

**San Diego County Air Pollution Control District
Title V Operating Permit Program Evaluation**

FINAL REPORT

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Conducted by the

U.S. Environmental Protection Agency
Region 9
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ACKNOWLEDGMENTS

EPA Region 9 would like to acknowledge the cooperation of the staff and management of the San Diego County Air Pollution Control District (“SDAPCD”) during this Title V program evaluation. We appreciate their willingness to respond to information requests and share their experiences regarding the development and implementation of SDAPCD’s Title V program.

EXECUTIVE SUMMARY

In response to the 2002 Office of Inspector General audit recommendations, the Environmental Protection Agency (EPA) has re-examined the ways it can improve state and local Title V operating permit programs and expedite permit issuance. Specifically, EPA developed an action plan for performing program reviews of Title V operating permit programs. EPA Headquarters (HQ) directed each Regional office to perform Title V program evaluations for each air pollution control agency beginning in fiscal year 2003.

EPA Region 9 oversees 47 separate air permitting authorities (35 in California, 3 in Nevada, 4 in Arizona, Hawaii, the Navajo Nation, and 3 in the Pacific Islands). Due to the significant number of permitting authorities, Region 9 has committed to performing one comprehensive Title V program evaluation every year of a permitting authority with 20 or more Title V sources. This would represent about 85% of the Title V sources in Region 9 once EPA completes evaluation of those programs. The purpose of the program evaluations is to identify good practices, document areas needing improvement, and learn how EPA can help the permitting agencies improve their performance.

Region 9 recently conducted a Title V program evaluation of San Diego County Air Pollution Control District (SDAPCD). The District's jurisdiction covers all of San Diego County in California. (See Appendix A, Air Pollution Agencies in California.) This is the fifth Title V program evaluation Region 9 has conducted. The first four were conducted at permitting authorities in Arizona and Nevada. The EPA Region 9 program evaluation team consisted of the following EPA personnel: Amy Zimpfer, Associate Director, Air Division; Gerardo Rios, Chief of the Air Permits Office; Ken Israels, Program Evaluation Advisor; Roger Kohn, SDAPCD Program Evaluation Coordinator; and Shaheerah Kelly, Lead Contact for San Diego County.

The evaluation was conducted in four stages. In the first stage, EPA sent SDAPCD a questionnaire (see Appendix B, Title V Questionnaire and SDAPCD Responses) focusing on Title V program implementation in preparation for the site visit at SDAPCD's office. During the second stage of the program evaluation, Region 9 conducted a review of SDAPCD Title V permit files maintained by EPA, including copies of permits, statements of basis, permit applications, and correspondence. The third stage of the program evaluation was the site visit, which consisted of Region 9 representatives visiting the SDAPCD office to interview SDAPCD staff and managers. The site visit took place September 10-14, 2007. The fourth stage of the program evaluation was follow-up and clarification of issues for completion of the draft report.

San Diego County has a population of 2,941,454 (based on 2006 data). SDAPCD has issued initial Title V operating permits to 30 facilities, including all existing major sources. The majority of Title V operating permit holders are power plants, landfills, and manufacturing facilities.

The District benefits from experienced staff and management who successfully implement the title V program. SDAPCD issues Title V permits in a timely manner that are well-written and practically enforceable. All emission limits and other applicable requirements are included in the permits, and monitoring is sufficient to determine compliance with the emission limits.

We do see opportunities for improvement in certain areas, particularly outreach to community groups and public notice procedures. The District has always published notices of proposed permits in a newspaper with a modest circulation and somewhat specialized readership. Also, the District does not focus its outreach efforts according to the demographics of the area in which sources operate, or provide translations of notices and outreach materials.

Based on Region 9's program evaluation of SDAPCD, some major findings are provided below:

1. SDAPCD's Title V program is integrated with the District's existing, mature pre-construction and operating permit program. (See Finding 2.1.)
2. SDAPCD Title V permit writers possess considerable expertise and experience in Title V regulatory and policy matters. (See Finding 2.2.)
3. SDAPCD's statements of basis do not adequately describe regulatory and policy issues or document decisions the District has made in the permitting process. (See Finding 2.6.)
4. SDAPCD does not adequately reach out to communities that have identified environmental justice (EJ) issues with respect to permitting. In addition, the District publishes notices of proposed permits in the Daily Transcript, which focuses on the business community and has a significantly lower circulation among the general public when compared to other newspapers of general circulation in the area. (See Findings 4.1 and 4.3.)
5. SDAPCD works closely and cooperatively with industry on implementing its Title V program. (See Finding 8.1.)

Our report provides a series of findings (in addition to those listed above) and recommendations that should be considered in addressing our findings. We have given SDAPCD an opportunity to review these findings and to consider our recommendations in the context of their organization, their priorities, and resources. In response to our report, as noted in the project workplan that outlines the process we followed in performing this evaluation (see Appendix C), SDAPCD should prepare and submit to EPA a plan that outlines how it intends to address our findings. The District could do this either by using the recommendations found in this report or alternatives that we have agreed to that work best for SDAPCD.

1. INTRODUCTION

Background

In 2000, the Office of Inspector General (OIG) initiated an evaluation on the progress of issuing Title V permits by EPA and states at the request of EPA Region 5 management. Region 5 was concerned about the progress that its state and local air pollution control agencies were making in issuing Title V permits under the Clean Air Act (CAA or the Act). In planning the evaluation, OIG expanded the scope to include other EPA regions because problems in issuing Title V permits were not limited to Region 5. The purpose of OIG's evaluation was to identify factors delaying the issuance of Title V permits by selected state and local agencies and to identify practices contributing to timely issuance of permits by those same agencies.

After reviewing several selected state and local air pollution control agencies, OIG issued a report on the progress of Title V permit issuance by EPA and states¹. In the report, OIG concluded that the key factors affecting the issuance of Title V permits included (1) a lack of resources, complex EPA regulations, and conflicting priorities contributed to permit delays; (2) EPA oversight and technical assistance had little impact on issuing Title V permits; (3) management support, partnerships, and site visits contributed to more timely issuance of Title V permits; and (4) state agency management support for the Title V program, state agency and industry partnering, and permit writer site visits to facilities contributed to the progress that agencies made in issuing Title V operating permits.

OIG's report provided several recommendations for EPA to improve Title V programs and increase the issuance of Title V permits. In response to OIG's recommendations, EPA made a commitment in July 2002 to carry out comprehensive Title V program evaluations nationwide. The goals of these evaluations are to identify areas where EPA's oversight role can be improved, areas where air pollution control agencies are taking unique approaches that may benefit other agencies, and areas of local programs that need improvement. EPA HQ directed each Regional office to perform Title V program evaluations for each air pollution control agency beginning in fiscal year 2003. EPA HQ developed, with the assistance of the regional offices, an evaluation protocol.

EPA Region 9 oversees 47 separate air permitting authorities (35 in California, 3 in Nevada, 4 in Arizona, Hawaii, the Navajo Nation, and 3 in the Pacific Islands). Due to the significant number of permitting authorities, Region 9 has committed to performing one comprehensive Title V program evaluation every year of a permitting authority with 20 or more Title V sources. This would represent about 85% of the Title V sources in Region 9 once EPA completes evaluation of those programs.

¹ See Report No. 2002-P-00008, Office of Inspector General Evaluation Report, AIR, EPA and State Progress In Issuing Title V Permits, dated March 29, 2002.

History of Stationary Source Permitting in California

The State of California has been engaged in efforts to improve air quality for more than 60 years. The California Air Pollution Control Act of 1947 authorized the creation of an Air Pollution Control District in every county of the state. That same year, the Los Angeles County Air Pollution Control District, the first air agency in the nation and the predecessor of today's South Coast Air Quality Management District, was created. Los Angeles County APCD established the first permitting requirements for industrial sources of air pollution. The San Diego County Board of Supervisors created the SDAPCD in 1955. SDAPCD's first permitting regulations became effective on January 1, 1969.

With the passage of the 1970 CAA amendments and subsequent amendments in 1977, the federal government provided the foundation for the current national strategy for reducing air pollution. The 1970 Act set national ambient air quality standards (NAAQS) for non-hazardous pollutants and made states responsible for attaining and implementing the standards via State Implementation Plans (SIP). In addition, the Act required ambient air quality modeling, transportation control measures, and new source review (NSR) programs that required new stationary sources of air pollution, and existing sources making significant modifications, to install control technology to reduce emissions.

The 1990 CAA amendments expanded the federal permitting requirements to add ozone nonattainment classifications (marginal, moderate, serious, severe, extreme), corresponding offset ratios for the NSR program, and the Title V permit program for major stationary sources. The over-arching goal of the Title V program is to improve major stationary source compliance with all applicable federal CAA requirements. This is achieved by requiring states to develop and implement federal operating permits programs pursuant to Title V of the CAA, and sources to obtain Title V permits containing all their applicable CAA requirements.

By this time SDAPCD, like many other air pollution control districts in California, already had a mature permitting program in place that included the issuance of two types of permits. The Authority to Construct (ATC) permit, issued prior to construction of the source or emission unit, typically contained conditions required for the construction and initial operation of the source or emission unit. The ATC permit is then converted to an operating permit, or Permit to Operate (PTO), after construction was completed and operation of the source or emission unit had commenced. During the conversion from ATC to PTO, certain ATC permit conditions were not retained in the PTO if the ATC conditions were determined to be obsolete or irrelevant. Furthermore, since these operating permits were linked to fee payment and renewed annually, new permit conditions were added or revised each year as new rules became applicable. Unlike the new Title V program, these local operating permits were not required to contain all CAA applicable requirements.

Soon after the federal Title V permit program was created, the California Air Resources Board (CARB) and many air districts in the State told EPA that the Title V

program was duplicative of the existing local programs, and did not always mesh well with these programs. In light of this, California (and other States) and EPA began a lengthy process to develop guidance on how best to implement the required federal Title V program in states with existing, mature permitting programs. These discussions resulted in several implementation guidance documents, including two White Papers.

The first White Paper developed nationally with input from CARB and California districts, addressed the development of Part 70 applications, and included a discussion of federal enforceability, obsolete ATC permit conditions, and the simultaneous revision of NSR permits and issuance of Title V permits. SDAPCD has made use of this parallel processing approach to make its permit issuance process more efficient, while still retaining federal enforceability requirements. (See Finding 5.4.)

California air districts, including SDAPCD, and CARB, via the California Title V Implementation Working Group, provided key leadership in the development of the second White Paper. The districts were instrumental in raising and resolving many of the permitting issues that were arising in the state, such as the streamlining multiple overlapping applicable requirements. (See Finding 2.5.)

Other important topics that EPA and the California air districts discussed during this period included periodic monitoring and permit processing. These discussions resulted in the issuance of two additional implementation guidance documents specific to California Agencies. First, a guidance document was developed by EPA, CARB, and CAPCOA (with SDAPCD participation) in 1999 to provide periodic monitoring recommendations for generally applicable SIP emission limits (See Finding 3.1.) Also in 1999, EPA and CAPCOA reached agreement on several Title V permit processing issues, including required statement of basis elements. (See Findings 2.6-2.10.)

Chapters 2 through 9 of this report contain EPA's findings regarding implementation of the Title V permit program by SDAPCD. EPA believes that the history of collaborative efforts among EPA, CAPCOA, and CARB described above has resulted in clearer and more enforceable federal Title V permits in California, including San Diego County. EPA and air agencies in California and elsewhere may need to continue their dialog on the Title V implementation issues discussed in this report.

Title V Program Evaluation at SDAPCD

Region 9 recently conducted a Title V program evaluation of SDAPCD. This is the fifth Title V program evaluation Region 9 has conducted. The first four were conducted at permitting authorities in Arizona and Nevada. The EPA Region 9 program evaluation team consisted of the following EPA personnel: Amy Zimpfer, Associate Director, Air Division; Gerardo Rios, Chief of the Air Permits Office; Ken Israels, Program Evaluation Advisor; Roger Kohn, SDAPCD Program Evaluation Coordinator; and Shaheerah Kelly, Lead Contact for San Diego County.

The objectives of the evaluation were to assess how SDAPCD implements its Title V permitting program, evaluate the overall effectiveness of SDAPCD's Title V program, identify areas of SDAPCD's Title V program that need improvement, identify areas where EPA's oversight role can be improved, and highlight the unique and innovative aspects of SDAPCD's program that may be beneficial to transfer to other permitting authorities. The evaluation was conducted in four stages. In the first stage, EPA sent SDAPCD a questionnaire (see Appendix B, Title V Questionnaire and SDAPCD Responses) focusing on Title V program implementation in preparation for the site visit to the SDAPCD office. The Title V questionnaire was developed by EPA nationally and covers the following program areas: (1) Title V Permit Preparation and Content; (2) General Permits; (3) Monitoring; (4) Public Participation and Affected State Review; (5) Permit Issuance/Revision/Renewal Processes; (6) Compliance; (7) Resources & Internal Management Support; and (8) Title V Benefits.

During the second stage of the program evaluation, Region 9 conducted an internal review of EPA's own set of SDAPCD Title V permit files. SDAPCD submits Title V permits to Region 9 in accordance with its EPA-approved Title V program and the Part 70 regulations. Region 9 maintains Title V permit files containing these permits along with copies of associated documents, permit applications, and correspondence.

The third stage of the program evaluation was the site visit, which consisted of Region 9 representatives visiting the SDAPCD office to conduct further file reviews, interview SDAPCD staff and managers, and review the District's permit-related databases. The purpose of the interviews was to confirm the responses in the completed questionnaire and to ask clarifying questions. The site visit took place September 10-14, 2007.

The fourth stage of the program evaluation was follow-up and clarification of issues for completion of the draft report. Region 9 compiled and summarized interview notes and made follow-up phone calls to clarify Region 9's understanding of various aspects of the Title V program at SDAPCD. The program evaluation team met on a regular basis to work towards completion of the draft report.

SDAPCD Description

The San Diego County Board of Supervisors created the SDAPCD in 1955. SDAPCD's mission is to "protect the public from the harmful effects of air pollution, achieve and maintain air quality standards, foster community involvement, and develop and implement cost-effective programs meeting state and federal mandates, considering environmental and economic impacts."² SDAPCD is organized into four divisions: Administrative Services, Engineering (which includes permitting), Compliance, and Monitoring and Technical Services.

Stationary source operating permits, including Title V permits, are issued by the Engineering Division. Compliance and enforcement activities, such as facility

² From fact sheet posted on SDAPCD website

inspections and preparing enforcement cases are handled by the Compliance Division. Source testing is conducted by the Monitoring and Technical Services Division.

The SDAPCD Title V Program

EPA granted SDAPCD's Title V program interim approval on December 7, 1995, and full approval on December 7, 2001. EPA also approved a program revision on December 29, 2003. See 40 CFR Part 70, Appendix A.

Part 70, the federal regulation that contains Title V program requirements that states had to incorporate into their own Title V rules, requires that a permitting authority take final action on each permit application within 18 months after receipt of a complete permit application, except that action must be taken on an application for a minor modification within 90 days after receipt of a complete permit application.³ SDAPCD's local rules contain the same timeframes for Title V permit issuance.

When SDAPCD's Title V program was first approved, the District had a total of 29 Title V sources and a larger number of sources that the District expected to become synthetic minors. The District has sufficient permitting resources and has processed Title V permit applications in a timely manner, and does not anticipate any roadblocks in the issuance of permit renewals. As of April 2008, SDAPCD has issued 30 initial Title V permits, and seven renewal permits.

EPA's Findings and Recommendations

The following sections include a brief introduction, and a series of findings, discussions, and recommendations. The findings are grouped in accordance with the order of the program areas as they appear in the Title V questionnaire. However, this report does not include a section on General Permits, which was a topic covered in the questionnaire, since SDAPCD does not issue General Permits under the Title V program. EPA Region 9 added a chapter on records management (chapter 9) to the report.

The findings and recommendations in this report are based on EPA's internal file reviews performed prior to the site visit to SDAPCD, the District's responses to the Title V Questionnaire, interviews and file reviews conducted during the September 10-14, 2007, site visit, and follow-up phone calls during the months after the site visit.

³ See 40 CFR 70.7(a)(2) and 70.7(e)(2)(iv).

2. PERMIT PREPARATION AND CONTENT

The purpose of this section is to evaluate the permitting authority's procedure for preparing Title V permits. The requirements of Title V of the CAA are codified in 40 C.F.R. Part 70. The terms "Title V" and "Part 70" are used interchangeably in this report. Part 70 outlines the necessary elements of a Title V permit application under 40 CFR 70.5, and it specifies the requirements that must be included in each Title V permit under 40 CFR 70.6. Title V permits must include all applicable requirements, as well as necessary testing, monitoring, recordkeeping, and reporting requirements sufficient to ensure compliance with the permit.

2.1 Finding: SDAPCD's Title V program is integrated with the District's existing, mature pre-construction and operating permit program.

Discussion: When EPA approved SDAPCD's Title V Operating Permit program in 1995, the District had already been implementing a mature pre-construction and operating permit program locally for many years. The District built its Title V program on the foundation of its existing program. In consultation with CARB and Region 9, the District reviewed its existing operating permits and modified them to meet Title V requirements, including the citation of the origin and authority for each permit condition. The Title V permit is completed by the addition of a new section that contains all the facility-wide applicable requirements and Title V administrative conditions. The District's pre-Title V permitting experience contributed to a Title V permitting approach that has been successful and meets the needs of the County, industry, and EPA.

Recommendation: SDAPCD should continue its successful Title V permit format.

2.2 Finding: SDAPCD Title V permit writers possess considerable expertise and experience in Title V regulatory and policy matters.

Discussion: The two SDAPCD Title V permit writers that EPA interviewed have worked at the District for a combined total of over 40 years. The District's ability to retain employees has allowed its staff to develop expertise in Title V policy and programmatic issues. (See Finding 7.3.) Staff knowledge of Part 70 and other regulatory requirements, as well as EPA guidance, is a significant factor in the District's successful implementation of the Title V program.

Recommendation: The District should continue the practices that have produced such knowledgeable Title V permit writers.

2.3 Finding: SDAPCD has an internal quality assurance process for reviewing draft permits prior to formally proposing permits for public and EPA review.

Discussion: All draft permits undergo an extensive internal peer review process before they are proposed for public and EPA review. Draft permits are sent to the Compliance Division and the senior engineer in the appropriate Engineering Division section, depending on the source type. This internal process typically lasts 30-60 days and helps SDAPCD ensure consistency in permit language. Management does not typically get involved in this review unless an unresolved issue requires attention.

Recently the process has been automated, via email. This allows the permit writer to keep track of which reviewer has the draft permit, and for how long the reviewer has had it. This process improvement has increased accountability and made the review process quicker.

Recommendation: SDAPCD should continue this beneficial practice. The District could also consider expanding the review process to include the statements of basis (SDAPCD's Application Review Coversheets) that support the draft permits.

2.4 Finding: Final Title V permits are not signed.

Discussion: EPA's review of its own and the District's Title V files showed that final Title V permits (as well as local operating permits) are not signed by an appropriate District official. Interview responses confirmed that Title V permits were signed in the past, but at some point this practice was discontinued. The reasons for this decision were not articulated to EPA. While Part 70 and SDAPCD's EPA-approved Title V program do not explicitly require that final Title V permits be signed, the failure to do so is unusual and undermines the District's documentation of its Title V permitting decisions. In a worst case scenario, this practice could conceivably interfere with enforcement of a permit.

Recommendation: EPA recommends that all final Title V permits (initial permits, renewals, and modifications) be signed by a District official authorized to make permit decisions.

2.5 Finding: SDAPCD follows EPA guidance on streamlining multiple overlapping applicable requirements.

Discussion: Title V sources are frequently subject to multiple overlapping applicable requirements such as emission limits, monitoring, record keeping, and reporting requirements, based on NSPS, SIP rules and NSR. EPA addressed this

issue in guidance early in the development of the Title V program.⁴ The guidance presented a step-by-step process for permit applicants to compare overlapping applicable requirements and streamline them into a single set of permit terms and conditions.

SDAPCD has implemented this guidance as it was intended. Source have the option to propose streamlining in District application form 1401-O. This form walks sources through the process of providing a side-by-side comparison of applicable requirements, choosing the most stringent, and proposing a streamlined set of conditions. The source's proposal is summarized in the District's Application Review Coversheet, and the entire submittal is included as an attachment. If a source does not propose streamlining, SDAPCD includes all the overlapping applicable requirements in the permit.

Recommendation: SDAPCD should continue this practice.

- 2.6 Finding:** SDAPCD's statements of basis do not adequately describe regulatory and policy issues or document decisions the District has made in the permitting process.

Discussion: Part 70 requires Title V permitting authorities to provide "a statement that sets forth the legal and factual basis for the draft permit conditions" (40 C.F.R. § 70.7(a)(5)). The purpose of this requirement is to support the proposed Title V permit with a discussion of the decision-making that went into the development and provide the permitting authority, the public, and EPA a record of the applicability determinations and technical issues surrounding the issuance of the permit. The statement of basis should document the regulatory and policy issues applicable to the source, and is an essential tool for conducting meaningful permit review.

In the early days of Title V program implementation, EPA Region 9 and the California air pollution control districts reached agreement on issues that should be addressed in statements of basis supporting proposed Title V permits. This topic was addressed in a letter from Region 9 Permits Office Chief to the Chairperson of the California Air Pollution Control Officers Association (CAPCOA), dated February 19, 1999 (see Appendix D). The letter lists specific issues that, if applicable, should be addressed in statements of basis.

SDAPCD has complied with the spirit of our agreement by producing what it calls a "Title V Application Review Coversheet" for each proposed permit. In some areas, the District has excelled in its effort to carry out the agreement. For example, the District presents well-prepared streamlining demonstrations in

⁴ White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program, March 5, 1996

accordance with EPA guidance. (See Finding 2.5 for a more complete discussion of this topic.)

However, EPA's evaluation of the Coversheets SDAPCD has produced in the years following the CAPCOA agreement shows that the District has neglected to address, or has insufficiently addressed, several topics in the agreement. This is partly due to the format used for the Coversheets, which consists mostly of checkboxes and tables and lacks explanatory text. While there is space for permit writers to make additional comments, it is rarely used. With this approach, SDAPCD misses an opportunity to fully document its decisions and the facts associated with the permitting action.

