

Attachment 1: Comments on Draft Permit

<u>Item Number</u>	<u>Title V Table</u>	<u>Comment</u>
1	Global Comment	40 C.F.R. §60.104(a)(1) provides the following: “(a) No owner or operator subject to the provisions of this subpart shall: (1) Burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H ₂ S) in excess of 230 mg/dscm (0.10 gr/dscf).” This limit converts to 162 ppmv. The draft permit inconsistently describes this limit and in many cases describes the limit as 160 ppmv. This should be corrected throughout the permit.
2	Global Comment	The draft permit contains references to federal regulations that have recently been amended, but the permit references reflect outdated promulgation dates. For example, Table IV-B.1 includes a reference to 40 C.F.R. Part 63, Subpart UUU but references the prior promulgation date of July 13, 2016 date rather than the amendments recently promulgated on November 26, 2018. The permit should include all provisions that are applicable and only those provisions. New provisions corresponding to current regulations (as amended) need to be added. Outdated, deleted, or inapplicable provisions need to be deleted from the permit. (See 40 C.F.R. §70.6(a)(1); BAAQMD Regulation 2, Rule 6, §409.)
3	Global Comment	BAAQMD did not remove NO _x boxes for furnaces that now have CEMS. For sources that have CEMS installed, NO _x box requirements no longer apply. (See Regulation 9-10-502.)
4	Global Comment	There are issues throughout with table headers being deleted, i.e. Table IV-A.2 and B.3.
5	Global Comment	On July 20, 2018 Tesoro submitted an application to merge the Tesoro Logisitcs Amorco Terminal sources into the refinery Title V permit. This application is complete and the fees have been paid. Accordingly, the Amorco Terminal sources should be included in the draft permit.
6	Global Comment	Future effective dates that occurred in the past should be deleted. For example, Table IV-B.1 has a future effective date listed as 8/1/18. Because this is no longer a <i>future</i> effective date, it should be deleted.
7	Section I.J.3	Remove the miscellaneous condition Section I.J.3 shown below. This provision is not “reasonably necessary to insure compliance with federal or California law or District regulations” (Reg. 2-1-403) and therefore should be deleted. The District has removed the condition from the Valero and Shell permits, indicating that it is not reasonably necessary and we request the same. "The owner/operator shall notify the District in writing by fax or email no less than three calendar days in advance of any scheduled start-up or shutdown of any process unit and as soon as feasible for any unscheduled startup or shutdown of a process unit, but no later than 48 hours after the unscheduled startup/shutdown or within the next normal business day. The notification shall be sent in writing by fax or email to the Director of Enforcement and Compliance. The requirement is not federally enforceable. [basis: Regulation 2-1-403]"

8	Table II A1, Condition 17322	The basis for the draft permit's listed capacity limit is Application 27054, which was submitted on March 27, 2015. A temporary PTO was issued on December 1, 2015. The temporary PTO authorized start-up of the equipment but in no way addressed capacity or limits. Correspondence indicates that the District permit engineer believes the final PTO was issued, but Tesoro never received it. Tesoro has requested a copy of the final PTO and the District informed Tesoro that the relevant documents were in storage and would take some time to retrieve. As a result, Tesoro does not have, and does not have a record of receipt of, a final permit. Because the permit has not been provided to Tesoro, the facility cannot verify whether the permit contains this term, though the company did not request this term be included as a limit. As discussed elsewhere in this document, Title V does not impose substantive new requirements. (See 40 C.F.R. §70.1(b).) In issuing the proposed Part 70 regulations, U.S. EPA recognized that, "The permitting program generally codifies existing regulatory requirements and does not impose new control requirements . . ." 56 Fed. Reg. 21712, 21724 (May 10, 1991). Because the capacity listed in the draft permit has not been included in an underlying PTO (that has been provided to Tesoro), it would be inappropriate to include it in the Title V permit and it should be deleted.
9	Table II-B	The SCOT Tail Gas Unit is a closed process and part of S-1401, Sulfur Recovery Unit. The emission limits should be at A1525 Incinerator.
10	Table II B	A1403 and A1417 are wholly contained within the sulfuric acid plant and have no emission points. Accordingly, there should be no separate emissions limits associated with these units. In contrast, A-1421, the final mist eliminator before the stack, is the abatement device for the sulfuric acid plant and is subject to specific limits as described in Table II B-Abatement Devices. As EPA has explained, just because a piece of equipment acts to reduce emissions does not make it a control device. EPA evaluates (1) if the primary purpose of the equipment to control air pollution; (2) if the equipment would be installed regardless of air quality regulations; and (3) for product recovery equipment, how the benefit of recovering product compares to the cost of the equipment. Here, A1403 and A1417 are part of the process and would be there regardless of controls.
11	Table II-C, Table IV-J.5, Table VII-J.5	Cold cleaners should not be deleted from the exempt source table. The request to remove these sources was made in error.
12	Table IV-A2	In Table IV -A1, add 63.654(b) Heat exchange systems – Exemptions
13	Table IV-A2	In Table IV-A2, delete 63.655(h)(8) because it is redundant to Table IV-A3 for fence line monitoring.
14	Table IV-B.1, Table IV-C.1.1, Table VII-B.1, Table VII-C.1.1	In Table IV-B.1. the District coined the term the "FCCU Complex Main stack". This is misleading in that there is only one stack and it is the 7 Boiler house (CO boiler) stack.

