

# BAY AREA AIR QUALITY MANAGEMENT DISTRICT

## RESOLUTION No. 2023 - 25

### **A Resolution of the Board of Directors of the Bay Area Air Quality Management District Amending Regulation 8 (Organic Compounds), Rule 8 (Wastewater Collection and Separation Systems) and Adopting a California Environmental Quality Act Negative Declaration**

#### RECITALS

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has the authority and the responsibility to adopt, amend and repeal rules and regulations as necessary and appropriate to control air pollution from stationary sources in the San Francisco Bay Area as provided in Sections 40000, 40001, 40702 of the California Health & Safety Code;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined that a need exists to strengthen the District's rules and regulations that address emissions of volatile organic compounds and methane from wastewater collection and separation systems at refineries in the Bay Area by adopting amendments to Regulation 8: Organic Compounds, Rule 8: Wastewater Collection and Separation Systems ("Rule 8-8") as set forth in Attachment A hereto (collectively "Proposed Amendments");

WHEREAS, the Proposed Amendments further reduce emissions of total organic compounds and are needed to ensure progress towards attainment of the ambient air quality standards, reduce climate pollutant emissions, and reduce public health impacts from toxic compounds and ozone exposure;

WHEREAS, the San Francisco Bay Area does not currently attain all federal and state ambient air quality standards for ozone, and further reductions of precursor organic compound emissions are needed for attainment and maintenance of the standards;

WHEREAS, the Proposed Amendments are also part of the Air District's efforts to meet the requirements of California Assembly Bill 617 (AB 617), which requires the Air District to adopt and implement an expedited schedule for implementing Best Available Retrofit Control Technology (BARCT) at industrial facilities covered by the State's Cap-and-Trade program;

WHEREAS, the Expedited BARCT Implementation Schedule adopted by the Air District in 2018 identified refinery wastewater treatment systems as a potential source of substantial emissions of organic compounds (as well as toxic air contaminants such as benzene, toluene, ethylbenzene, and xylene) where BARCT controls and requirements under Rule 8-8 should be evaluated and considered for amendment;

WHEREAS, the Proposed Amendments would enact more stringent BARCT levels at refinery wastewater treatment systems by increasing frequency of leak inspections, updating leak detection methodologies and standards to include a wider range of organic compounds (including methane), and strengthening protocols for repairing and minimizing leaks;

WHEREAS, the Proposed Amendments also include a number of other changes to improve enforceability of the provisions and expand sampling and monitoring requirements;

WHEREAS, the Proposed Amendments are intended to ensure that these controls are effectively implemented, can be adequately enforced, and reflect the state of industry best practices and updated technologies and methodologies;

WHEREAS, the Air District set a policy goal of reducing Bay Area greenhouse gas emissions to 40 percent below 1990 levels by 2030, and 80 percent below 1990 levels by 2050;

WHEREAS, methane is a potent and short-lived greenhouse gas that represents the second largest component of greenhouse gas emissions in the region and given the importance of controlling methane, the Air District developed a comprehensive Basin-wide Methane Strategy as part of its 2017 Clean Air Plan;

WHEREAS, emissions of volatile organic compounds from refineries can contribute to the formation of ozone, which is harmful when inhaled and can lead to lung damage and aggravation of respiratory conditions such as asthma, bronchitis, and emphysema;

WHEREAS, while the Proposed Amendments are anticipated to result in potential emission reductions, quantitatively estimating the anticipated emission reductions from these changes may be too speculative and uncertain to accurately predict;

WHEREAS, the Board of Directors understands that these estimated greenhouse gas emissions reductions are not guaranteed by the Proposed Amendments;

WHEREAS, in 2022 and 2023 Air District met periodically with community stakeholders and industry representatives to discuss concepts and specific issues relating to Rule 8-8 and drafting the Proposed Amendments;

WHEREAS, during this rule development process, Air District staff presented briefings to the Stationary Source & Climate Impacts Committee on September 19, 2022 and September 13, 2023;

WHEREAS, Air District staff published an initial draft of the Proposed Amendments on May 8, 2023, accepted comments through June 7, 2023, and received 3 comment letters on those materials;

WHEREAS, in response to feedback from the public, interested stakeholders, and Air District staff, as well as the Board of Directors, Air District staff prepared Proposed Amendments and a detailed Staff Report, along with a request for public comment, which staff published on the District website on October 24, 2023 and for which comments were accepted until November 26, 2023;

WHEREAS, the Air District received one comment letter on the Proposed Amendments, which opposed the Proposed Amendments, and has carefully reviewed the comment letter;

WHEREAS, Air District staff have prepared summaries of the comments received and staff's responses in a Response to Comments document, which has been considered by the Board of Directors and is incorporated herein by reference;

WHEREAS, on or before October 24, 2023, Air District staff published in newspapers, and published and distributed on the Air District's website a notice of a public hearing on or after December 20, 2023, to consider adoption of the Proposed Amendments;

WHEREAS, Air District staff have prepared and presented to the public and to the Board of Directors a final Staff Report describing the purpose of and need for the Proposed Amendments, which has been considered by the Board of Directors and is incorporated herein by reference;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District held a public hearing on December 20, 2023, which was properly noticed in accordance with the provisions of Health & Safety Code Section 40725 and was conducted in accordance with the provisions of Health & Safety Code Section 40726, to consider the Proposed Amendments in accordance with all provisions of law;

WHEREAS, at the public hearing, the subject matter of the Proposed Amendments was discussed with interested persons in accordance with all provisions of law;

WHEREAS, in accordance with Health & Safety Code Section 40727, and based on substantial evidence presented at the hearing and described in the Staff Report and other documentation, the Board of Directors of the Bay Area Air Quality Management District has found and determined that the Proposed Amendments are necessary; that the District has the authority to adopt the Proposed Amendments; that the Proposed Amendments are clearly written and displayed; that the Proposed Amendments are consistent with other legal requirements; that the Proposed Amendments are not impermissibly duplicative of existing regulatory requirements; and that the Proposed Amendments will implement specific provisions of law as referenced and identified below;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined that a need exists to adopt the Proposed Amendments to address emissions in the Bay Area;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined that the Air District has the authority to adopt the Proposed Amendments pursuant to Sections 40000, 40001, 40702 of the Health & Safety Code, which authorize the Air District to adopt and implement regulations to control air pollution from stationary sources, and to execute the powers and duties imposed upon the Air District, among other things;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined, based on a review of the text of the Proposed Amendments set forth in Attachment A and the rulemaking materials prepared by District staff, that the Proposed Amendments are written and displayed so that their meaning can be easily understood by the persons directly affected by the Proposed Amendments, and by the public at large;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined that the Proposed Amendments are in harmony with and not in conflict with or contradictory to existing statutes, court decisions, and state and federal regulations;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has determined that the Proposed Amendments do not impose the same requirements as any existing state or federal regulations, except to the extent necessary and proper to execute the powers and duties granted to and imposed upon the Air District as the agency with authority to control air pollution emissions from stationary sources in the San Francisco Bay Area;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has identified and determined that the Proposed Amendments will implement, interpret and/or make specific the provisions of Sections 40000, 40001, 40702 and 40727 of the California Health & Safety Code;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District finds and intends that its determinations stated in the preceding paragraphs constitute the findings the Board is required to make before adopting the Proposed Amendments pursuant to Health & Safety Code Section 40727;

