



DATE: November 7, 2017

CATEGORY: New Business

DEPT.: City Manager's Office

TITLE: **Letter of Support – Bay Area Air Quality Management District Rule 11-18: Reduction of Risk from Air Toxic Emissions at Existing Facilities (Toxic Risk Reduction)**

RECOMMENDATION

Consider whether to direct staff to draft a letter of support for the Bay Area Air Quality Management District Rule 11-18: Reduction of Risk from Air Toxic Emissions at Existing Facilities.

BACKGROUND

At the October 24, 2017, meeting, Council asked staff to place on an upcoming agenda an item to consider taking a position of support for the Bay Area Air Quality Management District (Air District) Rule 11-18: Reduction of Risk from Air Toxic Emissions at Existing Facilities (Toxic Risk Reduction). The purpose of this Council report is to provide information received from the Air District on Rule 11-18 to assist the Council with its consideration of this proposed regulation.

ANALYSIS

The following analysis is taken from materials prepared by the Air District (Attachment 1). City staff has not been able to conduct independent analysis due to the turnaround time required and work on other priorities.

Ambient toxic risk in the Bay Area has declined significantly in the last quarter century. However, there are still many areas in the Air District that are impacted by elevated risk levels from both stationary and mobile sources. Many of these areas are considered Community Air Risk Evaluation (CARE) communities.

The new proposed Regulation 11 or "Toxic Risk Reduction Rule" would apply to all facilities whose emissions of toxic air contaminants may result in a significant risk to nearby residents and workers. The purpose of Rule 11-18 is to focus on facilities

causing the highest impacts across the Bay Area and to require those facilities to reduce that health risk.

Proposed Rule 11-18 is the next step in the Air District's efforts to protect public health from toxic air pollution. The rule is expected to substantially reduce health risks posed by various facilities by requiring the implementation of all technically and economically feasible risk reduction measures to significant sources of toxic air contaminants (TACs). The proposed rule would affect hundreds of facilities, from large facilities like petroleum refineries, data centers, chemical plants, and cement manufacturing, to much smaller businesses like some gas stations, dry cleaners, and crematoria. These facilities emit a variety of TACs that can adversely impact public health. These pollutants include compounds such as diesel particulate matter (DPM), benzene, polycyclic aromatic hydrocarbons (PAHs), and 1,3-butadiene. Staff is unaware of what the impact would be to local businesses in Mountain View subject to the proposed air quality regulation.

Many of the facilities likely to be affected are located in Bay Area communities that face a variety of public health challenges. Risk reduction from existing facilities achieved by this rule is expected to provide greater benefit to these communities. In addition, Rule 11-18 would help to address some of the Air District's potential obligation under Assembly Bill 617 Nonvehicular Air Pollution: Criteria Air Pollutants and Toxic Air Contaminants, which was signed by the Governor in July 2017.

The Air District hosted scoping meetings in November 2016 to solicit public comment on the Notice of Preparation and Initial Study for Rule 11-18. Open house/workshop events were held in November 2016 and March 2017. A webinar and informational session was held on October 12, 2017. Public comment on the proposed rule closed on October 25, 2017. The proposed final draft of the rule will be presented to the Air District Board of Directors for consideration on November 15, 2017.

FISCAL IMPACT

There is no direct fiscal impact to directing staff to draft a letter of support for the Bay Area Air Quality Management District (BAAQMD) Rule 11-18: Reduction of Risk from Air Toxic Emissions at Existing Facilities (Toxic Risk Reduction).

ALTERNATIVES

1. Direct staff to send a letter of support for the proposed rule.
2. Do not direct staff to send a letter of support for the proposed rule.
3. Provide alternative direction.

PUBLIC NOTICING – Agenda posting.

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CG/4/CAM
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Attachment: 1. [BAAQMD Staff Report for Proposed Regulation 11, Rule 18:
Reduction of Risk from Air Toxic Emissions at Existing Facilities](#)