

The District has prepared the following responses to the comments contained in this letter.

Each comment consists of 1) a suggestion for action or change, and 2) the argument, if any, supporting the suggestion.

The comments identified by the District have been numbered. Refer to the attached copy of the original comment letter for the comment numbers. Some responses below refer to District responses found in the Consolidated Responses to Comments (“CRC”) document. References to that document will be in one of two forms. A reference will be either to a section in the introductory portion of that document (e.g., “see CRC § 1.A.”) or to a numbered response to specific comments (e.g., “see CRC #155”).

	Response
1.	The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The suggestion is based on the following incorrect assumption: that the District failed to review and address relevant compliance records. The District’s review of recent NOV’s failed to reveal any evidence of current ongoing or recurring noncompliance that would warrant a compliance schedule.
2.	The argument supporting the requested change is incorrect as a matter of law. No change has been made to the permit. The District reviews the compliance history of a facility to determine whether a compliance schedule is appropriate, but is not obligated to demonstrate for each NOV why a schedule of compliance is not needed. The District complies with the regulations in its approved program, not Part 70. In any case, 70.7(a)(5) does not suggest an obligation to discuss permit terms that might have been established, but were not.
3.	The argument supporting the requested change is incorrect as a matter of law. No change has been made to the permit. This comment has already been responded to. See CRC Section 3C. It is not prerequisite to issuance of a Title V permit that the District make a finding that future violations are not likely to occur. Other than the commenter’s interpretation of the phrase “assure compliance,” with which the District does not agree, the commenter cites no authority for this position.
4.	The argument supporting the requested change is incorrect as a matter of law. No change has been made to the permit. The District may have created confusion through its choice of phrasing used in the statement of basis. In predicting that the facility was capable of “intermittent compliance,” the District was not implying that the Title V standard that permits “assure compliance” would not be met. The position advanced by the comment – that Title V permits should not issue until there is a guarantee of no future violations – runs contrary to what the District believes to be a foundational logic of the Title V program. By enhancing methods of compliance verification, violations will be more readily ascertained, and, once ascertained, more adequately addressed. Compliance plans will be used when they are appropriate and effective. See CRC: Section 3C.
5.	The argument supporting the suggested change is factually incorrect. No change has been made to the permit. See response to Comment 1 above.
6.	The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The suggestion is based on the following incorrect assumption: that the District failed to review and address relevant compliance records. See response to Comment 1.
7.	The argument supporting the suggested change does not provide sufficient information or analysis to support the change. The comment has not identified any relevant information that needs to be obtained from the refineries. No change has been made to the permit.
8.	The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The suggestion is based on the following incorrect assumption: that any of the refineries are currently in a state of ongoing non-compliance.
9.	The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The suggestion is based on the following incorrect assumption: that the grandfathered source throughputs contravene NSR limits. See CRC Response #89.
10.	The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The suggestion is based on the following incorrect assumption: that the grandfathered source throughputs will permit major modifications. See CRC Response #89.
11.	No argument supporting this comment has been made. No change has been made to the permit.
12.	The comment does not propose any changes to the permit. The comment does not identify a single instance where the definition used by the District is less restrictive than the SIP regulation 2-2-223.

Response to GGU comments (9/22/03)

