BEFORE THE HEARING BOARD OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

AIR POLLUTION CONTROL OFFICER of the BAY AREA AIR QUALITY MANAGEMENT DISTRICT, Complainant,
v. CHEMTRADE WEST US, LLC, Respondent.

DOCKET NO. 3732

ACCUSATION AND STIPULATED CONDITIONAL ORDER FOR ABATEMENT REGULATION 1, RULE 522

The above-captioned matter is an “Accusation and Stipulated Conditional Order For Abatement” (the “Stipulated Order”) filed by Complainant, the Air Pollution Control Officer ("APCO") of the Bay Area Air Quality Management District ("District", “Air District”, or “BAAQMD”) against Respondent Chemtrade West US, LLC (“Chemtrade” or “Respondent”). The District is the regional agency with primary responsibility for the control of air pollution from stationary sources in the San Francisco Bay Area Air Basin. Respondent operates the Chemtrade sulfuric acid manufacturing plant at 525 Castro Street, Richmond, California 94801, Facility No. A0023 (the “Plant” or “Facility”). The Facility is a source of sulfur dioxide ("SO₂") emissions which are monitored, in part, by a Continuous Emissions Monitoring System (“CEMS”) on its Sulfuric Acid Manufacturing Plant (“S-1”). District staff have determined that the S-1 CEMS is improperly configured and cannot comply with applicable monitoring requirements without replacement and reconfiguration.
This Stipulated Order requests that this Hearing Board enter a Conditional Order for Abatement against Respondent that would require Respondent to refrain from operating its Plant after the deadlines stated below unless Respondent has completed all Compliance Actions enumerated below by their indicated deadlines. All Compliance Actions refer specifically to the CEMS unit installed at S-1.

FACTUAL BACKGROUND

A. Chemtrade is a sulfuric acid manufacturing facility and the source, S-1 (sulfuric acid plant), is a contact process served by a catalytic converter tower, abated by a mist eliminator and an emergency caustic scrubber system. Chemtrade has had a federal operating permit (Title V) with the Bay Area Air Quality Management District (Air District) since acquiring the facility from General Chemical in January of 2014. The maximum production capacity of the plant is 219,000 tons/year of 100% H₂SO₄ acid produced. Chemtrade receives spent sulfuric acid by pipeline from the nearby Chevron Richmond Refinery and regenerates it for sale back to the Chevron Richmond Refinery as well as producing various strength acid for other customers.

B. On July 30, 2018, the Air District received a revised Title V Semi-Annual Report from Chemtrade. The report included a failed Relative Accuracy Test Audit (RATA) for Chemtrade’s Oxygen (O₂) analyzer on Chemtrade’s continuous emissions monitoring system (CEMS) on June 14, 2018. The results were submitted to the Air District on July 3, 2018 and the source was retested on July 25, 2018. On October 7, 2019, the Air District received a deviation report from Chemtrade for failing to conduct daily calibrations of its O₂ analyzer for the week of September 23, 2019.

C. On March 8, 2021, Air District Compliance and Enforcement (C&E) staff conducted a site inspection, and notified Chemtrade that it was in violation of the Air District’s Manual of Procedures (MOP) Volume V, Section 5.2 for failure to conduct daily calibrations appropriately. On March 10, 2021, Air District C&E and Meteorology and Measurements Division (M&M) staff again visited Chemtrade. On March 16, 2021, Air District staff issued Chemtrade a Reg. 1, Sec. 441 (1-441) request for historic CEMS data and related CEMS records, which Chemtrade responded to in part on April 15, 2021, and in full on May 14, 2021, after being granted a partial extension.
D. On June 8, 2021, the Air District issued three notices of violation (NOVs), A59547, A59548, and A59549, to Chemtrade which alleged 18 different violations of District regulations, including Regs. 1-522, 2-6, and 9-1. On June 18, 2021, Chemtrade submitted a letter in response to those NOVs alleging that some of the cited violations had been the subject of, and had been resolved by, prior NOVs, alleging that some of the cited regulations were not applicable to Chemtrade, and offering corrective actions. On September 9, 2021, Air District staff and Chemtrade staff met to discuss the alleged violations and a path forward to compliance. As a result of that meeting, Chemtrade believed, erroneously, that the Air District would not accept interim measures to achieve partial compliance. On September 23, 2021, Chemtrade submitted a letter to the Air District which detailed its plans to install a new CEMS at its facility beginning with the submission of design criteria in October 2021, followed by design approval in March 2022, and installation of a new CEMS during the facility’s maintenance turnaround in September and October 2022. Air District staff responded on October 19, 2021, requesting details of Chemtrade’s proposed CEMS installation plan and schedule and asking whether Chemtrade proposed interim compliance measures to address ongoing violations. On October 20, 2021, Air District staff again met with Chemtrade at the facility. The Air District clarified its position that partial compliance is always preferable to ongoing non-compliance and provided examples of steps that could be taken to achieve partial compliance. On October 29, 2021, Chemtrade submitted to the Air District its CEMS replacement design specifications and installation plans as proposed in its September 23, 2021 letter and as required under Reg. 1, Sec. 522.1.

E. On November 3, 2021, Chemtrade formally responded to the Air District’s October 19 letter stating that it would propose interim compliance measures, in addition to installing a new CEMS. On December 9, 2021, the Air District sent Chemtrade a letter in response to Chemtrade’s October 29, 2021 CEMS replacement design specifications and installation plan. The Air District’s response provided a list of interim compliance actions that Chemtrade could take to bring its existing CEMS into compliance. That list of interim compliance actions is the same list provided in the “Compliance Actions” section below. If Chemtrade performs the compliance actions set forth below, the CEMS will be in compliance with Air District regulations and Title V requirements.
CONDITIONAL ORDER FOR ABATEMENT

Cause being found therefore, pursuant to Sections 42451(b) and 42452 of the California Health and Safety Code, THE HEARING BOARD of the BAY AREA AIR QUALITY MANAGEMENT DISTRICT hereby ORDERS:

Respondent Chemtrade West US, LLC shall refrain from operating its Plant after the compliance action deadlines stated below, unless Respondent has completed all compliance actions enumerated below by their indicated deadlines.

