



March 31, 2025

U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460

RE: Presidential Exemption: New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and Group I & II Polymers and Resins Industry: Rubicon LLC

To Whom It May Concern,

Rubicon LLC ("Rubicon") respectfully requests an exemption from the compliance obligations of the *New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry* (collectively referred to as the "HON Rule").¹ For the reasons highlighted in this letter, Rubicon believes it is necessary and appropriate for the President to grant an exemption under Clean Air Act ("CAA") Section 112(i)(4) for sources regulated by the final rule either on an individual basis or collectively. If granted collectively, we request that EPA include Rubicon's regulated facility under that collective action. Specifically, Rubicon requests an extension of the emissions standards and limitations applicable to segments of the Rubicon facility located at 9156 LA Highway 75, Geismar, Louisiana, that are jointly owned by Huntsman Corporation and Lanxess Corporation.

We urge the Administration to swiftly consider and issue such an action based on an understanding that: 1) "availability" for the purposes of this section encompasses both the existence of technology capable of achieving compliance with the rule and the practical impossibility of planning, procuring, and installing required technologies within the current compliance timeframe, as precedent has recognized;² and 2) national security encompasses not only military defense applications and infrastructure, but also economic security, as acknowledged by the President in Executive Orders and key security agencies like the Department of Defense. Indeed, as the White House has stated regarding domestic priorities, "economic security is national security."³ As additional support on this point, we reference the joint

¹ National Emissions Standards for Hazardous Air Pollutants (NESHAP), Powering the Great American Comeback https://www.epa.gov/system/files/documents/2025-03/neshap_powering-the-great-american-comeback_fast-sheet_2.pdf; 89 Fed. Reg. 42932 (May 16, 2024).

² See 90 Fed. Reg. 6773, 6774 (Jan. 17, 2025) (requesting information for a Presidential Exemption that would show that technology was "unavailable in time for installation and operation").

³ <https://www.whitehouse.gov/presidential-actions/2025/02/america-first-investment-corps/>.

coalition submission sent to EPA from the American Chemistry Council ("ACC") and the American Fuel & Petrochemicals Manufacturers ("AFPM"). The HON Rule mandates a suite of new emission controls ("Emission Control Projects") aimed at mitigating unacceptable risks primarily attributed to ethylene oxide emissions, but also requiring control of any other HON regulated compounds that are used in domestic manufacturing. These Emission Control Projects necessitate significant time for design, installation, and safety testing. Meeting the compliance deadlines for the Emission Control Projects set by the HON Rule is simply not possible.

While the Administration already received extensive information (including prior comments and the underlying petition for reconsideration on the HON Rule) supporting issuance of this exemption, this letter provides additional details regarding the time-critical nature of this request for relief and related responses to EPA's information requests.

I. Individual Facility Information

Per EPA's guidance, Rubicon submits the following requested information identifying the "[e]missions standards or limitations subject to the request, [f]acility(ies) and/or affected source(s), and [l]ength of compliance period being requested:"⁴

A. Facility(ies) and/or affected source(s):

The affected facilities owned or operated by Rubicon:

Rubicon

9156 Highway 75

Geismar, Louisiana

Louisiana Department of Environmental Quality (LDEQ) AI1468

Rubicon is subject to the following Part 70 Operating Permits numbers issued by LDEQ:

Affected Facility	Permit Number
Aniline Complex	2261-V9
MDI Plant	2391-V20
Reductions Plant	2278-V6
Offsites Area	2420-V5
Maleic Anhydride Plant	3037-V9

B. Emissions standards or limitations subject to the request:

Rubicon requests extension of the national emission standards for hazardous air pollutants promulgated on May 16, 2024 and commonly referred to as the HON Rule. Given the complex interweaving of requirements in the HON, it is more appropriate to extend the HON standards collectively. However, to the extent EPA seeks to list individual emission standards or

⁴ See <https://www.epa.gov/stat-onary-sources-air-pollution/clean-air-act-section-112-presidential-exemption-information> (last visited March 24, 2025).

limitations within the HON, the following primary requirements should be extended, along with their associated monitoring, reporting, and recordkeeping requirements:

Requirements for Process Vents

- 40 CFR 63.113(a)(2)
- 40 CFR 63.113(c)
- 40 CFR 63.113(k)

Pressure Relief Devices

- 40 CFR 63.165(e)

Maintenance Vents

- 40 CFR 63.113(k)

Fenceline Monitoring

- 40 CFR 63.184

Elimination of TRE

- 40 CFR 63.113(a)(4)

C. Length of compliance period being requested:

Rubicon requests a two-year extension of the applicable standards and limitations, subject to renewal by the President, as provided by 42 U.S.C. § 7412(i)(4).

II. Justification for Extension Request

A. The Technology to Implement the Above Standards Is Not Available

Rubicon has submitted a request for extension under CAA §112(i)(3) on which EPA was copied. That extension request, which is attached as Attachment A and incorporated by reference, explains why the technology to implement the HON Rule's applicable requirements is not available. Indeed, to meet the HON's aggressive deadlines, Rubicon would have had to initiate the control projects (feasibility assessment and initial design) well before the final rule was published. None of these projects have a realistic prospect of completion in time to comply with the HON's current compliance deadlines.⁵

The technology to implement the HON Rule standards applicable to Rubicon is not available, as described further below:

⁵ This is true even without regard to EPA's recently proposed rule *Review of National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production Industry*, 89 Fed. Reg. 105,986 (Dec. 27, 2024), which would impose many of the same requirements as the HON. Expanding these demands to another category of regulated sources would further increase demand for the specialized engineering, design, and construction contractors whose resources are already sharply limited due to companies implementing the HON.

Process Vents

- Rubicon must modify the venting system for eleven (11) process vents to reroute the associated vents to a closed-vent system to a control device that reduces HON regulated compounds by greater than or equal to 98 percent by weight, or to a concentration less than 20 parts per million by volume for each process vent. See 40 CFR 63.113(a)(2). In addition, halogenated vent streams must be controlled by greater than or equal to 99 percent, or to a concentration of less than 0.45 kilograms per hour. 40 CFR 63.113(c).
- To comply, Rubicon has initiated plans to install thermal oxidizers to control HON process vents and/or scrubbers to control halogenated HON process vents. Thermal oxidizers are complex combustion devices that necessitate significant engineering work on the front end and safety testing on the back end to ensure safe operation. Based on its industry experience and consultation with vendors, Rubicon expects the design, construction, installation, and testing of the new thermal oxidizers and associated scrubbers will require significantly more time than provided in the HON.
- Projects to control multiple process vents are extremely complex. For major capital expenditures like those required to meet the requirements of the HON Rule, front-end engineering alone is expected to take 10 to 11 months. Funding approval, project execution and construction, and commissioning are expected to take at least an additional 17 months, meaning implementation will take a minimum 27-28 months from now – even assuming everything else runs perfectly. Completing the requisite Process Hazard Analyses for these projects within that timeframe will also be difficult or impossible.
- The timeframes above do not account for the lengthy permitting process also likely to be required. The emissions reductions require combustion of vent gases in a fired control device. This will increase the emissions of carbon monoxide (CO) and nitrogen oxides (NOx), which could trigger PSD permitting and extend the permitting schedule even further. For ozone nonattainment areas, NOx increases above specified thresholds would require project reductions or purchase of emissions credits, either of which pose additional timing challenges (and which may make a permit unattainable if credits are not available). Rubicon also expects that Title V permit amendments will be required for five operating permits. The schedule for permit amendments is outside of Rubicon's control, but the permitting alone for these projects could take a minimum of two years to complete.

Pressure Relief Devices (PRDs)

- For PRDs, EPA has mandated that sources install monitoring systems that will both immediately detect a release is occurring and notify operators. EPA also requires that sources implement "three redundant prevention measures" that will function in tandem to help prevent future releases. Considering the non-routine, infrequent, and episodic nature of these PRD releases that are typically readily detectable and mitigated by experienced operations personnel, triple redundancy may be considered excessive overcontrol.
- Rubicon must install a third release prevention measure on each covered PRD at the facility, which will require installing instrumentation and wiring on each PRD to route data to the data control system. This will require scoping, engineering design, and safety testing.

