

ATTACHMENT A

The following response to the facility's comments is organized in the same manner that the comments are organized. The comments on Sections II, III, IV, VI, VIII, and IX are first in number order. The page number is also included as a cross-reference. The comments on Section VII are after the comments on Sections II, III, IV, VI, VIII, and IX.

COMMENTS ON SECTIONS II, III, IV, VI, VIII, AND IX

Page 1:

Comment 1: Delete S29, Naphtha Merox Treater, from Table IIA, Equipment List, because it has been dismantled.

Response: The source was deleted. Since this is an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Comments 2 and 3: In Section III, Generally Applicable Requirements, delete the SIP Regulation 8, Rules 3 and 4 because the current District rules are now in the SIP.

Response: The rules were deleted and the designation on the current District rules was changed to "Federally Enforceable." Since this is an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Comment 4: In Table IV-A in Section IV, Source-Specific Applicable Requirements, change the federal enforceability of BAAQMD Regulation 8-28-302 from "N" to "Y."

Response: As of the date of the comment (4/14/04), EPA Region IX's website stated that EPA approved the District's 1994 rule on 12/9/94. It only contained Section 8-28-301, entitled "Pressure Relief Valves." EPA approved the 3/18/98 revision of the rule on 5/24/04. The approval was effective on 6/23/04, unless EPA received adverse comments. Since EPA has not published a withdrawal, the 3/18/98 revision is now in the SIP. Therefore, the SIP version has been deleted and the current District rule is federally enforceable.

Comment 5a: In Table IV-L in Section IV, Source-Specific Applicable Requirements, make changes to citations of BAAQMD Regulation 8, Rule 10, because the rule was changed on 1/21/04.

Response: The citations have been corrected.

Comment 5b: On July 1, 2004 BAAQMD 8-10-301 will be superseded by 8-10-302 and therefore will no longer be an applicable requirement if the permit is issued after July 1, 2004.

Response: There is no sunset clause in BAAQMD 8-10-301. As of July 1, 2004, both sections apply. The revised Regulation 8, Rule 10, will not be inserted into the permit in this revision because this change may require public notice. However, the facility is required to comply with the requirement as of July 1, 2004.

Page 2:

Comment 6: In the Section IV (Source-Specific Applicable Requirements) table for S1, S2, S4, S23, Tanks, delete citation of 40 CFR 60.116b(e)(2)(iii) because it does not exist.
Response: Correction has been made because the citation does not exist.

Comment 7: In the Section IV (Source-Specific Applicable Requirements) tables for S1, S2, S4, S23, and S9, Tanks, correct citation of 40 CFR 60.116b(e)(2)(i) and (ii).
Response: The descriptions for 40 CFR 60.116b(e)(3)(i) and (ii) were inadvertently used for these requirements, so the descriptions have been corrected.

Comment 8: In Section IV, Source-Specific Applicable Requirements, delete the references to SIP 1-523.5 because it does not exist.
Response: This correction was made because EPA has not approved the section into the SIP.

Comment 9: In Section IV, Source-Specific Applicable Requirements, delete the references to SIP 9-10-502.1 because this section was not approved into the SIP.
Response: The citation was deleted from the Section IV tables for the following combustion devices: S19, S20, S21. It was also deleted from the monitoring citations for SIP Regulation 9-10-303 in the Section VII tables for the same sources. The monitoring citation has been replaced with the annual or semi-annual source testing requirement in BAAQMD Condition 20617, part 7a.

Comment 10: The citations for BAAQMD and SIP Regulations 1-523 should be added to the Section IV tables for S20 and S21, Steam Boilers, because the sources have fuel flow monitors that are subject to the parametric monitor requirements.
Response: The requirements have been added to the tables. Since this is a minor revision pursuant to BAAQMD Regulation 2-6-215, this change requires no public notice.

Comment 11: The citation number has been omitted in the citation of BAAQMD Regulation 2-9-502 in the Section IV table for S21.
Response: The error has been corrected. Since this is a typographical error and therefore an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Page 3:

Comment 12: In Table IV-P in Section IV, Source-Specific Applicable Requirements, correct Condition 1240, part I.10 to II.10, and place in numerical order.
Response: This change has been made. Since this is a typographical error and therefore an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Comment 13: Delete Table IV-U, for S29, Naphtha Merox Treater, from Section IV, Source-Specific Applicable Requirements, because it has been dismantled.

Response: The source was deleted. Since this is an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Comment 14: In Table IV-X in Section IV, Source-Specific Applicable Requirements, add Condition 1240, part III.3 since it applies to all combustion sources except S68, Firewater Pump.

Response: The table has been corrected as requested. It has also been added to the following combustion sources: S20, S21, S24, A4, and A31. Corresponding changes have been made to Section VII.

Comment 15: Delete references to S29, Naphtha Merox Treater, in Table IV-AM, Components, because S29 has been dismantled.

Response: The references were deleted. Since this is an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Page 4:

Comment 16: Change description of S16 in the title of table IV-AM from "Loading Racks-Kerosene or Distillate Oil" to "Truck Loading Rack-Heavy Vacuum Gas Oil."

