



South Coast Air Quality Management District

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June 2, 2009

Ms. Marie Dominguez
1601 Palos Verdes Dr. N #10
Harbor City, CA 90710

Reference: Title V Permit for ConocoPhillips Company, Wilmington Refinery
Facility ID 800363

Dear Ms. Dominguez:

Thank you for your letter of September 1, 2008, regarding the proposed initial Title V permit for ConocoPhillips Company, Wilmington Refinery located at 1660 W. Anaheim St, Wilmington, CA 90744. Your interest and willingness to express your concern is the type of public involvement that is crucial to the effort to achieve healthful air quality in Southern California.

The South Coast Air Quality Management District (AQMD) is implementing the Title V requirements of the 1990 Clean Air Act (federal CAA) amendments designed to provide a consistent permitting process for major stationary sources and sources subject to Federal Regulations such as Title IV Acid Rain Program, New Source Performance Standards, or National Emission Standards for Hazardous Air Pollutants. While the AQMD has had an air permit program for many decades that focused on single source emissions within facilities, since 1994 AQMD has issued a facility permit to some of the largest sources of Nitrogen Oxides and Sulfur Oxides under its Regional Clean Air Incentives Market (RECLAIM), where all individual equipment permits and all applicable requirements were incorporated into the RECLAIM facility permit. The Title V program is also intended to consolidate these individual sources and their requirements into one document in order to provide a comprehensive compliance document. In addition, Title V permit program enhances public participation. A major benefit to improving our air quality provided by the Title V program is that facility operators have increased compliance accountability.

During the public notice period, we received a number of comments from the public. These comments have been fully considered by AQMD and responses to these comments are shown in the attached document entitled "Response to Public Comments". After consideration of all comments received on the proposed Title V permit, AQMD has

Ms. Dominguez

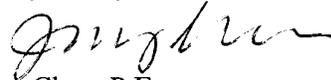
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determined that it is appropriate to proceed with the issuance of the initial Title V permit for the facility.

Thank you again for taking the time to provide comments and respond to the public notice.

Very truly yours,

A handwritten signature in black ink, appearing to read "Jay Chen", written in a cursive style.

Jay Chen, P.E.

Senior Engineering Manager
Refinery & Waste Management Permitting
Engineering and Compliance

Attachment

**RESPONSE TO PUBLIC COMMENTS
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<p>Commenter A cites reasons why the SCAQMD (District) should 1) deny approval of the Initial Title V Permit Application for ConocoPhillips Wilmington Refinery (Facility ID # 800363) and 2) order the refinery to cease business operations until a valid Title V Permit has been approved. They are as follows:</p>	<p>District responses to their respective comments are as follows:</p>
<p>A-1. Commenter A commented that “it is a violation of 40 CFR Part 70 for an oil refinery to operate without a Title V Permit.”</p>	<p>Because the requirements of District Rule 3002(b) [Application Shield] and 40 CFR Section 70.7(b) have been met, ConocoPhillips Company, Wilmington Refinery (herein referenced as Wilmington) is not in violation of Regulation 30 or 40 CFR Part 70 when it operates before a finalized Initial Title V Permit is issued.</p>
<p>A-2. Commenter A commented that the “SCAQMD intentionally delayed the timely processing of the ConocoPhillips Wilmington Refinery Title V Permit in violation of 40 CFR Part 70.4(6). [SCAQMD and ConocoPhillips Wilmington Refinery] failed to comply with Title V Permitting requirements which have allowed ConocoPhillips Wilmington Refinery to operate for over six years without an approved Title V Permit. In addition, SCAQMD and ConocoPhillips Wilmington Refinery have delayed the timely processing of the Title V Permit, failed to provide proper public notification, submission, public review and approval of the ConocoPhillips Wilmington Refinery Title V Permit. SCAQMD failed to issue a Title V permit within 3 years of its permitting approval.”</p>	<p>The District complied with 40 CFR Section 70.4(b)(6) when it provided to the EPA a submission with adequate information to seek authority to administer the Title V program. More specifically, Section 70.4(b)(6) required the submission to EPA to contain “a showing of adequate authority and procedures to take up to 3 years to take final action on the application.” Details of such procedures can be found in District Rule 3003. The District complied with Section 70.4(b)(6) accordingly with its submission and EPA ultimately granted final full approval of the District’s Title V program effective on November 30, 2001. While a few years have passed since the effective date, the District has been in close contact and coordination with EPA Region IX regarding the issuance of the remaining initial Title V permits. In addition, the District continues to spend great efforts and make progress to process the application; persistently review the requirements of District permits and the adequacy of those requirements during this interim; diligently inspect the proper operation of the process units and control equipment; and encourage the public to participate in the process. The District made real progress toward final action on such applications for several refineries by proposing these Title V permits to the EPA and the public in 2003-04; however, that endeavor was a step short of an issuance as the District addressed comments from the EPA. In summary, as of March</p>

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	<p>16, 2009, the AQMD has received 770 initial Title V permit applications, and has, in coordination with EPA Region IX, completed 733 leaving only 37 Title V applications pending. With respect to claims regarding public participation, see response to Comment A-3.</p>
<p>A-3. Commenter A commented that there has been a “lack of adequate public notice in violation of 40 CFR Part 70.7 (h)(1). The SCAQMD failed to provide adequate public notice and opportunity for public participation by utilizing the minimum public notification requirements. We request that both SCAQMD and ConocoPhillips Wilmington Refinery participate in the public notice and public participation process.” Commenter A requested that the SCAQMD update its public notice policies and procedures with his recommendations.</p>	<p>The District is committed to public participation and has complied with District Rule 3006 and 40 CFR Part 70.7 (h)(1) for the proposed Title V permit for Wilmington. It is important to note that District Rule 3006 has been approved by the EPA and the requirements of that rule are consistent with Section 70.7 (h)(1) to encourage public participation. In addition, the Governing Board of the District has approved adequate procedures for public notice including offering an opportunity for public comment and a hearing on the draft permit under District Rule 3006.</p> <p>For this permit application, the District has distributed widely a public notice on July 31, 2008, that informed the reader of its intent to issue the initial Title V permit for Wilmington. The notice provided a 60-day time period during which the public may comment before September 30, 2008, and a 15-day time period during which the public has an opportunity to request a public hearing. Secondly, the District gave public notice by publication in two newspapers of general circulation; namely, in the Daily News in the English language, and in La Opinion in the Spanish language. The District also gave public notice to persons on a mailing list that included those who requested in writing to be on the list. The District also provided the proposed initial Title V permit electronically on its own website and more than nine other website addresses directing the reader to the proposed permit’s supporting documentations. Finally, the District hosted a public consultation meeting (along with Spanish translators) on a weekday evening during which the near-by community in Wilmington could participate. At the meeting, District staff members gave a 30-minute slide presentation that explained to the participants what is contained in the permit and provided an overview of the facility’s</p>

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	<p>operations and emissions. Finally, the proposed permit, public notices, and the statement of basis were available in hard-copies at the local Wilmington Public Library and the District library during the 60-day public comment period and electronically via the EPA website. This 60-day period was the result of the District's agreement to extend the required 30-day public comment period by another 30 days to allow a longer time period for the public to review the often-complex refinery permits. For the above reasons, the District strongly believes that public notice has been adequate and has gone above and beyond the requirements of the rules to engage and encourage public participation. While Commenter requested that the District update its public notice policies and procedures with his recommendations, the evaluation of the adequacy of his recommendations is outside the scope of these responses; nonetheless, they are duly noted, and the District will continue to look at all opportunities to enhance our public notice procedures.</p>
<p>A-4. Commenter A commented that the District "fail[ed] to require the accurate reporting of air emissions [and] inadequate recordkeeping provisions (<i>sic</i>). The SCAQMD failed to require and enforce ConocoPhillips Wilmington Refinery to maintain and submit complete records, special reports and Criteria and Toxic Pollutants Air Emissions Reports (AER's). The proposed permit requirements do not guarantee or provide a means to assure that complete and accurate record keeping and reporting by ConocoPhillips Wilmington Refinery. This is a requirement of 40 CFR Part 70.6(a)(3)(ii)(A) and 40 CFR Part 70.6(a)(3)(iii)(B)." Commenter also claimed that the permit lacks emissions and flaring recordkeeping and reporting requirements.</p>	<p>District Rule 301 requires the facility to report and keep records of air emissions through the Annual Emissions Reporting (AER) and AB2588 (Air Toxics "Hot Spots" Information and Assessment Act of 1987) Program. Compliance with this rule is carried out through a thorough auditing program, and companies failing to file reports or that file inaccurate reports are brought into compliance. Current rules and permit requirements provide many means to assure that the refinery conducts complete and accurate reporting when they subject the refinery to both self-reporting requirements and District inspections. District Rule 1402 requires facilities to report their air toxics emissions, ascertain health risks, and reduce their risk through a risk management plan. The District rules include provisions that impose civil penalties for false statements and failures to submit or implement risk reduction plans. Also, Form X of the Emissions Report requires the facility representative to declare under penalty of perjury that the data submitted truly represents throughput and emissions for this reporting period, and that the emission factors</p>

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represent the best available data for the company in the calculation of annual emissions. In addition, the updated information regarding the facility's compliance status is available to the public on the District website. Finally, further information may be obtained through a public-information request.

Similarly, the proposed initial Title V permit contains recordkeeping and reporting requirements with which the facility must comply, while the Statement of Basis for this facility contains also the information necessary to help the public assess the completeness of the permit, assess the adequacy of the recordkeeping and reporting requirements, understand the permit better, and know where to seek additional supporting documentation. For example, pages 19-26 of the Statement of Basis explains to the reader *inter alia* that the emissions, recordkeeping, and reporting requirements are contained in Sections D, G, and H of the proposed permit and that the most recent update regarding the facility's compliance status is available on the District website

(http://www.aqmd.gov/webappl/fim/prog/novnc.aspx?fac_id=800363). A review of the permit will show that the District has complied with 40 CFR Part 70.6(a)(3)(ii)(A) and 40 CFR Part 70.6(a)(3)(iii)(B) when the permit has incorporated all applicable recordkeeping requirements and required, where applicable, their relevant data.

For flare notifications, Wilmington, like other operators of refinery flares subject to Rule 1118, is required to notify the District at least 24 hours before a planned or within one hour of any unplanned flare event with emissions exceeding either 100 pounds of VOC or 500 pounds of sulfur dioxide, or exceeding 500,000 standard cubic feet of flared vent gas. Records of these notifications are readily available on the District website.

