overburdened Communities (OBC) that Require Risk Assessments & Deny Permit if Project Risk Exceeds Thresholds
Rule 11-18 Facility Risk	10	1.0	Risk Reduction Plan – Must Either Reduce Risk Below Thresholds or Install TBARCT
ATHS Facility Risk	10	1.0	Public Notification – Letters to Households & 1 Public Meeting
ATHS Facility Risk	100	10	Public Notification – Longer Letters to High-Risk Households, Regular Public Meetings & Mandatory Risk Reduction

Facility HRA Progress

	Phase I	Phase II	Phase III	HRA Not Required
Facility Size	Very Large	Medium and Large	Emergency Engines and Gasoline Stations	Small
Facility Rank	High	High and Select Intermediate	High	Intermediate and Low
Total Facility Count	33	293	559	8931
AB2588 / Toxic NSR HRAs (before 2018) *	17	118	211	186
AB2588 / Toxic NSR HRAs (2018 to present) *	0	1	135	85
AB2588 / Rule 11-18 – HRA Work In Progress	30	0	1	NA
AB2588 / Rule 11-18 – Future HRA Work	3	292	423	NA

* Public notification and risk reductions are not required for any sites, at this time. These risk actions may be required in the future based on In Progress and Future HRA Work being conducted for Regulation 11, Rule 18 or AB2588 AHS Program.

Highlights of Work In Progress at AB 617 Communities

- West Oakland
 - 5-year Review of Community Action Plan
 - Facility-wide HRA for Radius Recycling (formerly Schnitzer Steel)
 - Working with DTSC on Air Monitoring Study at Radius Recycling
- Richmond-N. Richmond-San Pablo
 - Implementation of Path to Clean Air
 - Facility-wide HRA for Chevron Refinery
- East Oakland & Bay View Hunters Point-SE San Francisco
 - Development of Community Emission Reduction Plans

Highlights of Other Work In Progress

- Toxic Inventory Mapping Tool
 - Video Instructions
- Future Amendments to Regulation 11, Rule 18
 - Increase Pace of HRAs and Risk Reductions
- White Paper for Metal Shredding and Recycling Facilities
 - Reduce Fires and Fugitive Emissions – Co-Benefits are Toxic Exposure Reductions
- Development of Health-Based PM_{2.5} Evaluation Methods
 - Reduce Health Risks due to Undifferentiated Fine Particulate Matter (PM_{2.5})
- Incorporation of Environmental Justice and Civil Rights Considerations in Permitting Actions

Toxic Inventory Mapping Tool

Facility ID	Facility Name	Priority Name	Pollution Code	Pollutant	Emission Rate
20403	Aransas Valley Road LLC	High	PS 1-101	1,1,1-trichloroethane (with dioxane)	8.0E+001
				Benzene	6.2E+000
				Carbon tetrachloride	3.4E+001
				Chloroform	2.0E+001
				Ethylbenzene	2.7E+001
				Ethylene dichloride	2.2E+000
				Formaldehyde	5.1E+000
				Heptane	3.1E+001
				Methylene chloride	6.0E+001
				Nitrobenzene	2.8E+001
				Toluene	2.0E+001
				Dichloroethylene	2.2E+001
				Vinyl chloride	2.5E+001
				Vinylidene chloride	5.1E+000
				Xylene	7.0E+001

<https://www.youtube.com/watch?v=tyd911NyHCo>

Conclusions

- Air District has been implementing toxic control programs for 37 years
- These programs have reduced public exposures to air toxics both regionally and locally
- The Air District's toxic programs are cross-divisional and include efforts from nearly every department
- Reducing the public's exposure to toxics air pollution in vulnerable communities is a major focus from the Air District's 2024-2029 Strategic Plan with goals aimed at
 - reducing disparate impacts due to air pollution,
 - increasing accessibility of toxic emissions and health risk information,
 - improving transparency for Air District decisions,
 - considering Environmental Justice and Civil Rights in programs and actions

Questions or Feedback?



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AGENDA: 18

Consideration of Special Session Legislation

**Board of Directors Meeting
October 2, 2024**

**Alan Abbs
Legislative Officer
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Action Requested

Staff do not have any recommended positions on any proposed legislation introduced during this Special Session of the Legislature (Special Session), but the Board of Directors may decide to take a position on one or more items based on discussion and deliberation at the meeting.

