

## AQMD RESPONSE TO EPA COMMENTS

### CONOCOPHILLIPS CARSON PROPOSED TITLE V PERMIT OCTOBER 31, 2008

#### 1) Compliance Schedules / NOVs

**EPA Comment:** According to the District's website, the refinery has multiple outstanding notices of violation that may pertain to federal applicable requirements (see table below). For facilities that are not in compliance with all applicable requirements at the time of permit issuance, 40 CFR 70.6(c)(3) and District Rule 3004(a)(1)(C) requires that the permit contain 1) a schedule of compliance that contains an enforceable sequence of actions with milestones leading to compliance, and 2) a schedule for submission of semi-annual certified reports to document progress toward achieving compliance.

In previous conversations the District stated that compliance requirements like the ones described above were not included in the permit because the facility has returned to compliance. The District further stated that it will update its website to reflect the current compliance status. We appreciate the District's future efforts to update the website in a timely manner, particularly since the statement of basis relies on it in discussing compliance issues.

Notice No.	Violation Date	Violation Description
P48712	2/7/2008	1) Discharge of air contaminants which caused detriment, nuisance, or annoyance to a considerable amount of people or to the public; (2) Operating equipment contrary to Permit Conditions P13.1, S15.3, S15.7, and S15.11.
P48711	2/1/2008	Failure to keep coke in enclosed storage as per Rule 1158 (d)(2).
P48710	1/10/2008	1) Burning refinery fuel gas in combustion devices in excess of 160 ppm H <sub>2</sub> S; (2) operating equipment contrary to Permit Conditions B61.1, 423.6, P13.1.
P48705	9/6/2007	1) Leaks in wastewater system exceeding 500 ppm, 7 counts; (2) Sump or wastewater separator cover operating with openings, 7 counts.

**District Response:** The SCAQMD has updated the website to reflect the current compliance status of the facility.

## 2) Support Facility Issue/LARMT

- A. ***EPA Comment:*** The Statement of Basis states that the LARMT facility supports both the Carson and Wilmington refineries. As a “support facility,” LARMT may be required to be considered part of the Carson and/or Wilmington refineries for Title V permitting purposes. Support facilities are typically those that convey, store, or otherwise assist in the production of the principal product or group of products produced or distributed, or services rendered. (See 45 FR 52676, 52695, August 7, 1980.) A support facility can be considered to be a part of the primary facility that it supports even if it has a different SIC code. (*Id.*). Additionally, where a single unit is used to support two otherwise distinct sets of activities, the unit is to be included within the source which relies most heavily on its support. (*Id.*). Please explain and provide a justification in the Statement of Basis as to whether the LARMT is a support facility for the Carson and/or Wilmington refineries. Please note that while a pipeline connecting two facilities may be one factor indicating the existence of a support facility relationship, the primary basis for such a determination is whether there is common control of the two facilities and whether they are adjacent or contiguous. (See 40 C.F.R. § 70.2). Adjacency and contiguity must be assessed on a case-by-case, and the analysis should focus on the relationship between the facilities. (See Memorandum from Robert Kellam, EPA Office of Air Quality Planning and Standards to Richard Long, Region 8 Air Program Director, dated August 27, 1996, available at: <http://www.epa.gov/region07/programs/artd/air/nsr/nsrmemos/abnt.pdf>). Operational interdependence between facilities can result in a support facility relationship even where the facilities are only connected by a pipeline and are several miles apart. (*Id.*)

EPA understands that the South Coast Air Quality Management District (SCAQMD) has committed to determine if the LARMT is a support facility and whether or not LARMT can be exempt from Title V. If LARMT is a support facility, it will be issued its own Title V permit with the appropriate applicable requirements. Given the District’s efforts to issue the refinery permits as soon as possible and its current schedule for doing so, we expect the determinations to be completed and sent to us by July 31, 2009.

***District Response:*** The SCAQMD will determine if the LARMT is a support facility and whether or not LARMT can be exempt from Title V. If the District determines that LARMT is a support facility, LARMT will be issued its own Title V permit with the appropriate applicable requirements. The District will work with the EPA on these determinations with a plan to complete them by July 31, 2009.

