



San Joaquin Valley

AIR POLLUTION CONTROL DISTRICT

December 28, 2007

Michael B Jennings, Manager, Health, Environment & Safety
San Joaquin Valley SBU
Chevron North America E & P
PO BOX 1392
Bakersfield CA 93302

Dear Mr. Jennings,

The San Joaquin Valley Air Pollution Control District (District) would like to thank you for taking the time to comment on two of the District's Compliance Department Policies. Your letter, dated August 30, 2007, commented on Draft Policy COM 1170, and Policy COM 1142. COM 1170 is the policy that Compliance Department Staff uses to interpret/enforce Rule 1180 –*NOTICES TO COMPLY*, and COM 1142 is the policy that Compliance Department Staff uses to interpret/enforce Rule 2520 –*FEDERALLY MANDATED OPERATING PERMITS*.

While there were no specific challenges or comments on COM 1170, just the fact that Chevron was assisting the Western States Petroleum Association (WSPA) with their review of the policy, the District will allude to COM 1170 in responding, as both policies reference the issuance of NTCs.

Chevron brought to light the varying language in COM 1142, specifically mentioning the table at the end of the policy, and how Line Item Q is different from Line Item N. Line Item Q has additional language whereby requiring the determination of compliance status before issuing a NTC for inadvertently omitting information on a Title V report.

Additionally, COM 1142 unintentionally left out the fact that NTCs can only be issued for first time violations.

Therefore the second sentence in Line Item N and Q will be rewritten to state:

“For first time violations, a NTC, rather than a NOV, will be issued if compliance status with the permit condition or rule, through the reporting period is correctly identified in the report, but additional information (e.g. methods to determine compliance, date, signature, etc.) is inadvertently omitted and the omission does not hinder the District's ability to ultimately determine compliance.”

COM 1170 states that NTCs can only be issued for first time violations, and this clarification of COM 1142 will ensure uniformity of both policies. In addition, the Federal EPA has been consulted about NTCs to Title V facilities, and at this time, concurs with the District's policy.

Should you have further questions or comments, please send them to my attention.
Sincerely,

Patrick Houlihan
Senior Air Quality Inspector