

Draft 2010 Clean Communities Plan

(Formerly the Air Toxics Control Plan)

*Working Together to
Build Cleaner Communities*



Executive Summary

Introduction

The 2010 Draft Clean Communities Plan (CCP) is a planning document that outlines the overall control strategy for the South Coast Air Quality Management District's (AQMD's) air toxics control program. The plan is the continuing effort and update to both the Air Toxics Control Plan (ATCP) developed in 2000 and the subsequent Addendum in 2004. The 2010 Draft CCP is comprised of traditional source-specific control measures and measures to address cumulative toxic impacts that affect neighborhoods and communities within the South Coast Air Quality Management District (District).

Public Process

A CCP working group was formed in the second half of 2008 in order to ensure that public input and comments were considered in the early development of the new measures. Members included representatives from communities, environmentalists, industry, the AQMD, and other government agencies. On April 2, 2010 the AQMD staff released the first draft of the CCP for public review. The AQMD staff will be reconvening the CCP working group to further discuss and receive additional input on the Draft CCP. The Draft CCP is expected to be presented to the Governing Board for approval in the later part of 2010.

Regulatory Progress

Significant progress has been made in reducing toxic air contaminant exposure in the District due to rules, regulations

and programs. The AQMD's air toxics regulatory program regulates over 10,000 sources in the region such as, but not limited to, hexavalent chromium plating and finishing, hexavalent chromium spraying operations, perchloroethylene dry cleaners, benzene emissions from gasoline dispensing, and diesel-fueled stationary engines. In addition, the AQMD's regulatory program requires that every new and modified permitted source meet specific toxic requirements ensuring that these sources meet stringent air toxics requirements. Over the past decade there have been a number of local, state, and federal regulations addressing diesel particulate emissions from idling trucks and school buses, fleet rules, locomotives, cargo handling equipment, heavy duty trucks, and transport refrigeration units to name a few.

Current District Average Cancer Risk

AQMD source-specific rules have markedly reduced exposure to toxic air contaminants. The results of MATES II and MATES III air quality monitoring have shown some regional reductions in exposure to key toxic air contaminants (TACs) and reduced cancer risk throughout the District. During the MATES III study period, the overall regional population weighted cancer risk from air toxics was approximately 853 in a million as compared to 931 in a million in MATES II. The greatest contributor to cancer risk in both MATES II and III is diesel exhaust. In MATES III diesel exhaust accounts for 83% of the total cancer risk. MATES III is based on 2005 emissions inventory data and 2004-2006 monitoring data.



Many of the recently adopted diesel rules and regulations have implementation dates after 2005 and will not be fully implemented until 2010 and beyond. As a result, the reductions from diesel regulations are not realized in MATES III. Exposure reductions from implementation of current diesel regulations with future effective dates will occur as rules are fully implemented.

Future Population District Average Cancer Risk

The AQMD staff used projected toxic emissions estimates based on adopted rules and regulations with future effective compliance dates and short-term measures from the 2007 AQMP. Based on these emissions projections, continued implementation of existing rules and regulations, and 2007 AQMP/SIP short-term measures, a 75 percent reduction in overall regional risk is expected by 2023. Regionally, the 2023 population weighted cancer risk is expected to be approximately 210 in a million. Although many areas will have substantial reductions, the residual or remaining risk in some communities will be well above 200 in a million and of concern. Risk levels in between 2010 and 2023 are, as expected, much higher.

Limitations of Data Results

Because MATES III is based on regional modeling and shows average risk over a fairly large area, some neighborhoods and communities with elevated risk may not be identified. In addition, areas may show elevated health risk that is due to pollution transport from nearby areas. However, impacts from toxic emissions are generally localized and most heavily affect nearby receptors. Therefore, the 2010 Draft CCP will go beyond the MATES III findings and take a closer look at toxic exposure at the community level.

Need for Clean Communities Plan

AQMD rules, along with state and federal rules and regulations establish the foundation of the AQMD's air toxics regulatory program. These rules and regulations reduce air toxics from thousands of sources throughout the District. However, even with an existing broad-based air toxics regulatory program, there are areas throughout the District where there are clusters of toxic emitting sources that, when combined together, can have substantial cumulative effects on neighborhoods. In addition, although the results of MATES II and MATES III have shown regional reductions in exposure to key TACs and reduced cancer risk throughout the District, future projections of MATES III show unacceptable cancer risk levels regionally. Local health risks in some communities are expected to be even more concentrated and elevated. Therefore, in addition to the traditional District-wide approach to air toxic programs, the CCP will include measures to address localized effects and cumulative impacts in communities and neighborhoods.

