



U.S. Environmental Protection Agency Applicability Determination Index

Control Number: Z090002

Category: NESHAP
 EPA Office: Region 5
 Date: 06/11/2007
 Title: Designating Group 2 Wastewater Stream as Group 1 Wastewater Stream
 Recipient: Wilson, Linda
 Author: Czerniak, George
 Comments:

Part 61, FF	Benzene Waste Operations
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References:	61.340
	61.355
	63.640(o)(I)
	63.641
	63.647

Abstract:

Q: Does EPA agree with BP Products North America (BP), Whiting, Indiana, that a wastewater stream, which is defined as a Group 2 wastewater stream under 40 CFR part 63 subpart CC, National Emissions Standards for Hazardous Air Pollutants (NESHAP) from Petroleum Refineries (the Refinery MACT) and is managed in equipment that is also subject to the provisions of 40 CFR part 60, subpart QQQ, and was designated by BP instead as a Group 1 wastewater stream, as allowed under the Refinery MACT and controlled and treated under the applicable provisions of 40 CFR part 61, subpart FF, would only be subject to the provisions of NSPS subpart QQQ? Under the Refinery MACT, streams meeting the definition of a Group 1 wastewater stream are required to meet the wastewater control requirements of the Benzene Waste Operations NESHAP (BWON) found at 40 CFR 61.340 through 40 CFR 61.355.

A: Yes. The Refinery MACT at 40 CFR 63.640(c)(I) states that "after the compliance dates specified in paragraph (h) of this section a Group 1 wastewater stream managed in a piece of equipment that is also subject to the provisions of 40 CFR part 60, subpart QQQ is required to comply only with this subpart". Therefore, EPA agrees with BP that if this facility were to designate a Group 2 wastewater stream as a Group 1 wastewater stream, as allowed in the Refinery MACT, it would not be subject to NSPS subpart QQQ per the overlap provisions under the Refinery MACT, specified at 40 CFR 63.640(c)(I), if these designated streams were fully treated and controlled as prescribed in the waste water provisions of the Refinery MACT at 40 CFR 63.647(a) through (c), and none of the treatment and control exemptions of the BWON rule were applied.

Letter:

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION 5
 77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

JUN 11 2007

REPLY TO THE ATTENTION OF:
AE-17J

Linda Wilson
Environmental Superintendent
Whiting Business Unit
BP Products North America Inc.
2815 Indianapolis Blvd.
Whiting, Indiana 46394

Re: Applicability Determination Concerning Exemption from NSPS Subpart QQQ for Designating a Group 2 Wastewater Stream as a Group 1 Wastewater Stream Under Refinery MACT CC

Ms. Wilson,

In your letter dated March 15, 2007, you requested an applicability determination on behalf of BP Products North America Inc. (BP) pursuant to 40 C.F.R. Part 63 Subpart CC - National Emissions Standards for Hazardous Air Pollutants (NESHAP) from Petroleum Refineries (Refinery MACT) and 40 C.F.R. Part 60 Subpart QQQ - Standards of Performance for VOC Emissions From Petroleum Refinery Wastewater Systems (NSPS Subpart QQQ) for wastewater streams that may be generated from planned projects at the Whiting Refinery in Whiting, Indiana. Specifically, your letter asked if a wastewater stream subject to NSPS Subpart QQQ and defined as a Group 2 wastewater stream under the Refinery MACT were instead designated as a Group 1 wastewater stream, and controlled and treated under the applicable provisions of 40 C.F.R. 61 Subpart FF - Benzene Waste Operations NESHAP (BWON), would be subject to the provisions of NSPS Subpart QQQ per the overlap provisions specified at 40 C.F.R. Sec. 63.640(o)(l).

BP owns and operates a petroleum refinery in Whiting, Indiana. As part of its operations, the refinery generates waste streams, including wastewater streams, that contain greater than 10 megagrams per year of benzene, and is subject to both the standards of the BWON and NSPS Subpart QQQ. Under the Refinery MACT, BP complies with the "Wastewater Provisions" under 40 C.F.R. Sec. 63.647 and does not use the "Emissions Averaging Provisions" allowed under 40 C.F.R. Sec. 63.652 for its wastewater streams.

According to the Refinery MACT, wastewater streams from affected sources are to be designated as either Group 1 or Group 2 streams. 40 C.F.R. Sec. 63.641 defines Group 1 and 2 streams as follows:

"Group 1 wastewater stream means a wastewater stream at a petroleum refinery with a total annual benzene loading of 10 megagrams per year or greater as calculated according to the procedures in 40 CFR 61.342 of subpart FF of part 61 that has a flow rate of 0.02 liters per minute or greater, a benzene concentration of 10 parts per million by weight or greater, and is not exempt from control requirements under the provisions of 40 CFR part 61, subpart FF."

"Group 2 wastewater stream means a wastewater stream that does not meet the definition of Group 1 wastewater stream."

Streams found to meet the definition of a Group 1 stream are required to meet the wastewater control requirements of the BWON found at 40 C.F.R. Secs. 61.340 through 61.355.

The Refinery MACT, at 40 C.F.R. Sec. 63.640 (o)(l), states the following for Group 1 wastewater streams with overlapping applicable regulations:

"After the compliance dates specified in paragraph (h) of this section a Group 1 wastewater stream managed in a piece of equipment that is also subject to the provisions of 40 CFR part 60, subpart QQQ is required to comply only with this subpart."

The provision above applies only to Group 1 streams. Clarification on the rule author's intent on overlapping regulations for streams classified as group 2 streams was found in the Refinery MACT's Background Information for Final Standards, EPA-453/R-95-015b. This document states the following:

"...a Group 2 wastewater stream managed in equipment that is also subject to the provisions of 40 C.F.R part 60, subpart QQQ is required only to comply with subpart QQQ."

U.S. EPA agrees that if your facility were to designate a Group 2 wastewater stream as a Group 1 wastewater stream under the Refinery MACT, it would not be subject to NSPS Subpart QQQ if these designated streams were fully treated and controlled as prescribed by the Refinery MACT at 40 C.F.R. Sec. 63.647(a) through (c), and none of the treatment and control exemptions of the BWON were applied.

This determination does not in any way waive your responsibility to comply with all other applicable requirements of the Refinery MACT, NSPS Subpart QQQ, the BWON, or all other applicable Federal or State requirements. If you have any questions regarding this approval, please contact Joseph Ulfing, of my staff, at 312-353-8205.

Sincerely yours,

George T. Czerniak, Chief
Air Enforcement and Compliance Assurance Branch

cc: Craig Henry, Acting Section Chief
Office of Enforcement Air Section
Indiana Department of Environmental Management

Phil Perry, Chief
Office of Air Quality
Indiana Department of Environmental Management