Response to EPA comments (10/31/03)

The District has prepared the following responses to the comments contained in this letter. This letter was submitted after the close of EPA's 45-day review period for the initial permits, and was therefore not addressed in the initial issuance. The District is handling these comments during the public comment period for the Revision 1 Reopening.

Each comment consists of 1) a suggestion for action or change, and 2) the argument, if any, supporting the suggestion.

The comments identified by the District have been numbered. Refer to the attached copy of the original comment letter for the comment numbers.

	Response
1.	The requirement to vent these sources to a baghouse is designed to help assure compliance with the opacity, particulate fallout, grain-loading, and process-weight curve requirements of District regulation 6. If the baghouses are operating properly, compliance with these standards should be achieved. However, an attempt to correlating baghouse pressures to compliance with each of these standards would be subject to a high degree of uncertainty. Readings outside the normal range are an indication of baghouse failure, which allows for prompt corrective action. The guages are thus helpful in maintaining compliance even though in most situations they will not be directly useful in determining compliance.
2.	Visible emissions from the silos would be an indication of bag failure and would be expected to be reflected as an abnormal differential pressure reading.
3.	S-3 and S-7 are permitted to use only naphtha as liquid fuel. Condition 1694 has been changed to make this explicit in Parts A.2b and A.2c. The facility would need to seek authorization from the District to burn fuel oil.
4.	The original comment was updated in the 4/14/04 letter to ask why the capacity of S-300 was increased from 56,000 to 81,000. As discussed in the SOB, the capacity for S-300 has increased because the unit was modified as approved in Application 5814.
5.	This comment regarding S-8 and S-14 was deleted in the updated letter of 4/14/04.
6.	The visible monitoring for tube cleaning at S-3 and S-7 has been added to Tables VII-A.2 and VII-A.5, and the stipulation that inspections only occur during daylight hours has been removed from Condition 1694, Part A.2b.
7.	This comment regarding S-3 and S-7 was deleted in the updated letter of 4/14/04.
8.	The argument supporting a suggested change is incorrect as a matter of law. No change has been made to the permit. Permit conditions are not automatically federally enforceable simply because they are contained in permits issued pursuant to a federally-approved NSR permit program. The District imposes permit conditions to enforce both federal and state-only requirements. Each of the permit conditions mentioned in the comment was imposed to address non-federal applicable requirements, and each is therefore correctly labeled non-federally-enforceable. The comment does not assert that these particular permit conditions implement federal requirements.
9.	The firing rate at S-10 was changed to 223 MM BTU/hr following an audit of refinery heater firing rates that was related to the implementation of the facility-wide NOx emission limit in Regulation 9, Rule 10. The firing rate has been set at 223 MM BTU/hr since the year 2000 permit renewal. No evidence of heater modification was found, and the source of the original firing rate is unknown and assumed to be erroneous.
10.	The federal enforceability status for the CEM Policy and Procedures Manual has been corrected from"no" to "yes" in Tables IV-A.6, IV-A.8, IV-A.11, IV-A.12, IV-A.13, IV-A.14, IV-A.15, IV-A.16, IV-A.17, IV-A.25, IV-A.26, IV-A.31, IV-A.32, IV-A.33, IV-A.34, IV-Q.1 and IV-Q.2.
11.	ConocoPhillips submitted application 10349 to permit these cooling towers. The resulting applicable requirements will be added to the permit in Revision 2. In the interim, the cooling towers are subject to all applicable requirements, including 8-2-301 and applicable federal standards.
12.	Although the cooling tower calculations indicated that towers were identified by source number, for ConocoPhillips these towers are identified by the ConocoPhillips ID number of the process unit with which they are associated. These numbers are not source numbers and source numbers have not been assigned since ConocoPhillips has not yet submitted an application for these towers. Thus, the

	permit is correct.
12a.	See Item 12.
13.	This comment regarding S-228 was deleted in the updated letter of 4/14/04.
14.	This comment regarding S-230 was deleted in the updated letter of 4/14/04.
15.	See Item 12.
16.	See Item 12.
17.	This comment regarding S-240 was deleted in the updated letter of 4/14/04.
18.	ConocoPhillips does not have process streams containing 10% or more of any VHAP with a promulgated equipment leak standard, including benzene, and therefore none of the provisions of NESHAP Subpart V are applicable.