	Moreover, the District disagrees that the SIP-approved provision must be used. The District has no choice but to implement its current NSR regulations. No change to the permit has been made.
13.	The argument supporting the suggested change does not provide sufficient information or analysis to support the change. No change has been made to the permit.
14.	The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The suggestion is based on the following incorrect assumption: that the grandfathered source throughput thresholds will permit a physical or operational change to the facility. See CRC Response #89.
15.	As explained at CRC Section 3.E., the District believes the statement of basis is adequate as a component of the record supporting issuance of the Title V permit.
16.	Responses to comments are set forth in documents (such as this) devoted to that purpose. The District considers it important to respond in writing to all significant comments, but not necessarily to reflect those responses in the statement of basis.
17.	The District agrees with this principle. The District has attempted to update the statement of basis so that it functions as an up-to-date support document for the final permit.
18.	The commenter correctly points out that the statement of basis discussion of grandfathered limits was obsolete with regard to the re-proposed permits. This has been corrected.
19.	The comment suggests a change that clarifies or improves the Statement of Basis, but cannot be made at this time. No change has been made to the permit. The District will consider incorporating the suggestion at a later date.
20.	The suggested change corrects a mistake. The mistake has been corrected in the final statement of basis.
21.	The suggested change corrects a mistake. The mistake has been corrected in the final statement of basis. Permit Shield BAAQMD Condition 19177-38 for 40 CFR 60 Subpart Db 60.48b(e)(2) and (3) in SOB Table IX B - 10.1, S1030 and S1032 has been deleted. This table is now consistent with Table IX B - 10.1 in the Permit.
22.	The suggested change should be implemented at this time. The change has been made to the permit, based upon the rationale provided in the comment. Monitoring has been added for S-99 requiring that the Permittee/Owner/Operator visually inspect the A-4 outlet for visible emissions. This new monitoring requirement appears in condition #19528 part 13 and in the monitoring table for S-99 in part 7 of the proposed Title V permit. The type of monitoring imposed is appropriate because S-99 is abated in series by A-4, a cyclone and a baghouse operated in series. With this abatement train, negligible particulate emissions and no visible emissions are expected at the A-4 emission point. The visible emissions monitoring will serve as a surrogate for monitoring for Regulation 6-310.
23.	S-781 has been deleted from the proposed Title V permit since the Permit to Operate for this source has been cancelled.
24.	The suggested change should be implemented at this time. The change has been made to the permit, based upon the rationale provided in the comment. Monthly monitoring has been added for S-821, the coke storage pile, for visible particulate requiring that the Permittee/Owner/Operator visually inspect S-821 for visible emissions. This new monitoring requirement appears in condition #19528 part 14 and in the monitoring table for S-821 in part 7 of the proposed Title V permit. This type of monitoring is appropriate because the coke particles are generally dense enough and large enough to remain situated at the coke pile during windy conditions and because the coke that is transferred to the pile is done so as a wet slurry with adequate water moisture to adequately ensure that the coke remains situated at the pile, even during windy conditions.
25.	Though particulate matter is generated at S-806, there is no emission point to atmosphere at the S-806 (Coker). There are no particulate emission points to atmosphere at S-806, so Regulations 6-301, 6-305, and 6-310 have been stricken as applicable requirements for this source. The coke fines generated at S-806 are vented to S-903 where they are subjected to combustion. The exhaust from S-903 is abated by A-8, a two stage electrostatic precipitator. S-903 is equipped and operated with an opacity monitor.
26.	The suggested change should be implemented at this time. Monitoring has been added for S-1405, the sulfur collection pit, for visible particulate requiring that the Permittee/Owner/Operator visually inspect the outlet at A-1420, the venturi scrubber abating S-1405, for visible emissions. This new monitoring requirement appears in condition #19528 part 15 and in the monitoring table for S-1405 in part 7 of the proposed Title V permit. Visible emissions are not expected at A-1420. The proposed monitoring is appropriate because the sulfur at S-1405 exists as a hot liquid not as a friable solid, and because the sulfur pit's contents are covered with openings that are tubular vents that duct

Response to GGU comments (9/22/03)

	to A-1420, the venturi scrubber abating S-1405. The visible emissions monitoring will serve as a surrogate for monitoring for Regulation 6-310.
27.	The District believes monitoring required in 8-28 is adequate to meet Title V standards. The comment asserts that a) existing monitoring is not being complied with, and b) new technology should be employed to supplement or replace the monitoring of 8-28. Whether these assertions are valid and, if so, whether they merit a change in monitoring approach may be an appropriate subject for a future rulemaking concerning 8-28. For Title V purposes, the monitoring currently required by 8-28 is adequate.
28.	See response 27 above.
29.	See response 27 above.
30.	The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. The District has reviewed the comment, and does not consider it to be correct. Detailed analysis has not, however, been prepared because the District has focused on responding to timely comments. See CRC Response # 304.
31.	The change has been made to the permit, based upon the rationale provided in the comment.
32.	The argument supporting the suggested change does not provide sufficient information or analysis to support the change. The comment has not identified any specific instance where a change is needed. No change has been made to the permit.
33.	The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. The District has reviewed the comment, and does not consider it to be correct. Detailed analysis has not, however, been prepared because the District has focused on responding to timely comments. See CRC Response # 21.
34.	The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. The District has reviewed the comment, and does not consider it to be correct. Detailed analysis has not, however, been prepared because the District has focused on responding to timely comments. See CRC Section 3.E. and Response # 13.
35.	The suggested change should be implemented at this time. The change has been made to the permit, based upon the rationale provided in the comment.
36.	(Shell) The suggested change corrects a mistake. The mistake has been corrected in the final permit. (Tesoro) There are no diesel backup generators at the Tesoro refinery or at Amorco.
37.	The comment suggests a change that clarifies or improves the permit, but cannot be made at this time. No change has been made to the permit. The District will consider incorporating the suggestion at a later date.
38.	The comment does not suggest a change, but requests additional information. The commenter may submit information requests to the District's Public Records Request program.
39.	The comment suggests a change that clarifies or improves the permit, but cannot be made at this time. No change has been made to the permit. The District will consider incorporating the suggestion at a later date.
40.	The comment suggests a change that clarifies or improves the permit, but cannot be made at this time. No change has been made to the permit. The District will consider incorporating the suggestion at a later date. The District has reviewed the specific example raised by the commenter, and has determined that the heat input capacity of S-6 exceeds 44 MW.
41.	The argument supporting the suggested change does not provide sufficient information or analysis to support the change. The comment has not identified any specific instance where a change is needed. No change has been made to the permit.
42.	The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The requested information is already contained in each permit. The annual throughput limits for Shell are contained in permit conditions rather than Table II-A. Annual limits are included in Table II-A of the Tesoro permit.
43.	The comment suggests a change that clarifies or improves the permit, but cannot be made at this time. No change has been made to the permit. The District will consider incorporating the suggestion at a later date.
44.	The suggested change concerns an issue beyond the scope of Title V (e.g., NSR lookback, etc.) No change has been made to the permit. The District will review the issues raised by the comment, and will take appropriate steps at a later date.
45.	(Shell) The suggested change corrects a mistake. The mistake has been corrected in the final permit. The MACT hammer milestones can be found in the Table IV-DV Facility.