WHEREAS, in accordance with the requirements of Health & Safety Code Section 40728 and other requirements of law, the District has maintained a file of the documents and other materials that constitute the record of proceedings on which this rulemaking project is based (including the environmental analysis for the project prepared in accordance with the California Environmental Quality Act), which record documents and other materials are located at the Bay Area Air Quality Management District, 375 Beale Street, Suite 600, San Francisco, 94105, and the custodian for which is Marcy Hiratzka, Clerk of the Boards;

WHEREAS, in accordance with the requirements of Health & Safety Code Section 40728.5 to the extent that such requirements are applicable, and also as a matter of sound public policy notwithstanding whether or not such requirements are applicable, the Board of Directors of the Bay Area Air Quality Management District has actively considered the socioeconomic impacts of the Proposed Amendments and has reviewed and considered the Socioeconomic Impact Analysis for the Proposed Amendments prepared by BAE Urban Economics, and has determined that the Proposed Amendments will not have any significant adverse socioeconomic impacts;

WHEREAS, the Board has considered the estimated cost-effectiveness of the Proposed Amendments, and staff estimates the total cost of these Proposed Amendments to be comparatively low at approximately \$0.5M for all sources;

WHEREAS, the Board has considered that the potential emissions reductions associated with the Proposed Amendments cannot be accurately quantified given the inherent unpredictability and uncertainty associated with these leak emissions and the interventions under the proposed requirements; therefore, information on compliance costs for the Proposed Amendments is provided, but no further calculations on cost effectiveness can be accurately developed;

WHEREAS, the Board of Directors finds and determines that the Proposed Amendments are collectively a "project" ("Proposed Project") pursuant to the California Environmental Quality Act ("CEQA") (Public Resources Code § 21000 et seq.);

WHEREAS, the District is the CEQA lead agency for this project pursuant to Section 21067 of CEQA and Sections 15050 and 15051 of the CEQA Guidelines (“Guidelines”) (Title 14 of the California Code of Regulations);

WHEREAS, potential environmental impacts related to projects under the AB 617 Expedited BARCT Implementation Schedule, including amendments to Rule 8-8, were previously analyzed in an Environmental Impact Report (EIR) certified by the Air District Board of Directors in December 2018;

WHEREAS, Air District staff contracted with an external environmental consultant, Environmental Audit Inc., to prepare an Initial Study to evaluate the potential for significant environmental impacts resulting from Proposed Amendments to Rule 8-8, and the Initial Study showed that no significant environmental impacts are expected, and therefore a Negative Declaration has been prepared;

WHEREAS, Air District staff prepared, published, and provided notice of (with the assistance of Environmental Audit, Inc.) an Initial Study and proposed Negative Declaration on or before November 22, 2023, pursuant to all applicable requirements of CEQA, including but not limited to Section 15072 of the CEQA Guidelines, which included publication of notice in Bay Area newspapers, in County Clerks’ offices, on the Air District’s website, by email and United States mail ;

WHEREAS, in connection with the notice of the Initial Study and proposed Negative Declaration, Air District staff invited interested members of the public to submit comments on the Initial Study and proposed Negative Declaration, and received no comments;

WHEREAS, the Board of Directors of the Bay Area Air Quality Management District has considered the entire record, including the Initial Study, and has determined using its own independent judgment and analysis that there is no substantial evidence that the Proposed Amendments could have a significant effect on the environment, and has therefore determined that it is appropriate to adopt the Negative Declaration as proposed by Air District staff pursuant to Section 15074 of the CEQA Guidelines;

WHEREAS, this matter has been duly noticed and heard in compliance with applicable requirements of the Health & Safety Code and the Public Resources Code;

WHEREAS, District staff provided copies of (i) the Proposed Amendments, and (ii) the Final Negative Declaration to each of the members of the Board of Directors for their review and consideration in advance of the public meeting of the Board of Directors on December 20, 2023;

WHEREAS, District staff has recommended that the Board of Directors adopt the Final Negative Declaration, which was prepared as the CEQA document for the Proposed Project, as being in compliance with all applicable requirements of CEQA;

WHEREAS, the Board of Directors concurs with recommendations of District staff regarding the Final Negative Declaration;

WHEREAS, District staff recommends that the Board of Directors adopt the Proposed Amendments;

WHEREAS, the Board of Directors concurs with the recommendations of District staff regarding the Proposed Amendments.

### RESOLUTION

NOW THEREFORE, BE IT RESOLVED, that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt the Final Negative Declaration set forth in Attachment B hereto and incorporated by reference as if fully set forth herein, finding that, in the Board's own independent judgment and analysis, and based on the whole record (including the Initial Study, the proposed Negative Declaration, and any and all public comments received), there is no substantial evidence that the Proposed Amendments will have a significant effect on the environment.

BE IT FURTHER RESOLVED that the Board of Directors of the Bay Area Air Quality Management District does hereby adopt the Proposed Amendments to Rule 8-8 with instructions to staff to correct any typographical or formatting errors before final publication.

BE IT FURTHER RESOLVED that in support of and as part of its adoption of the Proposed Amendments, the Board of Directors hereby makes the following additional findings: For all of the reasons contained in the Staff Report, Section XI, which are incorporated by reference as if fully set forth herein, the Proposed Amendments are necessary; the District has the authority to adopt the Proposed Amendments; the Proposed Amendments are clearly written and displayed; the Proposed Amendments are consistent with other legal requirements; the Proposed Amendments are not impermissibly duplicative of existing regulatory requirements; and the Proposed Amendments will implement specific provisions of law as referenced and identified.

BE IT FURTHER RESOLVED that the record documents and other materials supporting this Resolution shall be maintained and made available for public review at the headquarters of the Bay Area Air Quality Management District at 375 Beale Street, Suite 600, San Francisco, CA 94105, and that the custodian for these documents and other materials shall be Marcy Hiratzka, Clerk of the Boards.

The foregoing Resolution was duly and regularly introduced, passed and adopted at a regular meeting of the Board of Directors of the Bay Area Air Quality Management District on the Motion of CHAIRPERSON BAUTERS, seconded by DIRECTOR GIOIA, on the 20<sup>th</sup> day of DECEMBER, 2023, by the following vote:

AYES: JOHN J. BAUTERS, NOELIA CORZO, JOELLE GALLAGHER, JOHN GIOIA, ERIN HANNIGAN, LYNDA HOPKINS, DAVINA HURT, TYRONE JUE, OTTO LEE, SERGIO LOPEZ, RAY MUELLER, KATIE RICE, MARK ROSS, VICKI VEENKER, STEVE YOUNG.


NOES: DAVID HUDSON.

ABSTAIN: DAVID HAUBERT.

ABSENT: MARGARET ABE-KOGA, BRIAN BARNACLE, KEN CARLSON, JUAN GONZALEZ, MYRNA MELGAR, NATE MILEY, SHAMANN WALTON.

ATTEST:

  
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John J. Batters  
Chair of the Board of Directors

  
\_\_\_\_\_  
Lynda Hopkins  
Secretary of the Board of Directors

# **ATTACHMENT A**

## **AMENDMENTS TO REGULATION 8: ORGANIC COMPOUNDS, RULE 8: WASTEWATER COLLECTION AND SEPARATION SYSTEMS**



**REGULATION 8  
ORGANIC COMPOUNDS  
RULE 8  
WASTEWATER COLLECTION AND SEPARATION SYSTEMS**

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**REGULATION 8**  
**ORGANIC COMPOUNDS**  
**RULE 8**  
**WASTEWATER COLLECTION AND SEPARATION SYSTEMS**  
(Adopted January 17, 1979)

**8-8-100 GENERAL**

**8-8-101 Description:** The purpose of this Rule is to limit the emissions of total organic compounds from wastewater collection and separation systems that handle liquids containing total organic compounds from industrial processes.