Furthermore, subsequent EPA guidance issued in the years following the CAPCOA agreement has reiterated and expanded upon the requirement to address certain issues in statements of basis. The December 20, 2001 letter from EPA Region 5 to the Ohio Environmental Protection Agency and the Notice of Deficiency (NOD) issued by EPA Region 6 to Texas on January 7, 2002 both address the required content of statements of basis. (See Findings 2.7 and 2.10.) The EPA Administrator's May 24, 2004 Order responding to a petition to EPA to object to the proposed Title V permit for the Los Medanos Energy Center includes the Administrator's response to statement of basis issues raised by the petitioners⁵. The Order states that:

A statement of basis ought to contain a brief description of the origin or basis for each permit condition or exemption. However, it is more than just a short form of the permit. It should highlight elements that EPA and the public would find important to review. Rather than restating the permit, it should list anything that deviates from a straight recitation of requirements. The statement of basis should highlight items such as the permit shield, streamlined conditions, or any monitoring that is required under 40 C.F.R. 70.6(a)(3)(i)(B)...Thus, it should include a discussion of the decision-making that went into the development of the title V permit and provide the permitting authority, the public, and EPA a record of the applicability and technical issues surrounding the issuance of the permit.

The Order goes on to say that the Region 5 and 9 letters and Texas NOD "provide a good road map as to what should be included in a statement of basis."

In 2005, the Administrator addressed statement of basis content again in his response to petitions to object to refinery Title V permits proposed by the Bay

⁵ This document is available in the Title V petition database on the EPA Region 7 website at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2001.htm>

Area Air Quality Management District (Tesoro, Valero, ConocoPhillips, and Chevron)⁶.

This EPA guidance has consistently explained the need for permitting authorities to produce statements of basis with sufficient detail to document their decisions in the permitting process. Appendix E of this report contains a summary of EPA guidance on required statement of basis elements. In general, the District's Coversheets do not meet the current standard of what statements of basis should contain. In the following four findings, we discuss specific areas that need improvement.

Recommendation: SDAPCD should expand the scope of its Coversheets to address all salient Title V permit issues. The District should supplement its checkbox and tabular format with explanatory text. SDAPCD should review Findings 2.7 through 2.10 of this report (and the associated recommendations), and implement EPA guidance on statements of basis (listed in Appendix F).

2.7 Finding: SDAPCD does not address periodic monitoring in its Application Review Coversheets.

Discussion: One part of the EPA/CAPCOA agreement that SDAPCD is not implementing is documenting its periodic monitoring decisions. CAPCOA agreed to address periodic monitoring decisions in statements of basis if the monitoring departs from previously agreed-upon levels, such as those contained in the June 24, 1999 guidance "CAPCOA/CARB/EPA Region IX Periodic Monitoring Recommendations for Generally Applicable Requirements in SIP" (included in Appendix G). SDAPCD's Coversheet template does not have a section devoted to explaining periodic monitoring decisions, and such decisions are never addressed in the Coversheets for specific permits. The need for source-specific gap-filling monitoring in SDAPCD permits may be limited due to SDAPCD's strong NSR program, sufficient monitoring already contained in SIP-approved prohibitory rules, and the use of CEMS in some cases for combustion sources. As noted in Finding 3.1, SDAPCD Title V permits contain sufficient monitoring. Yet the fact that periodic monitoring is not addressed in SDAPCD statements of basis means that the public and EPA are never informed if SDAPCD has made a periodic monitoring decision, which impairs the ability to comment on any such decisions.

In the years since the 1999 EPA Region 9/CAPCOA agreement, EPA has issued additional guidance that reinforces the need to address periodic monitoring in statements of basis. For example, the Order responding to a petition to EPA to object to the proposed Title V permit for the Fort James Camas Mill in Washington state, signed by the EPA Administrator on December 20, 2000, states

⁶ These documents are available on the EPA Region 9 website at: <http://www.epa.gov/region09/air/ca/sfrefineries/index.html>

that “the rationale for the selected monitoring method must be clear and documented in the permit record.”⁷ This requirement was reiterated in the NOD issued by EPA Region 6 to Texas, which states that “a statement of basis should include... the rationale for the monitoring methods selected” (67 Fed. Reg. 735, January 7, 2002)⁸.

Recommendation: SDAPCD should add a periodic monitoring section to its Application Review Coversheets and address monitoring on a case by case basis in the Coversheets. The Coversheets should describe the nature and rationale for any periodic monitoring that the District has added to the permit, or explain that no additional monitoring has been added, either because the monitoring in the underlying applicable requirement is sufficient to assure compliance or that the monitoring that has been added does not depart from previously agreed-upon levels.

2.8 Finding: SDAPCD does not adequately describe its decisions to grant or deny requests for permit shields in its Application Review Coversheets.

Discussion: Sources may request, and permitting authorities may grant at their discretion, permit shields under two circumstances. A permitting authority may grant a shield from an applicable requirement if it has been incorporated into the permit, or if the permitting authority determines that a requirement is not applicable to the source.

Permit shields typically receive scant attention in SDAPCD’s Coversheets and, in light of both the CAPCOA agreement and subsequent EPA guidance, this is a topic that deserves more detailed treatment. SDAPCD addresses permit shields in tabular form in section 8 of its Coversheets. When the District has provided explanations, they consist of short phrases or single words that lack sufficient detail and are of limited utility to permit reviewers. In some cases, the District did not include any explanation of its decision.

For example, the Coversheet for the San Diego Metropolitan Biosolids Center states that the District is granting a request for a permit shield for New Source Performance Standard (NSPS) Subpart Dc. The Coversheet does not identify what Subpart Dc applies to, and provides no justification for granting the shield beyond stating that “alternative record-keeping for natural gas combustion ensures compliance with underlying requirement.” Presumably, the District is granting the shield because record-keeping in the permit will demonstrate that the source is complying with the particulate matter and sulfur dioxide standards in Subpart Dc, and that therefore the NSPS requirements have been subsumed under

⁷ This document is available in the Title V petition database on the EPA Region 7 website at: <http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb2000.htm>

⁸ This Federal Register notice is available on EPA’s website at: <http://www.epa.gov/fedrgstr/EPA-AIR/>

the record-keeping requirements; but without further explanation, this is not clear or justified.

Similarly, two other Coversheets (Cabrillo Power and Dynegy South Bay) simply say “request”, which provides no explanation of the basis for granting or denying the shields. In fact, both facilities initially requested permit shields, but ultimately withdrew their requests, but this is not explained in the Coversheets. In another example, the District granted ARCO a shield from National Emission Standards for Hazardous Air Pollutants (NESHAP) Subparts J and V by stating that the “benzene concentration is less than 10% by weight”. This statement does not address the origin and significance of the 10% figure, or even state whether the Subparts J and V are applicable to the source.

The Coversheet for the initial permit for CP Kelco proposed by SDAPCD in October 2002 lists approximately 90 NSPS and NESHAP subparts for which the District granted permit shields. (See the discussion of the applicability aspect of this in Finding 2.10.) Apart from granting an inordinate number of shields, including shields from regulations where there was no legitimate applicability question, the issue warrants more explanation than the one sentence justification that the District provided.

Finally, the Coversheets for three landfill permits (Miramar, San Marcos, and Minnesota Methane/Convoy St.) state that the shield request for NSPS Subpart WWW is being denied because the “Subpart WWW is applicable to the landfill.” This explanation is incomplete, since shields may be granted for applicable requirements that have been incorporated into the permit. Perhaps SDAPCD exercised its discretion to deny the shield request because it was reluctant to grant a shield for an applicable requirement as complex as Subpart WWW, but this is not clear in the Coversheet.

Recommendation: SDAPCD should expand its discussions of permit shields in its Application Review Coversheets. The explanation should specify which type of shield has been requested, i.e., whether the regulation applies to the source or not. If a shield from an applicable requirement that a facility is subject to has been granted, the Coversheet should refer the reader to the permit conditions that incorporate the requirement. If a shield has been granted because a specific regulation does not apply to a source, the District should explain its concurrence with the applicant’s nonapplicability determination with sufficient specificity to justify the shield.

2.9 Finding: SDAPCD does not adequately document Compliance Assurance Monitoring (CAM) in its Application Review Coversheets.

Discussion: The CAM regulations, codified in 40 C.F.R. Part 64, targets Title V sources with large emission units that rely on add-on control devices to comply with applicable requirements. The underlying principle, as stated in the preamble,

is “to assure that the control measures, once installed or otherwise employed, are properly operated and maintained so that they do not deteriorate to the point where the owner or operator fails to remain in compliance with applicable requirements” (62 FR 54902, 10/22/97). Under the CAM approach, sources are responsible for proposing a CAM plan to the permitting authority that provides a reasonable assurance of compliance to provide a basis for certifying compliance with applicable requirements for pollutant-specific emission units (“PSEU”) with add-on control devices.

SDAPCD does not adequately address CAM applicability and the District’s approval of specific CAM plans in the Coversheets. The lack of information about CAM discussions makes meaningful review of proposed permits by EPA and the public more challenging.

So far SDAPCD has issued Title V permits to two power plants subject to CAM: Cabrillo Power and Dynegy South Bay. The Coversheets for both of the proposed permits indicate via checkboxes that the sources are subject to CAM and that the District has reviewed the sources’ CAM plans and added conditions to the permit. But SDAPCD does not identify specific emission units, control devices, and pollutant(s) subject to CAM. There is no explanatory text that summarizes the applicants’ proposed control device parameter monitoring and provides the District’s analysis of the adequacy of the proposal.

Conversely, the Coversheets for sources that were not subject to CAM at the time of permit issuance merely state in checkbox format that the sources are not subject to CAM, without any explanation of why that is the case based on the applicability criteria in 40 CFR 64. 2. The Coversheets do not inform the permit reviewer if the source has no control devices, or no emission unit with a pre-control potential to emit (PTE) above the Title V major source threshold, or will not be subject to CAM until permit renewal.

Recommendation: The District should address CAM in its Application Review Coversheets with sufficient detail for the reader to understand whether or not any emission unit at the facility is subject to CAM. When CAM does apply, SDAPCD should summarize the facility’s proposed CAM plan and state whether the District is approving the plan or not. If the District is approving the plan but some aspects of the CAM monitoring in the permit differ from facility’s proposal, these differences should be highlighted and explained.

2.10 Finding: SDAPCD does not discuss any applicability requirements or exemption provisions in its Application Review Coversheets.

Discussion: A statement of basis should summarize the regulatory provisions that apply to the facility, and provide explanations in cases where additional

interpretation or discussion is warranted. SDAPCD's Coversheets do not contain discussions of applicability or exemptions.

EPA guidance issued in the years following the 1999 EPA Region 9/CAPCOA agreement addresses this issue. The December 20, 2001 letter from EPA Region 5 to the Ohio Environmental Protection Agency highlights several topics that should be addressed by permitting authorities in Title V statements of basis, including applicability determinations.⁹ The letter states:

The SB should include a discussion of any complex applicability determinations and address any non-applicability determinations. This discussion could include a reference to a determination letter that is relevant or pertains to the source. If no separate determination letter was issued, the SB should include a detailed analysis of the relevant statutory and regulatory provisions and why the requirement may or may not be applicable. At a minimum, the SB should provide sufficient information for the reader to understand OEPA's conclusion about the applicability of the source to a specific rule.

SDAPCD does not devote a section in its Coversheets to document its determinations in cases where there is ambiguity regarding the applicability of a particular regulation such as a Maximum Achievable Control Technology (MACT) standard or NSPS. For example, the Title V permit for the Solar Turbines facility on Ruffin Rd. does not contain requirements from NSPS Subpart GG, which applies to stationary gas turbines. There are several possible reasons that Subpart GG does not apply to the turbines at this facility. The turbines could qualify for the exemption for research and development in 40 CFR 60.332(h). Or the turbines could have been constructed prior to the applicability date of Subpart GG (and were never reconstructed). Or the emission units could be the test cells the facility uses to test the turbines, not the turbines themselves. The District ultimately made such a determination about the test cells in this case. But the District's Coversheet for the permit renewal proposed in May 2006 does not explain why subpart GG is not applicable.

Another example is the Coversheet for the initial permit for CP Kelco proposed by SDAPCD in October 2002, which lists approximately 90 NSPS and NESHAP subparts for which the District granted permit shields. (See the discussion of the shield aspect of this in Finding 2.8.) Presumably there was some doubt about the applicability of one or more of those regulations. But the Coversheet does not discuss the applicability of any of them.

Recommendation: The District must discuss its applicability determinations in its Coversheets in cases where additional explanation or analysis would be useful.

⁹ This document is available in the Title V policy and guidance database on the EPA Region 7 website at: <http://www.epa.gov/region07/programs/artd/air/title5/title5pg.htm>

3. MONITORING

The purpose of this section is to evaluate the permitting authority's procedure for meeting the Title V monitoring requirements. Part 70 requires Title V permits to include monitoring and related recordkeeping and reporting requirements (see 40 CFR 70.6(a)(3)). Each permit must contain monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements. Where the applicable requirement does not require periodic testing or instrumental or non-instrumental monitoring, the permit has to contain periodic monitoring sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit. As necessary, permitting authorities must also include in Title V permits requirements concerning the use, maintenance, and, where appropriate, installation of monitoring equipment or methods.

Title V permits must also contain recordkeeping for required monitoring and require that each Title V source retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. With respect to reporting, permits must include all applicable reporting requirements and require (1) submittal of reports of any required monitoring at least every 6 months and (2) prompt reporting of deviations from permit requirements. All required reports must be certified by a responsible official consistent with the requirements of 40 CFR 70.5(d).

Title V permits must also include CAM provisions where CAM is required.¹⁰ In addition to periodic monitoring, all Title V permits are required to evaluate the applicability of CAM and include a CAM plan as appropriate. CAM is typically applicable either at permit renewal, or for large pollutant emitting sources, upon the submittal of a significant Title V permit revision. CAM requires a source to develop parametric monitoring for certain units with control devices, which may be in addition to any periodic monitoring, to assure compliance with applicable requirements.

3.1 Finding: SDAPCD Title V permits contain monitoring that is sufficient to determine compliance with emission limits.

Discussion: The District's Title V universe is dominated by power plants, cogeneration plants, landfills, and manufacturing. EPA has reviewed many proposed District Title V permits over the years, and has consistently found that they contain sufficient monitoring. Our file review also confirms that SDAPCD's Title V permits have appropriate monitoring provisions.

As noted in Finding 2.7, SDAPCD's strong NSR program, sufficient monitoring already contained in SIP-approved prohibitory rules, and the use of CEMS in some cases for combustion sources, often ensure sufficient monitoring. Source

¹⁰ See 40 CFR Part 64.

testing, parametric monitoring of control device operation, and associated record keeping are used to assure compliance with emission limits. Where gaps occur in qualifying emission units, SDAPCD relies on the 1999 CAPCOA/CARB/EPA periodic monitoring guidance.

Recommendation: SDAPCD should continue to ensure that all Title V permits have monitoring sufficient to determine compliance.

3.2 Finding: Title V permits for sources subject to CAM do not contain all the required elements of 40 CFR Part 64.

Discussion: The CAM regulations, codified in 40 C.F.R. Part 64, applies to Title V sources with large emission units that rely on add-on control devices to comply with applicable requirements. The underlying principle to assure that the control devices are properly operated and maintained so that they do not deteriorate to the point where the source is out of compliance with an emission limit. SDAPCD has issued two permits that contain CAM requirements, the initial permits for Cabrillo Power and Dynegy (formerly Duke) South Bay.

Both permits require the sources to inject steam or water within a “NO_x envelope” specified in charts that the permittees are required to maintain on-site and make available to the District upon request. The permits therefore lack the parameter range requirement specified in Part 64, and impede EPA and the public access to the ranges. In addition, neither permit defines an “excursion” as an injection rate that is outside of the range approved by the District. Part 64 defines the terms “excursion” and “exceedance” and requires permitting authorities to define at least one of them in Title V permits.

We also note that Part 70 was revised when Part 64 was promulgated. One of the changes was to §70.6(c)(5)(iii), which now requires that annual compliance certifications “identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred.” The compliance certification conditions in the Cabrillo Power and Dynegy permits do not include this requirement.

Recommendation: SDAPCD should ensure that Title V permits for sources with emission units subject to CAM contain all required elements of Part 64, including parameter ranges and definitions of excursions or exceedances. To be consistent with current Part 70 requirements, we also recommend that the District use the updated compliance certification language in all future permits in which there are any emission units subject to CAM.

4. PUBLIC PARTICIPATION AND AFFECTED STATE REVIEW

This section examines SDAPCD procedures used to meet public participation requirements for Title V permit issuance. The federal Title V public participation requirements are found in 40 CFR 70.7(h). Title V public participation procedures apply to initial permit issuance, significant permit modifications, and permit renewals. Adequate public participation procedures must provide for public notice including an opportunity for public comment and public hearing on the proposed permit, permit modification, or renewal. Proposed permit actions must be noticed in a newspaper of general circulation or a State publication designed to give general public notice to persons on a mailing list developed by the permitting authority, to those persons that have requested in writing to be on the mailing list, and by other means necessary to assure adequate notice to the affected public.

The public notice should, at a minimum, identify the affected facility; the name and address of the permitting authority processing the permit; the activity or activities involved in the permit action; the emissions change involved in any permit modification; the name, address, and telephone number of a person from whom interested persons may obtain additional information, including copies of the draft permit, the application, all relevant supporting materials, and all other materials available to the permitting authority that are relevant to the permit decision; a brief description of the required comment procedures; and the time and place of any hearing that may be held, including procedures to request a hearing. See 40 CFR 70.7(h)(2).

The permitting authority must keep a record of the public comments and of the issues raised during the public participation process so that EPA may fulfill the Agency's obligation under section 505(b)(2) of the Act to determine whether a citizen petition may be granted. The public petition process, 40 CFR 70.8(d), allows any person to petition the EPA to object to a Title V permit if EPA does not object to the permit in writing as provided under 40 CFR 70.8(c). Public petitions to object to any Title V permit must be submitted to EPA within 60 days after the expiration of the EPA 45-day review period. Any petition submitted to EPA must be based only on comments regarding the permit that were raised during the public comment period, unless the petitioner demonstrates that it was impracticable to raise such objections within such period, or unless the grounds for such objection arose after such period.

4.1 Finding: SDAPCD does adequately not reach out to communities that have identified environmental justice (EJ) issues with respect to permitting.

Discussion: The District currently does not focus its outreach efforts according to the demographics of the area in which sources operate or in relation to the public complaints they receive regarding permitted facilities. Some communities, especially those near the San Diego port have expressed concern about the need for translation services so that they may have a better understanding of what types

of industry are being permitted and are operating in their neighborhoods. Aside from the industry-focused compliance assistance efforts in Barrio Logan, EPA was unable to identify through our interviews any outreach which involved translation services to specific communities. According to U.S. Census Bureau figures (see Appendix H), between 2000 and 2006, the number of people who speak a language other than English at home grew by over 111,000 (an increase from 33 percent of the San Diego County population in 2000 to 36 percent in 2006). These data indicate that the population SDAPCD serves is changing and these changes may warrant a change in SDAPCD's outreach approaches. EPA believes that permitting authorities should consider providing translations and other outreach activities to community members that may be affected by their Title V permitting process. (See Finding 4.3 for additional discussion.)

Recommendation: SDAPCD should consider the need for conducting Title V permit-related outreach in ways consistent with the changing demographic composition of communities near permitted sources.

- 4.2 Finding:** The District's Office of Community Outreach and Training primarily focuses internally on District staff training needs, not externally on Title V outreach to communities.

Discussion: The District currently focuses very little on outreach to communities which may be affected by emissions from Title V sources. In our interviews, we found that the primary focus of the Community Outreach and Training function at the District, beyond attending health fairs and similar events, was on internal training needs. As noted in this chapter, the District performs limited outreach in affected communities. EPA believes that the District should try to balance community outreach needs with its internal training needs so that affected communities may be made more aware of and can engage in Title V permitting decisions.

Recommendation: The District should consider balancing its community outreach needs with its competing internal needs to ensure effective community outreach.

- 4.3 Finding:** The District publishes notices of proposed permits in the Daily Transcript which focuses on the business community. The Daily Transcript has a significantly lower circulation among the general public when compared to other newspapers of general circulation in San Diego County.

Discussion: For as long as the District has published public notices relating to permitting, it has used the Daily Transcript. The Daily Transcript focuses on the business community and has a relatively small circulation when compared to other newspapers of general circulation. For example, the Daily Transcript

reported a circulation of 6,404 while the San Diego Union-Tribune reported a circulation greater than 311,324 for similar reporting periods (calendar year 2005).¹¹ The total population of San Diego County in 2006 was 2,941,454.¹² When comparing the 2005 circulation data of these two newspapers to the 2006 total County population data, the Daily Transcript reaches a total of approximately 0.2% of the population, while the San Diego Union-Tribune reaches a total of approximately 10.6% of the total population.¹³

Recommendation: The District should publish its notices of proposed Title V permits in a newspaper with a larger circulation, in addition to or instead of the Daily Transcript, so that the greatest number of people in the County is aware of its Title V permitting activities.

4.4 Finding: The District has never received any comments from community members on proposed Title V permits.

Discussion: During our interviews and file reviews, we did not find any evidence of any public comments on SDAPCD's Title V permits. However, we did find that facilities provided comments on their permits. The fact that the public has not commented on any of the District's Title V permits could be the result of the public in San Diego County generally not being interested in the Title V permitting process and/or the District not using effective means to notify the public of specific Title V permits.

Recommendation: SDAPCD should explore translations of notices and outreach materials and publication of public notices in a newspaper of general circulation to improve the effectiveness of the District's outreach and to provide the public with an increased opportunity to provide input on proposed Title V permits. (See Findings 4.1 and 4.3.)

¹¹ These data were retrieved from http://www.powerreporting.com/knight/ca_san_diego_daily_transcript.html and http://www.powerreporting.com/knight/ca_the_san_diego_union-tribune.html on February 28, 2008.

¹² See appendix H for these data.

¹³ This comparison does not take into account the difference in 2005 circulation data to the 2006 population data or the fact that circulation data is not necessarily linked to individuals; therefore this comparison is illustrative only in terms of differences in magnitude. Alternate sources of the circulation information may indicate different values. For example, by retrieving data from <http://www.echo-media.com/MediaDetailNP.asp?IDNumber=13146> for the Daily Transcript and <http://www.echo-media.com/mediadetailnp.asp?IDNumber=2541> for the San Diego Union-Tribune, this comparison results in percentages of 0.3% for the Daily Transcript and 10% for the San Diego Union-Tribune.

4.5 Finding: The District publishes public notices of proposed Title V permitting actions on its website. However, additional information along with translations of notices of proposed Title V permitting actions in languages other than English would better inform the public regarding permitting actions.

