

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: Huntsman Petrochemical LLC**

To Whom It May Concern,

Huntsman Petrochemical LLC ("Huntsman"), a wholly owned subsidiary of Huntsman Corporation, 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").<sup>1</sup> For the reasons highlighted in this letter, Huntsman 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 Huntsman's regulated facilities under that collective action. Specifically, Huntsman requests an extension for the emissions standards and limitations listed below for Huntsman's regulated facility in Pensacola, Florida within a host chemical complex (Ascend Performance Materials) ("Huntsman Pensacola").

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;<sup>2</sup> 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."<sup>3</sup> As additional support on this point, we reference the joint coalition submission sent to EPA from the American Chemistry Council ("ACC") and the American Fuel & Petrochemicals Manufacturers ("AFPM").

While the Administration already has extensive information (including prior comments and the underlying petition for reconsideration on the HON Rule) supporting issuance of this

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<sup>1</sup> National Emissions Standards for Hazardous Air Pollutants (NESHAP), Powering the Great American Comeback [https://www.epa.gov/system/files/documents/2025-03/psnap\\_powering-the-great-american-comeback\\_fact-sheet\\_2.pdf](https://www.epa.gov/system/files/documents/2025-03/psnap_powering-the-great-american-comeback_fact-sheet_2.pdf); 89 Fed. Reg. 42932 (May 16, 2024).

<sup>2</sup> 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").

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

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, Huntsman 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:"<sup>4</sup>

### **A. Facility and affected sources:**

**Huntsman Pensacola**  
3000 Old Chemstrand Road  
Cantonment, Florida

Huntsman Pensacola is subject to Part 70 Operating Permit number 0330040-077-AV issued by the Florida Department of Environmental Protection ("FDEP").

### **B. Emissions standards or limitations subject to the request:**

Huntsman requests extension of the 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 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(k)

#### *Pressure Relief Devices*

- 40 CFR 165(e)

#### *Elimination of the SSM provision*

- 40 CFR 63.102(f)
- 40 CFR 60.702(a)

### **C. Length of compliance period being requested:**

Huntsman 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).

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

## **II. Justification for Extension Request**

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

Huntsman has submitted a request for extension under CAA §112(i)(3) for Huntsman Pensacola 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, Huntsman 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.<sup>5</sup>

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

#### *Elimination of the Startup, Shutdown, Malfunction (SSM) Exemption – Controlling SSM Venting*

- Huntsman Pensacola must install a new thermal oxidizer or flare to comply. Thermal oxidizers are specialized, complex combustion devices that require significant engineering work prior to getting equipment on-site. Further, extensive safety testing is required prior to start-up to ensure safe operation. Huntsman Pensacola will need to modify the existing vent collection system to route all SSM vent emissions to the new emission control device, which would require extensive physical and process changes. The sourcing, scoping, engineering, implementation, and testing of these projects 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 10-12 months. Funding approval, project execution and construction, and commissioning are expected to take at least an additional 18 months, meaning implementation will take a minimum 28-30 months from now – even assuming everything else runs perfectly. The cost of this project is initially estimated to be \$5 to 15 million.
- It is also likely the schedule will include a lengthy permitting process for the required thermal oxidizer. This additional combustion device may increase the emissions of CO and NOx. Huntsman also expects that a Title V permit amendment will be required. The schedule for permit amendments is outside of Huntsman's control, but the permitting alone for these projects could take a up to two years to complete.

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<sup>5</sup> 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.

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

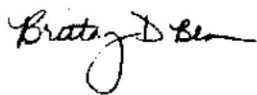
We incorporate the information provided by ACC and AFPM in a letter submitted to EPA earlier today on this topic. We also supplement that submittal with the following additional information:

- Huntsman is a publicly traded company whose chemical products number in the thousands and are sold to manufacturers serving a broad and diverse range of consumer and industrial end markets.
- The HON-regulated unit at Huntsman Pensacola employs 39 full-time associates.
- Huntsman's products are essential to numerous supply chains that are critical to maintaining economic and national security, including:
  - Aerospace and Defense: Huntsman Pensacola produces maleic anhydride, which is used in the production of the types of adhesives and polymers necessary for lightweight aircraft and similar aerospace and defense applications. Huntsman's high-performance structural adhesives, laminating systems, thermoplastic polyurethane films for impact-resistant laminated glass, edge fillers for interior structures and fixtures, and composite resins for lightweighting support the ongoing success of aerospace and defense companies.
  - Infrastructure: The majority of the maleic anhydride produced goes to customers manufacturing Unsaturated Polyester Resins ("UPR"). UPR is critical to infrastructure projects in structural applications such as formed panels, bridge decking, fascia, and synthetic poles for lighting and electric wire support.

