Regulatory Updates
EPA Region 9
April 2019

Recent Items

Proposed Rule: National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing Residual Risk and Technology Review, was *signed* on April 16, 2019. The EPA is proposing amendments to the National Emission Standards for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing. The proposed action presents the results of the residual risk and technology review conducted as required under the Clean Air Act. The EPA is also proposing amendments to correct and clarify regulatory provisions related to emissions during periods of startup, shutdown, and malfunction; add requirements for periodic performance testing; add electronic reporting of performance test results and reports, performance evaluation reports, compliance reports, and Notification of Compliance Status reports; revise monitoring requirements for control devices used to comply with the particulate matter standards; and include other technical corrections to improve consistency and clarity. Although the proposed amendments are not anticipated to result in reductions in emissions of hazardous air pollutants, if finalized, they would result in improved compliance and implementation of the rule. We do not yet have a publication date.

Final Rule: National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances; Printing, Coating, and Dyeing of Fabrics and Other Textiles; and Surface Coating of Metal Furniture Residual Risk and Technology Reviews (84 FR 9590, March 15, 2019)
The EPA took final action on the residual risk and technology reviews conducted for the Surface Coating of Large Appliances; the Printing, Coating, and Dyeing of Fabrics and Other Textiles; and the Surface Coating of Metal Furniture source categories regulated under national emission standards for hazardous air pollutants. In addition, we are taking final action addressing emissions during periods of startup, shutdown, and malfunction; electronic reporting for performance test results and compliance reports; the addition of EPA Method 18 and updates to several measurement methods; and the addition of requirements for periodic performance testing. Additionally, several miscellaneous technical amendments will be made to improve the clarity of the rule requirements. We are making no revisions to the numerical emission limits based on these risk analyses or technology reviews. The final rule is effective on March 15, 2019.

Request for comments: Notice of Request for Approval of Alternative Means of Emission Limitation (84 FR 8715, March 11, 2019)
This action provides public notice and solicits comment on the alternative means of emission limitation (AMEL) request from Shell Oil Products U.S. Martinez Refinery (Shell Martinez) under the Clean Air Act, to operate a multi-point ground flare (MPGF) at a refinery in Martinez, California. In this action, the EPA is soliciting comment on all aspects of this AMEL request and the corresponding operating conditions that would demonstrate that the requested AMEL will achieve a reduction in emissions of hazardous air pollutants (HAP) at least equivalent to the reduction in emissions required by the National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries ("Petroleum Refinery Maximum Achievable Control Technology (MACT)"). The Shell Martinez delayed coking unit (DCU) MPGF cannot meet the flare tip velocity limits in the Petroleum Refinery MACT. Based on our review of this request and supporting information, we conclude that, by following the conditions specified in this notice, the Shell Martinez DCU MPGF will achieve at least equivalent emissions reductions as flares complying with the Petroleum Refinery MACT requirements. Comments were accepted on or before April 10, 2019.

Final Rule: Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial and Industrial Solid Waste Incineration Units; Technical Amendments (84 FR 15846, April 16, 2019)
Following requests for clarification of its June 2016 final action, the EPA published proposed amendments to several provisions of the 2016 New Source Performance Standards (NSPS) and Emission Guidelines (EG) for Commercial and Industrial Solid Waste Incineration (CISWI). This action finalizes the proposed amendments, which provide clarity and address implementation issues in the final CISWI NSPS and EG, as well as correcting inconsistencies and errors in these provisions. The final rule is effective on April 16, 2019.

Proposed Rule: National Emission Standards for Hazardous Air Pollutants: Stationary Combustion Turbines Residual Risk and Technology Review (84 FR 15046, April12, 2019).
The EPA is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Combustion Turbines to address the results of the residual risk and technology review the EPA is required to conduct in accordance with the Clean Air Act. The EPA is proposing to find that the risks from this source category due to emissions of air toxics are acceptable and that the existing NESHAP provides an ample margin of safety to protect public health. The EPA identified no new cost-effective controls under the technology review that would achieve further emissions reductions from the source category. The EPA is also proposing to amend provisions addressing periods of startup, shutdown, and malfunction and to require electronic reporting. In addition, the EPA is proposing to remove the stay of the effectiveness of the standards for new lean premix and diffusion flame gas-fired turbines that was promulgated in 2004. Comments must be received on or before May 28, 2019.

Final Rule: 2015 Ozone Implementation Rule: State Plan Requirements (83 FR 62998, December 6, 2018)
This final rule updates the implementing regulations previously promulgated for the 2008 ozone standards and retains without significant revision most of those provisions to implement the 2015 ozone standards. In addition, it addresses a range of nonattainment area and Ozone Transport Region state implementation plan (SIP) requirements for the 2015 ozone standards.