- B. ***EPA Comment:*** The Statement of Basis states that the LARMT was exempted from Title V permitting requirements by accepting federally enforceable permit conditions that limit the facility's PTE below the Title V applicability emission thresholds. Our records indicate that LARMT was issued a Title I NSR permit at some time in the past. If the LARMT was issued a major source PSD or nonattainment NSR permit, the facility is subject to Title V permitting (See 70 FR 71612, 71689- 71691, November 29, 2005.) independent of whether or not it is determined to be a support facility as discussed above. Please clarify whether the LARMT was issued a major source PSD or nonattainment

NSR permit for any pollutant, and, thus, is subject to Title V permitting. Please note that in this type of situation, limiting the potential to emit of a facility can not be used to keep a facility from being subject to title V.

The SCAQMD will complete an analysis determining whether or not this source may be exempted from Title V by a certain date, and share the results with EPA. Given the District's efforts to issue the refinery permits as soon as possible and its current schedule for doing so, we expect the determinations to be completed and sent to us by July 31, 2009.

***District Response:*** See response in comment 2A above.

### 3) Consent Decree

A. ***EPA Comment:*** On December 5, 2005, a Consent Decree was entered in the case of United States, et al. v. ConocoPhillips Company (Civil Action No. H-05-0258) by the United States District Court for the Southern District of Texas. (See 70 FR 7120, February 10, 2005.) The Consent Decree is a settlement between the United States, *et al.*, and ConocoPhillips over alleged Clean Air Act and EPCRA/CERCLA violations. The ConocoPhillips refineries covered in the Consent Decree include the Carson and Wilmington refineries in California.

The Consent Decree requires ConocoPhillips to submit complete applications to the applicable state/local permitting agency to incorporate the emission limits and standards in the Consent Decree into federally enforceable permits to ensure that the underlying emission limit or standard survives the termination of the Consent Decree. (See paragraphs 256 to 259.) For requirements that are effective as of the date of lodging of the Consent Decree, permit applications were due by June 30, 2005. For Consent Decree requirements that become effective after the date of lodging, permit applications are due no later than 90 days after the effective date or establishment of any emission limits and standards in the Consent Decree. Please identify the specific applications that have been submitted to the District as required by the Consent Decree, the emission units that were covered in the applications, and the specific emission limits and standards from the Consent Decree that have been incorporated into the Title V permit.

Based on an email EPA received from the District on September 2, 2008, it is our understanding that the District received only six permit applications for combustion units listed in Appendix B of the Consent Decree that were not already subject to 40 CFR 60 Subpart J, and became affected sources. These units are listed in the following table which was provided by the District

The SCAQMD noted in the 9/2/08 email that the other three combustion sources listed in the Consent Decree are already affected sources and will be identified accordingly in the permit.

Application Number	Emission Unit	Date Application Submitted	Specific Emission Limit and Standard
445828	Heater 33 Vacuum Flash Unit	6/30/05	Fuel Gas H2S $\leq$ 160 ppmv NSPS J Section 60.104(a)(1). Incorporated in the draft Title V permit as Section D Conditions B61.1 and H23.6. The conditions will be tagged with Consent Decree H-05-0258, 1/27/05.
445829	Heater 34 Vacuum Flash Unit	6/30/05	Fuel Gas H2S $\leq$ 160 ppmv NSPS J Section 60.104(a)(1). Incorporated in the draft Title V permit as Section D Conditions B61.1 and H23.6. The conditions will be tagged with Consent Decree H-05-0258, 1/27/05.
445831	Heater 31 Delayed Coking Unit	6/30/05	Fuel Gas H2S $\leq$ 160 ppmv NSPS J Section 60.104(a)(1). Incorporated in the draft Title V permit as Section D Conditions B61.1 and H23.27. The conditions will be tagged with Consent Decree H-05-0258, 1/27/05.
445832	Heater 32 Delayed Coking Unit	6/30/05	Fuel Gas H2S $\leq$ 160 ppmv NSPS J Section 60.104(a)(1). Incorporated in the draft Title V permit as Section D Conditions B61.1 and H23.27. The conditions will be tagged with Consent Decree H-05-0258, 1/27/05.
445833 superseded by 458829	Boiler 10	6/30/05	Fuel Gas H2S $\leq$ 160 ppmv NSPS J Section 60.104(a)(1). Incorporated in the draft Title V permit as Section H Conditions B61.1 and H23.6. The conditions will be tagged with Consent Decree H-05-0258, 1/27/05.
445835	Boiler 11	6/30/05	Fuel Gas H2S $\leq$ 160 ppmv NSPS J Section 60.104(a)(1). Incorporated in the draft Title V permit as Section H Conditions B61.1 and H23.6. The conditions will be tagged with Consent Decree H-05-0258, 1/27/05.