Response: Since the source is described as "Kerosene and Heavy Vacuum Gas Oil Loading Rack" in the pre-existing conditions at Condition 1240, part II.90, the name has been changed for consistency. The condition was also changed to say only "Heavy Vacuum Gas Oil." In addition, the titles of table IV-J and VII-J, and the description in Table II were changed.

Pages 5 and 6:

Comments 17 and 18: In Table IV-AN in Section IV, Source-Specific Applicable Requirements, make changes to citations of BAAQMD and SIP Regulation 8, Rule 18, because the rule was changed on 1/21/04.

Response: The facility is obligated to comply with the new rule even if the new rule is not cited in the permit pursuant to the facility's schedule of compliance in Section V of the permit. The citations will be added in the next revision since they were not included in the permit that was published for public notice.

Comment 19: In Table IV-AO for A4, Thermal Oxidizer, delete "Part II.62" from the "Future Effective" date column.

Response: The error has been corrected. Since this is a typographical error and therefore an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Comment 20: In Table IV-AP, delete duplicate permit condition II.10.

Response: The error has been corrected. Since this is a typographical error and therefore an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Page 7:

Comment 21: The requirement in BAAQMD Condition 1240, part I.16a for semi-annual source testing for compliance with BAAQMD Regulation 9, Rule 10, is redundant to BAAQMD Condition 20617. Also, the source-testing requirement in Condition 20617 allows 45 days for submittal of the report.

Response: The requirement in BAAQMD Condition 1240, part I.16a for semi-annual source testing for compliance with BAAQMD Regulation 9, Rule 10, has been deleted while retaining the requirement for testing for compliance with the NO_x limit in part I.8 and the CO limit in parts I.5b and I.5c. The facility will be allowed to submit the report in 45 days so that all testing and reporting is on the same schedule.

Page 8:

Comment 22: The requirement for submitting the source test results in BAAQMD Condition 1240, part I.16b should be changed from 30 to 45 days so that all testing and reporting is on the same schedule.

Response: The District concurs. This change has been made.

Comment 23: In Section VI, change BAAQMD Condition 1240, part I.16a to say that the source must be tested at the "highest duty possible for the prevailing process conditions" instead of at 34 to 40 MMbtu/hr.

Response: This change was not part of the permit that was published for public notice and therefore cannot be part of this reopening. The District suggests that the facility submit an application for a revision to the Major Facility Review permit for this change.

Comment 24: In Section VI, change BAAQMD Condition 1240, part II.58b to insert new temperature limits and averaging times for S24 and A31.

Response: This change was not part of the permit that was published for public notice and therefore cannot be part of this reopening. The District suggests that the facility submit an application for a minor revision to the Major Facility Review permit for this change.

Page 9:

Comment 25a: In Section VIII, Test Methods, delete duplicate row for 40 CFR 60.104(a)(1).

Response: The duplicate row was deleted as requested.

Comment 25b: In Section VIII, Test Methods, add a header row for NSPS Part 60 Subpart J.

Response: The header is already in the table.

Comment 25c: In Section VIII, Test Methods, under NSPS Part 60 Subpart J, add 40 CFR 60, Appendix B, Performance Specification 7, Specifications and Test Procedures for Hydrogen Sulfide Continuous Emission Monitoring Systems.

Response: The District has chosen not to cite these procedures for continuous emission monitors in Section VIII. The citation appears in the Section IV table for S19.

Comment 26: In Section VIII, Test Methods, add a header row for NSPS Part 60 Subpart Kb.

Response: The change is not substantive. Since it is a change in formatting, it is an administrative amendment pursuant to BAAQMD Regulation 2-6-201. The change has been made.

Comment 27: In Table IV-E for S9, add the following citations for determining true vapor pressure for crude oil and refined petroleum products: 60.116b(e)(3)(i) and (ii).

Response: The citations have been added. The citations of 60.116b(e)(3)(i) through (iv) have been deleted because they apply to "other liquids."

Page 10:

Comment 28: In Section VI, BAAQMD Condition 1240, part II.58b, delete citations 61.356(f)(2)(i)(A), and 61.356(f)(2)(i)(C) from 40 CFR 61, Subpart FF, the Benzene Waste NESHAPS, and insert 61.354(c)(1) because the facility will comply through the use of performance tests, not engineering calculations. The Section IV tables with the mistaken citation should also be corrected.

Response: This error has been corrected as requested. In the response to Valero Asphalt comments dated December 1, 2003, the District acknowledged that this compliance option was chosen by the facility.

Comment 29: In the Section IV table for S24, delete references to 40 CFR 61, Subpart FF, Section 356(f)(2) because the facility will comply through the use of performance tests, not engineering calculations.

Response: This error has been corrected as requested. In the response to Valero Asphalt comments dated December 1, 2003, the District acknowledged that this compliance option was chosen by the facility.

