

EPA's National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards for the Petroleum Refinery Sector: Compliance Extension

- On July 3, 2018, the U.S. Environmental Protection Agency (EPA) proposed amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) Refinery MACT 1 regulations. This action would change the compliance date from August 1, 2017, to January 30, 2019, for maintenance vent standards that apply during periods of startup, shutdown, maintenance or inspection for sources constructed or reconstructed on or before June 30, 2014.
- EPA is proposing this action based on challenges petroleum refinery owners or operators have experienced in attempting to comply with the December 1, 2015, final rule requirements notwithstanding the additional compliance time provided in the July 13, 2016, final rule (i.e., August 1, 2017) and the compliance extension procedure in 40 CFR 63.6(i) (i.e., August 1, 2018). These proposed revisions do not affect any other requirements of the Refinery NESHAP. This action will have an insignificant effect on emissions reductions and costs.
- These proposed revisions would not affect any other requirements of the Refinery MACT 1 rule. This action will have an insignificant effect on emissions reductions and costs.

Background

- EPA initially promulgated NESHAP for major sources in the Petroleum Refineries – Other Sources Not Distinctly Listed source category on August 18, 1995. These standards are also referred to as maximum achievable control technology (MACT) standards and this NESHAP for petroleum refineries is commonly referred to as Refinery MACT 1. The 1995 Refinery MACT 1 rule regulates miscellaneous process vents, storage vessels, wastewater, equipment leaks, gasoline loading racks and marine tank vessel loading.
- On October 28, 2009, the EPA promulgated amendments to Refinery MACT 1 to include MACT standards for heat exchange systems, which were not originally addressed in Refinery MACT 1. This same rulemaking included updating cross-references to the General Provisions in 40 CFR part 63.
- EPA completed a residual risk and technology review of Refinery MACT 1, publishing final amendments on December 1, 2015. The December 1, 2015, final amendments included revisions to the Refinery MACT 1 requirements for process vents designated as “maintenance vents.” Maintenance vents are those whose use is needed only during startup, shutdown, maintenance or inspection of equipment where the equipment is emptied, depressurized, degassed or placed into service. The December 1, 2015, final amendments require that the hydrocarbon content of the vapor in the equipment served by the maintenance vent to be less than or equal to 10-percent of the lower explosive limit (LEL) prior to venting to the atmosphere. The December 1, 2015, final rule also provides specific allowances for situations when the 10-percent LEL cannot be demonstrated or is technically infeasible. The compliance date included in the December 1, 2015, final rule for

maintenance vents located at sources constructed on or before June 30, 2014, was February 1, 2016 (the effective date of the December 1, 2015, final amendments).

- On January 19, 2016, EPA received a petition for reconsideration from the American Petroleum Institute (API) and the American Fuel and Petrochemical Manufacturers (AFPM) formally requesting that the EPA reconsider the compliance date for maintenance vents located at sources constructed on or before June 30, 2014, among other issues.
- In response to this petition, on February 9, 2016, the EPA revised the compliance date for maintenance vents located at sources constructed on or before June 30, 2014, from February 1, 2016, to August 1, 2017. 81 FR 45232 (July 13, 2016).
- Following the compliance extension procedure in 40 CFR 63.6(i), most refiners received a 12-month extension to August 1, 2018.

How to Comment

- EPA will take public comment on the proposed amendments for 30 days after they are published in the *Federal Register*. There are multiple ways to submit written comments. Please use one of the methods below to ensure your comments are the methods below to ensure EPA receives your comments.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2010-0682, may be submitted by one of the following methods:
 - Federal eRulemaking Portal: <https://www.regulations.gov>. Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or withdrawn. The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.
 - Email: A-and-R-Docket@epa.gov. Include Docket ID No. EPA-HQ-OAR-2010-0682 and in the subject line of the message.
 - Fax: (202) 566-9744.
 - Mail: Environmental Protection Agency, EPA Docket Center (EPA/DC), Mail Code 28221T, Attention: Docket ID No. EPA-HQ-OAR-2010-0682, 1200 Pennsylvania Avenue, NW, Washington, DC 20460.
 - Hand/Courier Delivery: EPA Docket Center, Room 3334, EPA WJC West Building, 1301 Constitution Avenue, NW, Washington, DC 20004. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.
- For tips on submitting comments, see <https://www.epa.gov/dockets/commenting-epa-dockets>.