*(Amended 11/1/89; 9/15/04)*

**8-8-102 Applicability:** This Rule applies to any person who operates a wastewater collection system and/or a wastewater separation system component.

~~**8-8-110 Exemption, Less Than 760 Liters:**~~ ~~The requirements of Section 8-8-301 shall not apply to any wastewater separator which processes less than 760 liters (200 gals.) per day of wastewater containing organic liquids. This exemption shall not apply to wastewater separators at refinery complexes after March 1, 1980.~~

*(Amended 11/3/21)*

**8-8-111 Deleted November 1, 1989**

**8-8-112 Limited Exemption, Wastewater** ~~**Critical Organic Compound Concentration Or Temperature:**~~ The requirements of Sections 8-8-301, 302, 306, 307, and 308 shall not apply to any wastewater separation system component that processes influent wastewater with a temperature of less than 20 degrees C (68 °F) ~~except at refineries.~~ To qualify for this limited exemption, the owner or operator shall comply with requirements of Section 8-8-502.

*(Adopted 11/1/89; Amended 9/15/04; 11/3/21)*

**8-8-113 Limited Exemption, Wastewater Critical Total Organic Compound Concentration:** Wastewater having a concentration of less than 1.0 ppm (volume) critical total organic compounds, as defined in Section 8-8-~~210~~203, dissolved in the water samples, is exempt from the following:

113.1 At non-refinery facilities, from the requirements of Sections 8-8-301, 302, 306, 307, and 308, ~~312, and 313.~~ To qualify for this limited exemption, the owner or operator shall comply with the requirements of Section 8-8-502 ~~must be met.~~

113.2 At any refinery, from the requirements of Section 8-8-315. To qualify for this limited exemption, the owner or operator shall comply with the requirements of Section 8-8-502. This limited exemption does not apply to wastewater processed at any of the following wastewater system components at any refinery:

2.1 Wastewater collection system components installed after XXXX (date of rule adoption);

2.2 Gauging and sampling devices;

2.3 Sludge-dewatering units; or

2.4 Oil-water separator and/or air flotation unit slop oil vessels.

*(Adopted 11/1/89; Amended 9/15/04; 11/3/21)*

**8-8-113~~4~~ Limited Exemption, Secondary Wastewater Treatment Processes A and Stormwater Sewer Systems:** The following requirements shall not apply to any secondary wastewater treatment processes or stormwater sewer systems, as defined in Sections 8-8-~~208~~225 and ~~246~~228, respectively, that are used as a wastewater polishing step or for collection of stormwater that is segregated from the process wastewater collection system:

114.1 At non-refinery facilities, the requirements of Sections 8-8-301, 302, 306, and 308.

114.2 At any refinery, the requirements of Section 8-8-315. This limited exemption does not apply to any of the following wastewater system components at any refinery:

2.1 Wastewater collection system components;

2.2 Air flotation units;

2.3 Gauging and sampling devices;

2.4 Sludge-dewatering units; or

2.5 Oil-water separator and/or air flotation unit slop oil vessels.

*(Adopted 11/1/89; Amended 9/15/04)*

**8-8-1145** **Limited Exemption, Bypassed Oil-Water Separator or Air Flotation Influent:** The following requirements shall not apply ~~for to~~ wastewater ~~which that~~ bypasses either the oil-water separator or air flotation unit provided that: (1) the requirements of Section 8-8-501 are met; and (2) on that day the District did not predict an excess of the Federal Ambient Air Quality Standard for ozone:

115.1 At non-refinery facilities, the requirements of Sections 8-8-301, 302, and 307.

115.2 At any refinery, the requirements of Section 8-8-315. This limited exemption does not apply to wastewater processed at any of the following wastewater system components at any refinery:

2.1 Wastewater collection system components;

2.2 Oil-water separator effluent channels;

2.3 Ponds, trenches, or basins;

2.4 Junction boxes;

2.5 Gauging and sampling devices;

2.6 Sludge-dewatering units; or

2.7 Oil-water separator and/or air flotation unit slop oil vessels.

*(Adopted November 1, 1989)*

**8-8-1156** **Exemption, Municipal Wastewater Collection, Separation and Treatment Facilities:** The requirements of Sections 8-8-301, 302, 303, 304, 305, 306, 307, 308, ~~312, 313, and 314~~ 315 and 316 shall not apply to any publicly owned municipal wastewater treatment facility.

*(Adopted 11/1/89; Amended 9/15/04)*

**8-8-1167** **Limited Exemption, Oil-Water Separation Trenches:** The requirements of Sections ~~8-8-312, 313~~ 315 or 314 shall not apply to oil-water separation trenches used as part of maintenance or turnaround activities.

*(Adopted September 15, 2004)*

**8-8-118** **Limited Exemption, Refineries:** The requirements of Sections 8-8-301, 302, 303, 305, 306, 307, and 308 shall not apply to any wastewater collection system component or separation system component located at any refinery. The requirements of Section 8-8-304 continue to apply at any refinery.

**8-8-119** **Limited Exemption, Inspection, Maintenance, Repair and Sampling at Refineries:** The requirements of Section 8-8-315 shall not apply to wastewater collection system and wastewater separation system components at refineries when in use for active inspection, active maintenance, active repair, or active sampling. Active repair timelines are included in Sections 8-8-405 and 406. Active inspection, active maintenance, and active sampling shall be performed expeditiously without interruption and shall be completed as quickly as possible.

**8-8-200** **DEFINITIONS**

**8-8-201** **Air Flotation Unit:** Any device, equipment, or apparatus in which wastewater is saturated with air or gas under pressure and removes floating oil, floating emulsified oil, or other floating liquid ~~precursor~~ total organic compounds by skimming. Also included in this definition are: induced air flotation units and pre-air flotation unit flocculant sumps, tanks, or basins. [Formerly Section 8-8-209]

*(Adopted November 1, 1989)*

**8-8-202** **Alternative Feedstock:** Any feedstock, intermediate, product or byproduct material that contains organic material that is not derived from crude oil product, coal, natural gas, or any other fossil-fuel based organic material. [Formerly Section 8-8-233]

*(Adopted November 3, 2021)*

**8-8-203** **Critical Total Organic Compound:** Any compound of carbon that may be emitted during separation, processing, transportation, or storage of wastewater, excluding ~~methane,~~ carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates and ammonium carbonate, ~~emitted during separation, processing, transportation or storage of~~

wastewater, and/or any organic compound having a carbon number greater than of C-14 or less (excluding phenolic compounds) that is not listed in Regulation 2, Rule 5, Table 2-5-1 as a Toxic Air Contaminant). [Formerly Section 8-8-210]

(Adopted 11/1/89; Amended 9/15/04)

**8-8-204 Free Phase Organic Liquid:** A term to describe hydrocarbon liquid, that is present as a discrete liquid phase, rather than dissolved in the wastewater phase, commonly floating on the water and visible at the surface.

**8-8-205 Full Contact Fixed Cover:** A stationary separator cover that which is always in full contact with the liquid surface of the oil-water separator. [Formerly Section 8-8-207]

(Adopted November 1, 1989)

**8-8-206 Junction Box:** Any structure where one or more sewer lines meet, and one or more wastewater streams are co-mingled. [Formerly Section 8-8-217]

(Amended September 15, 2004)

**8-8-207 Leak (or Leakage):** The concentration of total organic compounds (expressed as methane) above background, as measured in accordance with Section 8-8-603.