Comment 30a: In the Section IV table for S24, delete references to 40 CFR 61, Subpart FF, Sections 356(j)(4) and 61.357(d)(7)(iv)(A) and add 356(j)(6) and 61.357(d)(7)(iv)(C) because S24 is a process heater, not a thermal oxidizer.

Response: These corrections have been made.

Comment 30b: In the Section IV table for S24, add reference to 40 CFR 61, Subpart FF, Section 356(j)(3)(i) regarding recordkeeping of carseals.

Response: The reference has been added as well as the reference of 40 CFR 61, Subpart FF, Section 349(a)(1)(ii)(B) that allows the facility to have a carseal or lock-and-key configuration on the bypass line in place of a flow monitor.

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Comment 31: In the Section IV table for S66, delete references to 40 CFR 61, Subpart FF, Section 349(c)(1) and add Section 349(c)(2) because the facility will comply through the use of performance tests, not engineering calculations.

Response: This error has been corrected as requested. In the response to Valero Asphalt comments dated December 1, 2003, the District acknowledged that this compliance option was chosen by the facility.

Comment 32: In the Section IV table for Components, delete references to 40 CFR 61, Subpart FF, Sections 347(b) and Section 349(f) because there is no legal basis for including fugitive emission limits as the basis for the visual equipment inspections.

Response: These requirements are applicable requirements and must remain in the permit. Since 40 CFR 61, Subpart FF, Sections 347(b) applies only to oil-water separators and it is cited in the table for S66, Oil-Water Separator, it will be deleted from this table. 40 CFR 61, Subpart FF, Section 349(f) is a general requirement for closed-vent systems and control devices and must remain in the components table unless the applicant can suggest a better place to cite it generally in the permit.

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Comment 33: In the Section IV table for A31, delete reference to 40 CFR 61, Subpart FF, Section 356(f)(2)(A) because the facility will comply through the use of performance tests, not engineering calculations.

Response: This error has been corrected as requested. In the response to Valero Asphalt comments dated December 1, 2003, the District acknowledged that this compliance option was chosen by the facility.

Comment 34: In Section VI, Permit Conditions, revise BAAQMD Condition 20278, parts 1, 2, 5, and 6b in accordance with Application 7471. The throughput increase for S70 should be raised to 400,000 tons per year; the additive throughput for S69 should be raised to 20,000 tons per year; and the operating hours and the recordkeeping of operating hours in parts 5 and 6 should be deleted.

Response: The increased throughputs for S69 and S70 have been approved and documented in Application 7471. The deletion of the operating hour requirement and the recordkeeping had not been documented. However, because the emissions from these sources are so small (9 lb PM10/year and 107 lb POC/year, respectively), it is clear that a limit on hours of operation is not necessary for compliance with any requirement. Therefore, the operating hours limit was deleted using minor revision procedures. The required corrections to the permit condition and the Section IV and VII tables for these sources were proposed in a separate minor revision action. Since this is a minor revision to the permit, it requires no public notice. The facility was able to proceed with these changes as soon as the revision was proposed to EPA. The evaluation for the application is an appendix to the Statement of Basis. The deletion of the recordkeeping is a significant revision pursuant to BAAQMD Regulation 2-6-226 and was not proposed.

Comment 35: In Section VIII, Test Methods, change the test method for 40 CFR 61.349(a)(2)(i) from EPA Method 18, Measurement of Gaseous Organic Compound Emissions by Gas Chromatography, to "40 CFR Part 61 Subpart FF, Section 61.355 Test Methods, Procedures, and Compliance Provisions" as required by Section 61.349(a)(2)(i)(A) because the facility has chosen to comply with the > 95% VOC control requirement in accordance with Section 61.349(a)(2)(i)(B).

Response: The method cited in Section 61.355 is EPA Method 18. Therefore, the citation will remain. However, the applicable requirement in the table has been changed

from 61.349(a)(2)(i) to 61.349(a)(2)(i)(A) to clarify that this is the chosen compliance option.

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Comment 36: Change description of S16 in Table II-A from "Loading Racks-Kerosene or Distillate Oil" to "Truck Loading Rack-Heavy Vacuum Gas Oil."

Response: Since the source is described as "Kerosene and Heavy Vacuum Gas Oil Loading Rack" in the pre-existing conditions at Condition 1240, part II.90, the name was changed for consistency. The condition was also changed to say only "Heavy Vacuum Gas Oil."

Comment 37a: In Table II-B, consolidate all sources subject to 61.349(a)(2)(i)(A) into one row each for S24 and A31.

Response: Each table already has one row for the requirement.

Comment 37b: In Table II-B, add S66, Oil Water Separator to the list of sources controlled by A31 that are subject to 61.349(a)(2)(i)(A).

Response: Since S66 is controlled by A31, the source has been added to the list. It is already in the list for S24.

Comment 37c: In Table II-B, add S26, Wastewater Oil Tank, and S27, Recovered Oil Tank, to the list of sources controlled by A31 and S24 that are subject to 61.349(a)(2)(i)(A).