19.	S-1007 has been added to Table IV-AA.
20.	S-388 has been added to Table IV-AA.
21.	S-324 has been added to Table IV-AB.
22.	Citations to 60.482-2(c) and 60.482-7(d) have been added to Table IV-AB.
23.	Citation to 63.648(d) has been added to Table IV-AB.
24.	Obsolete references to SIP 8-18 have been deleted and non-SIP citations have been changed to "federally enfoirceable"
25.	Regulation 8, Rule 10 was revised in January 2004. This facility is subject to the requirements of this rule, including its new monitoring provisions. The relevant monitoring requirement, 8-10-401, has been included in Table VII and has been marked as federally enforceable.
26.	Since the current version of Rule 8-28 has been adopted into the SIP, references to a separate, SIP-version of this rule have been deleted.
27.	Whether and what type of monitoring is appropriate will depend in large part on the margin of compliance. The comment does not offer insight into this, and the District believes some investigation is appropriate before a determination is made. Condition 6671 has been amended to contain an annual source test requirement. Results of source tests will inform a decision as to whether parameter monitoring is appropriate.
28.	Flow rate through a vapor recovery system is limited by the throughput at the marine terminal. It is unnecessary to measure vapor flow rate. Furthermore, EPA's technical position on this issue, as demonstrated by requirements it has incorporated into a regulation, is that once a performance test indicates that the afterburner is sufficiently engineered (in terms of excess air flow, residence time and mixing) to achieve the required emissions limit, then continuous monitoring of combustion zone temperature will provide adequate assurance of continuous compliance.
29.	The permit shield has been removed.
30.	This comment regarding 60.113b(a)(2) was deleted in the updated letter of 4/14/04.
31.	The tanks in Tables VII-B11, VII-B12 and VII- B15 are vented to the facility fuel gas system. The applicable requirements are that vent gas system must be gas-tight and the "emission control system" must provide at least 95% abatement efficiency. Neither of these standards has a specified monitoring frequency in the rule. The purpose of the gas-tight standard for tanks with emission control systems is to provide a basis for the District to require that leaks be corrected, and not a concern that these systems are prone to leak. Fittings that might have a tendency to leak are already subject to inspection under Regulation 8-18. The District's experience with these systems is that leaks at other points are too infrequent to justify imposition of scheduled inspections. Because the emission control system consists of combustion of the tank vent gas in the facility fuel gas system (after blending and treatment) direct measurement of the abatement efficiency for vent gases is not possible, although it may reasonably be assumed to be much higher than 95%. Thus, monitoring of the abatement efficiency is neither possible nor justified. The tanks in Table VII-B25 are LPG spheres that must be gas-tight. The gas-tight standard does not have a specified monitoring frequency in the rule. The purpose of the gas-tight standard for pressurized tanks is to provide a basis for the District to require that leaks be corrected, and not a concern that these systems are prone to leak. Because leaks are expected to be very infrequent, scheduled monitoring is not justified.
32.	Crude oil is not low vapor pressure material, and is therefore not a good example. The low vapor pressure exemption is an applicability criterion, not an applicable requirement. It is therefore not subject to periodic monitoring. A facility is subject to enforcement if it incorrectly claims an

	exemption, and so the refinery acts at its own risk if it fails to test for vapor pressure when it changes to a material for which reliance on the exemption is questionable.
33.	This comment regarding Regulation 9-1-313.2 was deleted in the updated letter of 4/14/04.
34.	This comment regarding the SOB was deleted in the updated letter of 4/14/04.
35.	This comment regarding the SOB was deleted in the updated letter of 4/14/04.
36.	The applicable requirements are listed in Table IV, not Table II. We plan to revise this format in a future revision. In the interim, the District believes the permit is sufficiently clear.
37.	The monitoring for control devices is source specific. Therefore, the monitoring to show compliance with the efficiency of A56 is addressed in Table VII-L for S-532 (Tanks 532). Per the definition in 40 CFR 61.341, no monitoring is required for this source because this tank vents to a fuel gas system (A56). Additionally, revisions to Part 61 Subpart FF dated November 12, 2002 exempt the gaseous streams from these units that are routed to fuel gas systems from being subject to Subpart FF. Per Section 61.340(d), no testing, monitoring, recordkeeping or reporting is required under this subpart for any gaseous stream from a waste management unit, treatment process or wastewater treatment unit routed to a fuel gas system. Note also that there is a mistake in one line of Table VII-L that currently reads Subpart FF 63.649(a)(2)(ii). This should have been Subpart FF 61.349(a)(2)(ii). Monitoring should be none and Section 61.340(d) should be cited. The citation of 61.340(d) and the correction to the mistake has been made in the permit.
