State of California
AIR RESOURCES BOARD

Notice of Public Availability of Modified Text

PUBLIC HEARING TO CONSIDER AMENDMENTS TO THE HEXAVALENT CHROMIUM AIRBORNE TOXIC CONTROL MEASURE FOR CHROME PLATING AND CHROMIC ACID ANODIZING OPERATIONS

First Public Hearing Date: September 28, 2006
Continued to: December 7, 2006
Internet Posting Date: April 13, 2007
Public Availability Date: April 13, 2007
Deadline for Public Comment: April 30, 2007

At its December 7, 2006 public hearing, the Air Resources Board (the Board) approved amendments to section 93102 (renumbered to sections 93102 to 93102.16), title 17, California Code of Regulations (CCR), which set forth more stringent limits to control hexavalent chromium emissions based on proximity to sensitive receptors. The amendments also specify housekeeping practices, require operator training, and establish separation criteria for operation of new hexavalent chromium plating and chromic acid anodizing facilities. The proposed amendments were first considered at the Board's September 28, 2006 hearing. After consideration of the testimony and comments received, the Board continued the hearing until December 7, 2006.

At the continued hearing, the Board approved the amendments as originally proposed in the Staff Report released on August 11, 2006 with significant modifications suggested by staff at the hearing. The amendments to title 17, CCR, section 93102 (renumbered to sections 93102 to 93102.16) are set forth in Attachment 1 to this Notice. Attachment 1 includes the originally proposed amendments, as modified by the Board at the hearing; all of the modifications are specifically identified. The following describes and explains the modifications by section number:

Section 93102.3 was modified to add definitions for "Executive Officer," "School under construction," and "Substantial use." Defining these terms was necessary to clarify other portions of the regulation.

Sections 93102.4(a)(1)(C) and (a)(2) were modified to ensure that early emission reductions are achieved by requiring use of specific chemical fume suppressants six months after the regulation becomes legally effective.

Section 93102.4(b)(1) was modified to revise emission limits, compliance dates, and ampere-hour thresholds based on proximity to sensitive receptors. The revised table of limits is shown below:

Table 93102.4: Hexavalent Chromium Emission Limits for Existing Tanks

Sensitive Receptor Distance [1]	Annual Permitted Ampere-Hours	Emission Limitation	Effective Date
≤ 330 feet	≤ 20,000	Use Chemical Fume Suppressants as specified in section 93102.8 [2]	[Six Months after Effective Date]
≤ 330 feet	> 20,000 and ≤ 200,000	0.0015 milligrams/ampere-hour as measured after add-on air pollution control device(s)	[Three Years after Effective Date]
≤ 330 feet	> 200,000	0.0015 milligrams/ampere-hour as measured after add-on air pollution control device(s) [3]	[Two Years after Effective Date]
> 330 feet	≤ 50,000	Use Chemical Fume Suppressant as specified in section 93102.8 [2]	[Six Months after Effective Date]
> 330 feet	> 50,000 and ≤ 500,000	0.0015 milligrams/ampere-hour	[Four Years after Effective Date]
> 330 feet	> 500,000	0.0015 milligrams/ampere-hour as measured after add-on air pollution control device(s) [3]	[Two Years after Effective Date]

[1] Distance shall be measured as specified in section 93102.4(b)(2)(A).

[2] Alternatively, a facility may install an add-on air pollution control device(s) that controls emissions to below 0.0015 milligrams per ampere-hour.

[3] When annual emissions exceed 15 grams a site specific risk analysis must be conducted in accordance with the permitting agency's procedures, unless a site specific risk analysis has already been conducted and approved by the permitting agency. The analysis shall be submitted to the permitting agency.

Section 93102.4(b)(2)(A) was added to specify how the measurement to the nearest sensitive receptor is to be made.

Section 93102.4(b)(3) was added to clarify that districts may approve alternative methods of compliance, as provided in Health and Safety Code 39666(f), as long as a facility demonstrates that the alternative method is enforceable and will achieve an equal or greater amount of reduction in emissions and health risk. If an alternative method is approved, section 93102.4(b)(3) also clarifies what provisions of the regulations will apply to a facility operating under an approved alternative method.

Section 93102.4(d)(1) was modified to increase the distance to 1,000 feet as the distance any new hexavalent chromium facility must be located from areas zoned residential, zoned mixed use, or a school under construction, in order to operate.

Section 93102.4(d)(2) was modified to lower the emission limit that must be met for any new hexavalent chromium plating facility. The limit was lowered to 0.0011 milligrams/ampere-hour from the previous 0.0015 milligrams/ampere-hour. Through additional data analysis staff determined that new facilities are able to design add-on air pollution control devices capable of meeting the revised lower limit.

Section 93102.5(b) was modified to clarify that the owner or operator of a facility must insure that chromium plating or chromic acid anodizing operations are conducted under the direction of a person who has completed environmental compliance training and is onsite during plating or anodizing operations.

Section 93102.6(a)(2) was changed to require that new trivalent chromium plating facilities must conduct a facility-wide site specific risk analysis in accordance with district permitting procedures.

Section 93102.6(a)(4) was added to clarify portions of the ATCM that are not applicable to trivalent chromium plating facilities meeting the concentration standard of no more than 0.01 milligrams per dry standard cubic meter of air.