15	Table IV-B.11, Table VII-B.11	40 C.F.R. §63.657(a)(1) provides two options for compliance. Tesoro has chosen to comply using 40 C.F.R. §63.657(a)(1)(i). Accordingly, in Table IV-B.11, any reference to the other compliance option, 40 C.F.R. §63.657(a)(1)(ii), should be deleted.
16	Table IV-C.1.2	In Table IV-C.1.2, the draft permit omits §63.7500(e). This applicable requirement should be included in the draft permit.
17	Table IV-C.2.2, Table VII-C.2.2	The butane tank 691 safety flare (S-943) is exempt from Regulation 12, Rule 11 and Regulation 12, Rule 12. Exemptions are not applicable requirements required to be included in Title V permits. Accordingly, the references to Regulation 12, Rule 11 and Regulation 12, Rule 12 should be deleted. In addition, S-943 is not subject to Condition 19528 and reference to this condition should be deleted.
18	Table IV-C.2.4, Table VII-C.2.4	See Attachment 1-B.
19	Table IV-C.4.2	In Table IV-C.4.2, correct S-915 source test frequency and delete Condition 18372 Part 3 and Parts 29 through 32, since the Regulation 9, Rule 10 no longer includes NOx boxes.
20	Table VII-C.4.3	In Table VII-C.4.3 there is an error in monitoring frequency and monitoring type for NOx for S917 and S919. S917 complies with annual source test. S919 complies with CEM.
21	Table IV-D.3, Table IV-D.8, Table VII-D.3, Table VII-D.8	See Attachment 1-A.
22	Table IV-D.11, Condition 26406	In Table IV-D.11, remove condition 26406, parts 10 and 12 which have been completed. In Section VI Condition 26406, delete parts that have been completed including part of Part 9 and all of Parts 10 and 12.
23	Table IV-E.4, Table VII-E.4	There are multiple comments associated with these tables: (A) Recent rulemakings are not reflected in Table IV-E.4 and Table VII-E.4 with respect to changes to Regulation 11, Rule 10, §305 and required per Enforcement Agreement and Agreement to Stay Litigation (March 2017). (B) The provisions of Regulation 11, Rule 10, §402 no longer apply per the Enforcement Agreement and Agreement to Stay Litigation (March 2017). (C) Delete Condition 19199, Parts D5 through D8 and Parts E5 through E7 because this sampling method has been replaced by Regulation 11, Rule 10 and the recent rule change. (D) The District added parametric monitoring (Regulation 1) to the cooling towers. There is no parametric monitoring of the cooling towers. Reference to Regulation 1 should be deleted. (E) Because Tesoro chose to comply with Regulation 11, Rule 10 § 304.1, reference to Regulation 11, Rule 10 §304.2 should be deleted.
24	Table IV-H.8, Table VII-H.8	In Table IV-H.8, delete the Regulation 8-2, there are no organics in the sulfur product.
25	Table IV-J.0	The District incorrectly added Regulation 8, Rule 18 and 40 C.F.R. Part 60, Subpart GGG and Subpart GGGa applicability to groundwater remediation and contaminated soil remediation. BAAQMD Regulation 8, Rule 18 does not apply to groundwater or soil and the activity is specifically exempted from GGG and GGGa by 40 C.F.R. Part 63 Subpart GGGGG.

