



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

**FINAL STAFF REPORT
APPENDIX D**

Summary of Comments and Responses

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Summary of Comments and Responses on the Regulatory Package for Proposed Amendments to Regulation 8: Organic Compounds, Rule 8: Wastewater Collection and Separation Systems

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List of Commenters

The following table lists the individuals and organizations from whom Air District staff received written comments prior to the November 26, 2023 comment deadline.

Commenter	Contact Information
Western States Petroleum Association (WSPA)	Kevin Buchan Senior Manager, Bay Area Regulatory Affairs Letter, November 26, 2023

Drain Requirements

Drain repair requirements

Comment: The commenter states that the amended rule will be more stringent due to the inclusion of methane in all standards, including vapor-tight requirements for drains, and expresses concern that Air District staff will find a drain to be in noncompliance with the standard and insufficient time will be allowed for operator remedy. The commenter accepts the expectation that “*facilities would take the appropriate steps to control this leak to comply with the proposed standards, including measures such as installing seals*” as stated in the Staff Report. However, the commenter is concerned that Air District staff may discover leaks during active draining, or under other unexpected conditions and require remedy in an unreasonable time frame. The commenter requests that the rule language in Section 8-8-315.1 be changed so that repair of any non-vapor tight drain discovered by Air District staff be completed within 7 days, rather than 24 hours as it is currently written in the draft amended rule. The commenter asserts that the most likely remedy would be the installation of seals that would require more than 24 hours to execute, as required when the leak is discovered by the APCO. The commenter contends that the rule language inappropriately requires “repair” to uncontrolled drains because they are not “broken”. The commenter also suggests changes to rule language to address “active drains”.

WSPA

Response: As stated in the Staff Report, the Air District acknowledges that the inclusion of methane in the proposed standards would increase stringency. The Air District agrees with the commenter that facilities would be expected to take appropriate steps to comply with proposed standards, and anticipates that the increased inspection frequency required under the proposed amendments would result in increased compliance with the standards, as well as expedited leak discovery and repair within the 7 days required by the proposed amendments when the leak is discovered by the owner/operator. Additionally, the increased inspection frequency should minimize the likelihood of the APCO making the initial discovery of a leak during an inspection. Also, “leak repair” is defined in proposed amended Section 8-8-209; while the installation of a seal is one potential option for leak repair, the leak repair definition is intended to provide flexibility and allow the facility to reduce leakage (as defined in the proposed amendments) in a manner that is most effective and appropriate for the specific circumstance and leak. Therefore,

the changes to the proposed rule language in Section 8-8-315.1 requested by the commenter are not necessary and are unwarranted.

Regarding comments and suggested changes to rule language on “active drains”, please see the response to the comment on “*Active Drains*” below.

Active drains

Comment: The commenter states that it is not appropriate to check for leaks when organic material is actively being drained. The commenter suggests that language be added to Section 8-8-603 that specifies that vapor-tightness for drains needs to be assessed at a time when material is not actively being drained.

WSPA

Response: The Air District’s longstanding and current practices and procedures for leak inspections align with the commenter’s description, therefore the commenter’s suggested changes to the rule language are not necessary.

Methane Inclusion

Methane inclusion

Comment: The commenter states that while there has not been any indication or study showing that methane from wastewater collection systems or aerobic treatment systems is significant enough to warrant quantification, carbon adsorption systems that the District previously approved (and in some cases specified) for controlling hydrocarbon vapors do not control methane. The commenter states that there could potentially be some instances where these systems achieve 95% control of non-methane hydrocarbons but do not comply with the requirement for 95% control of total organic carbon. The commenter states that wastewater systems would need to retrofit vapor controls to include an incineration system with associated assist gas, which would likely not be cost-effective and would increase greenhouse gas (GHG) emissions. The commenter proposes that the following language be added to Section 8-8-315.2: “In cases where existing controls (including but not limited to carbon adsorption systems) do not meet the 95% destruction efficiency requirement solely because of methane, retrofits will only be required to the extent that they actually reduce GHG overall and are shown to be cost-effective.”

