

February 15, 2024



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

Virtual Public Workshop on Regulation 11, Rule 18 Reduction of Risk from Air Toxic Emissions at Existing Facilities

Overview

- Introduction and Agenda Review
- Opening Remarks
- Overview of Rule 11-18 and Update Process
 - Q&A #1
- Proposed Updates to Implementation Procedures and Rule Amendment Concepts
 - Q&A #2
- Next Steps

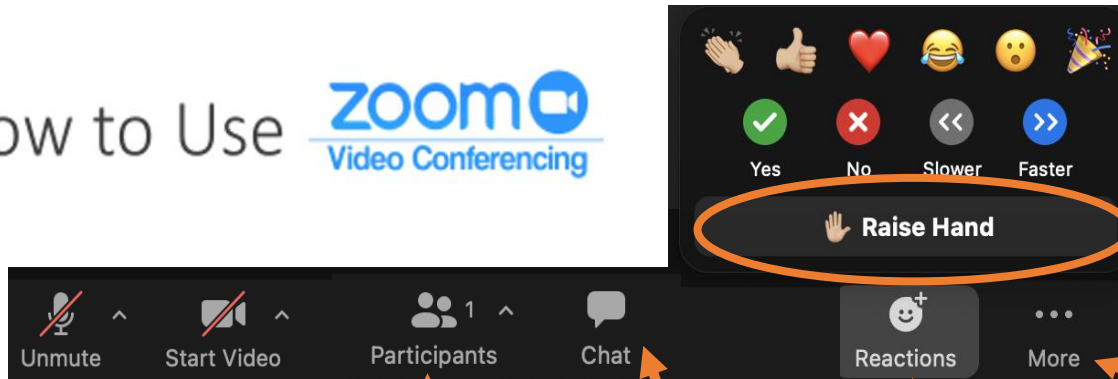


Meeting Guidelines

- Be **respectful** of one another's opinions.
- Please **share the floor** time to allow others to speak.
- Participants will automatically be **muted** except when called on.
- Disruptive participants may be removed from the workshop.
- Please **be patient** if there are technical difficulties.
- Participants will be able to ask questions and provide input during **Q&A/comment agenda items**.



How to Use Video Conferencing



Mute/Unmute
Please mute yourself when not speaking

Participants

- See others
- Rename yourself (**Name, Affiliation**)
- Raise hand

Chat
To ask questions and provide comments when chat is enabled

Reactions

- Raise hand

Closed-captioning
Click "more" in the Zoom taskbar to access live transcription.

If you need technical assistance, please send a chat to
Zoom Tech Host Jennifer Vazconcelo

Opening Remarks

Dr. Meredith Bauer, DEO

Overview of Rule 11-18

What does Rule 11-18 require?

- Goal
 - Identify facilities that pose elevated health risks due to stationary source emissions and require those facilities to reduce health risks.
- Requirements
 - Reduce facility health risks from all stationary sources below ***Risk Action Levels***, OR
 - Install best available controls on each ***Significant Source*** of health risk

What are the key steps needed to implement Rule 11-18?

Approve
Health Risk
Assessment

Approve Risk
Reduction
Plan

Implement
TAC Emission
Controls

- Update toxic inventory
 - Conduct HRA
 - Compare facility health risks to Risk Action Levels
 - Notify facility, if a Risk Reduction Plan (RRP) is required
- Ensure RRP meets Rule 11-18 requirements
 - Approve TBARCT for Significant Sources, if health risks will exceed Risk Action Levels
- Verify that risk reductions are implemented on schedule
 - Verify that implemented controls meet Rule 11-18 requirements

Update Process: Implementation Procedures and Rule Amendment Concepts

Why is Air District updating Rule 11-18 and associated Implementation Procedures?

- Public and Board have expressed concerns about Air District's implementation of Rule 11-18:
 - Air District delays in completing Health Risk Assessments (HRAs)
 - Length of time to implement risk reductions as allowed by current rule
- Public and Board have requested:
 - Program efficiency improvements
 - Interim risk reduction measures

2-Step Process to Update Implementation Procedures (IP) and Rule 11-18

- **Step 1 – Update IP Based on Current Rule 11-18**
 - Post draft revisions to Rule 11-18 IP document based on 2017 Rule 11-18 and update website (December 27, 2023)
 - Conduct workshop on draft IP (February 15, 2024)
 - Collect public comment on draft IP (*Comment Deadline* = February 29, 2024)
 - Post updated IP and response to comments on draft IP (April 2024)

2-Step Process to Update IP and Rule 11-18 (continued)

- **Step 2 – Further Updates: Amend Rule 11-18 and Re-Update IP**
 - Continue developing amendments to Rule 11-18
 - Concept Paper → Draft Amendments → Proposed Amendments
 - Coordinate rule amendments with associated updates of the IP
 - Develop 2nd round of IP updates to pair with proposed rule amendments
 - Conduct workshop and public comment on draft amendments to rule and associated IP document
 - Bring proposed rule amendments to the Board for consideration

Questions on Rule 11-18 or the Update Process?