Wilmington's Title V Permit Section K applicable rule table has been

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	updated to indicate that the facility is subject to Rules 301, 1402, and 1118.
<p>A-5. Commenter A commented that periodic monitoring and reporting provisions are inadequate. Commenter wrote that the “Title V Permit does not guarantee or provide a means to assure that complete and accurate monitoring and reporting of Criteria and Toxic Pollutants by ConocoPhillips Wilmington Refinery. This is required by 40 CFR Part 70.6(a)(3)(iii)(A) and 40 CFR Part 70.6(a)(3)(iii)(B).” Commenter also requests that the Title V permit include Compliance Assurance Monitoring (CAM) plans and Maximum Available Control Technology (MACT) standards to assure compliance, accurate AER recordkeeping, reporting, and compliance.</p>	<p>Similar to the District response to Comment A-4 above, the monitoring, recordkeeping, and reporting requirements are contained in Sections D, E, F, G, H, and K of the proposed permit. Those requirements sought by Commenter are contained in the sections of the permit and assure that monitoring, recordkeeping, and reporting would be complete and accurate. A review of the permit will show that the District has complied with 40 CFR Part 70.6(a)(3)(iii)(A) and 40 CFR Part 70.6(a)(3)(iii)(B) when the proposed permit has incorporated all applicable reporting requirements and require timely submittal of requisite reports and reporting of deviations. For example, requirements for reporting deviations are contained in Requirements 22 and 23 of Section K in the proposed permit.</p> <p>While Commenter requests the inclusion of CAM plans into the proposed permit, this application is not subject to Part 64 of 40 CFR that governs CAM plans because it does not require them for initial Title V applications completed before April 20, 1998, under section 64.5(a)(1)(ii). This was clearly explained in Section 4 of the Statement of Basis and EPA Region IX was in agreement.</p> <p>While Commenter does not specify which MACT standard he is referring to, as explained in the Statement of Basis, NESHAP/MACT standards are implemented through and contained in sections D, H, and J of the proposed Title V permit. Also, the revised Statement of Basis contains extensive discussion on NESHAP non-applicabilities.</p>
<p>A-6. Commenter A states that the District failed “to include adequate AER information for public assessment of compliance. The ConocoPhillips Wilmington Refinery Permit Application includes only the most recent 2006 AER reported data which is insufficient to (<i>sic</i>) for the public to determine if ConocoPhillips Wilmington Refinery is</p>	<p>The most recent set of AER data that has passed the District’s data quality screening and is available to the public is for the year 2006. While the data may show that emissions of some criteria or toxic pollutants are different than those of previous years, review of the proposed Title V permit is not the designated forum at which emissions are targeted for reduction. Rather, Title V is a designated</p>

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<p>complying with permit requirements and is in fact reducing or increasing its annual emissions.”</p>	<p>process for which permitting, noticing, monitoring, recordkeeping, and reporting requirements are put in place to provide reasonable assurance of compliance by the facility. Other District Rules impose emission limits on affected equipment, but generally do not impose mass emission limits. A facility that increases its emissions is still not in violation if it complies with all applicable rules.</p>
<p>A-7. Commenter A commented that the District failed “to require reduction of criteria and toxic pollutants. [M]any categories of criteria and toxic pollutants have in fact been increasing every year. This is in violation of existing permit requirements, Title V, the Clean Air Act and other laws. The proposed permit requirements do not guarantee or provide a means to assure that ConocoPhillips Wilmington Refinery reduces its annual emissions.” Commenter recommended the requirement for monthly reports of emission increases; the update of District policies, regulations, rules, compliance measures, and Title V permit requirements to prevent emission increases; and a plan for annual reduction of criteria or toxic pollutants.</p>	<p>While the District does not in general disagree with these goals, emission reductions are targeted through the implementation of various District, State, Federal or local rules and regulations rather than through the Title V program. While the Title V program is implemented to ensure that adequate monitoring, reporting, and recordkeeping requirements exist in the permit, other District rules would require reductions in criteria and toxic emissions from various emission sources located in the South Coast air basin. Title V does not by itself require emission reductions. These plans and forecasts including the Air Quality Management Plan and the Air Toxics Control Plan can be found on our website at http://www.aqmd.gov/aqmp/AQMPintro.htm, http://www.aqmd.gov/aqmp/AirToxicsControlPlan.html, and http://www.aqmd.gov/hb/2009/January/090110a.htm.</p> <p>Rules adopted from these plans would require facilities that may include Wilmington to reduce its criteria and toxic pollutant emissions. Such rules are typically implemented under District Regulations IV, XI, XIII, XIV, and XX. In turn, new and existing facility projects must comply with those requirements under the rules, where applicable, and permit conditions would be incorporated, where appropriate, into Sections D and/or H of the permit. However, AQMD rules generally limit emission rates, not total mass emissions, so a facility may increase its emissions and still be in compliance, and any installation of new equipment, facility modifications or expansion will undergo New Source Review and appropriate permitting. RECLAIM (NOx and SOx) limits mass emissions, but even under RECLAIM,</p>

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	<p>facilities can increase emissions and still be in compliance as long as they acquire RECLAIM Trading Credits (RTCs) to reconcile their emissions. Even though annual emissions may change yearly depending on facility operations, emissions from new equipment are limited by the units' potential to emit and Best Available Control Technology (BACT). The BACT Guidelines for major sources are updated periodically to impose more stringent requirements. While Commenter provided additional recommendations, the evaluation of the adequacy of those recommendations is outside the scope of these responses; nonetheless, they are duly noted.</p>
<p>A-8. Commenter A commented that the District failed “to include equipment and parts efficiency data for the public to determine if [ConocoPhillips Wilmington Refinery’s] equipment and parts are complying with permit requirements, manufacturer specifications and refinery best industry business practices. The public has no way of determining if ConocoPhillips Wilmington Refinery is adequately maintaining equipment and parts. The numerous annual equipment and parts breakdowns reflected by flaring and other toxic and hazardous emission releases disclose that there is a serious problem and that ConocoPhillips Wilmington Refinery is not complying with SCAQMD Rules, Title V Permit, the Clean Air Act and required or obvious good refinery industry business practices for maintenance or replacement. The public has no way of determining if ConocoPhillips Wilmington Refinery is in fact using the Best Available Control Technology (BACT) or the Best Available Industry Technology. We request that equipment and parts that have efficiencies less than 99% be identified in the Title V Permit. We request that the Title V Permit require that [the refinery replaces] all equipment and parts that have efficiencies of 99% or better and that a plan for replacement be included in the Title V Permit.”</p>	<p>As indicated in the District responses above, the underlying rules for the proposed initial Title V permit does not require additional installation of new equipment and parts that have control efficiencies of 99% or better or the identification of all equipment and parts that have efficiencies of less than 99%. These determinations are beyond the scope of Title V permitting. As far as BACT determinations are concerned, they are made individually for each piece of equipment at the time of permitting, and are included in the evaluation for each of the permit applications. However, the proposed initial Title V permit intends to provide the public a reasonable assurance of compliance through the addition of any new applicable permitting, noticing, monitoring, recordkeeping, and reporting requirements in the existing rules to the proposed initial Title V permit. Emission reductions and mandatory replacement of equipment and parts are achieved through the implementation of other District, State, Federal or local rules and regulations. While Commenter provided additional recommendations, the evaluation of the adequacy of those recommendations is outside the scope of these responses; nonetheless, they are duly noted.</p>

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A-9. Commenter A commented that the District failed “to require storage tanks to have 100% closed-loop vapor recovery systems. [ConocoPhillips Wilmington Refinery’s] Title V Permit Application and SCAQMD rules fail to comply with the Clean Air Act and Title V requirements for the prevention and minimizing of the release of criteria and toxic pollutant emissions. CFASE research has disclosed that storage tanks are major sources of VOC fugitive emissions due to the design of the tanks which allow VOC venting into the atmosphere which is unacceptable. CFASE research has also disclosed that storage tanks are not built to be 100% hermetically sealed. CFASE research has also disclosed that storage tanks which have fiberglass domes still release fugitive emissions and that during an earthquake crude oil, processed fuels and other products can roll over the tanks sides which is not being reported to the public. ConocoPhillips Wilmington Refinery Permit Application and SCAQMD rules fail to require that crude oil storage tanks, fuel storage tanks, waste water and other types of storage tanks have a 100% closed-loop vapor recovery system to prevent unnecessary criteria and toxic pollutant emission releases. The current SCAQMD Rules and industry practices are not the Best Available Control Technologies. Vapor recovery technology exist for 100% capture, recycling and reprocessing. The ConocoPhillips Wilmington Refinery Permit Application fails to require ConocoPhillips Wilmington Refinery to install 100% closed-loop recovery systems. We know that the refineries does [sic] not want invest in extra storage tanks etc. to capture these emissions, but this is not an option any more. We request that the Title V Permit require that all storage tanks that store crude oil, refined fuel, partially refined fuel and other hydrocarbon contaminated sources be built to be 100% hermetically

Please see response to Comment A-8. The Title V permit program is not the designated forum for requiring emission reductions not required by District rules.

The 100% closed-loop vapor recovery system is often required for fixed roof storage tanks for volatile organic liquids such as gasoline and hydrocarbon-containing water. This type of system is not feasible for floating roof tanks. Instead, a fiberglass or aluminum dome is a very effective device to reduce emissions from floating roof tanks. As discussed in District response to Comment A-8, these BACT requirements apply when a new tank is installed or an existing tank is modified that causes VOC emission increases.

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<p>sealed and have a 100% closed-loop vapor recovery system with zero emissions. We request that the Title V Permit require that ConocoPhillips Wilmington Refinery establish a plan for the replacement or upgrading of all storage tanks.”</p>	
<p>A-10. Commenter A commented that “the Health Risk Assessment is not accurate. The ConocoPhillips Wilmington Refinery Health Risk Assessment included in the Title V Permit is not accurate because it is not based on a local impact zone or sensitive receptor Public Health Baseline” and “is not based on the accurate estimation and reporting of released criteria and toxic air pollutants.” “The SCAQMD and ConocoPhillips Wilmington Refinery have not sponsored a local impact zone or sensitive receptor Public Health Study in order to establish a proper Public Health Baseline and Facility Health Risk Assessment.” “The SCAQMD has failed to require ConocoPhillips Wilmington Refinery to use the best available test equipment for the monitoring, estimation and reporting of released criteria and toxic air pollutants.” “We request that the Title V Permit require that the Facility Health Risk Assessment data be based on a Public Health Baseline established from a Public Health Survey of all residents within a 5 mile radius of the ConocoPhillips Wilmington Refinery.”</p>	<p>The Statement of Basis includes the health risk information based on the HRA that was conducted by the refinery and approved by AQMD in accordance with Rule 1402 and a state-wide standard protocol for implementing AB2588. The HRA complied with all legal requirements and was approved. These protocols do not require a survey of all residents within 5 miles. The proposed initial Title V permit does not require an additional health risk assessment. However, the proposed initial Title V permit intends to provide the public a reasonable assurance of compliance through the addition of any new applicable permitting, noticing, monitoring, recordkeeping, and reporting requirements in the existing rules to the proposed initial Title V permit. Parameters of health risk assessment studies are evaluated through the implementation of other District, State, Federal or local rules and regulations.</p>
<p>A-11. Commenter A commented that the “Health Risk Assessment is out dated. The ConocoPhillips Wilmington Refinery Health Risk Assessment (HRA) dated May 31, 2001 which included in the Title V Permit is outdated. A new HRA should have been completed as a minimum with the most current data for the year 2007. CFASE requests that the Title V Permit include a new updated Health Risk Assessment based on 2007 or 2008 data.</p>	<p>AB2588 is a statewide program that requires high priority facilities, such as the ConocoPhillips Wilmington Refinery, to prepare health risk assessments. AB2588 also requires that facilities submit air toxic inventories on a quadrennial basis (i.e., once every four years). ConocoPhillips has complied by providing toxic inventories for fiscal years (FY) 2002-03 and 2006-07. When District staff determines that an approved HRA is no longer representative of its current emissions and/or activities, then an updated HRA is requested. District staff recently came to that conclusion regarding the ConocoPhillips Wilmington Refinery, and has requested that ConocoPhillips submit</p>