**8-8-208 Leak Minimization:** Reducing the leak to the lowest achievable level using best modern practices and without shutting down the process the equipment serves. [Formerly Section 8-8-219]

(Adopted September 15, 2004)

**8-8-209 Leak Repair:** The tightening, adjustment, or addition of material, or the replacement of the equipment, which that reduces leakage to the atmosphere from the entire piece of equipment (e.g. the entire cover, the entire seal, the entire inspection hatch, the entire piece of gasketing material, etc.) to below 500 parts per million (ppm) by volume total organic compounds (expressed as methane) above background. [Formerly Section 8-8-220]

(Adopted September 15, 2004)

**8-8-210 Lift Stations:** Any structure whose function is to take water from a low point on a gradient and transport it to the treatment system via a pumping mechanism. [Formerly Section 8-8-221]

(Adopted September 15, 2004)

**8-8-211 Manholes:** Any service entrance into sewer lines that allows access for inspection and cleaning. [Formerly Section 8-8-222]

(Adopted September 15, 2004)

**8-8-212 Non-aqueous Phase Hydrocarbon Streams:** Organic liquids not dissolved in, or mixed with, wastewater.

**8-8-213 Oil-Water Separation Trench:** Any grated open topped culvert used to separate debris from oil-water during equipment washing or steaming associated with maintenance or turnaround. [Formerly Section 8-8-223]

(Adopted September 15, 2004)

**8-8-214 Oil-Water Separator Effluent:** Any process wastewater downstream of the oil-water separator that has not been treated by an air flotation unit. [Formerly Section 8-8-214]

(Adopted November 1, 1989)

**8-8-215 Oil-Water Separator Effluent Channel/Pond:** An open channel, trench, pond, or basin that which handles wastewater downstream of an oil-water separator that has not been treated by an air flotation unit (usually located between the separator and the air flotation unit). [Formerly Section 8-8-206]

(Adopted November 1, 1989)

**8-8-216 Oil-Water Separator Slop Oil:** Floating oil, flocculant sludge, and solids that which accumulate in an oil-water separator or air flotation unit or slop oil vessel. [Formerly Section 8-8-205]

(Adopted November 1, 1989)

**8-8-217 Oil-Water Separator Slop Oil Vessel:** Any vessel that which, as its sole function, treats or dewater oil-water separator slop oil. [Formerly Section 8-8-213]

(Adopted November 1, 1989)

- 8-8-218 Organic Compound:** Any compound of carbon, excluding methane, carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate. [\[Formerly Section 8-8-201\]](#)  
(Amended 11/1/89; 9/15/04)
- 8-8-219 Deleted November 3, 2021** [\[Formerly Section 8-8-224\]](#)  
(Adopted September 15, 2004)
- 8-8-220 Pre-Air Flotation Unit Flocculation Sump, Basin, Chamber, or Tank:** Any facility ~~that~~**which** pretreats the air flotation unit's influent with chemical coagulants, and/or adjusts the influent's pH. [\[Formerly Section 8-8-212\]](#)  
(Adopted November 1, 1989)
- 8-8-221 Process Drains:** Any point in the wastewater collection system where [a stream or](#) streams from a source or sources enter the collection system. A process drain may be connected to the main process sewer line or to trenches, sumps, or ditches. [\[Formerly Section 8-8-225\]](#)  
(Adopted September 15, 2004)
- 8-8-222 Reaches:** Any segments of sewer pipe that convey wastewater between two manholes or other sewer components such as lift stations or junction boxes. [\[Formerly Section 8-8-226\]](#)  
(Adopted September 15, 2004)
- 8-8-223 Refinery:** An establishment that is located on one or more contiguous or adjacent properties that processes any petroleum or alternative feedstock, to produce more usable products such as gasoline, diesel fuel, aviation fuel, lubricating oils, asphalt or petrochemical feedstocks, or any other similar product. Refinery processes include separation processes (e.g., atmospheric or vacuum distillation, and light ends recovery), conversion processes (e.g., cracking, reforming, alkylation, polymerization, isomerization, coking, and visbreaking), treating processes (e.g., hydrodesulfurization, hydrotreating, chemical sweetening, acid gas removal, and deasphalting), feedstock and product handling (e.g., storage, crude oil blending, non-crude oil feedstock blending, product blending, loading, and unloading), and auxiliary facilities (e.g., boilers, waste water treatment, hydrogen production, sulfur recovery plant, cooling towers, blowdown systems, compressor engines, and power plants). [\[Formerly Section 8-8-234\]](#)  
(Adopted November 3, 2021)
- 8-8-224 Secondary Treatment Processes:** Any wastewater treatment process ~~that~~**which** is downstream of the air flotation unit, any other biological treatment process at a refinery, or any treatment process which is regulated by the EPA National Categorical Pretreatment Standards. These treatment processes are considered to be wastewater polishing steps and include: activated sludge tanks/basins, trickling or sand filters, aerated lagoons, oxidation ponds, rotating biological contactors, and other biological wastewater treatment processes. [\[Formerly Section 8-8-208\]](#)  
(Adopted November 1, 1989)
- 8-8-225 Sewer Line:** A lateral, trunk line, branch line, ditch, channel, or other conduit used to convey wastewater to downstream oil-water separators. [\[Formerly Section 8-8-218\]](#)  
(Adopted November 1, 1989)
- 8-8-226 Sludge-dewatering Unit:** Any device ~~that~~**which**, as its sole function, is used to dewater oil-water separator and air flotation slop oil/sludge. [\[Formerly Section 8-8-215\]](#)  
(Adopted November 1, 1989)
- 8-8-227 Stormwater Sewer System:** A drain and collection system that is designed and operated for the sole purpose of collecting stormwater and is segregated from the wastewater collection system. [\[Formerly Section 8-8-216\]](#)  
(Adopted 11/1/89; Amended 9/15/04)
- 8-8-228 Sumps:** Any below-grade structure typically used as a collection point for wastewater from multiple sewer lines prior to pumping or overflow to wastewater treatment. [\[Formerly Section 8-8-227\]](#)  
(Adopted September 15, 2004)
- 8-8-229 Total Organic Compounds:** [The concentration of organic compounds and methane as indicated by a hydrocarbon analyzer as specified by Section 8-8-504.](#)

