Westlake

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U.S. Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington, DC 20460
Email submission: airaction@epa.gov

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: Westlake Vinyls Company, LP (Geismar Facility), a subsidiary of Westlake Corporation, ("Westlake")

To Whom It May Concern,

Westlake is seeking an exemption from the compliance obligations of the New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and the National Emission Standards for Hazardous Air Pollutants (NESHAP) for the Synthetic Organic Chemical Manufacturing Industry (SOCMI) and Group I & II Polymers and Resins Industry, collectively known as the HON Rule. We believe 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 whether on an individual basis or collectively. If done collectively, we request that EPA include our regulated facility under that collective action.

Westlake encourages the Administration to swiftly consider and issue such an action based on an understanding that both: 1) "availability" for the purposes of this section refers not only to the existence of technology capable of achieving compliance with the rule, but encompasses practical challenges with the timeframes necessary to plan, procure, and install required technologies and such activity cannot occur within the current compliance timeframe; and 2) national security encompasses not only military defense applications and infrastructure, but also economic security, a perspective that has been 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."[1] As additional support on this point, we reference the separate joint coalition submission sent to EPA from associations the American Chemistry Council (ACC) and the American Fuel & Petrochemicals Manufacturers (AFPM) detailing the critical nature of ethylene oxide (EtO) as a building block to several supply chains throughout domestic manufacturing, and the potential risks to our nation's national security interests if continued production is jeopardized.

[1] https://www.whitehouse.gov/presidential-actions/2025/02/america-first-investment-policy/.

Given the practical challenges associated with the planning, procurement, and installation of technologies within the current compliance timeframe, and considering the Administration's stance on economic security as a facet of national security, we believe it is both necessary and appropriate for the President to grant an exemption under Clean Air Act Section 112(i)(4). This exemption is sought for our regulated Geismar Facility.

We align our request with the perspective acknowledged by the President in Executive Orders and by key security agencies that economic security is indeed national security. This viewpoint is critical as our industry plays a foundational role in various domestic manufacturing supply chains, and any disruption could pose risks to our nation's security interests.

The joint coalition submission from the American Chemistry Council (ACC) and the American Fuel & Petrochemicals Manufacturers (AFPM) further underscores the importance of HON regulated chemicals as crucial building blocks and the potential national security risks if production is hindered. As outlined in a letter submitted on behalf of industry by AFPM and ACC, Westlake agrees that CAA 112(i)(4) does not require that the President provide the bare minimum amount of time needed to obtain and install controls, and similarly requests that any exemption granted under this section be a length of 2 years with an option for EPA to consider a renewal for facilities for which compliance processes may run longer than 2 years.

As previously outlined in Westlake's prior requests for extension of time as well as the joint coalition's comments on and petition for reconsideration of the HON Rule, we believe that the Administration has already been provided with sufficient information to support an exemption covering all regulated facilities or on a facility-specific basis. This letter provides additional detail and support on the time-critical nature of the request for relief and to address EPA's request for information. We submit both in support of a category-wide grant, as well as to provide company-specific information if the President pursues a facility-specific exemption action. This letter serves to reinforce the urgency of our request and to respond to EPA's call for additional information. Details to support this request are summarized below.

Specifically, our Geismar Facility is potentially subject to the HON's new EtO requirements in 40 C.F.R. Part 63, Subparts F, G, H, and I. The Site's Ethylene Dichloride (EDC) unit, which potentially has equipment "in ethylene oxide service," was constructed or reconstructed on or before April 25, 2023. Accordingly, the HON's compliance date for the new Section 112(d) requirements is July 15, 2027, (i.e., three years after the Rule's effective date) and the HON's compliance date for the Section 112(f) requirements is July 15, 2026, (i.e., two years after the Rule's effective date). Our Geismar Facility may also include equipment outside of the EDC unit could contain EtO in concentrations above the regulatory threshold for control of process vents, maintenance vents, and/or wastewater.

While the Geismar Facility is pursuing confirmatory testing, it will not have those results until after the deadline for submitting this request for exemption. Additionally, analytical laboratories have had issues in accurately quantifying ethylene oxide concentrations in our processes using

the methods required by the HON rule due to technology and instrumentation limitations. Because accurate and quantifiable data is required in order to determine necessary controls needed for EtO present in covered units at the Geismar Facility, Westlake is not able to determine which controls may be necessary in the future at this time.

Should the Geismar Facility identify levels of EtO in equipment triggering additional controls, it is likely that the installation of control equipment similar to that planned by other Westlake facilities subject to the HON EtO standards could be required. This may include, but is not limited to, the installation of new scrubbers, incinerators, steam strippers, clearing headers, modification to biological treatment plants, and installation of additional closed vent systems in order to control process vents, maintenance vents, and wastewater from covered equipment.

The compliance dates set forth in the HON Rule do not provide sufficient time for Westlake to design, obtain funding, and install the necessary emission control equipment to comply with the Rule's current compliance dates at our Geismar Plant.

Next, as currently written, the HON Rule requires sources to implement fenceline monitoring requirements by July 15, 2026. With a new fenceline monitoring program, Westlake must select contractors after a competitive bid process and then acquire an adequate supply of canisters, flow controllers, timers, and tubes in time for compliance.

Westlake must rely on third-party laboratories for sample analysis. Louisiana requires that third-party laboratories be accredited through the Louisiana Department of Environmental Quality's Laboratory Accreditation Program (LELAP). According to LDEQ's website, there is only one LELAP laboratory accredited to run the required methods in accordance with the HON rule, and the entire source category in Louisiana must use an LELAP accredited laboratory.