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, Huntsman 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,



Brittany Benko  
Huntsman Corporation  
*Senior Vice President, Environmental Health and Safety  
and Manufacturing Excellence*

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

**Extension Request**  
***Huntsman Corporation***

Huntsman Corporation (“Huntsman”) 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”). Specifically, Huntsman is specifically requesting an extension of the compliance periods to allow for compliance by July 15, 2028, which is four years from the effective date of the Final Rule. This extension pertains to certain requirements applicable to a Huntsman-owned facility within a host chemical complex (owned by Ascend Performance Materials) located at 3000 Old Chemstrand Rd., Cantonment, FL 32533 (“Huntsman Pensacola Facility”). Huntsman is submitting this request in a timely manner on October 13, 2024.<sup>1</sup> The Florida Department of Environmental Protection (“FDEP”) is authorized to grant this request pursuant to its deleted authority under the Part 70 operating permits program.<sup>2</sup>

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

As described below, it is both necessary and appropriate to grant Huntsman 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 lead to risk to human health, as EPA has determined that the Ascend Performance Materials

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<sup>1</sup> 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. Huntsman, however, submits this request within the regulatory timeframe of 40 CFR 63.6(i)(4)(ii) out of an abundance of caution as the earliest regulatory deadline contemplated for extension requests under the NESHAP and to ensure prompt relief on this critical matter. Huntsman reserves the right to submit additional compliance requests within the applicable timeframe under 40 CFR 63.6(i)(4)(i)(B).

<sup>2</sup> See Appendix A to 40 CFR Part 70.

complex as a whole, the emissions of which the Huntsman Pensacola Facility only contributes a portion, does not pose unacceptable risk in the absence of the Emission Control Projects.

**I. Huntsman 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 request 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 Huntsman 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 new, extensive control measures and the implementation of process for process and emergency vents at the Huntsman Pensacola Facility. Huntsman is currently working on these projects, and based on discussions with vendors and outside consultants, as well as Huntsman’s 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 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 Huntsman Pensacola Facility will continue to operate in compliance with the HON requirements that were in effect prior to the Final Rule’s effective date, and EPA has determined that these operations do not pose *any* cancer risk in the Final Rule, even considering the Ascend Performance Materials complex as a whole. *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 751411).

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

The Final Rule requires the facility to implement an extensive set of Emission Control Projects. EPA itself has acknowledged that the ethylene oxide control requirements will trigger a set of complex, time-consuming steps to complete, many of which depend on third-party entities beyond of 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 Huntsman Pensacola 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 installing and completing on-site construction, installation of emission control equipment, or implementing process changes, as well as the estimated date by which final compliance could be achieved. See 40 CFR 63.6(i)(6). As noted above, Huntsman is 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 Huntsman's current knowledge of facility operations and past experience with implementing similar control measures. While these represent good faith approximations of the time required, the actual implementation of these projects could take significantly more time than presently estimated. Huntsman does not commit to meeting these preliminary minimum estimates.<sup>3</sup> Further details on each project are provided below.

**Table 1**

| <b>Project</b>                                               | <b>Description of Controls</b>                                                                                                                                | <b>The date by which on-site construction, installation of emission control equipment, or a process change is planned to be initiated</b> | <b>The date by which on-site construction, installation of emission control equipment, or a process change is planned to be completed</b> | <b>The date by which final compliance is to be achieved</b> |
|--------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------|
| Thermal oxidizer (Maleic Unit)                               | Thermal oxidizer system for non-reactor process and emergency vents (see Section II.A)                                                                        | July 1, 2026                                                                                                                              | January 1, 2029                                                                                                                           | July 1, 2029                                                |
| Safeguards on pressure relief devices ("PRDs") (Maleic Unit) | Safeguards on PRDs to minimize potential release to atmosphere; alternative process changes to limit potential releases; secondary alternative replacement of | July 1, 2026                                                                                                                              | January 1, 2029                                                                                                                           | July 1, 2029; secondary alternative July 1, 2033            |

<sup>3</sup> Huntsman recognizes that these estimates extend beyond the extended deadline available under 42 U.S.C. §7412(i)(3)(B). While Huntsman will endeavor to reduce the implementation period, Huntsman's good faith estimates indicate that, while the requested extension is justified, additional relief from the Final Rule's unachievable compliance deadlines may be needed. Huntsman 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.

