

Working Group Meeting #1

December 19, 2023, 10:00AM

Proposed Amended Rule 1401 – New Source Review of Toxic Air Contaminants

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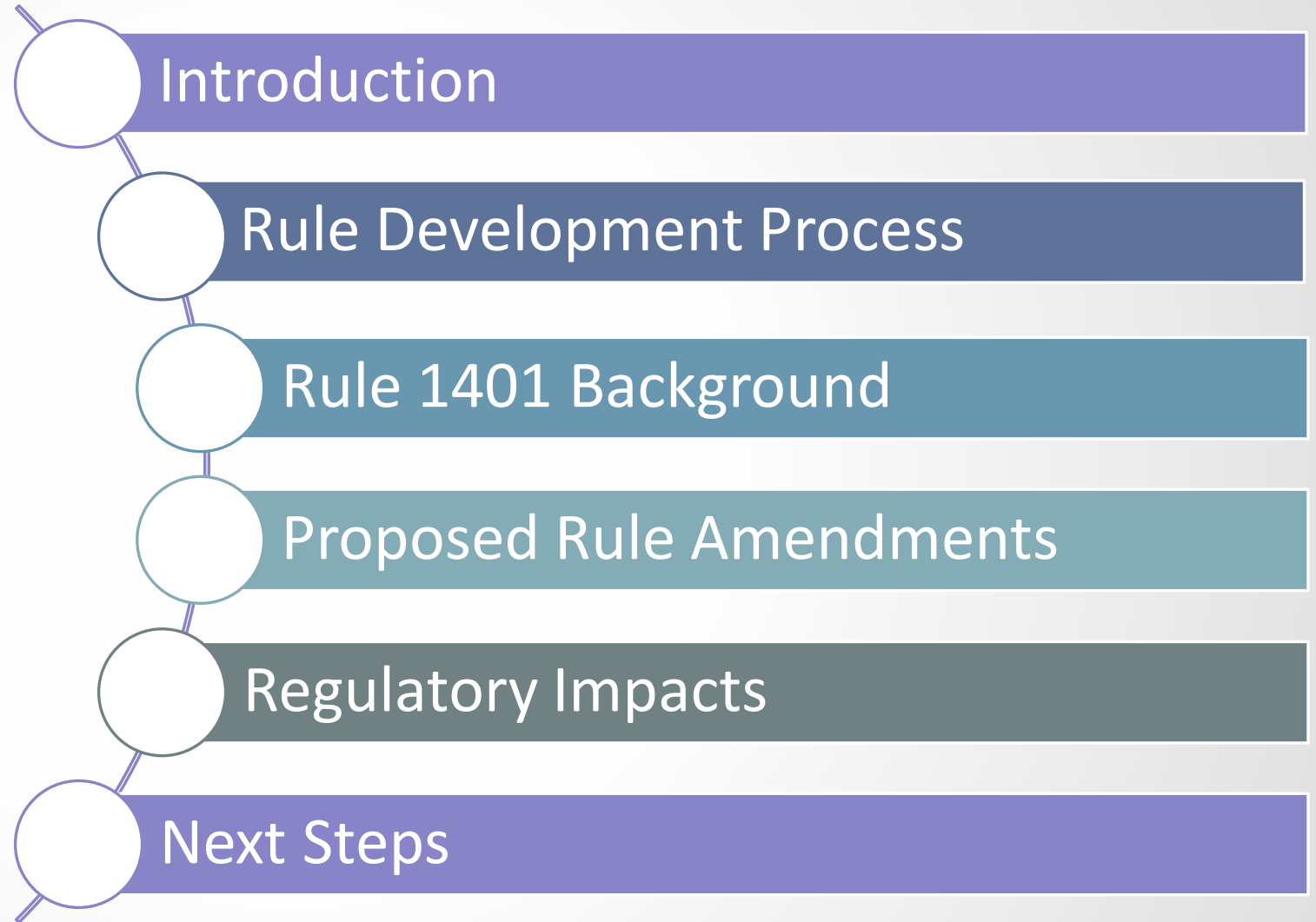
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Agenda



