(**Adopted:** 09/24/01; **Amended:** 03/25/19)

RULE 1520
Control of Toxic Air Contaminants from Existing Sources

(A) Purpose

(1) The purpose of this rule is to:

(a) Reduce the health risk associated with emissions of toxic air contaminants from existing Facilities; and

(b) Ensure that any new or existing Facility is required to control the emissions of Toxic Air Contaminants or Regulated Toxic Substances as required pursuant to Part 6 of Division 26 of the California Health and Safety Code (commencing with Section 44300).

(B) Applicability

(1) The provisions of this rule shall be applicable to new Facilities for which applications are received on or after September 24, 2001 and existing facilities which:

(a) Emits or has the potential to emit greater than 10 tons per year of Total Organic Gases (TOG), Particulates (PM), Oxides of Nitrogen (NO_X) or Oxides of Sulfur (SO_X); or

(b) Is listed in *Appendix "E" of the Emissions Inventory Criteria and Guidelines For the Air Toxics "Hot Spots" Program* as adopted by reference in 17 California Code of Regulations §93300.5; or

(c) Emits or has the potential to emit a Toxic Air Contaminant or Regulated Toxic Substance.

(C) Definitions

The definitions contained in District Rule 1301 shall apply unless the term is otherwise defined herein.

(1) "Air Toxic 'Hot Spots" Information and Assessment Act of 1987" (Toxic Hot Spots Act) – Part 6 of Division 26 of the California Health and Safety Code (commencing with Section 44300).

(2) "Best Available Control Technology for Toxics" (T-BACT) – The most stringent emissions limitation or control technique for Toxic Air Contaminants or Regulated Toxic Substances which:

(a) Has been achieved in practice for such permit unit category or class of source; or

(b) Is any other emissions limitation or control technique, including process and equipment changes of basic and control equipment, found by the APCO to be technologically feasible for such class or category of sources, or for a specific source.

(3) "Cancer Burden" – The estimated increase in the occurrence of cancer cases in a population resulting from exposure to carcinogenic air contaminants.

(4) "Comprehensive Emission Inventory" – A plan and report prepared pursuant to the District's most recently published *Comprehensive Emissions Inventory Guidelines* which consists of numerical representations of the existing and proposed emissions from a Facility and the methods utilized to determine such data.

(5) "Contemporaneous Risk Reduction" – Any reduction in risk resulting from a decrease in emissions of Toxic Air Contaminants at the facility which is real, enforceable, quantifiable, surplus and permanent.

(6) "Criteria Emissions Inventory" – A portion of the Comprehensive Emissions Inventory setting forth the prior years emissions of Oxides of Nitrogen, Volatile Organic Compounds, Carbon Monoxide, Oxides of Sulfur and Particulate Matter for a Facility or Emissions Unit prepared pursuant to the District's *Comprehensive Emissions Inventory Guidelines*.

(7) "Hazard Index" (HI) – The acute or chronic non-cancer Hazard Quotient for a substance by toxicological endpoint.

(8) "Hazard Quotient" (HQ) – The estimated ambient air concentration divided by the acute or chronic reference exposure for a single substance and a particular endpoint.

(9) "Health Risk Assessment" (HRA) – A detailed and comprehensive analysis prepared pursuant to the District's most recently approved *Modeling Guidelines for Health Risk Assessment* to evaluate and predict the dispersion of Toxic Air Contaminants and Regulated Toxic Substances in the environment, the potential for exposure of human population and to assess and quantify both the individual and population wide health risks associated with those levels of exposure. Such document shall include details of the methodologies and methods of analysis which will be utilized to prepare the document.

(10) "High Priority" – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to ten (10).

(11) "Intermediate Priority" – A Facility or Emissions Unit for which any Prioritization Score for cancer, acute non-cancer health effects or chronic non-cancer health effects is greater than or equal to one (1) and less than ten (10).

(12) "Low Priority" – A Facility or Emissions Unit for which all Prioritization Scores for cancer, acute non-cancer health effects or chronic non-cancer health effects are less than one (1).

(13) "Maximum Individual Cancer Risk" (MICR) – The estimated probability of a potential maximally exposed individual contracting cancer as a result of exposure to carcinogenic air contaminants over a period of 30 years for residential locations and 25 years for worker 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.