Clean Communities Plan Approach

The 2010 Draft CCP builds upon the 2000 ATCP and 2004 Addendum to the ATCP. The Draft CCP will continue to utilize traditional source-specific rules to address air toxics, but put greater emphasis on cumulative effects and neighborhood and community air-related issues.

The solution for cumulative air quality impacts is multi-faceted. The complexity is that the issues and solutions are community-specific. The draft CCP utilizes a variety of implementation approaches and tools to address exposure to air toxics at the community level and develop solutions. Over the past several years, AQMD has realized the need for further action at the community level and has worked with highly impacted communities through Town Hall meetings, public



outreach, and its compliance program. The CCP is designed as an “action” plan that calls for action by the public, community representatives, agencies, elected officials, and the regulated industries to help identify air quality issues in their neighborhoods and work together to develop solutions.

The Draft CCP includes a pilot measure that will work with two communities to develop a Community Exposure Reduction Plan (CERP) that is tailored to the issues within those specific communities. Lessons learned from the CERP development will be formulated into a guidance document for other communities to follow. To address cumulative impacts throughout the District, the Draft CCP provides a variety of implementation approaches to address existing high emitting toxic sources, encourage informed land use decisions for future projects, education and outreach programs for the public and agencies, and enhanced compliance programs.

Document Format

Chapter 1 of this document provides background information on toxic air contaminants (TACs) and summarizes federal, state, and local regulatory efforts to reduce air toxics exposure, including the 2000 Air Toxic Control Plan and its 2004 Addendum. Chapter 2 describes the progress made in reducing exposure to TACs in the District. A discussion on AQMD’s Multiple Air Toxics Exposure Studies (MATES) has been included with key findings relating to regional risk posed by various TACs within the District. Also included are historical, current, and projected air toxic levels, based on data and analyses of AQMD toxic inventories, AQMP and ATCP-related emission reductions, and risk models. Chapter 3 describes the measures and implementation approaches for the CCP and how they are integrated. It also details the specific

measures of the draft CCP. Chapter 4 includes the implementation schedule for each of the measure presented in Chapter 3.



NUISANCE-01**Nuisance Rule (Odors/Nuisances, Possibly TACs and Criteria Pollutants)****Measure Objective**

- *Enhance effectiveness of AQMD Nuisance Rule 402*

Implementation Approach

- *Evaluate Rule 402 and “Policies & Procedures on Public Nuisance Investigation”*

Background

Public nuisance issues relating to the release of air contaminants are addressed by the AQMD through enforcement of Rule 402 – Nuisance, adopted in 1976. The rule is generally a restatement of the text found in the California Health and Safety Code Sections 41700 and 41705. Air quality complaints that may result in a public nuisance situation are received through the AQMD’s 24-hour complaint line (1-800-CUT-SMOG) and may be immediately dispatched to an inspector for investigation depending on the nature of the complaint, date and time received, and accuracy of the information provided. Complaints are responded to by communication with the complainant and investigation of the complaint site. Violations under Rule 402 require verification of the nuisance by the inspector with each of a considerable number of complainants (typically 6 persons from different households), and must be traced to a confirmed source. These requirements support AQMD’s ability to meet the definition of “public nuisance”. AQMD “Policies & Procedures on Public Nuisance Investigation” is provided in Appendix B of this document.

Although overall numbers of complaints received by the AQMD has decreased over the last decade, a need to develop public nuisance prevention strategies still exists. Federal, state and local rules and regulations continue to reduce emissions of criteria pollutants and toxic air contaminants from various sources, however, eliminating public nuisance issues associated with processes at these sources remains a challenge. Affected communities experience problems ranging from odors at landfills, rendering facilities, and refineries; overspray from painting operations; and dust exposure from outdoor operations to name a few. Resolving odor related nuisances can be problematic due to dissipation of often intermittent odors prior to verification, and weather and wind conditions making it difficult to trace problems to a source. Establishing public nuisance violations can also be difficult when only a few complaints are made to the AQMD, preventing enforcement staff from concluding that it is a “public” nuisance and there that has been a violation under Rule 402.

