



Western States Petroleum Association
Credible Solutions • Responsive Service • Since 1907

Suzanne Noble
Manager, Production Regions and State Waste Issues

August 30, 2007

Mr. Dave Warner
Director of Permit Services
San Joaquin Valley Air Pollution Control District
1990 East Gettysburg Avenue
Fresno, California 93276

RE: Comments on Draft SJVAPCD Policies

Dear Mr. Warner:

The Western States Petroleum Association (WSPA) is a trade association whose members conduct much of the producing, refining, transporting, and marketing of petroleum and petroleum products in the western United States.

The purpose of this letter is to provide comments regarding to the latest versions of draft District policies COM 1170 - Notice to Comply & Record of Corrective Action Taken (updated 2/12/07) and Title V Electronic Report Format (updated 7/3/07). The following comments are presented for your consideration:

▪ **COM 1170 – Notice to Comply & Record of Corrective Action Taken**

Certain sections of draft policy COM 1170 are vague and seemingly conflict with some of the ‘non-compliance’ action items provided in the table at the end of policy COM 1142 -Policy for District Compliance Staff Responding to Title V Issues (adopted 2-8-07).

For instance, the Objective and Section I. Notice to Comply sections on page 1 of COM 1170 both indicate that an NTC may be used for “**first time violations**”, but this could be interpreted as meaning that a source is only eligible for NTC consideration if a general type of violation has never occurred before. However, policy COM 1142 provides examples in which an NTC is

merited for certain administrative errors on individual Title V reports, regardless of whether such administrative errors have occurred in the past. Therefore, WSPA believes the term “**first time**” on Page 1 of policy COM 1170 should be deleted as subsequent sections in COM 1170, and policy COM 1142, more clearly define the types of violations that merit NTC consideration.

WSPA further believes an NTC, not an NOV, is appropriate when either an annual compliance certification (ACC) or report of required monitoring (RRM) is submitted, but information is inadvertently omitted, and the omitted information does not hinder the District’s ability to determine compliance. An example of such an omission is a situation where a condition associated with a deviation was not identified on a RRM or ACC, but the deviation itself had been properly reported (with 10 days of discovery). Another example involves new or modified Federally Enforceable conditions associated with an implemented Authority to Construct (ATC) being omitted from an ACC, but the Title V application was properly submitted for the ATC in accordance with the timelines in Rule 2520. In these scenarios, we believe the inadvertently omitted information does not hinder the District’s ability to determine compliance since the proper Title V paperwork for the deviation and implemented ATC had already been provided.

In these scenarios, we believe the inadvertently omitted information does not hinder the District’s ability to determine compliance since the proper Title V paperwork for the deviation and implemented ATC had already been provided. Accordingly, WSPA believes that Section IV on page 5 should be revised by including the changes shown below in red text:

- IV. Chronic violations or violations committed by a recalcitrant violator shall not be eligible for a NTC. See The definitions for “Chronic Violation” and “Recalcitrant Violator” are provided in District Rule 1180 and do not apply to inadvertent omissions or deficiencies in reports or record keeping that do not prohibit an overall compliance determination in accordance with Section I.A. of this policy. For other circumstances, a violation is considered chronic if the violation has been preceded by one violation of the same or similar nature documented by NTC or Notice of Violation at the same facility (same facility ID) within the prior 36 months. Notices of Violation which have been previously dropped or NTC which have previously been successfully appealed shall not be counted in determining whether a violation is chronic. Prior to making a determination that a source is recalcitrant, the facility shall be notified of the pending finding and given an opportunity to respond to the allegation.

▪ **Title V Electronic Report Format**

Several WSPA members are in the process of establishing procedures to submit Title V reports to the SJVUAPCD (District) in an electronic format. As part of that process, we have been reviewing the latest version of District policy titled “File Standards for Submittal of Annual Title V Certification Data in Electronic Format”. We appreciate the District incorporating most of the comments submitted by WSPA last fall regarding this policy. However, WSPA has a few remaining comments on this policy which are as follows:

1. The title of the policy should be adjusted to indicate Semi-Annual Reports of Required Monitoring (SARRM) can also be submitted in the identified electronic format.
Suggested wording:

“File Standards for Submittal of Title V ACC/SARRM Data in Electronic Format”

Also, different titles for the policy appear on the District’s webpage, on the header of the policy, and in the title area of the policy. We recommend making the 3 names consistent using the suggested name above.

