Message

From: Topinka, Natalie [topinka.natalie@epa.gov]
Sent: 6/18/2019 8:00:44 PM
To: Nam, Ed [nam.ed@epa.gov]; Furey, Eileen [furey.eileen@epa.gov]; Dickens, Brian [dickens.brian@epa.gov]
Subject: FW: OOOOa Technical - Options Selection
Attachments: NSPS OOOOa Pre-OStechnical6.19.19.docx

Ed, Eileen, and Brian,

The OOOOa workgroup received this document/message this morning. You'll see that there are many issues on the table for reconsideration, and we're not certain where the recommendations will land for Friday morning's Options Selection meeting. We understand that this document is to be used to give Bill Wehrum a preview of the potential changes, on Wednesday afternoon, prior to Options Selection. The workgroup members are not invited to this briefing (we asked).

I will work from this draft to write up a detailed comments paper to be submitted at Options Selection, but I wanted to give a heads up about a very problematic proposal related to applicability of OOOOa to storage vessels that the workgroup believes will effectively eliminate the storage vessel design and operational requirements of the rule (those same requirements that reduce emissions from the portion of the process known to have the greatest VOC emissions and which we rely on to bring cases against oil and gas production facilities such as Chesapeake and Gulfport). The proposal is essentially to exempt storage vessels from the design and operational requirements of the rule if the source has a state permit with "legally and practically enforceable" requirements to reduce VOC emissions by 95%. I will go into more detail in my comments paper, but, in short, the problems with this approach are:

- There are no proposed specifications on what is required for a permit to be considered "legally and practically enforceable" in order to achieve the purported 95% VOC reductions. Such specifications would include design, operation, control, inspection/monitoring, repair, recordkeeping, and reporting requirements like those that are established in OOOO and OOOOa.
    - If a state puts forth a permit that EPA believes to be inadequate to achieve 95% reductions, or if it is not certain if the permit is adequate, EPA will have to either:
        - Take enforcement action against a state for an inadequate permit (not likely or easy); or
        - Respond to a deluge of applicability determinations from sources asking EPA to determine if the permit is adequate to ensure 95% VOC reduction.
- This creates difficulty for determining applicability. If a source has such a state permit, and violates the terms of its permit that are necessary to achieve the 95% emissions reductions, does this mean the source has triggered applicability and is no longer exempt from the OOOOa storage vessel provisions? Or is it simply a permit violation?
    - If the permit is not federally enforceable, then EPA must rely on the state to enforce the terms of its permit. If the state does not adequately enforce the terms, then the source will not achieve the expected 95% reduction that was anticipated to exempt the source from the storage vessel regulations.
- This places a burden on the state to develop permits that are effectively equivalent to OOOOa's 95% VOC reduction requirement, and to enforce them (if not federally enforceable).
- This approach was not in the reconsideration proposal, therefore it did not go through notice and comment. It is a very significant issue that is of the caliber that should be noticed prior to final.

There are other problems with some of the potentially proposed options, but the storage vessel issue above is of greatest concern. Unfortunately, the Options Selection meeting is scheduled at the same time I am supposed to take this RMP training exam. I can explore options for taking the exam at another time (difficult), but I am waiting to see if Options Selection will be rescheduled from Friday. I would like to have the opportunity to brief management sooner on the proposed options and Region 5's positions on the options, but that will be difficult because a) the workgroup has not received notice of final options and rationale, and 2) I am in this RMP training all day, all week. However, I do have time over the lunch hours (noon-1:00) tomorrow and Thursday if necessary to meet.

Thanks,

Natalie

From: Marsh, Karen
Sent: Tuesday, June 18, 2019 9:27 AM
To: DeFigueiredo, Mark <DeFigueiredo.Mark@epa.gov>; Weitz, Melissa <Weitz.Melissa@epa.gov>; Waltzer, Suzanne <Waltzer.Suzanne@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Gilbreath, Jan <Gilbreath.Jan@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>; Lawrence, Rob <Lawrence.Rob@epa.gov>; Beeler, Cindy <Beeler.Cindy@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Shappley, Ned <Shappley.Ned@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Alsalam, Jameel <Alsalam.Jameel@epa.gov>; Sorrell, Virginia <Sorrell.Virginia@epa.gov>; Gregory, John <Gregory.John@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; Eisele, Adam <Eisele.Adam@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Bielen, David <bielen.david@epa.gov>
Subject: RE: OOOOa Technical - Options Selection

Good morning,

We're still working on management review of the materials for Options Selection but I know most of you are briefing your management today/tomorrow. Attached is the draft management is reviewing. Feel free to use this but you may want to caveat that OAQPS is still reviewing the information in the materials and this will likely be updated before Friday. Let me know if you have any specific questions.

Thanks,
Karen

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Karen R. Marsh, PE
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From: Marsh, Karen
Sent: Friday, June 14, 2019 9:43 AM
To: Hambrick, Amy <Hambrick.Amy@epa.gov>; DeFigueiredo, Mark <DeFigueiredo.Mark@epa.gov>; Weitz, Melissa <Weitz.Melissa@epa.gov>; Waltzer, Suzanne <Waltzer.Suzanne@epa.gov>; Mia, Marcia <Mia.Marcia@epa.gov>; Hoffman, Howard <hoffman.howard@epa.gov>; Gilbreath, Jan <Gilbreath.Jan@epa.gov>; Vyas, Himanshu <vyas.himanshu@epa.gov>; Topinka, Natalie <topinka.natalie@epa.gov>; Lawrence, Rob <Lawrence.Rob@epa.gov>; Beeler, Cindy <Beeler.Cindy@epa.gov>; Witosky, Matthew <Witosky.Matthew@epa.gov>; Witt, Jon <Witt.Jon@epa.gov>; Garwood, Gerri <Garwood.Gerri@epa.gov>; Shappley, Ned <Shappley.Ned@epa.gov>; Miller, Elizabeth <Miller.Elizabeth@epa.gov>; Alsalam, Jameel <Alsalam.Jameel@epa.gov>; Sorrell, Virginia <Sorrell.Virginia@epa.gov>; Gregory, John <Gregory.John@epa.gov>; Kopits, Elizabeth <Kopits.Elizabeth@epa.gov>; Marten, Alex <Marten.Alex@epa.gov>; Branning, Amy <Branning.Amy@epa.gov>; Roberts, Cindy <Roberts.Cindy@epa.gov>; Sarofim, Marcus <Sarofim.Marcus@epa.gov>; Kaleri, Cynthia <kaleri.cynthia@epa.gov>; Eisele, Adam <Eisele.Adam@epa.gov>; Macpherson, Alex <Macpherson.Alex@epa.gov>; Marks, Matthew <Marks.Matthew@epa.gov>; Mills, Derek <Mills.Derek@epa.gov>; Bielen, David <bielen.david@epa.gov>; Burden, Susan <Burden.Susan@epa.gov>; Crowley, Kate <crowley.kate@epa.gov>; Ferguson, Gregory

<ferguson.gregory@epa.gov>
Subject: OOOOa Technical - Options Selection

Hi everyone,

I'm sure you've all seen things flying around with rescheduling options selection. I'm not sure what happened and have been trying to get answers to pass along. What I do know is Bill is out of the office on Friday, June21, which prompted that move. Looks like that has settled onto Monday, June 24 at 3 pm. There may be one more shift to Thursday, June 20, but that's all I know right now. I'm still aiming to get materials out to you today but there are items beyond my control on that end as well. Thanks for your understanding.

Karen

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