



# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT

December 20, 2006

Ms. Suzanne Noble  
Senior Coordinator  
Western States Petroleum Association  
901 Tower Way, Suite 300  
Bakersfield, CA 93309

RE: Comments on Draft District Policies

Dear Ms. Noble,

The District has reviewed your suggestions and comments on some of our draft policies and would like to thank you for taking the time to make your suggestions. It is always helpful to have another set of eyes and a different viewpoint to look over documents. And your comments were very helpful.

We have or will make changes recommended by some of your comments, but will not make the changes suggested in others. Changes made to policies will be reflected in the draft policies published on the website. Several of your comments addressed the intended audience of the policies and, because these are intended to help the inspectors to do a more consistent and efficient job, these changes were generally not made.

We respond below in the order that you submitted the suggestions.

Response to WSPA comments on draft policies:

### **Breakdown**

Section II.B. Extension of 10-day re-inspection time. The 10-day period is in the policy to increase the inspector's flexibility in dealing with their responsibilities. Because a breakdown in an admission of non-compliance, and frequently of non-compliance with emissions limits, extending the time to verify compliance is inconsistent with District goals. Ideally we would be able to inspect all emissions breakd

owns as soon as compliance is re-established and then again to determine if breakdown relief is warranted, but this is simply not possible.

References to “You” and “Your”. Our policies are written primarily to provide guidance to District staff to promote uniformity and efficiency in our work. It should be understood that inspectors are the intended audience of all the policies.

Section III.B.3. Section I.C will be modified to include contact of the source and advice of options if the condition cannot be corrected.

Section III.B.5. This section requests photographs, but does not require them. Rule 1100, Section 7.5 makes the same request.

Section III.B.7 and B.8. Although the initial report has been filed by this time, start times are often estimated in the initial report with subsequent revision. In this instance, the times do need to be “determined” and this is an appropriate choice of words.

Section III.B.9 and B.10. This section is intended to guide the inspector through some very specific questions. If the policy were shortened it would not provide as effective instruction. The goal is to ask all of the pertinent questions at one time to prevent the need for further investigation.

Section IV.3.f. This section will be modified to read: “Not a recurrent breakdown. Recurrent is defined by policy as the failure of the same component 3 times in the last 3 years. Breakdown relief may not be granted for recurrent incidents unless the specific cause of the incident can be differentiated from the previous failures. Tracking of recurrent breakdowns prevents granting relief for chronic problems. If questions arise, see your supervisor.”

Section IV.A.7. Because this section is under the heading about the review of the 10-day report, it is thought that it is already clear that the additional information must be given additional time.

Section IV.B.1.d. Section 1.d refers to the case where the source finds that they do not meet the criteria of Rule 1100 and withdraw the request for relief. NOV's are issued in these cases for the violation stemming from the equipment failure. Section 1.c. is also commonly used when the investigation reveals that no violation existed, and that no relief is required. NOV's are not issued in these cases. Section 1.c. will be re-written to read, “Determine that no violation of permit condition or rule exists. Some facilities will determine this as well and will ask in writing that the breakdown request be rescinded” Section 1.d. will be re-written to read, “Determine that the breakdown request has been withdrawn by the facility. This is only done when the source determines that it does not qualify for breakdown relief. An NOV shall be issued when a breakdown is withdrawn.”

Section V.B.3. The policy will be amended to include “where”. The second point is addressed above.

Section V.B.4. It is thought that this point is clarified by the changes suggested above.

### **Rule 4623**

I C d. This section will be revised to clarify that one person must function as the attendant, and that two people are required for the inspection. The policy will be revised to make it clear that the attendant is required to have communications ability (host’s radio or cell phone). District inspectors will follow the more stringent of District or company’s safety requirements. It is the District’s understanding that most floating-roof tanks are not permit-required confined spaces and therefore do not require that the attendant have SCBA. The exceptions are for inherently dangerous materials such as high-H<sub>2</sub>S products or benzene-laden gasoline, and these are permit-required confined spaces.

I C f. The confined space policy is not yet written for publication.

II A. I know of no instance where a 3-way is required for fixed-roof tank inspections, but again, the District will follow the company’s safety policy.

IV C 6. The policy will be revised to include a re-inspection if the entire roof is not visible.

### **Rule 1180 – Notice to Comply**

The suggestions for Section I and Section III are related. The intent is not to allow the same violation to be repeated. The second instance of the same violation will not result in the issuance of an NTC.

