

MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS

RULE 1000 PERMIT GUIDELINES AND REQUIREMENTS FOR SOURCES EMITTING
TOXIC AIR CONTAMINANTS

(Conceptual Adoption 2/19/86; Final Adoption 3/19/86; Revised 6/17/98; 10//19/05; and 2/15/17)

CONTENTS

PART 1 GENERAL	2
1.1 Purpose	2
1.2 Applicability	2
1.3 Exemptions	2
1.4 Effective Date	2
1.5 References and Related Rules	3
PART 2 DEFINITIONS	3
2.1 Acute Hazard Index	3
2.2 Acute Hazard Quotient	3
2.3 Cancer Risk.....	3
2.4 Chronic Hazard Index.....	3
2.5 Chronic Hazard Quotient.....	3
2.6 Cumulative Increase	3
2.7 Major Source of Toxics	4
2.8 Maximum Individual Cancer Risk (MICR).....	4
2.9 Modifications.....	4
2.10 Reconstructed Source	4
2.11 Reference Exposure Level (REL).....	4
2.12 Risk Assessment	5
2.13 Toxic Air Contaminant (TAC)	5
PART 3 REQUIREMENTS AND STANDARDS.....	5
3.1 New or Modified Sources of Toxic Air Contaminants (TACs)	5
3.2 Other Methods	6
PART 4 ADMINISTRATIVE REQUIREMENTS	6
4.1 Permit Evaluations.....	6
4.2 Permit Conditions	6
4.3 Publication and Public Comment	6
4.4 Public Inspection	7

MONTEREY BAY AIR RESOURCES CONTROL DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS

PART 1 GENERAL

1.1 Purpose

The purpose of this Rule is:

- 1.1.1 To prevent the emission into the atmosphere within the District of toxic air contaminants (referenced hereinafter as TACs), which may cause or contribute to an increase in mortality or an increase in serious illness, or which may pose a present or potential hazard to human health; and,
- 1.1.2 To prevent occurrences which may endanger the health and welfare of the public within the District and to assure that no person will suffer material impairment of health or functional capacity; and,
- 1.1.3 To comply with the federal Clean Air Act §112(g) Toxic New Source Review requirements; and,
- 1.1.4 To protect the public's health and welfare while allowing, where permitted, the continued operation of sources which do or may emit TACs; and,
- 1.1.5 Not to limit in any way the provisions, extent, intent, interpretation, or enforcement of District Rule 402 (Nuisances).

1.2 Applicability

- 1.2.1 This Rule applies to any new or modified stationary sources for which an Authority to Construct or a Permit to Operate is required pursuant to District Regulation II - Permits, and which has the potential to emit into the atmosphere any TAC.
- 1.2.2 Whenever a potential TAC may be subject to more than one District Rule, or to more than one requirement in this rule, the requirement resulting in the least hazard to the public, as determined by the Air Pollution Control Officer, shall apply.

1.3 Exemptions

The provisions of this Rule shall not apply to any Source Category that has an existing State Air Toxics Control Measure (ATCM).

1.4 Effective Date

This Rule as most recently revised is effective on Proposed February 15, 2017.

MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS

1.5 References and Related Rules

- 1.5.1 The requirements of this Rule arise from Board Policy regarding the provisions of California Health & Safety Code §41700 (*public nuisance*) and federal Clean Air Act §112(g). Regulation II (Permits), Rule 200 (Permits Required), Rule 402 (Nuisances), and Regulation VI (Procedure Before the Hearing Board) are referred to by this Rule.

PART 2 DEFINITIONS

2.1 Acute Hazard Index

Sum of the individual acute hazard quotients for all TACs affecting the same target organ or organ system.

2.2 Acute Hazard Quotient

Ratio of the estimated short-term average concentration of the TAC to its acute reference exposure level.

2.3 Cancer Risk

An estimate of the chance that an individual may develop cancer as a result of exposure to TACs at a given receptor location, and considering where appropriate, Age Sensitivity Factors to account for inherent increase susceptibility to carcinogens during infancy and childhood.

2.4 Chronic Hazard Index

Sum of the individual chronic hazard quotients for all TACs affecting the same target organ or organ system.

2.5 Chronic Hazard Quotient

Ratio of the estimated annual average exposure of the TAC to its chronic reference exposure level.

2.6 Cumulative Increase

Sum of all incremental values resulting from the proposed project.

MONTEREY BAY AIR RESOURCES CONTROL DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS

2.7 Major Source of Toxics

- 2.7.1 Any new source with the potential to emit 10 tons per year of any one TAC or the potential to emit 25 tons per year of any combination of TACs as defined in Section 2.8 herein.
- 2.7.2 A reconstructed source with the potential to emit 10 tons per year of any one TAC or the potential to emit 25 tons per year of any combination of TACs as defined in Section 2.8 herein.
- 2.7.3 Any modification to an existing source where the modification increases the potential to emit of the source by 10 tons per year of any one TAC or increases the potential to emit of the source by 25 tons per year of any combination of TACs as defined in Section 2.8 herein.

