

GOLDEN GATE UNIVERSITY

ENVIRONMENTAL LAW AND JUSTICE CLINIC • SCHOOL OF LAW

April 22, 2002

Mr. Donald Van Buren
 Bay Area Air Quality Management District
 939 Ellis Street
 San Francisco, CA 94109

By facsimile to: 415-749-5030

By U.S. Mail

Re: Public Comment on the Proposed Major Facility Permit for the Tosco Refining Company, Contra Costa Carbon Plant, Facility #A0022

Dear Mr. Van Buren:

I am writing you today on behalf of Our Children's Earth Foundation, in order to comment on the proposed Major Facility Review permit for the Tosco Refining Company, Contra Costa Carbon Plant ("Tosco facility"). Our comments are as follows:

1. Some important items are missing from the Statement of Basis

We are pleased to see that the District has prepared a Statement of Basis to support the Tosco facility permit. The statement provides some facility-specific data and some general permitting information, both of which will make the permit more comprehensible to the general public.

Nonetheless, we believe that the basis statement is still insufficient, for the following reasons:

- a) The facility description does not contain enough detail. Since Tosco has a relatively complicated process system, one would expect to see a narrative that was several pages in length, including a diagram showing the linkage of the sources and abatement equipment. In addition, one would also expect to find a list of pollutants and quantities emitted for each source. The facility description presented in the Statement of Basis is missing these, as well as other key informational items.

For example, no mention is made of the coke stockpiles, which are a significant source of fugitive PM emissions at the facility (N.B. the permit application's "List of Equipment with Annual Emissions" reported that stockpile fugitive PM emissions from 4/94 to 4/95 were 9.5 tons). Neither is there any discussion of the railcar and truck loading spout, or of the screw and portable conveyors, each of which is also a source of PM. Nor is there mention of the "dc-dust oil," an abatement material described in the permit application.

No discussion is provided on the sources of nitrogen oxides (NOx) at the Tosco facility, even though the plant emits close to 600 tons of NOx per year and is one of the larger NOx point sources in the District. An explanation of the reasons why the facility has no NOx or CO limitations would make the permit more understandable for the general public, but none is found in the basis statement.

The statement is also missing a description of the chemical composition of the green and calcined coke, as well as the composition and quantity of the volatile organic matter that is produced by the calcining process and subsequently combusted in the pyroscrubbers. Another important aspect that should be discussed is the history of the construction and modification of the process system. This latter information is important to help the reviewer determine whether or not a specific regulation applies to a source.

- b) The Statement of Basis also lacks an adequate discussion of the facility's compliance history and status. The permitting authority has the responsibility to document that appropriate conditions have been placed upon the permittee such that compliance with the applicable requirements will be assured. A thorough compliance review is an important preparatory step in determining the appropriate conditions. The District has chosen a period of one year prior to the permit application as the relevant review period. However, we maintain that a one-year compliance review is insufficient to decide whether compliance can be assured throughout the 5-year period covered by the permit.

In the case of the Tosco facility, the permit file contains a summary of complaints received by the District against the facility between 1990 and 1996. There were five confirmed reports and eleven unconfirmed reports that the facility had emitted particulate matter and other pollutants into the surrounding community, creating a potential nuisance.

We also reviewed the BAAQMD's Notice of Violation (NOV) files, a copy of which we obtained from the District on February 13, 2001, pursuant to a Public Records Act request. Based upon the information we received through this process, it appears that the District issued the Tosco facility (Site #A0022) three NOV's between 1991 and 1999.

Considering the NOV's along with the community complaints documented in the permit file, we feel that the compliance review should contain a more thorough discussion of possible compliance problems at the facility. In order to reasonably conclude that compliance will be assured in the future, the District needs to explain: (i) how each of the above identified problems was remedied, (ii) whether the compliance history indicates any recurrent or ongoing problems at the facility, and if so, (iii) what additional conditions and limitations were added to the permit to assure compliance in the future.

