



REGION 5
CHICAGO, IL 60604

April 15, 2024

Jen Dively
Manager HSE&C, Terminals & Pipelines
BP Pipelines (North America) Inc.
30 South Wacker Drive
Chicago, Illinois 60606

Dear Ms. Dively:

I am writing regarding your October 26, 2022, letter requesting an applicability determination for certain planned activities at the BP Pipelines NA Inc. (bp Pipelines) Whiting Refinery under 40 CFR Part 60, subpart Ja, "Standards of Performance for Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007." In your letter, you note that bp Pipelines is planning to use either a portable temporary flare or thermal oxidizer (or similar fuel combustion device) to control emissions during inspection and maintenance of a liquified petroleum gas pipeline or other product pipeline. The pipeline is owned by BP Products North America Inc. (BPPNA) and operated by bp Pipelines, and the pipeline originates at BPPNA's Whiting Refinery. The pipeline conveys product from the refinery to a bulk liquid storage and transfer terminal in East Chicago, Indiana owned by Buckeye Terminals, LLC. BPPNA and bp Pipelines are both owned by the Standard Oil Company.

BP Pipelines plans to clean and perform internal integrity checks on the pipeline, as required by the U.S. Department of Transportation. In order to complete the inspection work, bp Pipelines will launch pipeline pigs using a temporary launcher. Each time a pig is launched, the pig launcher will be isolated and the remaining propane or butane in the launcher cavity will be routed to a temporary flare for safety and emission control purposes. You also indicate that the launcher and temporary flare will be located within the boundaries of the Whiting Refinery. You have requested that EPA provide a determination as to whether the temporary flare or thermal oxidizer (or similar combustion device) used for safety and emission controls during the required pipeline inspection process would be considered an affected facility under 40 CFR Part 60, subpart Ja (subpart Ja).

Applicability of subpart Ja is defined at 40 CFR 60.100a(a) which states: "The provisions of this subpart apply to the following affected facilities in petroleum refineries: fluid catalytic cracking units (FCCU), fluid coking units (FCU), delayed coking units, fuel gas combustion devices (including process heaters), flares and sulfur recovery plants." In your letter, you argue that the temporary flare or combustion device should not be considered an affected facility under subpart Ja because the product pipeline

extends beyond the boundary of the refinery, and a pipeline for the transportation of a finished product is not an affected facility at a petroleum refinery nor is it a refinery process unit or ancillary equipment that serves a refinery process unit as defined in 40 CFR 60.101a. EPA disagrees with your conclusion.

First, the provisions at 40 CFR 60.100a directly identify fuel gas combustion devices and flares at petroleum refineries as affected facilities. There is no limitation placed on what pieces of equipment the combustion devices or flares must be associated with, they simply must be present at a petroleum refinery to be an affected facility. Second, EPA sees nothing in subpart Ja that would suggest that the activity in question should not be considered part of the refinery. Both the refinery and pipeline are owned by BPNNA and, as you have indicated, the emissions from the pigging operation will take place in the portion of the pipeline that is located within the boundary of the refinery. The pipeline itself supports the refinery in that it transports finished product from the refinery to a bulk storage and transfer facility. For these reasons, EPA finds that a temporary flare or thermal oxidizer would be considered an affected facility under subpart Ja.

If you have any further questions or concerns regarding this determination, please contact Rachel Rineheart of my staff at rineheart.rachel@epa.gov or (312) 886-7017.

Sincerely,

Aburano,
Douglas

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Aburano, Douglas
Date: 2024.04.15
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Douglas Aburano
Manager
Air Programs Branch

cc: Jenny Acker, IDEM