Maintenance Vents

- The Final Rule requires Rubicon to comply with the HON requirements at all times, including periods of startup, shutdown and maintenance. See 40 CFR 63.113. To meet this requirement, Rubicon must either design and develop a system to capture and combust all vent emissions from maintenance activities or implement procedural changes to production, shutdown, clearing, and cleaning activities to minimize maintenance vent emissions. Implementing the required process changes to limit emissions would require significantly more time than the HON has provided due to the time needed for engineering, testing, and permitting the significant process changes at a complex, interconnected chemical manufacturing facility.

Fenceline Monitoring

- Rubicon must source and install monitoring devices, identify and contract with competent laboratories for sample analysis, and contract with vendors for sample collection and transport. Demand for fenceline monitoring devices is high and supply chain delays are anticipated.
- To even attempt to reach this infeasibly low detection level, the HON Rule will require the use of a new canister sampling method that has not been widely used in field monitoring.
- Rubicon will need the maximum extension available to implement the new fenceline monitoring requirements. As mentioned above, there are many steps involved in commencing a new regulatory program. With a new fenceline monitoring program, facilities must select contractors and laboratories after a competitive bid process and then acquire an adequate supply of canisters, flow controllers, and tubes in time for compliance. A pilot study is necessary to guide the development of a fenceline monitoring program specific to each facility. A pilot study will take six months at best to complete. The site expects that hiring and training additional staff and/or contractors to implement the sampling program and perform the associated data analysis will be required.

Elimination of TRE

- The HON Rule eliminates the longstanding TRE concept. The TRE concept recognizes that for sources that emit high gas volume streams containing low concentrations of either volatile organic compounds or hazardous air pollutants, emission control systems are unwarranted because they are past the point of diminishing returns for control efficiency.
- Removing the TRE concept will force Rubicon to install additional emission controls systems, requiring significant design, planning, and permitting, and imposing significant unrecoverable costs.
- The impact of the above costs is already starting to be felt, as Rubicon must prepare now in order to meet the deadlines in the HON Rule. This type of project has to undergo a process safety hazard assessment to ensure it is not introducing additional risk elements that will impact the site, the community, or the environment. Detailed engineering design for these types of projects as well as applying for revised permits requires significant time to prepare.

B. An Extension is in the National Security Interests of the United States

As with other exemptions aimed at protecting “the President’s effectiveness in carrying out his assigned responsibilities,”⁶ the national security element in 42 U.S.C. § 7412(i)(4) should be given a broad construction. We incorporate the information provided by ACC and AFPM in a letter submitted to EPA earlier today on this topic. We also supplement that submittal with the following additional information:

- Rubicon is major chemical producer whose products are sold to manufacturers serving a broad and diverse range of consumer and industrial end markets.
- Rubicon employs approximately 600 associates and contractors in the United States.
- Rubicon’s products are essential to numerous supply chains that are critical to maintaining economic and national security, including automotives, aerospace, construction, energy and fuels, and food production and preservation.

The stringent requirements of the HON Rule and associated deadlines are contrary to the President’s Executive Order: Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” (February 19, 2025), which directs agency heads to review all regulations for consistency with law and Administration policy, including rules that implicate matters of economic significance, impose significant costs on private parties not outweighed by public benefits, or harm national interest by significantly and unjustifiably impeding economic development/energy production, among others.

Because the technology to implement the HON is not available and it is in the national security interests of the United States to do so, Rubicon requests that the President grant a two-year extension of the HON under CAA § 112(i)(4) (42 U.S.C. §7412(i)(4)). We thank you for your attention to this request and look forward to discussing any questions you may have.

