

RULE 1180. REFINERY FENCELINE AND COMMUNITY AIR MONITORING

(a) Purpose

The purpose of this rule is to require real-time fenceline air monitoring systems and to establish a fee schedule to fund refinery-related community air monitoring systems that provide air quality information to the public about levels of various criteria air pollutants, volatile organic compounds, metals, and other compounds, at or near the property boundaries of petroleum refineries and in nearby communities.

(b) Applicability

This rule applies to petroleum refineries.

(c) Definitions

For the purposes of this rule, the following definitions shall apply:

- (1) COMMUNITY AIR MONITORING SYSTEM is a combination of equipment that measures and records air pollutant concentrations in communities near a petroleum refinery.
- (2) FENCELINE AIR MONITORING SYSTEM is a combination of equipment that measures and records air pollutant concentrations at or near the property boundary of a petroleum refinery.
- (3) PETROLEUM REFINERY is a facility that is permitted to process petroleum, as defined in the Standard Industrial Classification Manual as Industry No. 2911.
- (4) REAL-TIME is the actual or near actual time during which pollutant levels occur at or near the property boundary of a petroleum refinery or in a nearby community.
- (5) RULE 1180 REFINERY FENCELINE AIR MONITORING PLAN GUIDELINES are a written framework to be used by the Executive Officer to evaluate a refinery fenceline air monitoring plan.

(d) Plan Requirements

- (1) No later than August 1, 2018, the owner or operator of a petroleum refinery shall submit to the Executive Officer a written fenceline air monitoring plan for establishing and operating a real-time fenceline air monitoring system.
- (2) The fenceline air monitoring plan shall provide the following detailed information:

- (A) Equipment to be used to continuously monitor, record, and report air pollutant levels for the pollutants specified in Table 1 – Air Pollutants to be Addressed by Fenceline Air Monitoring Plans in real-time, at or near the property boundary of the petroleum refinery;
 - (B) Siting and equipment specifications;
 - (C) Equipment in at least one petroleum refinery on-site location to continuously record wind speed and wind direction data;
 - (D) Procedures for air monitoring equipment maintenance and failures. The procedures for equipment maintenance and failures shall include a plan that describes the maintenance activities necessary to maintain proper performance of the fenceline air monitoring equipment and a plan that deals with equipment failures. At a minimum, the maintenance and failure plan shall describe the following:
 - (i) Routine maintenance requirements for equipment;
 - (ii) A planned schedule for routine maintenance performed on equipment;
 - (iii) Length of time that equipment will not be operating during routine maintenance activities; and
 - (iv) Temporary air monitoring measures that will be implemented in the event of an equipment failure or during routine maintenance activities and used until the fenceline air monitoring system is restored to normal operating conditions.
 - (E) Procedures for implementing quality assurance by a qualified independent party, including quality control and audits of the fenceline air monitoring systems;
 - (F) Procedures for implementing the fenceline air monitoring plan, including, information pertaining to the installation, operation, maintenance, and quality assurance, for the fenceline air monitoring system;
 - (G) Methods for dissemination of data collected by the equipment specified in subparagraphs (d)(2)(A) and (d)(2)(C) to the public, local response agencies, and SCAQMD as expeditiously as possible.
- (3) The fenceline air monitoring plan required by paragraph (d)(1) shall address real-time air monitoring for the air pollutants specified in Table 1 on a continuous basis. The fenceline air monitoring system required by subdivision (e) shall monitor for all pollutants identified in Table 1. The owner or operator of a petroleum refinery must provide an explanation for not including real-time air monitoring for any of

the pollutants specified in Table 1 in the fenceline air monitoring plan. Explanations for not including real-time air monitoring for any of the pollutants specified in Table 1 must be consistent with the criteria in the Rule 1180 Fenceline Air Monitoring Guidelines.

