

## **BAAQMD Responses to ConocoPhillips Comments**

**ConocoPhillips Comment 1a:** ConocoPhillips requests that the District delete the reference to 40 CFR 98, Mandatory Greenhouse Gas Reporting as an applicable requirement. CP argues that the Federal Part 98 requirements do not meet the definition of “applicable requirement” found in District Regulation 2-6-202. In particular, ConocoPhillips states that the federal definition of “applicable requirement” does not include Part 98 regulations.

**BAAQMD Response:** The District’s definition of “applicable requirement” in Regulation 2-6-202 is broader than the federal definition, and does include Part 98 regulations. Regulation 2-6-202 states that Applicable Requirements are:

“Air quality requirements with which a facility must comply pursuant to the District’s regulations, codes of California statutory law, and the federal Clean Air Act, including all applicable requirements as defined in 40 CFR 70.2.”

Applicable requirements include the requirements in 40 CFR 70.2, but also include other air quality requirements in the federal Clean Air Act. The authority to require greenhouse gas reporting clearly comes from the Clean Air Act, as explained in the preamble to the final Mandatory Reporting of Greenhouse Gases Rule, published in the Federal Register on October 30, 2009. Therefore, the District has decided not to make this change.

**ConocoPhillips Comment 1b:** ConocoPhillips requests that the District delete the reference to California Code of Regulations, Title 17, Subchapter 10, Article 2, Mandatory Greenhouse Gas Emissions as an applicable requirement. ConocoPhillips argues that the California regulations regarding greenhouse gas reporting are not applicable requirements because regulations are not codes of statutory law.

**BAAQMD Response:** It is the District’s long-held interpretation of regulation 2-6-202, and long-standing practice in writing Major Facility Review permits, to include California regulatory requirements that apply to a major facility in the facility’s Major Facility Review permit as “applicable requirements”. The California regulations are air quality requirements to which the ConocoPhillips Rodeo Refinery is subject that derive from codes of California statutory law. Accordingly, the District considers them to be “applicable requirements” within the meaning of District regulation 2-6-202 and therefore to be properly included in the Major Facility Review permit.

**ConocoPhillips Comment 2:** ConocoPhillips requests that the District include Application 17465/17466 in the permit that is proposed to EPA.

**BAAQMD Response:** The District plans to submit this application to EPA for review in a separate action.

**ConocoPhillips Comment 3:** ConocoPhillips requests that the District make requested amendments to Permit Condition 19488 and Tables IV-A.27, IV-A.28, VII-A.27 and VII-A.28 for diesel engines S50 to S59. These changes are meant to clarify the hours of operation and future effective dates of the regulations.

**BAAQMD Response:** The District agrees with ConocoPhillips as requested changes are administrative amendments as defined by BAAQMD Regulation 2-6-201. Therefore, Permit Condition 19488 and Tables IV-A.27, IV-A.28, VII-A.27 and VII-A.28 for diesel engines S50 to S59, have been modified to include these changes.