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	<p>an updated HRA for the FY 2006-07. The results of the new HRA will be posted on AQMD website when it becomes available; however, it will not be available for the inclusion in the current Statement of Basis.</p>
<p>A-12. Commenter A commented that “RECLAIM Trading Credits Program has Failed to Reduce Criteria & Toxic Pollutants. The SCAQMD RECLAIM Trading Credits Program has failed to significantly reduce Criteria & Toxic Pollutants at the ConocoPhillips Wilmington Refinery thereby causing significantly environmental and public health impacts in the local communities and cities bordering the facility. We request that the SCAQMD immediately terminate the RECLAIM Trading Credits Program as part of the Title V Permit and require ConocoPhillips Wilmington Refinery to establish a plan to reduce its criteria and toxic pollutant emissions.”</p>	<p>Please see response to Comment A-7.</p> <p>RECLAIM has reduced overall NOx emissions by over 67% since its inception. Individual facilities may increase their emissions as long as they have sufficient RTCs. Overall, Wilmington has reduced its NOx emission by 11% and its SOx emission by 33% (unaudited) since year 2000. Command-and-control rules do not require any limits on mass emissions, but only limit emission rates.</p> <p>The District does not plan to terminate the RECLAIM program, but does plan to further reduce SOx emissions through a rule to be developed this year.</p>
<p>A-13. Commenter A commented that “emergency provision are (<i>sic</i>) unacceptable. ConocoPhillips Wilmington Refinery has numerous emergencies every year typically in the form of equipment breakdowns, malfunctions and power outages where they have released hundreds of tons of criteria and toxic pollutants. Waiting for ConocoPhillips Wilmington Refinery to report the event two days later is unacceptable. The public and especially children at Hawaiian Ave. Elementary School and Gulf Ave. Elementary School are both within one mile of the ConocoPhillips Wilmington Refinery and should be immediately notified of any emergency release of criteria or toxic pollutants. There are numerous times that parents take their children to the hospital for having an asthma attack or an adult having a heart attack that may have been triggered by a toxic release from ConocoPhillips Wilmington Refinery. For example: a child may have been exposed to hydrogen sulfide but is</p>	<p>While some regulations require implementation of risk management plans (such as those in Facility Condition F24.1), the underlying rules for the proposed initial Title V permit do not govern the requirements for emergency notifications to the community that Commenter supports. These requirements are outside the jurisdiction of the current rules that are enforceable by the District. While Commenter provided additional recommendations, the evaluation of the adequacy of those recommendations is outside the scope of these responses; nonetheless, they are duly noted.</p>

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<p>being treated for a normal asthma attack. He has had an incorrect or incomplete medical diagnosis and treatment. There are also several Children day Care centers within one mile of ConocoPhillips Wilmington Refinery and should be immediately notified of any emergency release of criteria or toxic pollutants. We request the Title V Permit require that SCAQMD and ConocoPhillips Wilmington Refinery prepare and include a Public Emergency Notification, Evacuation & Public Care Plan. We request the Title V Permit require that SCAQMD and ConocoPhillips Wilmington Refinery immediately send and deliver a notice of an emergency toxic release to all public schools, child care centers and residents within 5 miles of the ConocoPhillips Wilmington Refinery.”</p>	
<p>A-14. Commenter A commented that the proposed permit failed “to contain a certificate of compliance. This is a requirement of 40 CFR Part 70.6(c)(5). It fails to include:</p> <ol style="list-style-type: none"> a. A statement that states that ConocoPhillips Wilmington Refinery is currently complying with all air quality requirements. b. A copy of all consent decrees, variances, notices to comply and notices of violations. c. A listing identifying all non-compliance requirements. d. A statement of the methods for determining compliance, an enforcement plan, compliance schedule, including a description of monitoring, recordkeeping, reporting requirements, test methods. e. A schedule for submission of compliance certifications after the permit is issued. f. A statement indicating whether a source is complying with any enhanced monitoring and compliance certifications of the Clean Air Act. g. A document or place for responsible official to sign. 	<p>The proposed permit complies with 40 CFR Part 70.6(c)(5). These federal requirements are implemented through District Rule 3004(a)(10)(E) and Condition 24 in Section K in Wilmington’s proposed permit.</p> <p>40 CFR Part 70.6(c)(5) requires Title V permits to contain requirements for compliance certification. The permits must include each of the following: (i) the frequency of submissions of compliance certifications; (ii) a means for monitoring the compliance of the source with its emissions limitations, standards, and work practices; (iii) a requirement that the compliance certification include all of the following: (A) The identification of each term or condition of the permit that is the basis of the certification; (B) The identification of the method(s) or other means used by the owner or operator for determining the compliance status with each term and condition during the certification period; (C) The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall identify each deviation and take it into account in the compliance certification. The</p>

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The Title V Permit fails to require immediate and complete compliance to applicable court consent decrees, variances, notices of to comply and notices of violations. While they are mentioned, the Title V Permit does not provide information as to their current status, adoption, new emission standards development, implementation, enhancements, equipment purchase & installation and compliance. Based on what little information is provided, it appears that ConocoPhillips Wilmington Refinery is not in compliance with the Court Consent Decree and will not meet the September 8, 2008 Rule 1118 Flaring Variance deadline. In addition, the Title V Permit in fact forces the public to have to go an additional SCAQMD website to research the information on Notices to Comply and Notices of Violation. We request that the Title V Permit include a Certificate of Compliance and compliance with 40 CFR Part 70.6(c)(5), 40 CFR Part 70.5 (c)(8)(iii)(A), 40 CFR Part 70.5(c)(8)(iii)(B) and 40 CFR Part 70.5(c)(8)(iii)(C) and 40 CFR Part 70.5(c)(8)(iv). We request that a copy of all consent decrees, variances, notices to comply and notices of violations be included in the Title V Permit. We request that any submitted Compliance Schedule not allow ConocoPhillips Wilmington Refinery to operate in violation of an applicable requirement. We request that no Title V Permit be issued until all consent decrees, variances, notices to comply and notices of violations have been fulfilled. We further request that all compliance history and status information be included in the Title V Permit.”

certification shall also identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred; and (D) Such other facts as the permitting authority may require to determine the compliance status of the source. (iv) A requirement that all compliance certifications be submitted to the Administrator as well as to the permitting authority.

Wilmington’s permit application complies with 40 CFR Part 70.5(c)(8)(iii) and Part 70.5(c)(8)(iv). 40 CFR Part 70.5(c)(8)(iii) requires the application of the proposed permit to include a compliance plan that contains in a compliance schedule: A) a statement that the facility will continue to comply with the applicable requirements if the facility is in compliance; B) a statement that the facility will meet on a timely basis if there are applicable requirements that will become effective during the permit term; and C) a schedule of compliance for sources that are not in compliance with all applicable requirements at the time of permit issuance. In addition, 40 CFR Part 70.5(c)(8)(iv) requires the application of the proposed permit to include a compliance plan that contains a schedule for submission of certified progress reports no less frequently than every 6 months for sources required to have a schedule of compliance to remedy a violation. These requirements are implemented through District Rule 3004(a)(10)(D).

The requirements of District Rule 1118 apply and have been indicated by conditions I1.2 and H23.28 of Wilmington’s proposed permit. As required by Rule 3004(a)(10)(C), condition I1.2 has been added to the affected equipment in section D and H of the permit requiring the operator to comply with all the conditions of the variance including the submittal of progress reports. Finally, compliance plans listed in Section I are not included verbatim within the body of the permit; rather, they are available via requests for public information.

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	<p>Wilmington’s permit application has met the federal requirements to include statements whether the refinery would stay in compliance and to include compliance plans in cases of non-compliance by way of its submission of Form 500-A2 (Title V Application Certification) and 500-C2 (Non-Compliant Operations Report and Part 70 Compliance Schedule/Plan and Quality Improvement Plan - QIP). These requirements are also implemented through District Rule 3004(a)(7)(A) and 3004(a)(10)(C). There is no provision in Title V which would allow withholding the Title V permit until the facility has complied with the conditions of all consent decrees, variances, etc. The Title V permit is not required to include compliance history. However, such information is available on the AQMD website.</p>
<p>A-15. Commenter A commented that the permit application failed “to contain a certificate of truthfulness. The ConocoPhillips Wilmington Refinery Title V Permit fails to contain a Certificate of Truthfulness. A responsible official must certify under penalty of law that the application is true, accurate and complete. This is a requirement of 40 CFR Part 70.5(d). We request that the Title V Permit include a Certificate of Truthfulness and compliance with 40 CFR Part 70.5(d).”</p>	<p>40 CFR Part 70.5(d) requires the application form to contain certification by a responsible official of truth, accuracy, and completeness. The certification must state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. Wilmington’s application has met the aforementioned federal requirements through its submission of Form 500-A2 (Title V Application Certification) containing such statements with other application materials.</p>
<p>A-16. Commenter A commented that the District failed “to require emergency back-up power to prevent facility equipment stoppage due to power failure and toxic releases. The Title V Permit fails to include requirements for the ConocoPhillips Wilmington Refinery to have emergency standby back-up power in the event of a temporary power interruption, power voltage or amperage drop or a complete catastrophic power failure. The failure of SCAQMD to include this reasonable and cost effective requirement has allowed the ConocoPhillips Wilmington Refinery to emit hundreds of tons of preventable air pollution during a power failure. On September 12, 2005 there was a major electrical</p>	<p>On November 4, 2005, District Governing Board revised Rule 1118 – Control of Emissions from Refinery Flares, and ordered staff to study the feasibility to implement uninterruptible power in order to minimize flaring and report back to the Board with any recommendations.</p> <p>At the May 2007 Stationary Source Committee meeting, District staff reported that they have investigated several technologies to generate electricity at a refinery, including diesel generators, fuel cells and cogeneration units, with the most promising being the use of cogeneration, and that a third party contractor expertise is needed to conduct a more detailed feasibility analysis. Staff will further discuss this issue with the Board’s Stationary Source Committee prior to</p>

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<p>power blackout which resulted in ConocoPhillips releasing hundreds if not thousands of tons of Criteria and Toxic air pollutants such as PM, SOX, VOC and HAP's over the course of several days. There have other power outages which have also resulted in the release of criteria and toxic air pollutants.”</p> <p>Furthermore, the Commenter states that the refinery has “an operable Co-Generation System that failed to come-on due to the fact it was connected to the main power grid and not connected to an independent power source in order for it to operate.”</p>	<p>proceeding with this next phase of the analysis in power engineering as it relates to refinery applications. While the issue is being studied, and until any rule requirements are promulgated in the future, it would not be feasible to impose any requirements with regards to back up power in the Title V permit at this time.</p>
<p>A-17. Commenter A commented that the District failed “to issue Notices of Violation in releasing and not reporting emissions and data. The Title V Permit does not guarantee or provide a means to assure that SCAQMD is issuing Notices of Violation for the failure of providing required notice of releases, complete and accurate monitoring and reporting of Criteria and Toxic Pollutants by ConocoPhillips Wilmington Refinery. This is required by 40 CFR Part 70.6(a)(3)(iii)(A) and 40 CFR Part 70.6(a)(3)(iii)(B). Research by CFASE has disclosed that emissions in the past have not been properly calculated, recorded, not being reported, not being properly monitored or having NOV's issued. ConocoPhillips Wilmington Refinery is an annual repeat offender of the failure of providing required notice of releases, complete and accurate monitoring and reporting of Criteria and Toxic Pollutants. CFASE is an annual and frequent reporter of flaring at the ConocoPhillips Wilmington Refinery and the information included in the Title V Permit has disclosed that SCAQMD is failing to document and write NOV's that are being reported by the public. Photographs included in Appendix D validate this.</p>	<p>Please see responses to Comments A-4 and A-5.</p> <p>The District has complied with 40 CFR Part 70.6(a)(3)(iii)(A) and 40 CFR Part 70.6(a)(3)(iii)(B) when the proposed permit has incorporated all applicable reporting requirements and require timely submittal of requisite reports and reporting of deviations. For example, requirements for reporting deviations are contained in Requirements 22 and 23 of Section K in the proposed permit.</p> <p>As discussed in response to Comment A-18, not all flaring would result in issuance of notice of violation. The variations in the annual emission reporting noted by the Commenter also are not violations, but are due primarily to various reporting program requirements. For example, the list of toxic compounds that are required by Rule 301 to be reported <u>annually</u> is much shorter than those required <u>every four years</u> under the Air Toxics Hot Spots program. Both reporting programs are implemented by the District using the same mechanism. As a result, the public would see the list of reported compounds varies from year to year.</p>

