

Extension Request
Indorama Ventures Oxides LLC

Indorama Ventures Oxides LLC (“Indorama”) 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, Indorama requests a two-year extension of the compliance periods for certain of the Final Rule HON requirements applicable to Indorama’s facility in Port Neches, Texas (“Port Neches Facility”). This request is timely submitted because it is being submitted on October 13, 2024, which is not later than 90 calendar days after the effective date of the relevant standard.¹

The Final Rule mandates a suite of new emission controls (“Emission Control Projects”) intended to address unacceptable risk that require significant time for design, installation, and safety testing. Although EPA cites to Section 112(f) as the source of its statutory authority for the risk requirements in the Final Rule, EPA already completed the residual risk review required by Section 112(f)(2)(A) for the HON source category; the risk review in the Final Rule is a secondary risk review that is beyond EPA’s statutory authority. Thus, the compliance extension provision of 42 U.S.C. § 7412(f)(4)(B) does not constrain the authority of EPA or the delegated authority of the Texas Commission on Environmental Quality (“TCEQ”) to grant an extension beyond the two-year compliance date set by the Final Rule.² Compliance with the deadlines for the Emission Control Projects set by the Final Rule is not possible, as detailed below. EPA, and by delegation the TCEQ, has the ability to correct the deadlines set by the Final Rule in order to prevent those impossible deadlines from rendering it arbitrary and capricious. Indorama requests a compliance extension to July 15, 2028 for the Emission Control Projects.

As detailed below, safe and effective installation of the Emission Control Projects will require additional time beyond the compliance dates set forth in the Final Rule, and an extension of the compliance period will not result in imminent endangerment to human health because normal operations at the Port Neches Facility do not create unacceptable risk, further, Indorama will take steps to ensure no imminent harm will result because it will begin implementing the Emission Control Projects as soon as it is feasible to do so.

¹ The effective date of the Final Rule was July 15, 2024. 89 Fed. Reg. at 42,932. As discussed below, the extension limitations contained in 42 U.S.C. § 7412(i)(4) do not apply. As a result, the timing requirements of 40 CFR 63.6(i)(4)(ii) do not strictly apply. Indorama, 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.

² The TCEQ is authorized to grant compliance requests pursuant to its delegated authority under 40 CFR Part 63 and the Part 70 operating permits program. See 40 CFR 63.99(a)(44); Appendix A to 40 CFR Part 70.