- (4) The review and approval of the fenceline air monitoring plan shall be subject to plan fees as specified in Rule 306 – Plan Fees.
- (5) The owner or operator of a petroleum refinery shall submit an updated fenceline air monitoring plan to the Executive Officer as follows:
 - (A) Ten (10) days after the date of any unplanned facility, equipment, process or administrative modification that could result in changes to an approved fenceline air monitoring plan.
 - (B) Forty-five (45) days before the date of implementation of any planned facility, equipment, process or administrative modification that could result in changes to an approved fenceline air monitoring plan.
 - (C) Sixty (60) days after the date of receiving information that an approved fenceline air monitoring plan does not adequately measure any pollutant(s) identified in Table 1 that are emitted from the petroleum refinery.
 - (D) Failure to comply with the requirements of subparagraphs (d)(5)(A) through (d)(5)(C) shall result in revocation of an approved fenceline air monitoring plan. Thirty (30) days after revocation of an approved fenceline air monitoring plan the owner or operator of a petroleum refinery shall submit a new fenceline air monitoring plan to the Executive Officer pursuant to paragraphs (d)(1) through (d)(4) and (d)(6) through (d)(7). The updated fenceline air monitoring plan shall not be subject to the implementation schedule in subdivision (e). An updated implementation schedule subject to approval by the Executive Officer shall be included in the new fenceline air monitoring plan but in no case shall be longer than 180 days.
- (6) The owner or operator of a petroleum refinery may include the use of emerging technologies in a fenceline air monitoring plan that is compliant with the requirements of this rule.
- (7) All fenceline air monitoring plans shall be consistent with the Rule 1180 Refinery Fenceline Air Monitoring Plan Guidelines.

(e) Fenceline Air Monitoring System Requirements

Beginning no later than one year after a fenceline air monitoring plan is approved by the Executive Officer, the owner or operator of a petroleum refinery shall complete installation and begin operation of a real-time fenceline air monitoring system in accordance with the approved fenceline air monitoring plan.

(f) Plan Review Process

(1) The Executive Officer shall notify the owner or operator in writing whether the fenceline air monitoring plan is approved or disapproved. Determination of approval status for the fenceline air monitoring plan shall be based on, at a minimum, submittal of information that satisfies the criteria in subdivision (d) and the Rule 1180 Refinery Fenceline Air Monitoring Plan Guidelines.

(A) If disapproved, the owner or operator shall resubmit the fenceline and air monitoring plan, subject to plan fees specified in Rule 306, within 30 calendar days after notification of disapproval of the plan. The resubmitted plan shall include any information necessary to address deficiencies identified in the disapproval letter.

(B) The Executive Officer will either approve the revised and resubmitted fenceline air monitoring plan or modify the plan and approve it as modified. The owner or operator may appeal the fenceline air monitoring plan modified by the Executive Officer to the Hearing Board pursuant to Rule 216 – Appeals and Rule 221 – Plans.

(2) A fenceline air monitoring plan that is submitted pursuant to the requirements of subdivision (d) shall be made available, by the Executive Officer, for public review no less than fourteen (14) days prior to approval.

(g) Notifications

(1) Upon installation and operation of a fenceline air monitoring system as required by paragraph (d)(5) or subdivision (e), the owner or operator of a petroleum refinery shall comply with the following notification requirements by:

(A) Calling 1-800-CUT-SMOG to notify the Executive Officer 48 hours prior to the planned maintenance activity subject to subparagraph (d)(2)(D) and (d)(5)(B) by providing the name of the petroleum refinery, the name of the monitor, and the planned date(s) of the occurrence(s).

- (B) Calling 1-800-CUT-SMOG to notify the Executive Officer within two hours of discovering that equipment described in the fenceline air monitoring plan subject to subdivision (d) failed to accurately provide real-time air monitoring information. The owner or operator shall also provide the name of the petroleum refinery, the name of the air monitor, the date of the occurrence, and the reason for the lapse in collecting and/or reporting the real-time air monitoring information.
 - (2) The owner or operator of the petroleum refinery shall submit a written notification to the Executive Officer of any equipment failure that also results in a failure to accurately provide continuous, real-time air monitoring information as required by the approved fenceline air monitoring plan subject to subdivision (d) for 24-hours or longer. The written notification shall be submitted to the Executive Officer within 24 hours of discovering the equipment failure and shall include the following:
 - (A) An explanation of activities currently being pursued or taken to remedy the equipment failure;
 - (B) Estimated time needed to restore the fenceline air monitoring equipment to normal operating conditions that comply with the approved fenceline and community air monitoring plan; and
 - (C) Temporary air monitoring measures subject to subparagraph (d)(2)(D) from the approved fenceline air monitoring plan to be implemented until the fenceline air monitoring system is restored to normal operating conditions.
 - (3) The owner or operator of a petroleum refinery shall submit an updated fenceline air monitoring plan to the Executive Officer if an equipment failure results in a failure to accurately provide continuous, real-time air monitoring information for more than 30 days.
- (i) **Recordkeeping**
- The owner or operator of a petroleum refinery shall maintain records of all information required under this rule for at least five years and shall make the information available to SCAQMD personnel upon request. Records for at least the two most recent years shall be kept onsite.

