

UPDATED INFORMATIVE DIGEST

ADOPTION OF AMENDMENTS TO THE AB 2588 EMISSION INVENTORY CRITERIA AND GUIDELINES REPORT AND REGULATION

Sections Affected: Amendment of section 93300.5, title 17, California Code of Regulations (CCR).

Background

The Air Toxics “Hot Spots” Information and Assessment Act (“Hot Spots” Program or Act; AB 2588; Stat. 1987, ch 1252; Health and Safety Code Sections 44300 through 44394) provided one of the fundamental building blocks of California’s air toxics program. The “Hot Spots” Act set in motion steps to collect emission data on air toxics emitted in California, to identify those facilities with unacceptable localized health risks, and to ensure nearby residents were notified of significant risks. Subsequent legislation (SB 1731) in 1992 established a mechanism to reduce significant risks to health protective levels.

The Emission Inventory Criteria and Guidelines Report and Regulation (“Guidelines Regulation”, Section 93300.5, Title 17, California Code of Regulations) provides direction and criteria to facilities on how to compile and submit air toxics emission data required by the “Hot Spots” Program. The Guidelines Regulation was first adopted by the Air Resources Board (ARB or Board) in 1989 and subsequently amended several times to reflect new data, and to streamline the reporting process.

On September 29, 2006, the ARB staff published a report, entitled “Staff Report: Initial Statement of Reasons for Proposed Amendments to the Emission Inventory Criteria and Guidelines Report for the Air Toxics ‘Hot Spots’ Program”. Appendix A of the Staff Report contained the Proposed Regulation Order; Appendix B of the Staff Report contained the “Air Toxics ‘Hot Spots’ Information and Assessment Act”; Appendix C of the Staff Report contained the Proposed Amendments to the Emission Inventory Criteria and Guidelines Report, which includes Appendices A through G as part of the language incorporated by reference in section 93300.5; and Appendix D of the Staff Report contained Supporting Documentation for the Economic Impact Analysis.

At a public hearing on November 16, 2006, the Board adopted Resolution 06-40, in which it approved the ARB staff’s originally proposed amendments and additional suggested modifications to address stakeholder comments made during the 45-day public comment period following publication of the Staff Report. Resolution 06-40 directed ARB staff to incorporate the modification into the proposed regulatory text, with other conforming modifications, as necessary, to address issues raised by commenters during the hearing. On March 20, 2007, the ARB staff published a “Notice of Public Availability of Modified Text and Supporting Documents and Information” for a public comment period ending on April 13, 2007. Subsequent to this notice, one comment was received on the proposed amendments.

Description of the Regulatory Action

Applicability

The proposed amendments will affect some diesel-fueled stationary and portable engines operating at facilities in California. Facilities that operate diesel engines in excess of 20 hours per year combined total at a facility may now be subject to emissions reporting. Portable and small diesel engines are subject to the Guidelines Regulation if the district has good cause to expect that the emissions from the engines at the facility may pose a significant risk. Agricultural diesel engines are not subject to the proposed amendments until after 2011.

Requirements

The amendments will require some facilities that operate stationary and portable diesel engines to report their emissions to the local air district. This may trigger additional requirements, including conducting a health risk assessment, conducting public notification, and reducing the risk at the facility to health-protective levels.

Modifications

At the public hearing, the staff presented, and the Board approved, modifications to the originally proposed language to address minor clarifications and to respond to comments received since the Staff Report was published. The following is a summary of those modifications:

1. Postpone reporting requirements for portable diesel engines until 2010;
2. Simplify the definition of stationary diesel engines;
3. Delay reporting requirements for stationary emergency standby diesel engines at hospitals subject to the seismic safety mandate (SB 1953, 1994);
4. Clarify that a facility is not required to report portable and small engines unless the district determines the engines pose a significant risk;
5. Clarify that the facility may submit an updated health risk assessment to the district;
6. Update the list of substances to include Dichlorodifluoromethane;
7. Make minor edits, including several corrections for spelling and punctuation.

Comparable Federal Regulations

There are no federal regulations that are comparable to the "Hot Spots" Program.