**District Response:** Consent Decree H-05-0258, 1/27/05 has been added as an underlying rule for device conditions B61.1 (limits H2S in the fuel gas used, to no greater than 160 ppm by volume) and H23.6 (specifies 40 CFR 60 Subpart J as an applicable rule) as imposed on the affected nine combustion sources identified in Appendix B of the Consent Decree.

**B. EPA Comment:** Consent Decree requirements that have not been met and certified by ConocoPhillips must be included in a compliance schedule pursuant to 40 CFR 70.6(c)(3). The compliance schedule should include each Consent Decree requirement that applies to the Carson refinery that has not yet been met and a timetable for fulfilling these requirements. EPA will work with the SCAQMD to identify the specific Consent Decree requirements that must be incorporated into the compliance schedule of the Title V permit.

It is our understanding that the SCAQMD will include a facility-wide condition in the permit that requires ConocoPhillips to comply with all conditions in the Consent Decree. We also understand that the District will include as part of the statement of basis a table,

provided by the refinery, of emission standards and limitations from the Consent Decree as well as dates of compliance for the requirements not yet fulfilled. Finally the SCAQMD will add a condition to the permit requiring the refinery submit semi-annual updates of the specific requirements in the table.

**District Response:** Facility Condition F52.1 has been added to require the refinery to comply with all the requirements of Consent Decree H-05-0258, 1/27/05. Further, this condition requires the facility to send the District a copy of the semi-annual updates sent to the EPA of the specific requirement of emission standards and limitations from the Consent Decree as well as dates of compliance for the requirement not yet fulfilled.

Section 9 of the Statement of Basis has been revised, under the Compliance History/Consent Decree segment, to include two tables provided by the facility, namely: (1) Consent Decree Requirements Semiannual Compliance Report and, (2) Compliance Plan for Flaring Devices at the Los Angeles Refinery.

#### 4) **Applicable Requirements: Missing and Inadequate Level of Detail**

##### A. NSPS Subpart J

1. **EPA Comment:** Flares C465 and C469: Units C465 and C469 are flares that combust refinery fuel gas. According to the Statement of Basis, all heaters, boilers, flares, and SRUs which were not already considered subject to 40 CFR Part 60, Subpart J became subject pursuant to EPA's consent decree with ConocoPhillips. The proposed title V permit did not include NSPS Subpart J as an applicable requirement for these flares. (EPA notes that the Statement of Basis states that NSPS Subpart J was included as an applicable requirement for these units.) The final permit must include NSPS Subpart J as an applicable requirement in the permit pursuant to the consent decree.

The SCAQMD sent a table to EPA in an email on September 2, 2008 that includes the expected compliance method and dates for these two flares. EPA understands that the AQMD will include the information from this table, which was provided by the applicant, in the table described above in comment 3.B., which lists the other requirements from the consent decree.

**District Response:** Section 9 of the Statement of Basis has been revised, under the Compliance History/Consent Decree segment, to include two tables provided by the facility, namely: (1) Consent Decree Requirements Semiannual Compliance Report and, (2) Compliance Plan for Flaring Devices at LAR.

2. **EPA Comment:** Sulfur Recovery Units (Process 7): NSPS Subpart J prohibits the discharge of any gases into the atmosphere from a Claus sulfur recovery plant containing in excess of 250 ppm of S02. This emission limit is included in the Section D table of equipment for two condensers and two incinerators within

Process 7 (device IDs D891, D895, C292, and C294). The many other pieces of equipment within the Sulfur Recovery Units do not have citations or emission limits from NSPS Subpart J. Permit condition P13.1, on page 87, states that all devices within Process 7 are subject to the applicable requirements of NSPS Subpart J. The permit is unclear whether each device within Process 7 is subject to the emission limit and monitoring of NSPS Subpart J, or only devices D891, D895, C292, and C294. If other devices within Process 7 are subject to the requirements of NSPS Subpart J, please add appropriate citations to the table in Section D. Otherwise, please clarify applicability in a written response to comments and/or in the Statement of Basis.