38.	The applicable requirement is listed in Table IV. Note that the gases from the LOP vapor recovery system normally go to the fuel gas system, for which complete destruction is presumed; otherwise the gases go to the LOP main flare, for which the District has determined that control efficiency is at least 98% when properly operated. We plan to revise the table format in a future permit revision, to clarify the connection between source, abatement device, and compliance monitoring.
39.	As has been discussed, it is not possible to measure flare efficiency. The new flare monitoring condition ensures that the flare is operated properly. This is the best that can be done for this requirement. The thermal oxidizers have continuous temperature monitors. EPA's technical position on this issue, as demonstrated by requirements it has incorporated into a regulation, is that once a performance test indicates that the afterburner is sufficiently engineered (in terms of excess air flow, residence time and mixing) to achieve the required emissions limit, then continuous monitoring of combustion zone temperature will provide adequate assurance of continuous compliance.
40.	See Response to Comments 41 through 43.
41.	The correct reference is Subpart FF 61.349(a)(2)(ii)), control by vapor recovery system (95% control of organics, or 98% control of benzene). However, the revisions to Part 61 Subpart FF dated November 12, 2002 exempt gaseous streams from these units that are routed to fuel gas systems from being subject to Subpart FF. Per Section 61.340(d), no testing, monitoring, recordkeeping or reporting is required under this subpart for any gaseous stream from a waste management unit, treatment process or wastewater treatment unit routed to a fuel gas system. This correction has been made in the permit. In Table VII-L, the Subpart FF 63.649(a)(2)(ii) requirement was changed to Subpart FF 61.349(a)(2)(ii). Monitoring is specified as none and Section 61.340(d) is cited.
42.	As seen in Table IV-AEa and Table VII-X of the revised permit, S13, S1114, and S1115 are subject to both 40 CFR 60 Subpart Kb and 40 CFR 63 Subpart CC. These sources vent to a fuel gas system. Per 63.640(d)(5), emission points routed to a fuel gas system, as defined in Section 63.641, no testing, monitoring, recordkeeping, or reporting is required for refinery fuel gas systems or emission points routed to refinery fuel gas systems.
43.	See discussion above For S532 (Comment 41). The same correction has been made in Table IV-AV and Table VII-AM. In Table IV-SV, under Subpart FF, 61.340(d) was added; this section was added into the Nov. 2002 revision to Subpart FF. In Table VII-AM, Subpart FF 63.649(a)(2)(ii) requirement was changed to Subpart FF 61.349(a)(2)(ii). Monitoring is none and Section 61.340(d) is cited.
44.	The old SIP version no longer applies. The current BAAQMD rule is SIP approved.
45.	The EPA statement is incorrect. A-101, A-102 and A-103 are backup systems for vapor recovery systems A25, A56 and A26 respectively. S4201 is also a backup for a vapor recovery system. Thus, there are already compressors and, according to the refinery, these flares only burn upset gases or fuel gas that is released to it as a result of relief valve leakage or other emergency malfunctions if

	the vapor recovery systems are down. In any event, if gases from events other than an upset or emergency were combusted, then the flare would no longer be exempt from Subpart J. As a general matter, the nature of the exercise in determining applicability of a requirement does not change because the facility has been issued a Title V permit. As far as the District is aware, EPA has never required the use of compressors in connection with its efforts to determine the applicability of Subpart J, so this regulatory exercise would be unprecedented. Moreover, “requiring the use of compressors” could be a complex regulatory exercise entailing a detailed monitoring of and prescription for refinery operations. Questions of legal authority aside, the Title V permit is a context not well-suited to approaching such a task.
46.	EPA reference to Table VII-G is incorrect. S1426 requirements are found in Table VII-AG. As stated by the District in the Statement of Basis. The limits and applicable requirements are cited, and summarized, not repeated, in the Title V permit. The summary has been revised to include requirements from 40 CFR 60.102(b). The citation in the permit is correct.
47.	The limits and applicable requirements are not repeated verbatim in the permit. This would result in an excessively long permit. The citation is correct and the reader may follow to find the complete requirement, which is readily available to the public.