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2. The pyroscrubbers are "significant sources" of NOx

District calculations, presented in Section 4 B of the permit application, indicate that the K-1 pyroscrubber emits 22.1 pounds per day or about 4 tons per year of NOx, and that the K-2 pyroscrubber emits 20.2 pounds per day or about 3.7 tons per year of NOx. Thus, the pyroscrubbers are "significant sources" according to District rules. In addition, the Permit Evaluation and Statement of Basis indicates that, "if a source is also an abatement device...it will have an 'S' number." Therefore the pyroscrubbers should be listed as combustion sources and should be analyzed as such in the permit evaluation.

3. The pyroscrubbers should be monitored

Since the pyroscrubbers are abatement devices for calciner waste gases (which include unoxidized sulfur compounds and volatile organic matter), monitoring should be required to assure that these devices are operating properly.

4. Table IV-B, page 19

Please indicate that Rule 9-1-310 is a Federally enforceable requirement.

5. Applicable limits for stockpile fugitive emissions

Table IV-E of the proposed permit appears to be missing the requirements of SIP regulation 6-311. Please correct this omission.

6. Permit condition #136-6

The permit condition states that A-10 and A11 should be kept in "good operating condition." Please include a detailed definition of "good operating condition" in order to make the requirement practically enforceable.

7. Permit condition #10438-2 and #10439-2

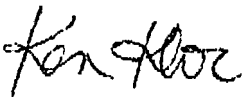
The permit conditions state that abatement device, "A-4 may be disconnected for routine maintenance while S-26 is operating..." and "A-4 may be disconnected for routine maintenance while S-27 is operating..." These conditions should be removed from the proposed permit unless it can be shown that SIP regulations 6-301, 6-305, 6-310, and 6-311 will not thus be violated. The SIP regulations (6-301, 305, 310, and 311) do not allow for automatic permit exemptions for routine maintenance operations. If the District believes that emissions during the proposed variance conditions will not exceed federal limitations, it should present supporting discussion and calculations in the Engineering Evaluation and Statement of Basis. Nonetheless, any emissions under allowable variance conditions would need to be monitored to ensure compliance with the SIP rules.

8. Insufficient monitoring requirements

- a) The monitoring requirements described in Sections VI and VII of the proposed permit need to be more thoroughly delineated to ensure that they are practically enforceable. In particular, the District should require a detailed Operating and Maintenance Plan for the baghouses and include this in the permit.
- b) The District's proposed monitoring requirements for the baghouses are close to the "minimum acceptable monitoring" requirements listed in the CARB/CAPCOA/EPA workshop recommendations.¹ Given that the Tosco facility has an uncontrolled potential to emit PM in quantities that are quite a bit larger than the highest emission rate considered in these recommendations, we believe that more frequent and additional monitoring is in order. We recommend the following additional monitoring for the baghouses:²
- Weekly: Monitor pressure drop and visible emissions.
 - Monthly: Check the cleaning sequence of the baghouse. For the pulse-jet baghouse (A-4), check the air delivery system. Check the hopper functions and performance.
 - Quarterly: Thoroughly inspect bags for leaks and wear. Inspect all components that are subject to wear or plugging.
- c) In addition, monthly visible emissions monitoring should be included for all other sources of particulate matter including the coke storage piles. Abatement devices A12, A13, A1 and A2 also require monitoring to ensure that they are operating properly.

Thank you for giving us the opportunity to comment on this proposed permit. If you have any questions regarding this letter, please do not hesitate to contact me.

Best Regards,



Ken Kloc
Staff Scientist

¹ "Periodic Monitoring Recommendations for Generally Applicable Requirements in SIP," June 24, 1999 (<http://www.arb.ca.gov/fcaa/tv/tvinfo/pinrec624.pdf>).

² Taken from "Example Baghouse Agency O&M Plan, 2/19/2001," Iowa Department of Natural Resources, Environmental Protection Division (<http://www.state.ia.us/epd/air/prof/oper/tech/baghouse.pdf>).