

of the amended rule. Notably, as early as the end of April 2025, BASF faces project milestones that will force it to expend significant capital to meet the current rule's deadline. Those expenditures include final approval for and ordering of certain equipment. Consequently, time is of the essence for obtaining relief from the Agency.

BASF is not requesting any exemptions from the compliance obligations of the pre-2024 HON rule and with which BASF currently complies.

Facilities

Please see the **attached table** identifying the affected BASF facilities that are the subject of this request, the emissions standards or limitations subject to the request and the length of compliance period being requested.

Justification

Technology Is Not Available

The technology required to comply with the rule is not available within two years as a practical matter. "Availability" considerations include whether technology can be implemented as a practical matter, even when that technology is otherwise available. The two-year compliance deadline of 2026 does not provide BASF enough time to plan, procure, and install required technologies.

The steps required for BASF to achieve compliance include: interpretation of the application of emission standards, work practices, and monitoring requirements; conducting engineering studies to determine the necessary treatment technologies; developing performance specifications and seeking qualified vendors; obtaining a vendor who is able to fabricate and install the control equipment; permitting; and finally commissioning, starting up, and testing the system. Each of these steps is time intensive and dependent on having available third-party vendors. The availability of highly specialized vendors that serve the chemical manufacturing industry is limited and becomes even more so when EPA issues complex and comprehensive new regulatory requirements applicable to hundreds of facilities, all of whom are forced to seek assistance from the same limited pool of engineering, design and build firms all at the same time to meet the same short deadlines.

Typically, a project of such scale and scope would take at least 38 months to interpret, evaluate, design, procure, permit and implement. BASF is already confronting the realities of unavailability. For example, the leading bidder for one of the main equipment components needed to comply with the HON rule declined to bid on one site's project due to the time constraints of the compliance deadline. Another example is that there is only one laboratory in the United States that is certified to analyze for ethylene oxide using EPA Method 327 required by the new HON rule fence line monitoring requirements.