



# San Joaquin Valley

## AIR POLLUTION CONTROL DISTRICT

December 28, 2007

Suzanne Noble  
Western States Petroleum Association  
901 Tower Way Suite 300  
Bakersfield CA 93309

Dear Mrs. Noble,

The San Joaquin Valley Air Pollution Control District (District) would like to thank you for taking the time to comment on two of the District's Compliance Department Policies. Your letter, dated August 30, 2007, commented on Draft Policy COM 1170, and Policy COM 1142. COM 1170 is the policy that Compliance Department Staff uses to interpret/enforce Rule 1180 –*NOTICES TO COMPLY*, and COM 1142 is the policy that Compliance Department Staff uses to interpret/enforce Rule 2520 –*FEDERALLY MANDATED OPERATING PERMITS*.

After reading WSPA's letter, the District has prepared the following response:

The District has taken your comments about "first time violations", with regards to COM 1170, into consideration. However, the District will not be making any changes to the policy at this time. As it stands, NTCs will only be issued for first time violations, as noted in the policy. Any subsequent violation of the same type will result in a NOV. The Federal EPA has been consulted about NTCs to Title V facilities, and at this time, concurs with the District's policy.

Based on your comments about COM 1142 and COM 1170, the District is now aware of the inconsistencies and will rewrite sections of COM 1142 so that the NTC issuance guidelines are consistent with that of COM 1170.

Therefore, the second sentence in Line Item N and Q, in the table at the end of COM 1142, will be rewritten to state:

"For first time violations, a NTC, rather than a NOV, will be issued if compliance status with the permit condition or rule, through the reporting period is correctly identified in the report, but additional information (e.g. methods to determine compliance, date, signature, etc.) is inadvertently omitted and the omission does not hinder the District's ability to ultimately determine compliance."

COM 1170 states that NTCs can only be issued for first time violations, and this clarification of COM 1142 will bring both policies into unification.

With regards to your comments about Title V Electronic Report Format, the District is seeking advice and comments from the Federal EPA on this policy and is not able to respond to your comments until further notice. At this time, the District will keep your comments on file, and as soon as the District receives this information, you will get a response.

Should you have further questions or comments, please send them to my attention.  
Sincerely,

Patrick Houlihan  
Senior Air Quality Inspector