

The pages that follow contain the 3 series of e-mail messages pertinent to the request from BP and its resolution based on EPA guidance. The request was made on their behalf by their attorney. The request initially focused on changes to the BART order issued to the company that were in conflict with the local approval order for the boilers.

From: Cohen, Matthew [MCOHEN@stoel.com]
Sent: Friday, February 15, 2013 5:29 PM
To: Newman, Alan (ECY)
Cc: Chalfant, Jeff; Khajetoorians, Asteghik; Mark Buford
Subject: Cherry Point BART limits for Boilers 6 and 7
Attachments: 02-15-2013_Markup_BPCherryPointBARTComplianceOrder-Asissued-06182010 (2).doc

Alan, here is a redline to the Cherry Point BART Order that BP hopes Ecology can approve and submit to EPA for approval as an element of the pending Regional Haze SIP proposal. These edits deal exclusively with the NOx limits for Boilers 6 and 7.

The amendments substitute the mass limits from NWCAA OAC 1001-B for the superseded concentration limits derived from OAC 1001-A. They also tighten up the Boiler 6 and 7 NOx limits by eliminating the gap between 18 MMBtu/hour and 91 MMBtu/hour in which no NOx emission limits apply to the boilers. Operating experience with Boilers 6 and 7 enabled BP to propose to meet a 4 lb./hour NOx mass limit throughout the operating range of each boiler, with a 2 lb./hour limit for hot standby periods in which the boilers are fired below 18 MMBtu/hour. Upon approval of these amendments, BP will invite Northwest Clean Air Agency to revise OAC 1001-B, the minor NSR approval order for Boilers 6 and 7, to include the same terms proposed here for the BART Order.

Because the schedule for approval of these amendments is so tight, I would welcome the following feedback from you:

Your guidance on the adequacy and approvability of these amendments, after you have a chance to review them;
*A schedule to notice the amended BART Order for public comment, if Ecology concludes that these amendments require notice and comment.

Upon approval into the SIP of the amended BART Order, BP will withdraw its PCHB appeal of the Title V permit conditions that impose BART limits on Boilers 6 and 7. We continue to believe that these boilers should not have been regulated in a BART order, but see no need to press that grievance if the limits match those in NWCAA's approval order.

Thanks for your guidance in developing a process to address the inadvertent incorporation into the SIP proposal of the superseded NOx limits from NWCAA OAC 1001-A. I look forward to talking with you next week.

Matthew Cohen

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From: Cohen, Matthew [MCOHEN@stoel.com]
Sent: Friday, May 17, 2013 9:12 AM
To: Newman, Alan (ECY); Verburg, James E; Agata McIntyre
Cc: Chalfant, Jeff
Subject: RE: BART Order Revision - current status

Alan, the end result you are seeking to achieve would address BP's concerns about Boilers 6 and 7.

I am uncertain about the procedure you have in mind. Does Ecology intend to substitute the adopted version of the order attached to your email for the original Cherry Point BART Order in the regional haze SIP package that EPA will approve this summer? Or will Ecology simply ask EPA not to approve into the SIP any of the Boiler 6 and 7 conditions in the original BART order, and complete the revised BART order as a state only requirement?

I assume that the former option is Ecology's first choice. That would be BP's preference as well.

Jim Verburg is reviewing the draft order for content, and Cherry Point will send you corrections to a couple of the names listed in your letter. You will get any comments from the refinery in the next couple of days.

Matthew Cohen
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From: Newman, Alan (ECY) [mailto:anew461@ECY.WA.GOV]
Sent: Thursday, May 16, 2013 4:44 PM
To: Verburg, James E; Agata McIntyre
Cc: Chalfant, Jeff; Cohen, Matthew
Subject: BART Order Revision - current status

All, after the discussions we have had with EPA on the BP BART order, this is what has been decided.

Ecology will be asking EPA to not act on (or consider that we have withdrawn) all paragraphs in the BP BART order that reference boilers #6 and 7. Ecology will issue the revised order for public comment. No SIP process and no required public hearing will be involved.

Agata, with this direction on the BART order, there is no need to link the revision to OAC 1001 with the BART revision. I will be removing any references to the NWCAA order from my public notice.

Attached is how I plan to reissue the BART Order. It is in redline format, and I invite any comments you may have, including where I missed something directly naming boilers # 6 and 7, or the conditions that contained those limitations.

Jim and Jeff please make sure I have the correct contact (plant Manager) at your end.

EPA has informed us that due to challenges in responding to comments on their proposal, they are unlikely to meet the current Mid July Consent Decree date to publish their action on the Washington Regional Haze plan.

From: Verburg, James E [James.Verburg@bp.com]
Sent: Monday, May 20, 2013 1:09 PM
To: Newman, Alan (ECY)
Cc: Chalfant, Jeff; Cohen, Matthew; Mark Buford; Mark Asmundson;
Agata
McIntyre; Cox, Rachel H.
Subject: RE: BART Order Revision - current status

Hi Al,

I second Agata's comments on your work and coordination. Thank you.

I have only two minor comments at this time based on my review:

- 1) Our Responsible Authority is now Stacey McDaniel instead of Jeff Pitzer. The address is the same.
 - 2) Under the Schedule for Compliance (Condition 5) you revised it to the effective date of August 7, 2009 and then made an exception for Condition 7 which is the decommissioning of Boilers #1 and #3. I'm not sure why it is necessary to make an exception for Condition 7 when what is referred to is Conditions 1 through 4.
- Thank you. Please let me know if I can be of further assistance.

Jim Verburg
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From: Agata McIntyre [mailto:amcintyre@nwcleanair.org]
Sent: Friday, May 17, 2013 7:16 AM
To: Newman, Alan (ECY); Mark Buford; Mark Asmundson
Cc: Chalfant, Jeff; Cohen, Matthew; Verburg, James E
Subject: RE: BART Order Revision - current status
Good morning Al,

Thank you for the status update. I really appreciate all your work and coordination on this!

Since we are no longer linking the OAC with the BART Order, I'll move forward with issuing the OAC.

Thank you,

Agata McIntyre, P.E.
Chemical Engineer

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