Sincerely,



Jim L. Allbright

Jim L. Allbright
Operational Excellence Manager
Rubicon LLC (Huntsman/Lanxess JV)

cc: Aaron Szabo, Senior Advisor to the Administrator, Office of the Administrator
Abigale Tardif, Principal Deputy Assistant Administrator, Office of Air and Radiation
Sean Donahue, Principal Deputy General Counsel, Office of General Counsel
Alex Dominguez, Deputy Assistant Administrator for Mobile Sources, Office of Air and Radiation

⁶ *Colon v. Carter*, 633 F.3d 964, 967 (1st Cir. 1980).

cc. (cont'd):

Peter Tsirigotis, Director, Office of Air Quality Planning and Standards

Penny Lassiter, Director, Sector Policies and Programs Division, Office of Air Quality Planning and Standards

Patrick Lessard, Refining and Chemicals Group Leader, Office of Air Quality Planning and Standards

Andrew Bouchard, General Engineer, Office of Air Quality Planning and Standards

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P. O. BOX 517 – GEISMAR, LA 70734 – PHONE 225-673-6141 – FAX 225-673-6442

Attachment A

- 8 -

P. O. BOX 517 – GEISMAR, LA 70734 – PHONE 225-673-6141 – FAX 225-673-6442

Extension Request
Rubicon LLC

Rubicon LLC (“Rubicon”) submits this request for an extension of certain compliance periods set forth in the final rule issued by the United States Environmental Protection Agency (“EPA”) entitled “National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry” published in the Federal Register on May 16, 2024 (89 Fed. Reg. 42,932) (the “Final Rule”). The Final Rule affects the Synthetic Organic Chemical Manufacturing Industry (“SOCMI”) and amends the National Emission Standards for Hazardous Air Pollutants (“NESHAP”) that apply to the SOCMI (more commonly referred to as the “HON”). Rubicon is specifically requesting an extension of the compliance periods pursuant to 42 U.S.C. § 7412(i)(3)(B) to allow for compliance by July 15, 2028, which is four years from the effective date of the Final Rule. This extension applies to certain requirements for segments of the Rubicon facility located at 9156 LA Highway 75, Geismar, Louisiana, that are jointly owned by Huntsman Corporation and Lanxess Corporation (“Geismar Facility”). Rubicon, as the permit holder for the Geismar Facility, is submitting this request in a timely manner—on October 13, 2024.¹ The Louisiana Department of Environmental Quality (“LDEQ”) is authorized to grant this request pursuant to its Part 70 operating permits program and its delegated authority under 40 CFR Part 63.²

The Final Rule mandates a suite of new emission controls (“Emission Control Projects”) aimed at mitigating unacceptable risks primarily attributed to ethylene oxide emissions, but also requiring control of any HON HAP. These Emission Control Projects necessitate significant time for design, installation, and safety testing. As explained below, meeting the compliance deadlines for the Emission Control Projects set by the Final Rule is not simply possible and, as a result, could be deemed arbitrary and capricious. However, EPA, along with the LDEQ via delegation, has the ability to adjust these deadlines, which as currently established, are unachievable. Rubicon therefore requests a compliance extension to July 15, 2028, for the Emission Control Projects.

As described below, it is both necessary and appropriate to grant Rubicon this extension because more time is essential for the installation of controls. Further, measures will be implemented during the waiver period to ensure that public health is protected from risk. The safe and effective installation of the Emission Control Projects will require additional time beyond the current deadlines and, furthermore, an extension of the compliance period will not

¹ Under 40 CFR 63.6(i)(4)(i)(B), which sets forth the compliance extension request procedures, a request must be submitted no later than 120 days prior to the affected source’s compliance date. 40 CFR 64.6(i) has been expressly incorporated into the HON Rules. See 40 CFR 63.151(a)(6); 40 CFR 63.182(a)(6). The compliance date for the Emission Control Projects is July 15, 2027. Nevertheless, out of an abundance of caution, Rubicon submits this request within the regulatory timeframe of 40 CFR 63.6(i)(4)(ii) – the earliest regulatory deadline contemplated for extension requests under the NESHAP – to ensure prompt relief in this critical matter. Rubicon reserves the right to submit additional compliance requests within the applicable timeframe under 40 CFR 63.6(i)(4)(i)(B).

² See 40 CFR 63.99(a)(19); Appendix A to 40 CFR Part 70.

lead to risk to human health, as EPA has determined that the Geismar Facility does not pose unacceptable risk in the absence of the Emission Control Projects.