EPA understands, through conversations with the SCAQMD, that the two condensers and two incinerators listed above are the only emission points within Process 7 and, therefore, the only units in this process subject to NSPS Subpart J.

***District Response:*** Process Condition P13.1 is imposed to clearly state that the two Claus plants are affected facilities as defined in 40CFR60.100(a); however, not each and every piece of equipment in this process is subject to the 40CFR60.104(a)(2) emission limit. None of the devices in the Claus Sulfur Recovery Unit discharges gases into the atmosphere. However, since the NSPS emission limit or standard are specified at the emission source, the condenser, being the last device in the Claus unit, is tagged with the emission limit or standard.

3. ***EPA Comment:*** All citations to the requirements of NSPS Subpart J throughout the permit cite to a date of October 4, 1991. However, NSPS Subpart J has been modified several times since then, most recently on June 24, 2008 (73 FR 35837). The permit should reflect, and require compliance with, the most recently promulgated version of NSPS Subpart J. Please update all citations, including citations in Section D, Section H, and Section K prior to finalizing this permit. Please also correct these citations in subsequent refinery permits that are proposed for EPA review.

The SCAQMD has agreed to update the citations of this NSPS to the most recent version. EPA requests that this be applied to other requirements and future proposed permits as well.

***District Response:*** All date citations to the requirements of NSPS Subpart J have been updated to the current amended date of June 24, 2008.

## **B. NSPS Subpart GGG**

1. ***EPA Comment:*** The permit identifies the emission units in the table below as being subject to the New Source Performance Standard (NSPS) for VOC equipment leaks at petroleum refineries at 40 CFR Part 60, Subpart GGG (NSPS Subpart GGG). Also, according to the permit, some of the same emission units

are subject to the National Emission Standard for Hazardous Air Pollutants (NESHAP) for petroleum refineries at 40 CFR Part 63, Subpart CC (NESHAP Subpart CC). NSPS Subpart GGG and NESHAP Subpart CC overlap since both regulations require affected facilities to comply with certain leak detection and repair (LDAR) requirements in the NSPS for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry at 40 CFR Part 60, Subpart VV (NSPS Subpart VV). Section J of the permit contains the requirements for NSPS Subpart VV and NESHAP Subpart CC, which can be used to meet the requirements in NSPS Subpart GGG. For the following emission units, the permit or Statement of Basis should clarify whether the requirements in Section J of the permit meet the requirements in NSPS Subpart GGG.

<b>Emission Unit</b>	<b>Emission Unit/Device No.</b>
Fugitives, LPG Distillation Unit of Gas Production Process	D472
Makeup hydrogen offgas compressors	D748, D749
Fugitives, Crude Distillation Unit	D832
Fugitives, Brine Flash Stripper for Crude Distillation	D834
Fugitives, Vacuum Flash Unit for Crude Distillation	D835
Fugitives, Delayed Decoking Unit for Coking & Residual Conditioning	D838
Fugitives, Gas oil desulfurization (hydrotreating)	D842
Fugitives, Gas oil desulfurization (hydrotreating)	D844
Fugitives, Coker LPG Merox Unit at Gas Production Process	D851
Fugitives, Fare gas recovery system	D942
Fugitives, Crude Unit Feed Desalter for Crude Distillation	D957

In an email sent to EPA on August 19, 2008, the SCAQMD clarified that Section J of the permit was designed to delineate permit conditions that pertained to NESHAP/MACT requirements only. Since Section J of the facility permit for ConocoPhillips Carson delineates those NESHAP subpart CC requirements directing affected facilities to comply with certain leak detection and repair (LDAR) requirements in NSPS Subpart VV, the NESHAP Subpart CC requirements would reference the applicable sections of NSPS Subpart VV. However, because the NESHAP Subpart CC requirements do not materially rely on nor directly reference the requirements or sections of NSPS Subpart GGG, it would not be appropriate to list Subpart GGG requirements in Section J. Rather, any devices that are subject to NSPS Subpart GGG (which already contain references to sections of NSPS Subpart VV in the rule) would be tagged in Section D or H of the permit with its appropriate device condition, namely H23.22 in this draft permit. At this time, EPA believes including condition H23.22 as a requirement for these units provides sufficient the level of detail in the permit to assure compliance, however, we reserve to the right to require more detail as we believe may be necessary in the future.