48.	EPA statement is incorrect, the requirements are applicable and are cited in the appropriate tables: • IV-AP cites 60.107 • IV-AP cites 6-305 • IV-AP cites 6-401 • IV-AP 60.104(b)(2) is cited, rather than 60.104(b)(3), because it is applicable to this unit and is the compliance method that the facility uses. • IV-AP cites 60.106(b) (“rolled up”) • IV-AP cites 60.107
49.	S1426 and the CO Boilers (S1507, S1509 and S1512) use COMS and source testing for opacity and grain loading respectively. There is no need for additional parametric monitoring.
50.	The District does not agree with the recommendation. The standard and the means for demonstrating compliance, when developed together, are inseparable. The District cannot alter the method of determining compliance without reexamining the standard as well.
51.	Section 60.106(i)(12) is cited in the Title V permit.
51a.	BAAQMD Condition Part 31 has two parts: the requirement for the SCR, and the ammonia slip < 20 ppm. The ammonia slip requirement, which is cited, is not federally enforceable. The first requirement is not cited in the table. This first requirement (to use the SCR at all times while S4161 is in operation) has been added as a federally enforceable requirement to Table IV-CU, citing 12271 Part 31.
52.	The permit conditions in question were established as part of the BACT determination, and they are unchanged from the conditions imposed in the original NSR permit. The relevant question is therefore not whether they “assure compliance” with BACT, because they are an integral component of the BACT determination. The Title V permit accurately incorporates this applicable requirement. As a result, there is no Title V-related authority to change it. Staff welcomes EPA’s suggestions for addressing similar issues in future NSR permits.
53.	The permit does not exempt combustion units from BACT. BACT, for these sources, has been determined to be no control during startup. See the response to the previous comment.
54.	In Part VI, Condition # 12271lists the affected sources. This condition and the 72-hour exemption only appear on tables of sources that are listed in the condition. Therefore, it is clear that Condition #12271 only applies to those sources. District disagrees with EPAs comment.
55.	Condition 12271, 24a states that “The cogeneration power plant (S4190, 4191, 4192, and 4193) shall not use fuels other than natural gas, commercial grade propane, commercial grade butane, refinery fuel gas (RFG), flexigas (FXG), and ultra low sulfur distillate (ULSD).” None of the above is a fuel oil. ULSD is not a diesel fuel, but is a gaseous distillate fuel, as defined in Condition 12271, 19: For the purposes of these conditions ULSD is defined as a gaseous hydrocarbon mixture composed of C6 and lighter components, produced by the Straight Run Hydrotreater, Saturated Gas Plant, Cracked Gasoline Depentanizer, and Alky Depentanizer. Based on the condition and the definition, S4190-S4193 has been removed from the introductory paragraph in Table II-A, since fuel oils are not burned in these units. Also requirements fuel oil requirements have been removed from their respective Table IVs and VIIs.

56.	As stated above (Comment 55), S4190-S4193 are not allowed to burn fuel oil. For other units that are allowed to burn fuel oil, the permit adequately addresses monitoring. For example, Condition 18618 Part 3 states that the owner/operator shall conduct a visible emissions inspection at each source after every 1 million gallon of liquid fuel combusted, to be counted cumulatively over a 5-year period. Condition 18618 Part 4 states that owner/operator shall sample and analyze the liquid fuel to determine its sulfur content after every 1 million gallon of liquid fuel is combusted, to be counted cumulatively over a 5 year period, or at least once every 5 years, whatever comes first. NSPS boilers that use fuel oil are required to have an opacity meter.
57.	S1800 is fired with gaseous fuels only.
58.	PM emissions are a function of sulfur content in No. 6 oil. The permit conditions already require sulfur analysis as well as VE inspections. Some sources are limited as to fuel use by the Clean Fuels program.
59.	These requirements do apply and are cited correctly in Table IV-BK.
60.	The current condition will adequately evaluate the sulfur content of the fuel that is used in the CO boilers. Since the refinery produces diesel fuels, it does not purchase batches of fuel oil. Therefore, it makes more sense to define a usage period rather than sample batches.
61.	The required frequency of source testing, as well as the decision whether to require parameter monitoring, should take into account the relationship between operating emission levels and permitted emissions levels. If a source consistently demonstrates that emissions are less than 50 percent of the emissions standard, the frequency of source testing should be reduced. Three consecutive years is sufficient to establish that the source operates with a wide margin of safety below the limit. Additional monitoring during the three years without source testing is unwarranted.
62.	The CO boilers burn DAF Float, Waste Biosolids, and Sulfinol Reclaimer Bottoms in accordance with Shell's Part B RCRA Hazardous Waste Permit. The processing of these materials is routine and continuous. Routine BAAQMD source tests on the CO Boilers capture the emissions from the burning of this material. Numerous characterizations of the emissions from the burning of this waste has been performed as required by the RCRA permit. Future source tests are also required by the RCRA permit. Results of these tests can be made available upon request.