Response: Since the facility has never submitted an application for control of these sources with incineration, the change has not been made. The applicant has repeatedly asked the District to make this change through the Title V process. The District suggests that the applicant submit an application in accordance with Regulation 2, Rules 1 and 2, to make this change. The citations of 40 CFR 61.349(a)(2)(i) and 61.349(a)(2)(i)(A) that were mistakenly placed in the Section IV table for S27 have been replaced with 61.349(a)(2)(i).

Comment 38: In Table II-B, change the "refinery gas" to "asphalt plant fuel gas" for S19 to distinguish between the asphalt plant and refinery fuel gas systems.

Response: The description has been changed from "refinery gas" to "asphalt plant refinery fuel gas" as described in Table II-A. This description adequately distinguishes between the asphalt plant and refinery fuel gas systems. The gas is "refinery fuel gas" because it is produced at a refinery and the modifier "refinery" cannot be deleted from the name.

Comment 39: In Table II-B, delete S32 from the list of sources controlled by S19 since S32 no longer exists.

Response: The source has been deleted as requested. Since this is an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Comment 40: In Table II-B, add S54, Oil Water Separator to the list of sources controlled by S24 that are subject to BAAQMD Condition I.14.

Response: Since S54 is controlled by S24, the source has been added to the list.

Comment 41: In Table IV-A in Section IV, Source-Specific Applicable Requirements, delete SIP Regulation 8, Rule 28 and citation 8-28-302.

Response: EPA Region IX's website states that EPA approved the District's 1994 rule on 12/9/04. It only contains Section 8-28-301, entitled "Pressure Relief Valves." The citation and title of the requirement for the SIP rule have been corrected. Since these are typographical errors and therefore administrative amendments pursuant to BAAQMD Regulation 2-6-201, these changes require no public notice.

Comment 42a: In Table IV-A in Section IV, Source-Specific Applicable Requirements, delete the following citations because they are contained in the individual equipment tables: 40 CFR 61, Subpart FF, Sections 61.356(d) through 61.356(j).

Response: These are general recordkeeping requirements that apply to the applicant as well as the source. There is no harm in retaining the requirements in this table and so the District chooses to retain the citations. Staff recollects that the applicant specifically asked for citations like these to be added to the general "Facility" table at one time.

Comment 42b: In Table IV-A in Section IV, Source-Specific Applicable Requirements, delete the following citations: 40 CFR 61, Subpart FF, Sections 61.357(e) and (f).

Response: They have been deleted because they apply to compliance options that the facility has not chosen.

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Comment 43a: Add 40 CFR 63.1(a)(6) to Table IV-A of the permit.

Response: This citation contains no applicable requirements, so it was not added to the permit.

Comment 43b: Add 40 CFR 63.8(f)(4)(iv) to Table IV-A of the permit.

Response: This provision for applications for minor changes to monitoring procedures has been added.

Comment 43c: Delete 40 CFR 63.5(a) and 63.5(b)(5) from Table IV-A of the permit as promised in transmittal letter of December 1, 2003.

Response: 40 CFR 63.5(a) has been deleted because it is just a title and 63.5(b)(5) has been deleted because it has been reserved in the new standard.

Comment 43d: Correct title of 40 CFR 63.5(f)(1) from "local pre-construction review" to "prior state pre-construction review."

Response: Title corrected as requested.

Comment 43e: In Table IV-A, correct the citation of 40 CFR 63.8(f)(4)(ii) to 40 CFR 63.8(f)(5)(ii) and place in the proper order.

Response: Corrected as requested.

Comment 44: In Table IV-A in Section IV, Source-Specific Applicable Requirements, BAAQMD Condition 1240, part I.15, the prohibition against using wastewater for dust control, correct the citation from "asphalt plant and asphalt plant wastewater" to " asphalt plant and refinery wastewater"

Response: The citation has been corrected as requested. Since this is a typographical error and therefore, an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

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Comment 45: In Section IV, Source Specific Applicable Requirements, change the "Federally Enforceable" column to "Y" for all instances of BAAQMD Regulation 8-5-117.

Response: The correction has been made. Since this is a typographical error and therefore, an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Comment 46: In the Section IV, Source Specific Applicable Requirements, tables for tanks S1, S2, S4, S9, S13, S23, S59, and S63, add citation of BAAQMD Regulation 8-5-328.1 before 8-5-328.1.2.

Response: The correction has been made. Since this is a typographical error and therefore, an administrative amendment pursuant to BAAQMD Regulation 2-6-201, this change requires no public notice.

Comment 47: In the Section IV, Source Specific Applicable Requirements, table for tank S9, delete subsections from BAAQMD Regulation 8, Rule 5, because they are contained in sections higher in the hierarchy.

Response: This change is not useful.

Comment 48: In Section IV, Source Specific Applicable Requirements, add BAAQMD Regulation 8-5-322.6 to the table for S9.

Response: Corrected as requested.

Comment 49: In the Section IV, Source Specific Applicable Requirements, table for S9, change the description for 40 CFR 60.112b(a)(1).

Response: The description is almost identical to the regulation. No change has been made.