Unit	Emission Unit	Emission Unit/Device No.
HDT	Hydrogen Recycle Compressors, C-1A & B	D738, D740
Coker	Fugitives, Sour Water Stripping Unit for Gas and Waste Treatment Process	D852
SRU	Fugitives, SCOT Tail Gas Incinerator	D857, D858
FGR	Flare Gas Recovery Compressors	D938, D939

**District Response:** The District has included H23.22 as a requirement for these units.

2. NSPS subpart GGG is not identified as an applicable requirement for the units in the following table. The permit and Statement of Basis must address whether or not these emission units are subject to NSPS Subpart GGG.

Emission Unit	Emission Unit/Device No.
Vent Gas Compressor	D77
Wet gas compressor	D103
Stripper Vent Gas Compressors	D169, D170
Single Stage Compressors	D206, D207
Hydrogen Recycle Compressors	D738, D740
Recycle Gas Compressor	D800
Fugitives, Coker Blowdown	D841
Fugitives, Hydrogen Production	D846
Fugitives, Debutanizer Unit for Gas Production	D848
Fugitives, Gas Production	D849
Fugitives, Sour Water Stripping Unit for Gas and Water Treatment Process	D852
Fugitives, Sour Gas Stripping Unit for Gas and Water Treatment Process	D854
Fugitives, Sulfur Recovery Units	D855, D856
Fugitives, SCOT Tail Gas Incinerator	D857, D858
Fugitives, Storage Tanks	D872, D873, D947, D948
Fugitives, Flare System	D876, D877
Compressors	D938, D939

Based on information in an email received from the SCAQMD on August 19, 2008, it is our understanding the emission units that are not subject to NSPS subpart GGG are identified below in the following table provided by the SCAQMD. We also understand that the SCAQMD will include the non-applicability table in the Statement of Basis and that the emission units that are subject to the NSPS will be identified as such in the permit.

Unit	Emission Unit	Emission Unit/Device No.	GGG?	Reason
Crude	Vent Gas Compressor, FR-501	D77	No	Installed before 1/4/83
Coker	Wet gas compressor, CK-501	D103	No	Installed before 1/4/83
DHT-3	Stripper Vent Gas Compressors, HP-559 & 560	D169, D170	No	Installed before 1/4/83
H2 Plant	Single Stage Compressors, HP-555 & 556	D206, D207	No	Installed before 1/4/83
HDT	Hydrogen Recycle Compressors, C-1A&B	D738, D740	Yes	Installed after 1/4/83
DHT-3	Recycle Gas Compressor, HP-558	D800	No	Installed before 1/4/83
Coker	Fugitives, Coker Blowdown	D841	Yes	Unit modified after 1/4/83
H2 Plant	Fugitives, Hydrogen Production	D846	No	Unit built before 1/4/83
Crude	Fugitives, Debutanizer Unit for Gas Production	D848	Yes	Unit modified after 1/4/83
Fuel Gas	Fugitives, Gas Production	D849	No	Not a "process unit"
Coker	Fugitives, Sour Water Stripping Unit for Gas and Water Treatment Process	D852	Yes	Unit modified after 1/4/83
Coker	Fugitives, Sour Gas Stripping Unit for Gas and Water Treatment Process	D854	Yes	Unit modified after 1/4/83
SRU	Fugitives, Sulfur Recovery Units	D855, D856	Yes	Unit modified after 1/4/83
SRU	Fugitives, SCOT Tail Gas Incinerator	D857, D858	Yes	Unit modified after 1/4/83
Tanks	Fugitives, Storage Tanks	D872, D873, D947, D948	No	Not a "process unit"
Flares	Fugitives, Flare System	D876, D877	No	Not a "process unit"
FGR	Flare Gas Recovery Compressors	D938, D939	Yes	Installed after 1/4/83

**District Response:** The emission units that are not subject to NSPS subpart GGG as identified by the facility in the table above have been added to the non-applicability table (Table 4.3) in Section 4 of the Statement of Basis under the Regulatory Applicability Determinations segment, while the emission units that are subject to NSPS subpart GGG as identified in the table above have now been identified in the permit as such by including condition H23.22 as a requirement for these units.

