Two refineries, two public comment periods, two very different permits

The Northwest Clean Air Agency will be accepting public comments this month on separate air permits for two different refineries:

- A draft modification of the BP Cherry Point Refinery air operating permit.
- A draft construction permit for a Shell Puget Sound Refinery proposed rail unloading platform to receive import of “feedstock” – a thick petroleum material (not Bakken crude).

The agency has already scheduled public hearings for both permits, even though past history suggests neither would have generated enough interest to prompt a hearing request. (See below for announcements about the individual permits and their public comment periods.)

“People have been telling us they are paying attention and looking for opportunities to engage in the process,” said NWCAA Executive Director Mark Asmundson. “We’ve been listening.”

On April 30, 2014, more than 70 people filled a NWCAA public hearing on the Shell Puget Sound Refinery’s draft air operating permit renewal. Comments focused on worries about oil-train safety, refinery emissions and enforcement of refinery violations.

“The heightened interest in these issues provides us with a unique opportunity to reach an active and engaged audience with clear information about who we are and what we do, and the function of our permits,” Asmundson said. “We also want to do our best to address some misperceptions as quickly as we can.”

**NWCAA doesn’t regulate trains**

NWCAA regulates stationary sources of air pollution – not cars, ships, trucks or trains. At a facility such as a refinery, there are multiple stationary sources of air pollution over which the agency has regulatory authority.

At the point that a ship or train is offloading petroleum at a refinery, NWCAA will look at emissions from the offloading process. If a proposed project requires changes to other parts of the refining process, the agency will also evaluate those emissions.

**Violations and “self-reporting”**

An important part of NWCAA’s job is holding people and businesses accountable.

The agency’s legally granted enforcement authority is strengthened by a team of specialized engineers who write and manage strong permits. Agency engineers and inspectors regularly verify compliance at regulated facilities with the terms of the permits and other air quality requirements.

NWCAA reviews data from the network of continuous emission monitors it requires refineries to install. The refinery monitors are checked for accuracy by a third-party contractor who reports results to the agency. NWCAA verifies that the refinery is performing required monitoring, reporting and recordkeeping.
NWCAA operates ambient air quality monitors throughout its jurisdiction to measure the quality of the air in local communities.

In addition, it is a violation of the Clean Air Act if a refinery doesn’t report an incident, such as failure to follow the terms of a permit or exceeding an emission limit. If a refinery knowingly fails to report an incident, facility officials can be subject to criminal prosecution and penalties under the Clean Air Act, including fines or prison.

**More information:**
- Air operating permit information: [www.nwcleanair.org/aqPrograms/airPermits.htm](http://www.nwcleanair.org/aqPrograms/airPermits.htm)
- Air operating permit facilities: [www.nwcleanair.org/aqPrograms/airPermits_pg2.htm](http://www.nwcleanair.org/aqPrograms/airPermits_pg2.htm)
- Social media: [www.facebook.com/nwcleanair](http://www.facebook.com/nwcleanair) and [https://twitter.com/NWCleanAir](https://twitter.com/NWCleanAir)

**Contact:**

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Mark Asmundson, Northwest Clean Air Agency Executive Director, 360-428-1617 ext. 208

Jeff Gabert, Shell Puget Sound Refinery Communications and Social Performance Manager, 360-293-1552, [jeff.gabert@shell.com](mailto:jeff.gabert@shell.com)

Pamela Brady, BP Cherry Point Refinery Associate Director of Government and Public Affairs, 360-371-1519, [pamela.brady@bp.com](mailto:pamela.brady@bp.com)

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**The Northwest Clean Air Agency** is responsible for enforcing federal, state and local air quality regulations in Island, Skagit and Whatcom counties. In addition to permitting and regulating industrial sources of air pollution, the agency offers services that deal with asbestos, business assistance, climate change, indoor air quality, outdoor burning, woodstoves and fireplaces. More information about the agency is available at [www.nwcleanair.org](http://www.nwcleanair.org).
The Northwest Clean Air Agency is seeking comment on a draft modification to the BP Cherry Point Refinery air operating permit. The air operating permit compiles existing air quality requirements and construction approvals into one comprehensive document and establishes monitoring, recordkeeping and reporting procedures.