Discussion: The District publishes public notices of proposed Title V permitting actions on its website. However, the District does not post proposed and final permits, statements of basis, responses to comments, or any other portions of the administrative record. The VAX database has been a barrier to publishing permits and related documents on the District website. The new Accela-based database that the District is developing may help upgrade website content in this area. See the discussion in Finding 9.1.

A permitting authority's website is a powerful tool to make Title V information available to the general public. Information which would be useful for the public review process can result in a more informed public and, consequently, more meaningful comments during Title V permit public comment periods. As noted in the discussion of Finding 4.4, SDAPCD has never received public comments on a proposed Title V permit from any party other than the permit applicant.

Based on our own experience with the EPA Region 9 website as well as what we have seen on other permitting authorities' websites, we believe it useful to post both proposed and final Title V permits, the technical support document, the public notice itself, and the response to any public comments. In addition, it is useful to include information such as deadlines for public comment, a contact person for each permitting action, and issuance date of the final permit. Examples of general permitting information which would be useful to the public and that SDAPCD should consider posting include general Title V information (such as a Citizens' Guide to Title V) and citizen petition procedures.

Finally, given the ethnic composition of San Diego County, EPA believes that the public notices of proposed Title V permitting actions on the District website should be available in languages other than English (especially Spanish).

Recommendation: EPA encourages SDAPCD to increase public access to the permitting process by posting relevant Title V information on its website including, but not limited to, proposed and final Title V permits, technical support documents, public notices, responses to public comments, citizen petition procedures, and general Title V information and guidance.

EPA recommends looking at websites of other permitting authorities for ideas. For example, the website of Bay Area Air Quality Management District, www.baaqmd.gov, includes the following Title V documents: proposed and final permits, technical support documents, public notice documents, comments from EPA and the public, and responses to comments.

Additionally, we strongly encourage SDAPCD to translate their notices of proposed Title V permitting actions into languages other than English in order to be responsive to the population in San Diego.

4.6 Finding: SDAPCD does not notify tribes of Title V permitting actions.

Discussion: During our interviews and file reviews, we did not find any evidence that the District notified any tribes in San Diego County when a Title V permit was being issued to a facility that may affect tribal air quality. There are 18 Indian reservations (14 of which are in the nonattainment area) and 17 tribal governments in San Diego County. Even though none of these tribal governments has yet been determined eligible by EPA to be treated in the same manner as a neighboring state for the purpose of “affected state” notification under Title V (Section 505(a)(2)), EPA believes that state and local air agencies should notify tribal governments when taking significant actions that may affect their air quality.

Recommendation: SDAPCD should conduct outreach to tribes to assess their interest in being notified of Title V permitting actions. EPA can assist the District by providing contact information for tribes within San Diego County.

4.7 Finding: SDAPCD would like EPA to provide environmental justice training.

Discussion: Minority populations are growing in the San Diego area. (See Finding 4.1.) EJ awareness and outreach to communities where Title V facilities are permitted may allow community concerns to be addressed without a Title V petition or a Civil Rights Act complaint. As we continued our evaluation, District interviewees often asked for EPA to provide training on EJ issues (specifically regarding energy facilities).

Recommendation: EPA will provide the District with EJ training and work with them on EJ issues identified by the District.

5. PERMIT ISSUANCE / REVISION / RENEWAL

This section focuses on the permitting authority's progress in issuing initial Title V permits and the District's ability to issue timely permit renewals and revisions consistent with the regulatory requirements for permit processing and issuance. Title V of the 1990 CAA Amendments sets deadlines for permitting authorities to issue all initial Title V permits. EPA, as an oversight agency, is charged with ensuring that these deadlines are met as well as ensuring that permits are issued consistent with Title V requirements. Part 70 describes the required Title V program procedures for permit issuance, revision, and renewal of Title V permits. Specifically, 40 CFR 70.7 requires that a permitting authority take final action on each permit application within 18 months after receipt of a complete permit application, except that action must be taken on an application for a minor modification within 90 days after receipt of a complete permit application.¹⁴

5.1 Finding: SDAPCD has issued all initial Title V permits and some renewals, and does not foresee any significant roadblocks in completing its renewals

Discussion: The District has issued 30 initial Title V permits since it began implementing its Title V program (including two facilities that subsequently became synthetic minors). The District's depth of knowledge of Title V issues and its internal process for reviewing draft permits have produced a record of timely permit issuance. (See Findings 2.2 and 2.3.)

In 2006 the District started issuing renewal permits, and has issued six so far. During our site visit, interviewees stated that barring any unforeseen projects that consume permit staff resources, they did not anticipate any delays in processing renewal applications. One of initial Title V permit writers no longer works on Title V permits, but could be reassigned if necessary to assure timely issuance of Title V permit renewals.

Recommendation: SDAPCD should continue its timely permit issuance as it processes permit renewal applications.

5.2 Finding: SDAPCD does not send synthetic minor permits to EPA for review.

Discussion: SDAPCD has several synthetic minor sources, i.e., sources whose PTE would exceed the major source threshold and make them subject to Title V permitting if they had not voluntarily limited their PTE. Sources that want to become synthetic minors must either comply with SDAPCD Rule 60.1 ("Limiting Potential to Emit at Small Sources"), or submit an application for a synthetic

¹⁴ See 40 CFR 70.7(a)(2) and 70.7(e)(2)(iv).

minor permit pursuant to SDAPCD Rule 60.2 (“Limiting Potential to Emit – Synthetic Minor Sources”) A third option, for sources that do not have complex sets of emission units, is to apply for and accept practically enforceable permit conditions through the normal NSR process.

Our file review and interviews confirm that when the District processes a synthetic minor permit application pursuant to Rule 60.2, the District does not send the proposed permit to EPA for review and comment, or send a copy of the final permit following permit issuance. Part 70 and the District’s EPA-approved Title V program do not require that synthetic minor permits be sent to EPA. However, since synthetic minor sources complying with Rule 60.2 take limits on their PTE to avoid Title V permitting, we believe it is appropriate for EPA to have the opportunity to review the proposed permit conditions to determine if the emission limitations are technically accurate and practically enforceable.

Recommendation: SDAPCD should provide EPA the opportunity to review proposed synthetic minor permits, and submit copies of the final permits.

5.3 Finding: SDAPCD uses parallel processing to streamline the issuance of modified NSR and Title V permits. However, it is not clear that all of the parallel processing procedural requirements are being consistently implemented.

Discussion: EPA guidance allows sources to simultaneously apply for, and permitting authorities to process, revisions to NSR and Title V permits.¹⁵ Under this option, often referred to as “enhanced NSR,” NSR permit modifications are subject to the procedural requirements of Part 70, including a 45-day EPA review period and a 60-day petition period that allows citizens to petition the Administrator to object to permit issuance. After the NSR permit has been issued, and the project has been completed, the permitting authority revises the Title V permit to add (or delete) the new or revised NSR conditions via an administrative amendment. The benefits of consolidating the NSR and Title V permitting processes include reduced permit processing time and the opportunity for EPA to review and concur with NSR permit changes.

The District offered this option to its regulated community in the early years of Title V implementation, and has processed several NSR modifications for Title V facilities in this way. EPA supports this practice, and encourages SDAPCD to continue it. However, our file review found only limited evidence that SDAPCD was correctly applying the Regulation XIV (SDAPCD’s Title V regulation) procedural requirements to its NSR permit issuance process and amending Title V permits administratively at the end of the process. Specifically, in our review of

¹⁵ White Paper for Streamlined Development of Part 70 Permit Applications, July 10, 1995; 11/7/95 letter from Lydia Wegman, OAQPS, to William Becker, STAPPA/ALAPCO; Title V Implementation Q & A, Region 9, December 1995.

our own files, we found only two letters that indicated that the District was using enhanced NSR, cover letters dated November 10, 2004 and December 23, 2002, transmitting proposed ATC permits for the U.S. Naval Aviation Depot, North Island and Solar Turbines (Ruffin Rd.) facilities respectively. Similarly, in our review of the District's Title V files during our site visit, we found no correspondence that indicated that the enhanced NSR process was being used, although there was an indication in the form of a table showing the application history that the District had processed an enhanced NSR action for the naval facility cited above (although for a different NSR action). In our file reviews, we did not find a single example of an administrative amendment that incorporated NSR permit conditions into a Title V permit.

Based on our interviews during the site visit, we are certain that SDAPCD understands enhanced NSR concepts and the District's obligations when implementing it. However, it appears that implementation has been inconsistent. The lack of documentation of enhanced NSR permit processing in SDAPCD's Title V permit files may indicate a lack of communication and coordination between SDAPCD's NSR and title V permit writers in the Engineering Division. This has resulted in instances where EPA has not been informed of proposed NSR permits that have been processed via enhanced NSR, or the administrative amendments of Title V permits that conclude the process.

Recommendation: SDAPCD should ensure that it follows all Title V procedural requirements when processing enhanced NSR permitting actions. Proposed NSR permits must be sent to EPA, ideally with a cover letter explicitly stating that the District is using the enhanced NSR process and is applying the Regulation XIV procedural requirements to the NSR permitting action, including submitting the draft ATC for EPA's 45-day review. After SDAPCD has authorized the startup of the new or modified emission unit, the District should amend the Title V permit via an administrative amendment and send a copy to Region 9. The Title V files should contain all relevant correspondence and documents related to enhanced NSR actions. The District may want to review the practices of the San Joaquin Valley Unified Air Pollution Control District, which effectively processes many enhanced NSR actions by issuing certificates of conformity which confirm the NSR action met the procedural requirements of Title V and submitting all necessary documentation with EPA.

6. COMPLIANCE

This section addresses SDAPCD practices and procedures for issuing Title V permits which ensure permittee compliance with all applicable requirements. Title V permits must contain sufficient requirements to allow the permit authority, EPA, and the general public to adequately determine whether the permittee complies with all applicable requirements.

Compliance is a central part of the Title V permit program. Compliance assures a level playing field and does not allow a permittee an unfair economic advantage over its competitors who comply with the law. Adequate conditions in a Title V permit which both determine and assure compliance with all applicable requirements also result in greater confidence in the permitting authority's Title V program within both the general public and the regulated community.

6.1 Finding: The District uses Title V compliance certifications and semiannual monitoring reports to prioritize inspections and initiate enforcement actions.

Discussion: The District's Compliance Division has a policy for reviewing annual compliance certifications and semiannual monitoring reports (which include deviation reports).¹⁶ The District uses these Title V compliance reports to prioritize and target inspections. Interviewees stated that they review these reports for compliance issues. They also review the facility's compliance history, including recent inspections, breakdowns, exceedances or violations, if any. The District prioritizes and targets facilities that report several breakdowns, exceedances, or violations for inspections.

The District has also initiated enforcement actions at Title V facilities based on information from compliance certifications and semiannual monitoring reports. The District issued Notices of Violation (NOVs) to Cabrillo Power and USN Aviation Depot for violations identified in their Title V reports. The violations cited include time periods when the facilities exceeded emission or operational limitations, or failed to maintain records in accordance with the Title V permits. Since the violations were short-term (i.e., not ongoing) and the facility was not out of compliance at the time of permit issuance, a schedule of compliance was not required.¹⁷

Interviewees were generally knowledgeable about the procedures for reviewing Title V compliance reports. However, some interviewees stated that they did not know about the District's policy for reviewing these reports.

¹⁶ See *Review of Title V Semiannual and Annual Reports*, SDAPCD Compliance Division Policy and Procedures Manual, Policy number 3.18, effective date April 4, 2002.

¹⁷ A schedule of compliance is required for Title V sources that are not in compliance with all applicable requirements at the time of permit issuance. (See 40 CFR 70.5(c)(8)(iii)(C).)

Recommendation: EPA encourages the District to maintain the practice of using Title V compliance reports to prioritize and target inspections and initiate inspections, and to continue implementing its policy for reviewing these reports. EPA also recommends that the District provide training to compliance staff on the policy.

6.2 Finding: SDAPCD expressed a need for more reliable analytical instruments for performing inspections at landfills.

Discussion: San Diego County has about twenty landfills, most of which are inactive. Four of these sources are large landfills that are also Title V sources. One is closed and three are active. Compliance managers and staff indicated a need for updated and reliable equipment for inspecting landfill facilities. Although EPA did not evaluate the quality of the District's inspections, the District believes it can benefit greatly by replacing its current analytical instruments with more reliable and accurate ones for measuring and monitoring landfill gas emissions.

District inspectors currently use hand-held gas monitors called flame ionization detectors (FID) and explosimeters at landfills for monitoring surface emissions and equipment leak checks. During interviews, the District identified problems with these instruments that may interfere with how inspectors efficiently perform inspections. For instance, the District stated that some instruments were outdated and had reduced accuracy and reliability. The District also pointed out that these instruments were costly to maintain, must be recalibrated frequently (e.g., sometimes on a weekly basis), and that there may not be enough instruments.

District staff observed that the landfill facilities use instruments that are more accurate and reliable than instruments used by the District. The District stated that it would be beneficial to have the same or similar equipment currently used by the landfills. This would be a cost benefit to the District because the new equipment would be less expensive to maintain. Also, maintaining new equipment would be less time consuming, allowing staff to more efficiently inspect landfills.

Recommendation: EPA recommends that the District review its equipment needs for performing efficient landfill inspections.

6.3 Finding: While it appears that SDAPCD has a process and form for Compliance staff to request changes to Title V permits when staff identifies enforceability issues, it is unclear under what circumstances Compliance staff can use the Request for Change of Permit Conditions form to ask the Engineering Division to revise Title V permits. It is also unclear how the Engineering Division

communicates decisions it makes about such requests back to the Compliance Division.

Discussion: During interviews, inspectors referred to the Request for Change of Permit Conditions form that they use to request that the Engineering Division revise Title V permits. As the interviews proceeded, it was not clear to EPA exactly how the District uses the form and whether its use is limited to minor permit changes that Engineering can process without recovering the cost from sources. Inspectors said that they use the form to request minor permit changes, or when they have determined that the equipment model numbers at a facility are different from what is authorized by the permit (which may indicate an unauthorized installation of a replacement emission unit). Interviewees expressed concern about the length of time it takes for changes identified on the form to be made, and about the Engineering Division's lack of action on some requests. (See Finding 7.1.)

While the form appears to be a good mechanism for inspectors to request correction of obvious errors, or minor administrative changes, it is not an appropriate response to a potential non-compliance issue, such as a possible unauthorized modification made by the source. The form requests that the Engineering Division respond to the Compliance Division within 10 days of the request, although requested changes intended to improve the clarity and enforceability of permit conditions may not be processed quickly because the District does not collect fees from the source to pay for Engineering's permit review and processing time.

Recommendation: EPA recommends that the District clarify the intended scope of changes that can be appropriately initiated internally with the Request for Change of Permit Conditions form, as well as types of changes that should not be addressed with the form., e.g., situations in which a source must apply for a permit revision to make a correction or address a non-compliance issue. Engineering and Compliance should agree on a realistic processing time so that both Divisions will have a better understanding of expectations when Compliance requests a change.

The Compliance Division, and in particular inspectors, should take full advantage of the opportunity to review draft permits as part of the District's internal quality assurance process prior to formal proposal of a permit. (See Finding 2.3.)

7. RESOURCES AND INTERNAL MANAGEMENT

The purpose of this section is to evaluate how the permitting authority is administering its Title V program. With respect to Title V administration, EPA's program evaluation (1) focused on the permitting authority's progress toward issuing all initial Title V permits and the permitting authority's goals for issuing timely Title V permit revisions and renewals; (2) identified organizational issues and problems; (3) examined the permitting authority's fee structure, how fees are tracked, and how fee revenue is used; and (4) looked at the permitting authority's capability of having sufficient staff and resources to implement its Title V program.

An important part of each permitting authority's Title V program is to ensure that the permit program has the resources necessary to develop and administer the program effectively. In particular, a key requirement of the permit program is that the permitting authority establish an adequate fee program. Part 70 requires that permit programs ensure that Title V fees are adequate to cover Title V permit program costs and are used solely to cover the permit program costs.¹⁸ Regulations concerning the fee program and the appropriate criteria for determining the adequacy of such programs are set forth in 40 CFR 70.9.

7.1 Finding: Communication between Engineering Division staff and Compliance Division staff affects Compliance staff's perception of permitting issue resolution.

Discussion: During the course of our interviews, both management and staff from the Engineering and Compliance Divisions acknowledged that permitting decisions were not always communicated clearly among staff. For example, Compliance staff suggested a revision to a US Navy facility's permit condition based on practical enforceability considerations. The Compliance Division's staff's suggestion was addressed, but the Engineering Division's decision was not shared with them. This practice can lead to confusion between Engineering staff and Compliance staff about how decision-making is taking place and what each office's role is in the decision-making process.

This issue seems to be limited in scope and SDAPCD management is taking steps to improve communications by formalizing the process for compliance staff to make suggestions and improving how feedback is provided.

Recommendation: SDAPCD should continue to implement its resolution process and provide feedback as decisions are made.

¹⁸ See 40 CFR 70.9(a).

7.2 Finding: SDAPCD staff and management receive expert, knowledgeable, and experienced legal support.

Discussion: Throughout the course of our interviews, the theme of SDAPCD’s excellent and experienced legal counsel was recurrent. District counsel provides prompt, thorough and considered advice regarding permitting issues (among other duties) and is an example of how an in-house counsel can make a difference in the smooth implementation of a Title V permitting program. We note that in our prior reports on Title V programs in Region 9, most other agencies did not use the in-house counsel model that SDAPCD is effectively using¹⁹. Counsel was especially effective in assisting during the development of the District's Title V program.

Recommendation: EPA recognizes SDAPCD and its counsel for setting a high standard for in-house counsel assistance in the effective implementation of a Title V program. EPA understands that, with the current counsel’s departure due to retirement, the County has arranged for an orderly succession and has maintained this function in the SDAPCD’s office for continued smooth implementation of the Title V program.

7.3 Finding: Many managers and staff at the SDAPCD working on Title V permitting from both Engineering and Compliance have been working at the SDAPCD for at least ten years.

Discussion: During our evaluation, we noted that the District employees we interviewed typically had at least ten years of experience working for the SDAPCD. SDAPCD’s Title V program has benefited from having people who have such extensive experience in the air quality management arena working together on complex permitting, compliance, and policy issues. See also finding 2.2.

Recommendation: EPA recognizes SDAPCD’s ability to retain dedicated and experienced staff and management and hopes that the District will continue focusing on retention and succession planning in the future.

¹⁹ See Finding 7.11 of EPA’s report, “Maricopa County Environmental Services Department Title V Operating Permit Program Evaluation Final Report - May 18, 2005”, and finding 7.6 of EPA’s report, “Clark County Department of Air Quality and Environmental Management Title V Operating Permit Program Evaluation Final Report - July 30, 2007”. When we reviewed ADEQ’s Title V program (see Finding 7.2 of our ADEQ report), we found that ADEQ’s use of advice from the State Attorney’s Office was effective. These reports can be found on EPA’s website at <http://www.epa.gov/region09/air/permit/titlevevals.html> .

7.4 Finding: Training for compliance staff working on Title V permitting issues is uneven, especially with respect to CAM.

Discussion: As we interviewed staff regarding their training on Title V permitting issues, we learned that some of them had not been trained on key components of the program. Their lack of training does not appear to have affected the quality of the Title V permits, but has lead to communications issues between permitting and compliance staff. (See Finding 7.1.) We believe that a lack of training on the CAM program especially has caused some confusion among compliance and permitting staff working on Title V permits.

Recommendation: While the resolution process discussed in finding 7.1 will be useful in addressing general communications issues, we also believe that the SDAPCD should define a training program for those working on the review of Title V permits, including training on CAM. This training may address some of the communications issues discussed in finding 7.1.

8. TITLE V BENEFITS

The purpose of this section is to evaluate how the permitting authority's existing air permitting and compliance programs have benefited from the administration of the permitting authority's Title V program. The Title V permit program is intended to generally clarify which requirements apply to a source and enhance compliance with any CAA requirements, such as NSPS or SIP requirements. The program evaluation for this section is focused on reviewing how the permitting authority's air permitting program changed as a result of Title V, resulted in improved records management and compliance, and encouraged sources to pursue pollution prevention efforts.

8.1 Finding: SDAPCD works closely and cooperatively with industry on implementing its Title V program.

Discussion: The District formed the Title V Industry Workgroup in the mid-1990's at the inception of its Title V program. The workgroup consists of members of the regulated community that own or operate Title V facilities, environmental consultants, and representatives of industry trade groups or organizations. The workgroup's purpose is to give the regulated community a forum to express its views and receive guidance on Title V matters from the District. The regulated community initiates meetings to discuss permitting issues and the workgroup currently meets about every six months.

The District believes that the workgroup has improved communication with the regulated community. For instance, the District used the workgroup as a forum to provide guidance to the regulated community on periodic monitoring and other Title V issues. Also, through the workgroup, the District identified and clarified specific regulatory issues (e.g., issues related to NSPS and NESHAP) that sources misunderstood in the past. Furthermore, the workgroup has allowed the District to share information that affects similar industries within the regulated community so that these industries may determine what their options are.

Overall, the workgroup allows the District to apply a common and consistent approach to Title V facilities. Also, the District believes the workgroup helped new staff within the regulated community improve its knowledge of Title V matters.

Recommendation: EPA commends the District for its excellent working relationship with Title V sources.

8.2 Finding: SDAPCD reported that its locally-issued permits, are clearer and more enforceable as a result of Title V.

Discussion: As a result of Title V, the District believes its local permits have become clearer and more enforceable. The District changed the format of its permits to meet the requirements of the District’s Title V program. For example, the District has added additional monitoring, recordkeeping and reporting requirements for permit limits where the local or SIP-approved rule requirements did not contain sufficient monitoring, recordkeeping and reporting requirements. Thus, the enforceability of District permits have improved.

Also, the District now cites the basis for permit conditions in its permits (e.g., rule references to NSR and SIP requirements). This allows the public and regulated community to determine the origin of permit conditions and makes permits easier to understand.

Recommendation: EPA recommends that the District continue this practice.

8.3 Finding: Title V helped increase SDAPCD’s knowledge of federal regulations.

Discussion: Since Title V permits must include all applicable requirements, District permitting staff reviews the federal regulations (e.g., NSPS, NESHAP) more frequently than before the Title V program to determine which requirements apply to affected facilities. The permit application review process requires that permitting staff re-evaluate whether new requirements, including federal regulations, apply to new or modified equipment. Staff have greater exposure to the federal regulations and apply them on a more frequent basis. Thus, staff have gained a better technical understanding and become more proficient in applying federal regulations.