(14) "Moderate Risk" – A classification of a Facility or Emission Unit for which the HRA Report indicates the MICR is greater than one (1) in one million (1×10^{-6}) but less than ten (10) in a million (1×10^{-5}) at the location of any receptor.

(15) "Modification" (Modified) – Any physical or operational change to a Facility or an Emissions Unit to replace equipment, expand capacity, revise methods of operation, or modernize processes by making any physical change, change in method of operation, addition to an existing Permit Unit and/or change in hours of operation, including but not limited to changes which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance or which results in the emission of any Hazardous Air Pollutant, Toxic Air Contaminant, or Regulated Toxic Substance not previously emitted. A physical or operational change shall not include:

(a) Routine maintenance or repair; or

(b) A change in the owner or operator of an existing Facility with valid PTO(s); or

(c) An increase in the production rate, unless:

(i) Such increase will cause the maximum design capacity of the Emission Unit to be exceeded; or
(ii) Such increase will exceed a previously imposed enforceable limitation contained in a permit condition.

(d) An increase in the hours of operation, unless such increase will exceed a previously imposed enforceable limitation contained in a permit condition.

(e) An Emission Unit replacing a functionally identical Emission Unit, provided:

(i) There is no increase in maximum rating or increase in emissions of any HAP, TAC or Regulated Toxic Substance; and
(ii) No ATCM applies to the replacement Emission Unit.

(f) An Emissions Unit which is exclusively used as emergency standby equipment provided:

(i) The Emissions Unit does not operate more than 200 hours per year; and
(ii) No ATCM applies to the Emission Unit.

(g) An Emissions Unit which previously did not require a written permit pursuant to District Rule 219 provided:

(i) The Emissions Unit was installed prior to the amendment to District Rule 219 which eliminated the exemption; and
(ii) A complete application for a permit for the Emission Unit is received within one (1) year after the date of the amendment to District Rule 219 which eliminated the exemption.

(16) "Office of Environmental Health Hazard Assessment" (OEHHA) – A department within the California Environmental Protection Agency that is responsible for evaluating chemicals for adverse health impacts and establishing safe exposure levels.

(17) "Prioritization Score" – The numerical score for cancer health effects, acute non-cancer health effects or chronic non-cancer health effects for a Facility or Emissions Unit as determined by the District pursuant to California Health and Safety Code §44360 in a manner consistent with the District's most recently approved *Facility Prioritization Guidelines*; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.

(18) "Receptor" – Any location outside the boundaries of a Facility at which a person may be impacted by the emissions of that Facility. Receptors include, but are not limited to residential units, commercial work places, industrial work places and sensitive sites such as hospitals, nursing homes, schools and day care centers.

(19) "Reference Exposure Level" (REL) – The ambient air concentration level expressed in microgram/cubic meter (μg/m3) at or below which no adverse health effects are anticipated for a specified exposure.

(20) "Regulated Toxic Substance" – A substance which is not a Toxic Air Contaminant but which has been designated as a chemical substance which poses a threat to public health when present in the ambient air by CARB in regulations promulgated pursuant to California Health and Safety Code §44321.

(21) "Significant Health Risk" – A classification of a Facility for which the HRA Report indicates that the MICR is greater than or equal to ten (10) in a million (1×10^{-5}) but less than one hundred (100) in a million (1×10^{-4}), or that the HI is greater than or equal to one (1).

(22) "Significant Risk" – A classification of a Facility or Emissions Unit for which the HRA Report indicates that the MICR is greater than or equal to one hundred (100) in a million (1×10^{-4}) or that the HI is greater than or equal to ten (10).

(23) "Toxic Air Contaminant" (TAC) – An air pollutant which may cause or contribute to an increase in mortality or in serious illness, or which may pose a present or potential hazard to human health and has been identified by CARB pursuant to the provisions of California Health and Safety Code §39657, including but not limited to, substances that have been identified as HAPs pursuant to 42 U.S.C. Sec. 7412(b) (Federal Clean Air Act §112(b)) and the regulations promulgated thereunder.