Introduction

South Coast AQMD

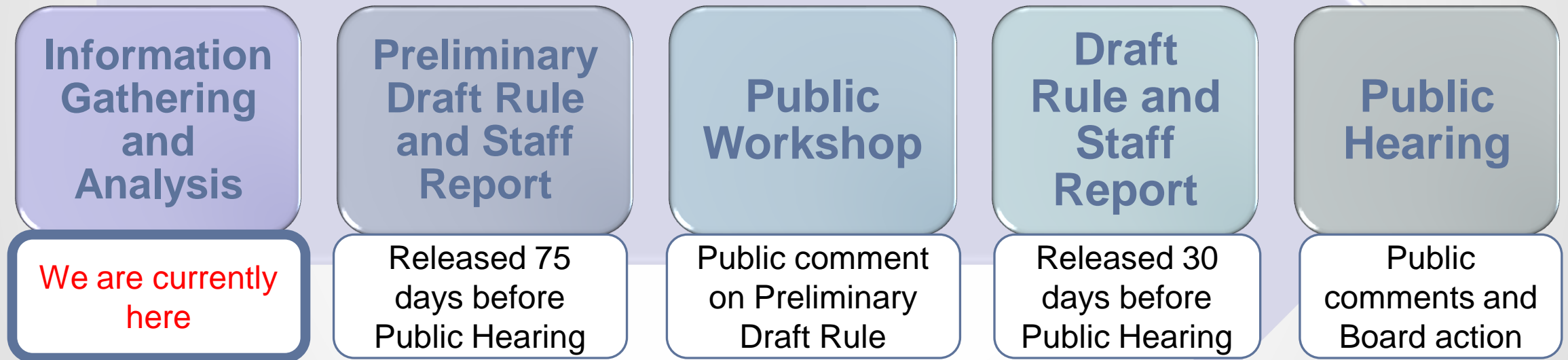
- Local air pollution control agency
 - Largest of the 35 local air agencies in CA and in the U.S.
 - 10,743 square miles
 - 17 million residents
- Responsibilities
 - Regulate air emissions from stationary sources
 - Permit and inspect 28,400 affected businesses
 - Develop and implement plans to meet State and Federal air quality standards
 - Administer over \$100 million of incentive funding annually