2.8 Maximum Individual Cancer Risk (MICR)

The estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to TACs at given receptor locations. The MICR calculations shall include multi-pathway considerations and, where appropriate, Age Sensitivity Factors to account for inherent increased susceptibility to carcinogens during infancy and childhood, if applicable.

2.9 Modifications

Any alteration or process change which may result in a net increase in the potential to emit any TACs.

2.10 Reconstructed Source

Any source or stationary source undergoing physical modification where reconstruction equals or exceeds 50% of the fixed capital cost of a comparable entirely new source or stationary source. Fixed capital costs means the capital needed to provide and install all the depreciable components.

2.11 Reference Exposure Level (REL)

An Office of Environmental Health Hazard Assessment (OEHHA) indicator of potential adverse health effects. An REL is a concentration level of a toxic air contaminant (TAC) at or below which no adverse health effects are anticipated.

The latest RELs established by OEHHA shall be used unless otherwise specified by the Air Pollution Control Officer.

MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS

2.12 Risk Assessment

The prediction of adverse health effects, including cancer risk, chronic risk, or acute risk to the human individual assumed to be at the point of maximum ground level impact of a source emitting specified potential TACs through the use of: hazard identification; dose response assessment; exposure assessment and risk characterization.

Risk assessments shall be conducted in accordance with the most recent Office of Environmental Health Hazard Assessment (OEHHA) risk guidance.

2.13 Toxic Air Contaminant (TAC)

Any substance:

Listed as a Hazardous Air Pollutant (HAP) in §112(b)(1) of the Clean Air Act ; or

Listed in the Air Toxics “Hot Spots” Program and for which an REL has been established by OEHHA.

PART 3 REQUIREMENTS AND STANDARDS

3.1 New or Modified Sources of TACs

A risk assessment shall be conducted as part of an Authority to Construct for any new or modified permit unit which has the potential to emit a TAC. The District may allow the use of the current California Air Pollution Control Officers Association Prioritization Guidelines in lieu of a risk assessment.

3.1.1 The acute hazard index for any target organ or organ system due to TAC emissions from the new or modified permit unit shall not exceed 1.0 at any receptor location.

3.1.2 The chronic hazard index for any target organ or organ system due to TAC emissions from the new or modified permit unit shall not exceed 1.0 at any receptor location.

3.1.3 The cancer risk due to TAC emissions from the new or modified permit unit shall not exceed 10 in one million at any receptor location.

3.1.4 Current OEHHA risk values, available at the time of application, shall be used for each TAC and risk calculations.

MONTEREY BAY AIR RESOURCES CONTROL DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS

3.1.5 The determination of TAC emissions and related concentrations shall be calculated based on potential to emit unless other data is provided and approved by the Air Pollution Control Officer.

3.1.6 Risk shall be estimated by assuming that the effective dose of the new or modified permit unit is independent of the background concentration(s) of TACs.

3.2 Other Methods

Where the Air Pollution Control Officer determines that reasonable information or lack of information indicates the public's interest may be better protected by doing so:

The Air Pollution Control Officer may require for any given TAC source and upon good cause shown, a variation in any step(s) or procedure(s) of the TAC assessment methods required by this rule; and/or

The Air Pollution Control Officer may require other additional assessment methods deemed appropriate to assure adequate evaluation of TACs.

PART 4 ADMINISTRATIVE REQUIREMENTS

4.1 Permit Evaluations

In addition to the assumptions specified in this Part, the evaluation of a permit application performed pursuant to District Rule 200 (Permits Required) for a source emitting or having the potential to emit TACs, shall utilize realistically conservative assumptions in those instances where data is either lacking or insufficient, in recognition that the adverse consequences of specific TACs into the atmosphere are as yet largely undefined.

4.2 Permit Conditions

All significant parameters of the application shall be a condition of the issuance of the permit. These include all data upon which the risk assessment is performed. Any significant change of these conditions may cause a reevaluation of the permit or be considered a violation of these rules and regulations.

4.3 Publication and Public Comment

Prior to issuing an Authority to Construct or a Permit to Operate for any major source of TACs, the District shall publish in at least one newspaper of general circulation in the District a notice stating the preliminary decision of the District, noting how pertinent

MONTEREY BAY AIR RESOURCES DISTRICT
REGULATION X
TOXIC AIR CONTAMINANTS

information can be obtained, and inviting written public comment for a 30-day period following the date of publication.

4.4 Public Inspection

The District shall make available for public inspection at the District's office the information submitted by the applicant and the District's analysis no later than the date the public notice is published, pursuant to Section 4.8 herein. No later than the noticed date, all such information, including the proposed permit, shall be transmitted to the United States Environmental Protection Agency, and any other interested public agency or party, upon request .

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