COMPLIANCE ACTIONS

I.1 Adequately heat and maintain sample line above moisture dew point of stack gas. Install new/used or rental sample line if necessary. (Reg. 1-522.10). Complete by 4/15/2022.

I.2 Install calibration gas line to existing “T” on CEM probe and ensure daily calibrations challenge the entire CEM system. (Reg. 1-522.5, MOP Vol. V, Section 5.2) Complete by 4/15/2022.

I.3 Ensure daily calibrations (O2 and SO2) are being conducted and are passing performance criteria. This can be achieved manually or automatically through the use of software. (Reg. 1-522.5, MOP Vol. V, Section 5.2). Complete by 4/15/2022.

I.4 Install new/used or rental sample conditioning system for removal of moisture or directly measure moisture content in real-time. Alternatively, indicate to the District that a default value of 3 percent moisture will be assumed for all periods. (SO2 limit = 300 ppm dry). Complete by 4/15/2022.

I.5 Install new/used or rental stack flow probe or develop an alternative approach to measure stack flow in dry standard cubic feet (dscf). (Reg. 1-522.10, MOP Vol. V, Section 3). Complete by 4/15/2022.

I.6 Ensure daily calibration records are being maintained and available upon request. (MOP Vol. V, Sec. 5.2, Reg. 1-522.9). Complete by 4/15/2022.

I.7 Conduct 7-day calibration drift procedure and a Relative Accuracy Test Audit (RATA) on O2/SO2 analyzers as detailed in EPA 40 CFR 60, App. B, Performance Specification 2. The final report for the RATA shall include: exhaust gas flow rate in standard cubic feet per minute (scfm), exhaust gas moisture content (%), percent oxygen content (%), raw sulfur dioxide concentration (ppm),
sulfur dioxide concentration at 12 percent oxygen (ppm, dry basis), and sulfur dioxide mass emission rate (lb/hour). Complete by 5/2/2022.

1.8 Submit 7-Day drift and RATA results to the recipients below within 45 days of testing. (Reg. 1-522.3). Submit by 6/16/2022.

Bay Area Air Quality Management District
Compliance and Enforcement Division
Jeff Gove, Director of Compliance and Enforcement
375 Beale Street, Suite 600
San Francisco, CA 94105
jgove@baaqmd.gov

and

Bay Area Air Quality Management District
Meteorology and Measurement Division
Jerry Bovee, Manager of Meteorology and Measurement
375 Beale Street, Suite 600
San Francisco, CA 94105
Jbovee@baaqmd.gov

SO AGREED, STIPULATED AND EXECUTED.

ADAN SCHWARTZ
ACTING DISTRICT COUNSEL
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
375 Beale Street, Suite 600
San Francisco, CA 94105

By:

JOEL FREID
ASSISTANT COUNSEL II
COUNSEL FOR THE AIR POLLUTION CONTROL OFFICER

DATE: 2/18/22
CHEMTRADE WEST US, LLC,
525 Castro Street
Richmond, California 94801

By: 
NAME: Michael Shepherd
TITLE: Plant Manager
DATE: 02/18/22

Moved by:
Seconded by:

AYES:

NOES:

VALERIE ARMENTO, CHAIR

STIPULATED CONDITIONAL ORDER OF ABATEMENT
BEFORE THE HEARING BOARD OF THE
BAY AREA AIR QUALITY MANAGEMENT DISTRICT
STATE OF CALIFORNIA

AIR POLLUTION CONTROL OFFICER of the
BAY AREA AIR QUALITY MANAGEMENT DISTRICT

Complainant,

vs.

CHEMTRADE WEST US, LLC – CALIFORNIA,

Respondents.

I, Magnolia Vinluan-Chan, declare as follows:

I am over the age of 18, not a party to this action and am employed in the City and County of San Francisco at 375 Beale Street, San Francisco, CA 94105.

I served the following documents to the addressees listed below at the addresses specified:

- FEBRUARY 24, 2022 LETTER TO THE HONORABLE VALERIE ARMENTO
- BAY AREA AIR QUALITY MANAGEMENT DISTRICT’S ACCUSATION AND STIPULATED CONDITIONAL ORDER FOR ABATEMENT REGULATION 1, RULE 522
- NOTICE OF DEFENSE
- STATEMENT TO RESPONDENT
- CALIFORNIA GOVERNMENT CODE SECTIONS 11507.5-11507.7

CERTIFICATE OF SERVICE
By placing the document(s) listed above in a sealed envelope to be sent by Certified, Return Receipt mail with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed to the person(s) at the address(es) set forth below.

☐ By causing personal delivery of the above documents at the address(es) set forth below.

☒ By causing the above documents to be sent to the persons at the electronic notification addresses(es) set forth below.

On February 24, 2022, I served the above-listed documents to the addressees at the addresses listed below:

R. Morgan Gilhuly
BARG COFFIN LEWIS & TRAPP, LLP
600 Montgomery Street, Suite 525
San Francisco, CA 94111-2706
Tel.: (415) 228-5460
Email: mgilhuly@bargcoffin.com

I am readily familiar with the Bay Area Air Quality Management District’s practice of collection and processing of the mail. Under that practice, the mail would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on February 24, 2022, at San Francisco, California.

[Signature]

Magnolia Vinluan Chan

CERTIFICATE OF SERVICE