Rule Development Process

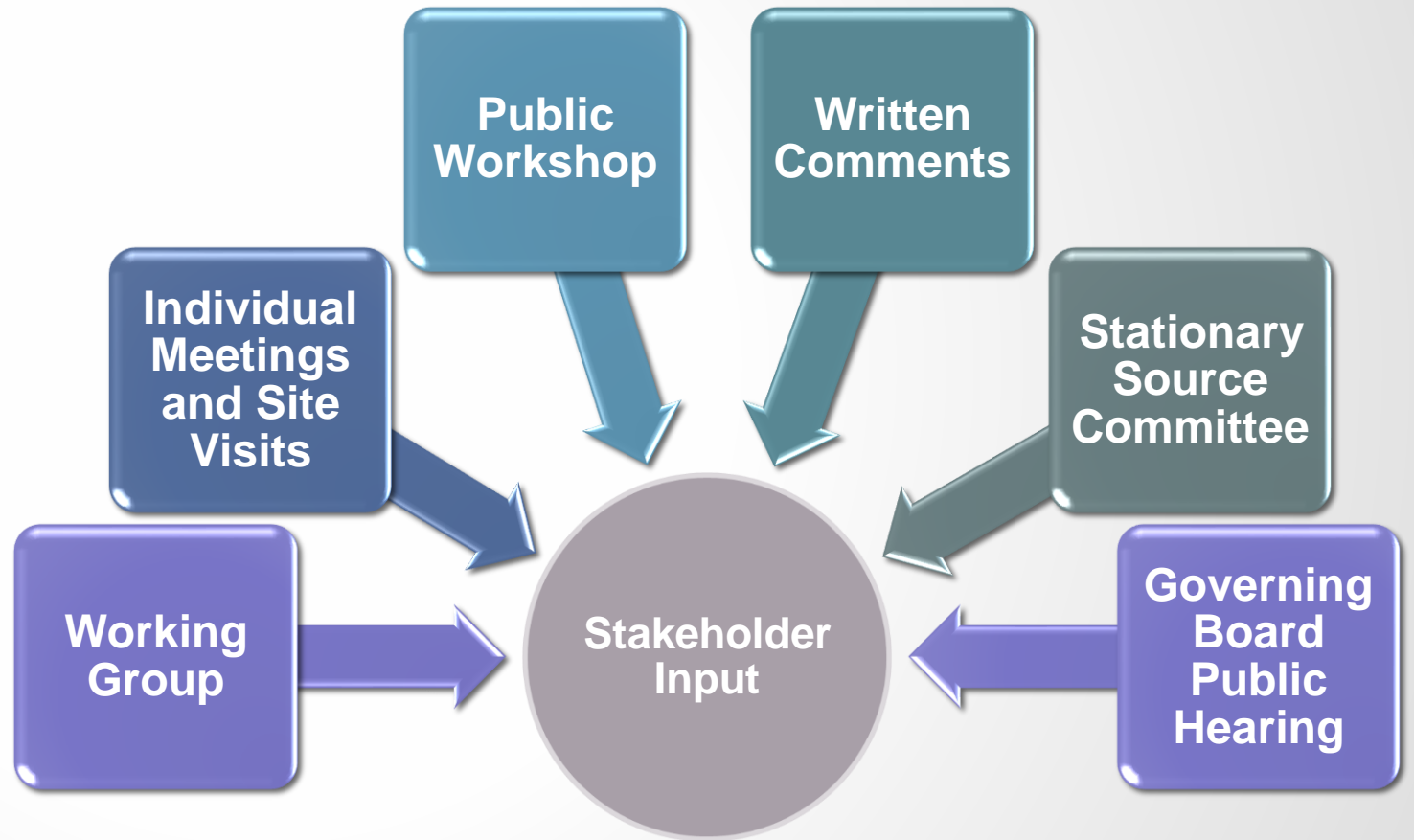
Rule Development Process

Working Group and stakeholder meetings continue throughout process



Stakeholder Input

- Stakeholders can provide input throughout the rulemaking process
- Early input is strongly encouraged
 - Provides staff the opportunity to try to resolve issues
- Variety of ways for stakeholders to provide input



Working Group Meetings

- Working Group Meetings are a key component of rule development
 - Email notices are sent out before each Working Group Meeting
- Objectives of Working Group Meetings:
 - Build consensus and work through issues
 - Exchange information and understanding of key issues
 - Collaboration and create a dialogue with stakeholders



Rule 1401 Background

Rule 1401 Background

- Rule 1401 is an “umbrella” rule that establishes requirements to ensure that as new, modified, or relocated equipment or sources are permitted, they meet specific health risk levels for toxic air contaminants (TACs)
- Rule 1401 Table 1 lists TACs which are based on those identified by the California Office of Environmental Health Hazard Assessment (OEHHA)