|                                               |                                                                                                                                      |                                        |                                              |                                        |
|-----------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|----------------------------------------------|----------------------------------------|
|                                               | reactors ( <i>see</i> Section II.B)                                                                                                  |                                        |                                              |                                        |
| Modification of boiler controls (Maleic Unit) | Modifications to control systems of two boilers; alternative thermal oxidizer(s) to replace boilers ( <i>see</i> Section II.C)       | July 1, 2026; alternative July 1, 2027 | January 1, 2029; alternative January 1, 2030 | July 1, 2029; alternative July 1, 2030 |
| Limit maintenance emissions (Maleic Unit)     | Capture and combust HON vents from maintenance activities; alternative process changes to limit emissions ( <i>see</i> Section II.D) | July 1, 2026; alternative July 1, 2027 | January 1, 2029; alternative January 1, 2030 | July 1, 2029; alternative July 1, 2030 |

#### A. *Thermal oxidizer*

The Final Rule requires that process vents emitting 1 pound per hour of total organic HAPs must either vent emissions through a closed-vent system to a control device that reduces total organic HAPs by greater than or equal to 98 percent by weight, to a concentration less than 20 part per million by volume for each process vent. *See* 40 CFR 63.113(a). To comply with this requirement, the Huntsman Pensacola must install a thermal oxidizer on all HON Group 1 process vents. The thermal oxidizer will need to be appropriately sized to control venting associated with startup, shutdown, and malfunction events since the SSM exemption was removed from the Final Rule.

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, Huntsman expects the design, construction, installation, and testing of a new thermal oxidizer will take at least three years. Additionally, Huntsman anticipates that further permitting will be required for the installation of the thermal oxidizer.

#### B. *Safeguards on PRDs*

The Final Rule imposes a work practice standard for PRDs that vent to the to the atmosphere, which requires owners and operators to implement no less than three prevention measures, perform root cause analysis and corrective action in the event that a PRD does release emissions directly to the atmosphere, and monitor PRDs using a system that can identify and record the time and duration of each pressure release and also notify operators that a pressure release has occurred (*see* 40 CFR 63.165(e)). To comply with this requirement, the Huntsman Pensacola Facility must install a third prevention measure to each covered PRD, which would involve installing instrumentation and wiring to route the data to the data control system. This project will require scoping, engineering design, and

safety testing. Furthermore, installation will likely require shutdown of the associated reactor for safety reasons; safe shutdown and startup requires adequate time to plan and prepare.

An alternative compliance approach would be to implement process changes to limit operation of PRDs; those process changes would also require planning, engineering, and safety testing. Yet another alternative would be to replace the reactors with new reactors with containment. This too would require extensive capital, engineering, and permitting.

### *C. Modification of boiler controls*

There are two boilers at the host chemical complex that burn reactor off-gas from Huntsman. EPA removed exemptions for startup, shutdown, and malfunction ("SSM") for the HON in the Final Rule.<sup>4</sup> See 89 Fed. Reg. at 42,95-51. To comply, the Huntsman Pensacola Facility must either install a new control device for emissions from the boilers or replace the boilers with a thermal oxidizer. Both options would require significant engineering, process changes, safety testing and permitting.

### *D. Limit maintenance emissions*

The Final Rule imposes work practices to limit emissions of total organic HAPs from all maintenance vents in a facility. See 40 CFR 63.113(k). To meet this requirement, Huntsman 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. A capture and combustion system would likely require installing a thermal oxidizer, as described above. Implementing the required process changes to limit emissions would require an additional 12 months from the current 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 Huntsman Pensacola Facility.**

In the residual risk assessment conducted as part of the 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, the 2016 IRIS value.<sup>5</sup> However, EPA found that the entire Ascend Performance Materials complex, of which the Huntsman Pensacola Facility is only a part, posed *no cancer risk whatsoever*. 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 751411). Given that the Huntsman Pensacola Facility poses no cancer risk according to EPA's own calculations, extending the compliance period will not create risk for anyone at or near the facility.

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<sup>4</sup> EPA imposed provisions to address periods of SSM under 112(d). Given the fact that there is sufficient information now to support an extension under either provision, Huntsman is including the boiler modification measures in this request, without conceding that EPA has authority to impose, or has properly promulgated, such requirements under this statutory provision.

<sup>5</sup> EPA, *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)

#### **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 create risk to any persons. Huntsman respectfully requests an extension of the compliance period for the Emission Control Projects until July 15, 2028.