Comment 50: In Section IV, Source Specific Applicable Requirements, add the following citations to sources S12, Wastewater Tank; S25, Effluent Water Feed Tank; and S28, Effluent Water Feed Tank: 40 CFR 61.356(f)(3).

Response: The District previously agreed to make this change in the transmittal letter of December 1, 2003. The change was omitted in error.

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Comment 51: In the Section IV, Source Specific Applicable Requirements, tables for S12, Wastewater Tank; S25, Effluent Water Feed Tank; S28, Effluent Water Feed Tank; and S67, Recovered Oil Tank, delete 40 CFR 61.356(a) and 61.356(h).

Response: 40 CFR 61.356(a) will remain because some recordkeeping requirements will remain. 40 CFR 61.356(h) will not be deleted because it pertains directly to the equipment.

Comment 52: In Section IV, Source Specific Applicable Requirements, add BAAQMD Condition 1240, II.64a to Section IV tables for S13, S59, and S63.

Response: BAAQMD Condition 1240, II.64a applies to S15. While it is related to S13, S59, and S63, it does not directly apply, and therefore has not been added.

Comment 53: In Section IV, Source Specific Applicable Requirements, add BAAQMD Regulation 8-6-601, Efficiency and Rate Determination, to the Section IV tables for the loading racks: S14, Truck Loading Racks – Naphtha; and S15, Truck Loading Racks – Gas Oil; and S31, Rail Car Asphalt and Gas Oil Loading Rack.

Response: The content of 8-6-601 is found in Section VIII, Test Methods. It does not belong in the Section IV tables because there is no requirement to test on a periodic basis.

Comment 54: In Section IV, Source Specific Applicable Requirements, delete temperature excursion conditions (conditions 1240.I.19a, 19b, and 19c) from S14, Truck Loading Racks – Naphtha; and S15, Truck Loading Racks – Gas Oil; S17, Truck Loading Racks – Asphalt; Loading Rack tables.

Response: Since they are listed in the Section IV table for the abatement device, they have been deleted from Loading Rack tables. Staff agreed to this correction for initial issuance, but the change was not made to the permit.

Page 17:

Comment 55: Change description of S16 in the title of table IV-J from "Loading Racks-Kerosene or Distillate Oil" to "Truck Loading Rack-Heavy Vacuum Gas Oil."

Response: Since the source is described as "Kerosene and Heavy Vacuum Gas Oil Loading Rack" in the pre-existing conditions at Condition 1240, part II.90, the name will be changed for consistency. The condition will also be changed to say only "Heavy Vacuum Gas Oil."

Comment 56: In Section IV, Source Specific Applicable Requirements, add citation of exemption and other section from Regulation 8, Rule 6, Organic Liquid Bulk Terminals and Bulk Plants, to Section IV tables for S16, Truck Loading Racks Kerosene or Distillate Oil, and S17, Truck Loading Racks - Asphalt.

Response: The District does not generally cite exemptions in Title V permits unless the exemption allows some necessary maintenance or adds an additional limit. These requirements were placed in the Table for S54, Asphalt Loading Rack in error and have been deleted.

Comment 57: In the tables in Section IV, Source Specific Applicable Requirements, for sources S19, S20, and S21, correct basis of BAAQMD Condition 19329, part 1 from

Regulation 9, Rule 10, to "Regulation 2-9-303.4."

Response: The basis has been corrected to "Regulation 2-9-303.4.1" for consistency with the permit condition.

Comment 58: In Section IV, Source Specific Applicable Requirements, tables for S20 and S21, add citation of Regulation 9-10-504.1 under 9-10-504 to show that 9-10-504.2 does not apply.

Response: The citations have been added. Staff agreed to this correction for initial issuance, but the changes were not made to the permit.

Page 18:

Comment 59: In the Section IV, Source Specific Applicable Requirements, table for S24, Hot Oil Heater, add 40 CFR 61.355(i), 61.356(j)(3)(i), and 61.356(j)(6).

Response: The citations have been added. Staff agreed to this correction for initial issuance, but the changes were not made to the permit.

Comment 60: In the Section IV, Source Specific Applicable Requirements, for S24, Hot Oil Heater, add citations for BAAQMD Regulation 8, Rule 6, Organic Liquid Bulk Terminals and Bulk Plants.

Response: Since S24 is a back-up device for A31, and A31 controls S31, the citations have been added. A corresponding change has been made to the requirements for S24 in Table II-B, Sections IV and VII, BAAQMD Condition 1240, parts II.65 and II.69, and the description of S31 before BAAQMD Condition 1240 part 65.

Page 19:

Comment 61a: In the Section IV, Source Specific Applicable Requirements, table for S24, change all citations of Regulation 9, Rule 10, to "federally enforceable."

Response: The District declines to make this change because only part of the rule has been submitted for approval into the SIP. See detail of approval at EPA's website at: <http://yosemite1.epa.gov/r9/r9sips.nsf/California?ReadForm&Start=1&Count=30&Expanded=4.1>. The applicant has made this comment several times. In these comments, the applicant notes that EPA published an approval on 10/07/02 per 67 FR 62385. Please note that EPA published a withdrawal of this direct final rule on 11/25/02 per 67 FR 70555-70556.