WSPA

Response: Proposed amended Section 8-8-315.2 allows for 95% control or meeting an outlet concentration of 500 ppm by volume total organic compounds (expressed as methane). As stated in the Staff Report, in the case of an abatement system that may not be able to achieve 95 percent control efficiency of methane, demonstration of an outlet concentration of less than 500 ppmv [expressed as methane] would also meet the requirements of Section 8-8-315. The Air District does not anticipate that additional incineration systems would need to be added as a result of the proposed amendments, and therefore, the commenter’s suggested rule changes are not necessary.

Exemption for Systems Less than 760 Liters Per Day

Facilities affected by change in exemption for systems less than 760 liters per day

Comment: The commenter states that the removal of the exemption in Section 8-8-110 appears to impose additional conditions on non-refinery entities and asks if the Air District has conducted outreach to the affected facilities. The commenter states that the facilities may now require controls, and such sources were neither named in the Staff Report or Socioeconomic documents nor was the cost effectiveness analysis performed for sources affected by this change. The commenter states that Health & Safety Code Section 40728.5(b)(1) requires that affected entities be described in the rule making documents.

WSPA

Response: Section 8-8-110 was removed for clarity and is unlikely to impose additional conditions on regulated non-refinery facilities. Section 8-8-110 is a duplicative limited exemption (for wastewater separators that process less than 760 gallons per day) from the requirements of Section 8-8-301 (for wastewater separators with a design capacity greater than 760 gallons per day). Air District staff is not aware of any permitted non-refinery facility operating wastewater separators below their design capacity as a means to qualify for this limited exemption. Wastewater separators operating at refineries would be exempt from the requirements of Section 8-8-301 by new proposed Section 8-8-118 which would exempt wastewater separators at refineries from the requirements of Section 8-8-301 along with other previously imposed requirements.

Prohibition of Discharges

Prohibition of discharges of non-aqueous phase hydrocarbon streams into wastewater collection system components

Comment: The commenter states that a significant amount of petroleum industry wastewater could be interpreted as meeting the definition of “non-aqueous phase hydrocarbon streams” and would therefore be prohibited from being discharged into the wastewater collection system under Section 8-8-316. The commenter states that this language in Section 8-8-316 does not reflect the interpretation included in the Staff Report. The commenter also states that there are several instances in which small amounts of hydrocarbons need to get routed to drains (for example: a pump leaks and drips into a drain; a thermal relief safety system for a hydrocarbon pipe necessitates relief to a drain), and the cost effectiveness analysis for the proposed amendments need to include costs for piping of all potential thermal relief and seal drips into a new system.

The commenter states that current Air District Rules 8-18 and 8-28 contemplate these activities and have addressed those with the highest emission risk. The commenter also states that other activities (for example: surface residual runoff, dock sumps, active drain slots at hazardous waste

pads, and slot drains used during equipment cleaning) would also be prohibited under the proposed amendments.

WSPA

Response: The Air District disagrees with the commenter's claim that a significant amount of petroleum industry wastewater would meet the proposed Section 8-8-212 definition of "non-aqueous phase hydrocarbon streams," and is not aware of substantial evidence of this claim or potential issues related to the definition or prohibition.

The Staff Report is intended to provide further information, including information on intent and examples, beyond the regulatory language. As stated in the Staff Report, the standard is intended to prohibit regular, programmatic, or significant discharges of non-aqueous phase hydrocarbon streams into the wastewater collection system. Air District staff understands that there may be instances in which drips or small spills of non-aqueous phase hydrocarbons may be discharged into drains or other wastewater system components, such as those discussed by the commenter. Should these discharges be observed by Air District enforcement staff, further monitoring or procedural review may take place to determine if the discharge is incidental or insignificant, or if enforcement is warranted. This interpretation is consistent with the language in Section 8-8-316 prohibiting the discharge of non-aqueous phase hydrocarbon streams. As such, the Air District does not anticipate that new piping of thermal relief devices and seal drips (or new piping for the other activities stated by the commenter) would be required, and would not be an expected cost required for compliance with the proposed amendments.

Prohibition of discharges of free phase organic streams into wastewater secondary treatment

Comment: The commenter states that many discharges would be disallowed by the proposed definition of "free phase organic liquid" because hydrocarbons typically do not mix well with water (and oil-water separators are designed to take advantage of this fact). The commenter states that during the treatment process, "dissolved" hydrocarbons can sometimes come out of solution under certain conditions.