I. Rubicon satisfies the compliance extension requirements under 42 U.S.C. § 7412(i)(3)(B) because additional time is needed to install the controls.

Section 112(i)(3)(B) and 40 CFR 63.6(i)(4) provide that a one-year extension may be granted where the additional period is “necessary for the installation of controls.” The regulations also stipulate that a compliance extension should include a “description of the controls to be installed to comply with the standard” and a “compliance schedule, including the date by which each step toward compliance will be reached.” 40 CFR 63.6(i)(6)(i)(B).

A compliance extension is justified for Rubicon because additional time is essential for the safe design, planning, permitting, sourcing, and installation of the Emission Control Projects. These projects involve the installation of extensive control measures and the implementation of process changes for process and emergency vents at the Geismar Facility. Huntsman and Rubicon are currently working on these projects, and based on discussions with vendors and outside consultants, as well as their collective experience designing, building, commissioning and safely operating chemical manufacturing facilities, it has become clear that each of the Emission Control Projects will require significantly more time to complete than the compliance date set in the Final Rule allows.

Further, as discussed below, while not a required showing under the statute or regulations, a compliance extension will not pose risk to public health. The Geismar Facility will continue to operate in compliance with the HON requirements that were in effect prior to the Final Rule’s effective date. Furthermore, EPA has determined that these operations do not pose unacceptable cancer risk, as recognized in the Final Rule. *See EPA, Residual Risk Assessment for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Source Category in Support of the 2024 Risk and Technology Review Final Rule* (March 2024) at Appendix 10, Table 2 (EIS 8465311).

II. An extension of the compliance period is necessary to install the Emission Control Projects.

The Final Rule mandates the Geismar Facility to implement an extensive set of Emission Control Projects. EPA itself has acknowledged that the control requirements will trigger a set of complex, time-consuming steps to complete, many of which depend on third-party entities beyond a source’s control. *See* 89 Fed. Reg. at 42,954 (stating 3 years “is needed to understand the final rule changes; revise site guidance and compliance programs; ensure operations can meet the standards during startup and shutdown; update operation, maintenance, and monitoring plans; upgrade emission capture and control systems; install new flare monitoring equipment; and install new process control systems.”). But the compliance date set by the Final Rule does not afford nearly enough time to safely complete these essential steps. Moreover, changes to the production processes at the Geismar Facility will necessitate exhaustive process hazard studies and the involvement of properly trained and knowledgeable employees with process safety experience. Without sufficient time to safely develop, assess, and implement procedures required for the Emission Control Projects, the risk of serious safety incidents, such as fires and explosions, as well as unintended environmental releases, drastically increases.

Table 1 below outlines each Emission Control Project required under the Final Rule, including estimated dates for initiating and completing on-site construction, installation of emission control equipment, or implementing process changes, as well as the estimated date for achieving final compliance. See 40 CFR 63.6(i)(6). As noted above, Rubicon and Huntsman are actively engaged in the planning and implementation of these projects, which includes discussions with outside vendors and consultants. The dates provided below are preliminary estimates based on their current knowledge of facility operations and past experience with implementing similar control measures. While these estimates represent good faith approximations of the time required, the actual implementation of these projects could take significantly more time than presently estimated. Rubicon does not commit to meeting these preliminary minimum estimates.³ Further details on each project are provided below.

Table 1

Project	Description of Controls	The date by which on-site construction, installation of emission control equipment, or a process change is planned to be initiated	The date by which on-site construction, installation of emission control equipment, or a process change is planned to be completed	The date by which final compliance is to be achieved
Thermal oxidizer or water scrubber (Maleic Unit)	Thermal oxidizer for non-reactor process and emergency vents; alternative water scrubber (see Section II.A)	July 1, 2026	January 1, 2028	July 1, 2028
Thermal oxidizer and/or scrubber (HON Units)	Thermal oxidizer for non-reactor process and emergency vents (see Section II.A); and associated scrubber (for halogens)	July 1, 2026	January 1, 2028	July 15, 2028
Limit maintenance emissions (Maleic Unit)	Capture and combust or otherwise treat HON vents from maintenance activities;	July 1, 2026	January 1, 2028	July 1, 2028