2. The policy indicates two tables should be included:
 - a. TitleVComplianceCertificationData
 - b. DeviationDetailData

The first table includes information currently required in a hard copy submittal for an Annual Compliance Certification (ACC). The second includes additional information, which is currently submitted in hard copy form in a SARRM.

This seems to imply that an ACC and both SARRMS for the one-year ACC period must be submitted as one file. This does not seem consistent with the current reporting requirements specified in the permits and District Rule 2520, Federally Mandated Operating Permits.

WSPA suggests that the table named “TitleVComplianceCertificationData” be renamed as “TitleVAnnualComplianceCertificationData” and be the only table required for ACC submittals. Similarly, we suggest the table “DeviationDetailData” be renamed as “TitleVReportOfRequiredMonitoringData” and be the only table required for SARRM submittals.

Proposed language is as follows:

Database Table Standard:

Each Microsoft Access database submitted for an Annual Compliance Certification should contain the following table.

*Table Name: **TitleVAnnualComplianceCertificationData.***

Table Description: This table should contain a record for each PTO permit condition. Each Microsoft Access database submitted for a Semi Annual Report of Required Monitoring should contain the following table.

*Table Name: **TitleVReportOfRequiredMonitoring.***

Table Description: This table should contain a row for each instance of each PTO permit condition deviated.

3. In the second table, currently identified as DeviationDetailDate, there are separate fields required for deviation start date and deviation end date. However, in the current reporting form on the District's website, there is only one field for Periods of Deviation (Dates and Times), Column 4. This is a significant change in reporting structure. The database tracking and reporting software that one WSPA member has been developing and refining is based on providing the period of deviation in a single field. Significant resources would be required at this point to transform the period of deviation into two fields. Changes would be required throughout the entry, tracking, and reporting software code, as well as retraining of staff, for the sole purpose of electronic submittal.

Also, in some cases, the period of deviation is best described in text form such as when an event occurs intermittently over a time period.

WSPA requests the table contain only a single field for the duration of the event, in a text format, in accordance with current paper reporting form requirements as well as to accommodate intermittent durations described herein.

4. WSPA suggests the file naming standard be updated to reflect comment #1 requesting that both ACC reports and SARRM reports be covered by this electronic submittal policy. Instead of the words "TVRpt", we suggest "ACC" and "SARRM".
5. Lastly, WSPA requests including options for how the Title V certifications form is to be handled. Suggested language:

The signed Title V Certification for each report may be either submitted in hard copy form along with the electronic report submittal, or included electronically as part of the submittal. If the second is chosen, the signed certification must be scanned into a PDF format for inclusion.

Attached is a copy of the draft policy with suggested revisions.

WSPA appreciates the District's efforts to make these guidelines public and to allow comment prior to their finalization. We look forward to participating further with District staff in the policy development process.


Sincerely,

A handwritten signature in black ink that reads "Suzanne Noble". The signature is written in a cursive, flowing style.

Suzanne Noble

cc: Saul Gamez, APCD
Tom Goff, APCD
Rick McVaigh, APCD

ATTACHMENT

<p><u><i>File Standards for Submittal of Title V ACC/SARRM Data in Electronic Format</i></u></p> <p>Electronic Submittal of Annual Title V Certifications— Recommended File Standards</p> <p>07/26/07</p>	<p>San Joaquin Valley Air Pollution Control District Information Technology Services</p>	
---	---	--

DRAFT

File Standards for Submittal of Annual Title V ACC/SARRM Certification Data in Electronic Format

Purpose

The purpose of this document is to detail a standard set of specifications to be followed by facilities when submitting Annual Title V Annual Compliance Certifications (ACCs) data and Semi Annual Reports of Required Monitoring (SARRMs) to the District in electronic format.

File Type Standard:

Microsoft Access format – This standard format will allow the District to easily query the data and export it to another format if needed.

Database Table Standard:

Each Microsoft Access database submitted for an Annual Compliance Certification should contain the following two-tables.

Table Name: ***Title V Annual Compliance Certification Data***.

Table Description: This table should contain a record for each PTO permit condition.