(24) "Toxics Emission Inventory" – The portion of the Comprehensive Emissions Inventory documenting the emissions of TACs and Regulated Toxic Substances for a Facility or Emissions Unit prepared pursuant to the District's *Comprehensive Emission Inventory Guidelines*.

(25) "Unit Risk Factor" (URF) – The theoretical upper bound probability of extra cancer cases occurring from the chemical when the air concentration is expressed in exposure units per microgram/cubic meter $((\mu g/m^3)^{-1})$.

(26) "Unreasonable Risk" – A classification of a Facility or Emissions Unit for which the HRA Report indicates that the MICR is greater than or equal to two hundred fifty in one million (250×10^{-6}) or that the HI is greater than or equal to twenty five (25).

(D) Requirements

(1) Comprehensive Emission Inventory

(a) The owner/operator of a proposed new Facility is required to submit a Comprehensive Emission Inventory as part of the application process pursuant to the provisions of District Rule 1302(B)(1)(a)(i).

(b) The owner/operator of an Existing Facility is required to submit a Comprehensive Emissions Inventory or Comprehensive Emissions Inventory Update when:

(i) Submitting applications for new or modified Emissions Units or for modifications to the Facility pursuant to provisions of District Rule 1302(B)(1)(a)(ii).
(ii) On an annual basis, a Criteria Emissions Inventory or update.

(iii) Once every four (4) years pursuant to the schedule established in the most recent Comprehensive Emission Inventory Guidelines as published by the District, a Toxic Emissions Inventory.

(iv) Any of the following occurs:

a. The Facility emits a substance newly listed as a TAC or Regulated Toxic Substance; or

b. A sensitive receptor has been established or constructed within 1640 feet. (500 meters) of the Facility after the last regularly submitted Toxic Emissions Inventory for the Facility; or

c. The Facility emits a substance for which the potency factor has increased.

(v) Upon good cause to believe that a Facility may pose a potential threat to public health and upon receipt of written notification by the APCO that a new Comprehensive Emissions Inventory or Comprehensive Emissions Inventory Update is required for the Facility.

(2) Comprehensive Emissions Inventory Submission Procedure

(a) For those Facilities required to submit a Comprehensive Emissions Inventory or Comprehensive Emissions Update pursuant to subsection (D)(1)(b)(ii) - (v) inclusive, the owner/operator shall submit a Comprehensive Emissions Inventory plan prepared in accordance with the District's most recently published Comprehensive Emissions Inventory Guidelines, within ninety (30) days of the receipt of the request by the APCO or after such longer period as the APCO and the owner/operator may agree to in writing.

(b) The APCO shall review and approve or disapprove the Comprehensive Emissions Inventory plan within sixty (30) days of receipt by the District

(c) The APCO shall transmit a written determination of approval or disapproval immediately to the owner/operator of the Facility.

(i) If the Comprehensive Emission Inventory Plan is disapproved, the written determination shall specify which parts of the plan are inadequate and how it may be corrected.

a. The owner/operator shall resubmit the plan within thirty (30) days of receipt of the written determination or after such longer period as the APCO and the owner/operator may agree to in writing.

b. Upon such resubmission a new sixty (30) day review period shall begin.

(d) The owner/operator of the Facility shall submit the Comprehensive Emission Inventory prepared pursuant to the plan within one hundred eighty (60) days of receipt of the written determination approving the plan

or after such longer period as the APCO and the owner/operator may agree to in writing.

(3) The APCO shall perform a Toxic "Hot Spots" Program Analysis for a Facility pursuant to Section (E) when:

(a) The owner/operator of an existing Facility submits any of the following:

(i) A Toxic Emissions Inventory; or
(ii) An HRA for any new or modified emissions unit(s) at the Facility submitted pursuant to the provisions of District Rule 1320 (E)(3) and the HRA indicates that any of the new or modified Emissions unit(s) is a significant health risk or greater; or
(iii) A new Comprehensive Emissions Inventory or Comprehensive Emissions Inventory Update has been required by the APCO pursuant to subsection (D)(1)(b)(v).

(E) Toxic "Hot Spots" Program Analysis

(1) Facility Prioritization Score

(a) The APCO shall analyze the Comprehensive Emission Inventory and calculate three (3) prioritization scores for the Facility.