63.	The CO boilers burn DAF Float, Waste Biosolids, and Sulfinol Reclaimer Bottoms in accordance with Shell's Part B RCRA Hazardous Waste Permit. The language in the Table II-A of the Title V permit has been amended.
64.	Applicable requirements for S4210 are addressed in IV-CY.
65.	Rule 6-310 for grain loading is applicable to the cooling towers. Rule 6-311 applies to "general operations". The intent of the rule is to control solid material feeds with the potential for dust emissions. A cooling water tower is not a "general operation". The process material in the cooling towers is water. Dissolved solids in the water would be emitted in quantities that are orders of magnitude below the limits in this rule." It would be meaningless to apply this rule to a cooling tower process.
66.	The conditions in Table VII-CJ only apply to S4210. The other two sources in Table VII-AJ are not subject to Condition 12271 (the Clean Fuels project). Therefore the tables cannot be consolidated.
67.	District believes that EPA meant to reference Condition 12271 rather than 12190 in this comment Condition 12271 only applies to Tank 1117. Refineries are included in the list of 28 source categories required to include fugitives in NSR analysis. In previous permitting analysis related to the emission cap conditions, the fugitives are included in the applicability and offset calculation and are based on new component count. Conditions limiting fugitive emissions are specified in Condition 12271 Parts 1-14. In Condition 12271, the emission limits in Condition A do not include routine fugitive emissions. Emission caps are set for point sources, where emissions can be directly monitored, or where parametric monitored can reasonably assure compliance. Short of capturing all fugitive emissions, emissions from these can only be estimated from correlation equations as they pertain to LDAR programs, bagging studies performed at the plant, and studies performed elsewhere. Furthermore, fugitives do not depend on throughput, in contrast to point source emissions, but are assumed by the mere presence of material in the piping and the number of components (leaking/non-leaking) in the piping, and thus are not as likely to change in the estimates. In any event, EPA's comment goes to the substance of an applicable requirement. Title V does not provide authority for such an inquiry.

68.	The sanctions are in addition to other enforcement authorities.
69.	Language has been added to the condition to clarify that EPA may not recognize a District variance when determining compliance with the cap.
70.	See previous comments (46 and 49) on ESP for S1426.
71.	The EPA incorrectly references Condition 18617. The correct reference is Condition 18618, Part 12. This condition has been rewritten. The intent of the condition was not to imply that "intentional" releases are allowed to all flares. Only a few flares accept routine or "intentional" releases. These are appropriately identified in Section IV and VII tables as subject to NSPS Subpart J.
72.	See the Statement of Basis for Revision 1 to see the evaluation of thermal oxidizer applicability to Subpart J.
73.	Table VII-AO does include a citation of applicability to NSPS Subpart J. S1471 and S1472 are exempt from the fuel limit to the extent used only to combust gases from upsets or emergencies. The "/E" is for each flaring event per condition 20747, Part 2, recording the event allowed for leakage or other emergency malfunctions per Part 1. The units are subject to Subpart J, but exempt per 60.104(a)(1) to the extent used only to combust gases from upsets and emergencies.
74.	S4201 is now addressed in Table IV-CX. Citations for 60.11 have been added to Table IV-AXa and Table IV-CX.
75.	40 CFR 63 Subpart CC Section 63.643 applies to process vents. Table IV-DR and VII-CV cite 63.643(a)(2). These sources vent to the refinery fuel gas system. Since these sources do not vent to flares, there is no need to add 63.11 to these tables or to any of the flare tables. It is noted that Section 63.640(d)(5) should be cited since testing of these systems is not required. 63.640(d)(5) to Table IV-DR and Table VII-CV in the monitoring column for 63.643(a)(2).
76.	The applicable requirement is listed in Table IV. We plan to revise this format in a future revision.
77.	The tables are correct and the list on Page 322 (section VI, permit conditions, 7618) has been corrected. There is no longer a discrepancy.
78.	EPA is incorrect. There are several flares that are exempt from Regulation 12-11. A-101. A-102 and A-103 are exempt from 12-11 and this requirement has been removed from Table IV-AXa. Rule 12-11 has been added to the appropriate flare tables.
79.	S1470 uses an alternative monitoring plan in accordance with 60.13(i). This plan has been submitted to EPA and approved and has been submitted to the District for inclusion in the permit. The tables are correct.
