

**Chapter 173-400 WAC General Regulations for Air Pollution Sources
Stakeholder Meeting #4 Summary
Department of Ecology Northwest Regional Office, Bellevue, WA
January 24, 2019**

Attendees:

Colleen Stinson, Ecology
Ty Gaub, USOR
Jason Alberich, Ecology
Ken Johnson, WSPA
Jim Verburg, BP Cherry Point
Agata McIntyre, NWCAA
Philip Gent, Ecology
Debebe Dererie, Ecology
Ralph Munoz, PSCAA

Jerry Tippet, Chemtrade
Tim Figgie, Shell
Al Newman, WSPA
Sandy Paris, Phillips 66
Rob Gronewold, USOR
Erin Dilworth, Citizens for a Healthy Bay
Case Hinkins, USOR
Tery Lizarraga, WSPA
Raffi Rodrigo

Colleen Stinson facilitated the meeting and opened the meeting at 12:10 p.m. We made introductions and reviewed the meeting summary from the December 20, 2018, stakeholder meeting. No changes were made to the December meeting summary.

The receipt of documents from WSPA was noted. These included WSPA rule language and a comment letter describing the way that rule language met the requirements in the EPA criteria for development of an alternative emission standard. Colleen noted that these documents were reviewed, but Ecology has not yet prepared an official response to the documents.

Changes to the rule document were discussed:

- A minor change to the wording from “alternative emission limitation” to “alternative emission standard” was made to be consistent with the format in existing rules.
- Email was added as an option for the 24-hour prior notification for SRU planned shutdowns.

Colleen suggested changing the definition of planned shutdowns by adding “for SRU turnaround.” This was discussed at length including:

- WSPA and industry representatives objected to narrowing the definition for the type of shutdowns that would be covered by the alternative emission standard and objected to any set frequency of shutdowns in the rule. Various scenarios were described by WSPA member facilities where a shutdown was being excused under WAC 173-400-107 if the source reports the event according to the 107 criteria. This was a lengthy discussion and it was decided that there is need for more discussion on the subject of what should be covered under this rule. WSPA member facilities will provide information within two weeks on other scenarios that are currently covered under WAC 173-400-107.
- Some scenarios were discussed where the need for the SRU shutdown was the result of an event upstream of the SRU such as when there was no gas feed to the SRU so the refinery had to burn natural gas and shutdown.

- Ecology suggested that some events that occur upstream of the SRU and result in the need to shutdown may actually be considered malfunctions or upsets that would not be covered under this rule. An example of impending valve malfunction where there is still time to safely shutdown was discussed. The shutdown might be considered part of routine maintenance since the valve may be at the end of its expected life, or it may be an upset or malfunction when the need for replacement may be caused by a preventable incident – the example was of a wrench being dropped on a valve that causes the need for replacement.
- Under current regulations, local clean air agencies (CAAs) can evaluate the reason for the shutdown, and whether there is a trend or pattern that results in shutdowns, and they use enforcement discretion to determine further action. If exceedances during shutdowns are automatically excused by the rule because the refinery was able to give a 24-hour notice and shutdown using, regardless of the cause are excused under the rule because the refinery was able to shutdown using the steps in the work practice standards, then the CAAs may not be consulted and therefore are not able to evaluate the circumstances surrounding the shutdown. This results in the loss of information being provided to the CAAs, and the shutdowns could not be evaluated for trends or patterns in the future for potential enforcement discretion. Also, enforceability is required according to the alternative emission limitation guidance and also in the federal Clean Air Act for SIP submittals.
- Other discussion revolved around whether there is a way to craft the rule language so that more shutdown information is provided to the CAAs for covered shutdowns if the definitions of shutdowns covered is expanded. Do we need a reporting requirement for all planned shutdowns? This was not resolved.
- Industry stated that one problem with setting the frequency of shutdowns is that the number is based on shutdowns in the past and doesn't deal with potential for more in the future. It was pointed out that the data from past shutdowns is the information we have to base the frequency on. The only way to develop the rule is to use the information we have available that was provided by the refineries.
- Industry says the quality of the data is not sufficient to set limits for frequency, duration, and emission rate or amount. Ecology has to base the rule on available data. The need for better data was acknowledged and the required monitoring in the proposed rule will result in the collection of higher quality data.
- The use of either CERMS (mass/hour) or properly spanned CEMS (concentration) for monitoring was discussed. Industry does not feel that CERMS will technically work in the stacks because of the concentration variation of the gas and the harsh environmental conditions in the incinerator stack of sulfur recovery plants. The use of ultrasonic monitors was discussed, but industry has not had success with using those. They were used intermittently in the Bay Area and did not always function when needed. Ecology noted that use of properly-spanned CEMS along with a calculated emission may be sufficient. Agata mentioned that

