Synthetic Organic Chemical Manufacturing Industry/Polymers and Resins Industry NESHAP: American Chemistry Council/American Fuel & Petrochemical Manufacturers Request to U.S. EPA for 2-Year Exemption



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The American Chemistry Council ("ACC") and American Fuel & Petrochemical Manufacturers ("AFPM") sent a March 31st letter to the United States Environmental Agency ("EPA") requesting:

…a two-year exemption from the compliance obligations of the New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards (NSPS) for Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and Group I & II Polymers and Resins Industry (collectively referred to as the HON Rule) for sources in the categories covered by the rule.

The trade associations describe themselves respectively as follows:

- ACC characterizes itself as representing the leading companies engaged in the business of chemistry.
- AFPM characterizes itself as representing nearly all U.S. refining and petrochemical capacity, as well as midstream industries.

Both organizations note that their members own or operate affected stationary sources and facilities.

The HON Rule is argued to advance "improper and significantly costly requirements on an unworkable timeline." They argue that the cost for the Rule's risk-related requirements could exceed $50 billion as opposed to the $1.8 billion that EPA is stated to have estimated.

Therefore, they argue that it is necessary and appropriate for the President to grant an exemption under Section 112(i)(4) of the Clean Air Act for all affected stationary sources and facilities regulated by the final rule. Section 112(i)(4) is quoted as authorizing the President to:

...exempt any stationary source from compliance with any standard or limitation under this section for a period of not more than 2 years if the President determines that the technology to implement such standard is not available and that it is in the national security interests of the United States to do so.

The components of the Rule include:

- A Presidential Exemption Granting a 2-Year Compliance Extension is Necessary.

- Fenceline Monitoring (expressing concern about the timeline to comply).
- Pressure Relief Devices (citing technical limitations).
- Real-time Sampling (difficulty in controlling the availability of outside resources [either contract staff or equipment]).
- Flow Meters (expressing concern that an accurate control system can be designed and implemented within the current timeframe).
- Granting a Presidential Exemption Serves the National Security Interests of the United States, referencing:
- Department of Defense (DoD) Critical Sectors.
- Medical Sterilization.
- Energy Production.
- Automotive.
- Food Processing.
- Agriculture.

A copy of the letter can be downloaded here.