- 8-8-230 Trenches:** Any open-topped culvert used to transport wastewater from the point of process discharge to subsequent wastewater collection system components, such as junction boxes and lift stations. [\[Formerly Section 8-8-228\]](#)  
(Adopted September 15, 2004)
- 8-8-231 Vapor-tight:** A leak of less than 500 ppm [by volume total organic compounds](#) (expressed as methane) above background, measured at the interface of the component in accordance with Section 8-8-603. [\[Formerly Section 8-8-204\]](#)  
(Amended 11/1/89; 9/15/04)
- 8-8-232 Vent Pipes:** Any piping used to ventilate a wastewater collection system component or a wastewater separation system. [\[Formerly Section 8-8-229\]](#)  
(Adopted September 15, 2004)
- 8-8-233 Wastewater:** Any process water ~~that~~[which](#) contains oil, emulsified oil, or other [total organic compounds](#) which is not recycled or otherwise used within a facility. [\[Formerly Section 8-8-211\]](#)  
(Adopted November 1, 1989)
- 8-8-234 Wastewater Collection System Components:** Any structure or part of structures used to collect and transport wastewater prior to any treatment. These structures are usually located before oil/water separators and may include but are not limited to process drains, sewer lines, trenches, manholes, junction boxes, reaches, sumps and lift stations (including vent pipes). [\[Formerly Section 8-8-230\]](#)  
(Adopted September 15, 2004)
- 8-8-235 Wastewater (Oil-Water) Separator:** Any device used to separate liquid [total organic compounds](#) from oil-water waste streams (excluding wastewater separator forebays, air flotation (AF) units, sludge-dewatering units, oil-water separator and /or AF Unit slop oil vessels, and junction boxes). [\[Formerly Section 8-8-202\]](#)  
(Amended November 1, 1989)
- 8-8-236 Wastewater Separation System Components:** Any structure used to remove oil from water via a physical process including but not limited to oil-water separators, dissolved air flotation units or dissolved gas flotation units. [\[Formerly Section 8-8-231\]](#)  
(Adopted September 15, 2004)
- 8-8-237 Wastewater Separator Forebay:** That section of a gravity-type separator ~~that~~[which](#) (a) receives the untreated, contaminated wastewater from the preseparator flume, and (b) acts as a header which distributes the influent to the separator channels. [\[Formerly Section 8-8-203\]](#)  
(Amended November 1, 1989)
- 8-8-238 Water Seal or Equivalent Control:** Any seal pot, p-leg trap, or other type of trap filled with a liquid not containing [total organic compounds](#) in order to create a barrier between the sewer and the atmosphere, or an equivalent physical seal, enclosed piping, pollution prevention measure or abatement device that meets the criteria of Regulation 2, Rule 1. [\[Formerly Section 8-8-232\]](#)  
(Adopted September 15, 2004)
- 8-8-300 STANDARDS**
- 8-8-301 Wastewater Separators Greater than 760 Liters per Day and Smaller than 18.9 Liters per Second:** ~~A person shall not~~ [No person shall](#) operate any wastewater separator and/or forebay with a design rated or maximum allowable capacity greater than 760 liters per day and smaller than 18.9 liters per second (oil-water separators and/or forebays between 200 gals per day to 300 gals per min.) unless such wastewater separator and/or forebay is operated within its design rated or maximum allowable capacity and is equipped with one of the following:
- 301.1 A solid, gasketed, fixed cover totally enclosing the separator tank, chamber, or basin (compartment) liquid contents, with all cover openings closed, except when the opening is being used for inspection, maintenance, or wastewater sampling. Roof seals, access doors, and other openings shall be checked by visual inspection initially and semiannually thereafter to ensure that no cracks or gaps greater than 0.32 cm (0.125 inch) occur in the roof or between the roof and wall;



and that the access doors and other openings are closed and gasketed properly;  
or

- 301.2 A floating pontoon or double-deck vapor-tight type cover. All floating roofs must rest entirely on the liquid surface. The floating roof shall consist of two seals, one above the other, the one below shall be referred to as the primary seal, while the other seal shall be referred to as the secondary seal.
- 2.1 Oil-Water Separator Liquid-Mounted Primary Seal Gap Criteria: No gap between the separator wall and the liquid-mounted primary seal shall exceed 3.8 cm (1.5 inch). No continuous gap greater than 0.32 cm (0.125 inch) shall exceed 10 percent of the perimeter of the separator. The cumulative length of all primary seal gaps exceeding 1.3 cm (0.5 inch) shall be not more than 10 percent of the perimeter and the cumulative length of all primary seal gaps exceeding 0.32 cm (0.125 inch) shall be not more than 40 percent of the perimeter.
- 2.2 Oil-Water Separator Secondary and Wiper Seals Gap Criteria: No gap between the separator wall and the secondary and wiper seals shall exceed 1.5 mm (0.06 inch). The cumulative length of all secondary and wiper seals gaps exceeding 0.5 mm (0.02 inch) shall be not more than 5 percent of the perimeter of the separator. The secondary and wiper seals must exert a positive pressure against the separator such that the seal surface in contact with the separator wall does not pull away from the separator wall more than the gaps allowed.
- 2.3 Primary and Secondary Seal Gap Inspection: The primary seal shall be inspected within 60 calendar days after initial installation of the floating roof and once every 5 years thereafter in accordance with the requirements of Section 8-8-301.2.1. The secondary seal shall be inspected within 60 calendar days after initial installation of the floating roof and once every year thereafter in accordance with the requirements of Section 8-8-301.2.2. The owner or operator shall make necessary repairs within 30 calendar days of identification of seals not meeting the requirements listed in Sections 8-8-301.2.1 and 301.2.2; or
- 301.3 A ~~total~~ organic compound vapor recovery system with a combined collection and destruction efficiency of at least 95 percent, by weight.
- 301.4 Deleted October 6, 1993

*(Amended 11/1/89; 10/6/93; 9/15/04)*

**8-8-302 Wastewater Separators Larger than or Equal to 18.9 Liters per Second:** ~~A person shall not~~ No person shall operate any wastewater separator and/or forebay with a rated or maximum allowable capacity larger than or equal to 18.9 liters per second (300 gals per min.) unless such wastewater separator and/or forebay is operated within its design rated or maximum allowable capacity and is equipped with one of the following:

- 302.1 A solid, vapor-tight, full contact fixed cover which totally encloses the separator tank, chamber, or basin (compartment) liquid contents, with all cover openings closed and sealed, except when the opening is being used for inspection, maintenance, or wastewater sampling; or
- 302.2 A floating pontoon or double-deck vapor-tight type cover. All floating roofs must rest on the liquid surface. The floating roof shall consist of two seals, one above the other, the one below shall be referred to as the primary seal, while the other seal shall be referred to as the secondary seal.
- 2.1 Oil-Water Separator Liquid-Mounted Primary Seal Gap Criteria: No gap between the separator wall and the liquid-mounted primary seal shall exceed 3.8 cm (1.5 inch). No continuous gap greater than 0.32 cm (0.125 inch) shall exceed 10 percent of the perimeter of the separator. The cumulative length of all primary seal gaps exceeding 1.3 cm (0.5 inch) shall be not more than 10 percent of the perimeter and the cumulative length of all primary seal gaps exceeding 0.32 cm (0.125 inch) shall be not more than 40 percent of the perimeter.

- 2.2 Oil-Water Separator Secondary and Wiper Seals Gap Criteria: No gap between the separator wall and the secondary and wiper seals shall exceed 1.5 mm (0.06 inch). The cumulative length of all secondary and wiper seals gaps exceeding 0.5 mm (0.02 inch) shall be not more than 5 percent of the perimeter of the separator. The secondary and wiper seals must exert a positive pressure against the separator such that the seal surface in contact with the separator wall does not pull away from the separator wall more than the gaps allowed. ~~or~~
- 2.3 Primary and Secondary Seal Gap Inspection: The primary seal shall be inspected within 60 calendar days after initial installation of the floating roof and once every 5 years thereafter in accordance with the requirements of Section 8-8-302.2.1. The secondary seal shall be inspected within 60 calendar days after initial installation of the floating roof and once every year thereafter in accordance with the requirements of Section 8-8-302.2.2. The owner or operator shall make necessary repairs within 30 calendar days of identification of seals not meeting the requirements listed in Sections 8-8-302.2.1 and 302.2.2; or
- 302.3 A vapor-tight fixed cover with a ~~a~~ total organic compound vapor recovery system which has a combined collection and destruction efficiency of at least 95 percent, by weight, inspection and access hatches shall be closed except when the opening is being used for inspection, maintenance, or wastewater sampling; ~~or~~
- 302.4 A solid, sealed, gasketed, fixed cover which totally encloses the separator tank, chamber, or basin (compartment) liquid contents, with all cover openings closed and sealed, except when the opening is being used for inspection, maintenance, or wastewater sampling. The cover may include a pressure/vacuum valve. The concentration of total organic compounds, measured at the interface of the roof seals, fixed cover, access doors, pressure/vacuum valve, and other openings shall not exceed 1,000 ppm (expressed as methane) above background. Roof seals, fixed cover, access doors, and other openings shall be inspected initially and semiannually thereafter to ensure that there are no emission leaks greater than 1,000 ppm. Any emission leak greater than 1,000 ppm must be reported to the APCO and repaired within 15 days.
- 302.5 Deleted October 6, 1993
- ~~302.6 Roof seals, fixed covers, access doors, and other openings at refineries shall be inspected initially and semiannually thereafter to ensure that they are vapor tight. A leak in any component that is not vapor tight must be minimized within 24 hours and repaired within 7 days.~~

