

# Air Quality Update

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## LARGE SPARK-IGNITION ANNUAL REPORTING

The California Air Resources Board (CARB) amended their Large Spark-Ignition (LSI) Regulation in 2016 to require inventory reporting for non-diesel-fueled off-road forklifts and non-forklift equipment consisting of sweepers/scrubbers, industrial tow tractors, and airport ground support equipment that are propane, gasoline, or compressed natural gas-fueled. The fleet size determination must include electric and fuel-cell equipment, Limited Hours of Use (LHU) equipment, and long-term rentals/leases. Small fleets with three or fewer forklifts and/or three or fewer non-forklift equipment units are exempt from the fleet average, reporting, and labeling requirements. All other fleets must meet their respective fleet average emission level standard and report their fleet.

The initial reporting deadline was June 30, 2017, in the LSI section of the Diesel Off-Road Online Reporting System (DOORS). Upon registering the inventory, each unit is automatically assigned an Equipment Identification Number (EIN), which must be labeled on the equipment within 30 days.

Inventory changes, such as return of rentals/leases, new purchases, retrofit installation, etc., must be reported in DOORS within 30 days.

Annual reporting is due June 30, from 2018 until at least 2023. Hour meter readings for LHU equipment must be reported in June for the previous calendar year. The reporting is concluded by requesting and using an electronic PIN to electronically sign the Attestation form,

which certifies that “all reported information is true, accurate, and complete.”

## CALIFORNIA PROPOSITION 65 UPDATE

*California Code of Regulations (CCR) Title 27, §25600, et seq.*

Stringent changes to California’s Safe Drinking Water and Toxic Enforcement Act of 1986, more commonly known as Proposition 65 (Prop 65), may require extensive modifications to compliance programs for many California businesses and also for non-California businesses that sell products to California consumers through retail, catalog, or online sales. The new Prop 65 regulation becomes effective August 30, 2018. The Prop 65 program is administered by the Office of Environmental Health Hazard Assessment (OEHHA) and is enforced by the Attorney General or by “any individual acting in the public interest” who files a lawsuit against a business believed to be in violation of Prop 65.

The Prop 65 regulation requires that anyone who, in the course of doing business, “knowingly or intentionally” exposes anyone at levels exceeding threshold values to a chemical known to the State to cause cancer or reproductive toxicity, must provide “clear and reasonable” warning *before* the exposure occurs. The OEHHA-established threshold values include the No Significant Risk Level (NSRL) for carcinogens and the Maximum Allowable Dose Level (MADL) for reproductive toxins.

Businesses have the option of providing exposure warnings that meet the “clear and reasonable” standard for consumer product, occupational, or

environmental exposures or using the specific “safe harbor” methods and warning content provided in the new regulation. The amended safe harbor methods and language include requirements (*article continued on back page...*)

### Air Quality Tip

*The August 30<sup>th</sup> deadline for the new Prop 65 “clear and reasonable” warning notices is fast approaching. These warnings require specific language and identification of product, chemical, and area exposure warnings. See the article here for detailed information.*

### Upcoming Training Offered by Yorke Engineering

- California Multi-Media Environmental Regulations: Permitting, Compliance, and Reporting Seminar:  
October 9 – October 10, 2018  
<http://yorkeengr.com/classes>

### Upcoming Due Dates for 2018/2019\*

- CARB GHG Verification..... 8/10/18
- CARB GHG Cap-and-Trade Annual Compliance Surrender..... 11/1/18
- CARB Off-Road Diesel Performance Requirements for All Fleet Sizes ..... 1/1/19
- CARB On-Road HDDVs: 1999 EMY w/ GVWR 14,001-26,000 lbs Must Be Replaced, Low-Use, or Retired..... 1/1/19
- CARB On-Road TRUCRS Reporting for Flexibility Options..... 1/31/19
- CARB Off-Road DOORS Reporting for All Fleet Sizes..... 3/1/19
- CARB PERP Equipment Units Annual Report..... 3/1/19
- CARB Refrigerant Reporting for Med./Lrg. Systems (≥ 200 lbs)..... 3/1/19
- Semi-Annual Title V Report..... Semi-Annually
- Annual Title V Compliance Certification..... Annually
- Title V – Application for Permit Renewal – Due 180 Days Prior to Permit Expiration

*\*All due dates listed are the statutory dates; sometimes dates are extended when they fall on a weekend/holiday.*

(...article continued from front page) for specific product, chemical, and area exposure warnings, such as restaurants, medical and dental offices, amusement parks, parking garages, wood dust areas, designated smoking areas, service stations, vehicle repair facilities, diesel engines, passenger vehicles, and industrial petroleum products, among others.