Recommendation: EPA recommends that the District continue this practice.

8.4 Finding: Some sources have accepted enforceable limits to reduce their potential emissions to avoid Title V applicability.

Discussion: Some major sources avoid Title V permitting by voluntarily accepting PTE limits that are less than the major source thresholds, which results in reductions in potential, if not actual, emissions. SDAPCD uses Rule 60.1 (“Limiting Potential to Emit at Small Sources”) to limit PTE at small sources , e.g., sources with annual actual emissions, excluding hazardous air pollutants (HAP), than are less than 50 percent of the major source thresholds. Rule 60.2 (“Limiting Potential to Emit – Synthetic Minor Sources”) allows major sources to obtain synthetic minor permits. Both rules impose recordkeeping and reporting requirements on sources. The District has used Rules 60.1 and 60.2 to create several synthetic minor sources.

Recommendation: EPA recommends that the District continue this practice of creating synthetic minor sources.

8.5 Finding: SDAPCD has observed that facilities have become more focused on compliance as a result of being subject to Title V.

Discussion: The District has seen many Title V sources take a more proactive approach to ensuring that they are in compliance. For example, the District has found that sources initiate more frequent self-audits as a result of Title V. Facilities understand they are accountable for failure to meet permit requirements, and have a better awareness of their compliance obligations. Facilities develop and implement their own self-auditing procedures to ensure they are in compliance at all times. This practice allows facilities to quickly resolve compliance problems (e.g., exceedances or breakdowns), and to prevent recurring compliance problems. Self-auditing also has the effect of potentially minimizing or eliminating excess emissions that would have otherwise occurred.

The District has observed that sources have been voluntarily reporting more deviations due to Title V, and including some that the District may not consider deviations. As a result, the District has found that potential compliance problems occur less frequently because facilities implement their own self-auditing procedures.

Recommendation: EPA has no recommendation for this finding.

9. RECORDS MANAGEMENT

This section examines the system SDAPCD has in place for storing, maintaining, and managing Title V permit files. The contents of Title V permit files are public records, unless the source has submitted records under a claim of confidentiality. SDAPCD has a responsibility to the public in ensuring that Title V public records are complete and accessible.

In addition, SDAPCD must keep Title V records for the purposes of having the information available upon EPA's request. Part 70 states that "any information obtained or used in the administration of a State program shall be available to EPA upon request without restriction and in a form specified by the Administrator..." (see 40 CFR 70.4(j)(1)).

The minimum Part 70 record retention period for permit applications, proposed permits, and final permits is 5 years. Part 70 states that "the permit program shall require that the permitting authority provide to the Administrator a copy of each permit application..., each proposed permit, and each final Part 70 permit" (see 40 CFR 70.8(a)(1)). Part 70 also states that "each State permitting authority shall keep for 5 years such records and submit to the Administrator such information as the Administrator may reasonably require to ascertain whether the State program complies with the requirements of the Act or of this part" (see 40 CFR 70.8(a)(3)).

However, in practical application, permitting authorities have often found that discarding Title V files after five years is problematic in the long term. In situations where a permitting authority discards Title V files, EPA recommends that permitting authorities preserve the history and background of the Title V facilities.

9.1 Finding: SDAPCD currently uses the VAX system to generate, store, maintain and manage Title V permits electronically. The District plans to replace the existing VAX database with a new, more efficient database system more suited to the District's current data management needs.

Discussion: The District currently uses an electronic mainframe system called the VAX system to track applications and write, store, and manage Title V permits, as well as locally-issued POs, in electronic format. The VAX system also contains information on the compliance status of Title V facilities, which is used by both permitting and compliance staff, as well as data on revenues and invoices. The District has been using the VAX system for writing permits for more than 20 years, i.e., long before the inception of its Title V program.

Although the District believes the VAX system is reliable, the system has some limitations which have lead to some inefficiency in storing, maintaining and managing Title V permit data. For instance, since the system does not have a "cut

and paste” feature, staff must manually type many requirements into the system. Also, the system does not archive previous permit revisions, so the District must rely on paper hardcopies for maintaining and managing previously issued Title V permits that are changed. In addition, the system does not interface with the internet or word processing programs. The VAX system is also expensive to maintain and service, and has very limited storage space.

The District plans to replace the VAX system in mid to late 2008 with a new system called the Business Case Management System (BCMS), using Accela Software. The District expects the BCMS to be more efficient, reduce costs, provide more storage space, and be more user-friendly compared to the VAX system. The new system will also be web-based, which the District expects will allow it to make Title V permits and other permit documents available to the public and regulated community through the internet in the future. Currently, only public notices are available online through the internet. (See Finding 5.5.)

Recommendation: EPA supports and encourages the District’s plans to modernize its data tracking capabilities by migrating from the VAX database to the new, more efficient BCMS system.

9.2 Finding: SDAPCD has policies for retaining and disposing official records and documents. However, some compliance staff are not aware of the District’s record retention schedules.

Discussion: SDAPCD has policies for retaining, managing and disposing of official records. These policies include the Document and Records Management Program (DRMP) policy for establishing record retention schedules, the Destruction and Purging of Records (DPR) policy for disposing of official records, and the record retention schedules for both the County and the District. The DRMP and DPR policies and the record retention schedule for the County apply to all departments within the County, including SDAPCD. The DRMP policy specifies procedures and responsibilities for managing records.²⁰ It also sets forth the minimum requirements for the County, as well as departments within the County, for establishing a records retention schedule. Among other things, the policy defines “document,” “official record,” and “record retention schedule.”

The DPR policy establishes procedures for the disposal and destruction of records.²¹ The District reported that for retired facilities (i.e., shutdown or no longer operating), the District keeps the official file for three years. After that period, the District archives files offsite for an additional seven years before they

²⁰ See *Document and Records Management Program*, San Diego County Administrative Manual, Item Number 0040-09, effective date June 27, 2007.

²¹ See *Destruction and Purging of Records*, San Diego County Administrative Manual, Item Number 0100-01, effective date June 28, 2007.

are considered for destruction.

The District's records retention schedule is similar to that of the County, but it is specific to documents maintained by the District. For permit-related records, the District's records retention schedule requires that permit files, which include Title V permit files, be retained for a total of nine years, two years after completion of a project at the District's office (onsite) and seven years off-site. The schedule does not specifically address the retention time for Title V-related compliance records, which include compliance certifications, deviation reports and semiannual monitoring reports. While the District's record retention schedule contains a section on compliance and enforcement documents, the schedule only requires that the District retain these documents for up to three years.

Some compliance staff reported that they were not aware of the District's record retention schedules. Compliance managers and staff reported that some Title V-related compliance files are stored and managed separately from the Title V permit files. The compliance files may contain, among other things, compliance certifications, deviation reports, semiannual monitoring reports and NOVs. EPA believes these compliance records should be retained by the District for at least five years.

Recommendation: EPA recommends that the District specify a retention period for Title V-related compliance documents in the District's record retention schedule. EPA also recommends that the District provide training to compliance staff on its records management policies for retaining and disposing of official records and documents.

9.3 Finding: SDAPCD has a policy for retaining and managing electronic mail (email) as official records.

Discussion: The District has a policy for retention of emails as official records.²² The policy defines procedures for the proper use of and general retention of email. The policy also addresses verbal communications. In short, the policy provides guidance on protecting County data and information in all formats, handling email internally and externally, and preserving email for legal purposes. The policy applies to all departments within the County, including SDAPCD.

Recommendation: EPA recommends that the District continue to ensure that managers and staff at the District remain aware of the procedures and requirements in the policy. This may be achieved through records management training.

²² See *Email, Verbal Communications, Voicemail*, San Diego County Administrative Manual, Item Number 0040-09-01, effective date June 28, 2007.

9.4 Finding: The District stores and maintains the physical Title V permit files in a central location.

Discussion: The District Title V permit files are stored in a central file room on the first floor of the District's office building. Administrative staff manage and maintain the files. EPA observed during the site visit that the files were organized alphabetically by facility name and were easy to locate. Certain sections of the files were separated by tabs. Some files had special color-coded folders to indicate whether information had be removed or inserted back into the files. The permit files EPA reviewed during the site visit contained Title V and locally-issued PO documents. The permit files did not contain any compliance reports submitted by the facilities.

Recommendation: We encourage the District to maintain permit files that are organized in a consistent manner.

GLOSSARY OF ACRONYMS & ABBREVIATIONS

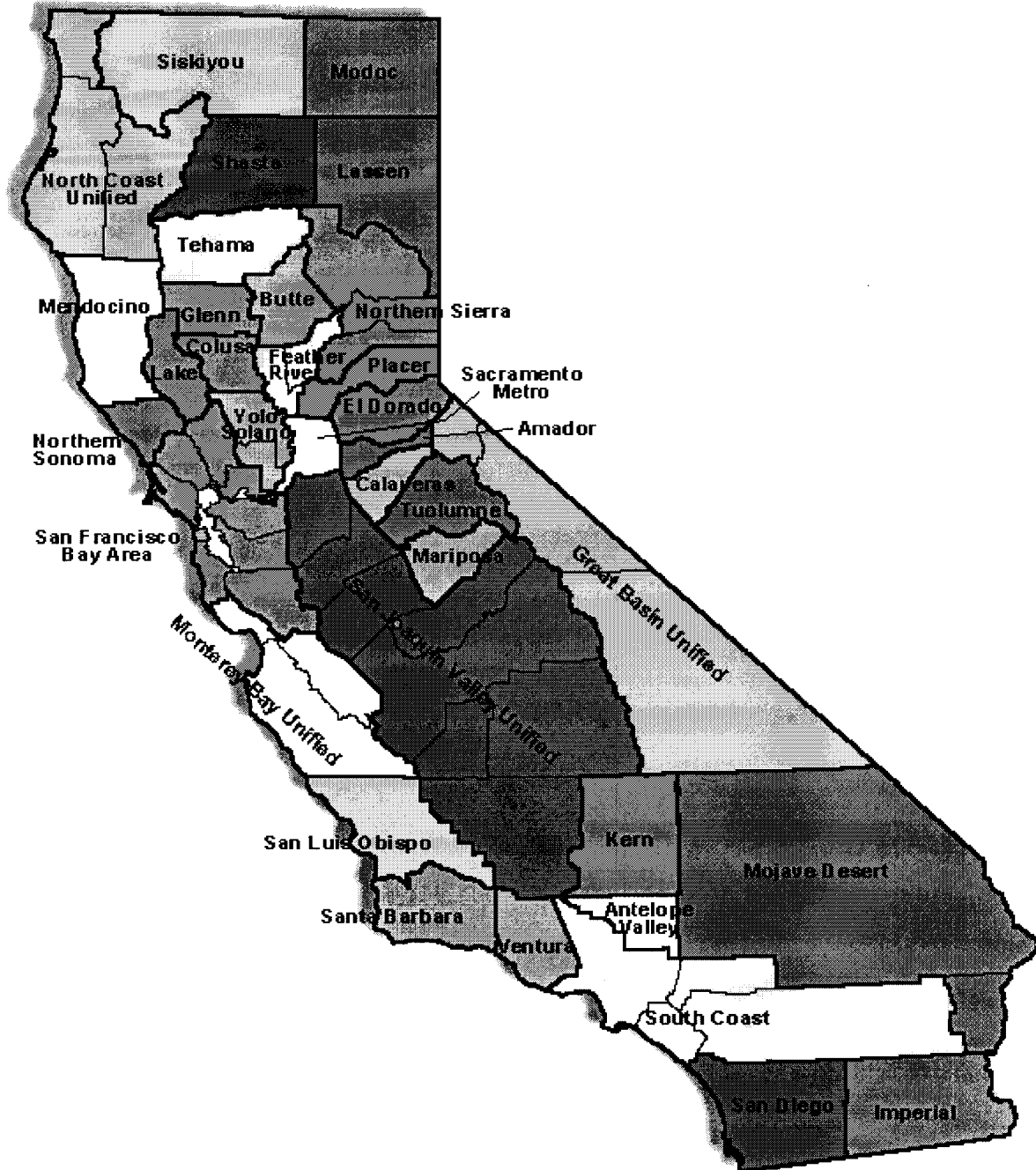
Act	Clean Air Act [42 U.S.C. Section 7401 et seq.]
Agency	U.S. Environmental Protection Agency
A/C	Authority to Construct
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CAPCOA	California Air Pollution Control Officers Association
CARB	California Air Resources Board
CEMS	Continuous Emissions Monitoring System
CFR	Code of Federal Regulations
CO	Carbon Monoxide
District	San Diego County Air Pollution Control District
EJ	Environmental Justice
EPA	U.S. Environmental Protection Agency
FY	Fiscal Year
HAP	Hazardous Air Pollutant
HQ	Headquarters
MACT	Maximum Achievable Control Technology
NESHAP	National Emission Standards for Hazardous Air Pollutants
NAAQS	National Ambient Air Quality Standard
NOD	Notice of Deficiency
NOV	Notice of Violation
NO _x	Nitrogen Oxides
NSPS	New Source Performance Standards, 40 CFR Part 60
NSR	New Source Review
OIG	EPA Office of Inspector General
PM	Particulate Matter
PM ₁₀	Particulate Matter less than 10 microns in diameter
P/O	Permit to Operate (local, not Title V)
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
SDAPCD	San Diego County Air Pollution Control District
SIP	State Implementation Plan

APPENDICES

Appendix A

AIR POLLUTION CONTROL AGENCIES IN CALIFORNIA

California Air Districts



[District Rules Database](#)
[Local Air District Resource Directory](#)
[Other Maps on this Website](#)

The Board is one of six boards, departments, and offices under

Appendix B

TITLE V QUESTIONNAIRE AND SDAPCD RESPONSES

EPA

Title V Program Evaluation

Questionnaire

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- H. Title V Benefits

A. Title V Permit Preparation and Content

1. What % of your initial applications contained sufficient information so the permit could be drafted without seeking additional information? What efforts were taken to improve quality of applications if this % was low?

The District made considerable efforts in the form of initiating a joint workgroup with affected facilities and holding consultation meetings to develop application forms and instructions resulting in approximately 90% of the initial application being administratively complete. However, only approximately 15% of the initial applications contained sufficient information that allowed the District to complete action on the applications. Typically, applications contained insufficient information or did not adequately support requests for multiple applicable requirement streamlining and permit shields. The District worked with affected sources on additional training on preparation of applications in the context of regular scheduled meetings of a joint industry and District workgroup. The group continues to meet as needed to resolve issues related to permitting. The District also prepared additional guidance resulting from issues raised within the group to help in making sure applications submitted were complete.

Y x N

2. For those title V sources with an application on file, do you require the sources to update their applications in a timely fashion if a significant amount of time has passed between application submittal and the time you draft the permit?

Sources are required to update applications if changes have occurred prior to proposal of the Title V permit or if a significant amount of time has passed since the submittal of an application (over one year).

Y x N

- a. Do you require a new compliance certification?

Y x N

3. Do you verify that the source is in compliance before a permit is issued and, if so, how?

The District permit engineer reviews inspection records including the status/settlement of any notices of violations issued to the source and checks on whether any complaints have been received by the District for any equipment/operations of the source.

Y N

- a. In cases where the facility is out of compliance, are specific milestones and dates for returning to compliance included in the permit, or do you delay issuance until compliance is attained?

All Title V initial and renewal permits were issued with the sources in compliance with all applicable requirements.

- Y N 4. What have you done over the years to improve your permit writing and processing time?

During the initial stages of Title V program the District permit engineers attended training conducted by EPA Region IX and the Air Resources Board on Title V permitting. District staff participated in efforts by the California Air Pollution Control Officers Association (CAPCOA) to streamline periodic monitoring determinations and reduce the effort in establishing and justifying insignificant emissions units. During the issuance of the initial Title V permits, the District met with affected facilities on an approximately bi-monthly basis. The District participates in the CAPCOA Title V Subcommittee that meets periodically to discuss permit issues. The District and affected facilities continue to meet on a quarterly basis to discuss issues of concern with respect to generating permits and reducing time necessary to process permits. The group developed guidance for both affected facilities and permit engineers on topics that arose during the initial Title V permit issuance.

- Y X N 5. Do you have a process for quality assuring your permits before issuance? Please explain.

Permits are prepared by the Title V permit engineer. The Title V permit engineers make use of standard templates that were previously reviewed by EPA Region IX for frequently occurring equipment categories. The Title V permit engineer employs the "CAPCOA/CARB/EPA Region IX Periodic Monitoring Recommendations for Generally Applicable Requirements in the SIP" to keep these requirements consistent. Copies of the draft permit are provided for review and comment to the appropriate engineering section (Mechanical, Chemical, Vapor Recovery, and/or Toxics) and to the Compliance Division. All comments are considered and necessary changes made by the Title V permit engineer. If extensive changes are made (~ 20% of a draft permit) the permits are once again distributed for comment. Once internal comments are addressed, a pre-proposal draft is sent to the source for review and any comments are addressed and reviewed with District staff prior to the proposal of the permit to EPA and for public comment. If significant comments are received and substantial changes are made to the draft another internal review is initiated. The District again seeks comment from the affected facility in such instances. The Title V permit engineer only proposes the permit for public comment and EPA review once these reviews are complete.

6. Do you utilize any streamlining strategies in preparing the permit such as:

Y X N □

- a. Incorporating test methods, major and minor New Source Review permits, MACT's, other Federal requirements into the Title V permit by referencing the permit number, FR citation, or rule? Explain.
Whenever possible permit engineers incorporate test methods, MACTs, other Federal requirements by referencing test method numbers and rule reference. The District began this practice of referencing in permit templates that EPA reviewed when initial Title V permits were first being proposed.

Y X N □

- b. Streamlining multiple applicable requirements on the same emission unit(s) (i.e., grouping similar units, listing the requirements of the most stringent applicable requirements)? Describe.
For the most part, the District has relied on the facilities to propose streamlining of multiple applicable requirements. However, the District did streamline multiple applicable requirements in developing templates for common equipment categories. The District also developed streamlining for practices common to all Title V facilities such as streamlining requirements to require the use of pipeline quality natural gas to meet District sulfur content limits.
- c. Describe any other streamlining efforts.
The District developed a process where some of the Title V permitting requirements, monitoring, citation of regulatory requirements, certification requirements, and others, are built up front into the District pre-construction permit process. Once construction is complete, the modification of the Title V permit can move fairly quickly and the facility can go forward with operating the new or modified equipment in compliance with both District requirements and Title V requirements.

7. What do you believe are the strengths and weaknesses of the format of the permits (i.e. length, readability, facilitates compliance certifications, etc.)? Why?

The Title V process has resulted in some improvements in the clarity and completeness of the permits that are issued. Title V facilitates the simultaneous review all the permits that have been developed for various emission units at major sources over the years. This review enables the District to ensure that the requirements are clear, that there are clear references to applicable requirements, whether the requirements are federal, state or local, and also that all the permits and permit conditions are updated. The District likely now has, for the sources subject to Title V permits, much more complete and

comprehensive permits for their operations. It is not clear though, that the process has resulted in a permit document that is less confusing and less cumbersome for applicants and for the general public because of the added Title V elements.

Costs have also been significant, in the range of several million dollars, with very little in the way of corresponding air quality benefit. In only one case did a facility install emission controls and reduce their carbon monoxide emissions by about 70 tons per year to allow the facility to become a synthetic minor source. In all other cases we haven't seen emission reductions that have resulted from the Title V program. Most facilities just limited their potential to emit without reducing the facility's actual emissions.

With the issuance of all initial Title V permits the District has had a couple of years of compliance certifications and deviation reporting from the Title V permitted sources. The District has not observed any changes in compliance. No substantive noncompliance with emission standards has been observed. The Title V deviations that were being reported are relatively minor in nature, would have been known by the District, most likely without Title V, and, if they are associated with equipment breakdowns, there were three breakdown reporting requirements in existence in our program already. Title V facilities were already inspected by the District anywhere from two to four times a year. Those inspections include reviewing records the facilities are required to complete and maintain, and that gives the District a good indication of any noncompliance concerns associated with the facility separate from Title V deviation reporting.

8. How do you fulfill the requirement for a statement of basis? Please provide examples.

The District submits an evaluation that contains the elements of the statement of basis as agreed to between CAPCOA and EPA Region IX. The District provides the elements enumerated in David Dixon's letter CAPCOA to EPA Region IX of July 2, 1998. These include additions of permitted equipment that were not included in the application, additions or changes in applicable requirements from those described in the application, identification of any applicable requirements for insignificant or registered emission units, outdated SIP requirement streamlining, multiple applicable requirement streamlining, permit shields, alternative operating scenarios, compliance schedules, CAM as applicable, and plant wide allowable limits as applicable.

The format of this evaluation is attached.

9. Does the statement of basis explain:

Y x N a. the rationale for monitoring (whether based on the underlying standard or monitoring added in the permit)?
A rationale for monitoring is included when this information is specifically requested by EPA. Otherwise, periodic monitoring follows the CAPCOA/ARB/EPA Region IX guidelines.

Y x N b. applicability and exemptions, if any?
A rationale for determinations of applicability and exemptions is included when this information is specifically requested by EPA.

Y x N c. streamlining (if applicable)?

Y x N 10. Do you provide training and/or guidance to your permit writers on the content of the statement of basis?
Peer-to-peer training is provided on the content of the statement of basis.

11. Do any of the following affect your ability to issue timely initial title V permits: (If yes to any of the items below, please explain.)

Y N x a. SIP backlog (i.e., EPA approval still awaited for proposed SIP revisions)

Y N x b. Pending revisions to underlying NSR permits

Y N x c. Compliance/enforcement issues

Y N x d. EPA rule promulgation awaited (MACT, NSPS, etc.)

Y N x e. Issues with EPA on interpretation of underlying applicable requirements

Y N x f. Permit renewals and permit modification (i.e., competing priorities)

Y x N g. Awaiting EPA guidance

i. If yes, what type of guidance?
Guidance on permit revisions, excluding insignificant emission units from permits, the extent of referencing applicable requirements in permits, and the use of abbreviated application forms.

Y x N

ii. If yes, have you communicated this to EPA?

A. If yes, how did you request the guidance?

Through oral and written testimony provided to the
Title V Performance Task Force.

12. Any additional comments on permit preparation or content?

B. General Permits (GP)

- Y N 1. Do you issue general permits?
- a. If no, go to next section
 - b. If yes, list the source categories and/or emission units covered by general permits.

