

RULE 364. REFINERY FENCELINE AND COMMUNITY AIR MONITORING
(Adopted 5/21/2020, [revised xx/xx/xxxx](#))

A. Applicability

This rule shall apply to petroleum refineries.

B. Exemptions

None.

C. Definitions

See Rule 102, Definitions, for definitions not limited to this rule. For the purposes of this rule, the following definitions shall apply:

“Community Air Monitoring System” means a combination of equipment that measures and records air pollutant concentrations in communities near a petroleum refinery that is currently refining or storing oil products.

“Fenceline Air Monitoring System” means a combination of equipment that measures and records air pollutant concentrations at or near the property boundary of a petroleum refinery.

“Petroleum Refinery” means a facility that is permitted to process petroleum, as defined in the Standard Industrial Classification Manual as Industry No. 2911.

“Real-time” means 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.

“Refinery Fenceline Air Monitoring Guidelines” means a written framework to be used by the Control Officer to evaluate a refinery fenceline air monitoring plan, as shown in Attachment A.

D. Requirements – Fenceline Monitoring Plan

1. No later than August 21, 2020, the owner or operator of a petroleum refinery shall submit to the Control Officer a written fenceline air monitoring plan for establishing and operating a real-time fenceline air monitoring system.
2. All fenceline air monitoring plans shall be consistent with the attached Rule 364 Refinery Fenceline Air Monitoring Guidelines. At a minimum, 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 – Pollutants For Fenceline Air Monitoring in real-time, at or near the property boundary of the petroleum refinery;
 - b. Equipment to be used to continuously record wind speed and wind direction data in at least one on-site location at the petroleum refinery;
 - c. Siting and equipment specifications;
 - d. A timeline and 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;

- e. 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:
 1. Routine maintenance requirements for equipment;
 2. A planned schedule for routine maintenance performed on equipment;
 3. Length of time that equipment will not be operating during routine maintenance activities;
 4. Notification procedures to inform the Control Officer of any failures to accurately provide monitoring data for 24 hours or longer; and
 5. Temporary air monitoring measures that will be implemented in the event of an equipment failure or during routine maintenance activities, and that will be used until the fenceline air monitoring system is restored to normal operating conditions;
 - f. Procedures for implementing quality assurance by a qualified independent party, including quality control and audits of the fenceline air monitoring systems;
 - g. Methods for dissemination of data collected by the equipment specified in Sections D.2.a and D.2.b to the public, local response agencies, and the District as expeditiously as possible.
3. The fenceline air monitoring plan shall address real-time air monitoring for the air pollutants specified in Table 1 on a continuous basis.

TABLE 1 - POLLUTANTS FOR FENCELINE AIR MONITORING

<i>Air Pollutants</i>
Benzene
Toluene
Ethylbenzene
Xylene
Sulfur Dioxide
Hydrogen Sulfide

E. Requirements – Fenceline Monitoring Plan Review and Updates

1. The Control Officer shall notify the owner or operator in writing whether the fenceline air monitoring plan is approved or whether modifications are necessary. 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 Section D.
 - a. If modifications are necessary, the owner or operator shall resubmit the fenceline air monitoring plan within 30 days after the notification by the Control Officer. The resubmitted plan shall include any information necessary to address deficiencies identified by the District.
 - b. The Control Officer may either approve the revised and resubmitted fenceline air monitoring plan or modify the plan and approve it as modified.
2. The owner or operator of a petroleum refinery shall revise and submit an updated fenceline air monitoring plan to the Control Officer as follows:

- a. 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.
 - b. 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.
 - c. Sixty (60) days after the date of receiving information that an approved fenceline air monitoring plan does not adequately measure one or more pollutants identified in Table 1. This includes equipment failures that result in a failure to accurately provide continuous, real-time air monitoring information for more than 30 days.
3. Failure to comply with the requirements of Section E.2 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 shall submit a new fenceline air monitoring plan to the Control Officer that meets the requirements of this rule.

F. Requirements – Fenceline Air Monitoring System

Beginning no later than 365 days after the fenceline air monitoring plan is approved by the Control 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.

G. Requirements – Recordkeeping

The owner or operator shall maintain records of all information required under this rule for at least five years and shall make the information available to District staff upon request. Records for at least the two most recent years shall be kept onsite.

H. Requirements – Refinery Fenceline and Community Air Monitoring Fees

1. Pursuant to California Health and Safety Code §42705.6, an owner or operator of a petroleum refinery shall pay the following fees associated with the refinery fenceline and community air monitoring system.
 - a. An owner or operator of a petroleum refinery shall make a payment to the District in the amount of \$7,500 for the review of a refinery fenceline monitoring plan. The review fee shall be submitted with the initial monitoring plan pursuant to Section D.1 and with any new monitoring plans pursuant to Section E.3 of this rule. All costs incurred by the District for the review and revision of a District-approved monitoring plan, pursuant to Section E.2, shall be reimbursable costs pursuant to ~~Section I.C of~~ Rule 210, Fees.
 - b. No later than November 21, 2020, the owner or operator of a petroleum refinery shall make a payment to the District in the amount to cover the shared cost of the initial installation of the co-located community air monitoring system. Consistent with California Health and Safety Code §42705.6, these costs shall be shared in a reasonably equitable manner.
 - c. In the event that the community air monitoring system is not co-located with a District-operated monitoring station and is an independent monitoring station, the owner or operator of a petroleum refinery shall make an additional payment to the District in the amount to cover any additional costs for the initial installation of the community air monitoring system. This fee shall be due and payable no later than sixty (60) days after written notification by the District.

- d. Beginning in calendar year 2021, the owner or operator of a petroleum refinery shall make a payment to the District in the amount to cover the cost of the annual operation and maintenance of the community air monitoring system. Consistent with California Health and Safety Code §42705.6, if the community air monitoring system is co-located with a District-operated monitoring station, these costs will be shared in a reasonably equitable manner. Invoices for the annual operation and maintenance fee will be issued during the month of January. If the fees required by this section are not paid in full within sixty (60) days of the invoice date, a ten percent (10%) penalty shall be imposed for every thirty (30) days, or portion thereof, that the payment is overdue.
2. Any fee prescribed in this rule shall be adjusted annually by the Control Officer based on the change in the California Consumer Price Index (CPI) for the preceding year, as determined pursuant to Section 2212 of the Revenue and Taxation Code.
3. The refinery fenceline and community air monitoring fees required in this section are in addition to permit and other fees otherwise authorized to be collected from such facilities. Any subsequent owner(s) or operator(s) of a petroleum refinery shall be responsible for all unpaid fees listed in this rule. The Control Officer may initiate action to revoke the permit for any unpaid fees listed in this rule.
4. No later than January 1, 2026 and every five years thereafter, the Control Officer shall conduct a refinery fenceline and community air monitoring assessment to evaluate adequate coverage and/or need for equipment upgrades. The Control Officer shall also reassess the fees required by this section to ensure that the fees are consistent with the requirements of California Health and Safety Code §42705.6.