Comment 61b: In the Section IV, Source Specific Applicable Requirements, table for S24, add the following missing citations: BAAQMD Regulations 9-10-504, 9-10-504.2, 9-10-505, and 9-10-505.1.

Response: These requirements do apply and have been added. Since they are non-federally enforceable requirements, this correction is an administrative amendment. Since all parts of 9-10-505 contain applicable requirements, all of the section is cited.

Comment 62: In Section IV, Source Specific Applicable Requirements, add Condition 1240, parts II.10 to the Section IV table for S24, Hot Oil Heater.

Response: The citation has been added. Staff agreed to this correction for initial issuance, but it was added as part I.10 in error.

Comment 63: In Section IV, Source Specific Applicable Requirements, add the source controlled to the following citations in the Section IV table for S24, Hot Oil Heater: Condition 1240, parts II.43, II.44, II.55, II.56, II.57, and II.85.

Response: Since it is not possible to distinguish between the emissions of one source from another at S24, the abatement device is subject to the 98.5% standard at all times unless no device with that standard is being controlled by the abatement devices. This is the reason that these abatement devices are subject to BAAQMD Regulation 1-107, which reads:

Combination of Emissions: Where air contaminants from two or more sources are combined prior to emission and there are no adequate and reliable means to establish the nature, extent and quantity of emission from each source, District Regulations shall be applied to the combined emission as if it originated in a single source. Such emissions shall be subject to the most stringent limitations and requirements of District Regulations applicable to any of the sources whose air contaminants are so combined.

Therefore, no change has been made to the citations. If the permittee wishes to perform additional recordkeeping to determine when the abatement devices are subject to a lesser standard, the permittee is invited to submit a permit application with such a monitoring scheme and the District will analyze the proposal.

Page 20:

Comment 64: In the Section IV tables for S26 and S27, change the descriptions to show that these sources are controlled by S24 or A31.

Response: See response to Comment 37c.

Comment 65: In the Section IV tables for S26 and S27, add citations from 40 CFR 61, concerning control by combustion equipment.

Response: See response to Comment 37c.

Comment 66: In the Section IV tables for S26 and S27, delete citations from 40 CFR 61 because equipment will be controlled by combustion equipment.

Response: See response to Comment 37c.

Comment 67: In the Section IV, Source Specific Applicable Requirements, table for S30, Marine Loading Dock, change basis of Condition 1240.III.7 and 1240.III.8 to “Cumulative Increase” from “Synthetic Minor.”

Response: “Synthetic minor” is the proper basis for voluntary permit conditions that are assumed for the purpose of avoiding applicable requirements. “Cumulative Increase” is a proper basis for a condition that is imposed to keep emissions at a source at the level that was represented to the District during permitting. Since the new permit conditions assure that emissions will be much lower than that level, “cumulative increase” cannot be used.

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Comment 68: In Section IV, Source Specific Applicable Requirements, add requirements from 40 CFR 63, Subpart CC, for sources S39, Lube Oil Tank, and S40, Latex Storage Tank.

Response: S39 is a lube oil tank. S40 is a latex storage tank. Both tanks have a capacity that is larger than 40 cubic meters and can be considered subject to the regulation, therefore the citations will be added.

Comment 69: In the Section IV, Source Specific Applicable Requirements, table for S41, Wemco Hydrocleaner, add BAAQMD Regulation 8-8-602, Determination of Emissions.

Response: The District has not added the section because it is not an applicable requirement. If a rule requires periodic testing, then the section is included. The section has also been deleted from a similar source, S66.

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Comment 70: In the Section IV, Source Specific Applicable Requirements, table for S66, Oil Water Separator, add the following citations from NESHAPS 40 CFR 61, Subpart FF: 61.349(c)(2) and 61.354(c)(1); delete 40 CFR 61.349(c)(1).

Response: The corrections have been made. Staff agreed to these corrections for initial issuance, but they were omitted in error.

Comment 71: In the Section IV, Source Specific Applicable Requirements, tables for S41, Wemco Hydrocleaner, and S66, Oil Water Separator, delete the following citations for the NESHAPS 40 CFR 61, Subpart FF: 61.349(c)(1) and 61.356(d).

Response: For S41, these corrections have already been implemented in the permit. For S66, Section 349(c)(1) has been exchanged for section 349(c)(2). Section 61.356(d) has already been deleted.

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Comment 72: In the Section IV, Source Specific Applicable Requirements, table for S67, Recovered Oil Tank, delete 40 CFR 61.356(a) and 61.356(h).

Response: 40 CFR 61.356(a) will remain because some recordkeeping requirements will remain. 40 CFR 61.356(h) will not be deleted because it pertains directly to the equipment.

Comment 73: In Section IV, Source Specific Applicable Requirements, add the source controlled to the following citations in the Section IV table for A4, Thermal Oxidizer: Condition 1240, parts II.6, II.60, II.63, and II.68.