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<p>SCAQMD issues multiple Notices of Violation every year to ConocoPhillips Wilmington Refinery and has issued 88 Notices of Violations since 1997 which is unacceptable and proof of their failure and willingness to comply with the Clean Air Act and Title V. The SCAQMD required Periodic Monitoring requirements, guidelines and enforcement actions have failed to assure compliance, reduction of criteria and toxic emissions, adequate monitoring and reporting. SCAQMD has been issuing less NOV's than in the past even though there has been continuance violations (sic) every year. See Appendix A, B & C. We request that the Title V permit include compliance with 40 CFR Part 70.6(a)(3)(iii)(A) and 40 CFR Part 70.6(a)(3)(iii)(B). We request that the Title V Permit include additional SCAQMD rule requirements, over-site and enforcement conditions to prevent the failure to issue an NOV and that ConocoPhillips Wilmington Refinery be required to establish a prevention and compliance plan. Request that that SCAQMD inspector provide a justification for not issuing an NOV and that it is approved by a department manager.”</p> <p>Commenter A also states that the District failed to issue Notices to Comply for the reason stated above.</p>	
<p>A-18. Commenter A states that the Wilmington refinery and the District rules failed to reduce flare emissions. “The ConocoPhillips Wilmington Refinery Title V Permit Application and SCAQMD rules fail to assure compliance with the Clean Air Act and Title V requirements for the prevention and minimizing of the release of criteria and toxic pollutant emissions during flaring. The SCAQMD Rule 1118 fails to comply with the Clean Air Act and Title V requirements and must be revised the following deficiencies. Rule 1118 fails to:</p>	<p>While Commenter provided numerous recommendations to revise Rule 1118, the evaluation of the adequacy of those recommendations is outside the scope of these responses; nonetheless, they are duly noted. As it is currently written, Rule 1118 allows flaring in certain circumstances, such as during emergencies, shutdowns, startups, and for other essential operational needs. All flaring does not necessarily result in a Notice of Violation.</p> <p>With respect to the flare emission reports, Rule 1118 does require that all refinery flare emissions be reported on a quarterly basis. These</p>

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<p>a. Require the prevention, elimination and minimization of flaring. No flaring should be allowed or occur when there is a closed loop near 100% Flare Gas Recovery System in place.</p> <p>b. SCAQMD shall require a Flare Reduction Plan to reduce flare emissions by 90% by the year 2010.</p> <p>c. The SCAQMD Executive Officer and SCAQMD Board have no authority to waive compliance to the Clean Air Act and Title V and to allow illegal flaring which can be cost effectively prevented.</p> <p>d. The SCAQMD Executive Officer and SCAQMD Board have no authority to grant an extension to waive compliance to the Clean Air Act and Title V for flare gas treatment and recovery systems for facilities with more than one flare since more than flare can be constructed or worked on at the same time. Rule 1118 was adopted in 2005 and all refineries have sufficient time to plan and comply with Rule 1118 and the Clean Air Act and Title V. ConocoPhillips Wilmington Refinery must comply with the Clean Air Act and Title V regardless if SCAQMD is in non-compliance.</p> <p>e. When flaring must occur due to planned shut downs, startups, turnarounds, maintenance parts or equipment replacement the highest efficiency option plan to minimize flaring shall be utilized</p> <p>f. Include monitoring, testing and reporting of all criteria and toxic pollutant emissions released during flaring, which as a minimum should include oxides of sulfur (SOX), oxides of nitrogen (NOX), carbon dioxide (CO), reactive organic compounds (ROG), volatile organic compounds (VOC's), hazardous air pollutants (HAP's) and particulate matter (PM).</p> <p>g. A Flare Gas Recovery System shall also consist of a</p>	<p>reports cover all flare events, including emergencies, shutdowns, startups, etc., and they are available on AQMD website at http://www.aqmd.gov/comply/1118/cpwilmington.htm.</p> <p>Records of complaints received through the 800-CUT-SMOG telephone line are not available online, however they can be requested by filing a public record request at http://www.aqmd.gov/prr/prform.doc.</p> <p>The alleged deficiencies in Rule 1118 cannot be addressed through the Title V process. However, SCAQMD has not waived compliance with the Clean Air Act.</p> <p>The commenter's allegation that Wilmington Refinery is continuously failing to notify AQMD of flaring incidents is most likely based on the fact that these notifications are not available on the AQMD's website, unlike the other refineries. This facility has in fact notified the AQMD by telephone, instead of using the more recently developed web-based notification system. Nevertheless, the telephone notification method complies with Rule 1118. These notification records are transferred into electronic reports by AQMD and are readily available to the public upon filing of Public Records Requests.</p>
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| <p>storage tank to which flare gases can be transferred to, stored, recovered and reprocessed and not flared into the atmosphere. A Flare Gas Recovery System must be capable of achieving a 99% recovery efficiency level.</p> <ul style="list-style-type: none">h. Conduct a Specific Cause Analysis (SCA) when flaring has occurred continuously for more than 5 minutes or more than two 3 minute emissions during a one hour period. The SCA shall not be based on the amount of emissions as listed in the current Rule 1118 which allows the illegal release of criteria and toxic pollutants and no mitigation.i. When a Specific Cause Analysis has been prepared and the refinery has a second or more repeat causes of the same problem immediate corrective action must take place and a report must be submitted. When three offenses have occurred the Title V Permit will be immediately suspended and the refinery ordered to cease and desist all business operations.j. A flare event shall be defined as an event occurring for more than 3 minutes.k. Operate all flares in a smokeless manner with no visible emissions not to exceed 3 minutes at any time.l. All flaring over 3 minutes will be mitigated by the submission of a Mitigation Plan, which as a minimum will address environmental, public health and economic impacts.m. The SCAQMD Executive Officer upon approving a Flare Minimization Plan shall justify why they have rejected any public comment recommendation and request.n. SCAQMD will post the Flare Minimization Plan on the SCAQMD website for public review.o. SCAQMD shall annually provide an open 60 public comment period to review and update the Flare | |
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| <p>Minimization Plan. All recommendations shall be adopted within 90 days.</p> <ul style="list-style-type: none">p. A flare gas sample must be taken within 3 minutes of initial flaring, at the source and every five minutes thereafter, until flaring has stopped. There will be no waivers, exemptions from taking flare gas samples.q. Any flaring technology used shall not allow the pilot flame to be blown out.r. Shall require ConocoPhillips Wilmington Refinery to notify SCAQMD of any unplanned flaring event within 5 minutes of the flaring event and immediate proposed mitigation and corrective action.s. Shall require ConocoPhillips Wilmington Refinery to prepare and submit for approval and public review a Flare Mitigation & Corrective Action prior to the issuance of the Title V Permit. ConocoPhillips Wilmington Refinery shall be required to cease and desist all business operation until they have an approved Flare Mitigation & Corrective Action.t. All submitted Quarterly Reports shall posted on the SCAQMD website within 30 days of receipt.u. All reported flare emission data shall be based on recorded scientific equipment measurements and summary reports. None shall not based on calculations, formula estimations or models which can be manipulated and data underreported as proven by numerous studies.v. Any flaring which is deemed to occur for more than 8 hours due to equipment failure shall require the system to be shut down immediately and a System Recovery Plan submitted for the startup and/or repair.w. A Fence-Line Monitoring System shall be set-up for each flare unit as the alternative back-up system and in the event of a fire, explosion or other catastrophic event. | |
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x. The SCAQMD established Mitigation Fee Schedule is inadequate to ensure ConocoPhillips Wilmington Refinery compliance to the Clean Air Act, Title V and Rule 1118. ConocoPhillips Wilmington Refineries failure each year to comply with the Clean Air Act, Title V and Rule 1118 is sufficient to warrant a significant increase and frequency in fines and penalties. In California if a resident gets three tickets the three strikes rule applies, why should companies be allowed to violate the law repeatedly endanger public lives and health.

The ConocoPhillips Wilmington Refinery is continuously failing to notify SCAQMD of flaring incidents within one hour and provide accurate emissions reports of each event as required. The public calls in and reports 9 out of 10 flaring incidents to the 800-cut-smog telephone line. SCAQMD fails to issue NOV's over 90% of the time for public call-in air pollution complaints. We request that the Title V Permit include the immediate submission of a Flare Reduction Plan, additional mandatory reporting of all flaring incidents, accurate monitoring, recording requirements, enforcement actions in the form of NOV's, NC's, increasing maximum fines and submission of Quarterly Emissions Reports. We request that SCAQMD Rule 1118 be revised to address all described and noted deficiencies. That ConocoPhillips Wilmington Refinery immediately comply with existing SCAQMD Rule 1118 requirements and allow no waivers or variances under any circumstances. We request that the Title V Permit include that the Quarterly Emissions Reports include all emissions of oxides of sulfur (SOX), oxides of nitrogen (NOX), carbon dioxide (CO), reactive organic compounds (ROG), volatile organic compounds (VOC's) and particulate matter (PM). Request that the Quarterly Emissions Report allow no waivers of exclusion of emissions

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<p>data. We request that the Title V Permit include statistics and data on the number of public call-in reports of flaring and the SCAQMD actions taken.”</p>	
<p>A-19. Commenter A states that the Wilmington refinery failed to “comply with CEQA Mitigation Monitoring Plan. The ConocoPhillips Wilmington Refinery Title V Permit fails to disclose that ConocoPhillips Wilmington Refinery did not comply with the CEQA Mitigation Monitoring Plan for the Cogeneration Upgrade Project SCH No. 95121017 dated May 1996. SCAQMD failed to develop specific guidelines for how mitigation monitoring would be performed. SCAQMD failed to certify compliance as required by CEQA. CFASE research has disclosed that ConocoPhillips Wilmington Refinery failed to comply with the stated actions in the CEQA Mitigation Monitoring Plan. The Mitigation Monitoring Plan failed to comply with the CEQA, the Clean Air Act and Title V. SCAQMD failed to monitor and enforce compliance which has resulted in the release of criteria and toxic pollutants in violation of the CEQA, the Clean Air Act and Title V. SCAQMD failed to provide an opportunity for the public to review and provide public comment on the proposed CEQA Mitigation Monitoring Plan. As a result of this failure, significant environmental impacts were not mitigated to an insignificant level or the greatest extent feasible. The Best Available Control Technology (BACT) was not incorporated. We request that the Title V Permit include an accurate status of all CEQA documents, CEQA requirements, mitigation plans, schedule for compliance, compliance certification, appropriate guidelines for monitoring, reporting, penalty assessments and fines.”</p>	<p>There is no indication that Wilmington has failed to comply with any mitigation measures in CEQA document SCH No. 95121017. Our further review also indicates that there is no reason to believe that there is any violation. Commenter did not specify which stated actions in the CEQA Mitigation Measures that Wilmington has allegedly failed to comply. District is unable to respond further to this comment since commenter did not provide any specific details. With regard to BACT, the turbine and boiler were equipped with carbon monoxide (CO) oxidation catalyst and selective catalytic reduction, which were considered as BACT, to control their CO and NOx emissions. While Commenter provided additional recommendations to incorporate CEQA into the Title V Permit, the evaluation of the adequacy of those recommendations is outside the scope of these responses; nonetheless, they are duly noted</p>
<p>A-20. Commenter A states that the Title V permit failed “to disclose pending and recently settled public civil lawsuits.</p>	<p>The proposed Initial Title V Permit is based on the existing RECLAIM permit that is currently issued to Wilmington, with added</p>

