



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
RESEARCH TRIANGLE PARK, NC 27711

APR 03 2019

OFFICE OF
AIR QUALITY PLANNING
AND STANDARDS

Ms. Karin Ritter
Manager, Regulatory and Scientific Affairs
American Petroleum Institute
200 Massachusetts Avenue, NW
Washington, DC 20001

Re: Regulatory Interpretation of Petroleum Refinery Regulations for Flaring Events

Dear Ms. Ritter:

This is a response to your email on behalf of the American Petroleum Institute (API) submitted to the United States Environmental Protection Agency (EPA), Office of Air Quality Planning and Standards (OAQPS), dated January 28, 2019, concerning the applicability of emissions standards in section 63.670(d) and (e) of 40 CFR part 63, subpart CC: *National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries*. You have requested a regulatory interpretation on assessment of compliance with the first 15-minute block of a flaring event. Specifically, you have raised a concern that in the event of a release of low BTU gas in the latter part of a 15-minute block, refiners may not have time to adjust conditions to meet the net heating value of the combustion zone (NHV_{cz}) minimum limit.

Sections 63.670 (d) and (e) both state that the owner or operator must meet the velocity and NHV_{cz} requirements when regulated materials are routed to the flare for at least 15 minutes. That is, the requirement applies starting at the fifteenth minute that a flaring event occurs. The owner or operator is required to demonstrate compliance with the velocity and NHV_{cz} requirements starting with the block that contains the fifteenth minute of a flaring event. The owner or operator is not required to demonstrate compliance for the previous 15-minute block in which the event started and contained only a fraction of flow.

If you have any site-specific questions regarding the applicability of the regulatory interpretation above or have any other questions, please contact Ms. Angie Carey at (919) 541-2187.

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Sincerely,



Penny Lassiter
Acting Director
Sector Policies and Programs Division

cc: Jan Tierney, EPA Office of General Counsel
Maria Malave, EPA Office of Enforcement and Compliance Assurance