

State of California
AIR RESOURCES BOARD

EMERGENCY AMENDMENTS TO THE HEXAVALENT CHROMIUM
AIRBORNE TOXIC CONTROL MEASURE FOR CHROME PLATING AND
CHROMIC ACID ANODIZING FACILITIES

Finding of Emergency

The proposed emergency regulations will amend the Hexavalent Chromium Airborne Toxic Control Measure for Chrome Plating and Chromic Acid Anodizing Facilities (Chrome Plating ATCM) (section 93102, Title 17, California Code of Regulations). The amendments are intended to integrate California's requirements for chrome plating operations and the federal chrome plating requirements so that the Chrome Plating ATCM will be approved by the U.S. EPA as a substitute for the National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (Chrome Plating NESHAP) (40 Code of Federal Regulations Part 63, subpart N).

Chrome plating operations in California are subject to two regulations. California has approximately 300 chrome plating facilities subject to dual regulations. In our economic and fiscal impact statement, staff estimated the cost savings to business to be \$200,000 to \$250,000 for adopting the amended Chrome Plating ATCM as compared to the dual regulations.

The sooner U.S. EPA approves the amended Chrome Plating ATCM to replace the Chrome Plating NESHAP, the sooner chrome plating operations will be subject to one regulation. U.S. EPA is allowed up to 210 days to approve the submitted Chrome Plating ATCM as the substitute for the Chrome Plating NESHAP. By adopting the amended Chrome Plating ATCM as an emergency regulation, the Chrome Plating ATCM becomes State law and can be submitted to U.S. EPA much sooner than if it is not adopted as an emergency regulation.

Except as provided in subdivision (c) (building standards), if a state agency makes a finding that the adoption of a regulation or order of repeal is necessary for the immediate preservation of the public peace, health and safety or general welfare, the regulation or order of repeal may be adopted as an emergency regulation or order of repeal. Any finding of an emergency shall include a written statement which contains the information required by paragraphs (2) to (6), inclusive, of subdivision (a) of Section 11346.5 and a description of the specific facts showing the need for immediate action. The enactment of an urgency statute shall not, in and of itself, constitute a need for immediate action. The statement and the regulation or order of repeal shall be filed immediately with the office.

Immediate resolution of the dual regulations that apply to chrome plating operations is necessary to preserve the general welfare of our State by saving public and private resources and minimizing the cost and burden on sources. Therefore, adopting the proposed amended Chrome Plating ATCM as an emergency regulation is necessary.