(j) Community Air Monitoring Fees

- (1) Pursuant to CA Health and Safety Code §42705.6, an owner or operator of a petroleum refinery shall pay an installation fee for refinery-related community air monitoring system based on the fee schedule established in Table 2 – Refinery-Related Community Air Monitoring System Fees.
- (2) No later than July 1, 2018, the owner or operator of a petroleum refinery shall make an initial minimum payment to the SCAQMD as specified in Table 2.
- (3) No later than January 30, 2019, the owner or operator of a petroleum refinery shall make a final payment to the SCAQMD for the remaining balance of the installation fee as specified in Table 2. The remaining balance shall be equal to the installation fee minus the initial minimum payment required by paragraph (j)(2).
- (4) Annual operating and maintenance fees for the community air monitoring system shall be paid pursuant to Rule 301–Permitting and Associated Fees, when applicable.
- (5) The refinery-related community air monitoring fees required by paragraph (j)(1) are in addition to permit and other fees otherwise authorized to be collected from such facilities.
- (6) No later than January 1, 2025 and every five years thereafter, the Executive Officer shall conduct a refinery-related community air monitoring assessment to evaluate adequate coverage and/or need for equipment upgrades.

(k) Exemptions

An owner or operator of a petroleum refinery that has a maximum capacity to process less than 40,000 barrels per day of crude oil is exempt from the requirements of this rule.

**Table 1– Air Pollutants to be Addressed by
Fenceline Air Monitoring Plans**

| Air Pollutants |
|--|
| Criteria Air Pollutants |
| Sulfur Dioxide |
| Nitrogen Oxides |
| Volatile Organic Compounds |
| Total VOCs (Non-Methane Hydrocarbons) |
| Formaldehyde |
| Acetaldehyde |
| Acrolein |
| 1,3 Butadiene |
| Styrene |
| BTEX Compounds (Benzene, Toluene, Ethylbenzene, Xylenes) |
| Other Compounds |
| Hydrogen Sulfide |
| Carbonyl Sulfide |
| Ammonia |
| Black Carbon |
| Hydrogen Cyanide |
| Hydrogen Fluoride ⁺ |

⁺ If the facility uses hydrogen fluoride.

Table 2 – Refinery-Related Community Air Monitoring System Fees

| Facility Name* and Location | Effective Dates and Fee Requirements | |
|--|--|--|
| | No later than July 1, 2018, petroleum refineries shall make the following initial minimum payment required by paragraph (j)(2) | No later than January 30, 2019, petroleum refineries shall make the following final payment required by paragraph (j)(3) |
| Andeavor Corporation (Carson) | \$429,078 | \$1,001,181 |
| Andeavor Corporation (Wilmington) | \$214,539 | \$500,591 |
| Chevron U.S.A, Inc. (El Segundo) | \$429,078 | \$1,001,181 |
| Delek U.S. Holdings, Inc. (Paramount) | \$107,269 | \$250,295 |
| Phillips 66 Company (Carson) | \$214,539 | \$500,591 |
| Phillips 66 Company (Wilmington) | \$214,539 | \$500,591 |
| PBF Energy, Torrance Refining Company (Torrance) | \$429,078 | \$1,001,181 |
| Valero Energy (Wilmington) | \$214,539 | \$500,591 |

*Based on the current facility names. Any subsequent owner(s) or operator(s) of the above listed facilities shall be subject to this rule unless exempted pursuant to its terms.