Proposed Updates to Implementation Procedures Document and Rule Amendment Concepts

Goals

- **Goal #1** – Improve Transparency
- **Goal #2** – Implement Risk Reductions Sooner
- **Goal #3** – Improve Program Efficiency

Goal #1 – Improve Transparency

- Completed Website Additions
- Future Web Site Updates
- Proposed Updates Included in Draft Implementation Procedures (IP)

Goal #1 – Improve Transparency

- **Completed Website Additions:**
 - Revised Rule 11-18 Process Flow Chart for HRA & RRP
 - Provided Process Duration for Typical Facility
 - Updated Phase I & II Facility Lists (based on Year 2022 Prioritization Scores), including:
 - Prioritization Score and last HRA results (if available)
 - Ranking/priority for facility evaluations
 - Explanation of changes to Phase I facility list
 - Facility status and staff contact
 - Public Notice for Draft IP & Rule Amendments Concept – comment opportunity

Goal #1 – Improve Transparency

Facilities

SEARCH & FILTERS ▲ Collapse to hide search or filter options

Search

Action Level Type

Notifications City

County

CLEAR SEARCH & FILTERS

+ -	Number ▲	Name	Action Level	Type	!
-	10	Chevron Products Company	Inventory Review in Progress	Petroleum Refinery	
		Facility Location 841 Chevron Way Richmond CA, 94802	Air District Contact Christopher Thompson Air Quality Engineer 415.749.8733 cthompson@baaqmd.gov	Documents N/A	Comments N/A
		Public Comment Period Not currently available for comment.	Description Petroleum refinery that receives crude oil stocks for handling, processing, refining, storing, and distributing petroleum products - Phase I - Top Priority for Completion		
+	17	Lehigh Southwest Cement Company	No HRA or RRP Required	Cement	
+	23	Chemtrade West US LLC	HRA in Progress	Chemical Plant	

- Rule 11-18 Risk Reduction Facilities
 - Updated Phase I Facility List
 - Includes "Search & Filters" functionality
 - Keyword
 - Action Level
 - Facility Type
 - City & County
 - Link: click [here](#)

Goal #1 – Improve Transparency

- **Future Website Updates:**
 - Frequent updates to status for Phase I facilities on Rule 11-18 website (~quarterly)
 - Update documents posted on website, for example:
 - Annual updates to Phase I & II facility lists
 - Draft HRAs for comments
 - Final HRAs
 - Draft RRP's for comments
 - Final RRP's

Goal #1 – Improve Transparency

- **Proposed Updates Included in Draft IP:**
 - Section 1.2 Public Engagement
 - Public Workshops on IP revisions
 - Regular Meetings with public stakeholders
 - Section 4.1 – Combined two tables into Table 1
 - Section 4.2 – Expanded on general processing order
 - Sections 4.2.4 and 4.2.4 – Added detailed procedures for completing HRAs
 - Section 4.3 – Added detailed procedures for approval of RRP
 - Section 5 – Added detailed procedures for Dispute Resolution Panel (DRP) review

Goal #2 – Implement Risk Reductions Sooner

- Proposed Updates Included in Draft IP (Step 1)
- Rule Amendment Concepts & Further IP Updates (Step 2)

Updates	Step 1	Step 2
Review Subset of Sources	X	
Compliance Milestones	X	
Earlier Risk Reduction Deadlines for High-Risk Facilities		X
Prioritize HRA in Priority Community and Update the Priority Community Definition	X	X
Limit Facility Extensions for RRP Implementation		X

Goal #2 – Review Subset of Sources (Step 1)

- **Description:**

- Proposes applying risk action levels to a subset of sources at a facility located within a Priority Community
 - Draft IP: Section 4.2, Page 17 and Regulation 11-18-402

- **Impacts:**

- Allows Air District to identify a small group of sources with high impacts and more quickly require risk reduction measures

Goal #2 – Compliance Milestones (Step 1)

■ **Description:**

- In addition to requiring full implementation of the RRP within 5 years, the current rule also requires an implementation schedule. Draft IP updates clarify that the schedule would identify specific (e.g., annual) compliance milestones be demonstrated through annual progress reports.
 - Draft IP: Section 4.3, Step 9, Page 22 and Regulations 11-18-404.5 & 404.6 and 11-18-501

