

State of California
AIR RESOURCES BOARD

Resolution 90-36

June 14, 1990

Agenda Item No.: 90-6-2

WHEREAS, Sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (the "Board") to adopt standards, rules and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, the Legislature found in the Air Toxics "Hot Spots" Information and Assessment Act of 1987 ("the Act", Health and Safety Code Section 44300 et seq.) that facilities manufacturing or using hazardous substances may be exposing nearby populations to toxic air releases on a routine basis and that it is in the public interest to ascertain the nature and quantity of hazardous releases from specific sources which may create air toxics "hot spots";

WHEREAS, the Act sets forth a program to develop air toxics emission inventories and to assess the risk to public health from exposure to these emissions;

WHEREAS, pursuant to Health and Safety Code Section 44342, the Board approved criteria and guidelines for site-specific air toxics emission inventory plans and reports on April 14, 1989;

WHEREAS, pursuant to Health and Safety Code Section 44340, the operators of those facilities enumerated in Health and Safety Code Sections 44320(a) and (b) and Sections 44322 (a) and (b) are in the process of preparing and submitting to the districts their comprehensive emission inventory plans and reports;

WHEREAS, Health and Safety Code Section 44344 requires the Board to develop procedures for the biennial update of the emission inventories;

WHEREAS, Health and Safety Code Section 44322(c) requires the Board to identify by July 1, 1990 those classes of facilities that emit less than 10 tons per year of criteria pollutants to be included in the Air Toxics "Hot Spots" program and to specify a timetable for their inclusion;

WHEREAS, the Board staff, in consultation with representatives of the air pollution control and air quality management districts ("districts") and the Department of Health Services, and in response to comments from affected

industry representatives and other interested persons, has proposed a number of amendments to the emission inventory criteria and guidelines regulation, which have been discussed with the public at four consultation meetings;

WHEREAS, the California Environmental Quality Act and Board regulations require that no project which may have significant adverse environmental impacts be adopted as originally proposed if feasible alternatives or mitigation measures are available to reduce or eliminate such impacts;

WHEREAS, a public hearing and other administrative proceedings have been held in accordance with the provisions of Chapter 3.5 (commencing with Section 11340), Part 1, Division 3, Title 2 of the Government Code and the Board has considered the testimony presented by interested persons and the staff;

WHEREAS, the Board finds that:

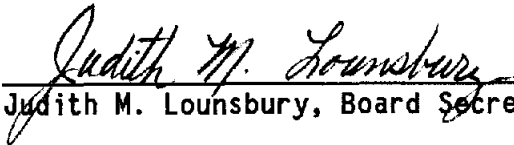
1. The proposed amendments to the criteria and guidelines for site-specific air toxics emission inventory plans comply with the specifications described in Health and Safety Code Section 44342 and improve the regulation by annotating the list of substances (Appendix A) to simplify reporting and updating emissions, and by clarifying definitions, language, and requirements in the text, instructions to the reporting forms (Appendix B), the function of the Facility "Look-Up" Table (Appendix C), and the provisions in the source test requirements (Appendix D);
2. The proposed procedures for the biennial updates to the emission inventories comply with Health and Safety Code Section 44344 and ensure that the updated emission inventory plans and reports represent current conditions at facilities, adequately reflect the health risk the current emissions may pose to the public, and include information on any new operations at facilities and any additional listed substances;
3. The proposed reporting requirements and timetable for the classes of facilities that emit less than 10 tons per year of criteria pollutants which are proposed for inclusion in the program comply with Health and Safety Code Section 44322(c) and focus program efforts on characterizing the most significant sources of risk to public health;
4. The economic impact of the proposed regulation may be significant for some small businesses where source testing is required; the proposed alternatives to source testing suggested for small businesses will mitigate this economic impact to the extent feasible in consideration of the need to obtain accurate emission data;

5. This regulatory action will not have a significant adverse impact on the environment and may benefit air quality by stimulating a reduction in emissions of both toxic and criteria pollutants and by providing information which will be used by the Board and others for control purposes; and
6. No alternative considered by the Board or presented in the testimony would be more effective in carrying out the statutory mandate for biennial updates and the requirement to include facilities which emit less than 10 tons per year of criteria pollutants, or would be as effective and less burdensome to affected industry, than the proposed action.

NOW, THEREFORE, BE IT RESOLVED that the Board hereby adopts the amendments to Sections 93300-93354, Title 17, California Code of Regulations, including Appendices A through E thereof, as set forth in Attachment A hereto.

BE IT FURTHER RESOLVED that the Board directs the Executive Officer to forward the adopted regulations to the districts for appropriate action in reviewing the emission inventory plans and reports submitted by facility operators.

I hereby certify that the above is a true and correct copy of Resolution 90-36, as adopted by the Air Resources Board.


Judith M. Lounsbury, Board Secretary

State of California
AIR RESOURCES BOARD

Response to Significant Environmental Issues

Item: Public Hearing to Consider the Adoption of Amendments to the Emission Inventory Criteria and Guidelines Regulation Pursuant to the Air Toxics "Hot Spots" Information and Assessment Act of 1987

Agenda Item No.: 90-6-2

Public Hearing Date: June 14, 1990

Issuing Authority: Air Resources Board

Comment: No comments were received identifying any significant environmental issues pertaining to this item. The staff report identified no adverse environmental effects.

Response: N/A

Certified: Pat Hutchins for
Judith M. Lounsbury
Board Secretary

Date: 11/19/90

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RESOURCES AGENCY OF CALIFORNIA