WSPA

Response: The proposed amendments add prohibitions for discharge of free phase organic liquid streams into secondary treatment process components. Air District staff understands that throughout the secondary treatment system, separation of small amounts previously entrained hydrocarbons or organic liquids may occur. This is understood to be a normal part of the treatment process and does not meet the definition of discharge of a free-phase organic liquid stream. As stated in the Staff Report, samples taken by Air District staff to determine compliance with this standard will be taken at the point of discharge into secondary treatment; as such, these samples would not be anticipated to be impacted by the potential issues of downstream separation and formation of sheen discussed by the commenter.

Contradiction between Section 8-8-316 and California/Federal Pollution Prevention Laws

Comment: The commenter states that proposed Section 8-8-316 would prohibit refineries from taking advantage of the California exemption for managing oily waste to recover hydrocarbons under H&SC 25143.2(d)(2)(C). The commenter states that this exemption allows refineries to minimize overall wastes by capturing and recycling hydrocarbons (either in mostly hydrocarbon form or as small amounts present in wastewaters), and that the proposed definition in Section 8-8-204 of Free Phase Organic Liquid appears to prohibit recovery of hydrocarbons, as it could be strictly interpreted to include aqueous solutions that have a visible sheen or emulsification of oil on top. The commenter states that most of the aqueous solutions with recoverable hydrocarbons that are managed will have a sheen or visible surface presence, which is what API Separators are designed to manage. The commenter states that proposed Section 8-8-316 has the potential to end the recovery of hydrocarbons from hydrocarbon-bearing aqueous solutions, resulting in a large volume of liquid that would need to be disposed as hazardous waste offsite rather than recycled onsite.

WSPA

Response: The prohibition of discharges of free phase organic liquid streams in proposed Section 8-8-316 is intended to ensure that wastewater separation systems, including oil-water separators, dissolved air flotation units, dissolved nitrogen flotation units, and induced static flotation units, are adequately removing hydrocarbons from wastewater streams, and that this removal takes place under vapor-tight conditions. The proposed amendments would not prohibit refineries from recovering hydrocarbons from wastewater streams; they would only prohibit discharge of free phase organic liquids into secondary treatment systems, thereby encouraging the effective performance of these separation systems, including effective removal and recovery of hydrocarbons prior to secondary treatment. Additionally, if there are further opportunities to recover hydrocarbons in wastewater that do not conflict with the discharge provisions, those are not expressly prohibited by the proposed amendments.

Conflict between Section 8-8-316 and Federal SPCC regulations

Comment: The commenter states that proposed Section 8-8-316 conflicts with Federal SPCC regulations that require facilities to provide containment for equipment containing hydrocarbons (general containment). The commenter states that, based on SPCC requirements on drainage and discharge and EPA guidance, oil-water separator units comprise a portion of SPCC secondary containment systems, and proposes changes to Section 8-8-316 to address this issue and allow for accidental or incidental releases of non-aqueous phase hydrocarbon or free phase organic liquid.

The commenter also suggests that the definition of “free phase organic liquid” in Section 8-8-204 be revised to refer to “hydrocarbon liquid, that is present as a discrete liquid phase” (i.e., delete the subsequent text). The commenter also suggests that the definition of “non-aqueous phase hydrocarbon stream” in Section 8-8-212 be revised from “organic liquids not dissolved in, or mixed with, wastewater” to “organic liquids not dissolved in, or mixed with, or floating on top of wastewater”.

Response: The Federal Spill Prevention, Control, and Countermeasure (SPCC) regulations cited by the commenter do not require that facilities use oil-water separators as secondary containment systems. While the EPA guidance notes that an oil-water separator could be used to retain discharges as an example, the SPCC regulations do not require this specific method or approach, and the SPCC regulations and EPA guidance list several other methods that may be used to provide secondary containment, including dikes, berms, or retaining walls; curbing or drip pans; culverting, gutters, or other drainage systems; weirs, booms, or other barriers; or sorbent materials. Therefore, the proposed amendments are not in conflict with Federal SPCC regulations, and the commenter has not provided substantial evidence to support the need for the suggested changes to proposed Section 8-8-316.