Response to GGU comments (9/22/03)

	<p>(Tesoro) The MACT hammer milestones are already present in Table IV–A. The site remediation MACT was recently promulgated, so this MACT hammer milestone has been deleted. The site remediation MACT applicable requirement has been added to Table IV–A as 40 CFR part 63 subpart GGGGG.</p> <p>(Valero) The suggested change corrects a mistake. The mistake has been corrected in the final permit. The MACT hammer milestones can be found in the Table IV-Refinery Generally Applicable Condition.</p>
46.	<p>(Chevron) The argument supporting a suggested change is factually incorrect. Subpart UUU requirements are already in the permit. No change has been made to the permit.</p> <p>(Phillips) The argument supporting a suggested change is factually incorrect. Subpart UUU requirements are already in the permit. No change has been made to the permit.</p> <p>(Tesoro) The suggested change corrects a mistake. The mistake has been corrected in the final permit.</p> <p>(Valero) The suggested change corrects a mistake. The mistake has been corrected in the final permit. Added Subpart UUU Condition 20620 to Table IV - Refinery Generally Applicable Condition. Also added condition 20620 to Section VI.</p>
47.	<p>The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. The District has reviewed the comment, and does not consider it to be correct. Detailed analysis has not, however, been prepared because the District has focused on responding to timely comments. See CRC Response # 125.</p>
48.	<p>The suggested change corrects a mistake. The mistake has been corrected in the final permit.</p>
49.	<p>The comment suggests a change that clarifies or improves the permit, but cannot be made at this time. No change has been made to the permit. The District will consider incorporating the suggestion at a later date.</p>
50.	<p>The suggested change corrects a mistake. The mistake has been corrected in the final statement of basis.</p>
51.	<p>Information requests should be submitted to the District’s Public Records Request process. The requested information is part of the Rule Development files for Regulation 8-5.</p>
52.	<p>The suggested change corrects a mistake. The mistake has been corrected in the final permit.</p>
53.	<p>(Chevron) The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The applicable requirements are contained in Table IV.D.1.1.</p> <p>(Phillips) The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The applicable requirements are contained in Table IV-All Sources.</p> <p>(Shell) The argument supporting the suggested change is factually incorrect. No change has been made to the permit. The applicable requirements are already included in the appropriate source tables (e.g., IV-M, IV-AQ, etc.)</p>
54.	<p>The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. See Consolidated Responses to Comments on Refinery Title V Permits (July 25, 1993) Response 364.</p>
55.	<p>The suggested change corrects a mistake. The mistake has been corrected in the final permit.</p>
56.	<p>The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. The District has reviewed the comment, and does not consider it to be correct. Detailed analysis has not, however, been prepared because the District has focused on responding to timely comments.</p>
57.	<p>The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. The District has reviewed the comment, and does not consider it to be correct. Detailed analysis has not, however, been prepared because the District has focused on responding to timely comments.</p>
58.	<p>The change has been made to the permit, based upon the rationale provided in the comment.</p>
59.	<p>The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. The District has reviewed the comment, and does not consider it to be correct. Detailed analysis has not, however, been prepared because the District has focused on responding to timely comments.</p>
60.	<p>The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. The District has reviewed the comment, and does not consider it to be correct. Detailed analysis has not, however, been prepared because the District has focused on responding to timely comments.</p>
61.	<p>The argument supporting a suggested change does not provide sufficient information or analysis to</p>