### C. NSPS Subpart QQQ

1. **EPA Comment:** Page 6 of the Statement of Basis states that device D426 (sludge storage tank) is exempt from the requirements of Subpart QQQ under the provisions of § 60.692-3(d). However, in previous discussions, the SCAQMD stated that the use of D426 is limited to the storage of API separator sludge and is therefore not subject to the NSPS because API separator sludge is neither wastewater nor slop oil as defined in the regulations. EPA appreciates the SCAQMD's agreement to revise the Statement of Basis so it accurately reflects the applicability of the NSPS.

**District Response:** In Section 4 of the Statement of Basis, under the Regulatory Applicability Determinations segment, the non-applicability determination for device D426 (sludge storage tank) in Table 4.2 has been changed to: Stores API separator sludge which is neither wastewater nor "slop oil" as defined in 40 CFR 60 Subpart QQQ.

2. ***EPA Comment:*** The permit indicates that D349 (oil water separator) is subject to NSPS Subpart QQQ. Pursuant to 40 CFR 60.692-3(b), an oil water separator with a design capacity to treat more than 250 gallons per minute must be equipped and operated with a closed vent system and control device that meets the requirements of § 60.692-5. It is not clear from the permit or Statement of Basis whether D349 can treat more than 250 gallons per minute and whether the scrubber and carbon adsorber (C528 and C527) connected to it are required by the NSPS.

EPA appreciates the SCAQMD's agreement to specify the design capacity of all of the separators in the Statement of Basis so that the requirements of the NSPS are clearer. EPA also appreciates the SCAQMD's agreement to add the 500 ppm VOC limit of the NSPS to the Emissions and Requirements Column in Section D of the permit for all devices that are subject to the limit.

***District Response:*** In Section 4 of the Statement of Basis, under Regulatory Applicability Determinations segment, a discussion has been added to specify that the design capacity of the oil water separators is greater than 250 gallons per minute.

The 500 ppm VOC limit of Rule 1176 in Emissions and Requirements column of the permit for the following devices has also been tagged with 40 CFR 60 Subpart QQQ:

- 2.1 Oil water separator, oil/water, D336
- 2.2 Oil water separator, oil/water, D337
- 2.3 Oil water separator, storm/process water, D338
- 2.4 Oil water separator, serving the coker and flasher units, D347
- 2.5 Oil water separator, serving the crude unit, D348
- 2.6 Oil water separator, serving the sulfur plant, D349

#### **D. NESHAP Subpart CC (Part 63)**

1. ***EPA Comment:*** The emissions units in the following table appear to meet the definition of miscellaneous process vents but the permit and Statement of Basis are do not identify whether NESHAP Subpart CC applies to these units. The permit and Statement of Basis must address whether these emission units are subject to the NESHAP Subpart CC requirements for miscellaneous process vents.

Emission Unit	Process	Emission Unit/Device No.
Stripper column overhead accumulators	Gas & Water Treatment	D224, D225, D227
Primary & secondary column overhead accumulator	Crude Distillation	D6, D9
Flasher overhead accumulator	Crude Distillation	D65
Accumulators	Coking & Residual Conditioning	D84, D85
Stripper overhead accumulator	Hydrotreating	D146
Knock out pot	Crude Distillation	D66
Knock out pot, Coke drums	Coking & Residual Conditioning	D758, D796, D797, D798, D799
Decoking knock out pot	Hydrotreating	D145
Knockout pot	Hydrogen Production	D181, D186, D190, D191, D192,
Flash Tanks	Gas & Water Treatment	D235, D364, D421
Reactors	Hydrotreating, Hydrogen Production	D137, D138, D139, D140, D141, D184, D185
Strippers	Crude Distillation	D81, D82, D83, D221, D222, D223
Strippers	Gas & Water Treatment	D221, D222, D223
Atmospheric sump blowdown	Hydrogen Production	D179

EPA understands that, based on the SCAQMD's assessment of each emission unit listed in the table above, none of the emission units are subject to NESHAP Subpart CC. The SCAQMD should include applicability determinations for all emissions units, not only those that are subject to a regulation. We understand that the district intends to get these determinations from the applicant. The SCAQMD should share these determinations with EPA in writing and make them part of the facility's official file. The District will also revise the permit accordingly if these determinations show that requirements applicable to the refinery are not properly reflected in the title v permit.