Additionally, the commenter has not provided substantial evidence to support the need for the suggested changes to proposed definitions in Section 8-8-204 or 8-8-212. See response to comment on “*Prohibition of discharges of non-aqueous phase hydrocarbon streams into wastewater collection system components*”.

Implementation and Effective Date

Effective dates for proposed amendments

Comment: The commenter states that the rule amendments do not identify a reasonable compliance timeframe should existing control systems be insufficient to ensure compliance with rule amendments and/or if any new systems need to be put in place. The commenter states that if new equipment is necessary, time is needed to plan, budget, permit, and safely install the equipment into the facility’s operations. The commenter requests a compliance timeline of 3 to 5 years from the time that the District issues the requisite preconstruction permit for the equipment.

Response: As discussed in the Staff Report, the Air District does not anticipate that installation of new control equipment would be required under the proposed amendments. Therefore, the additional rule language and delayed compliance timeline suggested by the commenter is not necessary.

Sampling and Testing

Wastewater Organic Concentration Monitoring at Refineries

Comment: The commenter requests that monitoring of wastewater organic concentrations be performed as a study outside of the regulation as the sampling is intensive, costly, and often a duplicate of testing required under each site’s NPDES permit. The commenter states that H&SC §40728.5(6) requires an air district to state the necessity of adopting or amending a regulation to attain state and federal ambient air standards. The commenter states that while sampling will

assist with building an emissions baseline and quantifying emissions, it does not contribute to attaining state and federal ambient air standards. The commenter proposes that the Air District either remove Section 8-8-507 entirely or revise to include a sunset date two years after adoption.

WSPA

Response: The Air District recognizes that the proposed sampling requirements can result in additional costs, and has included an estimate of these costs in the Staff Report and related analyses. The Air District is not aware of any specific proposed sampling requirement that is duplicative of other required NPDES testing, nor has the commenter provided any specific examples of such duplications. Additionally, the proposed amendments provide flexibility, both in terms of test methods and sampling schedules, to allow for the efficient use of testing and sampling resources where appropriate.

The commenter has not provided substantial evidence to justify the suggested removal of this requirement or a sunset date two years after adoption. As stated in the Staff Report, wastewater characteristics and related emissions can fluctuate and may be highly episodic. These sampling requirements are needed to improve characterization and quantifications of the potential for emissions from these secondary treatment systems, as well as better understand the performance and efficacy of these wastewater separation and treatment systems.

Regarding Health & Safety Code Section 40728.5(b)(6), please see the section “Health and Safety Code Requirements” for the response to the comment on “*Necessity*”.

Section 8-8-504

Comment: The commenter states that the proposed language requires detectors that have "been approved by the APCO". The commenter requests staff provide which detectors the APCO has approved, and the process/criteria and timeline for approval. The commenter also states that page 21 of the Staff Report mentions that facilities can use PIDs (which do not detect methane), but Air District inspectors have previously issued NOV's to people using PIDs to evaluate compliance with standards expressed "as methane". The commenter requests clarification of the apparent discrepancy.

WSPA

Response: Detectors are approved on a case-by-case basis by the APCO. The facility would need to submit the specifications of the device they intend to use, demonstrate that it meets EPA Method 21 requirements, and ensure it can be calibrated as detailed in EPA Method 21. Air District staff works as expeditiously as possible to review, evaluate, and approve submittals and requests, however, the timing of any approval process can be highly dependent on the completeness and adequacy of the information submitted.

The section of the Staff Report referenced by the commenter provides an overview of the types of detectors available. While information on PIDs is provided in the Staff Report, the Staff Report notes that FIDs are expected to be used to determine compliance with the proposed total

organic compound standards, as PIDs cannot measure methane as required by the proposed amendments.

Section 8-8-506

Comment: The commenter states that annual source testing requirements under proposed Section 8-8-506 is burdensome and unnecessary and/or a surrogate like temperature monitoring should be allowed. The commenter states that once the design is certified and initial source test completed, the data is used to estimate emissions.