- gas flowmeters are used in coal power plants, but industry stated that the environment inside the incinerator stacks on the SRUs is much more corrosive.
- Modeling was discussed. Ecology made suggestions for changes to be made to the modeling to correct deficiencies identified in correspondence from January 2018. When the SRU portion of the SSM rulemaking was suspended, the modeling changes were not done. Industry and Ecology will look into getting the deficiencies corrected so the model can be used in deciding if there may be adjustments to the rule parameters. WSPA will check into this in the next week or two. Ranil Dhammapala is the Ecology contact for the modeling.
 - WSPA stated that Ecology has not responded to their suggested rule language. Ecology replied that they have responded to previous versions, but the rule language has been reviewed. Changes made to the draft rule language have included the work practices that WSPA proposed and there are additional changes reflected in the version reviewed today. A response will be provided.
 - Ecology asked about a portion of the WSPA proposed rule that dealt with using oxygen breakthrough as an indication of cessation of sulfur production and industry stated that it did not indicate sulfur production cessation, but is a safety indicator. Therefore, it is not included in the Ecology proposed draft rule.
 - The need for more technical work on the rule was stated and a work session will be set up if possible.
 - Another change in response to WSPA's comments was to change (b)(ii) that stated "all possible steps are taken to minimize the impact emissions on ambient air quality during SRU shutdown" because "all possible" is not definable this opened up the potential for unlimited required steps. In response to industry's concern the language was changed to "Requires that at all times, the facility is operated in a manner consistent with good practice for minimizing emissions."
 - Two other changes were made in response to industry comments. One was to remove (v)(B)(IV) under observations of cessation of sulfur production which stated "Liquid sulfur appears yellow, not dark." This was not a useful parameter since it was hard to define the terms "yellow" and "not dark." The other change was to remove the requirement for recording the ambient air (vii)(B)(IV) monitoring data for the duration of the planned SRU shutdown. Note: The numbering is incorrect in the rule and has been corrected. This was labelled as (vi) instead of (vii) in the rule language reviewed at the meeting.
 - WSPA reiterated that they thought their rule language met the EPA Criteria and was the best solution. They also questioned whether it was appropriate to continue the rulemaking at this time. Ecology reiterated that the rulemaking was being done at their request and to let Ecology know if industry wants to discontinue rulemaking. Ecology completed the statewide SSM rulemaking to fulfill their obligation to the SSM State Implementation Plan (SIP) call by EPA. If this rulemaking is suspended, the 1000 ppm standard will apply to the SRU shutdowns upon EPA's approval of the statewide SSM rule in the SIP.

- At the end, Colleen provided information about economic feasibility information that industry may want to consider or provide information on once the rule language is finalized. This was for informational purposes only and was not an action item.

Next Steps

1. Industry will decide whether they want to continue rulemaking and let Ecology and the local CAAs know soon. The rest of the steps are dependent on that decision.
2. Industry and local CAA's will work together to identify shutdown scenarios that need to be covered in this rule.
3. Ecology will provide latest correspondence on the previous modeling (January 2018).
4. Industry and Ecology will investigate what would be required to correct the modeling deficiencies listed in the January 2018 letter from Ecology within two weeks.
5. Ecology will provide a written response to WSPA on their proposed rule language.
6. A work group meeting will be scheduled prior to the next meeting if rulemaking is going to proceed. Determining what should be reported and what should be covered (define "planned shutdown") would be the objective of the working group.
7. Next scheduled stakeholder meeting is February 27, 2019 at the PSCAA office in Seattle from 10 a.m. to noon.