I.A.3. First-time late Title V reports are issued NTCs under some circumstances. This section will be revised to read “Certain reports (including some Title V reports) submitted beyond the required due date may be eligible for an NTC if they were submitted within 15 days of the original due date. Late submittal of any Title V reports must be accompanied by a deviation report for the late submittal. An NTC may not be issued for reports late a second time. Refer to Policy COM 1142 Processing Title V Reports for details on which reports qualify.”

### **Notice of Violation Guidelines**

Section IV.A.4 This section will be revised to read, “submit an application for an Authority to Construct and/or Permit to Operate for the new or modified equipment.”

Section C. This section will be revised, in part, to read, “1. An on-site District inspection, 2. A source test provided by the source, 3. A lab analysis provided by the source or the District, 4. Filing an application for variance that is later granted, 5. Determination that the source has ceased operation of the affected equipment, or has closed down and is otherwise not in business, 6. Determination that the source’s application for ATC or PTO has been deemed complete.

VII.F.4. Although it is the preference to issue NOVs in person, many are mailed. Some guidance is required for those instances.

### **District Registered Portable Equipment**

Policy Statement. The second sentence in the Policy Statement will be changed to: “Failure to comply with registration conditions is a violation and may subject the source and the owner/operator to enforcement action.”

II B 2 a. This section will be changed from “Review permitted equipment” to “Review registered equipment information.”

Section II Permit Requirements, will be changed to “...III Permit Requirements”

IV A 1 i. This first sentence of this section will be changed to: “Determine if portable equipment subject to registration is in operation at facility.” There may be instances where portable equipment operated under contract at a facility is included in the inspection of that facility. Whether the equipment is rented by the facility or by a contractor employed by the facility, it may still be included in an inspection. Responsibility for the equipment can be determined during the inspection.

### **Product Sampling**

Title. The policy title will be changed to “District Product/Material Sampling”

C. Fuel sampling. The policy will be changed to add section “IIC 1 c Gaseous samples. The District does not have the equipment required to collect gaseous samples. Any sampling required will be obtained by a third-party such as a laboratory, and analyzed according to sample type.”

### **Rule 4306**

Inspection Procedures

Safety and Inspection Equipment

The second line of the policy will be revised to read, “Hearing protection, H2S monitor as appropriate”

#### Inspection Activities

It is felt that 20% of the units is a good representative sample, and, as most of the units will only be sampled for 5 minutes, it is not suggested to limit this number.

#### Post Inspection Activities

Policies for Rules 4701 and 4702 will be revised to include the compliance limits. See comments for those policies.

#### Post Inspection Activities

Alternative monitoring. "Typically one hour" is appropriate for this policy.

#### **Rule 4409**

II.B.4.c and B.4.d These sections of the policy use the word "expeditiously" for the sake of brevity. The Section mentioned in d. does not require a reference to repair time. Section c. will be revised to read, "... on leak rate or % (refer to Table 3 for allowable repair periods)."

II.B.9 This section is asking if anyone conducted the inspection, rather than asking who conducted the inspection. It will be revised to read, "Was someone (in-house or contractor) identified who has conducted the inspections?"

The inspection forms will be attached, but to date, no Compliance Assistance Bulletin has been written.

III.A. This section, as is the rest of the policy, was written for the inspectors and reflects our standard methodology. The policies are designed to guide inspectors and the use of any specified methodologies is not required by industry.

Inspection forms will be attached or linked to the document.

#### **Rule 4402, Rule 4624**

The appendices will be revised and included as needed, including any forms.

#### **Rule 4401**

General Statement, second paragraph. The paragraph refers to those facilities that have requirements in addition to those in Rule 4401. Stuffing boxes are included in some newer projects and are subject to the leak rates specified in the permit. This is to be enforced with the rest of the components. If the leak rate for these properties, including leaks found on new-well stuffing boxes exceeds that in the rule, then the facility is in violation of the permit conditions. In this case, the rule in violation would be 2070 and not 4401.

### **Portable Analyzer Policy**

General Statement Some of the District analyzers are equipped with SO<sub>2</sub> and H<sub>2</sub>S cells and will be used to monitor these gasses as well.

Analyzer Enforcement Action This policy is intended to direct District use of portable monitors. When equipment is found out of compliance during the alternative monitoring conducted by the source, the facility does have time to return the equipment back to compliance. This is not the case in the District inspections. The District does not utilize monitors to conduct alternative monitoring but to determine compliance. Sources will not be granted the time allowed in permit conditions for non-compliance documented during a District inspection.

The policy will be changed to Re-number "Review of Analyzer Results" to "4", and "Enforcement Action Based..." to "5".

