Compliance & Enforcement Overview

Community Equity, Health and Justice Committee Meeting
June 2, 2022

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Presentation Goals

• Provide an overview of the Compliance & Enforcement (C&E) Division programs and activities

• Review the goals, priorities and staff resources of the C&E Division
Presentation Outline

• C&E Division's Goals and Objectives
• C&E Division Overview
• Field Groups and Assignments
• Operations Group and Assignments
• Key Sources and Facilities
• Core Programs, Projects and Enforcement Activities
• Staffing Resources
• 2022 Priorities
Presentation Requested Action

None – Informational Presentation
C&E Goals and Objectives

• Ensure compliance with applicable air quality regulations
  • Air District, State and Federal regulations
  • Air District permit requirements

• Inspect and verify compliance for ~24,000 sources across the Bay Area with a focus on Title V major facilities

• Investigate complaints and address community air quality concerns to help reduce emissions at the local level
C&E Division Overview

Field

- Conduct compliance inspections
- Investigate air quality complaints
- Investigate “self-reported” violations or emissions exceedances
- Conduct audits/investigations that may involve cross-divisional/agency efforts
- Document violations and take appropriate enforcement actions
- Issue Notice of Violations for compliance concerns

Operations

- Provide compliance assistance to the public, contractors and industry
- Correspond with local agencies and organizations
- Record and track enforcement activities and process all field reports and documentation
- Maintain core programs to ensure compliance goals are met
Field Groups and Assignments

Geographical Area Assignments

• 5 Regions:
  • North Bay
  • East Bay
  • Peninsula
  • West and East Contra Costa

Specialty Group Assignments

• Refinery
• Gasoline Dispensing Facilities
• Asbestos

Field Operations Group

• Audits and Investigations
Operations Group and Assignments

**Program Specialists**
- Program support and assistance to ensure industry compliance
- Draft compliance advisories, and policies and procedures
- Prepare reports to EPA and CARB
- Conduct presentations and trainings
- Participate in cross-divisional programs and projects
- Program leads and subject matter experts

**Administrative Support Staff**
- Data entry and compliance tracking
- Assistance with Asbestos, Open Burn, Woodsmoke and other air quality programs
- Records retention of a variety of enforcement reports and documents
- Coordination with other divisions
- Administrative review and processing of enforcement reports

**Radio Telephone Operators**
- Air Quality Complaint Hotline
- Compliance Assistance Line
- Dispatch information to field staff
- Data entry and administrative processing
- Public Records Requests
Key Sources and Facilities

- Oil refineries
- Chemical plants
- Solid / organic waste facilities
- Wastewater treatment facilities
- Paint / coating operations
- Metal facilities
- Cement & asphalt plants
- Printing operations
- Asbestos
- Gas stations
- Semiconductor operations
- Backup generators
Other Programs & Projects

- Title V Program (i.e., Landfills, Refineries, etc.)
- AB 617 Community Health Protection Program
- Landfill Methane Reduction Program
- Flare Minimization Plans
- Emissions Minimization Plans for Metal Facilities
- Variance & Enforcement Agreements
- Open Burn Notifications and Prescribed Fire Incident Reporting

- Naturally Occurring Asbestos Program
- Wildfire Air Quality Response Program
- Commuter Benefits and Cut the Commute Programs
- Woodsmoke and Portable Equipment Programs
- CEQA Coordination with other Divisions
- Rule Development
- New Inspector Training, Certifications, and Safety
- Grant Inspections
Compliance Verification Inspections

- Review site/facility operations for compliance
  - Look for signs for emissions/odors
  - Investigate process upsets/ equipment malfunctions
  - Review records

- Investigate Reportable Compliance Activities (RCAs), flaring events, and Title V deviations

- Identify source specific issues/concerns

- Document violations

- Verify corrective actions
Audits and Investigations

- Comprehensive field investigations and audits
  - Review of plant operations, sources, and abatement and monitoring equipment
    - E.g. Continuous Emissions Monitoring System
    - Extensive data review and analysis
  - Coordinate with technical staff from other divisions to address emissions and compliance concerns

- Participate in Hearing Board activities

- Coordinate with other local regulatory authorities to target non-compliance
Air Quality Complaints

- Air quality complaints may be reported online at [www.baaqmd.gov/complaints](http://www.baaqmd.gov/complaints) or by phone at 1-800-334-6367 (ODOR)
  - Complaints may be reported 24/7, including weekends & holidays
  - Complaints may be filed anonymously or with complainant contact information
- Inspectors investigate, trace and identify the source(s) of concern and conduct inspection(s) at the alleged site/facility
- Document compliance concerns and violations
- Coordinate with other regulatory agencies when applicable

Types of Air Quality Complaints:
- Odors
- Dust
- Smoke
- Asbestos
- Gasoline Stations
- Woodsmoke
Incident Response

- Inspectors and Supervisors maintain a stand-by rotation to respond to incidents
- Respond to air quality complaints and document community impacts
- Provide resources and support other local agencies
- Conduct a thorough investigation following the incident
- Take enforcement action, when applicable
Enforcement Actions

- Document Violations
  - Notice of Violation (NOV)
  - Excess Emissions
  - Records / Administrative
  - Public Nuisance
  - Notice to Comply (NTC)

- Work with Legal staff on enforcement cases and compliance strategies
  - Abatement Order
  - Variances / Hearing Board
Coordination of Enforcement Activities

• Cross-divisional work within the Air District:
  • Engineering
  • Meteorology and Measurement
  • Legal
  • Communications
  • Community Engagement

