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Via e-mail at: hfarr@aqmd.gov

**Re: SCAQMD Proposed Amended Rule 1180, Fenceline and Community Air Monitoring for Petroleum Refineries and Related Operations, and SCAQMD Proposed Rule 1180.1, Other Refinery Fenceline and Community Air Monitoring
WSPA Comments on Initial Draft Rule Language**

Dear Ms. Farr,

Western States Petroleum Association (WSPA) appreciates the opportunity to participate in South Coast Air Quality Management District (SCAQMD or District) Proposed Amended Rule 1180, Fenceline and Community Air Monitoring for Petroleum Refineries and Related Operations (PAR1180), and SCAQMD Proposed Rule 1180.1, Other Refinery Fenceline and Community Air Monitoring (PR1180.1), Working Group Meetings (WGMs). The purpose of this rulemaking is to remove exemptions so that all petroleum refineries identified under SIC 2911 will be subject to the rule and expand applicability to include operations related to refineries that are contiguous to the property of the refinery. SCAQMD is also proposing to expand the Rule 1180 list of monitored compounds to include those chemicals included in the California Office of Environmental Health Hazard Assessment (OEHHA) priority list.

WSPA is a non-profit trade association representing companies that explore for, produce, refine, transport, and market petroleum, petroleum products, natural gas, renewable fuels, and other energy supplies in five western states including California. WSPA has been an active participant in air quality planning issues for over 30 years. WSPA member companies operate petroleum refineries and other facilities in the South Coast Air Basin that are within the purview of the SCAQMD and thus will be impacted by PAR1180 and PR1180.1.

SCAQMD published initial draft rule language for PAR1180 and PR1180.1 and proposed audit requirements on June 16, 2023.^{1,2,3} WSPA offers the following comments.

¹ PAR1180 Initial Draft Rule Language, June 16, 2023. Available at: <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/par-1180---initial-draft.pdf?sfvrsn=6>.

² PR1180.1 Initial Draft Rule Language, June 16, 2023. Available at: <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/pr-1180-1---initial-draft.pdf?sfvrsn=6>.

³ Proposed Audit Requirements, June 16, 2023. Available at: <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/independent-audit-document---from-rule-language.pdf?sfvrsn=6>.

1. **SCAQMD is proposing to modify the list of monitored compounds; however, the District has not demonstrated that the proposed additional chemicals are present or detectable at the fencelines of each facility. Before requiring such monitoring, SCAQMD should perform a study to demonstrate that these compounds are detectable at the fencelines as a result of releases from refineries and not other neighboring sources. Additionally, WSPA recommends that only compounds with existing health notification thresholds and compounds where feasible real-time monitoring technology is available be included in Rule 1180 and Rule 1180.1.**

SCAQMD has proposed to expand the Rule 1180 list of monitored compounds to include all of the chemicals included in the California Office of Environmental Health Hazard Assessment Analysis of Refinery Chemical Emissions and Health Effects (OEHHA Analysis) priority list.^{4,5} The six compounds proposed to be added are as follows:⁶

- Particulate Matter (PM)
- Naphthalene
- Polycyclic Aromatic Hydrocarbons (PAHs)
- Cadmium
- Manganese
- Nickel

While the OEHHA report lists an array of candidate chemicals for air monitoring, it also notes:⁷

*An important consideration for air monitoring at individual refineries is that the candidate chemicals will differ based on location as well as year. Some top-candidate chemicals are only released in small amounts from individual refineries... **the release of these chemicals from refineries does not necessarily mean that local communities face substantial exposures or significant health risks.** [emphasis added]*

Several pollutants are likely to be detected at the fenceline from sources outside the refineries. It is unclear how SCAQMD will treat those detections and differentiate those emissions from refinery source emissions. For example, PM at refineries is primarily emitted from combustion processes, which are released from elevated stacks. In many/most cases, PM from these refinery sources is unlikely to be detectable with fenceline air monitoring systems. It is much more likely

⁴ Analysis of Refinery Chemical Emissions and Health Effects – Fact Sheet, California Office of Environmental Health Hazard Assessment, March 2019. Available at:

<https://oehha.ca.gov/media/downloads/faqs/refinerychemicalsfacts032019.pdf>.

⁵ Analysis of Refinery Chemical Emissions and Health Effects, California Office of Environmental Health Hazard Assessment, March 2019. Available at:

<https://oehha.ca.gov/media/downloads/faqs/refinerychemicalsreport032019.pdf>.

⁶ PAR1180 Initial Draft Rule Language, June 16, 2023. Available at: <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/par-1180---initial-draft.pdf?sfvrsn=6>

⁷ Analysis of Refinery Chemical Emissions and Health Effects, California Office of Environmental Health Hazard Assessment, March 2019. Available at:

<https://oehha.ca.gov/media/downloads/faqs/refinerychemicalsreport032019.pdf>.

that PM levels detected at fencelines will be contributed by surrounding mobile sources or roadways including tailpipe emissions and entrained road dust. Similarly, metals measured at a fenceline could be from mobile sources such as brake wear and tire wear, diesel particulate matter (DPM) from trucks, etc. SCAQMD should provide the methodology that will be used to distinguish the PM from refinery and non-refinery sources.