Special Session Summary (to date)

- On August 31, 2024, the Governor called for a Special Session to address California's gasoline supply and price spikes
- On September 3, 2024, Governor Newsom and Assembly Speaker Robert Rivas announced Special Session legislation, in the form of *ABX2-1 (Hart and Aguiar-Curry) – Energy: transportation fuels: inventories: turnaround and maintenance*. As of this writing, eight additional Assembly bills have been introduced by other Assemblymembers since September 3, 2024
- The Assembly Petroleum and Gasoline Supply Committee was created for the 2023-24 Special Session to address gas price spikes. Two informational hearings have already been held and one bill hearing is set for September 26, 2024
- The Assembly has scheduled a Floor Session for October 1, 2024

Special Session Assembly Bills

- **ABX2-1 (Hart and Aguiar-Curry) – Energy: transportation fuels: inventories: turnaround and maintenance**

Staff Recommendation: None

- **ABX2-2 (Lackey) – Motor Vehicle Fuel Tax Law: suspension of tax**

Staff Recommendation: None

- **ABX2-3 (Gallagher) – Transportation fuels: gasoline specifications**

Staff Recommendation: None

Special Session Assembly Bills (cont.)

- **ABX2-4 (Patterson, Joe) – Low carbon fuel standards: regulations**

Staff Recommendation: None

- **ABX2-5 (Lackey) – Greenhouse Gas Reduction Fund: high-speed rail expenditures: gasoline rebates**

Staff Recommendation: None

- **ABX2-6 (Lackey) – California Environmental Quality Act: expedited judicial review: petroleum storage projects**

Staff Recommendation: None

Special Session Assembly Bills (cont.)

- **ABX2-7 (Dixon) – Energy: gasoline pricing**
Staff Recommendation: None
- **ABX2-8 (Gipson) – Air pollution: tanker vessels: at-berth requirements: delay**
Staff Recommendation: None
- **ABX2-9 (Petrie-Norris) – Transportation fuels: specifications: production enhancement strategies**
Staff Recommendation: None

For additional information on any bills, including bill text, analysis, votes, etc., visit the [California Legislative Information website](#).

Recap: Action Requested

Staff do not have any recommended positions on any proposed legislation introduced during this Special Session, but the Board of Directors may decide to take a position on one or more items based on discussion and deliberation at the meeting.

Questions / Discussion



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AGENDA: 19

Consideration of Proposition 4 (2024)

**Board of Directors Meeting
October 2, 2024**

**Alan Abbs
Legislative Officer
aabbs@baaqmd.gov**

Action Requested

Adopt a support position for California Proposition 4, the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, appearing on the November 5, 2024, Statewide General Election Ballot.

Staff Note: This item was discussed at the Policy, Grants, and Technology Committee meeting on September 18, 2024. The Policy, Grants, and Technology Committee voted to recommend this item to the full Board for consideration.

Proposition 4 (2024)

- Authorizes \$10 billion in state general obligation bonds for various projects to reduce climate risks and impacts: \$3.8 billion for safe drinking water and water resilience; \$1.95 billion for wildfire prevention and extreme heat mitigation; \$1.9 billion for protection of natural lands, parks, and wildlife; \$1.2 billion for protection of coastal lands, bays, and oceans; \$850 million for clean energy; and \$300 million for agriculture
- Prioritizes projects benefitting disadvantaged communities
- Requires annual audits
- Appropriates money from General Fund to repay bonds

Key Goals of Proposition 4 Bond Funds

- **Drought, Flood, and Water Supply (\$3.8 Billion):** Increase the amount and quality of water available for people to use and reduce the risk of flooding
- **Forest Health and Wildfire Prevention (\$1.5 Billion):** Improve the health of forests and protect communities from wildfires
- **Sea-Level Rise and Coastal Areas (\$1.2 Billion):** Reduce the risks from sea-level rise, restore coastal areas, and protect fish
- **Land Conservation and Habitat Restoration (\$1.2 Billion):** Protect and restore natural areas
- **Energy Infrastructure (\$850 Million):** Support the state's shift to more renewable sources of energy, such as offshore wind
- **Parks (\$700 Million):** Expand, renovate, and repair local and state parks.
- **Extreme Heat (\$450 Million):** Reduce the effects of extreme heat on communities
- **Farms and Agriculture (\$300 Million):** Help farms respond to the effects of climate change and become more sustainable

Fiscal Effects

- Increased State Costs of About \$400 Million Annually for 40 Years to Repay the Bond
- Likely Reduced Local Costs for Natural Resources and Climate Activities
- Potential State and Local Savings if Funding Prevents Disasters

Recap: Action Requested

Adopt a support position for California Proposition 4, the Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024, appearing on the November 5, 2024, Statewide General Election Ballot.

