

*Attachment 1-B*

*Table IV-C.2.4, Table VII-C.2.4: Ammonia Plant Flare (S1013)*

Table IV-C.2.4 and Table VII-C.2.4 applies to the ammonia plant flare (S1013). The revised draft permit includes the 40 C.F.R. Subpart CC requirements as applicable to S1013. 40 C.F.R. Part 3, Subpart CC is limited to sources that process or come into contact with hazardous air pollutants. S1013 does not process or come into contact with hazardous air pollutants; it does not receive any vent gas containing HAPs. 40 C.F.R. §63.670 provides the following related to applicability:

§63.640 Applicability and designation of affected source.

(a) This subpart applies to petroleum refining process units and to related emissions points that are specified in paragraphs (c)(1) through (9) of this section that are located at a plant site and that meet the criteria in paragraphs (a)(1) and (2) of this section:

(1) Are located at a plant site that is a major source as defined in section 112(a) of the Clean Air Act; and

(2) Emit or have equipment containing or contacting one or more of the hazardous air pollutants listed in table 1 of this subpart.

...

(g) The provisions of this subpart do not apply to the processes specified in paragraphs (g)(1) through (g)(7) of this section.

(1) Research and development facilities, regardless of whether the facilities are located at the same plant site as a petroleum refining process unit that is subject to the provisions of this subpart;

(2) Equipment that does not contain any of the hazardous air pollutants listed in table 1 of this subpart that is located within a petroleum refining process unit that is subject to this subpart;<sup>1</sup>

In addition, 40 C.F.R. §63.670 provides:

On or before January 30, 2019, the owner or operator of a flare used as a control device for an emission point subject to this subpart shall meet the applicable requirements for flares as specified in paragraphs (a) through (q) of this section and the applicable requirements in §63.671.<sup>2</sup>

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<sup>1</sup> 40 C.F.R. §63.640 (emphasis added).

<sup>2</sup> 40 C.F.R. §63.670 (emphasis added).

“Control device” is defined as follows:

Control device means any equipment used for recovering, removing, or oxidizing organic hazardous air pollutants. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For miscellaneous process vents (as defined in this section), recovery devices (as defined in this section) are not considered control devices.<sup>3</sup>

S1013 is not a control device and does not contain or contact hazardous air pollutants. Accordingly, 40 C.F.R. §63.670 and 40 C.F.R. §63.671 do not apply to S1013 and reference to these regulatory provisions should be deleted in Table IV.C.2.4.

This is supported by the following note as contained in the draft proposed permit.

NOTE 3 – S1013 OPERATION. THE AMMONIA PLANT FLARE IS OPERATED IN ACCORDANCE WITH THE REFINERY FLARE MINIMIZATION PLAN REQUIRED BY REGULATION 12, RULE 12. S1013 IS A SAFETY FLARE DEVICE FOR PRESSURE RELIEFS AND CONTROL VALVES FROM THE DEA REGENERATOR (S825), AMMONIA RECOVERY UNIT (S851), SPARE DEA STRIPPER (856), SCOT TAILGAS UNIT (A1402) AND SULFUR RECOVERY UNIT (SRU) (S1401). S1013 DOES NOT RECEIVE ANY VENT GAS GENERATED DURING ROUTINE OPERATION. THIS FLARE IS AN ABATEMENT DEVICE AS DEFINED IN REGULATION 1-240. HOWEVER, THIS FLARE IS NOT A CONTROL DEVICE THAT IS USED TO MEET THE REQUIREMENTS OF 40 CFR 60, 40 CFR 61, OR 40 CFR 63 (NSPS, NESHAPS OR MACT) SINCE REFINERY WASTE GAS IS COMBUSTED IN THE FLARE ONLY DURING NONROUTINE OPERATION.<sup>4</sup>

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<sup>3</sup> 40 C.F.R. §63.641 (emphasis added).

<sup>4</sup> BAAQMD, *Proposed Permit, Table II A1-Permitted Sources-Golden Eagle Refinery Plant #B2758-Tesoro Refining and Marketing Company-Golden Eagle Refinery* at p. 45 (Jan. 14, 2019) (emphasis added).