



Patty Senecal

Senior Director, Southern California Region

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Susan Nakamura
Deputy Executive Officer, Planning and Rules
South Coast Air Quality Management District
21865 Copley Drive
Diamond Bar, CA 91765

Via e-mail at: snakamura@aqmd.gov

Re: SCAQMD Proposed Rule 1109.1, Emissions Of Oxides Of Nitrogen From Petroleum Refineries And Related Operations and RECLAIM Transition “Bridge”

Dear Ms. Nakamura,

Western States Petroleum Association (WSPA) appreciates the opportunity to participate in the Working Group Meetings (WGMs) for South Coast Air Quality Management District (SCAQMD or District) Proposed Rule 1109.1, Emissions of Oxides of Nitrogen from Petroleum Refineries and Related Operations (PR1109.1). This proposed rulemaking is part of the District’s larger project to transition facilities in the Regional Clean Air Incentives Market (RECLAIM) program for NO_x emissions to a command-and-control structure (i.e., the “RECLAIM Transition Project”). WSPA is a non-profit trade association representing companies that explore for, produce, refine, transport, and market petroleum, petroleum products, natural gas, and other energy supplies in five western states including California. WSPA has been an active participant in air quality planning issues for over 30 years.

WSPA member companies operate petroleum refineries and other facilities in the South Coast Air Basin that are within the purview of the RECLAIM Program administered by the SCAQMD and will be impacted by PR1109.1.

This letter provides information related to PR1109.1 and to the WSPA proposal for the “bridge” needed to fully transition the RECLAIM program to a command-and-control regulatory program.

PR1109.1

On July 21, 2021, SCAQMD released a “pre-preliminary” draft version of PR1109.1.¹ This new version of the proposed rule includes significant changes as compared to the previous draft version dated December 24, 2020. On August 4, 2021, WSPA submitted separate written comment letters on the BARCT proposals for several refinery equipment categories, including refinery boilers and heaters rated >110 MMBtu/hr, boilers and heaters rated 40-110 MMBtu/hr, and heaters rated <40 MMBtu/hr. On August 6, 2021, WSPA submitted written comments on PR429.1 and PAR1304, both of which are critical to the PR1109.1 rulemaking package.

WSPA intended to provide additional written comments this week on certain provisions in PR1109.1. In addition, we were going to propose changes to the organization of certain sections of the proposed rule. Through our stakeholder meetings over the past few weeks, we have had a good exchange of information and viewpoints on some of the critical conceptual issues that

¹ SCAQMD Pre-Preliminary Draft of PR1109.1, released July 21, 2021. Available at [SCAQMD PR1109.1 page](#).

were unresolved in the Pre-Preliminary Draft. You have also informed us that the proposed rule has been substantially reorganized. In light of these developments, we have determined that it would be more productive to reserve additional written comments until after we have reviewed the revised version of the rule included in the 75-day package. Therefore, we do not intend to submit additional written comments until after release of the revised proposal.

Bridge

At its meeting on April 15, 2021, staff informed the NOx RECLAIM Working Group that U.S. EPA had commented that to ensure compliance with Clean Air Act Section 110(l), as facilities transition out of RECLAIM there must be an interim BARCT requirement that applies until implementation of BARCT requirements in applicable landing rules. This interim BARCT requirement came to be referred to as the “bridge.”

In the absence of options to fill the gap identified by U.S. EPA, the District solicited proposals from stakeholders. In response to staff’s request, WSPA proposed a mass-based bridge concept. It was in that context that WSPA offered its proposal.

At the July 23, 2021, meeting of the NOx RECLAIM Working Group, staff presented a detailed response to the WSPA proposal in which it identified a number of concerns related to its implementation. While WSPA does not agree that the impediments to implementation of the WSPA proposal are as numerous or difficult to overcome as suggested by staff, we acknowledge the concerns raised by staff.

Therefore, in the interest of resolving issues and advancing the transition process, WSPA is prepared to support staff’s Interim Limits proposal subject to confirming that the proposed limits in the upcoming version of the rule are consistent with the “Guiding Principles” behind the concept that were identified by staff at the May 27, 2021, NOx RECLAIM Working Group meeting.

WSPA appreciates the opportunity to provide these comments related to PR1109.1 and the NOx RECLAIM Transition. We look forward to our continued discussion of this important rulemaking. If you have any questions, please contact me at (310) 808-2144.

Sincerely,



Cc: Wayne Nastri, SCAQMD
Cathy Reheis-Boyd, WSPA