- Y N 2. In your agency, can a title V source be subject to multiple general permits and/or a general permit and a standard "site-specific" Title V permit?
- a. What percentage of your title V sources have more than one general permit? _____%

- Y N 3. Do the general permits receive public notice in accordance with 70.7(h)?
- a. How does the public or regulated community know what general permits have been written? (e.g., are the general permits posted on a website, available upon request, published somewhere?)

4. Is the 5 year permit expiration date based :

- Y N a. on the date the general permit is issued?

- Y N b. on the date you issue the authorization for the source to operate under the general permit?

5. Any additional comments on general permits?

C. Monitoring

1. How do you ensure that your operating permits contain adequate monitoring (i.e., the monitoring required in §§ 70.6(a)(3) and 70.6(c)(1)) if monitoring is not specified in the underlying standard or CAM?

For the most part existing District permits already contain adequate monitoring because they included monitoring associated with EPA-approved SIP rules developed specifically with monitoring, recordkeeping and reporting and test methods designed to address EPA monitoring requirements. In many cases, for old SIP rules where adequate monitoring was not specified in the rule or existing permit conditions, the District relied on the “CAPCOA/CARB/EPA Region IX Periodic Monitoring Recommendations for Generally Applicable Requirements in SIP” for making sure adequate monitoring was specified in permits for generally applicable requirements.

Y N

- a. Have you developed criteria or guidance regarding how monitoring is selected for permits? If yes, please provide the guidance.

As noted above, in many cases, the District relied on the “CAPCOA/CARB/EPA Region IX Periodic Monitoring Recommendations for Generally Applicable Requirements in SIP.”

Y N

2. Do you provide training to your permit writers on monitoring? (e.g., periodic and/or sufficiency monitoring; CAM; monitoring QA/QC procedures including for CEMS; test methods; establishing parameter ranges)

The training included sessions conducted by EPA Region IX and the Air Resources Board on Title V permitting. In addition, District staff participated in the California Air Pollution Control Officers Association (CAPCOA) streamlining of periodic monitoring determinations for certain applicable requirements in conjunction with EPA. The Title V permit engineers also attended CAPCOA training on CAM and CAM plans.

Y N

3. How often do you “add” monitoring not required by underlying requirements? Have you seen any effects of the monitoring in your permits such as better source compliance?

Permit engineers add monitoring not required by underlying requirements on occasion when addressing the lack of monitoring in older adopted generally applicable rules. In these cases, they rely on the “CAPCOA/CARB/EPA Region IX Periodic Monitoring Recommendations for Generally Applicable Requirements in SIP” to specify adequate monitoring.

The District has not seen any effects of the monitoring in permits added in cases when not required by underlying requirements.

Y x N

4. Are you incorporating CAM monitoring into your permits?
Yes, CAM applicability is evaluated and CAM included where appropriate in Title V permit renewals and significant modifications.

D. Public Participation and Affected State Review

Public Notification Process

Y N 1. Do you publish notices on proposed title V permits in a newspaper of general circulation?

Y N 2. Do you use a state publication designed to give general public notice?

3. On average, how much does it cost to publish a public notice in the newspaper (or state publication)?

\$ 50 (per publication)

Y N 4. Have you published a notice for one permit in more than one paper?

a. If so, how many times have you used multiple notices for a permit?

b. How do you determine which publications to use?

The paper of general distribution was determined prior to the Title V program.

c. What cost-effective approaches have you utilized for public publication?

Y N 5. Have you developed a mailing list of people you think might be interested in title V permits you propose? [e.g., public officials, concerned environmentalists, citizens]

a. How does a person get on the list?

Any person who expresses interest in a Title V permit application, permit draft or permit notice is added to a list for Title V notification. In addition to this list, the District also maintains a list for persons receiving all public notices, and there is a \$30 charge to be added to this list. The District mailing list is \$30 for a one-year subscription.

b. How does the list get updated?

The District periodically requests update information from those on the lists (Title V and general mailing). An order form is sent to facilities on the general mailing list for renewal of their subscription.

- c. How long is the list maintained for a particular source?
The District maintains the Title V mailing list without time limit. The District mailing list is for one year.
- d. What do you send to those on the mailing list?
The District sends a copy of the public notice to those on the mailing list. Copies of all published notices are sent to the subscribers.

- Y N 6. Aside from publications described above, do you use other means of public notification?

If yes, what are they (e.g., post notices on your webpage, e-mail)?
The District posts the notices of proposed permit action on a webpage.

- Y N 7. Do you reach out to specific communities (e.g., environmental justice communities) beyond the standard public notification processes?

- Y N 8. Do your public notices clearly state when the public comment period begins and ends?

9. What is your opinion on the most effective avenues for public notice?
Newspaper publication, the District website and mailing lists are all effective avenues.

- Y N a. Are the approaches you use for public notice effective?

- Y N 10. Do you provide notices in languages besides English? Please list.

Public Comments

- Y N 11. Have you ever been asked by the public to extend a public comment period?

- Y N a. If yes, did you normally grant them?
- b. If not, what would be the reason(s)?

- Y N 12. Has the public ever suggested improvements to the contents of your public notice, improvements to your public participation process, or other ways to notify them of draft permits? Describe.
- Y N 13. Do you provide the public a copy of the statement of basis if they request it? If no, explain.
14. What percentage of your permits have received public comments?
No public comments have been received.
- Y N 15. Over the years, has there been an increase in the number of public comments you receive on title V permits? Is there any pattern to types of sources getting comments?
- Y N 16. Have you noticed any trends in the type of comments you have received? Please explain.
- a. What percentage of your permits change due to public comments?
- Y N 17. Have specific communities (e.g., environmental justice communities) been active in commenting on permits?
- Y N 18. Do your rules require that any change to the draft permit be re-proposed for public comment?
- a. If not, what type of changes would require you to re-propose (and re-notice) a permit for comment?
The District would re-propose (and re-notice) a change that acted as a significant modification to the originally proposed permit.

EPA 45-day Review

- Y N 19. Do you have an arrangement with the EPA region for its 45-day review to start at the same time the 30-day public review starts? What could cause the EPA 45-day review period to restart (i.e., if public comments received, etc)? The review period would restart if we received comments that require substantive changes in the Title V permit.
- a. How does the public know if EPA's review is concurrent?

- Y N 20. Is this concurrent review process memorialized in your rules, a MOA or some other arrangement?

Permittee Comments

- Y N 21. Do you work with the permittees prior to public notice?
- Y N 22. Do permittees provide comments/corrections on the permit during the public comment period? Any trends in the type of comments? How do these types of comments or other permittee requests, such as changes to underlying NSR permits, affect your ability to issue a timely permit?
While the permittees has provided limited comments/corrections on a number of proposed Title V permits, the District has not seen a trend in the types of comments made. Permittee comments during the public comment period have not impeded issuance of timely permits.

Public Hearings

23. What triggers a public hearing on a title V permit?
The District holds public hearings on Title V permits in response to any petition from the public for such a hearing as a result of a Title V permit public notice.
- Y N a. Do you ever plan the public hearing yourself, in anticipation of public interest?

Availability of Public Information

- Y N 24. Do you charge the public for copies of permit-related documents? *Yes*
If yes, what is the cost per page?
Copying cost are: \$1.25 for the first page; .75 for the second page and .10 for each subsequent page. Two sided copies are: \$1.75 first page; .85 second page and .15 for each subsequent page.
- Y N a. Are there exceptions to this cost (e.g., the draft permit requested during the public comment period, or for non-profit organizations)?
No, there are no exceptions.
- Y N b. Do your title V permit fees cover this cost? If not, why not?
No, Title V fees do not cover the cost of copying. None of our permit fees cover the cost of copying this type of information.

25. What is your process for the public to obtain permit-related information (such as permit applications, draft permits, deviation reports, 6-month monitoring reports, compliance certifications, statement of basis) especially during the public comment period? All public requests for information are submitted using a Records Request Form, a letter or an email.

Y N

a. Are any of the documents available locally (e.g., public libraries, field offices) during the public comment period? Explain.

The District office is suitably located to provide ready access to the public from throughout the County.

26. How long does it take to respond to requests for information for permits in the public comment period? The District must respond to a request for information within 10 days or a request for extension requested pursuant to District Rule 176. Most requests are handled within a much shorter period of time.

Y N

27. Have you ever extended your public comment period as a result of information requests?

a. Where is this information stored?

The information is available at the District office.

Y N

b. Do information requests, either during or outside of the public comment period, affect your ability to issue timely permits?

Y N

c. Have you ever extended the public comment period because of a request for a public hearing?

Y N

28. Do you have a website for the public to get permit-related documents?

a. What is available online?

The public notice is available online.

b. How often is the website updated? Is there information on how the public can be involved?

The District website is updated within a week of any notice. The information on how public can be involved is available in the public notice.

Y N

29. Have other ideas for improved public notification, process, and/or access to information been considered? If yes, please describe.

- Y N 30. Do you have a process for notifying the public as to when the 60-day citizen petition period starts? If yes, please describe.
- Y N 31. Do you have any resources available to the public on public participation (booklets, pamphlets, webpages) ?
- Y N 32. Do you provide training to citizens on public participation or on title V?
- Y N 33. Do you have staff dedicated to public participation, relations, or liaison?
- a. Where are they in the organization?
The San Diego Air Pollution Control District is part of the Administrative Services Division.
 - b. What is their primary function?
The unit's primary function is to provide information to the community to educate them in matters related to air quality and District activities and to engage them in supporting the District efforts to improve air quality. This includes coordinating the District's inquiries from media, businesses, environmental groups and private citizens about programs like Title V. Also the unit promotes District programs during outreach events in the community and is available to the community to answer questions called in to a dedicated public information phone line and received in a dedicated email box.

Affected State Review and Review by Indian Tribes

34. How do you notify affected States of draft permits?
There are no affected states within 50 miles.
- a. How do you determine what States qualify as "affected States" for your draft permits?
35. How do you notify tribes of draft permits?
There are no tribes designated by EPA within 50 miles?

36. What percentage of your permits get comments from affected States?
from Tribes?

There are no affected states or designated tribes.

37. Is there any pattern to the type of draft permit that gets affected State /
Tribal comment? Are there common themes in comments from
affected States or Tribes?

38. Suggestions to improve your notification process?

The District considers the notification process adequate.

Any additional comments on public notification?

E. Permit Issuance / Revision / Renewal

Initial Permit Issuance

- Y N 1. If not all initial permits have been issued, do you have a plan to ensure your permits are issued in a reasonable timeframe? If not, what can EPA do to help?
All initial permit have been issued.

Permit Revisions

2. Did you follow your regulations on how to process permit modifications based on a list or description of what changes can qualify for:
- Y x N a. Administrative amendment? (See § 70.7(d)(vi))
- Y x N b. §502(b)(10) changes? (See §70.4(b)(12))
- Y x N c. Significant and/or minor permit modification? (See §70.7(e))
- Y N x d. Group processing of minor modifications?
- Y N 3. If the EPA Regional office has formally asked you to re-open a permit, were you able to provide EPA with a proposed determination within 90 days? (40 CFR 70.7(g)(2))

Not applicable; the District has not yet received a request to re-open a permit from EPA Region IX.

If not, why not?

4. For those initial permits that have been issued, and where the permitted facility has undergone a change, how many changes to title V permits have you processed?
- a. What percentage of changes at the facilities are processed as:
- i. Significant
~ 6
- ii. Minor
~ 4

iii. Administrative

~ 15

b. Of all changes that you have, how many (or what percentages) were:

i. Off-permit
None.

ii. 502(b)(10)

Approximately 75 %

5. How many days, on average, does it take to process (from application receipt to final permit amendment):

a. a significant permit revision?
12 months

b. a minor revision?
90 days

c. an administrative revision?
45 days

Y x N

6. Have you taken longer than the part 70 timeframes of 18 months for significant revision, 90 days for minor permit revisions and 60 days for administrative? Explain.

A significant permit modification for Larkspur Energy LLC took longer than the 18 months to process. The modification was a change in frequency of testing and the timeline was exceeded because more time was required to make sure that all necessary revisions were made at one time so there wouldn't need to be another significant permit modification involving source test conditions.

7. What have you done to streamline the issuance of revisions?

The District developed a process where some of the Title V permitting requirements, monitoring, citation of regulatory requirements, certification requirements, and others, are incorporated into the pre-construction permit process. The modification can then be

incorporated into the Title V permit as an administrative permit amendment. Once construction is complete, the modification of the Title V permit can move fairly quickly and the facility can go forward with operating the new or modified equipment in compliance with both District requirements and Title V requirements.

8. What process do you use to track permit revision applications moving through your system?

A separate database was set up to track Title V permit revision. This database will be incorporated in the new permit system the District is currently implementing for all permits.

Y N

9. Have you developed guidance to assist permit writers and sources in evaluating whether a proposed revision qualifies as an administrative amendment, off-permit change, significant or minor revision, or requires that the permit be reopened? If so, provide a copy.
The District has worked with industry through a joint workgroup to develop instructions for applications including section 502(b)(10) changes, administrative amendment, and minor and significant permit modifications. The workgroup continues to develop these instructions, which also contain examples of the specific activities that qualify in these categories.

Y N

10. Do you require that source applications for minor and significant permit modifications include the source's proposed changes to the permit?

Y N

- a. For minor modifications, do you require sources to explain their change and how it affects their applicable requirements?

Y N

11. Do you require applications for minor permit modifications to contain a certification by a responsible official, consistent with 70.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used?

12. When public noticing proposed permit revisions, how do you identify which portions of the permit are being revised? (e.g., narrative description of change, highlighting, different fonts).

The notice contains a narrative description of change

13. When public noticing proposed permit revisions, how do you clarify that only the proposed permit revisions are open to comment?

The notice contains a description of the proposed revision and indicates that the District is accepting comments on the proposed revision.

Permit Renewal Or Reopening

- Y x N
14. Have you begun to issue permit renewals?
15. What are your plans for timely issuance of the renewals?
The District developed streamlined application procedures with input from affected sources that allow referencing previously submitted application forms where there has been no change and no additional changes are requested.
- Y N x
16. Do you have a different application form for a permit renewal compared to that for an original application? (e.g., are your application renewal forms different from the forms for initial permits)
- a. If yes, what are the differences? Are 1st time requirements (like CAM, off permit changes, etc.) in a renewal application being included in the renewal?
- Y x N
17. Has issuance of renewal permits been “easier” than the original permits? Explain.
For renewals, most facilities rely on the initial Title V permit that has already been through public notice and EPA review. Most requests for streamlining and permit shields were acted on for the initial Title V permit issuance.
- Y x N
18. How are you implementing the permit renewal process (ie., guidance, checklist to provide to permit applicants)?
The District provided application instructions for the facilities that need to renew Title V permits and provided electronic copies of facility information including emission unit permits.
19. What % of renewal applications have you found to be timely and complete?
Approximately 50%
20. How many complete applications for renewals do you presently have in-house ready to process?
5
- Y x N
21. Have you been able to or plan to process these renewals within the part 70 timeframe of 18 months? If not, what can EPA do to help?

Y N

22. Have you ever determined that an issued permit must be revised or revoked to assure compliance with the applicable requirements?

F. Compliance

1. Deviation reporting:

- a. Which deviations do you require be reported prior to the semi-annual monitoring report? Describe.

All deviations must be reported.

Y N

- b. Do you require that some deviations be reported by telephone?

Breakdowns.

Y N

- c. If yes, do you require a followup written report? If yes, within what timeframe?

Within 15 calendar days after corrective action has been taken (Rule 98).

Y N

- d. Do you require that all deviation reports be certified by a responsible official? (If no, describe which deviation reports are not certified).

Y N

- i. Do you require all certifications at the time of submittal?

Y N

- ii. If not, do you allow the responsible official to “back certify” deviation reports? If you allow the responsible official to “back certify” deviation reports, what timeframe do you allow for the followup certifications (e.g., within 30 days; at the time of the semi-annual deviation reporting)?

Only semi-annual and annual compliance certifications (not individual deviation reports).

2. How does your program define deviation?

Any and all violations of rules or permit conditions.

Y N

- a. Do you require only violations of permit terms to be reported as deviations?

- b. Which of the following do you require to be reported as a deviation (Check all that apply):

- Y x N i. excess emissions excused due to emergencies (pursuant to 70.6(g))
- Y x N ii. excess emissions excused due to SIP provisions (cite the specific state rule)
- Y x N iii. excess emissions allowed under NSPS or MACT SSM provisions?
- Y x N iv. excursions from specified parameter ranges where such excursions are not a monitoring violation (as defined in CAM)
- Y x N v. excursions from specified parameter ranges where such excursions are credible evidence of an emission violation
- Y x N vi. failure to collect data/conduct monitoring where such failure is “excused”:
- Y x N A. during scheduled routine maintenance or calibration checks
- Y N B. where less than 100% data collection is allowed by the permit
- Y x N C. due to an emergency
- Y N x vii. Other? Describe.

3. Do your deviation reports include:

- Y x N a. the probable cause of the deviation?
- Y x N b. any corrective actions taken?
- Y x N c. the magnitude and duration of the deviation?

- Y x N 4. Do you define “prompt” reporting of deviations as more frequent than semi-annual?
 Prompt is defined in the permit as follows:
 “The permittee shall report all deviations from any and all federally enforceable permit terms and conditions including: (a) breakdowns, whether or not they result in excess emissions, (b) deviations that

result in excess emissions of any regulated air pollutant, and (c) deviations from monitoring, recordkeeping, reporting and other administrative requirements that do not result in excess emissions. For deviations that result from breakdowns under District Rule 98, the permittee shall report the breakdown within two hours of detection of the breakdown and provide a follow-up written report after corrective actions have been taken. For deviations not due to a breakdown but which result in excess emissions, the permittee shall report the deviation within ten calendar days of detection. For all other deviations where no specific time frame for reporting a deviation applies, the permittee shall report the deviation at the time of the next semi-annual monitoring summary or annual compliance certification, whichever occurs first.”

Y x N

5. Do you require a written report for deviations?

Y N x

6. Do you require that a responsible official certify all deviation reports?

7. What is your procedure for reviewing and following up on:

a. deviation reports?

Reviewed by field inspector and supervisor and followed up with Notice of Violation as necessary and if appropriate.

b. semi-annual monitoring reports?

Same as (a). Reports are entered in database

c. annual compliance certifications?

Same as (b).

8. What percentage of the following reports do you review?

a. deviation reports

100%

b. semi-annual monitoring reports

100%

c. annual compliance certification

100%

9. Compliance certifications

Y x N

a. Have you developed a compliance certification form? If no, go to question 10.

Y x N

i. Is the certification form consistent with your rules?

ii. Is compliance based on whether compliance is continuous or intermittent or whether the compliance monitoring method is continuous or intermittent?

Y x N

iii. Do you require sources to use the form? What percentage do?

100 % use it.

Y N x

iv. Does the form account for the use of credible evidence?

Y N x

v. Does the form require the source to specify the monitoring method used to determine compliance where there are options for monitoring, including which method was used where more than one method exists?

10. Excess emissions provisions:

Y N x

a. Does your program include an emergency defense provision as provided in 70.6(g)? If yes, does it:

Y N

i. Provide relief from penalties?

Y N

ii. Provide injunctive relief?

Y N

iii. Excuse noncompliance?

Y N x

b. Does your program include a SIP excess emissions provision? If no, go to 10.c. If yes does it:

Y N

i. Provide relief from penalties?

Y N

ii. Provide injunctive relief?

Y N

iii. Excuse noncompliance?

c. Do you require the source to obtain a written concurrence from the PA before the source can qualify for:

Y N

i. the emergency defense provision?

Y N

ii. the SIP excess emissions provision?

Y N

iii. NSPS/NESHAP SSM excess emissions provisions?

11. Is your compliance certification rule based on:

Y N

a. the '97 revisions to part 70 - i.e., is the compliance certification rule based on whether the compliance monitoring method is continuous or intermittent; or:

Y N

b. the '92 part 70 rule - i.e., is the compliance certification rule based on whether compliance was continuous or intermittent?

The certification rule allows for compliance certification on the basis of both continuous and intermittent data rather than the 1997 rule that based certification on whether the monitoring was continuous or intermittent. The certification rule agrees with the June 27, 2003 Federal Register notice of "State and Federal Operating Permits Program: Amendments to Compliance Certification Requirements; Final Rule." Neither "a" nor "b" applies.

12. Any additional comments on compliance?

G. Resources & Internal Management Support

- Y X N
1. Are there any competing resource priorities for your “title V” staff in issuing Title V permits?
 - a. If so, what are they?
Minor source permits.
 2. Are there any initiatives instituted by your management that recognize/reward your permit staff for getting past barriers in implementing the title V program that you would care to share?
The District has an awards program that provides monetary awards to staff for outstanding achievements.
 3. How is management kept up to date on permit issuance?
There are meetings with the Title V permit engineers approximately monthly to keep management informed.
- Y X N
4. Do you meet on a regular basis to address issues and problems related to permit writing?
During the initial permit issuance, District staff met on a regular basis to address implementation of the Title V program and issuance of the initial permits. Since completing issuance of the initial permits, staff meet as issues arise in the Title V program or in regards to site-specific permitting activities. There are also biweekly meeting of Engineering Division staff to discuss permitting issues in general.
- Y N x
5. Do you charge Title V fees based on emission volume?
 - a. If not, what is the basis for your fees?
Labor cost of permit issuance and review of Title V summary reports and annual certifications.
 - b. What is your Title V fee?
The Title V fee is cost of labor expended in processing applications and in review facilities and permits to ensure ongoing compliance.
 6. How do you track title V expenses?

Labor tracking codes are used to track time to the nearest 1/10 the hour. Labor data is compiled and stored in a database system (VAX).

7. How do you track title V fee revenue?

Specific revenue accounts.

8. How many Title V permit writers does the agency have on staff (number of FTE's)?

2

Y N

9. Do the permit writers work full time on Title V?

a. If not, describe their main activities and percentage of time on title V permits.

Title V permits, synthetic minor permits, and local permit activities. Percentage varies by staff time.

b. How do you track the time allocated to Title V activities versus other non-title V activities?

The District uses separate labor tracking codes for Title V and other activities.

Y N

10. Are you currently fully staffed?

There are currently three vacant positions out of 32 budgeted positions. Interviews are currently underway for a Junior Engineer.

11. What is the ratio of permits to permit writers?

Approximately 12 Title permits per Title V staff.

12. Describe staff turnover.

The last staff turnover for permit writers was 2006 and additional duties have been assigned to the remaining permit writers.

a. How does this impact permit issuance?

No significant impact.

b. How does the permitting authority minimize turnover?