(i) Prioritization Scores shall be calculated for carcinogenic effects, non-carcinogenic acute effects and non-carcinogenic chronic effects.
(ii) Prioritization Scores shall be calculated utilizing the District's most recently approved *Facility Prioritization Guidelines*; the most recently approved OEHHA Unit Risk Factor for cancer potency factors; and the most recently approved OEHHA Reference Exposure Levels for non-cancer acute factors, and non-cancer chronic factors.
(iii) Prioritization Scores may be adjusted utilizing any or all of the following factors if such adjustment is necessary to obtain an accurate assessment of the Facility.
a. Multi-pathway analysis
b. Method of release.
c. Type of Receptors potentially impacted.
d. Proximity or distance to any Receptor.
e. Stack height.
f. Local meteorological conditions.
g. Topography of the proposed new or Modified Facility and surrounding area.
h. Type of area.
i. Screening dispersion modeling.
j. Project life.

(iv) The APCO shall calculate the Prioritization Scores within ninety (30) days of the receipt of the Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update.

(b) If all Prioritization Scores indicate that the Facility is categorized as Low Priority, the APCO shall notify the Facility and indicate when the next regularly scheduled Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update would be required pursuant to the District's *Comprehensive Emissions Inventory Guidelines*.

(c) If any Prioritization Score indicates that the Facility is categorized as Intermediate Priority, the APCO shall perform the Intermediate Facility analysis pursuant to subsection (E)(2).

(d) If any Prioritization Score indicates that the Facility is categorized as High Priority, the APCO shall continue the analysis pursuant to subsection (E)(3).

(2) Intermediate Facility Analysis

(a) The APCO shall analyze the Facility and determine if the analysis should continue pursuant to subsection (E)(3) based upon the following factors:

(i) Any Prioritization Score greater than ten (10);
(ii) Type of Facility
(iii) Multi-pathway analysis
(iv) Method of release.
(v) Type of Receptors potentially impacted.
(vi) Proximity or distance to any Receptor.
(vii) Stack height.
(viii) Local meteorological conditions.
(ix) Topography of the proposed new or Modified Facility and surrounding area.
(x) Type of area.
(xi) Screening dispersion modeling.
(xii) Number and type of complaints, if any, received about an existing Facility.
(xiii) Project Life.

(b) If the APCO determines that the proposed new or modified Facility should not be subject to further analysis pursuant to subsection (E)(3) the APCO shall notify the Facility and indicate when the next regularly scheduled Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update would be required pursuant to the District's *Comprehensive Emissions Inventory Guidelines*.

(3) Health Risk Assessment Plans

(a) The APCO shall notify the owner/operator of the Facility in writing that the owner/operator is required to prepare and submit an HRA plan for the Facility.

(i) The owner/operator shall prepare the HRA plan in accordance with the District's most recently approved *Health Risk Assessment Plan and Report Guidelines*.

(ii) The owner/operator shall submit the HRA plan no later than thirty (30) days after receipt of the written notification from the APCO or after such longer time that the owner or operator and the APCO may agree to in writing.

(b) The APCO shall approve or disapprove the HRA plan within thirty (30) days of receipt from the owner/operator.

(c) The APCO shall transmit a written determination of approval or disapproval immediately to the owner/operator of the Facility.

(i) If the HRA plan is disapproved, the written determination shall specify which parts of the plan are inadequate and how it may be corrected.

a. The owner/operator shall resubmit the plan within thirty (30) days of receipt of the written determination or after such longer period as the APCO and the owner/operator may agree to in writing.

b. Upon such resubmission a new thirty (30) day review period shall begin.

(d) The HRA plan may include a plan for Contemporaneous Risk Reduction pursuant to subsection (E)(6).

(4) Health Risk Assessment

(a) The owner/operator of the Facility shall submit the HRA prepared pursuant to the plan within ninety (90) days of receipt of the written determination approving the plan or after such longer period as the APCO and the owner/operator may agree to in writing.

(b) The APCO shall review the HRA and submit it to OEHHA or OEHHA's designated representative for analysis.

(i) OEHHA shall review the HRA and submit to the District its comments, data and findings relating to health effects within one hundred eighty (180) days of receipt of the HRA.