*(Adopted 1/1/89; Amended 10/6/93; 9/15/04; 11/3/21)*

- 8-8-303 Gauging and Sampling Devices:** Any compartment or access hatch shall have a vapor ~~vapor~~-tight cover. Any gauging and sampling device in the compartment cover shall be equipped with a vapor ~~vapor~~-tight cover, seal, or lid. The compartment cover and gauging or sampling device cover shall at all times be in a closed position, except when the device is in use for inspection, maintenance, or wastewater sampling.
- (Amended, Renumbered November 1, 1989)*
- 8-8-304 Sludge-dewatering Unit:** Any sludge-dewatering unit, equipment, machinery, apparatus, or device shall be totally enclosed and vented to an control abatement device which has a minimum combined collection and destruction efficiency of 95 percent by weight; or shall have vapor-tight covers on the unit, conveyer belts, and storage bins or tanks except during inspection, maintenance or when the solids storage bin is in use. Sludge must be maintained in vapor ~~vapor~~-tight containers during storage.
- (Adopted 11/1/89; Amended 10/6/93; 9/15/04)*
- 8-8-305 Oil-Water Separator ~~And/Or~~ and/or Air Flotation Unit Slop Oil Vessels:** ~~A person shall~~ not ~~No person shall~~ store any oil-water separator and/or air flotation unit sludges in an oil-water separator slop oil vessel unless such oil-water separator slop oil vessel is equipped with one of the following:

- 305.1 A solid, gasketed, fixed cover totally enclosing the vessel liquid contents, with all cover openings closed, except when the opening is being used for inspection, maintenance, or wastewater sampling. The cover may include an atmospheric vent or a pressure/vacuum valve. Roof seals, access doors, and other openings shall be checked by visual inspection initially and semiannually thereafter to ensure that no cracks or gaps greater than 0.32 cm (0.125 inch) occur in the roof or between the roof and wall; and that the access doors and other openings are closed and gasketed properly; or
- 305.2 A total organic compound vapor recovery system with a combined collection and destruction efficiency of at least 70 percent, by weight.
- 305.3 Deleted October 6, 1993

*(Adopted 11/1/89; Amended 10/6/93; 9/15/04)*

**8-8-306 Oil-Water Separator Effluent Channel, Pond, Trench, or Basin:** ~~A person shall not~~ No person shall operate any oil-water separator effluent channel, pond, trench, or basin a design rated or maximum allowable capacity greater than 25.2 liters per second (any oil-water separator effluent channel, pond, trench, or basin greater than 400 gals per min) unless such oil-water separator effluent channel, pond, trench, or basin is operated within its design rated or maximum allowable capacity and is equipped with one of the following:

- 306.1 A solid, gasketed, fixed cover totally enclosing the oil-water separator effluent channel, pond, trench, or basin (compartment) liquid contents, with all cover openings closed, except when the opening is being used for inspection, maintenance, or wastewater sampling. Roof seals, access doors, and other openings shall be checked by visual inspection initially and semiannually thereafter to ensure that no cracks or gaps greater than 0.32 cm (0.125 inch) occur in the roof or between the roof and wall; and that the access doors and other openings are closed and gasketed properly; or
- 306.2 A total organic compound vapor recovery system with a combined collection and destruction efficiency of at least 70 percent, by weight.
- 306.3 Deleted October 6, 1993

*(Adopted 11/1/89; Amended 10/6/93; 9/15/04)*

**8-8-307 Air Flotation Unit:** ~~A person shall not~~ No person shall operate any air flotation unit and/or pre-air flotation unit flocculation sump, basin, chamber, or tank with a design rated or maximum allowable capacity greater than 25.2 liters per second (air flotation units and/or pre-air flotation unit flocculation sump, basin, chamber, or tank greater than 400 gals per min.) unless such air flotation unit and/or pre-air flotation unit flocculation sump, basin, chamber, or tank is operated within its design rated or maximum allowable capacity and is equipped with one of the following:

- 307.1 A solid, gasketed, fixed cover totally enclosing the air flotation and pre-air-flotation-unit flocculation tank, chamber, or basin (compartment) liquid contents, with all cover openings closed, except when the opening is being used for inspection, maintenance, or wastewater sampling. The cover may include an atmospheric vent or pressure/vacuum valve. Roof seals, access doors, and other openings shall be checked by visual inspection initially and semiannually thereafter to ensure that no cracks or gaps greater than 0.32 cm (0.125 inch) occur in the roof or between the roof and wall; and that the access doors and other openings are closed and gasketed properly; or
- 307.2 A total organic compound vapor recovery system with a combined collection and destruction efficiency of at least 70 percent, by weight.
- 307.3 Deleted October 6, 1993

*(Adopted 11/1/89; Amended 10/6/93; 9/15/04)*

**8-8-308 Junction Box:** Any junction box shall be equipped with either a solid, gasketed, fixed cover totally enclosing the junction box or a solid manhole cover. Junction boxes may include openings in the covers and vent pipes if the total open area of the junction box does not exceed 81.3 cm<sup>2</sup> (12.6 in<sup>2</sup>) and all vent pipes are at least 3 feet in length.

*(Adopted 11/1/89; Amended 10/6/93)*

**8-8-309 Deleted October 6, 1993**

**8-8-310 Deleted October 6, 1993**

**8-8-311 Deleted October 6, 1993**

~~**8-8-312 Controlled Wastewater Collection System Components at Refineries:** Effective January 1, 2006, all controlled wastewater collection system components at refineries shall be vapor tight except when in use for active inspection, maintenance, repair or sampling. A leak in any controlled wastewater collection system component that is not vapor tight must be minimized within 24 hours and repaired within 7 days.~~

~~*(Adopted September 15, 2004, amended November 03, 2021)*~~

~~**8-8-313 Uncontrolled Wastewater Collection System Components at Refineries:** Refineries shall comply with either Section 8-8-313.1 or 313.2 below:~~

~~313.1 Each uncontrolled wastewater collection system component must be equipped with a water seal or equivalent control according to the schedule in Section 8-8-403. Any uncontrolled collection system component that is not vapor tight must be minimized. Upon installation of a water seal or equivalent control, the provisions of Section 8-8-312 will apply; or~~

~~313.2 Effective January 1, 2006 and until January 1, 2007, each uncontrolled wastewater collection system component must be inspected bi-monthly. Effective January 1, 2007, each uncontrolled wastewater system component must be inspected semi-annually. Any uncontrolled wastewater collection system component that is not vapor tight shall be identified, minimized within 24 hours and re-inspected every 30 days. The component may be returned to a semi-annual inspection schedule if it is vapor tight during three consecutive 30-day inspections. Any uncontrolled wastewater collection system component that is not vapor tight during any three inspections in a five-year period must be equipped with a water seal or equivalent control within 30 days after the third inspection. Upon installation of the water seal or equivalent control, the provisions of Section 8-8-312 shall apply. Unless previously identified by the refinery, any wastewater system component discovered by the APCO not to be vapor tight must be minimized within 24 hours and repaired within 7 days.~~