Competitive salaries, incentive programs (QFP program), maintain good working conditions.

- Y X N 13. Do you have a career ladder for permit writers?
- a. If so, please describe.
There are a number of Engineering classifications – Junior Engineer, Assistant Engineer, Associate Engineer and Senior Engineer. Each engineering classification has 5 pay grades. Several current and past District managers ascended through the engineering ranks to become Chief of Engineering, Deputy Director and APCO.

- Y x N 14. Do you have the flexibility to offer competitive salaries?

- Y x N 15. Can you hire experienced people with commensurate salaries?

16. Describe the type of training given to your new and existing permit writers.
During the initial stages of Title V program the District permit engineers attended training conducted by EPA Region IX and the Air Resources Board on Title V permitting. District staff participated in efforts by the California Air Pollution Control Officers Association (CAPCOA) to streamline periodic monitoring determinations and reduce the effort in establishing and justifying insignificant emissions units.

The District participates in the CAPCOA Title V Subcommittee that meets periodically to discuss permit issues. The District staff attend training by CAPCOA on Title V program elements.

The District also conducts an internal training program for new engineers that introduce them to all aspects of District operations (Monitoring and Technical service, Compliance, Administration as well as Engineering functions).

17. Does your training cover:

- Y x N a. how to develop periodic and/or sufficiency monitoring in permits?
- Y x N b. how to ensure that permit terms and conditions are enforceable as a practical matter?
- Y x N c. how to write a Statement of Basis?

- Y N 18. Is there anything that EPA can do to assist/improve your training?
Please describe.
19. How has the PA organized itself to address Title V permit issuance?
20. Overall, what is the biggest internal roadblock to permit issuance from the prospective of Resources and Internal Management Support?

Environmental Justice Resources

- Y N 21. Do you have Environmental Justice (EJ) legislation, policy or general guidance which helps to direct permitting efforts?
We apply EPA's EJ guidance.

If so, may EPA obtain copies of appropriate documentation?
- Y N 22. Do you have an in-house EJ office or coordinator, charged with oversight of EJ related activities?
- Y N 23. Have you provided EJ training / guidance to your permit writers?
- Y N 24. Do the permit writers have access to demographic information necessary for EJ assessments? (e.g., soci-economic status, minority populations, etc.). The County maintains a state-of-the-art Geographical Information System (GIS) called SANGIS that contains this information in a graphical form.
- Y N 25. When reviewing an initial or renewal application, is any screening for potential EJ issues performed? If so, please describe the process and/or attach guidance.

H. Title V Benefits

1. Compared to the period before you began implementing the Title V program, does the Title V staff generally have a better understanding of:

- Y N a. NSPS requirements?
- Y N b. The stationary source requirements in the SIP?
- Y N c. The minor NSR program?
- Y N d. The major NSR/PSD program?
- Y N e. How to design monitoring terms to assure compliance?
The Title V program requires gap-filling that requires additional training and experience from the Title V permit engineers.
- Y N f. How to write enforceable permit terms?

2. Compared to the period before you began implementing the Title V program, do you have better/more complete information about:

- Y N a. Your source universe including additional sources previously unknown to you?
- Y N b. Your source operations (e.g., better technical understanding of source operations; more complete information about emission units and/or control devices; etc.)?
- Y N c. Your stationary source emissions inventory?
- Y N d. Applicability and more enforceable (clearer) permits?

3. In issuing the Title V permits:

- Y N a. Have you noted inconsistencies in how sources had previously been regulated (e.g., different emission limits or frequency of testing for similar units)? If yes, describe.
- Y N b. Have you taken (or are you taking) steps to assure better regulatory consistency within source categories and/or between sources? If yes, describe.
Conditions are reviewed for consistency by both the permit writers and the compliance division.

4. Based on your experience, estimate the frequency with which potential compliance problems were identified through the permit issuance process:

Never Occasionally Frequently Often

- a. prior to submitting an application x
- b. prior to issuing a draft permit x
- c. after issuing a final permit x

5. Based on your experience with sources addressing compliance problems identified through the Title V permitting process, estimate the general rate of compliance with the following requirements prior to implementing Title V:

- a. NSPS requirements (including failure to identify an NSPS as applicable) X
- b. SIP requirements X
- c. Minor NSR requirements (including the requirement to obtain a permit) X
- d. Major NSR/PSD requirements (including the requirement to obtain a permit) X

6. What changes in compliance behavior on the part of sources have you seen in response to Title V? (Check all that apply)

- Y x N a. increased use of self-audits?
- Y N x b. increased use of environmental management systems?
- Y N x c. increased staff devoted to environmental management?
- Y N x d. increased resources devoted to environmental control systems (e.g., maintenance of control equipment; installation of improved control devices; etc.)?
- Y N x e. increased resources devoted to compliance monitoring?
- Y x N f. better awareness of compliance obligations?

- Y N g. other? Describe.
- Y N 7. Have you noted a reduction in emissions due to the Title V program?
- Y N a. Did that lead to a change in the total fees collected either due to sources getting out of title V or improving their compliance?
- Y N b. Did that lead to a change in the fee rate (dollars/ton rate)?
8. Has title V resulted in improved implementation of your air program in any of the following areas due to Title V:
- Y N a. netting actions
- Y N b. emission inventories
- Y N c. past records management (e.g., lost permits)
- Y N d. enforceability of PTE limits (e.g., consistent with guidance on enforceability of PTE limits such as the June 13, 1989 guidance)
- Y N e. identifying source categories or types of emission units with pervasive or persistent compliance problems; etc.
- Y N f. clarity and enforceability of NSR permit terms
- Y N g. better documentation of the basis for applicable requirements (e.g., emission limit in NSR permit taken to avoid PSD; throughput limit taken to stay under MACT threshold)
- Y N h. emissions trading programs
- Y N i. emission caps
- Y N j. other (describe)
- Y N 9. If yes to any of the above, would you care to share how this improvement came about? (e.g., increased training; outreach; targeted enforcement)?
- Y N 10. Has Title V changed the way you conduct business?

Y N

- a. Are there aspects of the Title V program that you have extended to other program areas (e.g., require certification of accuracy and completeness for pre-construction permit applications and reports; increased records retention; inspection entry requirement language in NSR permits). If yes, describe.

The District now adds rule references for all conditions in all permits.

Y N

- b. Have you made changes in how NSR permits are written and documented as a result of lessons learned in Title V (e.g., permit terms more clearly written; use of a statement of basis to document decision making)? If yes, describe.

Y N

- c. Do you work more closely with the sources? If yes, describe. District engineers have not increased the already high level of effort put forth in working with the sources.

Y N

- d. Do you devote more resources to public involvement? If yes, describe.

Y N

- e. Do you use information from Title V to target inspections and/or enforcement?

Y N

- f. Other ways? If yes, describe.

Y N

11. Has the Title V fee money been helpful in running the program? Have you been able to provide:

Y N

- a. better training?

Y N

- b. more resources for your staff such as CFRs and computers?

Y N

- c. better funding for travel to sources?

Y N

- d. stable funding despite fluctuations in funding for other state programs?

Y N

- e. incentives to hire and retain good staff?

Y N f. are there other benefits of the fee program? Describe.

Y N 12. Have you received positive feedback from citizens?
There hasn't been citizens' feedback.

Y N 13. Has industry expressed a benefit of Title V? If so, describe.

Y N 14. Do you perceive other benefits as a result of the Title V program? If so, describe.

Y N 15. Other comments on benefits of title V?

Good Practices not addressed elsewhere in this questionnaire

Are any practices employed that improve the quality of the permits or other aspects of the title V program that are not addressed elsewhere in this questionnaire?

EPA assistance not addressed elsewhere in this questionnaire

Is there anything else EPA can do to help your title V program?

Appendix C

WORKPLAN FOR SDAPCD TITLE V PROGRAM EVALUATION

**Workplan
for
Title V Program Evaluation
San Diego County APCD**

US EPA, Region 9

OBJECTIVES

- To perform a Title V program evaluation of the San Diego County Air Pollution Control District (SDAPCD)
- To identify any areas for improvement in SDAPCD's Title V program and in EPA's own oversight role.
- To identify areas where SDAPCD's program could be used as an example for other permitting authorities to improve their implementation of Title V.

San Diego County is one of several air permitting agencies in Region 9 where EPA plans to perform Title V program evaluations. These evaluations are being performed nationwide by EPA.

EPA PROGRAM EVALUATION TEAM FOR SDAPCD

The following staff and managers are part of EPA's program evaluation team. Should you have any questions, please contact Roger Kohn (415/972-3973) or Gerardo Rios (415/972-3974).

Site Visit Participants:

1. Amy Zimpfer - Air Division Associate Director, Division Lead for San Diego County
2. Gerardo Rios - Air Division Permits Office Chief
3. Roger Kohn – San Diego County Title V Program Evaluation Coordinator, Permits Office
4. Shaheerah Kelly – San Diego County Title V Program Evaluation Team Member, Geographic Lead Contact for San Diego County, Permits Office
5. Ken Israels - San Diego County Title V Program Evaluation Team Member, Grants and Program Integration Office

Other EPA Staff Providing Assistance:

6. Irma Miranda - Administrative Assistant, Permits Office
7. Kara Christenson - Office of Regional Counsel

APPROACH

The program evaluation will be conducted in two stages.

- Stage I: Title V Program Evaluation Questionnaire. SDAPCD's responses to the questionnaire will help us prepare for the second stage of the program evaluation.
- Stage IIa: In-House File Review. EPA will conduct a review of in-house permit files prior to the site visit.
- Stage IIb: Site Visit (interviews and on-site file reviews). During the site visit, EPA will visit SDAPCD's office to interview staff and managers involved in the Title V program. In addition, EPA will conduct a review of SDAPCD files/systems, such as any Title V-related documents which were not available during the in-house file review, SDAPCD's tracking system for Title V permits and related documents, and standard operating procedures.
- Stage IIc: Follow-up and Report. EPA may need to contact certain SDAPCD staff/managers for follow-up questions and/or complete some interviews by phone. EPA will prepare a draft report, a copy of which will be sent to SDAPCD for review and comment. EPA will then issue the final report.

DETAILED DESCRIPTION OF EPA EFFORTS

EPA will examine how SDAPCD implements its Title V permitting program. Particular emphasis will be placed on SDAPCD's overall program goals and how decisions are made. We will also review some aspects of the program implementation budget and evaluate how Title V resources are allocated. We will work closely with SDAPCD throughout the program evaluation.

Needed Information

Listed below is information EPA will need to help us prepare for the site visit to SDAPCD:

- A listing of staff related to the Title V program with their respective responsibilities.
- SDAPCD's current organizational chart with names and phone numbers.
- A flowchart (or other information) of SDAPCD's Title V fee structure clearly showing how fees are set, collected, tracked, and used in support of the program. In addition, specific references to Title V fee-related legislation used by SDAPCD should be provided.

Interviews

During the site visit, EPA will interview SDAPCD managers and staff who are involved with the Title V program. EPA will schedule interview appointments in

advance. The list of interviewees we have compiled so far is included as an attachment. Please feel free to advise us of any other recommendations for potential interviewees.

We are planning on a one-week site visit. Based on the number of people listed in the attachment, we will not have enough time to conduct all the interviews during our site visit. Therefore, two to three weeks prior to the site visit, we plan to conduct telephone interviews of those people who are not as directly involved in the Title V program as, for example, the Title V permit writers. We will contact the appropriate person(s) at SDAPCD to coordinate scheduling of these interviews.

During the interviews, we plan to ask questions based on the areas addressed in the Title V Program Evaluation Questionnaire sent to SDAPCD. These areas include (1) Title V permit preparation and content, (2) monitoring, (3) public participation, (4) permit issuance, revision, and renewal, (5) compliance, (6) resources & internal management support, and (7) Title V benefits. EPA's interview questions may also be based upon our in-house file reviews.

Other Site Visit Activities

EPA plans to review the systems used by SDAPCD for tracking Title V permits, applications, emission inventories, Title V fees, compliance certifications, and related reports. We would also like to examine how Title V permit and compliance files are organized at the SDAPCD office. We may also review Title V-related documents that were not available during our in-house file review. During our site visit, we will need access to all the systems and files described above.

Site Visit Schedule

The site visit will occur September 10 through September 14, 2007. We will work with SDAPCD before the site visit to schedule individual, on-site interviews. In general, we plan to conduct interviews for the first three days and review the tracking systems and files the rest of the week.

Follow-up After Site Visit and Completion of Report

EPA may follow up by phone with SDAPCD after the site visit to ask for clarification on any questions or issues resulting from our visit. In previous program evaluations, we found that, for a few interviews, we were not able to ask all the interview questions in the time allotted for the interview. In these rare instances, we scheduled follow-up phone interviews with these interviewees. We will coordinate with SDAPCD if this situation should occur.

EPA plans to issue a draft report in February 2008. The report will be based on the interviews, the site visit, and our internal file reviews of Title V permits and related documents issued by SDAPCD. The report will allow EPA to document the successes and areas needing improvement that arise from the program review. Prior to public

release, EPA will issue the draft report to SDAPCD for a thirty-day review and comment period. After considering SDAPCD's comments and input, EPA will issue the final report with our recommendations.

A copy of EPA's final report will be made publicly available and will be published on our website. If a corrective action plan is necessary, there may be a follow-up step after the corrective action plan is finalized to determine how well the recommendations/commitments are being implemented.

Appendix D

FEBRUARY 19, 1999 EPA LETTER TO CAPCOA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

February 19, 1999

Mr. David Dixon
Chairperson, Title V Subcommittee
San Luis Obispo County
Air Pollution Control District
3433 Roberto Court
San Luis Obispo, CA 93401

Dear Mr. Dixon:

I am writing to provide a final version of our response to your July 2, 1998 letter in which you expressed concern about Region IX's understanding of the Subcommittee's tentative resolution to the 45-day EPA review period issue. I have also included a summary of the Subcommittee's agreement on two title V implementation issues originally raised by some Subcommittee members at our meeting on August 18, 1998. Our response reflects many comments and suggestions we have received during the past several months from members of the Title V Subcommittee and EPA's Office of General Counsel. In particular, previous drafts of this letter and the enclosure have been discussed at Subcommittee meetings on October 1, 1998, November 5, 1998, January 14, 1999, and February 17, 1999. Today's final version incorporates suggested changes as discussed at these meetings and is separated into two parts: Part I is "guidance" on what constitutes a complete Title V permit submittal; and Part II is a five-point process on how to better coordinate information exchange during and after the 45-day EPA review period.

We will address the letter to David Howekamp from Peter Venturini dated August 7, 1998 regarding permits issued pursuant to NSR rules that will not be SIP approved in the near future. This issue was also discussed at the August 18 Title V Subcommittee meeting.

I appreciate your raising the issues regarding the 45-day EPA review clock to my

attention. Your efforts, along with the efforts of other Title V Subcommittee members, have been invaluable towards resolving this and other Title V implementation issues addressed in this letter. The information in the enclosure will clarify Title V permitting expectations between Region IX and the California Districts and will improve coordination of Title V permit information. It is important to implement this immediately, where necessary, so the benefits of this important program can be fully realized as soon as possible in the state of California as well as other states across the country.

If you have any questions please do not hesitate to call me at (415) 744-1254.

Sincerely,

Matt Haber
Chief, Permits Office

Enclosure

cc: California Title V Contacts
California Air Pollution Control Officers
Ray Menebroker, CARB
Peter Venturini, CARB

Enclosure

Neither the guidance in Part I nor the process in Part II replace or alter any requirements contained in Title V of the Clean Air Act or 40 CFR Part 70.

PART I. Guidance on Information Necessary to Begin 45-day EPA Review

A complete submittal to EPA for a proposed permit consists of the application (if one has not already been sent to EPA), the proposed permit, and a statement of basis. If applicable to the Title V facility (and not already included in the application or proposed permit) the statement of basis should include the following:

- additions of permitted equipment which were not included in the application;
- identification of any applicable requirements for insignificant activities or State-registered portable equipment that have not previously been identified at the Title V facility,
- outdated SIP requirement streamlining demonstrations,
- multiple applicable requirements streamlining demonstrations,
- permit shields,
- alternative operating scenarios,
- compliance schedules,
- CAM requirements,
- plant wide allowable emission limits (PAL) or other voluntary limits,
- any district permits to operate or authority to construct permits;
- periodic monitoring decisions, where the decisions deviate from already agreed-upon levels (e.g., monitoring decisions agreed upon by the district and EPA either through: the Title V periodic monitoring workgroup; or another Title V permit for a similar source). These decisions could be part of the permit package or could reside in a publicly available document.

Part II - Title V Process

The following five-point process serves to clarify expectations for reviewing Title V permits and coordinating information on Title V permits between EPA Region IX (“EPA”) and Air Pollution Districts in California (“District”). Districts electing to follow this process can expect the following. Districts may, at their discretion, make separate arrangements with Region IX to implement their specific Title V permit reviews differently.

Point 1: The 45-day clock will start one day after EPA receives all necessary information to adequately review the title V permit to allow for internal distribution of the documents. Districts may use return receipt mail, courier services, Lotus Notes, or any other means they wish to transmit a package and obtain third party assurance that EPA received it. If a District would like written notice from EPA of when EPA received the proposed title V permit, the District should notify EPA of this desire in writing. After receiving the request, Region IX will provide written response acknowledging receipt of permits as follows:

(Date)

Dear (APCO):

We have received your proposed Title V permit for (Source Name) on (Date). If, after 45-days from the date indicated above, you or anyone in your office has not heard from us regarding this permit, you may assume our 45-day review period is over.

Sincerely,

Matt Haber
Chief, Permits Office

Point 2: After EPA receives the proposed permit, the permit application, and all necessary supporting information, the 45-day clock may not be stopped or paused by either a District or EPA, except when EPA approves or objects to the issuance of a permit.

Point 3: The Districts recognize that EPA may need additional information to complete its title V permit review. If a specific question arises, the District involved will respond as best it can by providing additional background information, access to background records, or a copy of the specific document.

The EPA will act expeditiously to identify, request and review additional information and the districts will act expeditiously to provide additional information. If EPA determines there is a basis for objection, including the absence of information necessary to review adequately the proposed permit, EPA may object to the issuance of the permit. If EPA determines that it needs more information to reach a decision, it may allow the permit to issue and reopen the permit after

the information has been received and reviewed.

Point 4: When EPA objects to a permit, the Subcommittee requested that the objection letter identify why we objected to a permit, the legal basis for the objection, and a proposal suggesting how to correct the permit to resolve the objection.

It has always been our intent to meet this request. In the future, when commenting on, or objecting to Title V permits, our letters will identify recommended improvements to correct the permit. For objection letters, EPA will identify why we objected to a permit, the legal basis for the objection, and details about how to correct the permit to resolve the objection. Part 70 states that “Any EPA objection...shall include a statement of the Administrator’s reasons for objection and a description of the terms and conditions that the permit must include to respond to the objections.”

Point 5: When EPA objects to a permit, and a District has provided information with the intent to correct the objection issues, the Subcommittee members requested a letter from EPA at the end of the 90-day period stating whether the information provided by the District has satisfied the objection.

While we agree with the Districts’ desire for clear, written communication from EPA, a written response will not always be possible by the 90th day because the regulations allow a District 90 days to provide information. To allow EPA ample time to evaluate submitted information to determine whether the objection issues have been satisfied, we propose establishing a clear protocol. The following protocol was agreed to by members of the Subcommittee:

1. within 60 days of an EPA objection, the District should revise and submit a proposed permit in response to the objection;
2. within 30 days after receipt of revised permit, EPA should evaluate information and provide written response to the District stating whether the information provided by the District has satisfied the objection.

Appendix E

SUMMARY OF EPA GUIDANCE ON REQUIRED STATEMENT OF BASIS ELEMENTS

Elements of a Statement of Basis

Elements	Region 9's February 19, 1999 letter to SLOC APCD	NOD to Texas' part 70 Program (January 7, 2002)	Region 5 letter to state of Ohio (December 20, 2001)	Los Medanos Petition Order (May 24, 2004)	Bay Area Refinery Petition Orders (March 15, 2005)	EPA's August 1, 2005 letter regarding Exxon Mobil proposed permit
New Equipment	Additions of permitted equipment which were not included in the application					√ ¹
Insignificant Activities and portable equipment	Identification of any applicable requirements for insignificant activities or State-registered portable equipment that have not previously been identified at the Title V facility					√
Streamlining	Multiple applicable requirements streamlining demonstrations		Streamlining requirements	Streamlining analysis		√
Permit Shields	Permit shields	The basis for applying the permit shield	√	Discussion of permit shields	Basis for permit shield decisions	√
Alternative Operating	Alternative operating scenarios	A discussion of any operational	√			√

¹ Throughout this table, checkmarks in the column of a particular guidance document in the table indicate that on the issue identified in that row, the document refers to a previous guidance document.