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<p>The ConocoPhillips Wilmington Refinery Title V Permit fails to disclose that ConocoPhillips Wilmington Refinery is currently involved and has recently settled numerous public civil lawsuits regarding negligence, safety violations, personal property damage and personal health injury due to their exposure to released criteria and toxic air pollutants caused by malfunctions and explosions at the ConocoPhillips Wilmington Refinery which could have been prevented if the ConocoPhillips Wilmington Refinery was in compliance with the Clean Air Act, California Environmental Quality Act and other legal regulatory requirements. The lawsuits are evidence that SCAQMD’s past permit conditions and the identical currently proposed Title V Permit requirements, rules, regulations and guidelines are inadequate and fail to comply with the Clean Air Act, California Environmental Quality Act and other legal regulatory requirements. We request that the Title V Permit disclose and provide detailed information that ConocoPhillips Wilmington Refinery is currently involved in and has recently settled numerous public civil lawsuits regarding negligence, safety violations, personal property damage and personal health injury due to their exposure to released criteria and toxic air pollutants caused by malfunctions and explosions at the ConocoPhillips Wilmington Refinery. We request that information be provided for the past five years to illustrate a history of problems, non-compliance, inadequacy of past and current SCAQMD rules, regulations, requirements, guidelines and non-compliance with the Clean Air Act, California Environmental Quality Act and other legal regulatory requirements.”</p>	<p>monitoring, reporting provisions, and Title V administrative conditions as required by Title V. The refinery is inspected by District inspectors on a regular basis. Any discovery by District inspector of any equipment operating contrary to the permit may result in a Notice of Violation or Notice to Comply. Any equipment malfunction that causes the release of excessive emissions may also result in a Notice of Violation if it was not a valid breakdown, as covered in Rule 430. Any such compliance issues regarding this refinery has been disclosed and discussed in the Statement of Basis, Section 9 – Compliance History. Civil lawsuits for which District is not a party are typically not recorded at or enforced by the District. Please see also response to Comment A-14.</p>
<p>A-21. Commenter A commented that the District failed “to include greenhouse gas emissions limits and reduction plan. The ConocoPhillips Wilmington Refinery Title V Permit</p>	<p>Under the state law, California Air Resources Board (CARB) is the agency responsible for implementation of the AB32 and Global Warming/Greenhouse Gases provisions of the state law. Therefore,</p>

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<p>fails to include provisions for addressing Green House Gas (GHG) emissions limits and the preparation of a GHG Emission Reduction Plan per 40 CFR Part 52.21(b)(50)(iv) and the AB 32 California Global Warming Solutions Act. We request that the Title V Permit include compliance with 40 CFR Part 52.21(b)(50)(iv) and the AB 32 California Global Warming Solutions Act and the California Health & Safety Code Section 38500-38599.”</p>	<p>when CARB finalizes its regulations, Wilmington and any other company subject to the requirements of such regulations must comply with such requirements. We do not read 40CFR section 52.21(b)(50)(iv) to require these facilities to implement a greenhouse gas emission reduction plan. In addition, EPA’s most recent policy statement is that greenhouse gases are not a “pollutant subject to regulation” as specified in section 52.21(b)(50)(iv). Although the new administration may be reconsidering this issue, in the absence of any further guidance it would be premature to conclude that greenhouse gases are included in this definition. Finally, as indicated earlier, the issuance of the Title V permit for this facility by itself does not trigger CEQA requirements or any Greenhouse Gas requirements. If, in the future, the District is delegated to implement the greenhouse gas requirements, a program may be developed with certain requirements incorporated into the Title V permit, as appropriate.</p>
<p>A-22. Commenter A commented that the District failed “to include CAM plans. CFASE disagrees that the ConocoPhillips Wilmington Refinery Title V Permit Application is not subject to Compliance Assurance Monitoring (CAM) requirements because it was initially submitted on February 5, 1998. The original Title V Permit as submitted does not comply with the Clean Air Act, Title V and other regulatory laws, rules, regulations and guidelines. This claim is an attempt to circumvent CAM Plan requirements and Clean Air Act, Title V and other regulatory laws, rules, regulations, requirements and guidelines. CAM Plans assure that air pollution control equipment is operating properly and efficiently at specified parameters. CAM Plans assure that air pollution equipment is in compliance with the Clean Air Act, Title V and SCAQMD permit requirements. A review of ConocoPhillips Wilmington Refinery inaccurate, incomplete AER Data, inability to control and reduce criteria and toxic pollutants, the number of unplanned flare events,</p>	<p>Please see response to Comment A-5.</p> <p>As explained in A-5, Wilmington’s initial application is not subject to Part 64 [CAM] of Title 40 of the Code of Federal Regulations, as agreed by EPA Region IX; however, CAM plans would be required upon the renewal of Title V permit.</p> <p>Although this allows a facility to continue to operate, the District will continue to make great efforts to process the application; to persistently review the requirements of District permits and the adequacy of those requirements during this interim; to diligently inspect the proper operation of the process units and control equipment; and to encourage the public to participate in the process.</p>

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<p>the significant number of equipment breakdowns and annual numerous Notices of Violations justify the need for CAM Plans. The official and recognized date of the ConocoPhillips Wilmington Refinery Title V Permit Application is the release date of the public notice dated July 31, 2008. CFASE requests that the Title V Permit include CAM Plans for all air pollution control equipment.”</p>	
<p>A-23. Commenter A states that the Wilmington refinery failed “to comply with variance to purchase and install TSC and HHV analyzers. The ConocoPhillips Wilmington Refinery Title V Permit fails to require the ConocoPhillips Wilmington Refinery to immediately purchase and install TSC and HHV Analyzers as part of the SCAQMD Rule 1118 Variance. Approval for the analyzers was given and there is no explanation why the analyzers have not been purchased or installed or a schedule when they will be purchased and installed. SCAQMD failed to issue any Notice of Violation, Notice to Comply or assessment of a penalty or fine. The SCAQMD cannot waive non-compliance with the Clean Air Act or Title V Permit requirements by issuing continuous Variances or ignore compliance. CFASE requests that the Title V Permit require immediate compliance with SCAQMD Rule 1118, the updating of Rule 1118, the immediate purchase and installation of TSC and HHV Analyzers in compliance with the Clean Air Act and Title V Permit requirements.”</p>	<p>The Statement of Basis for the proposed Initial Title V permit discusses the variance no. 4900-79 for Wilmington to comply with the requirements in 1118 with regard to the installation of the TSC and HHV analyzers. The variance was subsequently extended, to October 2010, to allow the facility to order, install, and test the necessary equipment in order to achieve compliance. Wilmington is currently operating in compliance with the variance and is not in violation of Rule 1118. Commenter’s requests for Rule 1118 revision and immediate compliance with the Rule are not within the purview of the Title V permit.</p>
<p>A-24. Commenter A commented that the District failed “to Include a Facility Risk Management Plan (RMP). The ConocoPhillips Wilmington Refinery Title V Permit fails to include a Facility Risk Management Plan and signed statement of compliance for public review and comment as required by 40 CFR Part 68. The RMP provides protective and mandatory requirements that can significantly impact</p>	<p>Please see response to Comment A-13.</p> <p>In addition, the proposed Title V permit (Facility Condition F24.1) has required the facility to comply with 40CFR68 – Chemical Accident Prevention Provisions, and annually certify compliance as appropriate.</p>

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<p>compliance to the Clean Air Act and Title V. CFASE requests that the Title V Permit include the Facility Risk Management Plan and a signed statement of compliance and certification.”</p>	
<p>A-25. Commenter A commented that the refinery failed “to Repair VOC Devices, Parts & Equipment in a Timely Manner. The ConocoPhillips Wilmington Refinery Title V Permit fails to include the timely repair or replacement of devices, parts, and equipment leaking fugitive VOC’s. Rule 1173 does not comply with the Clean Air Act and Title V to prevent, control and minimize fugitive VOC emissions and public exposure to criteria and toxic air pollutants. CFASE requests that the Title V Permit include the requirement that SCAQMD Rule 1173 be updated to comply with the Clean Air Act and Title V. We further request that Rule 1173 be revised to include that upon detection of fugitive VOC’s the device, part or equipment will be immediately repaired or replaced within 24 hours and that if there is a temporary means to stop or minimize fugitive emissions, they shall be employed.”</p>	<p>While Commenter provided recommendations to revise Rule 1173, the evaluation of the adequacy of those recommendations is outside the scope of these responses; nonetheless, they are duly noted.</p>
<p>A-26 Commenter A commented that the refinery Title V permit failed “to include CEMS Plans. The ConocoPhillips Wilmington Refinery Title V Permit fails to include Continuous Emissions Monitoring Systems (CEMS) Plans for all Criteria and significant Toxic Pollutants for public review and comment. The Title V Permit states that steam injection and flue gas circulation etc. shall be operated at any control efficiency provided that the emission concentration being monitored by the certified CEMS servicing this equipment is below the valid upper range specified in the approved CEMS Plan. The Title V Permit fails to state if the CEMS Plans have been approved, have been inspected, the frequency of inspection and are in fact in compliance. The</p>	<p>Major NOx and SOx RECLAIM sources are required to have certified CEMS in order to comply with RECLAIM rule requirements. (Please see conditions I and III in Section F of the proposed Initial Title V permit.) A CEMS Plan application is needed to initiate the CEMS certification process. District engineers review, approve, and certify the CEMS. The copy of the CEMS plan is kept in District record and is available to the public for review through public record requests. CEMS Plans are not required for other criteria pollutants such as VOC, CO, or PM, or for toxic pollutants.</p>

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<p>public does not know what is the control efficiency or the valid upper range and whether or not this efficiency or range is adequate to control emissions and /or minimize emissions. The public does not know if this control efficiency or range is in compliance with the Clean Air Act and Title V and other regulatory requirements. CFASE requests that the Title V Permit include the requirement that the CEMS Plans be included in the Title V Permit and that there be a signed CEMS Plan Certificate of Compliance.”</p>	
<p>A-27. Commenter A commented that “the ConocoPhillips Wilmington Refinery Title V Permit fails to require adequate frequent source testing of Criteria and Toxic Pollutants to assure compliance with the Clean Air Act, Title V and other regulatory requirements. The Title V Permit states that some testing will be every two year or every three years which is unacceptable and does not comply with the Clean Air Act, Title V and other regulatory requirements. The ConocoPhillips Wilmington Refinery history of operational, planned and unplanned emissions monitoring and reporting is terrible and continually in non-compliance with the Clean Air Act, Title V, SCAQMD Rules and other regulatory requirements. CFASE requests that source testing be monitored and continuous 24 hrs a day.”</p>	<p>Title V requires monitoring and reporting of emissions and other operating parameters. Source testing can qualify as a method of monitoring; however, it is not specifically required by Title V. Other parameter monitorings, such as temperature, pressure, flow, etc, are normally acceptable as surrogates for emission monitorings, depending on the processes. Commenter did not specify which source test conditions in the permit were objectionable; therefore, specific surrogate monitoring method can not be discussed. Source testing 24 hours a day as requested by the Commenter is not feasible.</p>
<p>A-28. Commenter A commented that the District “failed to adequately protect environmental justice communities and federally protected class groups. The SCAQMD and Title V Permit fail to protect Environmental Justice Communities and Federally Protected Class Groups from being exposed to excessive criteria and toxic pollutants emissions. The SCAQMD rules, past permits and current Title V Permit fail to significantly reduce excessive criteria and toxic pollutants emissions in Environmental Justice Communities and Federally Protected Class Groups communities. The city of</p>	<p>Emission reductions are targeted through the implementation of various District, State, Federal or local rules and regulations rather than through the Title V program. While the Title V program is implemented to ensure that adequate monitoring, reporting, and recordkeeping requirements exist in the permit, the District rules would require reductions in criteria and toxic emissions from various emission sources located in our air basin. These plans and forecasts including the Air Quality Management Plan and the Air Toxics Control Plan can be found on our website at http://www.aqmd.gov/aqmp/AQMPintro.htm,</p>

