



REGION 6

DALLAS, TX 75270

June 10, 2026

Mr. Brian Meek, Environmental Lead
OQ Bay City Facility, OQ Chemicals Corporation
P.O. Box 1141
Bay City, TX 77404

Re: Applicability Determination for Fence Line Monitoring Requirements of 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants (NESHAP), Subparts F and H of the Hazardous Organic NESHAP (HON).

Dear Mr. Meek:

This letter is in response to your request dated February 7, 2025, pertaining to the implementation of the fenceline monitoring provisions found at 40 CFR § 63.184 for the OQ Specialty Chemicals Bay City Plant ("the Facility") located in Texas. Based upon the information provided in this letter, the U.S. Environmental Protection Agency (EPA) considers the request an *applicability determination*, pertaining to the specific implementation of the provisions cited at a specific facility. As the Facility is an affected source under the HON, OQ Chemicals Corporation requested clarification of the need to comply with the fenceline monitoring provisions specified at 40 CFR § 63.184. EPA is providing the relevant applicability determination below.

Request Letter Summary (February 7, 2025)

The Facility is a HON affected source consisting of a single chemical manufacturing process unit, the High Purity Propionaldehyde System. The letter asserts that benzene is the only hazardous air pollutant (HAP) triggering the fenceline monitoring requirements and is present at a concentration of 3-5 ppm in the process unit feed. The letter states that benzene serves no useful purpose within the HON affected source and is considered an unwanted contaminant impurity that is not recovered for use, reuse or sale. The letter identifies that trace benzene may be present in vent streams as a combustion byproduct from the Facility's flare and boilers that are used to control emissions from Facility operations. The letter summarizes EPA's Response to Comments on the HON (**89 FR 43006, p. 871**) and presents the following determination, whereby the fenceline monitoring requirements at 40 CFR § 63.184 should *not* be applicable to the Facility:

- (1) benzene must be produced as a primary product in a HON chemical manufacturing process unit (CMPU) for the fenceline monitoring requirements to apply; and
- (2) benzene emitted as a combustion byproduct from a HON-required control device is not an emission point that triggers the fenceline monitoring requirements.

EPA's Determination: HON Fenceline Monitoring Provisions

EPA concurs that the *chemical manufacturing process unit* at a HON affected source is identified by its primary product. However, control of emissions from each CMPU is *not limited* to the primary product of the CMPU (e.g., propionaldehyde), but to the broad list of organic HAP listed in table 2 of subpart F of the HON. Additionally, a HON affected source is required to conduct fenceline monitoring around its facility property boundary if, among other things, the HON affected source emits benzene, 1,3-butadiene, ethylene dichloride, chloroprene, ethylene oxide, or vinyl chloride. Specific to your facility's request, consider the following specific definitions and provisions from the HON rule for a HON affected source:

40 CFR § 63.101 Definitions -

- ***“Chemical manufacturing process unit or CMPU*** means the equipment assembled and connected by pipes or ducts to process raw materials and to manufacture an intended product. A chemical manufacturing process unit consists of more than one unit operation. For the purpose of this subpart, chemical manufacturing process unit includes air oxidation reactors and their associated product separators and recovery devices; reactors and their associated product separators and recovery devices; distillation units and their associated distillate receivers and recovery devices; associated unit operations; associated recovery devices; and any feed, intermediate and product storage vessels and pressure vessels, product transfer racks, and connected ducts and piping. A chemical manufacturing process unit includes pumps, compressors, agitators, pressure relief devices, sampling connection systems, open-ended valves or lines, valves, connectors, instrumentation systems, and ***control devices*** or systems. A chemical manufacturing process unit is identified by its primary product. Ancillary activities are not considered a process or part of any process. Quality assurance/quality control laboratories are not considered part of any process.”
- ***“Control device*** means any combustion device, recovery device, or recapture device. Such equipment includes, but is not limited to, absorbers, carbon adsorbers, condensers, incinerators, flares, boilers, and process heaters. For process vents, recapture devices are considered control devices but recovery devices are not considered control devices, and for a steam stripper, a primary condenser is not considered a control device.”

40 CFR § 63.100(a) - This subpart provides applicability provisions, definitions, and other general provisions that are applicable to subparts G and H of this part.

40 CFR § 63.100(e) - This subpart applies to the collection of all chemical manufacturing process units and the associated equipment at a major source that meet the criteria specified in paragraphs (b)(1) through (3) of this section. The source includes ... The source also includes equipment required by, or utilized as a method of compliance with, subparts F, G, or H of this part which may include control devices and recovery devices.

40 CFR § 63.184(a)(1)(i) – This subpart clarifies that if an affected source uses, produces, stores, or emits benzene, the owner or operator **must include benzene as a target analyte**.

The HON affected source's CPMU at 40 CFR § 63.101 includes "control device" directly, while the definition of control device includes "combustion device" directly. Although the Facility asserts that control devices are not specifically included on the list of emissions sources subject to Subpart F and Subpart H in 40 CFR § 63.100(e)(3), see the last sentence of 40 CFR § 63.100(e) that specifies "*... The source also includes equipment required by, or utilized as a method of compliance with, subparts F, G, or H of this part which may include control devices and recovery devices.*" This aligns with those definitions already noted in the definitions section of the subpart. Finally, note that 40 CFR § 63.184(a)(1)(i) states "*If an affected source uses, produces, stores, or **emits benzene**, the owner or operator must include **benzene** as a target analyte.*" EPA's applicability determination means that the Facility would need to implement the HON affected source fenceline monitoring provisions in accordance with 40 CFR § 63.184. EPA additionally notes that the HON fenceline monitoring standards include burden reduction provisions such that if a source consistently achieves results for a particulate analyte (e.g., benzene) below a minimum level, it may significantly reduce the frequency by which it conducts fenceline monitoring per the requirements in 40 CFR 63.184(a)(3)(iii). Lastly, the EPA notes that on March 12, 2025, the EPA Administrator announced the Agency would be reconsidering the 2024 HON final rule, which included the revised fenceline monitoring requirements at 40 CFR 63.184. Thus, as the EPA works through reconsideration of that 2024 final action, the Facility should keep track of any potential future changes to the HON regulation that could impact EPA's interpretation and the fenceline monitoring requirements.

This applicability determination has been coordinated with EPA's Office of Air and Radiation and EPA's Office of Enforcement and Compliance Assurance. EPA's decision is based upon that site-specific information provided for this Facility located in Texas. If operations change, or new information becomes available, this interpretation may change. If there are any questions or concerns, please contact Mr. Dinesh Senghani, Air Permits Section Supervisor at 214-665-7221.

Sincerely,

**MELANIE
MAGEE**

Digitally signed by
MELANIE MAGEE
Date: 2026.06.10
14:32:14 -05'00'

Melanie Magee
Acting Branch Manager
Air Permits, Monitoring, and Grant Branch

cc: Dinesh Senghani, EPA Region 6 Air Permits Supervisor
Brian Shrager, EPA Office of Clean Air Programs
Andrew Bouchard, EPA Office of Clean Air Programs