Section 93102.6(a)(5) was added to clarify that if a facility conducts both trivalent and hexavalent chromium plating, the hexavalent chromium plating tanks must be in compliance with the requirements related to hexavalent chromium facilities.

Section 93102.6(b)(3) was added to clarify requirements for facilities with both enclosed and open surface hexavalent chromium plating tanks.

Section 93102.6(b)(4) was added to clarify that a new facility with enclosed hexavalent chromium plating tanks must comply with section 93102.4(d)(1). Section 93102.4(d)(1) relates to where new hexavalent chromium facilities must be located in order to operate.

Section 93102.7(a)(1) was modified to specify which facilities must conduct a performance test.

Section 93102.7(a)(3) was added to specify the timeline for conducting the performance test for existing facilities. The performance test must be conducted no later than the applicable compliance date in Table 93102.4.

Section 93102.7(a)(5) was added to clarify that small facilities using chemical fume suppressants as the sole control do not have to conduct a performance test. Facilities that are located within 330 feet of a sensitive receptor and with less than or equal to

20,000 annual permitted ampere-hours do not need to conduct a performance test. In addition, facilities located more than 330 feet from a sensitive receptor and with annual permitted ampere-hours less than or equal to 50,000 also do not need to conduct a performance test.

Section 93102.7(a)(6) was moved from section 93102.7(a)(1)(D) and modified to clarify that trivalent chromium plating facilities complying by meeting the no more than 0.01 milligrams per dry standard cubic meter of air emission rate must conduct a performance test to determine total chromium emissions.

Section 93102.7(c)(1)(B) was changed to specify that if only total chromium is measured in a performance test, the resulting total chromium emission rate shall be considered the hexavalent chromium emission rate.

Table 93102.8 of section 93102.8 was modified to add additional chemical fume suppressants which can be used for facilities required to use specific chemical fume suppressants.

Section 93102.9(d) was modified to clarify requirements for measuring surface tension of the electroplating or anodizing bath when chemical fume suppressants are used. Paragraph (1) relates to facilities that must use one of the chemical fume suppressants listed in table 93102.8. Paragraph (2) specifies the requirements for measuring surface tension for facilities using chemical fume suppressants as partial control but that are not required to use a chemical fume suppressant listed in Table 93102.8. Finally, paragraph (3) specifies that a facility demonstrating compliance through an alternative method must measure the surface tension of the electroplating or anodizing bath daily.

Section 93102.12(c)(4) relating to monitoring data records for surface tension measurements was modified to clarify the frequency of recording the required data.

Section 93102.12(c)(5) was added to specify that the coverage of mechanical fume suppressants on the electroplating or anodizing bath must be recorded daily if a facility is operating under an approved alternative method which includes mechanical fume suppressants as part of the emission controls.

Section 93102.14 was modified to clarify when the United States Environmental Protection Agency (U.S. EPA) and ARB must concur when alternative requirements are approved under various regulatory provisions. Table 93102.14 was further modified to clarify that when U.S. EPA concurrence is required, it is only required for “major changes.” Minor and intermediate changes would not require U.S. EPA concurrence. Definitions of what constitutes minor, intermediate and major changes were also added.

Appendices 2 and 3 to section 93102.16 were modified to clarify how the distance to the sensitive receptor is to be measured.

Appendix 9 to section 93102.16 was added to list the types of information the owner or operator of a facility must submit to the district when applying for approval of an alternative method of compliance under section 93102.4(b)(3) of the regulations and Health and Safety Code section 39666(f). While Appendix 9 imposes requirements to submit certain information on owners and operators of facilities, it does not impose any requirements on local districts.

In addition to the modifications described above, other organizational and language changes were made to improve clarity and ensure consistency with other modifications. Notes citing the authority and references to the Health and Safety Code and the Code of Federal Regulations were also added at the end of each section.

Attachment 2 is a copy of Board Resolution 06-25 approving sections 93102-93102.16, as modified. Attachment 1, Attachment 2, and other regulatory documents for this rulemaking are available online at the following ARB internet site:

http://www.arb.ca.gov/regact/chrom06/chrom06.htm

In accordance with section 11346.8 of the Government Code, the Board directed the Executive Officer to adopt section(s) 93102-93102.16, title 17, CCR, after making them available to the public for comment for a period of at least 15 days. The Board further provided that the Executive Officer shall consider such written comments as may be submitted during this period, shall make such modifications as may be appropriate in light of the comments received, and shall present the regulations to the Board for further consideration if warranted.

Written comments on the modifications approved by the Board may be submitted by postal mail, electronic mail, or facsimile as follows:

Postal mail: Clerk of the Board, Air Resources Board
1001 I Street, Sacramento, California 95814

Electronic submittal: http://www.arb.ca.gov/lispub/comm/bclist.php

Facsimile submittal: (916) 322-3928

In order to be considered by the Executive Officer, comments must be directed to the ARB in one of the three forms described above and received by the ARB by 5:00 p.m. on the deadline date for public comment listed at the beginning of this notice. Only comments relating to the above-described modifications to the text of the regulations shall be considered by the Executive Officer.

Attachments