State of California
AIR RESOURCES BOARD

Risk Management Guidance for Stationary Sources of Air Toxics

Resolution 15-4

July 23, 2015

Agenda Item No.: 15-6-8

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB or 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, sections 39650 et seq. of the Health and Safety Code establishes procedures for the identification and control of toxic air contaminants by the Board;

WHEREAS, sections 39666 and 39667 of the Health and Safety Code authorize the Board to regulate emissions of toxic air contaminants from non-vehicular and vehicular sources;

WHEREAS, sections 39666 and 39667 of the Health and Safety Code require an airborne toxic control measure (ATCM) for an existing source for which the Board has not specified a threshold exposure level, including a mobile source, be based on application or utilization of the best available control technologies or more effective control methods, unless the Board determined, based on an assessment of risk, that an alternative level of emission reduction is adequate or necessary to prevent an endangerment of public health;

WHEREAS, the Air Toxics "Hot Spots" Information and Assessment Act of 1987 (AB 2588, Statutes of 1987, codified at Health and Safety Code Section 44300 et seq., including subsequent amendments) requires facilities to report the types and quantities of certain hazardous substances routinely released in to the air, to assess the risk to public health from exposure to air toxics, provide notice to the public of the risks, and implement a plan to reduce those risks;

WHEREAS, section 44300 et seq. of the Health and Safety Code require local air pollution control districts and air quality management districts (districts) to prioritize facilities for health risk assessments, and establish notification and risk reduction audit and plan levels;

WHEREAS, sections 40000 et seq. of the Health and Safety Code declares that districts have the primary responsibility for control of air pollution from stationary sources;

WHEREAS, sections 42300-42317, 42320-42323, 42330-42339 of the Health and Safety Code provide districts with the authority to establish a permit system for new, existing, or modified stationary sources that emit toxic air pollutants;

WHEREAS, the passage of the Children's Health Protection Act of 1999 (SB 25, Stats. 1999) required the Office of Environmental Health Hazard Assessment (OEHHA) to ensure infants and children are explicitly addressed in assessing risk;

WHEREAS, advances in science have shown that early-life exposures to air toxics contribute to an increased lifetime risk of developing cancer, or other adverse health effects, compared to exposures that occur in adulthood;

WHEREAS, on March 6, 2015 OEHHA finalized the Air Toxics Hot Spots Program Risk Assessment Guidelines: Guidance Manual for the Preparation of Health Risk Assessments (OEHHA Manual) which addresses the greater sensitivity to childhood and adult exposures to air toxics;

WHEREAS, for some sources, use of the OEHHA Manual will result in 1.5 to 3 times higher estimated inhalation cancer risk even though emissions have not changed;

WHEREAS, the increased estimated inhalation cancer risk may require additional emission controls for existing, new, or modified facilities if they exceed district risk thresholds;

WHEREAS, over the last 25 years, California has successfully reduced statewide emissions and related health impacts from exposure to air toxics by approximately 75 percent while the economy grew by 83 percent and the population and vehicles increased by approximately 9 million and 8 million, respectively;

WHEREAS, the estimated average background potential inhalation cancer risk in California is approximately 830 chances per million for the top 10 substances, including both monitored substances and diesel particulate matter;

WHEREAS, emissions from combustion of fuel in motor vehicles and off-road equipment are the primary sources of air toxics risk in California;

WHEREAS, particulate matter from diesel-fueled engines accounts for approximately 60 percent of the current estimated inhalation cancer risk from ambient air;

WHEREAS, adopted State, local, and federal programs will continue to reduce the ambient health risk statewide, driven by the sharp decline in diesel PM due to ARB's Truck and Bus regulation, Sustainable Freight Strategy, State Implementation Plans, plus State and local incentive programs;

WHEREAS, the Air Resources Board staff and the California Air Pollution Control Officers Association (CAPCOA) developed Risk Management Guidance for Stationary Sources of Air Toxics to assist California's 35 local districts in their stationary source permitting and AB 2588 Air Toxics Hot Spots programs;

WHEREAS, ARB and CAPCOA identified the following key objectives that were used to guide the development of this guidance:

1. Address the new health science by increasing overall public health protection by requiring additional sources to install best available control technology, and by pursuing further opportunities to reduce risk from the highest risk source categories, considering technical feasibility and cost;
2. Recognize that California districts currently have mature risk management programs and each District has the discretion under State law to establish its own risk management policies, except where ARB's statewide ATCMs set the minimum requirements;
3. Sustain continued operation of facilities that provide essential goods and essential public services;
4. Ensure that future program changes will not result in less health protective program requirements relative to rules or programs in place prior to the 2015 OEHHA Manual; and
5. Support public participation and access to information;

WHEREAS, on May 27, 2015, ARB and CAPCOA released a document entitled "Draft Risk Management Guidance for Stationary Sources of Air Toxics" to seek input from the public and interested stakeholders;

WHEREAS, on July 13, 2015, ARB and CAPCOA released a document (Attachment A) entitled "Proposed Risk Management Guidance for Stationary Sources of Air Toxics" (proposed guidance) that reflects revisions in response to public input; and

WHEREAS, the proposed guidance includes general information on California's air toxics program including:

1. Risk communication;
2. Guidance on district permitting of stationary sources of air toxics;
3. Guidance on district implementation of the Hot Spots program;
4. Guidance on the use of breathing rates in health risk assessments; and
5. Workplans for the ARB and CAPCOA actions to incorporate the OEHHA Manual into the State's comprehensive air toxics control program for both stationary and mobile sources.

NOW, THEREFORE, BE IT RESOLVED that the Board finds that:

1. The proposed guidance was developed in an open public process, in consultation with affected parties, through public workshops, taskforce meetings, individual meetings, and other outreach efforts, and these efforts are expected to continue;

2. The proposed guidance will assist local air districts in managing potential cancer and noncancer health risks from stationary sources subject to permitting and Hot Spots requirements;

3. State law recognizes that districts have the authority and discretion to establish their own risk management rules, policies, and procedures, except where ARB's ATCMs set the minimum requirements statewide; and

4. The proposed guidance outlines ARB's near-term actions for evaluating its air toxics related guidelines, regulations, policies and procedures for mobile and stationary sources and identifies any steps needed to incorporate the new science;

BE IT FURTHER RESOLVED that the Board hereby approves the proposed guidance as set forth in Attachment A.

I hereby certify that the above is a true and correct copy of Resolution 15-4 as adopted by the Air Resources Board.

Tracy Jensen

Tracy Jensen, Clerk of the Board

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July 23, 2015

Identification of Attachments to the Board Resolution

Attachment A: Proposed Risk Management Guidance for Stationary Sources of Air Toxics, released July 13, 2015