

Refinery Sector Rulemaking – Summary of Issues/Concerns

GENERAL

- ❖ **Risk concerns do not justify any additional controls.** We believe the current analysis will reconfirm the conclusion stated in the signed, and subsequently withdrawn, January 2009 risk and technology review that the risks associated with refinery emission sources are acceptable. This is unchanged, despite the addition of Refinery MACT 2 source emissions and Agency updating of emission estimates through a large ICR effort.
- ❖ **The high costs of this rule are not justified by the small emission reduction potential.** We anticipate many changes will be proposed that impose very large costs and burdens (well in excess of \$100 million annually) in order to achieve minor emission reductions. Any rule changes need to be justified under Clean Air Act §112(d)(6) criteria. Interpretations should not be the basis for by-passing full (d)(6) evaluations. EPA should not revisit floors and compliance demonstration requirements or add requirements without providing a full justification for comment.
- ❖ **A minimum of three years will be critical to comply with this rule. For tanks, ten years or until the next outage will be necessary.**

SPECIFICS

- ❖ **API asks that no change be made to the existing delayed coker standard.** A change in the existing 15 psig RMACT 1 atmospheric vent limit is not risk justified or cost-effective (i.e., >\$100,000 / ton VOC and >\$500,000 / ton HAP). In the recent NSPS Ja rulemaking, EPA found 2 psig to be cost ineffective for even new units.
- ❖ **API supports improved management of steam-assisted flares.** We ask that any proposed flare combustion efficiency standards only address steam-assisted flares and that they do not cause unnecessary addition of natural gas to the flares. A combustion zone net heating value of 200 BTU/SCF assures the proper balance to achieve destruction of HAP and avoid unnecessary natural gas addition. Adding natural gas is costly, energy inefficient and raises net methane and CO₂ emissions.
- ❖ **Pressure Relief Devices (PRDs) are safety devices to protect plant personnel, plant equipment and the public and API asks that EPA not change the current MACT floor work practice standard for PRDs.** Prohibiting atmospheric releases will require routing PRDs to additional flares thereby imposing massive, unnecessary costs for these new flares and flare headers to control releases during very rare events.
- ❖ **The fenceline monitoring assessment requirement is unprecedented and potentially costly.** An unreasonably low Root Cause Analysis trigger must be avoided to prevent unnecessary data analysis (i.e., dealing with false positives) and corrective actions that are not supported by justifiable emission or risk reductions. An off-ramp should be provided after a reasonable period of time.
- ❖ **API asks that EPA retain the current work practice standard for open-ended lines (OELs).** Based on recent rulemakings, we anticipate a proposal to add a definition of “seal” relative to the current requirement to seal an OEL with a cap or plug as a means of imposing a 500 ppm leak rate and a Leak Detection and Repair Program on OELs. Such a requirement cannot be justified through reinterpreting the clear meaning of “seal” that the Agency has used for decades, particularly since EPA has recently concluded in the NSPS VVa and GGGa rulemakings that imposing a 500 ppm leak limit on OELs is not justified even for VOC.