



BAY AREA
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 6

Compliance & Enforcement Overview

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

Ying Yu
Air Quality Specialist
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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



Operations

- 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

- 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

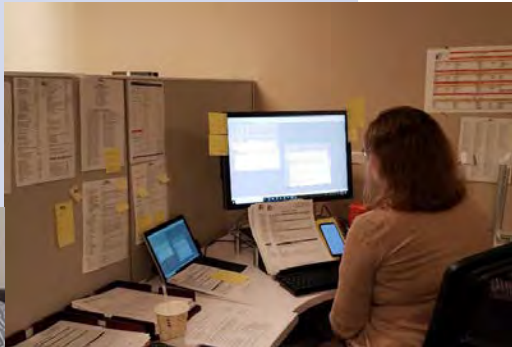
- Program support and assistance to ensure industry compliance
- Draft compliance advisories, and policies and procedures
- Prepare reports to EPA and CARB
- Conduct presentations and trainings
- Participate in cross-divisional programs and projects
- Program leads and subject matter experts

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



Core Programs



Compliance
Verification
Inspections

Audits and
Investigations

Air Quality
Complaints

Incident
Response

Enforcement

Compliance
Assistance

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 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

BAY AREA AIR QUALITY MANAGEMENT DISTRICT
 375 Beale Street, Suite 600, San Francisco, CA 94105
 (415) 749-5000

NOTICE OF VIOLATION No. **A**

ISSUED TO: _____ P G N# _____
 ADDRESS: _____
 CITY: _____ STATE: _____ ZIP: _____
 PHONE: (____) _____
 N# Mailing Address on F81

OCCURRENCE
 NAME: _____
 ADDRESS: _____ Same As Above
 CITY: _____ ZIP: _____
 SOURCE: S# _____ NAME: _____
 EMISSION PT: P# _____ NAME: _____
 DATE: _____ TIME: _____ HRS _____

REG 2 RULE 1 SEC 301 No Authority to Construct
 REG 2 RULE 1 SEC 302 No Permit to Operate
 REG 1 SEC 301 H & S CODE - 41700 Public Nuisance
 REG 2 RULE SEC 307 Failure to Meet Permit Condition
 REG 5 SEC 301 Prohibited Open Burning
 REG 6 RULE 1 SEC 301 Excessive Visible Emissions
 REG _____ RULE _____ SECTION _____ CODE _____
 REG _____ RULE _____ SECTION _____ CODE _____

Details: _____

RECIPIENT NAME: _____
 TITLE: _____

SIGNING THIS NOTICE IS NOT AN ADMISSION OF GUILT _____

→ WITHIN 10 DAYS, RETURN A COPY OF THIS NOTICE WITH A WRITTEN DESCRIPTION OF THE IMMEDIATE CORRECTIVE ACTION YOU HAVE TAKEN TO PREVENT CONTINUED OR RECURRENT VIOLATION. **THIS VIOLATION IS SUBJECT TO SUBSTANTIAL PENALTY.** YOUR RESPONSE DOES NOT PRECLUDE FURTHER LEGAL ACTION.