80.	This flare monitoring issue has been addressed by the District in the Title V permit by the addition of Regulation 6-305 applicability to the flare as a source-specific requirement and the requirement for the monitoring of vent gas flaring at S4201 in Permit Condition 18618 Parts 12 through 19.
81.	Fugitive source requirements are included in the process unit tables. For non-permitted sources, there are tables that address Subpart GGG (Table IV-DP and Table VII-CU) and Subpart CC equipment leaks (Table IV-DS and Table VII-CW.)
82.	The NESHAP requirements could potentially apply to any permitted or exempt source at the facility. For example Subpart M (asbestos) requirements could apply to any building that has such material. The Subpart FF (benzene waste) is included here because the calculations and tracking are addressed facility wide. The reason that these requirements are on a facility-wide table is because they apply to numerous sources, many of which do not require permits and have no identification references. The process units have additional specific requirements that are identified in other tables besides the facility-wide.
83.	The requirements for 8-18 and 8-28 are currently cited by source and are included in all of the process unit tables. This is more correct than placing the requirements facility wide.
84.	These source descriptions are generic in nature and occur throughput the refinery. Since these are not permitted sources, there is no identifier. For example QQQ refers to individual drains. These drains are not units that can be easily specified and detailing each one seems excessive in the Title V permit.
85.	Regulation 8-10 limits the partial pressure of VOC, not the total pressure. Partial pressure is a function of concentration and total pressure. Since 8-10-401 requires the recording of total VOC emitted, it is inherent in the use of Raoult's Law based vapor displacement calculations to track total pressure to determine the emission rate (e.g., see "Control of Volatile Organic Compound Emissions from Batch Processes-Alternative Control Techniques Information Document", EPA-450/R-94-020

	Feb. 1994, Chapter 3, vessel depressurization).
86.	It appears that the District's emission inventory is in error. The emissions inventory is used primarily as a planning tool rather than as a source of information to determine applicability or compliance. The only VOC emissions from this unit would be fugitives. Emissions should be negligible as for Hydrogen Plant #1 and #2. Table IV-AL and IV-CR list the applicable requirements for S4160. The applicable requirements for S4160 are found in Table IV – AL and are similar to other process units at Shell. These include Reg 8-9, 8-10, 8-18 and 8-28. Table IV-AM has been deleted. The District is working to correct the emission factors used in our databank to reflect more accurate values.
87.	This is a process unit. There are no routine releases from this unit.
88.	BAAQMD Condition #4288, Part 3a requires pressure and temperature monitors and recorders. The basis of this permit condition is BAAQMD 8-44-301 which requires 95% control. This monitoring also demonstrates compliance with Condition #4288, Part 6 which states that "Vapor recovery system exhaust temperature shall not drop below 1400°F for more than 15 minutes per hour". The basis for this requirement is also BAAQMD 8-44-301. Recording the exhaust temperature suffices for compliance assurance.
89.	A specific applicability determination has been added to the SOB for each permit shield in Table IX A-10. Table A-3 has been deleted.
90.	Table IX A-3 has been deleted. However, all of the sources initially listed in that shield were not subject to 40 CFR, Subpart Db because of size and or date of construction.
91.	The permit shield has been deleted. Applicability of Subpart J to these thermal oxidizers will be addressed in a future revision. In the mean time, there is no permit shield and the applicability of Supart J as a federal matter is unaffected by the Title V permit. A discussion regarding this issue has been added to the statement of basis.
92.	The citation for 40 CPR 60, Subpart J, 60.105 has been deleted.
93.	The permit shield should be retained. The sources listed in the shield are correct. Part 19 of Condition 18618 identifies all flares used for emergency/malfunction and these limits have been reflect in the applicable tables in the Title V permit.
94.	Staff respectfully disagrees. A permit shield, by its very nature, is redundant to the regulations. A permit shield is an explicit recitation of the determination that a particular requirement is not applicable, and the circumstances upon which tat determination is made.
95.	**8-8-114 Exemption, Bypassed Oil-Water Separator or Air Flotation Influent:** The requirements of Sections 8-8-301, 302, and 307 shall not apply for wastewater which 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. **8-8-113 Exemption, Secondary Wastewater Treatment Processes And Stormwater Sewer Systems:** The requirements of Sections 8-8- 301, 302, 306, and 308 shall not apply to any secondary wastewater treatment processes or stormwater sewer systems, as defined in Sections 8-8-208 and 216, which are used as a wastewater polishing step or collection of stormwater which is segregated from the process wastewater collection system. The applicable shield citation is 8-8-113. This mistake has been corrected in Revision 1 of the Title V permit.