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Wilmington and neighboring Environmental Justice communities have a significant and disproportionate negative impact on the local environment, have increased public health risk and public health problems. The ConocoPhillips Wilmington Refinery Title V Permit also failed to consider the Cumulative Impact of other major criteria and toxic pollutant sources in, bordering and near Wilmington. The current SCAQMD RECLAIM Trading Credits Program has failed to significantly reduce criteria & toxic pollutants at the ConocoPhillips Wilmington Refinery thereby causing significantly environmental and public health impacts in the local Environmental Justice and protected class group communities bordering the facility. The Title V Permit fails to guarantee that the SCAQMD will act promptly and properly upon any existing or future discovered non-compliance. ConocoPhillips Wilmington Refinery is currently in non-compliance of the Clean Air Act and Title V. SCAQMD has failed to initiate enforcement actions such as: permit termination, permit revocation, reissuance, modification or revision, or denial of a permit renewal application and civil or criminal penalties per 40 CFR Part 70.6(a)(6)(i). We request that the Title V Permit include all requests made in these public comments and comply with all Environmental Justice, Title VI, California Health & Safety Code policies, rules, regulations and guidelines. We request that the Title V Permit include Compliance Assurance Monitoring (CAM) Plan and Maximum Available Control Technology Standards to assure protection of Environmental Justice Communities and Federally Protected Class Groups and to assure accurate AER recordkeeping, reporting and compliance per 40 CFR Part 70, 40 CFR Part 63 and CFR Part 64. We request that the Title V Permit include compliance with 40 CFR Part 70.6(a)(6)(i). We request that

<http://www.aqmd.gov/aqmp/AirToxicsControlPlan.html>, and <http://www.aqmd.gov/hb/2009/January/090110a.htm>. Even though annual emissions may change yearly depending on facility operations, emissions from new equipment are limited by the units' potential to emit and Best Available Control Technology (BACT). The BACT Guidelines for major sources are updated periodically to impose more stringent requirements. Overall, Wilmington has reduced its NOx and SOx emissions by 11% and 33% (unaudited), respectively, since year 2000. Also, the District has convened an Environmental Justice Advisory Group to advise the District on issues related to environmental justice and assure that AQMD makes meaningful and continuous progress toward the achievement of environmental justice through its decisions and activities. The District is continuing to address cumulative impacts through programs and rules such 1401.1. Most recently, the District is developing its Clean Communities Plan to further reduce those impacts. As indicated in the District response for Comment A-6 and A-7, review of the proposed Title V permit is not the designated forum at which emissions are targeted for reduction. Rather, the proposed initial Title V permit intends to provide the public a reasonable assurance of compliance through the addition of any new applicable permitting, noticing, monitoring, recordkeeping, and reporting requirements in the existing rules to the proposed initial Title V permit. The SCAQMD has taken appropriate enforcement actions whenever it finds a violation at Wilmington. The commenter has not identified any violations which have not been appropriately handled.

40 CFR Part 70.6(a)(6)(i) requires the Title V permit to include a provision stating that the "permittee must comply with all conditions of the part 70 permit. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application." The proposed permit has met these

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<p>the Title V Permit include an SCAQMD statement it will provide public notice and it will immediately advise the USEPA and California EPA of its intent not to seek enforcement action within 30 days of its decision and discovery of a violation.”</p>	<p>federal requirements as implemented through District Rule 3004(a)(7)(A) and through Condition 8 in Section K in the proposed permit.</p> <p>With regards to 40 CFR Part 64 – Compliance Assurance Monitoring, please see response to Comment A-5 above.</p>
<p>A-29. Commenter A made a “request to be notified and to be sent a final Title V permit copy. CFASE requests that we be notified and sent a copy of the ConocoPhillips Wilmington Refinery Final Title V Permit. We further request that we be informed when the USEPA has completed its review of the Title V Permit and be sent a copy of USEPA’s comments.” In addition, Commenter A requests that they “be sent a copy of all the ConocoPhillips Wilmington Refinery Final Title V Permit public and agency comments.”</p>	<p>The District agrees to notify and send a copy of Wilmington’s Final Initial Title V permit to the Commenter upon issuance. EPA’s comments on Wilmington’s proposed Title V permit are available on EPA’s Region 9 website at: http://www.epa.gov/region09/air/permit/eps-system.html. District will also include copy of other public and agency comments.</p>
<p>A-30. Commenter A requested “an extension of the public comment period. CFASE requests that SCAQMD grant an extension of 60 additional days for the public comment period. It is unreasonable for the SCAQMD to expect the public to read, understand, research, critique and prepare written comments on an approximately 1,000 page Title V Permit which has approximately another 10,000 pages of addendum and reference documents. It is also unreasonable and a violation of the public participation requirements of Title V to issue public notices for an additional seven (7) new oil refinery and petroleum industry Title V Permits at the same time when the ConocoPhillips Wilmington Refinery is currently pending and open for public comment. We request that all SCAQMD Title V Permits allow a 90 day public comment period and only one Title V Permit be released during a 30 day period.”</p>	<p>Please see response to Comment A-3. The District recognizes the complexity of the refinery permits and as a result provided a 60-day period, instead of the rule required 30 days, for public review. In addition, a public consultation meeting was conducted in the midway through the public review period in which staff provided additional tips for the public to review the documents.</p> <p>The seven new oil refinery and petroleum industry Title V permits mentioned by the Commenter were in fact for bulk terminals, not refineries. The permits for these facilities were not nearly as complex as ones for refineries.</p>

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<p>Commenter B requests that the AQMD review the Title V monitoring requirements in the proposed initial Title V permit for Wilmington Refinery to ensure that they comply with the 1990 Amendments to the Federal Clean Air Act and a recent court opinion, <i>Sierra Club v. EPA</i> [<i>Sierra Club et al. v. EPA</i>, No. 04-1243, slip op., (D.C. Cir., August 19, 2008)]. Secondly, Commenter requests that the District require compliance assurance monitoring (CAM) under Part 64 of Title 40 of the Code of Federal Regulations. Thirdly, Commenter requests the District to require Wilmington [per the “MACT Hammer” of subsection 112(j)(2) of the 1990 Clean Air Act] to submit an application that proposes a limit on Hazardous Air Pollutants (HAPs) from four boilers. Also, Commenter requests the District to incorporate the requirements of a consent decree into the proposed permit. Finally, Commenter requests that the AQMD include emission limits and monitoring methods in Section D so that the public can more easily connect the emission limits with the equipment releasing the emissions.</p>	<p>District responses to their respective comments are as follows:</p>
<p>B-1. Commenter states that the residents in the Wilmington area are primarily low-income people of color, and they bear a disproportionate share of environmental hazards. SCAQMD’s own study shows that the residents of the San Pedro-Wilmington area suffer from an unacceptably high cancer risk of 1,537 per million.</p>	<p>Please see response to Comment A-28.</p> <p>Following the Environmental Justice Initiatives adopted by the Governing Board in October 1997, extensive air monitoring under Environmental Justice Initiative #2 (Multiple Air Toxics Exposure Study, MATES II - http://www.aqmd.gov/matesiidf/matestoc.htm) has shown that the modeled cancer risk for the Wilmington area to be 1,531 in a million. The study also concluded that about 90% of the total risk was due to air toxic emissions from mobile sources. Although CARB is the primary State agency that regulates mobile sources, there are limited measures District could implement to reduce air toxics from mobile</p>

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	<p>sources. The Air Toxics Control Plan (http://www.aqmd.gov/aqmp/AirToxicsControlPlan.html), which is an outgrowth of MATES II, outlines the plan for the District to reduce toxic air contaminants.</p>
<p>B-2. Commenter states that the District should review the Title V monitoring requirements in ConocoPhillips Wilmington Refinery’s proposed permit to ensure that they comply with the Clean Air Act and a recent court opinion (<i>Sierra Club v. EPA</i>). More particularly, Commenter requests the District to require continuous emission monitoring that measures compliance based on the averaging period of the underlying standard or alternative methods that closely match the averaging time.</p>	<p>The District has reviewed the Title V monitoring requirements to ensure that they comply with the federal Clean Air Act, relevant federal regulations, District Rules, and the District’s Periodic Monitoring Guidelines for Title V Facilities prior to proposing Wilmington’s permit for a public review on September 3, 2008. The District has used its best engineering evaluation and judgment to determine whether continuous emission monitoring would be feasible or practical, and required it where appropriate. When continuous monitoring is not available, feasible, or appropriate, the District uses its best engineering evaluation and judgment to look into alternative methods and required them if appropriate. Because the District firmly believes that Title V monitoring requirements in Wilmington’s proposed permit comply with these authorities and are adequate, deference to the District’s engineering judgment should be honored (Doctrine of <i>Chevron</i> Deference). While the recent court opinion of <i>Sierra Club v. EPA</i> that reviewed the issue of whether the United States EPA may prohibit state permitting agencies from supplementing operating permits with additional monitoring requirements, that case is not directly controlling and applicable in this matter where the local permitting agency exercised its best judgment and determined that certain monitoring requirements were adequate to reasonably assure compliance with applicable standards and conditions.</p>
<p>B-3. Commenter requested that the District require ConocoPhillips Wilmington Refinery to install a Particulate Matter (PM) Continuous Emissions Monitoring System (CEMS) to measure the facility’s compliance with the PM limit imposed on the Fluid Catalytic Cracking Unit (FCCU) device D1, turbine D828 and Boiler D829 because Commenter believes that a) an</p>	<p>Please refer to response to Comment B-2.</p> <p>The PM emission from the FCCU regenerator is controlled by two wet electrostatic precipitators (ESPs), devices nos. C1742 and C1743. It is the PM control efficiency of the ESPs that determines the PM emission levels and assures compliance with the PM limits in Rule 1105.1. Condition C12.2 requires that the ESPs daily average voltage and</p>

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<p>opacity limit of 30% does not indicate that PM emissions from the FCCU regenerator comply with the limits in the proposed permit and b) annual stack tests do not reliably assure compliance with an emission limit that must be met on a daily basis. To support its contention that “EPA clearly rejects any direct correlation [between opacity and PM],” Commenter relies on EPA’s proposal to approve the Visible Emissions portion of State Implementation Plan (SIP) revision submitted to EPA by the state of Alabama.</p>	<p>secondary current (or total power input) being continuously monitored are greater or equal to the average value in the most recent source test which demonstrated compliance with the emission limits (condition D29.3). By assuring that the ESP voltage and current do not fall below the minimum valued determined during the previous compliance source testing, the annual testing requirements specified can be used to assure compliance with the daily PM limit. This monitoring method is established in the <i>SCAQMD Periodic Monitoring Guideline For Title V Facilities, November 1997, Appendix A, page 70.</i></p> <p>The 30% opacity limit (condition A229.1) and its continuous monitoring are the requirements in 40CFR Subpart J (Standards of Performance for Petroleum Refineries). This limit is not used as surrogate for the PM emission limit.</p> <p>The PM emission limit for the turbine/boiler combination was calculated based on AP-42 emission factor, and represents the potential to emit (PTE) PM emissions from the equipment. Because it has been repeatedly determined, based on source tests, that the emissions limit of Rules 409 and 476 can consistently be met and results have correlated well with emissions determined by engineering calculations using appropriate emission factors and exhaust characteristics, the District has determined, based on its best engineering judgment and evaluation, that CEMS is not practical nor should it be required for these heaters and boilers that fire refinery and/or natural gas. Recent source test for the turbine D828 reported that its PM emission was 0.00294 gr/dscf, which was about 30% of the limit of 0.01 gr/dscf at 15% O₂.</p> <p>Pursuant to the District’s Periodic Monitoring Guideline for Title V facilities, compliance with the PM emissions limit of Rule 409 can be determined using engineering calculations, appropriate emission factors, and exhaust characteristics for gaseous/liquid fueled equipment.</p>
<p>B-4. Commenter states “Section D of the permit limits</p>	<p>Commenter cites condition D328.1 as the compliance method for the</p>