26	Table IV-K.2	<p>Table IV-K.2 describes the applicable requirements for electric thermal oxidizers and includes 40 C.F.R. §60.104(a)(1), which provides the following:</p> <p>(a) No owner or operator subject to the provisions of this subpart shall:</p> <p>(1) Burn in any fuel gas combustion device any fuel gas that contains hydrogen sulfide (H₂S) in excess of 230 mg/dscm (0.10 gr/dscf). The combustion in a flare of process upset gases or fuel gas that is released to the flare as a result of relief valve leakage or other emergency malfunctions is exempt from this paragraph.</p> <p>The electric thermal oxidizers listed in Table IV-K.2 do not combust fuel gas. Accordingly, references to 40 C.F.R. §60.104 should be deleted.</p>
27	Condition 8077, Part B2	40 C.F.R. §70.6(a)(1)(i) requires the permit to specify and reference the origin and authority for each term or condition. The proposed revised limits are not supported by a listed origin and authority. Accordingly, Tesoro cannot determine how the calculations were determined. Moreover, on June 29, 2016, Tesoro submitted AN 28083 and 28084 requesting a change to the bubble limits contained in Condition 8077. The District requested additional information and Tesoro provided a response to this data request on March 28, 2018. The District has not acted on this application despite it being over two years old. Tesoro requests that the District process AN 28083 and 2808 prior to making any amendments to these limits in the Title V permit.
28	Condition 8077, Part B2	Delete references to monitors that are already installed pursuant to other rules. This is duplicative.
29	Condition 16516, Condition 21971	For source test report submittal deadlines, please change 30 days to 60 days. This is consistent with other source test report submittal deadlines.
30	Condition 18372	In Section VI, Condition 18372 Part 27, correct whether there are CEMS on the furnaces. Delete Parts 29 through 32, since the Regulation 9, Rule 10 no longer includes NO _x boxes. Correct reference in Part 33 to 9-10-502.1.2. In Part 33 B, change to an emission factor pursuant to Regulation 9, Rule 10 §502.1.1.
31	Condition 19199	In Section VI, the Condition 19199, Parts D5, D6, E5, and E6 are superseded by Regulation 11, Rule 10 and should be deleted.
32	Table VII-A.1	In Table VII-A.1 correct "pilot flare" to "pilot flame."
33	Table VII-C.2.1, Table VII-C.2.2, Table VII-C.2.3	Net heating value monitoring frequency needs to be changed. Monitoring is only required during an event.
34	Table VII-C.3.1	This citation is incorrect. It does not limit hours to <34. The limit on S57 is 50 hours per Condition 23811, Part 1.
35	Table VII-C.3.4	This citation is incorrect. It does not limit the hours to <34 hours. The limit on these sources is <34 hours per Condition 22851, Part 1.

36	Table VII-C.3.5	Delete all references to Cal. Code Regs., tit. 17, §93115.6(b)(3). These citations do not apply to fire water pumps.
37	Table VII-C.4.2	Correct that F-9/12/13/15/16/19/20/27 now have CEMS.
38	Table VII-C.4.3	In Table VII-C.4.3 there is an error in monitoring frequency and monitoring type for NOx for S917 and S919. S917 complies with annual source test. S919 complies with CEM.
39	Table VII-D.6	Delete Table VII-D.6. There should not be a table for exempt sources.
40	Table VII-D.11	Per BAAQMD Legal Division (01/16/18), Regulation 8, Rule 44 is not applicable.
41	Table VII-E.4	In Table VII-E.4 the requirement in Regulation 11, Rule 10, §304.1 must be changed to reflect the revised Regulation 11, Rule 10.