³ While Rubicon will endeavor to reduce the implementation period, its good faith estimates indicate that, while the requested extension is justified, additional relief from the Final Rule's unachievable compliance deadlines may be needed. Rubicon therefore reserves the right to seek such additional relief from the Final Rule's compliance deadlines as may be available under the law, both concurrently and following this request.

	alternative process changes to limit emissions (see Section II.B)			
Limit maintenance emissions (HON Units)	Capture and combust or otherwise treat HON vents from maintenance activities; alternative process changes to limit emissions (see Section II.B)	July 1, 2026	January 1, 2028	July 15, 2028

A. *Thermal oxidizer*

The Final Rule requires that HON Group 1 Process Vents must either vent emissions through a closed-vent system to a control device that reduces Organic Hazardous Air Pollutants by greater than or equal to 98 percent by weight, or to a concentration less than 20 part per million by volume for each process vent. *See* 40 CFR 63.113(a)(2). In addition, halogenated vent streams must be controlled by greater than or equal to 99 percent, or to a concentration of less than 0.45 kilograms per hour. 40 CFR 63.113(c). To comply, the Geismar Facility must either install a thermal oxidizer to control HON process vents and/or a scrubber to control halogenated HON process vents.

Thermal oxidizers are complex combustion devices that necessitate significant engineering work on the front end and safety testing on the back end to ensure safe operation. Based on its industry experience and consultation with vendors, Rubicon expects the design, construction, installation, and testing of a new thermal oxidizer and an associated scrubber will require at least four years or an additional 12 months from the compliance date.

B. *Limit maintenance emissions*

The Final Rule requires the Geismar facility to comply with the HON at all times, including periods of startup, shutdown and maintenance. *See* 40 CFR 63.113. To meet this requirement, Rubicon must either design and develop a system to capture and combust all vent emissions from maintenance activities or implement procedural changes to production, shutdown, clearing, and cleaning activities to minimize maintenance vent emissions. Implementing the required process changes to limit emissions would take at least four years, or an additional 12 months from the compliance date, due to the time needed for engineering, testing, and permitting the significant process changes at a complex, interconnected chemical manufacturing facility.

III. **Extending the compliance period will not create risk at or near the Geismar Facility.**

In the residual risk assessment conducted as part of Final Rule, EPA evaluated each regulated facility to determine whether it posed unacceptable risk. *See generally* 89 Fed. Reg. at 42,955-56. EPA determined that only 8 of 195 facilities posed unacceptable residual risk due to their emissions of ethylene oxide, a

calculation driven by the unrealistically low risk value for ethylene oxide based on the 2016 IRIS value.⁴ However, EPA found that the Geismar Facility did *not* pose unacceptable risk. See EPA, *Residual Risk Assessment for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Source Category in Support of the 2024 Risk and Technology Review Final Rule* (March 2024) at Appendix 10, Table 2 (EIS 8465311). The cancer risk EPA assessed for the Geismar Facility was 10-in-1M, far below the presumptive acceptability threshold of 100-in-1M. *Id.*; see 89 Fed. Reg. at 42,969. Further, EPA calculated that implementation of all the controls required by the Final Rule would only reduce the already-low risk to 7-in-1M. EPA, *Residual Risk Assessment for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) Source Category in Support of the 2024 Risk and Technology Review Final Rule* (March 2024) at Appendix 10, Table 2 (EIS 8465311). Given that the Geismar Facility poses minimal risk according to EPA's own calculations, extending the compliance period will not lead to risk for anyone at or near the facility.

IV. Conclusion

As set forth herein, an extension of the compliance period set by the Final Rule is necessary for the installation of controls and will not cause risk to any persons. Rubicon respectfully requests an extension of the compliance period for the Emission Control Projects until July 15, 2028.

⁴EPA, *Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (CASRN 75-21-8) in Support of Summary Information on the Integrated Risk Information System (IRIS)* (December 2016)