

WAC 173-400 General Regulations for Air Pollution Sources

Stakeholder Meeting #1

Ecology HQ Building, Lacey, WA

September 12, 2018

Attendees:

Jason Alberich, ECY

Case Hinkins, US Oil

Philip Gent, ECY

Ralph Munoz, PSCAA

Lyn Tober, NWCAA

Agata McIntyre, NWCAA

Jim Verburg, BP

Sandy Paris, Phillips 66

Tim Figgie, Shell

Ken Taylor, BP

Jessica Spiegel, WSPA

Jean-Paul Huys, ECY

Debebe Dererie, ECY

1. Jason Alberich facilitated the meeting and opened the discussions at 2:00 PM.
2. We discussed the rule web page and identified how to navigate to the site on Ecology's internet page
<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-400Jul17>
3. We made introductions, discussed the agenda for the meeting, went through facility logistics, and discussed the rulemaking timeline
<https://ecology.wa.gov/DOE/files/44/44f56aee-ddf7-4aa8-8701-674dd3cb91d3.pdf>
4. I approached the stakeholders with the question regarding whether there was an overall consensus as to whether or not we should proceed with rulemaking. An analysis of the data suggests that three out of the five facilities are currently in compliance with regulations. Industry and WSPA stated they are concerned that we are even considering not doing the rule. I explained to all stakeholders that I had a responsibility to ensure that proposed rulemaking was worth the time and resources to pursue for two sources when a negotiated permit option was still available under the 082 process.
5. It was our intent to discuss the rule language last proposed in November, 2017. Both Industry and the LCAAs assessed that it would be more efficient if Ecology updated the rule language

considering comments that we have received from both the LCAAs and WSPA. We committed to updating the language and getting it to the stakeholders by the end of next week.

6. Since we determined not to go through the rule and I did not get a sense that we have consensus regarding whether or not to proceed with rulemaking, I went around the room and on WebEx and asked each participant what were their individual goals and/or concerns regarding this proposed rulemaking. Below is a summary of their responses:
 - **Debebe Dererie:** Data don't support alternative emission standard.
 - **Ralph Munoz:** We need to make sure EPA will buy off on our solution. Otherwise we are wasting time. Is not sure a rule is the right approach.
 - **Case Hinkins:** We recognize the challenge, but we need to achieve an alternative standard that works for all five facilities. Safety is of paramount interest.
 - **Phil Gent:** Whether we choose to do this by rule or permit, we need to make sure what we decide is enforceable and transparent.
 - **Jean-Paul Huys:** Permit-specific revisions are the better option.
 - **Lynn Tober:** Needs more information on why this rule is needed if the majority of facilities can already comply. Also concerned that possible alternate limits and exemptions would encourage backsliding. Also, work practice standards are difficult to enforce.
 - **Agata McIntyre:** If we draft a rule, we should only incorporate exemptions that we previously exempted under 107.
 - **Jessica Spiegel:** During the discussion of Section 107 going away due to EPAs SIP Call, an expectation was built with WSPA - based on meetings with Ecology and the local clean air agencies over the last three years- that there would be adjusted language. Much of that language has been negotiated, with only minor sections remaining. Ecology indicated this rulemaking would begin immediately following the SO2 SIP rulemaking. Yes, there is a concern with not proceeding.
 - **Jim Verburg:** We are not asking for exemptions. We are asking for acceptable and defined work practice standards already identified in the federal standard.
 - **Tim Figgie:** Safety is a primary concern. Also, we need flexibility in shutdown modeling 107. Also, under the current paradigm, no facility has exceeded ambient air quality standards based on monitoring.
7. We concluded the meeting and determined the following steps:
 - a. We will hold our next stakeholder meeting on Wednesday, October 16
 - b. We will seek venues to hold future stakeholder meetings in either NWCAA or PSCAA areas. PSCAA offered that they may be able to hold the next meeting at PSCAA.
 - c. Although we are still considering the cost/benefit of rulemaking, Ecology will incorporate WSPA and LCAA comments into updated proposed language by Friday, September 21.