Implementation Approach

Evaluate Rule 402 and Public Nuisance Procedures

The first step of this measure is to evaluate Rule 402 implementation and determine ways for the



AQMD staff to be more proactive in resolving nuisance issues. During this first step, AQMD staff will evaluate options of how “public” nuisance may be defined and the process to address recurring nuisance complaints. Evaluations may result in amendments to Rule 402 and “Policies & Procedures on Public Nuisance Investigation” to provide for a more systematic and prompt response to nuisance incidents. This may result in the need to amend existing rules and policies and procedures or amendments to Health and Safety Code Section 41700. In addition, the District may use legal tools, such as Orders for Abatement (administrative sanctions which can be used to require a facility to mitigate odors or other air pollution impacts), to address public nuisances originating from individual facilities. Another concept the AQMD is considering is the development of a new rule requiring facilities with recurring odor nuisance issues to submit odor management plans requiring odor control equipment or operational modifications.



NUISANCE-02

Source-Specific Nuisance Rules (Odors/Nuisances, Possibly TACs and Criteria Pollutants)

Measure Objective

- *Address nuisance issues through industry-specific rules or programs*

Implementation Approach

- *Identify persistent odor issues and develop industry-specific rules or programs to reduce odors*
- *Research for a systematic, scientifically-based odor nuisance resolution practice*

Background

Approximately 50 percent of the air quality complaints received by the AQMD involve the reporting of odor events. Some events cannot be attributed to a known source or are a product of unpredictable events such as breakdowns or emergencies. For those that are regularly associated with particular industries and processes, odor prevention may be possible through the development of rules or programs specific to industries or sources such as waste water treatment plants and landfills.

One of the measures in the 2004 Addendum to the Air Toxics Control Plan was to develop a pilot program for odor mitigation. Rule 410 – Odors from Transfer Stations and Material Recovery Facilities (MRFs) was adopted in 2006 as the first AQMD rule to address odor nuisances. Combined with AQMD Rule 402 – Nuisance, a comprehensive strategy for prevention and mitigation is available for transfer stations and material recycling facilities. The rule reduces the possibility of odors from the subject facilities by requiring site-specific odor management practices. The purpose of this measure is to use this approach or other types of programs to address nuisance issues from other industries.

Implementation Approach

The first step in implementing this measure would be to evaluate odor complaints received by the AQMD to identify types of facilities or processes with odor issues occurring on a regular basis. Approaches to this measure could take the form of additional rules modeled after Rule 410 or some other type of program to reduce odors from specific sources. Requirements may include performance requirements, odor minimization plans, or community notification and reporting requirements.

Another approach currently in early development is for a new systematic, scientifically-based odor nuisance resolution practice to be developed by the academic community and the AQMD. A contract with a UCLA team of olfactory experts was recently approved to enhance AQMD's ability to better characterize nuisance odors and enhance potential mitigation measures to resolve



odor complaints. AQMD staff will look into developing new rules or policies for odor nuisances based on findings of the study.



Chapter 4: Implementation Schedule

Implementation Schedule

The CCP, like the previous air toxics plans, addresses specific sources of air toxics and nuisance. Further, it enhances compliance efforts making them more accessible, understandable, and responsive to the public. It contains elements to improve coordination with other government organizations. It also focuses on education and outreach to increase awareness of toxic exposure and better alternatives for the public and schools. In order to address these highly impacted areas and their unique circumstances, an integral part

of the CCP is a community-based approach which provides an opportunity for community input and focuses on the cumulative impacts of individual communities and neighborhoods. Due to the varied scopes and complexities of each measure, full implementation of the CCP will depend on AQMD staff resources and availability of members from the community and other governmental regulatory entities. Table 4-1 lists all the measures of the CCP along with a schedule describing when specific actions for each are proposed to begin. As this Draft CCP is revised to final draft, information will be added to this chapter concerning resource requirements.