Scenarios and Operational Flexibility		flexibility that will be utilized at the facility.				
Compliance Schedules	Compliance Schedules				Must discuss need for compliance schedule for multiple NOVs, particularly any unresolved/outstanding NOVs	Must discuss need for compliance schedule for any outstanding NOVs
CAM	CAM requirements					√
PALs	Plant wide allowable emission limits (PAL) or other voluntary limits					√
Previous Permits	Any district permits to operate or authority to construct permits		Explanation of any conditions from previously issued permits that are not being transferred to the title V permit	A basis for the exclusion of certain NSR and PSD conditions contained in underlying ATC permits		√
Periodic Monitoring Decisions	Periodic monitoring decisions, where the decisions deviate from already agreed upon levels (eg. Monitoring decisions agreed upon by the district and EPA either through: the Title V periodic monitoring workgroup; or another Title V permit for a similar source). These decisions could be part of the permit package or reside in a publicly	The rationale for the monitoring method selected	A description of the monitoring and operational restrictions requirements	1) recordkeeping and period monitoring that is required under 40 CFR 70.6(a)(3)(i)(B) or district regulation 2) Ensure that the rationale for the selected monitoring method or lack of monitoring is clearly explained and documented in the permit record.	The SOB must include a basis for its periodic monitoring decisions (adequacy of chosen monitoring or justification for not requiring periodic monitoring)	The SOB must include a basis for its periodic monitoring decisions. Any emissions factors, exhaust characteristics, or other assumptions or inputs used to justify no periodic monitoring is required, should be included in SOB

	available document.					
Facility Description		A description of the facility	√			√
Applicability Determinations and Exemptions		Any federal regulatory applicability determinations	Applicability and exemptions	1) Applicability determinations for source specific applicable requirements 2) Origin or factual basis for each permit condition or exemption	SOB must discuss the Applicability of various NSPS, NESHAP and local SIP requirements and include the basis for all exemptions	SOB must discuss the Applicability of various NSPS, NESHAP and local SIP requirements and include the basis for all exemptions
General Requirements			Certain factual information as necessary	Generally the SOB should provide “a record of the applicability and technical issues surrounding the issuance of the permit.”		√

Appendix F

LIST OF EPA GUIDANCE ON REQUIRED STATEMENT OF BASIS ELEMENTS

February 19, 1999 letter from EPA Region 9 to the California Air Pollution Control Officers Association (CAPCOA)

EPA Administrator's December 20, 2000 Order responding to a petition to EPA to object to the proposed Title V permit for the Fort James Camas Mill

December 20, 2001 letter from EPA Region 5 to the Ohio Environmental Protection Agency

Notice of Deficiency (NOD) issued by EPA Region 6 to Texas Natural Resources Conservation Commission (67 Fed. Reg. 735, January 7, 2002)

EPA Administrator's May 24, 2004 Order responding to a petition to EPA to object to the proposed Title V permit for the Los Medanos Energy Center

EPA Administrator's March 15, 2005 Orders responding to a petition to EPA to object to the proposed Title V permits for the Tesoro, Valero, ConocoPhillips, and Chevron refineries

August 1, 2005 letter from EPA Region 9 to South Coast Air Quality Management District regarding proposed Exxon Mobil permit

Appendix G

**JUNE 4, 1999 CAPCOA/CARB/EPA
PERIODIC MONITORING GUIDANCE**

Date: June 24, 1999
To: CAPCOA Engineering Managers
From: Rick McVaigh, Title V Subcommittee Chairperson
RE: **Approval of Title V Periodic Monitoring Recommendations**

The CAPCOA/CARB/EPA Region IX periodic monitoring workgroup has completed its development of the attached Period Monitoring Recommendations for Generally Applicable Requirements. These guidelines were developed by the workgroup to assist California applicants and permitting agencies in selecting approvable periodic monitoring proposals for Title V permits.

Draft periodic monitoring recommendations were prepared by workgroup members based on criteria established by the CAPCOA Title V subcommittee. The draft recommendations were presented in public workshops in Sacramento on April 16, 1999, and in Diamond Bar on May 4, 1999. All comments received before, during, and after the workshops have been addressed. Although revisions made to the draft recommendations based on workshop comments raised some new issues of concern for some workgroup members, those issues have now all been resolved.

Now that the process of developing these guidelines has been completed, the workgroup is recommending that the CAPCOA Engineering Managers Committee approve these guidelines for distribution to all California air district Title V contacts and all interested parties identified on the periodic monitoring workshop mailing lists.

CC: Title V Periodic Monitoring Workgroup Members

June 24, 1999
 Summary
 Periodic Monitoring Recommendations
 For Generally Applicable Requirements in SIP

Note: General guidelines. May be case-specific deviations where alternative monitoring is more appropriate.^{1,2}

Requirement/Equipment	Recommended Periodic Monitoring	Notes
I. Opacity Limits (Assuming SIP limits of 20-40%)		
I.A.1. Gaseous-fueled combustion equipment (except flares).	A.2. None when unit is firing on gaseous fuel.	
I.B.1. Ground-level flares at landfills	<p>B.2.a Minimum Acceptable Monitoring: Continuous exhaust temperature limit/monitoring, either with continuous recorder or emergency shut off with alarm if combustion temperature falls out of specified range.</p> <p>B.2.b. Also acceptable: Automatic combustion air controller with alarm and automatic shutoff valve for the case of existing flare systems which already have this capability.</p>	Monitoring not required during start-up, to allow flare to come up to temperature. Start up to be defined in permit. Start up period is typically 15 minutes.
I.C.1. Ground-level flares at waste water treatment plants	C.2.a Minimum Acceptable Monitoring: Continuous exhaust temperature limit/monitoring with continuous recorder or emergency alarm if combustion temperature falls out of specified range. Alarm will trigger an immediate visible emissions inspection. If a visible emissions inspection documents opacity, a method 9 evaluation shall be completed within 3 working days.	Monitoring not required during start-up, to allow flare to come up to temperature. Start up to be defined in permit. Start up period is typically 15 minutes.

Requirement/Equipment	Recommended Periodic Monitoring	Notes
I.D.1. Elevated Refinery Flares	<p>D.2. Minimum Acceptable Monitoring: either</p> <p>a) Visible emissions inspection via remote viewing system, supplemented by recordkeeping of instances in which unable to correct visible emissions problems. OR</p> <p>b) Visible emissions inspection as soon as any intentional or unintentional release of vent gas to a gas flare but no later than one hour from the flaring event, OR</p> <p>c) For clean service flares, monitoring will consist of monitoring of gas quality or other demonstration of gas quality.</p>	<p>"Clean service" is a gas flare that is designed and configured by installation to combust only natural gas, hydrogen gas, and/or liquified petroleum gas.</p>
I.E.1. Elevated and Ground Level Oil Field Flares	<p>E.2.a. For high quality gas: If source submits data documenting that the quality of the gas over its range of variability would meet the definition of high quality gas, monitoring will consist of monitoring for gas quality or other demonstration of gas quality.</p> <p>E.2.b. For other gas: still under discussion</p> <p>Option: Monitoring similar to refinery flares. Alternative to the refinery flare monitoring may be proposed for remote locations (e.g., to reduce cost, monitoring could be conducted during times when flares are normally otherwise inspected/maintained by the facility.)</p>	<p>"High quality" means gas with high methane content and low heavy hydrocarbon content. More specific definition may be developed later based on District data.</p> <p>More work on oil field gas composition necessary (review data from San Joaquin and Ventura).</p>
I.F.1. Stack emissions from material handling units such as aggregate plants, asphalt batch plants, lime plants, kilns, Portland cement plants, and dry materials handling equipment. Baghouses -- based on potential	<p>F.2.a. Minimum Acceptable Monitoring:</p> <p>1. Visible emissions inspection to detect any visible emissions at following frequency (pressure drop monitoring may be substituted for visible emissions inspection.):</p>	

Requirement/Equipment	Recommended Periodic Monitoring	Notes
<p>uncontrolled particulate matter emissions per baghouse</p>	<p>Uncontrolled PTE Monitoring Frequency < 25 TPY Annual 25 to 300 TPY Quarterly >300 to 1,300 TPY Monthly >1,300 TPY Weekly</p> <p>Case by case consideration can be given to modifying the above monitoring frequencies to deal with special situations, or for multiple baghouses where a consistent frequency would provide for better overall monitoring, without loss of adequate compliance assurance. AND</p> <p>2. Baghouse to be completely inspected annually.</p> <p>F.2.b. Also acceptable: COMS or triboelectric monitoring.</p>	
<p>I.G.1. Stack emissions from material handling units such as aggregate plants, asphalt batch plants, lime plants, kilns, Portland cement plants, and dry materials handling equipment.</p> <p>Vent Filters</p>	<p>G.2.a. Receiving Silos</p> <ol style="list-style-type: none"> 1. Perform visible emissions inspection and record results annually. If any VE are observed, corrective action is required prior to further loading. Corrective action means that VE is eliminated before next loading event. 2. Maintain all records of vent filter maintenance. <p>G.2.b. Process Silos (Silos continuously loaded during process operation.)</p> <ol style="list-style-type: none"> 1. Perform visible emissions inspection and record results on a quarterly basis. If any VE are observed, immediate corrective action (within 24 hours, or another 	<p>Monitoring frequency may be linked to size consistent with frequencies in I.E.2.a.</p>

Requirement/Equipment	Recommended Periodic Monitoring	Notes
<p>I.H.1. Stack emissions from material handling units such as aggregate plants, asphalt batch plants, lime plants, kilns, Portland cement plants, and dry materials handling equipment. Scrubbers [Based on scrubber with exhaust flow of 7,500 cfm.]</p>	<p>specified time frame consistent with SIP-approved District rule) is required. Corrective action means that the VE is eliminated.</p> <p>2. Inspect filter bags for scuffs, wear, holes, tears, etc. and all connection points, hatches etc. on an annual basis.</p> <p>H.2. Weekly records of pressure drop and scrubbing liquid flow rate, and weekly visual qualitative check to make sure settling pond is working adequately.</p>	
<p>I.I.1. Stack emissions from material handling units such as aggregate plants, asphalt batch plants, lime plants, kilns, Portland cement plants, and dry materials handling equipment. Cyclones</p>	<p>I.2. Case-by-case basis.</p>	<p>May be revisited at later date.</p>
<p>I.J.1. Fugitive emissions from process transfer points at material handling units such as aggregate plants, asphalt batch plants, lime plants, kilns, Portland cement plants, and dry materials handling equipment. Grain loading limits are not applicable to fugitive (non-stack discharge) emissions, however, process weight rate limits are applicable to fugitive emissions.</p> <p>Totally enclosed systems</p>	<p>J.2. Annual inspection of enclosure.</p>	

Requirement/Equipment	Recommended Periodic Monitoring	Notes
<p>I.K.1. Fugitive emissions from process transfer points at material handling units such as aggregate plants, asphalt batch plants, lime plants, kilns, Portland cement plants, and dry materials handling equipment. Grain loading limits are not applicable to fugitive (non-stack discharge) emissions, however, process weight rate limits are applicable to fugitive emissions.</p> <p>Fugitive emissions (no spraybars)</p>	<p>K.2. Annual visible emissions inspection under material and environmental conditions (e.g. dry and/or windy) where high emissions expected.</p>	<p>May still need to discuss what would be required as a follow-up action if visible emissions are documented during annual inspection.</p>
<p>I.L.1. Fugitive emissions from process transfer points at material handling units such as aggregate plants, asphalt batch plants, lime plants, kilns, Portland cement plants, and dry materials handling equipment. Grain loading limits are not applicable to fugitive (non-stack discharge) emissions, however, process weight rate limits are applicable to fugitive emissions.</p> <p>Fugitive emissions (controlled by spraybars)</p>	<p>L.2. Case-by-case basis</p>	
<p>I.M.1. Gas turbine [based on example turbine of 941 mmbtu/hr]</p>	<p>M.2. Annual visible emissions inspection if the unit is fired on diesel fuel for training/testing purposes; and A visible emissions inspection after every 400 cumulative hours of operation on diesel fuel or after every 2 million gallons of diesel fuel combusted, to be counted cumulatively over a 5 year period. If a visible emissions inspection documents opacity, a method 9 evaluation shall be completed within 3 working days, or during the next scheduled training/testing period if the unit ceases firing on diesel fuel within the 3 working day time frame.</p>	<p>Monitoring frequency can be scaled similar to the scaling for monitoring frequency for boilers in I.O.2.</p> <p>For sources keeping records of fuel use rather than hours of operation, monitoring frequency could be based on the cumulative amount of fuel combusted; Hours of operation could be converted to gallons fuel</p>

Requirement/Equipment	Recommended Periodic Monitoring	Notes
I.N.1. Reciprocating engines equal or greater than 1000 horsepower, firing on only diesel with no restrictions on operation	N.2. Quarterly Method 9 or a visible emissions inspection that triggers a Method 9 within 3 working days, or during the next scheduled training/testing period if the unit ceases firing on fuel oil within the 3 working day time frame.	combusted based on the maximum gallons fuel combusted per hour by a specific emissions unit.
I.O.1. Diesel Standby and emergency reciprocating engines	O.2. No monitoring for opacity.	This monitoring applies to any CA sources firing on diesel fuel, based on consideration that sources in CA usually combust CA diesel or other low-sulfur, low aromatic diesel fuels.
I.P.1. Diesel/Distillate-Fueled Boilers	P.2. A visible emissions inspection after every 1 million gallons diesel combusted, to be counted cumulatively over a 5 year period. If a visible emissions inspection documents opacity, a method 9 evaluation shall be completed within 3 working days, or during the next scheduled operating period if the unit ceases firing on diesel fuel within the 3 working day time frame.	<p>This monitoring applies to any CA sources firing on diesel fuel, based on consideration that sources in CA usually combust CA diesel or other low-sulfur, low aromatic diesel fuels.</p> <p>For sources keeping records of hours of operation rather than fuel use, monitoring frequency could be based on the cumulative hours of operation; Fuel use could be converted to hours of operation based on the maximum gallons fuel combusted per hour by a specific</p>

Requirement/Equipment	Recommended Periodic Monitoring	Notes
II. Grain Loading [Assuming SIP limits 0.1 gr/dscf or higher] and Process Weight		emissions unit.
II.A.1. Stack emissions from material handling units such as aggregate plants, asphalt batch plants, lime plants, kilns, Portland cement plants, and dry materials handling equipment.	A.2. See monitoring for I.F. through I.L. above.	
II.B.1. Fugitive emissions from process transfer points at material handling units such as aggregate plants, asphalt batch plants, lime plants, kilns, Portland cement plants, and dry materials handling equipment. Grain loading limits are not applicable to fugitive (non-stack discharge) emissions, however, process weight rate limits are applicable to fugitive emissions.	B.2. See monitoring for I.J through I.L above.	
III. Sulfur Content of Fuels		
III.A.1. PUC quality natural gas / propane / butane / ARB quality reformulated gasoline / ARB (or EPA) certified diesel	A.2. None when unit is firing on one of fuels listed under III.A.1.	
III.B.1. Landfill gas	B.2.a. For limits ≥ 750 ppm as H ₂ S or 160 ppm as SO ₂ , test landfill gas quarterly using Draeger tubes. If source-specific historical data shows seasonal variation is minimal, then test landfill gas annually using Draeger tubes. B.2.b. If there is control equipment for purposes of	For new landfills, permit could provide for reducing quarterly monitoring frequency after data has been collected to show emissions variation is minimal.

Requirement/Equipment	Recommended Periodic Monitoring	Notes
III.C.1. Sewage Digester gas	<p>meeting the limit, periodic monitoring of the control equipment.</p> <p>C.2. For all limits, test weekly using Draeger tubes (or equivalent method) to measure sulfur content of gas. If source-specific historical data shows emissions are well below the applicable limit with minimal variation, then test (less frequently) using Draeger tubes.</p>	<p>If data is available to show emissions well below applicable limits, would consider different monitoring for this limit. Also, permit could provide for reducing monitoring frequency after data has been collected to show emissions variation is minimal.</p>
III.D.1. Oil field gas	<p>D.2.a. Dependent on oil field sulfur, to be determined during permit preparation or through periodic monitoring:</p> <p>If sweet gas, annual monitoring, otherwise If pre-control S levels <50% of limit, annual monitoring 50-80% of limit, semi-annual monitoring 80-100% of limit, quarterly monitoring</p> <p>D.2.b. If pre-control S levels >100% of limit, periodic monitoring of the control equipment.</p>	<p>Would like to include oil field test data from Districts as supporting information.</p>
III.E.1. Other gaseous or liquid fuels not addressed by III.A. through D above	<p>E.2. Certification by fuel supplier for each fuel delivery. Certification may be provided once for each purchase lot, if records are also kept of the purchase lot number of each delivery.</p>	<p>Title IV (acid rain) monitoring requirements could also serve as adequate periodic monitoring</p>

Requirement/Equipment	Recommended Periodic Monitoring	Notes
IV. Specific Contaminants (e.g. CO, SO ₂ , PM) IV.A.1. Emission limits for common pollutants, applicable to broad range of combustion equipment	A.2. For SO ₂ concentration, monitor fuel sulfur content as a surrogate. For limits covered by section III above, do monitoring as specified in that section. For other limits, set monitoring frequency on a case-by-case basis.	

1. Monitoring shall be the responsibility of the source. However, a visible emissions inspection or Method 9 conducted by a District inspector may be counted as meeting the requirement for the source to conduct same if the information and records generated by the inspector meets the requirements of the permit and a copy of the records are maintained by the source consistent with Title V recordkeeping requirements.

2. In addition to the monitoring identified in the specific monitoring recommendations, Title V permits will also include recordkeeping provisions associated with the monitoring requirements. Records will generally include information such as:

- identification of the stack or emission point being monitored;
- the operating conditions at the time of monitoring;
- records of any monitoring conducted, including records of emission or parameter values, and the date, place and time of sampling or measurement.
- where corrective action is triggered, description of the corrective action, and the date, time, and results of any corrective action.

Appendix H

U.S. CENSUS BUREAU DATA FOR SAN DIEGO COUNTY



U.S. Census Bureau

American FactFinder

FACT SHEET

San Diego County, California

View a Fact Sheet for a **race, ethnic, or ancestry group**

Census 2000 Demographic Profile Highlights:

General Characteristics - show more >>

	Number	Percent	U.S.		
Total population	2,813,833			map	brief
Male	1,415,097	50.3	49.1%	map	brief
Female	1,398,736	49.7	50.9%	map	brief
Median age (years)	33.2	(X)	35.3	map	brief
Under 5 years	198,621	7.1	6.8%	map	
18 years and over	2,090,172	74.3	74.3%		
65 years and over	313,750	11.2	12.4%	map	brief
One race	2,681,866	95.3	97.6%		
White	1,871,839	66.5	75.1%	map	brief
Black or African American	161,480	5.7	12.3%	map	brief
American Indian and Alaska Native	24,337	0.9	0.9%	map	brief
Asian	249,802	8.9	3.6%	map	brief
Native Hawaiian and Other Pacific Islander	13,561	0.5	0.1%	map	brief
Some other race	360,847	12.8	5.5%	map	
Two or more races	131,967	4.7	2.4%	map	brief
Hispanic or Latino (of any race)	750,965	26.7	12.5%	map	brief
Household population	2,716,820	96.6	97.2%	map	brief
Group quarters population	97,013	3.4	2.8%	map	
Average household size	2.73	(X)	2.59	map	brief
Average family size	3.29	(X)	3.14	map	
Total housing units	1,040,149			map	
Occupied housing units	994,677	95.6	91.0%		brief
Owner-occupied housing units	551,461	55.4	66.2%	map	
Renter-occupied housing units	443,216	44.6	33.8%	map	brief
Vacant housing units	45,472	4.4	9.0%	map	

Social Characteristics - show more >>

	Number	Percent	U.S.		
Population 25 years and over	1,773,327				
High school graduate or higher	1,464,478	82.6	80.4%	map	brief
Bachelor's degree or higher	523,511	29.5	24.4%	map	
Civilian veterans (civilian population 18 years and over)	292,034	14.6	12.7%	map	brief
Disability status (population 5 years and over)	448,590	17.9	19.3%	map	brief
Foreign born	606,254	21.5	11.1%	map	brief
Male, Now married, except separated (population 15 years and over)	579,963	52.8	56.7%		brief
Female, Now married, except separated (population 15 years and over)	565,791	51.2	52.1%		brief
Speak a language other than English at home (population 5 years and over)	864,981	33.0	17.9%	map	brief

Economic Characteristics - show more >>

	Number	Percent	U.S.		
In labor force (population 16 years and over)	1,407,152	65.0	63.9%		brief
Mean travel time to work in minutes (workers 16 years and over)	25.3	(X)	25.5	map	brief
Median household income in 1999 (dollars)	47,067	(X)	41,994	map	
Median family income in 1999 (dollars)	53,438	(X)	50,046	map	
Per capita income in 1999 (dollars)	22,926	(X)	21,587	map	
Families below poverty level	59,221	8.9	9.2%	map	brief
Individuals below poverty level	338,399	12.4	12.4%	map	


Housing Characteristics - show more >>

Number	Percent	U.S.
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Single-family owner-occupied homes	457,264				
Median value (dollars)	227,200	(X)	119,600	map	brief
Median of selected monthly owner costs	(X)	(X)			brief
With a mortgage (dollars)	1,541	(X)	1,088	map	
Not mortgaged (dollars)	305	(X)	295		

(X) Not applicable.

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

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U.S. Census Bureau

American FactFinder

FACT SHEET

San Diego County, California

2006 American Community Survey

Data Profile Highlights:

NOTE. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, it is the Census Bureau's Population Estimates Program that produces and disseminates the official estimates of the population for the nation, states, counties, cities and towns and estimates of housing units for states and counties.

	Estimate	Percent	U.S.	Margin of Error
Social Characteristics - show more >>				
Average household size	2.72	(X)	2.61	+/-0.02
Average family size	3.33	(X)	3.20	+/-0.03
Population 25 years and over	1,858,508			+/-705
High school graduate or higher	(X)	84.9	84.1%	(X)
Bachelor's degree or higher	(X)	33.3	27.0%	(X)
Civilian veterans (civilian population 18 years and over)	261,424	12.3	10.4%	+/-6,824
Disability status (population 5 years and over)	316,860	12.1	15.1%	+/-9,831
Foreign born	686,117	23.3	12.5%	+/-12,348
Male, Now married, except separated (population 15 years and over)	587,649	50.6	52.4%	+/-7,928
Female, Now married, except separated (population 15 years and over)	565,526	48.9	48.4%	+/-8,040
Speak a language other than English at home (population 5 years and over)	976,057	35.9	19.7%	+/-15,225
Household population	2,826,027			+/-1,657
Group quarters population	(X)	(X)	(X)	(X)
Economic Characteristics - show more >>				
In labor force (population 16 years and over)	1,503,106	65.9	65.0%	+/-10,523
Mean travel time to work in minutes (workers 16 years and over)	24.9	(X)	25.0	+/-0.3
Median household income (in 2006 inflation-adjusted dollars)	59,591	(X)	48,451	+/-1,284
Median family income (in 2006 inflation-adjusted dollars)	69,099	(X)	58,526	+/-1,502
Per capita income (in 2006 inflation-adjusted dollars)	28,763	(X)	25,267	+/-340
Families below poverty level	(X)	8.1	9.8%	(X)
Individuals below poverty level	(X)	11.7	13.3%	(X)
Housing Characteristics - show more >>				
Total housing units	1,125,820			+/-673
Occupied housing units	1,039,619	92.3	88.4%	+/-6,525
Owner-occupied housing units	599,242	57.6	67.3%	+/-8,305
Renter-occupied housing units	440,377	42.4	32.7%	+/-8,456
Vacant housing units	86,201	7.7	11.6%	+/-6,458
Owner-occupied homes	599,242			+/-8,305
Median value (dollars)	572,000	(X)	185,200	+/-4,093
Median of selected monthly owner costs				
With a mortgage (dollars)	2,300	(X)	1,402	+/-29
Not mortgaged (dollars)	404	(X)	399	+/-14
ACS Demographic Estimates - show more >>				
Total population	2,941,454			*****
Male	1,480,853	50.3	49.2%	+/-476

Female	1,460,601	49.7	50.8%	+/-476
Median age (years)	34.0	(X)	36.4	+/-0.1
Under 5 years	221,160	7.5	6.8%	+/-309
18 years and over	2,196,272	74.7	75.4%	*****
65 years and over	326,903	11.1	12.4%	+/-435
One race	2,836,414	96.4	98.0%	+/-6,825
White	2,065,987	70.2	73.9%	+/-15,986
Black or African American	146,313	5.0	12.4%	+/-3,918
American Indian and Alaska Native	21,583	0.7	0.8%	+/-2,658
Asian	302,392	10.3	4.4%	+/-4,408
Native Hawaiian and Other Pacific Islander	13,085	0.4	0.1%	+/-1,466
Some other race	287,054	9.8	6.3%	+/-15,095
Two or more races	105,040	3.6	2.0%	+/-6,825
Hispanic or Latino (of any race)	885,504	30.1	14.8%	*****

Source: U.S. Census Bureau, 2006 American Community Survey


Explanation of Symbols:

'****' - The median falls in the lowest interval or upper interval of an open-ended distribution. A statistical test is not appropriate.