96.	This shield is justified because process drains are excluded from the definitions in Rule 8-8 and are not covered by other sections of the rule.
97.	The provisions are in an approved document. A copy was sent to the District to use in the Title V permit. This version will be added in subsequent reopenings to the Title V permit.
98.	Rule 9-1-301 Limitations on Ground Level Concentrations is a facility-wide requirement. It is not specific to the sulfur plants, but addresses all sulfur dioxide emissions. Rule 9-1-307 and Rule 6-305 do apply to the Sulfur Plants and are included in Table IV-AQ.
99.	9-1-313.2 (SIP) is marked federally enforceable. The current District Rule 9-1-313.2 differs from the language in the SIP version and has never been federally approved. It is not federally enforceable.
100.	This comment warrants no action for Shell's Title V permit.

101.	The required frequency of source testing and the determination as to whether parameter monitoring is appropriate should have some basis in the relationship between operating emission levels and permitted emissions levels. If a source consistently demonstrates that emissions are less than 50 percent of the emissions standard, the frequency of source testing should be reduced. Three consecutive years is sufficient to establish that the source operates with a wide margin of safety below the limit. Additional monitoring during the three years without source testing is unwarranted.
102.	The District has amended the Title V permit to ensure compliance with the limit. The effectiveness of the system for removing sulfur from the petroleum streams will be monitored continuously. This eliminates the need for the annual test
103.	The basis is cumulative increase. This basis is identified in Condition 7618 Part E. 2.
104.	The District has correctly determined that PM and visibility emissions are negligible from the sulfur plants and no monitoring is required. Each of the sulfur plants final exhaust streams are controlled by thermal or catalytic oxidizers. These oxidizers are gas fired with high temperature and residence time that ensure complete combustion of carbon, ammonia and all other substances. The reference notes 5 has been added to the SOB.
105.	The District has not yet completed it review of the support facility issue. If it is determined that certain proximate operations are part of the refinery Title V "source," then these facilities will be required to obtain a Title V permit. The District believes this result would not entail changes for the Title V permit issued to the Shell refinery (i.e., no new requirements would thereby become applicable to the refinery).
106.	The Rule 8-5 revisions have been addressed.
107.	There are specific monitoring requirements in the regulations, e.g., 8-5-401, which are applicable and incorporated by reference but currently not spelled out in the permit. The District will consider adding more detail in a future revision.
108.	The Rule 8-5 revisions have been addressed.
109.	Regulation 8-5-402 inspection has been added to Table VII-P. Also, numeric limits in applicable requirements of 60.113b were added to the table.
110.	40CFR63.640(d) (5) Emission points routed to a fuel gas system, as defined in § 63.641 of this subpart. No testing, monitoring, recordkeeping, or reporting is required for refinery fuel gas systems or emission points routed to refinery fuel gas systems.
111.	The other tanks listed in Table IV-R (e.g., S858) are listed in VII-P and IX-B2. S952 has been added to Tables VII-P and IX-B2.
112.	The permit contains Standard Condition J, which includes the following language: "Exceedance of this limit does not establish a presumption that a modification has occurred, nor does compliance with the limit establish a presumption that a modification has not occurred." There is no confusion about the facility's obligation to report deviations.
113.	The current permit shows the requirements of 4303 as federally enforceable.
114.	S-1465, 1469, 1779, 2007, 2009, 2010, 2011, and 5121 are regulated in Tables IV-AT, AU, AV, BY, CG, CJ, and DM, and in Tables VII-AK, AL, AM, BK and BY.
115.	Shell does not operate sludge dewatering equipment at the Martinez Refinery. All sludge dewatering operations are owned and operated by Sierra Processing at the Martinez Refinery. Sierra Processing holds air permits for their sludge dewatering operation. These permits shall be incorporated into a Title V permit in the near future.
116.	Sections 61.357(d)(2), (d)(6), and (d)(7) and corresponding monitoring requirements was added for S532.
117.	Sections 61.357(d)(2), (d)(6), and (d)(7) were added to Table IV-DV and Table VII-CY.
118.	Biotreaters are not affected Subpart FF benzene waste NESHAP units.
119.	Pipelines and process drains are not specific emission units, and are therefore not listed as such in Table II, and generic groupings having no capacity limitations. The requirements of 40 CFR Part 61, Subpart FF and/or 40 CFR Part 63, Subpart CC are listed in Table IV-DU .