WSPA

Response: Proposed amended Section 8-8-506 allows for parametric monitoring or other periodic source testing for permitted abatement devices. Section 8-8-506 states that the section does not apply to any device that is subject to parametric monitoring or periodic source testing in accordance with an Air District permit to operate.

Sampling effective date and frequency

Comment: The commenter states that refineries are relatively unfamiliar with some of the test methods listed in Section 8-8-605, and it is not feasible to implement sampling on the date that the rule is adopted as identified in Section 8-8-507. The commenter requests that all the dates identified in Section 8-8-507 be delayed by one year to allow time for laboratory evaluation/bidding/contracting and personnel training. The commenter also suggests adding a new Section 8-8-507.3 to allow operators to submit a request to decrease sampling system frequency after eight quarterly samples have been obtained.

WSPA

Response: The test methods listed in Section 8-8-605 are well established and commonly used methods in water and wastewater sampling. Air District experience suggests wide availability of local laboratories, vendors, and contractors that would be capable of providing these services, and additional time would not be required to conduct this sampling. Given that the Air District published draft rule amendments in May 2023 and proposed amendments in October 2023, and the first required sampling must occur within 30 days of adoption (anticipated in December 2023), affected facilities have had, and continue to have, adequate notice and time for planning required to meet these sampling requirements. In addition, proposed Section 8-8-605.4 allows for the use of alternative methods if determined to be equivalent by the EPA or approved by the APCO, providing additional flexibility for facilities if there are equivalent methods that are more readily accessible.

The commenter has not provided substantial evidence to justify the suggested language for reduced sampling frequency. The rule language allows for quarterly sampling after the initial six monthly samples. As stated in the Staff Report, wastewater characteristics and related emissions can fluctuate and may be highly episodic. These sampling requirements are needed to improve characterization and quantifications of the potential for emissions from these secondary

treatment systems, as well as better understand the performance and efficacy of these wastewater separation and treatment systems.

Section 8-8-601 clarification

Comment: The commenter states that Section 8-8-601 does not clearly identify the intent that this testing only applies to facilities interested in the limited exemption in Section 8-8-113.2. The commenter suggests revisions to this section to clarify.

WSPA

Response: Section 8-8-113.2 clearly references the testing and methods that are required for the limited exemption. Other testing requirements throughout the rule also clearly reference the applicable test methods that are required for compliance with those specific sections.

Equivalent test methods

Comment: The commenter states that although Sections 8-8-601 and 8-8-605 allow for alternative methods determined to be equivalent by the EPA and approved by the APCO, EPA makes relatively few determinations of method equivalency and often may take years to do so. The commenter suggests the District change the language to replace "...and [approved by the APCO]" with "...or [approved by the APCO]".

WSPA

Response: The Air District has updated the proposed amendment language in proposed Section 8-8-601 and Section 8-8-605 to provide additional flexibility as suggested by the commenter. The language in the updated proposed amendments allow for alternative methods if determined to be equivalent by the EPA "or" approved by the APCO.

EPA Method 1664A

Comment: The commenter states that in proposed Section 8-8-605.1, the District has specified EPA Method 1664A, and asks if there is any reason why the more recent 1664B (which was approved in 2010) was excluded.

WSPA

Response: In proposed Section 8-8-605, the Air District allows for use of the specified method or latest revision to provide for additional flexibility. For this provision, either EPA Method 1664A or 1664B would be acceptable.

EPA Method 5310D

Comment: The commenter states while Method SM 5310D specified in Section 8-8-605 is listed by the National Environmental Methods Index (NEMI), NEMI identifies that “The method is not suitable for the determination of volatile organic constituents” and cites Standard Methods Online, which in turn notes that one of the major changes since 2012 is that “The Wet-Oxidation Method (5310D) was dropped from this edition.” The commenter states that a recent EPA Federal Register notice regarding methods also mentions only 5310B and 5310C without mentioning 5310D.

WSPA

Response: The proposed amendments require analysis for “total organic carbon content” as defined by EPA Method SM 5310D. Although not all organic compounds in the wastewater may be considered volatile organic compounds, these compounds still have the potential to be emitted throughout the wastewater collection, separation, and treatment processes. SM 5310D is the latest revision of the method, but the earlier revisions 5310B and 5310C are also acceptable.