Response: Since it is not possible to distinguish between the emissions of one source from another at A4, the abatement device is subject to the 98.5% standard at all times unless no device with that standard is being controlled by the abatement devices. This is the reason that these abatement devices are subject to BAAQMD Regulation 1-107, which reads:

Combination of Emissions: Where air contaminants from two or more sources are combined prior to emission and there are no adequate and reliable means to establish the nature, extent and quantity of emission from each source, District Regulations shall be applied to the combined emission as if it

originated in a single source. Such emissions shall be subject to the most stringent limitations and requirements of District Regulations applicable to any of the sources whose air contaminants are so combined.

Therefore, no change has been made to the citations. If the permittee wishes to perform additional recordkeeping to determine when the abatement devices are subject to a lesser standard, the permittee is invited to submit a permit application with such a monitoring scheme and the District will analyze the proposal.

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Comment 74a: In the Section IV, Source Specific Applicable Requirements, table for A31, Thermal Oxidizer, delete 40 CFR 61.356(f)(2)(A).

Response: 40 CFR 61.356(f)(2)(A) has been deleted. Staff agreed to this correction for initial issuance, but it was omitted in error.

Comment 74b: In the Section IV, Source Specific Applicable Requirements, table for A31, Thermal Oxidizer, delete 357(d)(7), 357(d)(7)(iv), and 357(d)(7)(iv)(A).

Response: Sections 357(d)(7), 357(d)(7)(iv), and 357(d)(7)(iv)(A) have not been deleted because they apply to the incinerator.

Comment 75: In the Section IV, Source Specific Applicable Requirements, table for A31, Thermal Incinerator, add the following conditions: BAAQMD Condition 1240, parts II.10, II.66, and II.67.

Response: The sections are already included in the table.

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Comment 76: In Section VI, Permit Conditions, change Conditions 1240.I.11, I.12, I.13, and III.3 to say "asphalt plant" instead of "refinery."

Response: As recorded in the transmittal letter of 12/1/03 to Valero Asphalt, references to "refinery fuel gas" must remain because the gas physically is identical to refinery fuel gas. In all cases where it is the condition is referring to the facility, "refinery" has been changed to "asphalt plant."

BAAQMD Permit Condition 1240, I.15 was modified in the original permit to clarify that use of wastewater from the refinery for dust control is not allowed. The condition will be made clearer with this addition: " Asphalt plant wastewater and refinery wastewater shall not be used for dust control at this facility."

BAAQMD Permit Condition 1240, III.3 clearly states that only asphalt plant combustion sources are subject to the limit when vessels are in port. The reference to refinery fuel gas should not be a problem because Condition 1240.I.5 only allows the facility to burn refinery fuel gas that is generated at the asphalt plant. The only ambiguity is that the asphalt plant wharf and any refinery wharf may be confused. The original condition was intended to apply only to the asphalt plant wharf. Therefore, the condition will be modified to make this clear.

Comment 77: Change description of S16 description before BAAQMD Condition 1240, part II.90 from "Kerosene and Heavy Vacuum Gas Oil Loading Rack" to " Heavy Vacuum Gas Oil Loading Rack."

Response: Since the description is more restrictive, the change has been made.

Comment 78: In the Section VI, Permit Conditions, change basis of Condition 1240.III.7 and 1240.III.8 to "Cumulative Increase" from "Synthetic Minor."

Response: "Synthetic minor" is the proper basis for voluntary permit conditions that are assumed for the purpose of avoiding applicable requirements. "Cumulative Increase" is a proper basis for a condition that is imposed to keep emissions at a source at the level that was represented to the District during permitting. Since the new permit conditions assure that emissions will be much lower than that level, "cumulative increase" cannot be used.

Comment 79: In Section VIII, Test Methods, add District Regulation 1-522 to Table VIII, Test Methods, with Manual of Procedures, Volume V as the corresponding test method.

Response: Manual of Procedures, Volume V, is not a test method. The proper place to cite Manual of Procedures, Volume V, is in the Source-Specific Applicable Requirements. It is cited in the Section IV table for S19, Vacuum Heater.

Page 26:

Comment 80a: In Section VIII, Test Methods, change the description for BAAQMD Regulation 8-5-306.

Response: It is customary to use the title of the requirement. However, a note was added to the section for clarification.

Comment 80b: In Section VIII, Test Methods, change the test method for BAAQMD Regulation 8-5-306.

Response: The test method is the method in the regulation. If the permittee believe that EPA Method 21 is a preferable method for the concentration limit, the permittee may submit their analysis to the Rule Development Section and request a change in the rule.

Comment 81: In Section VIII, Test Methods, add EPA Method 21 as the test method for the gas tightness requirement in BAAQMD Regulation 8-5-306.

Response: The correction has been made.

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Comment 82a: In Section VIII, Test Methods, add BAAQMD 8-5-603.2 to the line for 8-5-328.1.2 and delete the line for BAAQMD 8-5-603.2.

Response: This change is unnecessary and was not made.

