

*This Advisory is provided to inform you about activities of the District which may affect your operation. It will assist you in your effort to comply with applicable air pollution rules and regulations.*

**ATTENTION: REFINERY FACILITIES**

**SUBJECT: ALL REFINERY PROJECTS THAT IMPACT FLARE USE MUST BE INCLUDED IN AN UPDATED FLARE MINIMIZATION PLAN (FMP) PRIOR TO COMMENCING CONSTRUCTION**

**Regulation 12, Rule 12, Section 404.2** states that prior to installing or modifying any equipment required to be described in the FMP in accordance with Section 401.1.1 (i.e., a flare capable of receiving vent gases or equipment that vents to a flare), the owner or operator shall obtain an approved updated FMP addressing the new or modified equipment.

Refinery facilities should submit FMP updates for equipment triggering the Reg. 12-12-404.2 requirement as soon as possible to allow preconstruction review and for possible design changes necessary to minimize flaring. The best practice would be to submit the FMP update at the same time as the permit application.

To comply with Section 404.2, a refinery must:

- Consider the impacts of any new project requiring a District Permit to Operate that may impact flare equipment or flare usage. Include all mitigation, design, maintenance and procedural measures and efficiency improvements considered and/or implemented to limit flaring from such projects in an FMP update and provide sufficient time for the District to evaluate any FMP update prior to the planned commencement of construction.
- **Not commence construction** of any equipment covered by Section 404.2 **prior to receiving an approved FMP update**, even if the refinery facility already has been issued a District Authority to Construct (A/C).

Pursuant to Reg. 12-12-401.5, the District is requiring each refinery (owner or operator of a flare subject to Reg. 12-12) to disclose and submit the following information by 9/1/06:

- A list of all pending and planned refinery projects affecting flares (i.e., equipment described in Sections 401.1.1 and 404.2) including, but not limited to, any permit application planned within one year not already included in the initial FMP submittal on 8/1/06. This list includes any covered project planned to comply with Reg. 8-28. The information must also include the application or A/C number, if any, date application submitted or to be submitted, and date A/C issued if applicable.
- Anticipated start date of any project construction.
- Anticipated dates of proposed installation or modification of equipment subject to Section 401.1.1.
- Proposed dates of an FMP update submission pursuant to Reg. 12-12-404.2.

**More Information can be obtained from the following sources:**

- ☎ For a copy of the above listed rules, see [www.baaqmd.gov/dst/regulations](http://www.baaqmd.gov/dst/regulations)
- ☎ For Compliance and Enforcement Division questions, contact Doug Tolar, Senior Air Quality Specialist, at (415) 749-5118 or [dtolar@baaqmd.gov](mailto:dtolar@baaqmd.gov)
- ☎ For Engineering Division questions, contact Doug Hall, Supervising Air Quality Engineer, at (415) 749-4706 or [dhall@baaqmd.gov](mailto:dhall@baaqmd.gov)

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Director of Compliance and Enforcement