Of the above proposed compounds, only nickel has a proposed health-standard based threshold.⁸ SCAQMD is proposing to add statistically based notification thresholds for one of the proposed compounds (i.e., PM)) and two of the compounds listed under the existing Rule 1180 (i.e., total VOCs and black carbon).

Public notification thresholds need to be based on health hazards. Historical levels do not provide stakeholders with useful information on whether a measured concentration is potentially hazardous or not. WSPA strongly recommends the five chemicals with no established health hazard thresholds should be removed from the list of chemicals proposed for monitoring under Rule 1180 and 1180.1. WSPA also recommends against establishing statistical notification thresholds for any compounds required to be monitored under Rule 1180 and 1180.1. If SCAQMD proceeds with the statistical notification thresholds, WSPA recommends that these thresholds must be established through workshops with stakeholders to determine the upper bounds of background levels. And a single background value would likely not be appropriate to all refineries (or pathways) given the variations in ambient conditions and differences in the local non-refinery sources near the various facilities.

Finally, SCAQMD has acknowledged that there is no feasible real-time monitoring technology for PAHs and states that a facility can cite the staff report for not including such compounds.⁹ Given that it is not possible to perform real-time monitoring on PAHs, WSPA recommends that references to PAHs be removed from the proposed rule.

2. SCAQMD should clarify in the rule that the proposed technology review is only for compounds that are not currently monitored under Rule 1180 and would not impact monitoring of compounds that are already listed in the Fenceline Air Monitoring Plan (FAMP). For monitoring of new compounds, WSPA recommends that a cost-benefit analysis be performed in conjunction with stakeholders to understand if potential monitoring is necessary. For new facilities proposed in PAR 1180 and PR 1180.1, WSPA requests that facilities have the optionality to install point monitors in lieu of open path in instances where space constraints limit a facilities ability to achieve “full coverage.” Additionally, WSPA requests additional clarity on the rationale for and the process of providing technical justification to exclude compounds from the monitoring requirements.

⁸ PAR1180 Initial Draft Rule Language, June 16, 2023. Available at: <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/par-1180---initial-draft.pdf?sfvrsn=6>

⁹ SCAQMD PAR1180 and PR1180.1 Working Group Meeting #2. Available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/rule-1180_1180-1---wgm-2---presentation.pdf?sfvrsn=6.

SCAQMD is considering a requirement for Staff to conduct a review of technology, rule language and guidelines, and report findings to the Board every 5 years.¹⁰ If Staff determined that real-time air monitoring is feasible for any previously excluded compound, the facility would be required to revise the fenceline air monitoring plan within 6 months and begin monitoring for the newly included compound one year after the plan is approved. It is not clear from the information provided by SCAQMD if this technology review would also result in modified technology requirements for compounds already being measured.

Refineries have constructed air monitoring systems based on requirements for the 18 initial compounds covered under the current rule. The elevated platforms, equipment stations, and power requirements were custom designed to accommodate the existing monitoring equipment. If new monitoring instrumentation is required, it could require expansion of the analyzer shelters, platforms, or electrical infrastructure. The facility would need to review each structure to determine spacing consideration as well as if it could accommodate additional weight. These are potentially costly endeavors.¹¹ SCAQMD must account for the cost of equipment, installation, and training and perform a cost-benefit analysis developed with stakeholders to understand whether the monitoring technology is necessary. If the results of the technology review show that additional monitoring equipment must be installed at facilities, there should be an allowance added to the rule stating that air monitoring is not required during periods of platform and station modification. There should not be an expectation of temporary back-up monitoring required during modification.

For new facilities, space constraints may limit a facility's ability to achieve the proposed monitoring requirements in all areas of the facility. As a way to meet the objectives of the proposed monitoring provisions, WSPA requests that facilities are granted the flexibility to install point monitors in lieu of open path monitors, where needed.

PAR1180(d)(4) states that facilities "must provide a technical justification for not including Real-Time air monitoring for any of the air pollutants specified in Table 1... Explanations for not including Real-Time air monitoring for any pollutants specified in Table 1 must be consistent with the criteria in the Refinery Fenceline Air Monitoring Guidelines." Additional guidance is needed for impacted facilities to understand how to perform this demonstration.

3. PAR1180 and PR1180.1 should include one timeline for installations subsequent to revised and updated FAMPs.

PAR1180(d)(2) and (d)(5), and PR1180.1(d)(2) and (d)(5), respectively, set forth requirements to submit a "revised" or "updated" FAMP depending on the type of modification needed. PAR1180(e) sets forth the compliance schedule for completion of installation and start of operation in accordance with an approved or partially approved FAMP, stating:

¹⁰ SCAQMD PAR1180 and PR1180.1 Working Group Meeting #2. Available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/rule-1180_1180-1---wgm-2---presentation.pdf?sfvrsn=6.