120.	S1779 is not an affected Subpart FF unit. For S1469, Section 61.347(a)(1) is listed in Table IV-AV and Table VII-AM. All of the necessary monitoring is cited in the regulation and included in Table VII-AM. It is not necessary to add a permit condition.
121.	The wastewater ponds (S-1466, S-1468), wastewater separator dubbs (S-2009), wastewater junction boxes (S-2010), wastewater collection sumps (S-2011), Final EPT 1&2 Holding Ponds 5C & 5D (S-

	2014), and Bioclarifiers (S-5118 & S-5119) are not required to be managed in accordance with the requirements of 40 CFR 61 Subpart FF or 40 CFR 63 Subpart CC. Under 40 CFR 61 Subpart FF and the wastewater provisions of 40 CFR 63 Subpart CC, facilities have several available compliance options. The compliance option selected for the Shell Martinez Refinery is known as "6BQ" and requires that most aqueous benzene containing wastes be managed in controlled systems in accordance with standards listed in 40 CFR 61 Subpart FF. The selected compliance option provides a six (6) megagram per year (Mg/yr) "allotment" for aqueous waste streams that are not managed in controlled systems. To comply with the 6BQ compliance option, Shell has segregated the "larger" benzene containing streams and manages them in controlled systems. The remaining benzene containing wastes streams (low benzene concentration and/or low flow rate) are managed in uncontrolled systems and are subject to a facility-wide requirement to annually document that these streams contain less than six Mg/yr. This facility wide requirement is cited in Table IV-DV for citation 61.342(e)(2). Shell has selected to manage the Wastewater Ponds (S-1466, S-1468), Wastewater Separator Dubbs Box (S-2009), Wastewater Junction Boxes (S-2010), Wastewater Collection Sumps (S-2011), Final EPT 1 and 2 Holding Ponds 5C&5D (S-2014), and Bioclarifiers (S-5118 and S-5119) as uncontrolled systems. Therefore, these operations are exempted from standards listed in 40 CFR 61 Subpart FF and the wastewater provisions of 40 CFR 63 Subpart CC.
122.	See Table VII-BS. Carbon Adsorption generally achieves >95% removal efficiency.
123.	See response to Comment 121.
124.	S1779 is not an affected Subpart FF unit.
125.	Corrected in current version.
126.	This is not an alternative monitoring plan. Condition #4298 is in addition to the Rule and helps clarify the vagueness of the Rule. For example it defines "immediate". This condition was required by the Consent Decree.
127.	Sections 61.357(d)(2) and (d)(5) do not apply to tanks specifically. They apply facility wide and are already listed in the facility wide Table IV- DV. Section 61.357(d)(2) does not apply to this facility
128.	IV-CG itemizes (d) and (h). CZ does not itemize. DG itemizes (h). DT itemizes (a), (g), and (h) DU itemizes (a) and (g) DV itemizes (a) and (b) VII-C itemizes (k) L itemizes (d) and (h) T itemizes (k) W itemizes (k) Y itemizes (d) and (h) AD itemizes (k) AM itemizes (d) and (h) BS itemizes (d) and (h) CK itemizes (d) and (h) CO itemizes (k), (d) and (h) CR itemizes (k) CX itemizes (a) and (h) CY itemizes (a) and (b)
129.	This comment warrants no action of Shell's Title V permit.
130.	This comment warrants no action of Shell's Title V permit.
131.	Note 5 has been added.
132.	The SOB does give an explanation for these sources. It is Note 1. These sources burn gaseous fuels.
133.	Yes, EPA has approved this alternative monitoring.
134.	The following comment was added by EPA in their April 14, 2004 letter to the District regarding the draft Revision 1 permit: "In addition to our prior comments on permit shields, we have found that new permit shield language from District Regulation 12-11 was added to the draft permit. This type of shield does not have a valid basis because the rule is not included in the permit as federally enforceable, and the source would continue to be shielded from federal-enforcement of the requirement even after the

	rule becomes part of the SIP. (We expect that the rule will become part of the SIP because it is part of the District's latest attainment plan). Please delete the shield or include the shielded requirement as a federally enforceable requirement." The shielded requirement is not federally enforceable, and the shield itself does not have federal significance until the requirement becomes federally enforceable. At that point, EPA may have a basis for commenting on its validity