General information for 2015 ozone standard: [HYPERLINK "https://www.epa.gov/ground-level-ozone-pollution/implementation-2015-national-ambient-air-quality-standards-naaqs-ozone"]

FR Notice: [HYPERLINK "https://www.federalregister.gov/documents/2018/12/06/2018-25424/implementation-of-the-2015-national-ambient-air-quality-standards-for-ozone-nonattainment-area-state"]

Quick link to interprecursor trading section: [HYPERLINK "https://www.federalregister.gov/d/2018-25424/p-278"]

Fact Sheet and Webinar Slides: [HYPERLINK "https://www.epa.gov/ground-level-ozone-pollution/implementation-2015-national-ambient-air-quality-standards-ozone"]

Proposed Rule: Subpart Ba Requirements in Emission Guidelines for Municipal Solid Waste Landfills (83 FR 54527, 10/30/18)
In this action, the EPA proposes to amend the 2016 Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills ("MSW Landfills EG"). The requirements for state and federal plans implementing the

MSW Landfills EG were adopted from 1975 regulations, referred to herein as the "old implementing regulations," which are cross-referenced in the MSW Landfill EG. In a separate regulatory proposal published in the **Federal Register** in August 2018, the EPA proposed changes to modernize the old implementing regulations governing emission guidelines under a new subpart. This action proposes to update the cross-references to the old implementing regulations in the MSW Landfills EG to harmonize with the proposed new timing and completeness requirements for state and federal plans. Comments were due 1/3/2019. A public hearing was held on November 27, 2018, at the EPA WJC East Building, 1201 Constitution Avenue, NW, Room #1117A & B, in Washington, DC. A correction was published on 11/9/2018 at 83 FR 56015 correcting the docket ID. Correct docket ID: EPA-HQ-OAR-2018-0696.

Refinery/Oil & Gas Updates

Oil & Gas Sources

[HYPERLINK "https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/amendments-new-source-performance-standards"]

Actions and Notices: [HYPERLINK "https://www.epa.gov/controlling-air-pollution-oil-and-natural-gas-industry/actions-and-notices-about-oil-and-natural-gas"].

Proposed Rule: Emission Standards for New, Reconstructed, and Modified Sources Reconsideration (83 FR 52056, 10/15/18)

This action proposes reconsideration amendments to the new source performance standards (NSPS) at 40 CFR part 60, subpart OOOOa (2016 NSPS OOOOa). The EPA received petitions for reconsideration on the 2016 NSPS OOOOa. The EPA granted reconsideration on three issues: (1) fugitive emissions requirements, (2) well site pneumatic pump standards and (3) the requirements for certification of closed vent systems by a professional engineer based on specific objections to these requirements. This action proposes amendments and clarifications as a result of reconsideration of these issues. The proposed amendments also address other issues raised for reconsideration and make technical corrections and amendments to further clarify the rule. The EPA will take comment on the proposed rule through 12//17/18. A public hearing was held on Wednesday, 11/14/18, at the EPA Region 8 offices.

Final Rule: National Emission Standards for Hazardous Air Pollutants and New Source Performance Standards: Petroleum Refinery Sector Amendments (83 FR 60696, November 26, 2018)

This action finalizes amendments to the petroleum refinery National Emission Standards for Hazardous Air Pollutants (referred to as Refinery MACT 1 and Refinery MACT 2) and to the New Source Performance Standards for Petroleum Refineries to clarify the requirements of these rules and to make technical corrections and minor revisions to requirements for work practice standards, recordkeeping and reporting which were proposed in the **Federal Register** on April 10, 2018. This action also finalizes amendments to the compliance date of the requirements for existing maintenance vents from August 1, 2017, to December 26, 2018, which were proposed in the **Federal Register** on July 10, 2018.

Final Rule: Notice of Final Approval for an Alternative Means of Emission Limitation at ExxonMobil Corporation; Marathon Petroleum Company, LP (for itself and on behalf of its subsidiary, Blanchard Refining, LLC); Chalmette Refining, LLC; and LACC, LLC (83 FR 46939 9/17/18)

This notice announces our approval of the Alternative Means of Emission Limitation (AMEL) requests under the Clean Air Act submitted from ExxonMobil Corporation; Marathon Petroleum Company, LP (for itself and on behalf of its subsidiary, Blanchard Refining, LLC); and Chalmette Refining, LLC to operate flares and multi-

point ground flares (MPGFs) at several refineries in Texas and Louisiana, and from LACC, LLC to operate flares at a chemical plant in Louisiana. This approval notice specifies the operating conditions and monitoring, recordkeeping and reporting requirements that these facilities must follow to demonstrate compliance with the approved AMEL.

NSPS and NESHAP Links

General Link for NSPS: [HYPERLINK "https://www.epa.gov/stationary-sources-air-pollution/new-source-performance-standards"]

General Link for NESHAPs: [HYPERLINK "https://www.epa.gov/stationary-sources-air-pollution/national-emission-standards-hazardous-air-pollutants-neshap-9"].