### **Internal Combustion Engines**

Section 2 C. This section will be changed to, "Gloves, and H<sub>2</sub>S Monitor as appropriate,"

Unannounced Inspections. This is part of long-standing District policy, and provides us with insight into how a source normally operates.

5 B. This section will be changed in the second paragraph to "... (typically by disconnecting the fuel supply)."

5 C. Operation of an emergency standby engine is to determine compliance with visible emission limits. If the engine cannot be operated under load but can be operated, it can still be tested for compliance with Rule 4101.

5 A. The policy will be revise in the second paragraph to the following: "will be considered in compliance if the average readings are below 115 % of the limit. Averaged readings at or above 115% are considered out of compliance. For readings above 115% and up to 125% of the limit, the source shall be directed to have the engine checked and/or adjusted to meet the limits, and must report to the District within 10 days. If the results of the follow-up sampling are still at or above 115%, an NOV shall be issued. An NOV shall be issued for averaged readings in excess of 125% of the emissions limit. Please refer to the Portable Emission ...".

6 F. This section will be revised to read, "... test results between 115% and 125% of Rule and/or PTO/ATC limits. An NOV shall be issued for those readings in excess of 125% of the emissions limit, and,"

Because of the revisions to 4702, appendix 1 will have to be revised when the rule is finalized. It should not be included until that time. App. 2 should be re-numbered 1 and will be included. App. 3 should be dropped. App. 4 should be re-numbered 3 and included.

### **Source test Guidelines and Appendix G**

I.B.9 The fuel use records are necessary to verify that the equipment is being operated under normal parameters during source testing. No change is recommended to the policy.

I.C. The District believes that a failure to test as required by rule or permit conditions is a violation that warrants a Notice of Violation. This portion of the policy has been in effect and enforced for some time. This section refers to multi-year (36 month) tests and so does not include IC engines.

III.A.7. Because sulfur content can affect the fuel BTU value, a change in this parameter will affect the operation of the unit and a retest of NO<sub>x</sub>, CO, and VOCs will be required.

IV.F.2. EPA Method 1 specifies minimum distances of 2 diameters upstream and ½ downstream, the standard distances are listed as greater. The policy reflects the minimum acceptable distances, and the District has observed ambient air backflow at distances less than 2 diameters.

IV.F.3. Eight stack diameters downstream and 2 upstream are the sampling location recommended in 11.1.1 of 40 CFR Part 60, App. A-1, Method 1. The increased potential for stack stratification prevents the District from allowing a less than ideal sampling location.

Appendix G. This was designed to provide a standard format for reporting and review of source test data. While the District recognizes that use of the spreadsheet will require set up, it is expected to save time over the long run for both testing and District staff. Eventually the data may be allowed to be submitted electronically.

### **Variance Program Guidelines**

The District has modified the variance application form to read “the original petition ... with 5 copies...”

Appendices C, D, E, and F were intended as stand-alone guidelines for District staff to aid in the proper distribution of the subject documents and are not included for public comment.

### **Rule 4701 IC Engines Phase 1**

2 C. This section will be revised to read, "Gloves, and H2S Monitor as appropriate,"

5 A. This section will be revised so that, "Appendix 3" is "Appendix 2".

The 3<sup>rd</sup> paragraph will be revised to read: "will be considered in compliance if the average readings are below 115 % of the limit. Averaged readings at or above 115% are considered out of compliance. For readings above 115% and up to 125% of the limit, the source shall be directed to have the engine checked and/or adjusted to meet the limits, and must report to the District within 10 days. If the results of the follow-up sampling are still at or above 115%, an NOV shall be issued. An NOV shall be issued for averaged readings in excess of 125% of the emissions limit. Please refer to the Portable Emission ...".

5 C. Operation of an emergency standby engine is to determine compliance with visible emission limits. If the engine cannot be operated under load but can be operated, it can still be tested for compliance with Rule 4101.

### **Significant Figures**

Suggestions for modification to Policy APR 1720 have been forwarded to Permit Services for comment. The significant figures policy under the Compliance section is intended for use with data obtained in the field and may not be applicable to calculations used to determine limits.

### **Title V Form**

This is still undergoing extensive revision and your comments have been forwarded to people working on the revisions.

Once again, thank you for taking the time to look over our policies and suggest changes. Please let me know if you have any questions about the changes we are proposing to make, or those we have chosen not to implement.

Sincerely,

Mike Oldershaw  
Interim Manager  
Southern Region Compliance Department