

APPENDIX E

**Rule Consistency Analysis
For Proposed Amendments to Rule 4311**

November 25, 2020

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RULE CONSISTENCY ANALYSIS FOR PROPOSED AMENDMENTS TO RULE 4311

I. REQUIREMENTS FOR RULE CONSISTENCY ANALYSIS

Pursuant to Section 40727.2 of the California Health and Safety Code, prior to adopting, amending, or repealing a rule or regulation, the District performs a written analysis that identifies and compares the air pollution control elements of the rule or regulation with corresponding elements of existing or proposed District and United States Environmental Protection Agency (EPA) rules, regulations, and guidelines that apply to the same source category. The rule elements analyzed are emission limits; monitoring and testing requirements; recordkeeping and reporting requirements; and operating parameters and work practice requirements.

II. ANALYSIS

A. District Rules

Facilities could be subject to other District rules including:

- Rule 1070 Inspections
- Rule 1081 Source sampling
- Rule 1100 Equipment Breakdown
- Rule 2010 Permits Required
- Rule 2201 New and Modified Stationary Source Review Rule
- Rule 2520 Federally Mandated Operating Permits
- Rule 4001 New Source Performance Standards
- Rule 4101 Visible Emissions
- Rule 4102 Nuisance
- Rule 4201 Particulate Matter Concentration
- Rule 4454 Refinery Process Unit Turnaround
- Rule 4623 Storage of Organic Liquids
- Rule 4624 Organic Liquid Loading
- Rule 4801 Sulfur Compounds

The above-listed rules are not in conflict with, nor are they inconsistent with the requirements of Proposed Rule 4311.

B. Federal Rules, Regulations, and Policies

1. *EPA Control Techniques Guideline (CTG) Document*

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Based on the EPA “Control Techniques Guidelines and Alternative Control Techniques Documents for Reducing Ozone-Causing Emissions” document¹, there are no EPA CTGs applicable to this source category and, therefore, no conflicts or inconsistencies with the proposed requirements of Rule 4311.

2. *EPA Alternative Control Techniques (ACT) Document*

Based on the EPA “Control Techniques Guidelines and Alternative Control Techniques Documents for Reducing Ozone-Causing Emissions” document, there are no EPA ACTs applicable to this source category and, therefore, no conflicts or inconsistencies with the proposed requirements of Rule 4311.

3. *EPA New Source Performance Standard (NSPS)*

40 CFR 60.18 (General Control Device Requirements) and 40 CFR 65.147 (Flares)

40 CFR 60.18 specifies certain minimum equipment performance standards for equipment used as control devices. In the case of flares, the CFR specifies certain heat content requirements for flared gases, sizing requirements and tip velocity along with operating standards to ensure there are no visible emissions during flaring episodes.

4. *National Emission Standard for Hazardous Air Pollutants (NESHAP)*

Based on the list in 40 CFR 61 (NESHAP) there is no NESHAP standard for flares.

5. *Maximum Achievable Control Technology (MACT)*

40 CFR 63 Subpart CC – National Emission Standards for Hazardous Air Pollutants From Petroleum Refineries

40 CFR 63.670 includes standards for flare tip velocity, pilot flame presence, flow monitoring, emergency flaring provisions, and recordkeeping, in line with 40 CFR 60.18. 40 CFR 63.371 includes requirements for continuous parameter monitoring systems (CPMS) if installed to demonstrate compliance with 40 CFR 63.370.

40 CFR 63 Subpart SS - National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process

¹ Control Techniques Guidelines and Alternative Control Techniques Documents for Reducing Ozone-Causing Emissions. (2016). Retrieved November 5, 2020 from <https://www.epa.gov/ground-level-ozone-pollution/control-techniques-guidelines-and-alternative-control-techniques>

40 CFR 63.987 includes standards in line with 40 CFR 60.18.

6. *Consolidated Federal Air Rule*

40 CFR 65 Subpart G - Closed Vent Systems, Control Devices, and Routing to a Fuel Gas System or a Process

40 CFR 65.147 requires the same performance, equipment, operation, and heat content standards for flares as 40 CFR 60.18.

40 CFR 65.157, §65.158, §65.159, and §65.164 require performance testing, monitoring, recordkeeping, and reporting standards for flares in use as VOC control devices to assure compliance with 40 CFR part 63.

7. *EPA Best Available Control Technology (BACT) Requirements*

There have been no BACT determinations for flares addressing NO_x emissions or requiring add on controls to limit NO_x emissions from flares in the EPA's BACT/LAER Clearinghouse. BACT has universally been considered "good combustion practices".²

8. EPA Policy on Recordkeeping

The recordkeeping requirement in Rule 4311 is consistent with EPA's policy to keep and maintain records for at least five years.

III. CONCLUSION

Based on the above analysis, District staff found that the proposed amendments to Rule 4311 would not conflict with any District or federal rules, regulations, or policies covering similar stationary sources.

² Environmental Protection Agency [EPA]: Clean Air Technology Center - RACT/BACT/LAER Clearinghouse. Retrieved November 4, 2020 from https://cfpub.epa.gov/rblc/index.cfm?action=PermitDetail.PollutantInfo&Facility_ID=28072&Process_ID=110560&Pollutant_ID=149&Per_Control_Equipment_Id=158312

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