

December 1, 2003

Marcie Keever
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Justice Clinic
536 Mission Street
San Francisco, CA 94105-2968

ALAMEDA COUNTY

Roberta Cooper
Scott Haggerty
(Chairperson)
Nate Miley
Shelia Young

Re: 2003 Comments received on the Valero Asphalt Plant initial Title V permit on behalf of Our Children's Earth (OCE)

Dear Ms. Keever:

Thank you for your comments on the Valero Asphalt Plant initial Title V permit on behalf of Our Children's Earth (OCE) dated August 11, 2003.

Five comments were submitted. This letter will respond to the comments in the same order that they appear in your letter.

I. Reasonable Intermittent Compliance

Summary of Comment:

The commenter states that the Title V permit must "assure compliance" with all applicable requirements, that the District's compliance report is obsolete, and that the statement of basis (which derives its information from the compliance report) asserts that only "reasonable intermittent compliance" can be assured.

Response:

Essentially the same comment was submitted during the initial public comment period. Please see the response in our letter to you of June 30, 2003, attached. Also, please see Section 3C of the document entitled "Consolidated Responses to Comments on Refinery Title V Permits."

CONTRA COSTA COUNTY

Mark DeSaulnier
Mark Ross
Gayle Uilkema
(Secretary)

MARIN COUNTY

Harold C. Brown, Jr.

NAPA COUNTY

Brad Wagenknecht

SAN FRANCISCO COUNTY

Willie Brown, Jr.
Chris Daly
Jake McGoldrick

SAN MATEO COUNTY

Jerry Hill
Marland Townsend
(Vice-Chairperson)

SANTA CLARA COUNTY

Liz Kniss
Patrick Kwok
Julia Miller
Dena Mossar

SOLANO COUNTY

John F. Silva

SONOMA COUNTY

Tim Smith
Pamela Torliatt

William C. Norton
EXECUTIVE OFFICER/APCO

II. Regulation 8, Rule 2, Miscellaneous Operations

Summary of Comment:

Regulation 8, Rule 2, Miscellaneous Operations, should apply to this facility based on the purpose of the rule and the definition of miscellaneous operations in BAAQMD 2-2-202. The District is defining the entire facility as an "operation"; since parts of the operation are not subject to Regulation 8, Rule 2, the District has concluded that the rule does not apply to any sources.

Response:

Determination of applicability of Regulation 8, Rule 2 is not on a facility basis, but on a source basis. Sources in a source category regulated by another rule in Regulation 8 are not miscellaneous sources, and therefore are not subject to Regulation 8, Rule 2.

The comment failed to identify any sources at Valero Asphalt Plant that might meet the definition of "miscellaneous source."

III. Failure to Include Adequate Monitoring

Summary of Comment:

The permit fails to contain sufficient monitoring to assure compliance, particularly for sources S19, S20, and S21. Existing monitoring was presumed to be "adequate." The opportunity to improve existing monitoring was not utilized. NO_x monitoring for S19, S20, and S21 should be continuous to show compliance with Regulation 9-10-303.

Response:

The argument supporting the suggested change is factually incorrect. The proposed permit contains a great deal of new monitoring. The monitoring is appropriate for the types of limits and sources. Section C.VII of the statement of basis shows that temperature monitoring and source tests were added to assure compliance with VOC limits.

S19 is a 40 MMbtu/hr source; S20 and S21 are 14.7 MMbtu/hr sources. They are not equipped with post-combustion controls. The District has affirmatively determined that semi-annual source testing is adequate for small NO_x sources that do not rely on fallible post-combustion controls to reduce NO_x.

IV. Inadequate Statement of Basis

Summary of Comment:

The District's statement of basis is inadequate. Little or no explanation was provided for changes to the facility's previous draft permit. Evaluations for previous applications that should have been in Appendix C were not provided.

Response:

The argument is factually incorrect. The legal and factual basis for the emission limit is S19 is the change in BAAQMD permit condition 1240 that was granted pursuant to Application #7123. This permit is cited in the SOB (page 38). Permit applications are public records.

V. Lack of Reporting

Summary of Comment:

The permit fails to include proper reporting requirements into permit conditions. The permits should require that copies of all required logs should be submitted to the District.

Response:

The argument supporting the suggested change is incorrect as a matter of law. This comment repeats comments that were previously submitted. Please see the response in the "Combined Response to Comments", #270-272, attached.

The District has decided to issue the permit. Thank you again for your comments.

If you have any other questions about the permit, please call Brenda Cabral, Senior Air Quality Engineer, at (415) 749-4686.

Sincerely yours,

Steve Hill
Acting Director of Engineering