Comment 82b: In Section VIII, Test Methods, Change description of "8-5-328.1.2" to "Abatement efficiency of 90% by weight of approved emission control system".

Response: The following note has been added for clarification: "(abatement efficiency requirement.)"

Comment 83: In Section VIII, Test Methods, add a line for the concentration limit in 8-5-328.1.2 and cross-reference it to EPA Reference Method 21.

Response: The line has been added. District Procedure, ST-7, Non-Methane Organic Carbon Sampling, is the method in the rule and therefore the citation is cross-referenced to ST-7. If the permittee believes that Method 21 is more appropriate, the permittee should send the suggestion to the District's Rule Development Section.

Comment 84: In Section VIII, Test Methods, delete the line for BAAQMD 8-5-603.2.

Response: This change is unnecessary and was not made.

Comment 85: In Section VIII, Test Methods, delete BAAQMD 8-6-603 because it is not the best method for asphalt.

Response: The method specified in BAAQMD 8-6-603 has not been deleted because it is possible that it could become necessary to use it for another organic liquid. The rule does not apply to asphalt that has a vapor pressure of less than 0.5 psia, which is true of most asphalt.

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Comment 86: In Section VIII, Test Methods, add BAAQMD Regulation 8-6-604 as a citation along with citations for the test methods.

Response: Since BAAQMD Regulation 8-6-604 is not an applicable requirement, it has not been added.

Comment 87: In Section VIII, Test Methods, add BAAQMD Regulations 9-1-301, Limitations on Ground Level Concentrations, and 9-2-301, Limitations on Hydrogen Sulfide, with Manual of Procedures, Volume VI, Section I, Area Monitoring, as the test method.

Response: The District does not consider the area monitoring procedures to be test methods. The applicant is correct in saying that the Manual of Procedures, Volume VI, Section I, contains applicable requirements. The proper place to cite these requirements is in section IV and VII, so the citations are in the "Refinery" tables in those sections.

Page 29:

Comment 88: In Section VIII, Test Methods, add the area monitoring citations for BAAQMD Regulations 9-1-301, Limitations on Ground Level Concentrations, and 9-2-301, Limitations on Hydrogen Sulfide.

Response: The District does not consider the area monitoring procedures to be test methods. The applicant is correct in saying that the Manual of Procedures, Volume VI, Section I, contains applicable requirements. The proper place to cite these requirements is in section IV and VII, so the citations are in the "Refinery" tables in those sections.

Comment 89: In Section VIII, Test Methods, add BAAQMD Regulation 9-10-306.2, tuning requirements for small units.

Response: The District does not consider this requirement to be a test method. The proper place to cite this requirement is in the Section IV tables for S24, Hot Oil Heater, the only small unit at the asphalt plant.

Comment 90: In Section VIII, Test Methods, add 40 CFR 60.112b(a)(3)(ii) and associated test methods.

Response: There is no test method associated with 40 CFR 60.112b(a)(3)(ii).

Page 30:

Comment 91: In Section VIII, Test Methods, add 40 CFR 60.113b(b)(4)(i) with 40 CFR 60.113b(b)(1)-(3) as test methods.

Response: 40 CFR 60.113b(b)(1)-(3) are not test methods.

Comment 92: In Section VIII, Test Methods, add 40 CFR 60.113b(b)(4)(ii) with 40 CFR 60.113b(b)(1)-(3) as test methods.

Response: 40 CFR 60.113b(b)(1)-(3) are not test methods.

Page 31:

Comment 93: In Section VIII, Test Methods, add 40 CFR 60.485(d).

Response: No argument supporting the suggested change was made.

Comment 94: In Section VIII, Test Methods, add 40 CFR 60.485(e).

Response: No argument supporting the suggested change was made.

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Comment 95: In Section VIII, Test Methods, add associated test methods for 40 CFR 61.349(a)(2)(i)(A).

Response: EPA Methods 1, 1A, 2, 2A, 2C, and 2D were added. EPA Method 18 was already listed.

Comment 96: In Section VIII, Test Methods, add 40 CFR 61.342(e)(2)(i) and associated test method.

Response: There is no test method associated with 40 CFR 61.342(e)(2)(i), but rather the calculation method in 40 CFR 61.355(k), which is in Section IV of the permit.

Page 33:

Comment 97: In Section VIII, Test Methods, add 40 CFR 61.355(c)(3) and associated test methods.

Response: 40 CFR 61.355(c)(3) does not exist.

Page 34:

Comment 98: In Section VIII, Test Methods, add additional test methods for 40 CFR 61.355(i).

Response: EPA Methods 1, 1A, 2, 2A, 2C, and 2D were added. EPA Method 18 was already listed.

Comment 99: In Section VIII, Test Methods, add descriptions for citations of BAAQMD Condition 1240, part II.44, II.53, and II.86.

Response: The descriptions were added.

Pages 35 and 36:

Comments 100-101: Make changes to permit shields.

Response: Permit shields cannot be changed if the changes were not included in the proposal of the reopening. The permittee is invited to submit an application for a significant revision to the permit to make changes to permit shields.