Response to GGU comments (9/22/03)

	support the change. No change has been made to the permit.
62.	The suggested change corrects a mistake. The mistake has been corrected in the final permit.
63.	This section sets standards for overall system design. Compliance with these standards is a condition of the CARB certification for the vapor recovery system, and is determined during the certification process.
64.	The suggested change corrects a mistake. The mistake has been corrected in the final permit.
65.	No monitoring is specified for these sources with regard to Regulation 8, Rule 2, Section 301 because the emission point for each source is the vent tail gas from the vacuum distillation column portion of each source. These emissions do not vent directly to atmosphere, but are vented to the No. 5 Gas Plant at S-806 for processing and introduction into Tesoro's fuel gas system for combustion as a fuel at the burners of various combustion sources at the refinery. The Statement of Basis has been augmented to include this explanation.
66.	The suggested change corrects a mistake. The mistake has been corrected in the final permit.
67.	The suggested change corrects a mistake. The mistake has been corrected in the final permit. Opacity is continuously monitored.
68.	The argument supporting a suggested change is incorrect as a matter of law. Regulation 6-304 lists an opacity sensing device as one of several methods of determining compliance.
69.	The suggested change corrects a mistake. The mistake has been corrected in the final permit.
70.	The federal enforceability determinations in Table VII are redundant to those in Table IV. These will be removed when the permit is reformatted to combine Tables IV and VII at some future date.
71.	The suggested change corrects a mistake. The mistake has been corrected in the final permit.
72.	The argument supporting a suggested change is incorrect as a matter of law. All of the information required by 40 CFR §60.7 is included in monthly monitoring reports.
73.	The argument supporting a suggested change is factually incorrect. No change has been made to the permit. The suggestion is based on the following incorrect assumptions: that a fuel flow meter does not include a recorder. The measurements taken by all refinery fuel flow meters are routinely recorded.
74.	The suggested change corrects a mistake. The change has been made to the permit, based upon the rationale provided in the comment. Permit Shield 8-18-303 for 11-7-302 & 303 has been removed.
75.	The suggested change corrects a mistake. The change has been made to the permit, based upon the rationale provided in the comment. Permit Shield 8-18-302 for 11-7-307 has been removed.
75a.	The suggested change corrects a mistake. The change has been made to the permit, based upon the rationale provided in the comment. Permit Shield 8-18-404 for 11-7-307.3 has been removed.
76.	The suggested change corrects a mistake. The change has been made to the permit, based upon the rationale provided in the comment. Permit Shield 8-18-401.3 for 11-7-307.5 has been removed.
77.	The suggested change corrects a mistake. The change has been made to the permit, based upon the rationale provided in the comment. Permit Shield 8-18-304 for 11-7-308 has been removed.
78.	See response to 77.
79.	The suggested change corrects a mistake. The change has been made to the permit, based upon the rationale provided in the comment. Permit Shield 8-18-306.1 for 11-7-310.2 & 310.3 has been removed.
80.	See response to 79.
81.	The suggested change concerns an issue beyond the scope of the revisions made to the earlier draft, and is therefore untimely. No change has been made to the permit. The District has reviewed the comment, and does not consider it to be correct. Detailed analysis has not, however, been prepared because the District has focused on responding to timely comments.
82.	The change has been made to the permit, based upon the rationale provided in the comment. Table IX A-3 has been deleted from the permit.
83.	Table IX-A11 is important for clarification of the NSPS 40 CFR 60, Subpart J requirements of S4161 – DC H-101 HP3 Steam Methane Reformer. This unit is subject to Subpart J monitoring requirement 60.105 when it is fired on refinery gas, flexigas, natural gas, etc. However, when the unit is fired on process swing gas only, an alternative monitoring plan, approved by the EPA in accordance with 60.13(i) must be used to demonstrate compliance with Subpart J 60.104. Since both 60.13(i) and 60.105 are listed in Table IV-CU and VII-CE, this shield is necessary for clarification. When firing on process swing gas only, compliance with 60.104(a)(1) will be demonstrated with alternative monitoring in accordance with 60.13(i). When firing on other gases including refinery gas, natural gas and flexigas, compliance with

Response to GGU comments (9/22/03)

	60.104(a)(1) will be demonstrated with the monitoring described in 60.105. In summary, the shield in Table IX-A11 states that 60.105 does not apply when the unit is fired on process swing gas, because alternative monitoring in accordance with 60.13(i) must be used. No change has been made to the permit.
84.	See response to Comment 20.
85.	The suggested change corrects a mistake. The mistake has been corrected in the final permit.
86.	The comment suggests a change that clarifies or improves the permit, but cannot be made at this time. No change has been made to the permit. The District will consider incorporating the suggestion at a later date.
87.	This Permit Shield has been removed.
88.	The comment asserts that because the Title V permits are flawed and that the process by which they were issued was flawed, that issuance of the permits is therefore contrary to principles of environmental justice. The District disagrees with the premise of this comment – that the permits were improperly issued -- and therefore finds no cause to address the possible relationship between an improper issuance and principles of environmental justice.