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<p>CO emissions from the FCCU to 500 ppm”, averaged over one hour. For the reason stated in comment B-2, Commenter contends that once every 5 five year source test for CO as required in condition D328.1 is not adequate. In addition, Commenter believes that the annual testing requirement for the turbine D828 and boiler D829 in condition D28.8 is not adequate to show compliance with the 2000-ppm CO limit, averaged over 15 consecutive minutes, in Rule 407. Commenter recommends the District to deploy continuous emission monitoring that could measure emission consistent with the averaging time specified in the permit. Compliance based on the averaging period of the underlying standard or alternative methods that closely match the averaging time.</p>	<p>CO limit. Although, this condition is required for FCCU and many other combustion devices at the facility, it is not the only CO monitoring condition for the FCCU. Condition D82.5 specifically requires the FCCU to be equipped with CO CEMS, in compliance with 40 CFR Subpart J.</p> <p>Commenter references condition D28.8 for requiring annual source test for turbine D828 and boiler D829. These two devices have CO limit of 2000 ppmv. Pursuant to District Periodic Monitoring Guidelines for Title V facilities, the annual testing has exceeded the five year frequency recommended for verifying compliance with the 2000 ppmv CO limit for equipment with heat input rating ≥ 10 MMBtu/hr. This determination was based on an over-abundance of source test data that showed the CO limit can be consistently met. Please note that the turbine and boiler both have heat input rating greater than 10 MMBtu/hr and, hence, the District believes this requirement is adequate to assure compliance. This monitoring frequency is specified in condition D28.8.</p>
<p>B-5. Commenter states that any “approved alternative monitoring for heaters and boilers should be specified in the permit. SCAQMD appropriately requires continuous monitoring of nitrogen oxide and sulfur dioxide from the FCCU, heaters, boilers, and other large units, but allows alternative monitoring if approved by SCAQMD. Where such alternative monitoring has been approved, the method should be specified in the permit and be rigorous enough to assure compliance with the applicable emission limit.”</p>	<p>Monitoring requirements for NO_x and SO_x from large RECLAIM sources are specified in Rules 2012 and 2011, respectively. Furthermore, RECLAIM facilities must comply with RECLAIM monitoring, recordkeeping and reporting conditions in Sections F and G of the proposed Title V permit. While the rules and permit conditions allow use of approved alternative monitoring method (a.k.a. ACEMS) for RECLAIM Major Sources, none of the RECLAIM facilities has received such approval.</p>
<p>B-6. Commenter states that Compliance Assurance Monitoring (CAM) applies to refineries whose applications were submitted after April 20, 1998. Even though ConocoPhillips has submitted their application on February 5, 1998, Commenter contends that if revisions have been made to the application in the last ten years,</p>	<p>Since 1998 when ConocoPhillips submitted its Title V permit application for its Wilmington facility, even though correspondence have taken place on a regular basis over a myriad of issues such as applications for permits to construct or operate as they fall under District governance or other matters not related to its Title V application, the nature of the correspondence and even the culmination</p>

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<p>CAM requirements are applicable and should be included in the Title V permit.</p>	<p>of it do not rise to the level of a revision to the application. As indicated in District response to Comment A-5, EPA Region IX concurs that CAM is not required.</p>
<p>B-7. Commenter stated that, under Section 112(j) (“MACT Hammer”) of the Clean Air Act, the Title V Permit should reflect the obligation of ConocoPhillips to submit an application to establish a schedule for determining MACT limits for their boilers nos. 4, 6, 7, and 8.</p>	<p>The District agrees that the boilers would have been subject to MACT subpart DDDDD of Title 40 of the CFR - NESHAPs for Industrial/Commercial/Institutional Boilers and Process Heaters. However, this MACT standard was vacated by the DC Circuit Court of Appeals on July 30, 2007. The District also plans to perform a case-by-case MACT determination, using NACAA’s June 2008 “Model Permit Guidance” for boiler MACT /MACT Hammer as a reference pursuant to Subsection 112(j) of the 1990 Amendments. The District is in the process of establishing a schedule for the affected facilities to submit applications.</p>
<p>B-8. Commenter stated that the frequency for the measurements of VOC leaks from VOC-service fugitive components may not be adequate to assure compliance with the emission limits contained in the permit “starting on page 150 of the permit.” Commenter cites for support a letter from the Mayor of Houston, Texas, to the Information Quality Guidelines Staff of the U.S. EPA (available on the internet) and states that “compliance with emission limits is based on emission factors that have been shown to be inaccurate for large units.” Commenter “recommends that the District take advantage of [Differential Absorption LIDAR] technology to measure actual emissions from [certain] units, and make appropriate adjustments to the methods that are used to estimate emissions.” Commenter further stated that the District “should require periodic use of infrared cameras to pinpoint major sources of leaks from process units.”</p>	<p>These comments appear to be directed at System Condition S31.1 (on page 200 in Section D of the permit). The District believes that the frequency of measurements is adequate and complies with the requirements of Rule 1173, on which the system conditions are based. Subsection (f)(1)(B) of District Rule 1173 requires the facility to “inspect all accessible components in light liquid/gas/vapor service and pumps in heavy liquid service quarterly.” When applicable, these system conditions may require intervals that are even more frequent, such as monthly inspections for valves and flanges rather than quarterly inspections. Furthermore, the District Compliance staff conducts facility-wide team inspections as well as unannounced inspections several times per year to perform VOC measurements from VOC fugitive sources in the refinery to ensure compliance with Rule 1173.</p> <p>The District does not believe that the context of Houston’s emission limits and the circumstances as they applied to Houston applies here to Wilmington’s proposed initial Title V permit under Part 70 Operating Permits under Title 40 of the CFR. While the District is not in the position to comment on Houston’s emission limits or on its large units, the District has complied with all of the District’s own regulations and</p>

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	<p>incorporated all requirements that are applicable to Wilmington’s refinery. While Commenter made recommendations for new technology that the District could take advantage of to measure emissions at Wilmington, the recommendations to make future evaluations as to their usefulness are duly noted.</p>
<p>B-9. Commenter stated that the District “must include the requirements of the (ConocoPhillips) Consent Decree in the ConocoPhillips Wilmington Refinery operating permit.” Commenter also stated that “ConocoPhillips Wilmington Refinery is subject to the SCAQMD Hearing Board Order for Case No. 4900-79, regarding compliance with District Rule 1118.” Commenter reiterates subsection (a)(10)(C) of District Rule 3004 that requires the permit to include a compliance schedule of remedial measures.</p>	<p>The District agrees to tag the permit conditions with “Consent Decree” to help the reader identify the equipment that are subject to the Consent Decree. with their associated requirements. The District will also include a facility wide condition in the permit that requires the facility to comply with all applicable emission limits and standards in the Consent Decree. Furthermore, the Statement of Basis will include a table provided by Wilmington of the requirements that have not been fulfilled under the Consent Decree. Wilmington’s Consent Decree is readily available on the internet (http://www.epa.gov/compliance/resources/cases/civil/caa/conocophillips.html) and the permit conditions will incorporate the Consent Decree by reference.</p> <p>The requirements of District Rule 1118 apply and have been indicated by conditions I1.2 and H23.28 of Wilmington’s proposed permit. The requirement for a compliance schedule and submittal of progress reports, pursuant to 40 CFR 70.6(c)(3) and District Rule 3004(a)(10)(C), are being incorporated by reference using condition I1.2. This condition has been added to the affected flares (devices C706, C723, C735, C736, and C748) in section D of the permit. A copy of the documents related to this variance is available on the internet under AQMD’s “Facility Information Detail” database (FIND, at www.aqmd.gov/webappl/fim/prog/hbdisplay.aspx?fac_id=800363).</p>
<p>B-10. Commenter states that AQMD needs to update the Facility Rules table in Section K to reflect the most current SIP-approval status of the applicable rules. Commenter cites Rule 431.2 as has been SIP-approved effective May 4, 1990 and therefore should be listed as</p>	<p>While Commenter correctly describes the purpose of the Facility Rules table in Section, Commenter misreads the information regarding Rule 431.2. The listed Rule 431.2 in the table was amended on September 15, 2000, as indicated in the column “Adopted/Amended Date”. This latest version of the rule is not SIP approved, and therefore not federally</p>

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<p>federally enforceable.</p>	<p>enforceable. An earlier version of the Rule, which was amended on May 4, 1990, was SIP-approved and would be federally enforceable. This earlier version should also be tagged for this facility and needs to be in the Facility Rules table. District will correct this oversight prior to finalize the Initial Title V permit.</p>
<p>B-11. Commenter states that the District should re-organize the Title V permits to clearly identify emission limits and specify them in ‘Section D charts along with monitoring methods’ for future permits. Commenter states these limits should fall under the ‘Emissions and Requirements’ and ‘Conditions’ columns of section D to facilitate a reader’s ability to more easily connect the emissions limits with the equipment releasing the emissions. Furthermore, Commenter pointed out that (device) D42 is required to meet Rule 1146, 11-17-2000, yet this (rule) was amended on 01-07-05 and 05-05-06.</p>	<p>The District believes that the organization of the draft permit is appropriate and is logical to follow and interpret. It allows a reader to attain a comprehension of the applicable requirements to which the facility is subject. With respect to the Commenter’s concern on the identification of emission limits in the proposed permit, all relevant emissions limits are already listed under the ‘Emissions and Requirements and Conditions’ column of the proposed permit. These emission limits also identify the underlying rules (federal, SIP-approved, BACT, NSR) from which the limits were derived. Furthermore, the District uses an alpha numeric system to tag conditions, which may also contain emissions limit, to affected devices.</p> <p>Rule 1146 was amended once since 11-17-2000, and that was on 09-05-08, which was after the date the draft Initial Title V Permit was released. This rule tag will be updated prior to the release of the final Initial Title V Permit.</p>
<p>Commenters C and D both expressed concern regarding the Wilmington refinery. The Commenters experienced rumbling sound coming from the refinery at night and in the early morning. The Commenters also noticed fine dust on the vehicles, trees, and porch railings. Commenters’ families experienced sore throats, sneezing, sinus irritation, and eyes tearing. Commenter’s neighbors also experienced the same symptoms.</p>	<p>District Rule 402 prohibits a source from creating a nuisance to the public. However, to enforce this Rule, District inspector must be able to establish source of the emission. The first step in the process is a call from the public to the District, at 1-800-CUT-SMOG, to register a complaint as soon as an air pollution incident is observed. An inspector will be assigned to investigate, conduct survey, and/or take samples in order to establish the source of the emissions that might have caused the nuisance. Loud noises, unfortunately, is not within District jurisdiction. Enforcement of such codes typically rests with the City or County.</p>

