

**Chapter 173-400 WAC General Regulations for Air Pollution Sources
Stakeholder Meeting #3
Puget Sound Clean Air Agency Office, Seattle, WA
December 20, 2018**

Attendees:

Colleen Stinson, ECY
Ty Gaub, USOR
Jason Alberich, ECY
Ken Johnson, WSPA
Jim Verburg, BP Cherry Point
Agata McIntyre, NWCAA
Philip Gent, ECY
Debebe Dererie, ECY
Ralph Munoz, PSCAA
Jerry Tippett, Chemtrade
Lyn Tober, NWCAA
Tim Figgie, Shell
Al Newman, WSPA
Steven Crockett, NWCAA Advisory Council
Carroll McWhorter, Olympic College
Megan Rodrigo, Lester
Lester Keel, Marathon Petroleum
Evy Kontos, US Oil
Erin Strang, Phillips 66

- Colleen Stinson facilitated the meeting and opened the meeting approximately 10 minutes late at 12:40 pm due to traffic delays for participants.
- We made introductions and reviewed the meeting summary from the October 16, 2018, stakeholder meeting. No changes were made to the October meeting summary.
- Colleen briefly reviewed the recommended minor edits to Chapter 173-400 WAC that are updates, clarifications and other minor edits that are routinely done when Chapter 173-400 WAC is open during rulemaking. There was a question about the implications of the change in terms from “net-emissions” to “emissions” in Chapter 173-400 Section 117. It was explained that this change was just a correction to a term and there were no further implications for this correction.
- The proposed SRU rule language was reviewed. Several portions of the rule were discussed. Some of the rule language that the petroleum industry representatives and WSPA objected to included the following:
 1. Industry and WSPA object to the 24 hour advance notification of Tail Gas Unit (TGU) bypass because there are times when they cannot predict the need for a shutdown that far in advance. They suggested use the term “prior notice” instead.

Ecology pointed out that the proposed rule is designed for planned shutdowns such as for maintenance or turn around and these are usually planned far in advance. The reasons for a shutdown are not written into the rule so that the petroleum industry has more flexibility to manage the reasons for their shutdowns. Also the alternative emission limitation is for during TGU bypass and not the entire shutdown sequence and the notice is to be given 24 hours prior to TGU bypass.

Phil Gent asked if e-mail notification would be sufficient and the local clean air agencies indicated it would. Refineries asked us to add language confirming that e-mail notification was sufficient for advanced notification and the LCAAs agreed

2. Industry and WSPA requested that (v)(b)(IV) which states: “(IV) Liquid sulfur appears yellow, not dark.” be removed because it is not a useful tool for determining whether there is additional sulfur in the SRU. That language was part of the WSPA submitted work practice standards. There was no objection to removing that item. Also, the word “or” should be added to the end of items (v)(b)(I) and (v)(b)(II) and the word “planned” added to “shutdown” at (b)(vi). Again no objection was made.

3. Industry and WSPA objected to the entire (vi) portion of the rule language that describes the limits on frequency, duration and amount of SO₂ emissions during shutdown. Their objections included:

a) The limits were determined using insufficient data that has too few data points. WSPA stated that they do not have any additional data regarding startups or shutdowns. Ecology noted that the limits used the data provided by industry to the clean air agencies.

b) The shutdown frequency should not be limited because they try to not shut down since that decreases their productivity. Sometimes they have to shut down more often and they need an alternative limit for that time.

c) Since the NAAQS are not being violated, they have shown they do not need numerical limits on their frequency, duration or emission amount.

4. Industry and WSPA objected to the requirement to use CERMS. They claim that a flowmeter will not fit into the stack.

5. Al Newman of WSPA stated that the correct term is alternative emission standard but it was noted that alternative emission limit or alternative emission limitation is listed in Chapter 173-400-30 (6) definitions and in the EPA SIP call.

6. US Oil suggested that the SO₂ ambient air monitoring requirement under (vi)(B)(IV) be eliminated since they do not have an SO₂ ambient monitor.

7. WSPA asked for clarification on record keeping. This will be clarified prior to the next meeting.

8. Reporting. There was some discussion about what the requirements should be and what they currently are for an air operating permit (AOP). Dererie suggested that the reporting requirements be similar to what is currently required for exceedances reported under WAC 173-400-107.

WSPA had requested time on the agenda and due to the amount of discussion there was not a full hour. They indicated that the 20 minutes remaining would be more than enough time.

WSPA repeated their initial concerns that EPA is reconsidering its SSM guidance and thus we should not lock ourselves into a rigid, numeric based rule. Ecology restated that it is our intent to fulfill our obligations in the SSM SIP call and we cannot predict what the current administration will or won't do regarding SSM.

WSPA stated that they could show how WSPA's proposed rule language met the seven criteria in the EPA guidance for an alternative emission limitation. Ecology requested that they provide that information no later than **January 10, 2019** which is two weeks prior to the next meeting on January 24, 2019 meeting.

It was noted that the Ecology website does not have the correct January meeting date. The website will be corrected. The correct meeting date and time is January 24, 2019 from 10 a.m. to noon.

Ecology requested that WSPA also provide in writing their specific objections to the current rule language and suggested changes. WSPA did not see any value in doing that since they want to use their proposed non-numeric work practice standard.

Next Steps:

WSPA will provide correlation between their proposed rule and the seven EPA criteria used as guidance in developing an alternative emission limitation by or before January 10, 2019.

The date for January meeting will be corrected on the website to the 24th and a different venue since the Alaskan Way Viaduct will be closed and Seattle traffic will be adversely affected. Consider Ecology NW Region office.