The existing air operating permit remains in effect and enforceable. It is being modified to:

- Incorporate newly applicable federal regulations.
- Incorporate final, already-issued construction permits.
- Correct typographical errors.
- Clarify monitoring requirements.

One of the construction permits NWCAA is incorporating into the air operating permit is for emissions from BP’s rail offloading facility that has been receiving crude oil since December 2013. Emissions from the rail facility will be included with all refinery emissions in the air operating permit.

The permit modification cannot allow the refinery to increase emissions, and it cannot require the refinery to decrease emissions.

**Here are some examples of questions you might consider while reviewing BP’s draft air operating permit modification:**

- Did NWCAA misapply federal, state or local requirements or improperly say a requirement doesn’t apply?
- Did NWCAA leave out any requirements from existing laws, rules or other permits?
- Are the monitoring and reporting requirements adequate under existing laws and rules?

**Public comment and hearing details**

- View permit draft modification at [www.nwcleanair.org/agPrograms/airPermits.htm](http://www.nwcleanair.org/agPrograms/airPermits.htm)
- Public comment period April 28 – June 5, 2014
- Public hearing at 10 a.m., June 5, 2014 at NWCAA’s office (address below)
- Submit public comments by the close of the public hearing to:

  Agata McIntyre, P.E.
  Northwest Clean Air Agency
  1600 S. Second St.
  Mount Vernon, WA 98273
  Or email: amcintyre@nwcleanair.org

- Call McIntyre with questions at 360-428-1617
Shell Puget Sound Refinery draft construction permit for rail unloading platform

The Northwest Clean Air Agency is seeking public review and comment of a draft construction permit for the Shell Puget Sound Refinery’s proposed rail unloading platform.

The proposed rail facility would have the capacity to unload 14 railcars per day to receive a heavy petroleum "feedstock." This material would allow some refinery units to operate more effectively with other crude oils the refinery is processing. This feedstock material is not Bakken crude.

This public comment period and hearing do not pertain to an application from Shell for delivery of light, mid-continent crude oil, which could include Bakken crude. NWCAA is considering that draft permit separately and will announce the public comment period for that draft permit soon.

Skagit County is the official State Environmental Policy Act agency for both of the proposed Shell rail projects.

Air emissions from the feedstock import project would be very low:

- 0.03 tons per year of volatile organic compounds from valves and wastewater drains. (In 2013, total volatile organic compound emissions at the refinery were more than 500 tons.)
- 4,500 metric tons per year of greenhouse gases from the generation of steam at existing utility units for heating, which will be included in the overall facility greenhouse gas reporting. (In 2013, total greenhouse gas emissions at the refinery were more than 2 million metric tons.)

The emissions from this project were not included in the draft air operating permit for which NWCAA had a public hearing April 30, 2014, because the construction permit has not been approved. If NWCAA approves this rail project, the construction permit will be incorporated in the next revision of the air operating permit.

Helpful public comments

The most helpful comments for this draft construction permit will identify if the agency overlooked an existing requirement, or if people disagree with the agency’s interpretation of the requirements.

Public comment and hearing details

- View draft permit at www.nwcleanair.org/publicNotices/publicNotices
- Public comment period May 11 – June 11, 2014
- Public hearing 9 a.m. – noon, June 11, 2014, at the Burlington Rotary Community Meeting Room, Burlington Public Library, 820 E. Washington Ave., Burlington
- Submit public comments by the close of the public hearing to:
  
  Toby Mahar, P.E.
  Northwest Clean Air Agency
  1600 S. Second St.
  Mount Vernon, WA 98273
  Or email toby@nwcleanair.org
  Or in person at the public hearing

- Call Mahar with questions at 360-428-1617