Also note that EPA expects the District to include such determinations in the Statement of Basis for all future proposed title V permits.

**District Response:** The applicability determinations in the permit are currently up-to-date; however, the SCAQMD will share with EPA any new applicability determinations for Subpart CC if the facility updates them. The District will also revise the permit accordingly if these determinations show that requirements applicable to the refinery are not properly reflected in the current Title V permit.

2. **EPA Comment:** If any emission units or equipment at the Carson refinery are subject to the NESHAP Subpart CC requirements for Group 1 miscellaneous process vents the requirements must be included in the permit. Currently, the permit does not contain these requirements.

The SCAQMD has informed EPA that there are no Group 1 miscellaneous process vents at this facility.

**District Response:** There are no emission units at the Carson Refinery that are subject to the NESHAP Subpart CC requirements for Group 1 miscellaneous process vents.

3. **EPA Comment:** The NESHAP Subpart CC requirements in section J of the permit must contain more details on the specific applicable requirements that apply to the affected units at the refinery. The permit must contain the emission limits and compliance requirements that are required in NESHAP Subpart CC, as well as the regulations referenced in NESHAP Subpart CC (e.g., NSPS Subpart VV).

At this time, EPA believes the level of detail in the permit is sufficient. However, EPA reserves to the right to require more detail as it believes would be necessary in the future.

**District Response:** The District does not plan to revise the NESHAP Subpart CC template in Section J at this time.

#### E. NESHAP Subpart FF

**EPA Comment:** NESHAP Subpart FF is included in the permit only by reference at the subpart level.

P13.2 All devices under this process are subject to the applicable requirements of the following rules or regulations:

Contaminant	Rule	Rule/Subpart
Benzene	40CFR61. SUBPART	FF

[40CFR 61 Subpart FF, 12-4-2003]

[Processes subject to this condition : 1, 2, 3, 4, 5, 6, 7, 8, 9, 10]

We appreciate the SCAQMD's agreement to add more detailed permit conditions for Subpart FF requirements to Section J of the permit similar to the conditions that are included in the proposed initial permit for the Ultramar refinery.

**District Response:** The District has added the template for 40 CFR 61 Subpart FF requirements under Section J of the facility permit.

#### F. Rule 1176

1. Rule 1176(e)(2)(a) requires that all sumps and wastewater separators be equipped with (i) a floating cover, (ii) a fixed cover vented to an APC device, or (iii) an alternative control measure equivalent to (i) or (ii). With respect to these requirements, EPA has the following comments:
  - a. **EPA Comment:** The permit describes Device D340 as a process water sump with an open top and it is unclear by looking at the permit why this sump is not required to have one of the controls specified under paragraph (e)(2)(a). In previous discussions, the District stated that D340 is the final discharge

point to the County sewer and that the water entering the sump meets the exemption in Rule 1176 (i)(5)(J), because the VOC content of each liquid stream entering the sump does not exceed 5 mg/liter at all times. EPA appreciates the SCAQMD's agreement to discuss in the Statement of Basis the type and frequency of testing that is required for the facility to demonstrate that it continues to meet the conditions of the exemption on an ongoing basis.

***District Response:*** In Section 4 of the Statement of Basis, under the Regulatory Applicability Determinations segment, the non-applicability determination for device D340 (process water sump) has been added in Table 4.2. Sampling and testing performed on 9/27/07 using EPA Method 8260B confirmed that the VOC content is less than 5 mg/liter. To demonstrate continued exemption, the facility will repeat the testing whenever additional liquid streams are sent to the sump, or whenever there is a change in the characteristics (e.g., chemical composition) of the existing streams.