**Table 4-1
CCP Measures Implementation Schedule**

Measure	Title	Proposed Action and Implementation Date
Community-01	Community Exposure Reduction Plan	Phase 1 – Mid 2010 Phase 2 – Early 2011 Phase 5 – Mid 2011
Community-02	Community Guidance for Reducing Air Toxic Exposure	Begin development of CERP guidance process– Mid 2010
Community-03	Greening Communities Through Accelerated Toxic Emission Reduction Projects for Existing Sources	Identification and prioritization of disproportionately impacted areas – Mid 2010 Begin assessment of funding sources – Mid 2010 Implementation of emission reduction projects – Ongoing beginning after Mid 2010
Participation-01	Clean Communities Pledge	Develop Clean Communities Pledge and outreach for participation – Middle of 2010



**Table 4-1
CCP Measures Implementation Schedule**

Measure	Title	Proposed Action and Implementation Date
Participation-02	Clean Schools Pledge	Develop Clean Schools Pledge and outreach materials – Mid 2010
Participation-03	Enhanced AQMD Community Meetings	Begin enhancements to AQMD community meeting format – Late 2010
Outreach-01	Clean Air Toolbox for Local Governments, Communities, and Schools	Develop “Proximity Matters” advisory document for planners – TBD Develop sample anti-idling ordinances and signage for idling trucks and trains - TBD
Outreach-02	Community Dialogue	Begin development of “Ask AQMD” online forum and enhancements to the MATES III interactive risk map – Late 2010
Outreach-03	“Playing it Safe” Campaign	Begin development of “Playing it Safe” Brochures – Late 2010
Outreach-04	Cleaner Choices to Reduce School Children’s Exposure to Toxics	Begin development of educational materials on reducing children’s exposure to air toxics – Mid 2010
Outreach-05	Advocating Toxic-Free Choices	Begin development of health bulletins and brochures identifying air toxic sources – Mid 2010
Agency-01	Promoting Better Land-Use Decisions	Evaluate feasibility of providing a preliminary site assessment service for land use planners – Mid 2010 Remaining implementation items – Late 2010
Agency-02	Multi-Agency Coordinated Response	Establish list of participants for the Interagency Task Force– Mid 2010 Remaining implementation items – 2011
Compliance-01	Enhancements to AQMD’s Compliance Program	Late 2010
Compliance-02	Increased Public Awareness and Participation to Enhance Compliance	Early 2011
Stationary-01	Lead Emissions	Currently in progress
Stationary-02	Lead Paint for Pre-1978 Structures	Early 2010 – Outreach development



**Table 4-1
CCP Measures Implementation Schedule**

Measure	Title	Proposed Action and Implementation Date
Stationary-03	Identifying New Sources	Late 2011
Stationary-04	Alternative Assessment for Use of Acutely Hazardous Materials	Early 2012
Stationary-05	Indirect Sources (Diesel PM)	Step 1 – Mid 2010 Step 2 – Mid 2011 Step 3 – 2012 Step 4 – 2013
Nuisance-01	Nuisance Rule	Evaluate Rule 402 for options to define “public nuisance” – Mid 2010 Promulgate amendment of Rule 402 – 2011
Nuisance-02	Source-Specific Nuisance Rules	Identify and evaluate nuisance source types – 2011 Look into developing new odor rules or policies – 2012



APPENDIX C

AQMD PUBLIC NUISANCE INVESTIGATION POLICIES & PROCEDURES

South Coast Air Quality Management District Policies & Procedures

Subject: Public Nuisance Investigation

Date: May 1, 1989

No. C-1

1.0 POLICY

The District will investigate public nuisance complaints and issue Notices of Violation for public nuisances. This document identifies the District's authority in these areas and provides guidelines for gathering evidence to substantiate public nuisance complaints.

2.0 GENERAL

An inspector usually conducts a public nuisance investigation in response to complaints from the public. To prosecute a public nuisance violation successfully, the chief prosecutor's office needs documented evidence that the activity or condition is in violation of Health and Safety Code Section 41700. The District is both the investigative and enforcement agency for public nuisance complaints.

3.0 HEALTH AND SAFETY CODE SECTIONS 41700 AND 41705

The complete texts of Sections 41700 and 41705 are given below. In substance, the text of Rule 402 is a restatement of

Sections 41700 and 41705.

41700. Except as otherwise provided in Section 41705, no person shall discharge from any source whatsoever such quantities of air contaminants or other material which can cause injury, detriment, nuisance, or annoyance to any considerable number of persons or to the public, or which endanger the comfort, repose, health, or safety of any such persons or the public, or which cause, or have a natural tendency to cause, injury or damage to business or property.