(c) The APCO shall approve or disapprove the HRA within thirty (30) days of receipt of approval from OEHHA or after such longer time that the owner/operator and the APCO may agree to in writing.

(d) The APCO shall transmit a written notice of the approval or disapproval of the HRA immediately to the owner/operator of the Facility.

(i) If the HRA was disapproved the APCO shall:
a. Specify the deficiencies and indicate how they can be corrected; and
b. Require the owner/operator to resubmit the HRA to the District within sixty (60) days.

(ii) Upon receipt by the District of a resubmitted HRA a new thirty (30) day period in which the APCO must determine the approval or disapproval of the HRA shall begin.

(5) Health Risk Assessment Analysis

(a) The APCO shall analyze the HRA for the Facility to determine the cancer burden.

(i) If the cancer burden is greater than 0.5 in the population subject to a risk of greater than or equal to one in one million (1×10^{-6}) the APCO shall require the owner/operator of the Facility to comply with the provisions of section (F).

(ii) If the cancer burden is less than or equal to 0.5 in the population subject to a risk of greater than or equal to one in one million (1×10^{-6}) the APCO shall continue with the analysis pursuant to subsection (E)(5)(b).

(b) The APCO shall analyze the HRA and determine the risk level for the Facility.

(i) If the HRA indicates that the Facility is less than a Significant Health Risk then the APCO shall notify the owner/operator of the Facility and indicate when the next regularly scheduled Comprehensive Emissions Inventory or Comprehensive Emissions Inventory update would be required pursuant to the District's Comprehensive Emissions Inventory Guidelines.

(ii) If the HRA indicates that an Emission Unit is a Significant Health Risk then the APCO shall require the owner/operator of the Facility to comply with the provisions of section (F).

(iii) If the HRA indicates that an Emissions Unit is a Significant Risk then the APCO shall require the owner/operator of the Facility to comply with the provisions of section (G).

(6) Contemporaneous Risk Reduction

(a) The owner/operator of the Facility may, as a part of an HRA required pursuant to subsection (E)(3), provide Contemporaneous Risk Reduction to reduce the Facility risk.

(b) Contemporaneous Risk Reductions shall be:

(i) Real, enforceable, quantifiable, surplus and permanent; and
(ii) Calculated based on the actual average annual emissions as determined by the APCO based upon verified data for the two (2) year period immediately preceding the date of application; and
(iii) Accompanied by an application for modification of the Emission Unit(s) which cause the Contemporaneous Risk Reduction.

(c) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience a total increase in MICR due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.

(i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:
a. The Contemporaneous Risk Reduction is:
1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or
2. No receptor location will experience a total increase in MCIR of greater than one in one million (1.0×10^{-6}) due to the cumulative impact of the Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.
b. T-BACT is applied to any Emissions Unit which is a Moderate Risk or greater.

(d) The APCO shall analyze the Contemporaneous Risk Reduction and determine if any receptor will experience an increase in total acute or chronic HI due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction.

(i) The APCO shall deny a Contemporaneous Risk Reduction when such an increase occurs unless:
a. The Contemporaneous Risk Reduction is:
1. Within 328 feet (100 meters) of the new or modified Emission Unit(s); or
2. No receptor location will experience an increase in total acute or chronic HI of more than 0.1 due to the cumulative impact of the new or modified Emission Unit(s) and the Emission Unit(s) which cause the Contemporaneous Risk Reduction; and

(e) Any Contemporaneous Risk Reduction must occur before the start of operations of any new or modified Emissions Unit(s) which increase the Facility risk.

(F) Toxic "Hot Spots" Public Notification

(1) Notice to Facility

(a) If the APCO has determined that the Facility has a Cancer Burden in excess of that set forth in subsection (E)(5)(a)(i) or that the Facility HRA indicates that the Facility is a Significant Health Risk pursuant to (E)(5)(b)(ii) then the APCO shall notify the owner or operator of the Facility in writing that:

(i) The Facility is subject to the public notification requirements of the Air Toxic "Hot Spots" Notification and Assessment Act; and

(ii) The owner or operator is required to submit to the District within thirty (30) days of receipt of the written notification, or such longer period as the APCO and the owner/operator may agree to in writing, the following:

a. A draft Facility Public Notification Letter prepared in compliance with the District's most recently published *Public Notification Guidelines*; and

b. A proposed mailing list for the Public Notification Package.