Table Definition:

Field Name	Data Type	Size	Null OK	Data Range	Description
Region	Text	1	No	(C, N, S)	SJVAPCD Facility Region. For example "S" for permit S-1141-31-27
FacilityID	Number		No	> 0	SJVAPCD FacilityID. For example "1141" for permit S-1141-31-27
FacilityName	Text	60	No		SJVAPCD Facility Name
ReportPeroidStartDate	Date/Time		No		Reporting Period Start Date
ReportPeriodEndDate	Date/Time		No		Reporting Period End Date
PermitNumber	Number		No	>= 0	SJVAPCD Permit Number. For example "31" for permit S-1141-31-27
PermitModificationNumber	Number		No	>=0	SJVAPCD Permit Modification Number. For example "27" for permit S-1141-31-27
PermitConditionNumber	Number		No	> 0	SJVAPCD Permit Condition Number
ComplianceStatus	Text	1	No	(C, I, N,O)	Compliance Status During The Period: C=Continuous I=Intermittent N = Not In Compliance O = Outdated
DeterminationMethod	Text	60	No		Method For Determining Compliance Status
AdditionalInformation	Memo	5000	Yes		Additional Information: Identify each possible exception to compliance and each excursion or exceedance as defined in 40 CFR, Part 64.

Each Microsoft Access database submitted for a Semi Annual Report of Required Monitoring should contain the following table.

Table Name: *DeviationDetailDataTitleVReportOfRequiredMonitoringData*.

Table Description: This table should contain a row for each instance of each PTO permit condition deviated.

Table Definition:

Field Name	Data Type	Size	Null OK	Data Range	Description
Region	Text	1	No	(C, N, S)	SJVAPCD Facility Region
FacilityID	Number		No	> 0	SJVAPCD FacilityID
FacilityName	Text	60	No		SJVAPCD Facility Name
ReportPeriodStartDate	Date/Time		No		Reporting Period Start Date
ReportPeriodEndDate	Date/Time		No		Reporting Period End Date
PermitNumber	Number		No	>= 0	SJVAPCD Permit Number
PermitModificationNumber	Number		No	>=0	SJVAPCD Permit Modification Number
PermitConditionNumber	Number		No	> 0	SJVAPCD Permit Condition Number
ParametersMonitored	Text	60	No		Parameters Monitored (e.g. ppm, Nox, exhaust temp -0F, etc.)
PeriodofDeviationDate-TimeStarted	TextDate/Time		No		Date and Times of Deviation started
Date-TimeReturnedToCompliance	Date/Time		No		Date and Time Condition returned to compliance
Limit	Text	60	No		e.g. 30ppm, 10psi, 25 lb/day, etc
Actual	Text	60	No		e.g. 30ppm, 10psi, 25 lb/day, etc.
Deviation	Text	60	No		Deviation or Excess for Period of Deviation (e.g. 7.2ppm)
Notes	Memo	500	Yes		Notes/Comments (e.g. cause, corrective action, etc.)

Multiple Facilities:

A separate Microsoft Access file must be submitted for each District facility number, data from multiple facilities cannot be combined in a single database file. See file naming standard below.

File Naming Standard:

All files submitted to the District should be named according to the convention listed below.

1st Character = Region

2nd to 5th Characters = FacilityID including any leading zeros

6th to 13th Characters = Reporting Time Period Starting Date in YYYYMMDD format

14th to 15th Characters = The letters "to"

16th to 23rd Characters = Reporting Time Period Ending Date in YYYYMMDD format

24th to 268th Characters = The letters "ACCTVRpt" or "SARRM" as appropriate

All files should use the standard .mdb extension for Microsoft Access files.

For example a database from facility S-12 for an ACC for the reporting period of January 1st, 2004 to December 31st, 2004 would be named: **S001220040101to20041231ACCTVRpt.mdb**

Amended Reports

Files submitted to the District as amendment to original reports should start with the name of the original report file plus the following information.

279th to 33rd5th Characters = The letters "Amended"

346th to 413^{rdst} Characters = Date of the Amended Report in YYYYMMDD format

All files should use the standard *.mdb* extension for Microsoft Access files.

For example an amended ACC report completed on April 12th, 2005 for original report file S001220040101to20041231ACCTVRpt.mdb

Would be named: **S001220040101to20041231ACCTVRptAmended20050412.mdb**

File submitted to the District must be saved as "Read Only"