• Cross-agency coordination
  • California Air Resources Board (CARB)
  • Environmental Protection Agency (EPA)
  • Local Enforcement Agency (LEA)
  • Department of Toxic Substances and Control (DTSC)
  • Other agencies with regulatory authority and jurisdiction (i.e., Cities and Counties)
C&E Staffing Levels

Summary of Staffing Levels (2001 – Present)

Staffing levels are lower than in 1975 and 1995
1975: 91 FTE / 63 Inspectors
1995: 121 FTE / 58 Inspectors

C&E Division (2022)

• Total staff: 79 (6 vacancies)
• Management: 6
• Supervising Air Quality Specialists: 9
• Inspectors: 41
• Air Quality Engineers: 2
• Air Quality Specialists: 8
• Administrative Staff: 8
• Radio Telephone Operators: 5
2022 Priorities

• Enhance focus on Title V major facility inspections

• Increase efforts to conduct comprehensive audits and investigations at Title V facilities or other source categories where there are compliance concerns

• Target enforcement efforts in impacted communities
  • AB 617 Communities in Richmond San Pablo, West Oakland and East Oakland
  • Bay View Hunters Point

• Address chronic violations via the Air District Hearing Board

• Develop a new Air District webpage that makes Notice of Violation information accessible to the public

• Continue cross-training staff to build a robust C&E team
Requested Action

No Action Requested
Q&A
Bay Area Permitting Overview

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Outcome

• Understand the current Air District Permitting Program
Requested Action

• None – informational presentation.
Presentation Outline

• Air District Permitting Program
  • Purpose of Permitting Program
  • New Source Review Permits
  • Major Facility Review Permits

• Questions
Purpose of Permitting Program

• Protect human health, public welfare, property, and economy
• Meet Ambient Air Quality Standards (AAQS)
• Reduce emissions from stationary air pollution devices
• Verify compliance with federal, State, and local air quality regulations
• In 2021, the Air District issued: 850 permits
  • 820 New Source Review permits & registrations
  • 30 Major Facility Review permits
New Source Review (NSR) - Overview

• New Source Review (NSR)
  • Two-Part Process
• Authority to Construct (A/C)
  • Obtained prior to the commencement of construction
  • May require meeting start-up conditions (A/C requirements)
• Permit to Operate (P/O)
  • Allows for the operation of a source
  • Issued after the requirements of the A/C are met
  • Renewed on an annual basis
NSR - Permit Criteria

• New Source Review
  • Best Available Control Technology (BACT)
  • Offsets
  • Air Toxics Health Risk Assessment (HRA)
  • California Environmental Quality Act (CEQA)
• Public Notice
  • Public School / Waters Bill
  • Significant Emission Increases / Offsets
  • Overburdened Community
NSR - Key Review Elements

• Regulation 2, Rules 1 and 2
  • Best Available Control Technology (BACT)
    • Sources that emit 10 pounds per highest day or more of a regulated air pollutant
    • Most stringent control that is cost-effective or achieved in practice
  • Offsets
    • Facilities permitted to emit more than 10 tons per year of nitrogen oxides or precursor organic compounds
    • Facilities permitted to emit more than 100 tons per year of particulate matter or sulfur dioxide
NSR - Key Review Elements (cont.)

• Regulation 2, Rules 1 and 2
  • Public Notice and 30-day public comment period
    • Project within 1,000 feet from a K-12 school
  • *Project located within an Overburdened Community*
    • Project with significant emission increases or banking
• Air District’s Public Notices webpage
  • List of active & historical public notices for permit applications: [www.baaqmd.gov/permits/public-notices](http://www.baaqmd.gov/permits/public-notices)
• Regulation 2, Rule 5
  • Acceptable Project Risk
    • Cancer Risk of 10 in a million or less
      • Overburdened Community: 6 in a million
    • Acute and Chronic Hazard Index of 1.0 or less
NSR - Key Review Elements (cont.)

• Regulation 2, Rule 5 cont’d
  • Source Requirements
    • Best Available Control Technology for Toxic Air Contaminants (TBACT)
      • Cancer Risk greater than 1.0 in a million
      • Chronic Hazard Index greater than 0.20
  • Project definition
    • Lookback period extended from 3 to 5 years (all applications)
• California Public Records Act
  • Right to review public records held by the Air District
  • District’s Permit Applications Received webpage
    • List of permit applications received for the last 2 years: [www.baaqmd.gov/permits/public-notices/permit-applications-received](http://www.baaqmd.gov/permits/public-notices/permit-applications-received)
  • Comments or questions on permit status
    • Air District Permit Ombudsman ([PermitOmbudsman@baaqmd.gov](mailto:PermitOmbudsman@baaqmd.gov))
Major Facility Review (MFR) – Overview

• Major Facility Review (MFR) Purpose
  • Compile all air quality requirements into one document
  • Incorporate new regulatory requirements
  • Include monitoring and recordkeeping

• Major Facility Thresholds
  • 100 tons per year of a regulated air pollutant
  • 10 tons per year of a single hazardous air pollutant
  • 25 tons per year of a combination of hazardous air pollutants
MFR - Key Review Elements

• Regulation 2, Rule 6
  • Application Types
    • Initial
    • Renewal
    • Administrative Amendment
    • Minor Revision
    • Significant Revision
  • Reviews Air Quality Regulations
    • Federal
    • State
    • Local
MFR - Key Review Elements (cont.)

• Regulation 2, Rule 6
  • Comment Opportunities
    • 30-day public comment period for initial, renewal, and significant revision
    • 45-day EPA comment period for initial, renewal, and significant revision
  • Public Hearing – if requested
  • District’s Title V Public Notices webpage
    • List of current public notices for Title V permits: www.baaqmd.gov/permits/major-facility-review-title-v/title-v-permits
Questions