CAS #	SUBSTANCE	EFFECTIVE DATE CANCER	EFFECTIVE DATE CHRONIC	EFFECTIVE DATE ACUTE
108-39-4 95-48-7 106-44-5	cresol, m- cresol, o- cresol, p-		June 15, 2001 June 15, 2001 June 15, 2001	
135-20-6	cupferron	January 8, 1999		
	dialkylnitrosamines			
924-16-3	nitrosodi-n-butylamine, n-	December 7, 1990		
621-64-7	nitrosodi-n-propylamine, n-	September 8, 1998		
55-18-5	nitrosodiethylamine, n-	December 7, 1990		
62-75-9	nitrosodimethylamine, n-	December 7, 1990		
10595-95-6	nitrosomethylethylamine, n-	September 8, 1998		
615-05-4	diaminoaniline, 2,4- (sulfate)	January 8, 1999		
95-80-7	diaminotoluene, 2,4-	January 8, 1999		
	dibenzo-p-dioxins (chlorinated)			
1746-01-6	tetrachlorodibenzo-p-dioxin, 2,3,7,8-	June 1, 1990	August 18, 2000	
40321-76-4	pentachlorodibenzo-p-dioxin, 1,2,3,7,8-	June 1, 1990	August 18, 2000	
39227-28-6	hexachlorodibenzo-p-dioxin, 1,2,3,4,7,8-	June 1, 1990	August 18, 2000	
57653-85-7	hexachlorodibenzo-p-dioxin, 1,2,3,6,7,8-	June 1, 1990	August 18, 2000	
19408-74-3	hexachlorodibenzo-p-dioxin, 1,2,3,7,8,9-	June 1, 1990	August 18, 2000	
35822-46-9	heptachlorodibenzo-p-dioxin, 1,2,3,4,6,7,8-	June 1, 1990	August 18, 2000	
3268-87-9	octachlorodibenzo-p-dioxin, 1,2,3,4,6,7,8,9-	June 1, 1990	August 18, 2000	

Rule 1401 Background (cont'd)

- OEHHA is the lead state agency for the assessment of health risks posed by environmental contaminants and develops health-protective exposure levels as guidance for regulatory agencies and the public
 - Cancer risks: Cancer potency factors
 - Noncancer risks: Acute, 8-hour, and chronic Reference Exposure Levels (RELs)
 - Most updated list can be found on California Air Resources Board's (CARB) website*
- Rule 1401 is periodically updated to reflect the new compounds identified by OEHHA as TACs
 - Example: In October 2023, OEHHA adopted RELs for trimethylbenzene. This compound will subsequently be added into Rule 1401 Table 1, and the associated RELs would be used as part of Rule 1401 risk assessment

*<https://ww2.arb.ca.gov/resources/documents/consolidated-table-oehha-carb-approved-risk-assessment-health-values>

Rule 1401 Recent Amendments

2015 Amendment

- In 2015, OEHHA revised its guidelines for estimating health risk
- Rule 1401 amended to reference updated OEHHA Guidelines except for retail gasoline dispensing facilities and spray booths
 - Provide time to understand regulatory impacts

2016 Amendment

- Streamlined reporting requirements

2017 Amendment

- A follow up of the 2015 amendment for retail gasoline dispensing facilities and spray booths which determined no new impacts were expected for new, modified, or relocated equipment
- Updated Table 1 to include the new TACs adopted by OEHHA

Rule 1401 Requirements

- Rule 1401 specifies health risk limits for new permit units, relocations, or modifications to existing permit units, which emit TACs listed in Table 1
- Permit applications shall be denied unless the applicant demonstrates that the health risks do not exceed the following thresholds:

Cancer Risk Threshold	Noncancer Risk Threshold
1 in a million without T-BACT*	Acute hazard index of 1
10 in a million with T-BACT*	Chronic hazard index of 1

- South Coast AQMD currently uses Risk Assessment Procedures version 8.1 (based on the 2015 OEHHA Guidelines) which describes the methodology to be used when evaluating health risks and are updated periodically