- b. ***EPA Comment:*** The permit describes Device D339 as an oil and water sump with a fixed cover and it is unclear why D339 is not vented to a control device pursuant to 1176(e)(2)(A)(ii). EPA understands that this sump has no vents to the atmosphere and that it is connected to other sumps which are equipped with control devices. EPA appreciates the SCAQMD's agreement to describe this in the Statement of Basis.

***District Response:*** In Section 4 of the Statement of Basis, under the Regulatory Applicability Determinations segment, the non-applicability determination for device D339 (oil and water sump) has been added in Table 4.2. The sump receives the "slop oil" skimmed in the API separators D336 and D337. It has a fixed cover that does not vent to atmosphere. The vapor goes back to the API separators which are both equipped with control devices. Therefore, this equipment is not subject to Rule 1176(e)(2)(A)(ii).

## 5) Statement of Basis

- A. ***EPA Comment:*** Please include PM<sub>2.5</sub> in your list of non-attainment criteria pollutants in section 1 of the Statement of Basis. The SCAQMD has agreed to include PM<sub>2.5</sub> in the list of non-attainment criteria pollutant.

***District Response:*** In Section 1 of the Statement of Basis, under Introduction and Scope of Permit segment, PM<sub>2.5</sub> has been added to the list of non-attainment criteria pollutant.

- B. The following comments pertain to Section 8 (Summary of Emissions and Health Risks) of the Statement of Basis.

1. ***EPA Comment:*** Please include a table of HAPS emissions (individual species and total). The SCAQMD has agreed to include values for individual and total HAPs in the Statement of Basis.

***District Response:*** In Section 8 of the Statement of Basis, under Summary of Emissions and Health Risks segment, the HAPs emissions (individual species and total) have been identified in Table 8.2 Toxic Air Contaminant Emissions.

2. ***EPA Comment:*** Please list PM<sub>10</sub> and PM<sub>2.5</sub> emissions in the criteria pollutant emissions (Table 8.1) or include an explanation of how emissions of these criteria pollutants are related to PM emissions.

During phone conversations with EPA on July 14 and August 29, 2008, the SCAQMD stated that values for PM<sub>10</sub> and PM<sub>2.5</sub> emissions from this facility are not available. Since there are no requirements in the permit at this time that limit PM<sub>10</sub> emissions specifically, EPA has determined that the PM emissions are currently sufficient. However, any future permit actions by the SCAQMD that do contain specific limits for PM<sub>10</sub> and PM<sub>2.5</sub> should include, in the Statement of Basis, estimates of the emissions of these criteria pollutants or a description of the assumptions made in estimating these emissions.

***District Response:*** Future actions by the SCAQMD that contain specific limits for PM<sub>10</sub> and PM<sub>2.5</sub> will include, in the Statement of Basis, estimates of the emissions of these criteria pollutants or a description of the assumptions made in estimating these emissions.

## **6) General Provisions**

- A. ***EPA Comment:*** General provisions (Subpart A) of 40 CFR Part 60 (NSPS) are listed in the table of applicable requirements in section K of the permit, but are not found elsewhere in the permit. Please list this as an underlying requirement where applicable or explain in the Statement of Basis why these requirements are streamlined for each case where this would apply. The SCAQMD has agreed to include in the permit references to 40 CFR 60 Subpart A where applicable.

***District Response:*** Facility Condition F52.2 has been added requiring the facility to comply with the requirements of 40 CFR 60 Subpart A.

- B. ***EPA Comment:*** General provisions (Subpart A) of 40 CFR Part 63 (NESHAPS) are listed in the MACT templates for Subparts CC and UUU in section J of the permit, but are not found table of applicable requirements in section K of the permit. Please include 40 CFR 63 Subpart A as an applicable requirement in section K of the permit. The SCAQMD has agreed to include 40 CFR 63 Subpart A in the table of applicable requirements found in Section K of the proposed permit.

***District Response:*** The Facility Condition F52.2 added, as mentioned above, also requires the facility to comply with the requirements of 40 CFR 63 Subpart A and 40 CFR 61 Subpart A. Both rules are now in the table of applicable requirements in Section K of the permit.

=== End EPA Comments ===