Questions / Discussion

AGENDA: 20



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State Legislative Update

**Board of Directors Meeting
October 2, 2024**

**Alan Abbs
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Presentation Requested Action

None; the Board will discuss this item, but no action is requested at this time

Presentation Summary

Updates will be provided for the following:

- Air District Sponsored and Co-Sponsored Bills
- Board-Approved Position Bills
- Other Bills of Interest

September 30, 2024, is the last day for the Governor to sign or veto bills passed by the Legislature before September 1, 2024.

As of this writing, bills that are dead or have been vetoed are noted with a ~~strikeout~~. The remainder of the bills are on the Governor's desk or have been signed into law.

Abbreviations: Assembly Bill (AB) | Senate Bill (SB)

Sponsored and Co-Sponsored Bills

SPONSORED

- AB 1465 (Wicks) – Nonvehicular air pollution: civil penalties
 - Approved by the Governor on September 20, 2024
- SB 382 (Becker) – Single-family residential property: disclosures
 - Approved by the Governor on September 22, 2024

CO-SPONSORED

- ~~AB 2298 (Hart, et al.) – Coastal resources: Protecting Blue Whales and Blue Skies Program~~
 - AB 2298 was held under submission in the Senate Appropriations Committee – the bill is dead

Board-Approved Position Bills

SUPPORT

- AB 2522 (Carrillo, Wendy) – Air districts: governing boards: compensation
 - Approved by the Governor on September 22, 2024
- AB 2851 (Bonta) – Metal shredding facilities: fence-line air quality monitoring
 - Governor's Desk
- ~~AB 2958 (Calderon) – State Air Resources Board: board members: compensation~~
 - AB 2958 was held under submission in Senate Appropriations Committee – the bill is dead

Board-Approved Position Bills (cont.)

SUPPORT

- ~~SB 674 (Gonzalez) – Air pollution: covered facilities: community air monitoring systems: fence-line monitoring systems~~
 - Vetoed by the Governor on August 19, 2024
- SB 1158 (Archuleta) – Carl Moyer Memorial Air Quality Standards Attainment Program
 - Approved by the Governor on September 22, 2024
- SB 1193 (Menjivar) – Airports: leaded aviation gasoline
 - Approved by the Governor on September 22, 2024

Board-Approved Position Bills (cont.)

OPPOSE UNLESS AMENDED/INTERIM NEUTRAL

- ~~SB 1298 (Cortese) – Certification of thermal powerplants: data centers~~
 - Staff Note: The Committee voted to recommend to the full Board removing the Air District's Board-Approved position of "Oppose Unless Amended" and move to a "Neutral" position. This item was on the agenda for the Board's consideration at the September 4, 2024, Board meeting. However, the bill had been re-referred to the Assembly Rules Committee and never made it back to the Assembly Floor for a vote. The bill was dead by the time the Board was to consider a change in position; therefore, no action was taken by the Board.

Other Bills of Interest – No Position

- ~~SB 1234 (Allen) – Hazardous materials: metal shredding facilities~~
 - The bill was set for the August 15, 2024, Assembly Appropriations Committee Suspense File hearing but was canceled at the request of the author – the bill is dead
- AB 98 (J. Carrillo) – Planning and zoning: logistics use: truck routes
 - Governor's Desk
- AB 180 (Gabriel) – Budget Act of 2024 (Budget Bill Junior)
 - Governor's Desk
- AB 218 (Committee on Budget) – Oil and gas: trailer bill
 - Governor's Desk

Other Bills of Interest – No Position (cont.)

- AB 1122 (Bains) – Commercial harbor craft: equipment
 - Governor's Desk
- AB 1296 (Grayson) – Bar pilots: regulation of vessels
 - Governor's Desk
- ~~AB 2401 (Ting) – Clean Cars 4 All Program~~
 - Vetoed by the Governor on September 22, 2024
- AB 2561 (McKinnor) – Local public employees: vacant positions
 - Approved by the Governor on September 22, 2024
- SB 310 (Dodd) – Prescribed fire: civil liability: cultural burns
 - Governor's Desk

Other Bills of Interest – No Position (cont.)

- ~~SB 950 (Skinner) – Energy: transportation fuels: inventories: turnaround and maintenance~~
 - SB 950 was gut and amended on August 28, 2024, to its current form. The bill did not come up for a vote on the Senate and Assembly floors. Instead, the Governor called a special session to address gas prices – the bill is dead

Questions / Discussion