**Best Available Control Technology for Toxics*

Proposed Rule Amendments

Proposed Amendments to Rule 1401

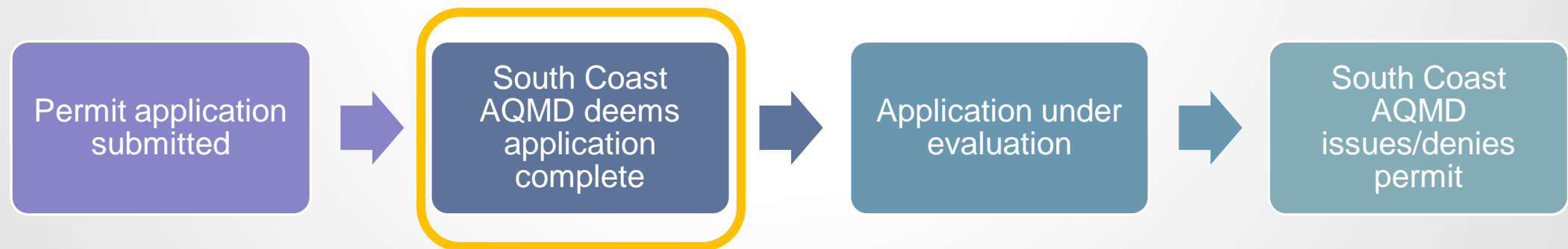
- Table 1 will be updated to include new compounds identified by OEHHA
- New compounds to be added include:

Compound Name	CAS Number
1-bromopropane	106-94-5
Trivalent chromium	16065-83-1
Parachlorobenzotrifluoride (PCBTf)	98-56-6
Tertiary Butyl Acetate (TBAC)	540-88-5
Hexamethylene Diisocyanate (HDI) (Monomer)	822-06-0
Polymeric Hexamethylene Diisocyanate	1221
Cobalt	7440-48-4
Trimethylbenzenes	25551-13-7

Regulatory Impacts

Rule 1401 Impacted Universe

- Rule 1401 applies when a facility submits a permit application for a new, modified, or relocated equipment or source that emits any TACs listed in Rule 1401 Table 1
 - Existing permits with no further permit action are not impacted by PAR 1401
- The rule version to comply with (existing Table 1 vs. PAR 1401 Table 1) depends on when the permit application is deemed complete
 - PAR 1401 Table 1 applies for new, modified, or relocated permit applications **deemed complete after** PAR 1401 is adopted



Analysis of Regulatory Impacts

- The addition of new compounds can lead to an increase in health risk, potentially making it more difficult to meet cancer and noncancer risk thresholds
- Although it is unknown how many new permits or modifications will be submitted in the future, staff can analyze past applications as a surrogate for future applications
- Staff is gathering information to better understand the potential impacts to the regulated community with the addition of new compounds
- Sources and equipment that are known to be impacted by the addition of new compounds include:
 - Paint and solvent spray booths for the use of PCBTF in certain coatings
 - Automotive refinishing spray booths for the use of PCBTF in certain coatings



Gathering Information

- Staff is in the early phase of analyzing impacts from adding new compounds into Rule 1401 Table 1
- Looking to gather additional information about:
 - Industries and facilities using these compounds
 - Most recent material safety data sheets
- Input is highly encouraged to allow staff time to understand and analyze the regulatory impacts to industries and facilities affected

While comments are accepted throughout the rule development process, to allow staff adequate time for impact assessment, please reach out to us by January 31, 2024



Compound Name
1-bromopropane
Trivalent chromium
Parachlorobenzotrifluoride (PCBTF)
Tertiary Butyl Acetate (TBAc)
Hexamethylene Diisocyanate (HDI) (Monomer)
Polymeric Hexamethylene Diisocyanate
Cobalt
Trimethylbenzenes

Next Steps

Continue to obtain additional information to determine potentially impacted equipment or processes



Continue analysis of regulatory impacts



Continue consultations with industry representatives and stakeholders



Next Working Group meeting

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- Rule 1304.1** Electrical Generating Facility Fee for Use of Offset Exemption
- Rules 1304.2 & 1304.3** Electric Generating Facility Use of PM10 Offset Bank
- Rule 1401** New Source Review of Toxic Air Contaminants
- Rule 1402** Control of Toxic Air Contaminants from Existing Sources
- Rule 1403** Asbestos Emissions from Demolition/Renovation Activities

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