

**SACRAMENTO METROPOLITAN
AIR QUALITY MANAGEMENT DISTRICT**

For Agenda of **October 28, 2010**

To: Board of Directors
Sacramento Metropolitan Air Quality Management District

From: Larry Greene
Executive Director/Air Pollution Control Officer

Subject: Adopt a Resolution Approving Amendments to Rule 466, Solvent Cleaning
(Continued from the September 23, 2010 agenda)

Recommendations

1. Determine that the amendments to Rule 466 are exempt from the California Environmental Quality Act (CEQA); and
 2. Approve the attached resolution approving the amendments to Rule 466.
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Executive Summary

A public notice was published for this item to be heard at the September 23, 2010 Board meeting. At that meeting, the Board opened the public hearing and continued the hearing to the October 28, 2010 meeting. This report re-states the information provided in the prior Board item.

Rule 466, Solvent Cleaning, was amended on September 25, 2008. As part of the amendments, a new VOC content limit of 200 g/L was added for sanitizers used on food manufacturing or processing equipment. Staff has now determined that this limit is not feasible for dry and low-moisture food processing equipment because no compliant products have been identified that will provide adequate protection against pathogens. Staff is proposing an exemption for sanitizing products which are labeled and applied to food-contact surfaces that are used to process dry and low-moisture food products and are not rinsed prior to contact with food.

Attachments

The table below identifies the attachments to this memo.

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Background

Rule 466 reduces the emissions of VOC from solvent cleaning operations and activities by limiting the VOC content of cleaning solvents. VOC emissions are further reduced by work practice requirements for the storage and disposal of new and spent cleaning solvents. The rule was first adopted on May 23, 2002 and was last amended on September 25, 2008.

The September 25, 2008 amendments to Rule 466 added a VOC content limit of 200 g/L for materials used in the sterilization of food manufacturing or processing equipment, to be effective one year later. Staff subsequently received comments claiming that the limit is not feasible for dry food manufacturing and processing equipment. After investigating this issue, Staff was unable to identify any compliant sanitizers that would provide adequate protection against pathogens. Low-VOC sanitizers typically have high water content and dry more slowly than the higher VOC products. The water residue left behind by low-VOC products provides an opportunity for any remaining pathogens to reproduce. While wet food processing operations can eliminate this risk by rinsing away any residual pathogens, rinsing would unduly burden dry food processors, because an extensive amount of time would be required to tear down, sanitize, dry and reassemble the equipment before contact with the dry food product.

Staff sent an enforcement advisory to affected sources in August 2009 before the new VOC limit went into effect. The advisory stated that Staff would not enforce the VOC limit for sterilization of food manufacturing and processing equipment for sanitizers that are applied to food contact surfaces that process dry or low-moisture foods.

Summary of Proposed Changes

The proposed amendments to Rule 466 exempt from the rule requirements (except recordkeeping) sanitizing products which are labeled and applied to food-contact surfaces that are used to process dry and low-moisture food products and are not rinsed prior to contact with food. Staff has defined a low-moisture food as having a water activity less than 0.85 or other applicable standards approved by the Air Pollution Control Officer, California Air Resources Board, and U.S. Environmental Protection Agency. The proposed amendments also include a definition and test method for water activity.

Impact on Businesses

The proposed amendments do not impose any added cost to businesses.

District Impacts

The proposed amendments will not create a need for additional Staff resources.

Emission Impacts

The proposed exemption for Rule 466 will result in loss a of 0.005 tons per day of VOC emissions reductions that were expected to be achieved when Rule 466, along with eight other rules with solvent cleaning requirements, were amended in September and October of 2008.

Environmental Review and Compliance

Staff finds that the approval of the proposed action is exempt from CEQA under Section 15061(b)(3) of the State CEQA Guidelines because it can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment. Because the lower VOC limit was infeasible for dry food manufacturers and processors, the limit was never enforced and therefore there will be no environmental impact.

Public Outreach and Comments

Staff held meetings with Blue Diamond Growers to discuss the issues with the low-VOC limit for dry and low-moisture food processors. Staff reviewed documents to support claims regarding sanitation requirements and studies of sanitizer effectiveness. Staff also visited Blue Diamond's facility to examine the equipment and processes to determine the feasibility of low-VOC sanitizer use. A 30-day notice for the public hearing was published in the Sacramento Bee on August 23, 2010 and posted on the District's web site. The notice was also mailed and e-mailed to members of the public who have requested notices for rulemaking activity. Staff will receive comments during the 30-day period. The public will also have an opportunity to address the SMAQMD Board of Directors during the hearing.

A notice was e-mailed to members of the public who have requested notices for rulemaking activity regarding the continuance of the public hearing to the October 28, 2010 Board meeting.

Conclusion

The proposed amendments to Rule 466 will allow manufacturers and processors of dry and low-moisture foods to continue to use the sanitizers necessary to maintain a safe food product. Staff recommends that the Board determine that Rule 466 is exempt from CEQA and approve the attached resolution adopting Rule 466 as proposed.

Respectfully submitted,

Larry Greene
Executive Director/Air Pollution Control Officer

Approved as to form:

Kathrine Pittard
District Counsel

Attachments