~~*(Adopted 9/15/04; Amended 11/3/21)*~~

~~**8-8-314 New Wastewater Collection System Components at Refineries:** Effective January 1, 2005, any new wastewater collection system component at a refinery shall be equipped with a water seal or equivalent control.~~

~~*(Adopted 9/15/04; Amended 11/3/21)*~~

**8-8-315 Wastewater Collection System Components and Wastewater Separation System Components at Refineries:** The owner or operator of a wastewater collection system component or a wastewater separation system component at a refinery shall comply with one of the following:

**315.1 All wastewater collection system components and wastewater separation system components shall be vapor-tight. Any component discovered by the owner or operator not to be vapor-tight shall be repaired in accordance with the schedule in Section 8-8-405. Any component discovered by the APCO not to be vapor-tight shall constitute a violation of this Rule and shall be repaired within 24 hours in accordance with Section 8-8-405.3; or**

**315.2 Operate a vapor-tight collection system that is routed to a vapor recovery or abatement system that has a minimum destruction efficiency of 95 percent, by weight, for abating emissions of total organic compounds from the component or components, as determined in accordance with the requirements in Section 8-8-506, or which can meet an outlet concentration of 500 ppm by volume total organic compounds (expressed as methane).**

**8-8-316 Prohibition of Discharge at Refineries:** The owner or operator of a wastewater collection system component, separation system component or secondary treatment process component at a refinery shall not discharge non-aqueous phase hydrocarbon streams into

wastewater collection system components and shall not discharge any free phase organic liquid streams into wastewater secondary treatment process components. The organic concentration in wastewater shall be determined by the methods specified in Section 8-8-605.

## **8-8-400 ADMINISTRATIVE REQUIREMENTS**

**8-8-401 Deleted October 6, 1993**

**8-8-402 Wastewater Collection and Separation System Identification and Inspection and Maintenance Plan at Refineries:** All refineries must ~~implement an inspection and maintenance plan that~~ meets all of the following requirements:

402.1 ~~By October 1, 2005,~~ All wastewater collection system and separation system components must be equipped with a unique tag and permanent identification code. The tag and identification code shall be used to differentiate between vapor-tight components and those components routed to a vapor recovery or abatement system.

~~identified and the APCO must be provided with lists, diagrams or other information sufficient to locate all components. It shall not be violation of this requirement if the refinery discovers that a component has been omitted from the list, diagram, or other information and submits information to the APCO regarding the component. Effective October 1, 2005, any wastewater collection system component found by the APCO that was not identified pursuant to the provisions of this section shall constitute a violation.~~

402.2 ~~By October 1, 2005, an initial inspection of all wastewater collection system components must be completed by the refinery. The results of the initial inspection shall be made available to the APCO, but any wastewater collection system component that is not vapor tight shall not trigger the requirements of Section 8-8-313 before the effective date of that Section.~~

402.3 ~~Effective January 1, 2006, for refineries that elect to comply with Section 8-8-313.2, the plan must provide for the identification and minimization of leaking components and a re-inspection within 30 days of discovery. The plan must also provide for re-inspections every thirty days until the affected component is either controlled or is returned to the inspection schedule in Section 8-8-313.2.~~

402.4 ~~Effective January 1, 2006,~~ Except as provided under Section 8-8-405.5, each controlled wastewater collection or separation system component shall be inspected quarterly, semi-annually.

402.5 Records must be maintained pursuant to Section 8-8-505.

*(Adopted 9/15/04; Amended 11/3/21)*

**8-8-403 Refinery Compliance Schedule:** Any refinery electing to comply with Section 8-8-313.1 shall install controls on uncontrolled wastewater collection system components according to the following schedule:

403.1 ~~By October 31, 2005, install controls on 25% of wastewater collection system components that were uncontrolled as of January 1, 2005.~~

403.2 ~~By April 30, 2006, install controls on 50% of wastewater collection system components that were uncontrolled as of January 1, 2005.~~

403.3 ~~By October 31, 2006, install controls on 75% of wastewater collection system components that were uncontrolled as of January 1, 2005.~~

403.4 ~~By April 30, 2007, install controls on 100% of wastewater collection system components that were uncontrolled as of January 1, 2005.~~

*(Adopted 9/15/04; Amended 11/3/21)*

**8-8-404 Uncontrolled Wastewater Collection System Components Election:** By November 1, 2004, each refinery shall choose a compliance option from Section 8-8-313 and notify the APCO in writing indicating which option has been chosen.

*(Adopted 9/15/04; Amended 11/3/21)*

**8-8-405 Repair Schedule for Leak Excesses at Refineries:** For any leak that is not vapor-tight, the owner or operator shall meet the following requirements:

- 405.1 The date, location, and value of each excess shall be recorded and the location shall be marked.
- 405.2 If the leak has been discovered by the owner or operator, the leak shall be minimized within 24 hours and repaired within seven (7) days; or
- 405.3 If the leak has been discovered by the APCO, the leak must be repaired within 24 hours.
- 405.4 Any equipment found to have a leak shall be reinspected within 24 hours after any leak repair or minimization.
- 405.5 If any equipment is found leaking more than three (3) consecutive quarters, the inspection frequency shall change from quarterly to monthly pursuant to Section 8-8-406.

**8-8-406** **Recurrent Leak Schedule at Refineries:** For any equipment found leaking in more than three consecutive quarters, a person subject to this Rule shall comply with the following requirements:

- 406.1 The inspection frequency shall be changed from quarterly to monthly.
- 406.2 If the equipment remains leak free for four consecutive months the inspection frequency will revert back to quarterly upon request and after APCO approval.

**8-8-500 MONITORING AND RECORDS**

**8-8-501 API Separator or Air Flotation Bypassed Wastewater Records:** Any person who bypasses wastewater past their API Separator or Air Flotation unit shall maintain records on the amount of bypassed wastewater, duration, date, causes for bypasses, and dissolved critical total organic compound concentration (volume). These records shall be retained and available for inspection by the APCO for at least ~~24 months~~five years.

*(Adopted 11/1/89; Amended 9/15/04)*

**8-8-502 Wastewater Critical Total Organic Compound Concentration ~~or~~ Temperature Records:** Any person who seeks an exemption of ~~exempts~~ their wastewater separator because of either wastewater critical total organic compound concentration or temperature shall sample and test the wastewater initially and semiannually thereafter and maintain records on the date, time of test, location, and wastewater temperature and/or critical total organic compound concentration (volume), where applicable. These records shall be retained and available for inspection by the APCO for at least ~~24 months~~five years.

*(Adopted 11/1/89; Amended 9/15/04)*

**8-8-503 Inspection and Repair Records:** Records of inspections and repairs as required by Sections 8-8-301, 302, 305, 306, ~~or~~ 307, 315, 402, 405 or 406 shall be retained and made available for inspection by the APCO for at least ~~24 months~~five years.

*(Adopted October 6, 1993)*

**8-8-504 Portable Hydrocarbon Detector:** Any instrument used for the measurement of total organic compounds shall be a combustible gas detector that has been approved by the APCO and meets the specifications and performance criteria of and has been calibrated in accordance with EPA Reference Method 21 (40 CFR 60, Appendix A).