ISSUED BY: _____ INSP # _____
 DATE: _____ TIME: _____ HRS _____ MAILED

PLEASE PRESS HARD

Continued On Reverse

Coordination of Enforcement Activities



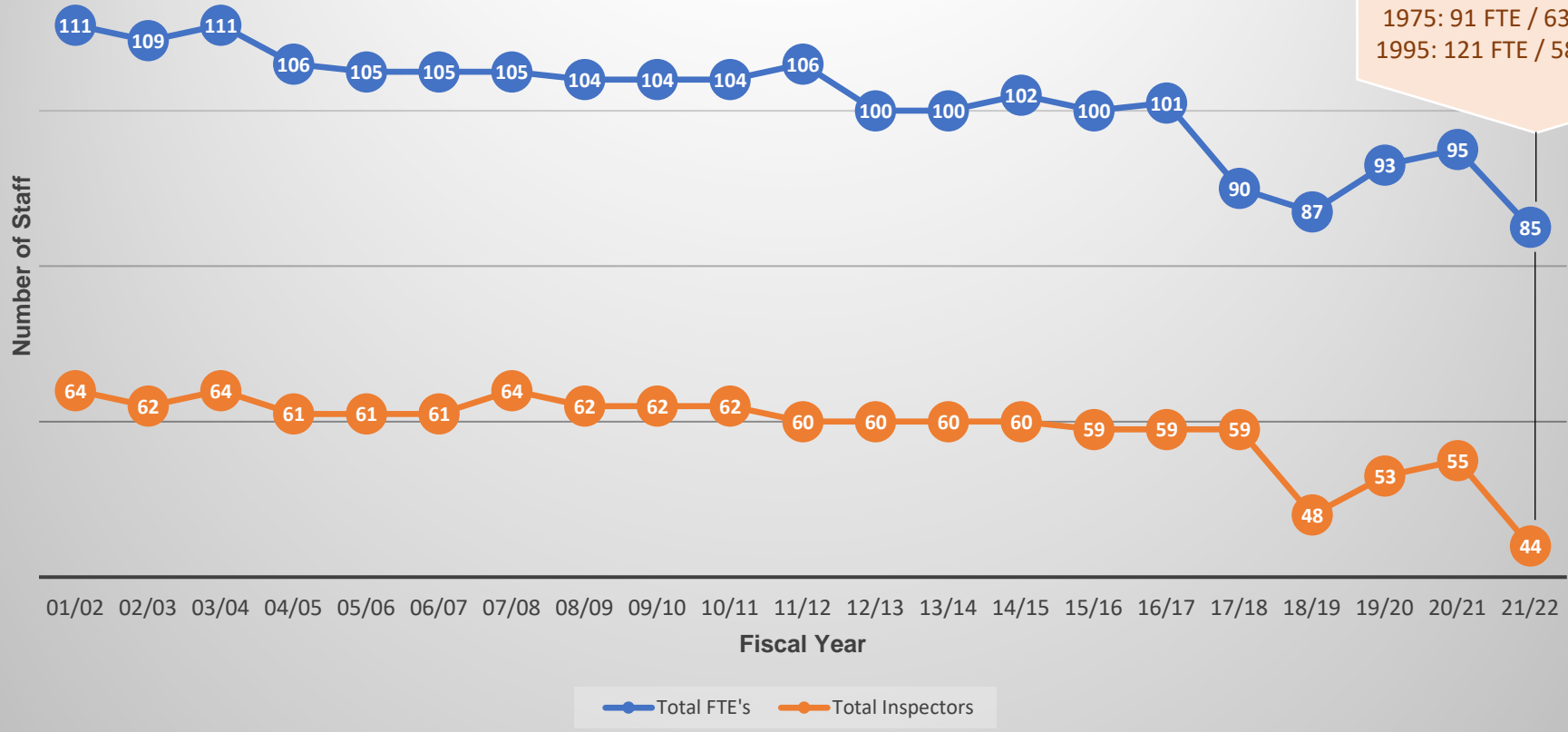
- Cross-divisional work within the Air District:
 - Engineering
 - Meteorology and Measurement
 - Legal
 - Communications
 - Community Engagement
- Cross-agency coordination
 - California Air Resources Board (CARB)
 - Environmental Protection Agency (EPA)
 - Local Enforcement Agency (LEA)
 - Department 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
AIR QUALITY
MANAGEMENT
DISTRICT

AGENDA: 7

Bay Area Permitting Overview

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

Kevin Oei
Supervising Air Quality Engineer
koei@baaqmd.gov

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

NSR - Key Review Elements (cont.)