'*****' - The estimate is controlled. A statistical test for sampling variability is not appropriate.

'N' - Data for this geographic area cannot be displayed because the number of sample cases is too small.

'(X)' - The value is not applicable or not available.

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Appendix I

SDAPCD COMMENTS ON DRAFT REPORT AND EPA RESPONSES



Air Pollution Control Board

Greg Cox	District 1
Dianne Jacob	District 2
Pam Slater-Price	District 3
Ron Roberts	District 4
Bill Horn	District 5

July 30, 2008

Gerardo C. Rios, Chief
Permits Office
U.S. EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105-3801

Dear Mr. Rios:

COMMENTS ON THE DRAFT TITLE V PERMIT PROGRAM EVALUATION REPORT FOR SAN DIEGO

Thank you for the opportunity to comment on the draft Title V Permit Program Evaluation Report for San Diego. We appreciate EPA's efforts in providing a means to improve our program through the audit process and seeking the District's full participation in that process. The District is providing the following comments to clarify the Evaluation Report and to facilitate appropriate recommendations that will improve the District's implementation of its Title V program. The District has some general concerns with some aspects of the issue of statement of basis raised in the draft report. This item is addressed first below with additional specific comments following.

Statement of Basis

The District has committed to follow the 1999 EPA Region IX/CAPCOA agreement on elements to be included in the statement of basis. The Title V items specified were unique to the structuring and content of Title V permits. At the onset of providing these reports along with proposed permits to EPA Region IX, the District indicated that the report was a summary and has always been ready to provide needed additional information on details of the issues reported in the summary report upon request.

The District recognizes that since the 1999 EPA Region IX/CAPCOA agreement, EPA has provided more detail to clarify what is expected in the statement of basis. These clarifications will make it easier to assemble a more understandable statement of basis for review by the public and EPA. However, EPA's current guidance on required statement of basis elements as specified in Appendix E goes beyond elements that arose from Title V. For instance, EPA Region IX is requesting that a statement of basis include the basis for periodic monitoring decisions. Previously this was limited to those decisions that departed from agreed-upon levels. The District anticipates that documenting the basis of each monitoring decision even those that have

been previously considered agreed-upon by the District and EPA would be an extensive, labor-intensive process. Appendix E also requires applicability determinations and exemptions which are elements not introduced by Title V. The District has in the past, and continues to, assert that the Title V permit application forms contain this information since District policy requires that, if necessary, updated application forms be submitted before the final permit is issued that reflect final applicability and exemption determinations made by the District.

In the past several years, the Title V Subcommittee of CAPCOA has discussed changes to the 1999 agreement with EPA. In addition, the Title V Performance Task Force recommended in April 2006 that EPA clarify to states what should be in the statement of basis (see Final Report to the Clean Air Act Advisory Committee - Title V Implementation Experience, page 233). The District would prefer that changes in the content of the statement of basis result from EPA guidance developed in these forums where more affected agencies can provide input.

Specific Comments

Finding 2.6, Discussion, Line 3-6:

“The purpose of this requirement (statement that sets forth the legal and factual basis for the draft permit conditions referred to as the statement of basis) is to support the proposed Title V permit with a discussion of the decision-making that went into the development and provide the permitting authority, the public, and EPA a record of the applicability determinations and technical issues surrounding the issuance of the permit.”

As the record of the evolution of the statement of basis shows, a requirement to include applicability determinations was first addressed in the EPA Region 5 December 20, 2001 letter to Ohio. The statement in Lines 3-6 seems to indicate that EPA had always considered applicability determinations to be a required part of a statement of basis. This is not the case, and the District suggests the statement should be revised to include a discussion of the evolution of EPA guidance on the content of the statement of basis with respect to applicability determinations.

Finding 2.7, Discussion:

“One part of the EPA/CAPCOA agreement that SDAPCD is not implementing is documenting its periodic monitoring decisions. CAPCOA agreed to address periodic monitoring decisions in statements of basis if the monitoring departs from previously agreed-upon levels, such as those contained in the June 24, 1999 guidance “CAPCOA/CARB/EPA Region IX Periodic Monitoring Recommendations for Generally Applicable Requirements in SIP” (included in Appendix G). SDAPCD’s Coversheet template does not have a section devoted to explaining periodic monitoring decisions, and such decisions are never addressed in the Coversheets for specific permits.”

As noted in the above statement, the District (through the EPA/CAPCOA agreement) agreed to address periodic monitoring decisions if the monitoring departs from previously agreed-upon levels and only those departures would be separately noted in the Coversheet. During the initial implementation of its Title V program, the District proposed “model” permits to EPA Region IX for review for boilers, engines, coating operations, and degreasing equipment and addressed any comments received from EPA. The monitoring in these model permits was used as much as possible, and, in combination with other agreed-upon monitoring, covers the vast majority of equipment included in the District’s Title V permits. Therefore, for most equipment types included in Title V permits no monitoring departures would need to have been discussed in the Coversheets. While there may have been some monitoring decisions that departed from agreed-upon levels that were not documented correctly in the Coversheets, the District believes any such instances were limited in number.

Finding 2.8, Discussion, Paragraph 2:

“... When the District has provided explanations they consist of short phrases or single words that lack sufficient detail and are of limited utility to permit reviewers.”

The District always intended the Coversheet as a summary form (See District letter to EPA, Region IX, dated March 6, 1998, page 2, first paragraph [attached]). In cases where only short phrases or single words are provided in the Coversheets, there is further detail contained in the application for the permit.

Finding 2.8, Discussion, Paragraph 4, Lines 1 and 2:

“Similarly, two other Coversheets (Cabrillo Power and Dynegey South Bay) simply say “request”, which provides no explanation of the basis for granting the shields.”

This sentence should be clarified since it implies that shields were granted in these cases. However, no permit shields were granted for these facilities. The sentence apparently refers to the section of the Coversheet that addresses permit shields that were not granted. In both these cases, although a permit shield was initially requested by the applicant, the applicant subsequently requested that the permit shield request be withdrawn.

Finding 2.8, Discussion, Paragraph 5:

“The Coversheet for the initial permit for CP Kelco proposed by SDAPCD in October 2002 lists approximately 90 NSPS and NESHAPS subparts for which the District granted permit shields. ..., the District did not provide any justification for the shields it granted.”

The District did provide a brief justification in the Coversheet as follows:

“Shield is for emission units not owned/operated by facility.”

It is not clear what additional justification is required in these straightforward cases of no applicability.

Finding 2.10, Discussion, Paragraph 1:

“A statement of basis should summarize the regulatory provisions that apply to the facility, and provide explanations in cases where additional interpretation or discussion is warranted. SDAPCD’s Coversheets do not contain discussions of applicability or exemptions.”

The paragraphs that follow this initial paragraph in the discussion section introduce the fact that this is an element EPA added after the 1999 EPA/CAPCOA agreement. EPA should consider clarifying the second sentence above to note the District prepared Coversheets are consistent with the 1999 agreement.

Finding 3.2, Discussion, Paragraph 2:

“Both permits require the sources to inject steam or water within a ‘NO_x envelope’ specified in charts that the permittees are required to maintain on-site and make available to the District upon request. The permits therefore lack the parameter range requirement specified in Part 64, leave the ranges inaccessible to EPA and the public, and put the District in the position of having to request access to the charts to enforce the permit. In addition, neither permit defines an “excursion” as an injection rate that is outside of the range approved by the District. Part 64 defines the terms “excursion” and “exceedance” and requires permitting authorities to define at least one of them in Title V permits.”

The District disagrees that the permits lack the parameter range requirement specified in Part 64. The permits do not refer to a vague “NO_x envelope” but to a specifically identified document that defines the parameter ranges. For example, for the turbine under District Permit to Operate No. 1267 the permit identifies the document as:

“THE CHART TITLED “MEGAWATTS VS. WATER FLOW, NOX ENVELOPE #1267” (1267 NOX ENVELOPE)”

For these emission units, the appropriate parameter range is a complex function of other operational parameters, so reference is made to a chart that defines the appropriate parameter range. The charts are maintained in the District’s individual permit files for each subject emission unit (as well as being required to be maintained on site by the permittee) and are, therefore, available to the public, EPA, and the District without having to request access to the charts from the permittee.

The District also disagrees that the term “excursion” is not defined in the permit. The term is operationally defined in the applicable permit condition as the water flow rate to the turbine outside the specified range by:

"IF THE WATER FLOW RATE TO THE TURBINE IS OUTSIDE THE SPECIFIED ENVELOPE, THE PERMITTEE SHALL RESTORE WATER FLOW RATE TO ITS NORMAL RANGE AS EXPEDITIOUSLY AS PRACTICAL. IF THE WATER FLOW RATE TO THE TURBINE IS OUTSIDE THE SPECIFIED ENVELOPE FOR MORE THAN 5% OF THE OPERATING TIME IN ANY SIX CALENDAR MONTHS EXCLUDING STARTUP AND SHUTDOWN PERIODS, THE PERMITTEE SHALL SUBMIT A COMPLIANCE ASSURANCE MONITORING QUALITY IMPROVEMENT PLAN TO THE DISTRICT AS SPECIFIED IN 40 CFR PART 64 SECTION 64.8."

Finding 4.6, Discussion:

The District suggests the following clarification:

"...There are 18 Indian reservations but only 17 Tribes/Tribal governments in San Diego County (14 of which are in the non-attainment area).

Finding 5.2, Discussion, Paragraph 1:

"SDAPCD has several synthetic minor sources, i.e., sources whose PTE would exceed the major source threshold and make them subject to Title V permitting if they had not voluntarily limited their PTE. Sources that want to become synthetic minors must either comply with SDAPCD Rule 60.1 ('Limiting Potential to Emit at Small Sources'), or submit an application for a synthetic minor permit pursuant to SDAPCD Rule 60.2 ('Limiting Potential to Emit – Synthetic Minor Sources')."

The District notes that other sources without complex sets of emission units may become synthetic minors by accepting appropriate emission limits in their individual permits provided the limits are enforceable as a practical manner.

Finding 5.2, Discussion, Paragraph 2:

"Our file review and interviews confirm that when the District processes a synthetic minor permit application pursuant to Rule 60.2, the District does not send the proposed permit to EPA for review and comment, or send a copy of the final permit following permit issuance. Part 70 and the District's EPA-approved Title V program do not require that synthetic minor permits be sent to EPA. However, since synthetic minor sources complying with Rule 60.2 take limits on their PTE to avoid Title V permitting, we believe it is appropriate for EPA to have the opportunity to review the proposed permit conditions to determine if the emission limitations are technically accurate and practically enforceable."

The District agrees there is no requirement that synthetic minor source applications and permits be sent to EPA for review. As informed by several court decisions regarding the necessity of federal enforceability to limit potential to emit, under the third extension of EPA's transition policy for limiting potential to emit ("Third Extension of January 25, 1995 Potential to Emit Transition Policy," December 20, 1999), sources can rely on state-only enforceable potential to emit limits, such as those issued under Rule 60.2, until EPA finalizes its response to court

decision on this subject. After EPA finalizes its response on the matter of potential to emit, the District will send synthetic minor source applications and permits to EPA to the extent required by any such final EPA response.

Finding 6.2, Discussion, Paragraph 3:

The District suggests the following revision:

“District inspectors currently use hand-held gas monitors called ~~photo-ionization detectors (PID)~~, flame ionization detectors (FID), and explosimeters at landfills for monitoring surface emissions and equipment leak checks.”

The District does not use photo-ionization detectors at landfills.

Finding 6.3, Discussion, Paragraph 2:

“While the form appears to be a good mechanism for inspectors to request correction of obvious errors, or minor administrative changes, it is not an appropriate response to a potential non-compliance issue, such as a possible unauthorized modification made by the source.”

The District Compliance Division training is clear that the form is not to be used for the purpose of addressing potential non-compliance issues and the District suggests changing the text in the above statement.

Finding 6.3, Discussion, Paragraph 2:

“The form states that action is to be taken within 10 days of the request, request changes intended to improve clarity and enforceability of permit conditions may not be processed quickly because the District does not collect fees from the source to pay for Engineering’s permit review and processing time.”

The District requests a change to the language of the second sentence of paragraph 2 to reflect that the form states that Engineering respond to the request within ten days. The form does not state that action is to be taken within 10 days of the request. Notification to permittees of changes to permits would require a minimum of 30 days.

Finding 9.2, Discussion, Paragraph 2:

The District suggests the following:

“The DPR policy establishes procedures for the disposal and destruction of records. The District reported that for retired facilities (i.e., shutdown or no longer operating), the District

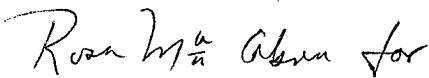
keeps the official file for three years. After that period, the District archives files offsite for an additional 7 ~~10~~ years before they are considered for destruction.”

Appendix E, Elements of a Statement of Basis:

For clarification, the District requests that the checkmark symbols in the table should be replaced by text indicating the content. The checkmark isn't defined in the table and each document can include different requirements for each element.

The District appreciates your consideration of our comments on the draft Title V Permit Program Evaluation Report for San Diego. If you have any questions concerning the above comments, please call Stan Romelczyk at (858)586-2717 or Tom Weeks at (858)586-2715.

Sincerely,



ROBERT J. KARD
Director - Air Pollution Control Officer

RJK:RMA:sg

cc: Rosa Maria Abreu, Assistant Director
Tom Weeks, Chief, Engineering
Stan Romelczyk, Senior Air Pollution Control Engineer

EPA Region 9 Responses to SDAPCD Comments on the Draft Title V Program Evaluation Report

EPA has reviewed SDAPCD's comments and provides the following responses. We have attached SDAPCD's comments along with our responses as Appendix I to the final report.

Statement of Basis

We recognize that the District and EPA have previously agreed to certain levels of periodic monitoring for some common types of emission units. EPA agrees with the District that it is not necessary to repeat the basis for these monitoring decisions in statements of basis each time the monitoring is used. However, we believe that documenting which emission units are relying on the monitoring in the District's model permits or the 1999 CAPCOA/CARB/EPA Region IX periodic monitoring guidance would add value to the statements of basis without imposing an undue burden on the District.

Regarding applicability determinations and exemptions, the District's application forms contain only the permittees' analysis. The District must verify any nonapplicability or exemption claims made by applicants. EPA does not believe the District can rely exclusively on applications to document its determinations in cases where there is a question of whether a particular regulatory requirement applies to a source.

While the 1999 CAPCOA/EPA guidance remains in place, we reiterate that subsequent EPA guidance since that time, in the form of title V petition Orders, provide further details regarding the expected content of a statement of basis. EPA shared with California air pollution control districts at various CAPCOA Engineering managers meetings and/or title V subcommittee meetings the Los Medanos Order on July 15, 2004. The Los Medanos Order details the topics that should be included in the statement of basis. That Order also references other title V petitions Orders issued in 2002 and other EPA actions that address the adequacy of a Statement of Basis.

The Los Medanos Order and other Orders it references can be found at the following website:

<http://www.epa.gov/region07/programs/artd/air/title5/petitiondb/petitiondb.htm>

We note that the Orders do not nullify or change the list of topics outlined under the 1999 CAPCOA/EPA agreement. Rather, the Los Medanos Order enhances and further details the contents of a statement of basis. We also note that after the Los Medanos Order, EPA issued several other Orders to the Bay Area Air Quality Management District addressing the adequacy of the statement of basis, among other things, for the refinery title V permits it had proposed.

Finally, EPA is considering the recommendations for improving Title V implementation made by the Federal Clean Air Act Advisory Committee. However, at present, permitting authorities should implement the most current guidance on statement of basis content. We have not revised the report.

Finding 2.6, Discussion, Line 3-6

In the early years of Title V program implementation, the requirement to include applicability determinations in statements of basis was neither specifically identified or excluded in EPA guidance. The report language cited by the District provides EPA's current expectations regarding statement of basis content, and does not suggest that applicability determinations have always been considered a required statement of basis element in the Title V program. As subsequent guidance has made clear, EPA now expects permitting authorities to include applicability determinations in statements of basis if there is any question about whether a specific regulatory requirement applies to a source. We have not revised the report because we believe it accurately captures the evolution of this issue in guidance.

Finding 2.7, Discussion

EPA reviewed draft District model permits for boilers, metal parts coating operations, and internal combustion engines in the late 1990s, and provided written and verbal comments. However, this process was not equivalent to the process used in the 1999 EPA-CAPCOA-CARB agreement, and did not result in a formal agreement regarding levels of monitoring that the District can rely on to justify not addressing the monitoring for these types of emission units in Title V statements of basis.

In Finding 2.7, EPA is not implying that the District has not required adequate monitoring for these types of emission units. In fact, the monitoring provided in the model permits were based on District rules that EPA had recently approved into the State Implementation Plan at the time, indicating our concurrence that the monitoring is adequate. Rather, the issue we are highlighting is the need for transparency in the Title V permitting process. While it may be clear to the District that such monitoring is adequate, the justification of the monitoring should be communicated to the public in the Application Review Coversheets (e.g., consistent with SIP-approved rule, EPA-CAPCOA-CARB monitoring guidance, case-by-case determination). We have not revised the report.

Finding 2.8, Discussion, Paragraph 2

Shield requests in permit applications contain only permittees' regulatory analysis. The District should use its statements of basis, in part, to evaluate the permittee's analysis and present its conclusions. An applicant's written request for a permit shield compels the District to make a written determination of its decision to grant

or deny the request. The applicant's request and justification alone cannot inform the public or EPA of the District's determination.

Finding 2.8, Discussion, Paragraph 4, Lines 1 and 2

EPA has revised the report to reflect that shields were not granted in the Cabrillo Power and Dynergy South Bay permits. EPA's error here underscores the point that District's statements of basis lack sufficient detail on shield requests. In these two cases, the District could have either stated that the applicants did not request any permit shields, or explained that the applicants' requests for permit shields had been withdrawn.

Finding 2.8, Discussion, Paragraph 5

EPA agrees that the District did provide a brief justification for the shields it granted to CP Kelco. We have revised the language of Finding 2.8 to reflect this, although we have also added that "the issue warrants more explanation than the one sentence justification that the District provided."

Finding 2.10, Discussion, Paragraph 1

EPA has not revised the report. However we acknowledge that SDAPCD has complied with the spirit of the 1999 EPA Region 9/CAPCOA agreement, and that guidance on the duty of permitting authorities to discuss their interpretations of applicability and exemptions was developed after the agreement. Nevertheless, that guidance was issued over a five year period ending in 2005, which means the District has had ample time to modify its Application Review Coversheets to address applicability and exemption determinations.

Finding 3.2, Discussion, Paragraph 2

In cases in which parameter ranges are based on complex functions of operational parameters that cannot be easily captured in permit conditions, it may be permissible to include a document like the NO_x envelope that the District refers to in this case as an appendix to the permit. But the range or values must be in the permit, not incorporated by reference, so that the source's obligation is clear and enforceable by the District, EPA, and the public.

Since the District maintains the charts in its permit files, EPA has deleted the phrase "and put the District in the position of having to request access to the charts to enforce the permit" from the final report. We have also changed the phrase "leave the ranges inaccessible to EPA and the public" to "impede EPA and public access to the ranges."

EPA disagrees with the District's assertion that the term "excursion" is defined in the permit. Although the condition cited by the District does generally imply that a water flow rate outside the specified envelope is problematic, the condition does not contain the

word “excursion” or define it with specific parameter ranges or values. Instead of defining an excursion, the condition contains appropriate language for how the source must respond to an excursion, and what criteria trigger the requirement for the facility to submit a Quality Improvement Plan.

Finding 4.6, Discussion

EPA has revised this Finding to state that there are 17 tribal governments in San Diego County.

Finding 5.2, Discussion, Paragraph 1

EPA has revised this paragraph to include the option for sources without complex sets of emission units to seek synthetic minor limits through the normal NSR process, separate from Rule 60.1 and 60.2.

Finding 5.2, Discussion, Paragraph 2

The transition policy has expired (except in Indian Country). Sources may no longer rely on that policy to limit potential to emit to avoid Title V permitting. While we agree that SDAPCD is not legally obligated to send draft synthetic minor permits to EPA for review, we reiterate our request that the District provide an opportunity for EPA to review and comment on these permits. We have not revised the report.

Finding 6.2, Discussion, Paragraph 3

EPA has revised the report to state that inspectors use flame ionization detectors.

Finding 6.3, Discussion, Paragraph 2

During the course of our interviews, we heard that the Request for Change of Permit Condition form is occasionally used to request a permit change when the model number of an emission unit at a facility does not match what is authorized by the local District permit or the Title V permit. This suggests to EPA that there is the possibility of non-compliance, since the source may have installed an emission unit that is not authorized by the permit. This scenario is the “possible unauthorized modification” referred to in the Finding. EPA has not revised this language, although we understand that it is not the District’s intent to use the form to address non-compliance, and that this is communicated in Compliance Division training.

We have revised the Finding to clarify that equipment model numbers at a facility that are different from what is authorized by the permit “may indicate an unauthorized installation of a replacement emission unit.” In addition, we revised the Finding to state that the form states that Engineering should respond to the request within 10 calendar days.

Finding 9.2, Discussion, Paragraph 2

EPA has revised the Finding to state that the District archives files offsite for an additional seven years.

Appendix E, Elements of a Statement of Basis

The checkmarks in the column of a particular guidance document in the table indicate that on the issue identified in that row, the document refers to a previous guidance document. We have added a footnote to the document to explain this.