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Sent: Friday, July 28, 2006 4:56 PM
To: Pettingill Gene (DNREC)
Cc: Arnosky, David; Wojewodzki, Bob S; Covert, Patrick; Deemer, John J
Subject: Draft FEL Rule Comments

Gene,

As a follow-up to my voicemail message, The Premcor Refining Group, Inc. (Premcor) hereby submits the following comments on the draft FEL Rule.

- 1) The definition of "actual emissions" in § 2.0 and the provisions of §4.2.2.1.4 indicate that "each regulated NSR pollutant shall use the same selected time period to determine 'actual emissions'." This is inconsistent with DNREC comments made during the March 14, 2006 NSR Workgroup Meeting that the pollutants and the years of consideration in developing the FEL may be different (see Page 2 of March 14, 2006 Meeting Minutes). Unfortunately, Premcor was not present at the June 27, 2006 NSR Workgroup meeting and does not understand DNREC's rationale for changing the basis to be the same time period. Premcor believes that different time periods should be allowed for each pollutant.
- 2) §4.5.6.3 requires that validation testing be conducted, if technically feasible, within 6 months of FEL permit issuance on significant emissions units that rely upon emission factors to calculate FEL emissions. Clarification of what constitutes "validation testing" should be provided. Premcor believes that the initial testing should be required within 1 year rather than 6 months. This would allow for resource issues to be minimized for facilities and the agency, particularly for sites that will be required to perform numerous tests (i.e, scheduling testing company, schedule testing around maintenance/turnaround activities, testing protocol review by DNREC, DNREC scheduling to witness testing, etc.). Furthermore, the rule should specify that for significant emission sources using emissions factors developed through stack testing conducted within the previous five years, additional validation testing is not required to be conducted within 6 months of permit issuance provided that the conditions of §4.5.7 are satisfied and re-validation occurs at a frequency of no more than 5 years.
- 3) The language of §4.5.7 should be changed from "Such **testing** must occur at least once every 5 years after issuance of the FEL" to instead read, "Such **re-validation** must occur at least once every 5 years after issuance of the FEL." Without this change, the language appears overly restrictive and could preclude the use of "other scientifically valid means" for revalidating information used to establish the FEL.
- 4) §4.7.3 requires that "the results of any re-validation test or method" be submitted to DNREC within 30 days after completion of such test or method. For re-validation testing involving stack testing by a third-party testing firm, 30 days does not provide enough time to obtain, review, and submit the testing report. Premcor proposes that the language be modified to allow 90 days for submittal. This is more consistent with current operating permits that allow 60-90 days for report submission. The additional time will also help with the resourcing issues that are likely to arise for facilities that will be required to conduct numerous tests.
- 5) §4.3.8 requires that maximum PTE emissions be used for demonstrating compliance during any period when there is no monitoring data, unless another method for determining emissions during such periods is specified in the permit. This section should contain an exclusion for periods of daily or routine calibrations and span checks on CEMS and other monitoring systems. Additionally, "maximum PTE emissions" should be changed to "maximum monitoring parameter" for situations when a monitoring systems losses one or more parameters, but not the

entire system (i.e., pollutant concentrations, flows, btu values, etc.). This process would be consistent with the data substitution requirements used in the NOx Budget Trading Program. Lastly, a process needs to be developed for setting alternate calculation methodologies in the permit.

As mentioned, John Deemer will no longer be representing the refinery on this regulation as he is relocating to another facility. Until John is replaced, I will be the main contact for this regulation.

Please call me if you have any questions.

Thank you,
Heather Chelpaty
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