*(Adopted June 15, 1994)*

**8-8-505 Records for Wastewater Collection System and Wastewater Separation System Components at Refineries:** Any person subject to the requirements of this ~~R~~Rule shall:

- 505.1 Maintain records of the type and location of each wastewater collection system and separation system component.
- 505.2 Record the date of each wastewater collection system and separation system component inspection, and re-inspection and leak concentration measured for each inspection or re-inspection.
- 505.3 Record a description of the minimization or repair efforts on each leaking component that is not vapor-~~r~~tight.
- 505.4 Maintain required records for at least ~~5~~ five years and make them available to the APCO for inspection at any time.

*(Adopted 9/15/04; Amended 11/3/21)*

**8-8-506** **Source Test Requirements at Refineries:** Any owner or operator who uses an abatement device to comply with the requirements set forth in Section 8-8-315 of this Rule shall perform a source test on the system verifying operation at the required abatement efficiency at least once in any calendar year in which the system is used to comply with this Rule. Source testing, including prior notification of the Air District, shall be performed in accordance with the Manual of Procedures, Volume IV. This section does not apply to any device that collects all emissions and vents them to a fuel gas collection system for combustion, or to any device that is subject to parametric monitoring or periodic source testing in accordance with an Air District permit to operate.

**8-8-507** **Wastewater Organic Concentration Monitoring at Refineries:** The owner or operator of wastewater separation system components or secondary treatment processes at a refinery shall monitor the concentrations of oil and grease, total organic carbon, and volatile and semi-volatile organic compounds in wastewater along with total wastewater flowrate at the inlet to oil-water separators, inlet to secondary treatment system, and outlet of secondary treatment system. Monitoring shall be conducted on the following frequency:  
507.1 Effective XXXX (date of rule adoption) until YYYY (6 months after rule adoption date), at least once every 30 days.  
507.2 Effective YYYY (6 months after rule adoption date), at least once every 90 days.

**8-8-508** **Wastewater Organic Concentration Recordkeeping Requirements at Refineries:** The owner or operator of wastewater separation system components or secondary treatment processes at a refinery shall keep the following records in a form suitable for inspection for a period of at least five years and made available to the APCO upon request:  
508.1 Concentration of oil and grease.  
508.2 Concentration of total organic carbon.  
508.3 Concentration of volatile and semi-volatile organic compounds.  
508.4 Location of each recorded concentration (inlet to oil-water separator, inlet to secondary treatment system, or outlet of secondary treatment system).

## **8-8-600** **MANUAL OF PROCEDURES**

**8-8-601** **Wastewater Analysis for Critical Total Organic Compounds:** Samples of wastewater as specified in this Rule shall be taken at the influent stream for each wastewater collection system and wastewater separation system unit and analyzed for the concentration of dissolved critical total organic compounds ~~as prescribed in the~~ by any of the following methods, or latest revision, where applicable:  
601.1 Concentration of total organic carbon shall be determined by ~~Manual of Procedures, Volume III, Lab Method 33~~ EPA Method 9060A or SM 5310D.  
601.2 Concentration of organic Toxic Air Contaminants listed in Regulation 2, Rule 5, Table 2-5-1 shall be determined by EPA Methods 8260D and 8270E.  
601.3 Any alternative method to those listed above if determined to be equivalent by the EPA or approved by the APCO.

*(Amended 11/1/89; 10/6/93; 9/15/04)*

**8-8-602** **Determination of Emissions:** Emissions of total organic compounds as specified in Sections 8-8-301.3, ~~8-8-302.3, 8-8-304, 8-8-305.2, 8-8-306.2, and 8-8-307.2,~~ and 315.2 shall be measured as prescribed by any of the following methods: 1) BAAQMD Manual of Procedures, Volume IV, ST-7, 2) EPA Method ~~25, or 25A~~, or 3) any other method approved by the APCO. A source shall be considered in violation if the total organic compound emissions measured by any of the referenced test methods exceed the standards of this ~~R~~Rule.

*(Amended 11/1/89; 10/6/93; 6/15/94; 9/15/04, 11/3/21)*

**8-8-603** **Inspection Procedures:** For the purposes of Sections 8-8-301, 302, 303, 304, ~~312, 315, 313 and~~ 402, 405, and 406, leaks shall be measured using a portable combustible gas detector as prescribed in EPA Reference Method 21 (40 CFR 60, Appendix A).

*(Adopted 6/15/94; Amended 9/15/04)*

**8-8-604** **Determination of Abatement Efficiency:** Abatement efficiency of an abatement device as specified in Section 8-8-506 shall be determined as prescribed in the Manual of Procedures, Volume IV, ST-7 or any other method approved by the APCO.

**8-8-605** **Determination of Organic Concentration in Wastewater:** The organic concentration determination as specified by Section 8-8-507 shall be measured using any of the following methods, or latest revision, where applicable:

605.1 Oil and grease content shall be determined using EPA Method 1664A.

605.2 Total organic carbon content shall be determined by using EPA Method 9060A or Method SM 5310D.

605.3 Volatile and semi-volatile organic compounds content shall be determined by EPA Methods 8260D and 8270E.

605.4 Any alternative method to those listed above if determined to be equivalent by the EPA or approved by the APCO.



**ATTACHMENT B**

**CEQA NEGATIVE DECLARATION**

**CALIFORNIA ENVIRONMENTAL QUALITY ACT  
NEGATIVE DECLARATION**

**Proposed Amendments to  
Regulation 8: Organic Compounds, Rule 8: Wastewater Collection and Separation Systems**

Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code §§ 21000 et seq, and Sections 15071 and 15074 of the CEQA Guidelines, the Board of Directors of the Bay Area Air Quality Management District (Air District) hereby adopts this Negative Declaration finding that the adoption of Proposed Amendments to Regulation 8: Organic Compounds, Rule 8: Wastewater Collection and Separation Systems will not have a significant effect on the environment.

**Project Name:** Proposed Amendments to Regulation 8: Organic Compounds, Rule 8: Wastewater Collection and Separation Systems.

**Project Description:** The Air District has regulatory authority over stationary sources of air pollution in the San Francisco Bay Area. The proposed amendments to Regulation 8, Rule 8 (Rule 8-8) address emissions of volatile organic compounds and methane (together referred to as “total organic compounds”) from wastewater collection and separation systems at industrial facilities in the Bay Area. The proposed amendments would enact more stringent best available retrofit control technology (BARCT) levels at the refinery wastewater treatment systems by increasing frequency of leak inspections, updating leak detection methodologies and standards to include a wider range of organic compounds (including methane), and strengthening protocols for repairing and minimizing leaks. The amendments also include a number of other changes to improve enforceability of the provisions and expand sampling and monitoring requirements.

**Project Location:** The nine-county jurisdiction of the Bay Area Air Quality Management District, which includes all of Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, and Napa Counties, and portions of southwestern Solano County and southern Sonoma County. A map of the project location is provided in Figure 2-1 on page 2-11 of the Initial Study attached hereto.

**Project Proponent and Lead Agency:** The Bay Area Air Quality Management District.

**Finding of No Significant Impact:** The Board of Directors of the Bay Area Air Quality Management District hereby finds, using its own independent judgment and analysis, that based on the whole record (including the Initial Study and public comments received) there is no substantial evidence that the proposed amendments to Regulation 8: Organic Compounds, Rule 8: Wastewater Collection and Separation Systems will have a significant effect on the environment.

**Initial Study:** A copy of the Initial Study documenting the reasons supporting the finding of no significant impact is attached hereto.

**Mitigation Measures:** No mitigation measures need to be included in the project to avoid potentially significant effects, as the project will not have any potentially significant effects.