41705. Section 41700 shall not apply to odors emanating from agricultural operations necessary for the growing of crops or the raising of fowl or animals.

4.0 PUBLIC NUISANCE INVESTIGATION GUIDELINES

The inspector will conduct a public nuisance complaint investigation in accordance with the following guidelines:

- a. The inspector will check the complainants' premises or adjacent areas for the emissions

complained of (examples: odors, dust fallout, paint overspray). This may require driving around in the area surrounding the source. The inspector will write in the Violation Notice Report that this was done. Additionally, the inspector will note in the report whether or not another potential source of the emission was found.

1. If evidence of emissions is found, the inspector will track the emissions upwind from the complainants by visual or olfactory observations.
 2. If no evidence of emissions is found, the inspector will ask the complainants for a description of the emissions and for other information which may help to determine their source.
- b. After identifying the emissions and source, the inspector, using the process of elimination, will check all possible areas surrounding the alleged or known source to exclude any other potential source.

The inspector will inspect the source premises and establish the specific equipment or process responsible for the emissions. This involves inspecting all vents, stacks, and openings where the emissions occur or may occur, obtaining

samples of emissions if possible, and checking for Permits Operate.

- c. The inspector will list all persons contacted at the source premises by full name and title (Mr., Mrs., Ms.), and will also include phone number, responsibility in the incident, and information to which each person can testify if called by the prosecutor as a witness.

The inspector may ask the complainants whether they know of other persons in the neighborhood who have complained of the emissions. If so, the inspector will request the complainants to tell these other persons to contact the District.

- d. After establishing the source, the inspector will contact all complainants and, if possible, obtain samples of emissions from the complainants; premises. In more complex cases, the inspector may require a source test, air monitoring, and perhaps assistance from local health officials to establish health endangerment or natural tendency to cause injury or damage to business or property.
- e. If a violation is indicated, the inspector will obtain the completed complaint forms from the complainants.

5.0 DISTRIBUTING AND COLLECTING COMPLAINT FORMS

- a. Whenever possible, the investigating inspector will personally distribute a complaint form to each complainant. The inspector's report must include the time, place, and date such forms were distributed and collected.
- b. The inspector will interview each complainant either at the time of the complaint or when the declaration form is collected.
- c. Inspectors who assist the investigating inspection to distribute or collect nuisance complaint forms must comply with the requirements of steps a and b above.

6.0 COMPLETING THE COMPLAINT FORM

- a. The complainant must list a residence location on the complaint form (attached), not a post office box number. The business address and telephone number should indicate where the complainant can be contacted from 8:00 a.m. to 4:30 p.m. Monday through Friday.
- b. The complainant must complete items 1 through 8 on the form. If the information is not known or is not applicable, the complainant will

indicate "not known" or "not applicable" in the space provided.

- c. The inspector will check that the signature is the complainant's legal name. If the answer to item 8 is "No," the complainant must complete the declaration on the reverse side, using printing rather than hand writing.
- d. The inspector will review the form and complete the "APCD USE ONLY" block.

7.0 REQUIREMENTS FOR ISSUING A PUBLIC NUISANCE VIOLATION NOTICE

- a. Before a public nuisance violation notice is issued, the investigating inspector must observe, identify, or otherwise establish evidence of the emissions complained of at or near the complainants' location.
- b. The investigating inspector must establish the source of the emissions and eliminate other potential sources.
- c. A multiple complaint condition must be documented. As a rule, District Legal Counsel prefers that it be based on a minimum of six (6) to ten (10) complainants from separate households. However, special circumstances

may dictate that a Notice of Violation be issued if supported by fewer complainants. For example, if property damage or a potential health hazard exists, a husband and wife living at the same residence may be considered as separate complainants. A Notice should not be issued only on the basis of complaints from members of a single family living at one location.

- d. The investigating inspector should complete the Notice of Violation form. In some instances another inspector may serve the notice.
- e. The inspector who establishes the public nuisance violation will write all of the supporting documentation, clearly demonstrating that each element of the violation has been met. Any inspectors who assist in gathering evidence or interviewing witnesses will prepare separate reports, coordinated by the lead inspector on the violation.