The new regulations change the safe harbor warnings that are deemed to comply with the law in several important ways. For example, the new warnings must include the name of at least one carcinogen and one reproductive toxin (as applicable) and must identify one or more sources. Also, the language has been changed to say “can expose you to” a Prop 65 chemical, rather than saying the product “contains” the chemical. Other changes include:

- Specific font and/or sign size requirements for warning signs;
- The addition of the internet address for OEHHA’s new Prop 65 warnings website, [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov);
- A triangular yellow warning symbol with a black exclamation point; and
- The potential need for warnings in languages other than English.

As an example, a current Prop 65 warning may look like this:

**WARNING:** This area contains chemicals known to the State of California to cause cancer.

Under the new regulation, the same warning would look like this:

**⚠ WARNING:** Entering this area can expose you to chemicals known to the State of California to cause cancer, including [name of one or more chemicals], from [name of one or more sources of exposure]. For more information, go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).

If a business exposes an area beyond its property boundary to Prop 65 chemicals, it must provide “clear and reasonable” warning to the affected area in which an exposure above NSRLs or MADLs occurs. Notices may be in the form of a notice mailed, sent electronically, or otherwise delivered to each occupant within the affected area, or published in the main or local news section of the newspaper with the largest circulation in the area for which the warning is given. These warnings must be mailed and or published every 3 months and must now include a map of the affected area and be provided in English and in any other language ordinarily used within the affected area. Newspaper notifications also must now be a quarter page in size in the print version of the newspaper.

If an exposure occurs within the workplace, occupational exposure warnings may be provided in the form of appropriate “clear and reasonable” warning signs or labels and/or through full compliance with all warning information, training, and labeling requirements in the federal Hazard Communication Standard (Code of Federal Regulations Title 29, Section 1910.1200), the California Hazard Communication Standard (8 CCR Section 5194), or, for pesticides, the Pesticides and Worker Safety requirements (3 CCR Section 6700, et seq.).

Prop 65 and its regulations are posted at: <https://oehha.ca.gov/proposition-65/law/proposition-65-law-and-regulations>

For a side-by-side comparison of the current and new warning regulations, see: <https://oehha.ca.gov/media/downloads/crn/side-sidearticle6.pdf>

*Yorke Engineering, LLC specializes in air quality and environmental consulting for stationary and mobile sources, including dispersion modeling, health risk assessments, permitting, emission inventories, air quality compliance systems, etc. Yorke Engineering has assisted over 800 customers, including a wide variety of industrial facilities and government organizations throughout California.*

More information can be obtained at: <https://www.p65warnings.ca.gov/new-proposition-65-warnings>

You may also contact the Prop 65 Implementation Program office by phone at (916) 445-6900 or e-mail at [P65.Questions@OEHHA.ca.gov](mailto:P65.Questions@OEHHA.ca.gov).

## CARB REFRIGERANTS: NEW HFC REGULATIONS

Hydrofluorocarbons (HFCs), which are commonly used in refrigeration and air conditioning systems, are among the most potent and widely used atmospheric pollutants in the world. These powerful chemicals impact global warming by trapping relatively large amounts of heat in the atmosphere. In recent years, the rapid growth in HFC usage has prompted legislative responses at both the State and federal level.

In September 2016, the State of California adopted Senate Bill (SB) 1383, which calls for the reduction of HFC emissions by 40% below 2013 levels. In support of this goal, on March 23, 2018, CARB adopted new regulations aimed at facilitating the transition to the use of HFC alternatives that have shown lower global warming potential. The new regulations identify prohibited HFCs and prohibit their use in the manufacturing of specific refrigeration equipment and commercial foams. Additionally, manufacturers are responsible for certifying their use of compliant refrigerants and foam agents by way of a notification disclosure statement.

Ultimate satisfaction of SB 1383 will lead to the reduction of 3.4 million metric tons of carbon dioxide equivalent emissions annually.