(2) Preparation of Public Notification Package

(a) The owner/operator of the Facility shall prepare draft Facility Public Notification Letter and a proposed mailing list for the public notification package in compliance with the District's *Public Notification Guidelines*.

(b) The APCO shall prepare District Public Notification Letter and Public Meeting Request Postcard in compliance with the most recently published the District's *Public Notification Guidelines*.

(c) The APCO shall review and approve or disapprove the Facility Public Notification Letter and proposed mailing list within thirty (30) days of receipt of the draft letter and proposed mailing list from the owner/operator, or after such longer time as the owner/operator and the APCO may agree to in writing.

(i) If the draft Facility Public Notification Letter or proposed mailing list was disapproved the APCO shall:

a. Specify the deficiencies and indicate how they can be corrected; and

b. Require the owner/operator to resubmit the draft Facility Public Notification Letter or proposed mailing list to the District within thirty (30) days, or such longer period that the owner/operator and the APCO may agree to in writing.

(ii) Upon receipt of a resubmitted Facility Public Notification Letter a new thirty (30) day period in which the APCO must approve or disapprove the draft letter shall begin.

(d) Upon approval of the Facility Public Notification Letter and proposed mailing list the APCO shall forward the District Public Notification Letter and Public Meeting Request Postcard to the Facility for inclusion in the Public Notification Package.

(3) Mailing the Public Notification Package

(a) The owner/operator of the Facility shall assemble the Public Notification Package including the Facility Public Notification Letter, District Public Notification Letter and Public Meeting Request Postcard and any other informational material approved for inclusion in the package by the APCO.

(b) The owner/operator of the Facility shall thereafter mail out the Public Notification Package to each person or business on the mailing list within thirty (30) days of receipt of the District Public Notification Letter and Public Meeting Request Postcard from the APCO.

(4) Request for Public Meeting

(a) The APCO shall tabulate the returned Public Meeting Request Postcards, if any, and determine if a public meeting is necessary pursuant to the standards set forth in the District's Public Notification Guidelines.

(5) Public Meeting

(a) If the APCO determines that a public meeting is necessary the APCO shall notify the Facility in writing that a public meeting is necessary.

(b) The owner/operator shall produce a public meeting notice in accordance with the District's *Public Notice Guidelines* and shall mail such notice to all persons on the mailing list at least two (2) weeks but not more than (4) weeks prior to the date of the meeting.

(c) The owner/operator shall conduct the meeting in a manner consistent with the procedures in the District's *Public Notification Guidelines*.

(6) After completion of the public notification process and public meeting, if any, the owner/operator shall be required to submit subsequent Comprehensive Emissions Inventory data pursuant to subsection (D)(1).

(G) Risk Reduction and Audit Plans

(1) Notice to Facility

(a) If the APCO has determined that the Facility is a Significant Risk pursuant to (E)(5)(b)(iii) then the APCO shall notify the owner or operator of the Facility in writing that:

(i) The Facility is subject to the risk reduction requirements of the Air Toxic "Hot Spots" Notification and Assessment Act; and
(ii) The owner or operator is required to submit to the District within one hundred eighty (180) days, a Risk Reduction and Audit Plan.

(2) Preparation of Risk Reduction Plan

(a) The owner/operator of the Facility shall prepare and submit for approval a Risk Reduction and Audit Plan which includes, at the minimum, all of the following:

(i) The name, address, and SIC code of the Facility; and
(ii) A Facility risk characterization which includes an updated Toxics Emission Inventory and HRA, if the risk due to total Facility emissions has increased above the level indicated in the previously approved HRA; and
(iii) Identification of each Emissions Unit from which risk must be reduced in order to reduce the risk level for the Facility to less than a Significant Risk; and
(iv) For each Emissions Unit identified in subsection (G)(2)(B)(iii), an evaluation of the risk reduction measures available to the owner/operator, including emission and risk reduction potential and time necessary for implementation; and
(v) Specification of the risk reduction measures that shall be implemented by the operator to reduce the Facility risk level to below that of significant risk; and
(vi) A schedule for implementing the specified risk reduction measures as quickly as feasible, including but not limited to the specification of dates for increments of progress associated with the risk reduction measures; and
(vii) A final compliance date that is no later than five (5) years from the initial plan submittal date unless:
a. The APCO determines that additional time, up to five (5) additional years, will not result in an Unreasonable Risk to public health and that requiring implementation of a risk reduction plan within five (5) years places an unreasonable economic burden on the owner/operator of the Facility or is not technically feasible.
(viii) An estimation of the residual health risk after implementation of the specified risk reduction measures; and

(ix) Proof of certification of the risk reduction plan as meeting all requirements by an engineer who is registered as a professional engineer pursuant to Business and Professions Code Section 6762, by an individual who is officially responsible for the processes and operations of the facility, or by a registered environmental assessor.

(3) Approval of Risk Reduction Plans

(a) The APCO shall approve or disapprove the risk reduction plan within ninety (90) days of submittal based on the owner/operator's ability to reduce the Facility risk level to below Significant Risk.

(i) If the risk reduction plan was disapproved the APCO shall:
a. Specify the deficiencies and indicate how they can be corrected; and
b. Require the owner/operator to revise and resubmit the risk reduction plan within ninety (90) days of receipt of the disapproval.

(ii) If the risk reduction plan contains a facility risk characterization demonstrating to the satisfaction of the APCO that the facility does not exceed Significant Risk, the plan may be approved without the inclusion of the plan components specified in subparagraphs (G)(2)(B)(iii) through (viii).

(b) Upon approval of the risk reduction plan the owner/operator of the Facility shall submit any applications for permits to construct or modify any Emissions Unit(s) which must be modified to effectuate the risk reductions identified in the plan.

(i) Such applications for permits to construct or modify must be submitted within one hundred eighty (180) days of the date of approval of the risk reduction plan or on or before a date specified for the submission of applications for specifically identified Emissions Unit in the approved risk reduction plan.

(4) Public Notification

(a) Upon approval of the risk reduction plan, and annually thereafter until such time as the Facility risk has been reduced to less than a Significant Risk, the owner/operator of the Facility shall be required to provide public notice of the risk and the risk reduction plan pursuant to the provisions of section (F).

(5) Progress Reports and Plan Updates

(a) Annually, on or before the anniversary date of the approval of the risk reduction plan, the owner/operator shall submit to the District progress report(s) on the emissions and risk reduction achieved by the plan which include at a minimum all of the following:

(i) The increments of progress achieved in implementing the risk reduction measures specified in the plan; and
(ii) A schedule indicating dates for future increments of progress; and
(iii) Identification of any increments of progress that have been or will be achieved later than specified in the plan and the reason for achieving the increments late; and
(iv) A description of any increases or decreases in emissions of TACs that have occurred at the Facility, including a description of any associated permits that were subject to Rule1320, since the approval of the plan or the last progress report.

(b) The APCO may require a risk reduction plan to be updated and resubmitted if information becomes known that risks posed by the Facility and/or emission reduction technologies used by the Facility would substantially impact the risks to exposed persons or the implementation of the risk reduction plan.

(6) Modification of a Risk Reduction and Audit Plan

(a) The owner/operator of a Facility may modify or update a risk reduction plan by submitting a revised risk reduction plan for approval of the APCO.

(b) The APCO shall analyze the revised risk reduction plan in the same manner as if it was an initial submission.

(c) The APCO shall not approve a revised risk reduction plan where any change in risk reduction measures would result in the reduction of the Facility risk later than five (5) years from the initial plan submission date.

(7) After completion of the risk reduction audit plan the owner/operator shall be required to submit subsequent Comprehensive Emissions Inventory data pursuant to subsection (D)(1).

(H) Effect of Compliance

(1) Compliance with this rule does not authorize the emission of a toxic air contaminant in violation of any federal, state, local or District law or regulation or exempt the operator from any law or regulation.

(2) Risk reduction measures implemented in order to comply with other regulatory requirements are acceptable risk reduction measures for the purposes of this rule, provided they are consistent with the requirements of this rule.

[SIP: Not SIP]