¹¹ SCAQMD PAR1180 and PR1180.1 Working Group Meeting #3. Available at: <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/rule-1180---wgm-3---final.pdf?sfvrsn=10>

- (1) *The owner or operator of a Facility shall complete installation and begin operation of a Real-Time Fenceline Air Monitoring System or modify the operation of the Fenceline Air Monitoring System in accordance with the approved, or partially approved, FAMP:*
- (A) *Beginning no later than one year after a FAMP submitted pursuant to paragraph (d)(1) or (d)(2) is approved, or partially approved, by the Executive Officer;*
 - (B) *No later than six months after the Executive Officer approves, or partially approves, an updated FAMP required pursuant to paragraph (d)(5); and*
 - (C) *Prior to commencing operations at a new Petroleum Refinery.*

PR1180.1(e) uses similar language.

PAR1180 and PR 1180.1 should not include different compliance timelines for installation for “revised” and “updated” plans. The constraints on installation timeline result from system and structural design, permitting, and construction, and are the same regardless of revised or updated plans.

Additionally, it might not be possible for vendors to provide and build the volume of new analyzers required if AQMD approves multiple plans in a short time period. WSPA recommends that two years be allowed for all installation and start of operation under modified plans.

4. WSPA requests that SCAQMD clarify the scientific necessity of adding additional community air monitoring stations and how the detected emissions will be attributed to local sources.

SCAQMD seems to be proposing at least one community monitoring station for each new potential facility subject to the rule and have stated that “an owner or operator with an existing Rule 1180 fenceline air monitoring plan that modifies [the] plan to include related facilities may not be subject to new community monitoring requirements/fees”.¹²

At least some of the proposed new facilities under the proposed rule and rule amendments are near existing Rule 1180 facilities and community monitoring stations. SCAQMD needs to demonstrate why additional community monitoring stations are needed in these areas and include information outlining how any new stations would meaningfully improve stakeholder’s understanding beyond the information already being provided by the existing community monitoring stations. SCAQMD should also justify how the values measured at new stations would be attributed to contributing sources, including non-refinery sources.

5. PAR1180 and PR 1180.1 require facilities to perform a root cause analysis when a monitored compound is measured above the notification threshold. It may not be possible to understand a root cause for emissions detected at the fenceline, as the source may be offsite or the direct cause cannot be identified. If a facility does find a leak that requires repair, that repair is handled under a separate rule, making a root

¹² SCAQMD PAR1180 and PR1180.1 Working Group Meeting #2. Available at: http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/rule-1180_1180-1---wgm-2---presentation.pdf?sfvrsn=6.

cause analysis unnecessary under a fenceline air monitoring rule. In addition, for new facilities under PAR 1180 and PR1180.1, where root cause analysis may be a new requirement, WSPA requests potential changes to the Root Cause Analysis report.

As currently drafted, PAR1180(j)(2) and PR1180.1(j)(2) would require a root cause analysis be initiated within 24 hours of an air pollutant measurement that is above the applicable notification threshold. A report detailing the analysis must be submitted to SCAQMD and made available on the web-based program within 14 days. PAR1180 and PR1180.1 are monitoring rules, not compliance programs. Therefore, there are no exceedances of thresholds.

Requiring a root cause analysis each time a measurement is above a notification threshold is burdensome and unnecessary, and so it should be limited to only health-based threshold exceedances. Performance of a root cause analysis would require source apportionment, which may not be possible for emissions detected at the fenceline. In addition, in the case where monitoring results in detection of a leak, repair of that leak would be addressed under source-specific rules such as Rule 1178. WSPA therefore recommends that the requirements related to a root cause analysis be re-evaluated to ensure there is no double work or conflicts with source specific rules like Rule 1173 and Rule 1178. One such example of this can be found with the 14-day reinspection requirement in PR1180(j)(2)D). Existing regulations may already call for reinspection after a leak is repaired. In instances such as this, where there is duplication of provisions, WSPA requests that Staff remove the provision from the PAR1180 rule language. As part of this evaluation, WSPA requests that Staff consider provisions in the event a root cause analysis cannot be performed within the designed time windows (e.g., allowances for an extension) or if, for example, a reinspection is not possible in a timely manner.

The rule provisions state that facilities shall “submit a Root Cause Analysis report to the South Coast AQMD and make it available on the web-based program within 14 days.”^{13,14} A root cause analysis may contain confidential information that may not be appropriate for submittal or posting online. To help ensure the protection of business confidential information, WSPA requests that the treatment of confidential information contained in root cause analyses is consistent with similar analyses (e.g., Specific Cause Analysis) in Rule 1118 and Rule 430.

¹³ SCAQMD PAR1180 Draft Rule Language. Available at: <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/par-1180---initial-draft.pdf?sfvrsn=6>.

¹⁴ SCAQMD PAR 1180.1 Draft Rule Language Available at: <http://www.aqmd.gov/docs/default-source/rule-book/Proposed-Rules/rule-1180-and-1180.1/pr-1180-1---initial-draft.pdf?sfvrsn=6>

WSPA appreciates the opportunity to provide these comments related to PAR1180 and PR1180.1. We look forward to continued discussion of this important rulemaking. If you have any questions, please contact me at (310) 808-2146 or via e-mail at rcromartie@wspa.org.

Sincerely,



Cc:

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