BAAQMD Manual of Procedures Test Methods

Comment: The commenter states that while proposed Section 8-8-604 refers to the BAAQMD Manual of Procedures (MOP), Volume IV, ST-7, industry is finding that the Air District is leaning away from some of the historic MOP procedures. The commenter states that they are uncertain whether the Air District source testing group would approve this method for abatement efficiency determination. The commenter states that it would be beneficial to provide flexibility in this section, and suggests changes in this section to allow another method that Air District approves as part of the source test protocol submittal process.

WSPA

Response: The Air District continues to use procedures in the Air District Manual of Procedures, however, the Air District recognizes that additional flexibility or alternative methods may be warranted or necessary in some instances. The Air District has updated the proposed amendments in Section 8-8-604 to allow for other methods approved by the APCO.

Health and Safety Code Requirements

Necessity

Comment: The commenter states that the Air District is not complying with applicable rulemaking requirements in Sections 40727 through 40728.5 of the state’s Health and Safety Code, including H&SC 40727(a) requirements for the board to make findings of necessity. The commenter states that the sole reason given by the Staff Report for necessity is that the Bay Area is nonattainment for ozone, “and further reductions [of] precursor organic compound emissions are needed for attainment and maintenance of the standards”. The commenter states that the Air District’s air monitoring data show that the monitors with the highest ozone concentrations and most exceedances--i.e., those that drive the nonattainment designation—are those in Livermore

and the Santa Clara Valley, neither of which are impacted by refinery emissions. The commenter states that ozone formation can be VOC- or NO_x-limited, however nothing in the record shows whether VOC reductions or NO_x reductions are what are needed to reduce the ozone formation.

The commenter also states that the Air District did not evaluate the necessity of amending the rule to attain ozone standards as required by H&SC 40728.5(b)(6). The commenter states that H&SC §40728.5(6) requires the BAAQMD to state the necessity of adopting or amending a regulation to attain state and federal ambient air standards, and the sampling of the wastewater treatment system at refineries does not contribute to attaining state and federal ambient air standards.

WSPA

Response: Health & Safety Code Section 40727(a) requires that an air district adoption or amendment of a rule must be supported by certain findings, among them a finding of “necessity” for the rule. Health & Safety Code Section 40728.5(b) also requires that an assessment of socioeconomic impacts be performed, and include the necessity of adopting, amending, or repealing the rule or regulation to attain state and federal ambient air standards. “Necessity” is defined in Section 40727(b) to mean that “a need exists for the regulation, or for its amendment or repeal, as demonstrated by the record of the rulemaking authority.” The meaning of “necessity” in Section 40727(a) is further illuminated by Health & Safety Code Section 40001(c) which provides that “prior to adopting any rule or regulation to reduce criteria pollutants, a district shall determine that there is a problem that the proposed rule or regulation will alleviate and that the rule or regulation will promote attainment or maintenance of state or federal ambient air quality standards.”

These statutory provisions do not require a showing that a proposed rule or amendment will, by itself, bring about compliance with ambient air quality standards. Nor do these provisions require a comparison of a proposed rule with other rules that may be possible to adopt. Contrary to what the comments imply, the finding of “necessity” need not be based on a showing that a proposed rule or amendment is the only available option for reducing emissions, or even that it is the best available option. Moreover, a finding of “necessity” may be supported even where ambient air quality standards have been achieved if the rule is an appropriate measure to help maintain that status. Read together, Sections 40727 and 40001 clarify that the “necessity” finding is a demonstration based on the rulemaking record that a proposed rule or amendment will achieve progress towards attainment or maintenance of federal or state ambient air quality standards.

While the proposed sampling and monitoring requirements in the proposed amendments do not directly reduce emissions, the requirements will alleviate issues associated with quantifying and characterizing emissions from these sources, and promote the attainment or maintenance of ambient air quality standards through this improved quantification and understanding of organic emissions sources.

Clarity

Comment: The commenter states that the District is not complying with H&SC 40727(a) requirements to make findings of clarity. The commenter disagrees with the Staff Report

statement that the proposed amendments to Rule 8-8 are written so that their meaning can be easily understood by the persons directly affected by them, and have specified in various previous comments which aspects of the rule language are not easily understood. The commenter states that the current draft Section 8-8-316 is ambiguous and does not meet the clarity requirement of H&SC §40727.