■ **Impacts:**

- Require the facilities to meet earlier risk reduction milestones than five years

Goal #2 – Require Earlier Risk Reductions for Facilities with Higher Risk (Step 2)

- **Description:**

- Add an intermediate risk reduction requirement – prior to the 5-year deadline – for facilities exceeding a certain risk threshold

- **Impacts:**

- Provides an intermediate milestone in the RRP
- Partial risk reduction achieved prior to the 5-year RRP deadline

Goal #2 – Prioritize HRA in Priority Community and Update the Priority Community Definition (Steps 1 and 2)

■ **Description:**

- Facility Review Order - Proposes giving highest review order ranking to facilities in Priority Communities (Step 1)
 - Draft IP: Section 4.2, Page 17 and Regulation 11-18-402
- Provides further clarity and examples of “Priority Communities” where facility HRAs can be prioritized

■ **Impacts:**

- Clarifies that early application of risk action level can be utilized for Overburdened and AB 617 Communities

Goal #2 – Limit Facility Extensions for RRP Implementation (Step 2)

- **Description:**

- Clarify that any extensions to RRP deadlines would only apply to a specific source and equipment

- **Impacts:**

- Limits the circumstances that would grant extension for the entire RRP
- Avoid unnecessary delays in implementation of risk reductions at other sources

Goal #3 – Improve Program Efficiency

- Proposed Updates Included in Draft IP (Step 1)
- Rule Amendment Concepts & Further IP Updates (Step 2)

Updates	Step 1	Step 2
Require Facilities to Complete HRAs		X
Allow Early Voluntary Submission of RRP		X
Combined Comment Period	X	X
Dispute Resolution Panel Process	X	X

Goal #3 – Require Facilities to Complete HRAs (Step 2)

■ **Description:**

- Require the facilities to prepare and submit the HRA report
 - See comments in draft IP, Page 18 and Section 4.2.5, Pages 20-22
- Air District would provide review and approval (e.g., use of Air District-approved emissions inventory, Air District approval of HRAs)
- Air District will perform HRAs when needed

■ **Impacts:**

- Speeds implementation of rule
- Significant resource savings for Air District

Goal #3 – Allow Early Voluntary Submission of RRP (Step 2)

- **Description:**

- Allow facilities to voluntarily submit an RRP early (prior to completion of an HRA) if the facility or the Air District expects the facility will require risk reduction
- HRA will be included in the RRP submission based on abated emission levels to verify compliance

- **Impacts:**

- Speeds implementation of rule
- Resource savings for Air District

Goal #3 – Combine Facility Review and Public Comment Periods (Steps 1 and 2)

■ **Description:**

- Withdrawn procedure - two separate review periods:
 - 90-day facility review period after preliminary HRA is completed (required by current rule)
 - 45-day public comment period after draft HRA is completed (not in current rule)
- Combine the facility and public review periods into a single 90-day comment period for all stakeholders after the completion of preliminary HRA
 - Draft IP: Section 4.2.4, Step 3, page 20 and Regulation 11-18-403 (Step 1)

■ **Impacts:**

- Speeds implementation of RRP
- Resource savings for Air District

Goal #3 – Clarify Dispute Resolution Panel Process (Steps 1 and 2)

■ **Description:**

- Proposes a single opportunity to request Dispute Resolution Panel for HRA disputes (Step 1)
 - Draft IP: Section 4.2.4, Step 8, page 20
- Limits use of DRP for RRP to the setting of extended compliance times (Step 1)
 - Draft IP: Section 5, page 23
- Add specific procedures associated with DRP (Steps 1 and 2)

■ **Impacts:**

- Provide a more clear and effective process for resolving technical disputes and continuing implementation of rule

Questions?

Submitting Public Comment

- **Public Comment Deadline:** February 29, 2024
- Email to Rule11-18@baaqmd.gov
- Or mail to Alexander Sohn at 375 Beale Street, Suite 600, San Francisco, CA 94105

Next Steps

- **Q1/Q2 2024** – Public outreach efforts for Rule 11-18 Implementation Procedures and Concept Paper
- **April 2024** – Publish final Rule 11-18 Implementation Procedures and Response to Comment documents
- **Q2/Q3 2024** – Commence with the rulemaking process

- Option to subscribe for updates at:
www.baaqmd.gov/community-health/facility-risk-reduction-program

Signup for Information about the Air District Facility Risk Reduction Program.

SUBSCRIBE

Glossary

- **DRP** – Dispute Resolution Panel
- **HRA** – Health Risk Assessment
- **OBC** – Overburdened Community
- **RRP** – Risk Reduction Plan
- **IP** – Implementation Procedures
- **TBARCT** – Best Available Retrofit Control Technology for Toxics