- 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)

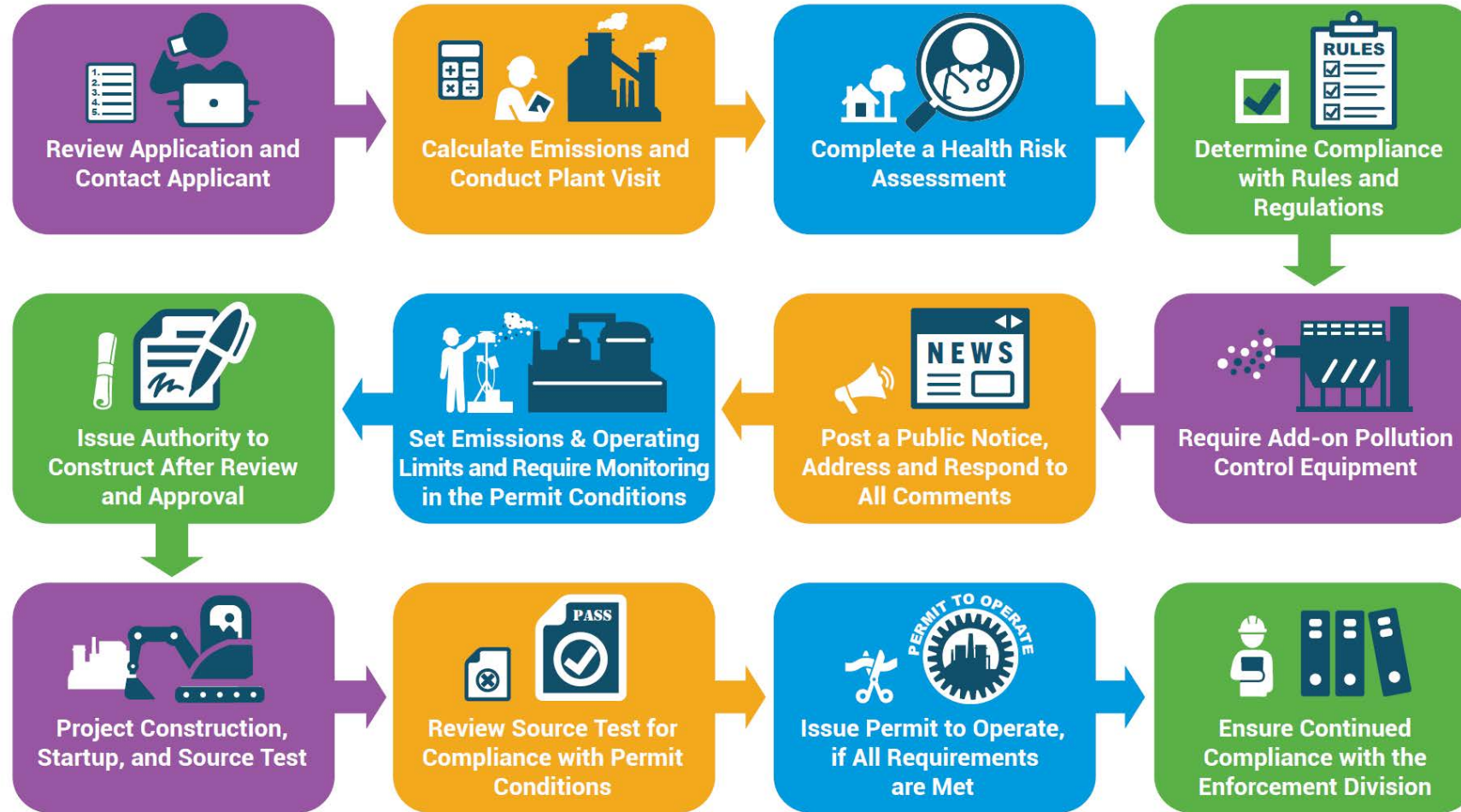
NSR - Key Review Elements (cont.)



- 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
 - Comments or questions on permit status
 - Air District Permit Ombudsman
(PermitOmbudsman@baaqmd.gov)



NSR - Permitting Process



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