WSPA

Response: As discussed in the Staff Report, the California Health and Safety Code Section 40727(b)(3) states that “‘Clarity’ means that the regulation is written or displayed so that its meaning can be easily understood by the persons directly affected by it.” The proposed amendments to Rule 8-8 are written so that its meaning can be easily understood by the persons directly affected by them, and further details in the Staff Report clarify the proposals, delineate the affected industry, compliance options, and administrative requirements for the industries subject to this rule. The Air District has responded to comments indicating a perceived lack of clarity regarding specific rule language in the Staff Report and throughout this document, including specific aspects about proposed Section 8-8-316 raised by the commenter.

Regulatory Impacts Analysis

Comment: The commenter states that H&SC 40727.2(c) requires the Air District’s rulemaking analysis to “compare the elements of each of the identified applicable federal air pollution control requirements to the corresponding element or elements of the district’s proposed new or amended rule or regulation”, and 40727.2(e) states that if there are differences, the Air District’s analysis shall note those differences. The commenter states that the Staff Report makes only cursory mention of the applicable federal air pollution control regulations, with no such comparisons.

WSPA

Response: The Regulatory Impacts Analysis included in Table 5 of the Staff Report includes the necessary information to adequately meet the applicable requirements of California Health and Safety Code Section 40727.2. The information is presented in matrix or tabular format, and compares the proposed amendments to the identified applicable federal air pollution control requirement. The Staff Report makes note of any differences between the sets of provisions, providing details where appropriate.

Socioeconomic impacts

Comment: The commenter states that H&SC 40728.5 requires that the Air District’s assessment of socioeconomic impacts address impacts to all businesses, including small businesses. The commenter states that the Staff Report and Socioeconomic Analysis instead focus on refineries, even though several of the rule changes—including the removal of the low-volume exemption in Section 8-8-110 and the change in the definition of “Total Organic Compounds” to include methane—also apply to non-refineries. The commenter states this is particularly relevant given

that controls that the District has commonly approved as BACT for oil-water separators (i.e., carbon drums) are known to not control methane well.

WSPA

Response: The Socioeconomic Impact Analysis includes an evaluation of the potential significant socioeconomic impacts as required by California Health and Safety Code Section 40728.5. Air District Rule 8-8 applies to refineries as well as non-refinery industrial wastewater systems. As stated in the Staff Report, the proposed amendments to Rule 8-8 include updates to leak detection methods and related definitions that would apply to both refinery and non-refinery industrial systems, however the Air District understands that these updated methods are currently in use by all affected facilities and reflect the current industry practice, and therefore would not result in additional impacts. Additionally, the Air District is not aware of any facility utilizing the limited exemption in current Section 8-8-110 being proposed for deletion. Therefore, the Socioeconomic Impact Analysis focuses on industries and facilities expected to incur compliance costs.

Emission Reduction Potential

Comment: The commenter states that H&SC 40728.5(b)(5) requires the Air District to evaluate the emission reduction potential of the rule or regulation, and the Air District has not done this evaluation. The commenter states that within the Staff Report and the Socioeconomic Impacts Analysis, there appears to be no quantification of estimated emission reductions to be made from the proposed rule changes. The commenter states that those estimated reductions should be quantified and published.

WSPA

Response: California Health and Safety Code Section 40728.5(a) states that whenever a district intends to propose the adoption, amendment, or repeal of a rule or regulation that will significantly affect air quality or emissions limitations, that agency shall, to the extent data are available, perform an assessment of the socioeconomic impacts of the adoption, amendment, or repeal of the rule or regulation. The Staff Report provides relevant information about emissions and emission reductions to the extent available. As discussed in the Staff Report, quantitatively estimating the anticipated emission reductions from these changes may be too speculative and uncertain to accurately predict. Further information about these potential uncertainties and various unpredictable factors is provided in the Staff Report. In addition, historical information on previous Rule 8-8 amendment efforts has been provided in the Staff Report to provide further context of the costs and emission reductions associated with inspection programs and existing requirements. The information presented provides the best available information for consideration by the Air District Board of Directors.