Engines
[HYPERLINK "https://www.epa.gov/stationary-engines"]

Boilers
MACT (Subpart DDDDD) [HYPERLINK "https://www.epa.gov/stationary-sources-air-pollution/industrial-commercial-and-institutional-boilers-and-process-heaters"]

Area Source GACT (Subpart JJJJJJ) [HYPERLINK "https://www.epa.gov/stationary-sources-air-pollution/industrial-commercial-and-institutional-area-source-boilers"]

Recent NESHAP Residual Risk and Technology Reviews

Hydrochloric Acid Production
Signed on December 20, 2018. The EPA is proposing amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Hydrochloric Acid Production source category. The proposed action presents the results of the residual risk and technology reviews (RTRs) conducted as required under the Clean Air Act (CAA). The proposed amendments address the startup, shutdown, and malfunction (SSM) provisions of the rule, add electronic reporting, and update the reporting and recordkeeping requirements.

Friction Materials Manufacturing Facilities
Signed on December 20, 2018. This action finalizes the RTR conducted for this source category. In addition, we are taking final action addressing periods of SSM. We are finalizing our proposed determination that the risks from the category are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. These final amendments include amendments to revise reporting requirements for deviations.

Surface Coating of Wood Building Products
Signed on December 20, 2018. This action finalizes the RTR conducted for the source category. In addition, we are taking final action addressing periods of SSM. We are finalizing our proposed determination that the risks are acceptable and that the current NESHAP provides an ample margin of safety to protect public health. This action also finalizes a new EPA test method to measure isocyanate compounds in certain surface coatings.

Wet-Formed Fiberglass Mat Production

Signed on December 20, 2018. This action finalizes the RTR conducted for the source category. In addition, we are taking final action addressing SSM, electronic reporting and clarification of rule provisions.

Leather Finishing Operations Residual Risk and Technology Review
Signed on December 21, 2018. This action finalizes the RTR conducted for the source category. In addition, we are taking final action addressing SSM, electronic reporting and clarification of rule provisions.

Permitting/Planning Actions

For more information about permitting rules and the NSR program in general, please visit [HYPERLINK "http://www.epa.gov/nsr"]. *See all recent policy and guidance for NSR and title V:* [HYPERLINK "https://www.epa.gov/nsr/new-source-review-policy-and-guidance-document-index"] *and* [HYPERLINK "https://www.epa.gov/title-v-operating-permits/title-v-operating-permit-policy-and-guidance-document-index"].

1. **New Source Review Preconstruction Permitting Requirements: Enforceability and Use of the Actual-to-Projected-Actual Applicability Test in Determining Major Modification Applicability**

   Memo: [HYPERLINK "https://www.epa.gov/nsr/enforceability-and-use-actual-projected-actual-applicability-test-determining-major-modification"]

2. **EPA withdraws "once in always in" policy for major sources under Clean Air Act:** On January 25, 2018, EPA issued a guidance memorandum withdrawing the "once in always in" policy for the classification of major sources of hazardous air pollutants under section 112 of the Clean Air Act. With the new guidance, sources of hazardous air pollutants previously classified as "major sources" may be reclassified as "area" sources at any time, provided the facility limits its potential to emit below major source thresholds.

   Memo: [HYPERLINK "https://www.epa.gov/sites/production/files/2018-01/documents/reclassification_of_major_sources_as_area_sources_under_section_112_of_the_clean_air_act.pdf"]

   More Information: [HYPERLINK "https://www.epa.gov/stationary-sources-air-pollution/reclassification-major-sources-area-sources-under-section-112-clean"]

3. **Project Emissions Accounting Under the New Source Review Preconstruction Permitting Program**

   Memo: [HYPERLINK "https://www.epa.gov/sites/production/files/2018-03/documents/pea_nsr_memo_03-13-2018.pdf"]

4. **Modeling Related:**
   General modeling information, SCRAM home: [HYPERLINK "https://www.epa.gov/scram"]*29T (see Announcements on right side of page)*

   a. **Significant Impact Levels for Ozone and Fine Particle in the Prevention of Significant Deterioration Permitting Program**
      The EPA has finalized the guidance and supporting documents recommending Significant Impact levels (SILs) for ozone and fine particle pollution that may be used in the Prevention of Significant

Deterioration (PSD) permitting program. When relying on this guidance, the guidance, legal memo, and technical basis must be included in your administrative record.

Final Guidance: [HYPERLINK "https://www.epa.gov/nsr/significant-impact-levels-ozone-and-fine-particles"]

b. **DRAFT Guidance on the Development of Modeled Emission Rates for Precursors (MERPs) as a Tier 1 Demonstration Tool for Ozone and PM2.5 under the PSD Permitting Program** – comments were due March 31, 2017.

Draft Guidance: [HYPERLINK "https://www3.epa.gov/ttn/scram/guidance/guide/EPA454_R_16_006.pdf"]

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