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<p>Commenter E asked what are the air quality standards for the Wilmington area and how frequently are they checked, and are they the same for the South Bay Area. Commenter also complained that there was nauseating smell of the gases being released at night. Commenter asked what health issues are these emissions causing and does anyone who monitors the air quality in [Wilmington] area actually live here.</p>	<p>The South Coast Area, which comprises of the entire Orange County, and the non-desert portions of the Los Angeles County, San Bernardino County and Riverside County, is subject to the same air quality standards. They are checked daily by a series of monitoring stations throughout the area. The closest station to the Wilmington area is in Long Beach. The monitoring results and other relevant information are available on the District website www.aqmd.gov. The District shares the concern that the commenter has regarding the smell and dust that are generated from the surrounding industries or businesses. The sources and causes of the smell or dust may be established after an investigation by District inspectors. Commenter is encouraged to call the District complaint line at 1-800-CUT-SMOG whenever experienced such an odor, dust, or other air pollution incidents, so that a District inspector can be dispatched to investigate, even in the middle of the night. The health issues caused by any particular emission episode could not be speculated; however, in general, short terms health effects would include symptoms such as the ones described by Commenters C and D above. Long term effects are more difficult to pinpoint. The information regarding District employee resident locations is irrelevant. However, as described above, the South Coast area includes all or part of four counties, and District employees live throughout the area, including in the Wilmington and surrounding areas.</p>
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<p>Commenter F expressed thanks to the District for holding the meeting in Wilmington and to District engineer for providing a copy of the draft permit. Commenter had the following questions and comments:</p>	<p>District responses to their respective comments are as follows:</p>
<p>F-1. Please add a title page and glossary of terms, and</p>	<p>The draft Initial Title V permit contains a draft Title Page. This page</p>

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<p>an expanded table of contents to the final draft.</p>	<p>will be finalized in final Initial Title V permit and will contain a District official signature. A glossary of terms and an expanded table of contents require significant amount of time to develop, since the permit is computer generated, and any modification would require re-programming. District may consider these improvements for future development of the facility permit.</p>				
<p>F-2. Please give the name, names and professional qualifications of the person, persons working on this draft.</p>	<p>The draft Initial Title V permit is based on an existing RECLAIM permit that is currently issued to Wilmington. This permit has been revised by many engineers in the Refinery Team of the Engineering and Compliance Division at the District. The Manager of this Team is Mr. Jay Chen, P.E. (909 396 2664); the Supervising Engineer is Mr. Tran Vo, P.E. (909 396 2579), and the Senior engineer is Mr. Bhaskar Chandan, P.E. (909 396 3902).</p>				
<p>F-3. Section B <u>Reclaim Annual Emission Allocations</u> NOX page 1. Please explain if the refinery is producing more NOX than it is allocated especially since 7/07</p> <table style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;"><u>ALLOCATED</u></td> <td style="text-align: center;"><u>HOLDING</u></td> </tr> <tr> <td style="text-align: center;">768, 626</td> <td style="text-align: center;">1,497,741</td> </tr> </table>	<u>ALLOCATED</u>	<u>HOLDING</u>	768, 626	1,497,741	<p>Based on past operating history, Wilmington was issued 768,626 pounds of NOx allocations for the year 2007 when the RECLAIM program started in 1994. However, under the RECLAIM program, facilities are allowed to trade RECLAIM Trading Credits (RTCs) as needed to cover NOx emissions resulting from their operations. As of the printing of the draft Initial Title V permit, Wilmington was holding about 1.5 million pounds of NOx RTC. It was most likely that their NOx emissions were around that level. RECLAIM facilities are required to reconcile their RECLAIM emissions after the end of each compliance year.</p>
<u>ALLOCATED</u>	<u>HOLDING</u>				
768, 626	1,497,741				
<p>F-4. Page 2 Statement of Basis. Please give the route of the pipeline to Pier A Berths 148-151 and the pipeline to the Carson Refinery. A map showing major streets would be most helpful. Please give the route, routes to the ConocoPhillips Torrance Tank Farm and 13500 South Broadway, Los Angeles for the delivery of finished products (gasoline-diesel). If trucked please state frequency of vehicle traffic.</p>	<p>District does not have any authority to regulate the layout or construction of the pipeline, and is not involved in the permitting aspects of pipelines. Therefore, in general, District does not have any information regarding the layout of pipelines. In addition, any publicly available information on exact routing of hazardous material pipelines has been restricted since 9/11/2001. The following web site has general information on pipeline routes: https://www.npms.phmsa.dot.gov/searchp/newlogin.asp?Search=Pub</p> <p>In general, according to Wilmington staff, the pipelines from the</p>				

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	Wilmington Plant to the Carson Plant, the Marine Terminal, and the Torrance Tank Farm take fairly direct routes that are under primarily major public streets. There are no pipelines from the Wilmington Plant directly to the ConocoPhillips Los Angeles Terminal at 13500 S. Broadway. Finally, no finished products are trucked from the Wilmington Plant.
F-5. Page 2 Capacity to Process. Is the capacity to process 138,700 barrels of oil per day currently being met?	The crude capacity of 138,700 barrels of oil per day is a nominal capacity; it is not permit limit. According to Wilmington, this daily capacity is met regularly.
F-6. What is the amount of coke being produced as a bi-product, and where is it stored?	According to Wilmington, the nominal coke production capacity is 2,800 tons per day. The coke is stored in a Storage Silo at ConocoPhillips Carson Plant, 1520 E. Sepulveda Blvd, Carson.
F-7. Page 3 Sulfuric Acid. 10 pages [in Section H] are devoted to the matter of Sulfuric Acid production for “industrial use and use within the refinery”. How much sulfuric acid is produced and where is it stored?	The maximum daily production of sulfuric acid is limited by permit condition S1.1 to 450 tons per day. According to Wilmington, the acid is stored in three storage tanks at the Sulfuric Acid Production Plant facility.
F-8. Page 5, 4 th paragraph. Have the wet gas scrubbers gone on-line? What is the estimation for going on-line in the fall of 2008? We are approaching the end of summer, 2008.	The wet gas scrubber went on-line in September of 2008.
F-9. Page 5 Use of Ammonia in FCCU Particulate Reduction Project. If wet scrubbers “require no ammonia use,” what is aqueous ammonia for? (5 th paragraph Boiler #7 NOx Reduction Project mentioned about using “aqueous ammonia,” 19% ammonia) What is the new 12,000 gallon pressurized storage tank for? Is any ammonia stored on site right now? How much if any? (Aqueous Ammonia on [Section D] page 149, July 31, 2008, Transfer and Storage System)	The wet scrubber installed to control particulate and SOx emissions from the FCCU does not use ammonia. However, ammonia is needed to the SCR project to control NOx emissions from Boiler 7, which is different process from the FCCU. Ammonia, which is in the form of 19% aqueous solution, is stored in the new 12,000-gallon pressurized tank F-716 (Device no. D1778). Ammonia is also stored in tank 80-F-218 (Device no. D701) with a capacity of 16,240 gallons. Please refer to page 64 of Section H of the draft permit.
F-10. “What is the use, storage, etc. of the Benzene element at the Wilmington refinery?” The facility is subject to 40CFR61 Subpart FF “benzene waste” (page 11 of the Statement of Basis), but is not subject 40CFR61	Benzene is present as a component in crude oil. As crude oil is being refined, some benzene remains in the products, including gasoline. Benzene is also present in the waste water, which is a by-product of the refining process. As the refinery handles and treats waste water which

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<p>Subpart Y because the facility “does not store or transfer benzene” (page 16 of Statement of Basis). Table 8.2 list benzene as emissions at 707 lbs/yr. Consent Decree Jan. 27, 2005, contains provisions for “Enhancement of the refinery’s Benzene Waste Operations NESHAP (40CFR61 Subpart FF). Lastly, condition H23.9 on page 270 [of Section D] refers to Benzene.</p>	<p>contains benzene, it is subject to 40 CFR 61 Subpart FF. However, since the refinery does not store or transfer benzene as a product, it is not subject to 40 CFR 61 Subpart Y. In the Consent Decree issued by EPA, Wilmington is required to make some improvements to the waste water handling and treatment system. The condition H23.9 indicates that certain equipment listed in the permit are subject to 40 CFR 61 Subpart FF because they handle benzene containing waste water.</p>
<p>F-11. Please give a name and phone number of a contact person on all refinery matters. This is for people who do not read draft or final reports. Is the telephone number unchanged for Kristin Wisdom, Director of Environmental Services, 310-952-6120? Is the current manager, Jay Churchill, unchanged?</p>	<p>The refinery's contact person is Tony Cordero at 310-952-6000. Kristin Wisdom is the Superintendent of Environmental Affairs, and she can be contacted for any matter relating to the Title V permit. Her phone number is current. Mr. Jay Churchill is a current Refinery Manager and is the responsible official for the facility. When the name of the responsible official is changed, the facility is required to notify the District.</p>
<p>F-12. Has the facility plot plan been developed as of this hearing 8/27/08?</p>	<p>A facility plot plan has not been developed.</p>
<p>F-13. This permit is good to 30 years. If ownership remain unchanged, how is it renewed?</p>	<p>The Title V Permit will need to be renewed after five years; however, it may be revised during this period.</p>
<p>F-14. What government agencies does the public contact, once the permit is issued, to express concerns, report violations, receive any updates, etc? Please give telephone numbers.</p>	<p>To report any violations or complaints with regard to air quality (air emissions, smoke, odors, dust, etc.), the public can call the District at 1-800-CUT-SMOG.</p>
<p>F-15. What outreach efforts to the West Wilmington <u>residential community</u> has ConocoPhillips Wilmington Refinery attempted?</p>	<p>Wilmington refinery was not required to conduct public notice for the Initial Title V Permit process. The District has the responsibility to publish the notice on newspapers and to mail the same notice to interested parties. In addition, a short notice about the meeting was mailed to over 5000 addresses within 1 mile radius of the refinery. Please see response to Comment A-3 for more details.</p>
<p>F-16. Which newspapers notified the public of this hearing for English and Spanish readers?</p>	<p>Please see response to Comment A-3. The two newspapers were the Daily News (English) and La Opinion (Spanish).</p>
<p>F-17. Please show the one mile radius map. I believe there are two schools and a day care center in the one mile radius circle.</p>	<p>A map of the refinery and its surrounding area can not be incorporated into the Title V permit at this time. According the Thomas Map, Google Earth Website, and other websites, there are the following</p>

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	<p>schools and pre-schools located within 1 mile of the boundary of the facility:</p> <p>Vermont Christian School, 931 Frigate Ave, Wilmington – 0.2 mile. Hawaiian Avenue Elementary, 540 Hawaiian Ave, Wilmington – 0.3 mile. Cooper High School, 2210 N. Taper Ave, San Pedro – 0.3 mile Taper Ave Elem School, 1824 N. Taper Ave, San Pedro – 0.3 mile Rolling Hills Preparatory School, 1 Rolling Hills Prep Way, San Pedro – 0.3 mile Lorentz Hillside School, 1516 Anaheim St, Harbor City - 0.5 mile. Sts Peter and Paul School, 706 Bay View, Wilmington – 0.7 mile Gulf Ave Elem School, 828 W. L St, Wilmington – 0.7 mile Park Western Place Elementary, 1214 Park Western Pl, San Pedro – 0.8 mile. Learning Garden Pre-School, 1516 Anaheim St, Harbor City – 0.8 mile Head Start Pre-School, 1135 257th St, Harbor City – 0.8 mile Banning Elem Sschool, 500 Island Ave, Wilmington – 0.9 mile My First School, 25405 Normandie Ave, Harbor City – 0.9 mile.</p>
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