The HON Rule also requires real-time sampling techniques if the root cause of an action level exceedance has not been determined within 30 days of determining the action level has been exceeded. Westlake must also source and select external contracts to employ real-time monitoring and appropriate staff.

As summarized above, Westlake has no control over the availability of outside resources needed. Selection and use of contractors, laboratories, and real-time monitoring technologies will be conducted in combination with the entire source category, and there is expected to be a large rush on procuring the necessary equipment to meet these requirements. Therefore, Westlake may not be able to comply with this rule by the current compliance date due to factors outside our control.

The HON rule requirements for pressure relief devices (PRDs) also presents specific technical feasibility challenges for Westlake. Processes are designed with these PRDs to ensure the safety of personnel and equipment, and they will need to be retained. Chlorinated compound producers, such as Westlake, have different control requirements than other HON facilities. For instance, chlorinated compound producers utilize thermal oxidizers rather than flares for

controlling emissions from PRDs because of the requirement to use post-combustion controls (e.g., scrubbers) for acid gases. These thermal oxidizers typically operate within a much narrower range of inlet flows and compositions than flares do. Also, there are concerns that in some cases (high flow PRD discharge rates) routing a particular PRD to an existing thermal oxidizer could result in a thermal oxidizer having a flame out that would in turn cause higher emissions than would result from the PRD venting to the atmosphere.

The non-routine, infrequent, and episodic nature of PRD releases make it likely infeasible to install a control system capable of accommodating *all* the possible release scenarios at Westlake's impacted facilities which utilize thermal oxidizers. As a result, certain PRDs may necessarily have to be routed directly to the atmosphere at a safe location to ensure the safety of personnel and equipment, resulting in an unavoidable potential future violation of the new rule requirements.

The new HON rule also imposes additional, burdensome monitoring for PRDs. Westlake estimates up to 200 PRDs may be affected by this requirement at our Geismar Facility alone. In combination with all other facilities in the entire source category, there is expected to be a large rush on procuring the necessary equipment to meet these requirements from the entire industry. Due to the anticipated surge in demand, a shortage in supply is expected. Westlake has no control over the availability of outside resources needed. Therefore, Westlake may not be able to comply with this rule by the current compliance date.

Westlake's Geismar Facility is also subject to and impacted by additional provisions of the HON rule under 40 CFR Part 63 Subpart G including but not limited to; the removal of Delay-of-Repair Provisions requirements discussed in 40 CFR Part 63 Subpart F, G, and H; the removal of Total Resource Effectiveness (TRE) Concept under § 63.117; Storage Vessel Provisions under § 63.119 - § 63.123; Process Wastewater Provisions under § 63.132 - § 63.147; Heat Exchange System requirements under § 63.104, each of which will require significant evaluation and identification of compliance methods involving testing and analysis which require key third party resources that may be limited or in greater demand while multiple companies undertake similar compliance efforts. In addition, these new HON rule requirements may potentially require installation of new equipment or implementation of potential new capital projects, which may only be identified after the time-intensive evaluation and compliance analysis work, which is already underway across industry and at Westlake. A summary listing of the key provisions of the HON rule which will impact the Westlake Geismar Facility and from which Westlake seeks this exemption is provided below:

Short description of provision	Specific Citation
Compliance dates	40 CFR 63.100(k)
Delay of repair of heat exchange systems in ethylene oxide service for which leaks have been detected is only allowed if the equipment is isolated from the process such that it is no longer in ethylene oxide service.	40 CFR 63.104(h)(6)
Maintenance Vent Provisions	40 CFR 63.113(k)
All provisions related to process vents in ethylene oxide service	40 CFR 63.113 – 63.118, 63.124
All provisions related to for storage vessels vents in ethylene oxide service	40 CFR 63.119 – 63.124
1 ppmw ethylene oxide limit in process wastewater	40 CFR 63.138(b)(3)
New PRDs requirements	40 CFR 63.165(e)
Delay of repair is not allowed for light liquid pumps in ethylene oxide service, gas/vapor and light liquid valves in ethylene oxide service, and connectors in ethylene oxide service.	40 CFR 63.171(f)
Fenceline monitoring provisions	40 CFR 63.184

Westlake's HON regulated units at the Geismar Facility produce foundational raw materials including vinyl chloride and ethylene dichloride which are the building blocks for plastics used in industries which play fundamental roles in national security including the medical and healthcare, food processing, agricultural, energy production, semi-conductor, potable water treatment, housing, and automotive industries. National security interests broadly include any potential for disruption to public health and welfare, threats to water or food supplies and supply chain risk management along with the economic security previously noted in this request. Westlake's products serve as key raw materials for industries that play critical roles in the United States' national security interests. The time needed and challenges involved in coming into compliance with the complex and voluminous new requirements under the HON rule could lead to potential decreases in production or possible outages at regulated facilities, including Westlake's Geismar Facility, jeopardizing or impacting our downstream customers' industries.

While Westlake works to identify all the necessary changes required, this situation further supports the position that any exemption granted under this section should be for a length of 2 years, with an option for EPA to consider a renewal for facilities whose compliance processes may extend beyond 2 years. We are prepared to provide further company-specific details should the President consider facility-specific exemptions.

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We appreciate your attention to this matter and urge swift action.

Sincerely,

Doug Knittig
Director – Operations, Geismar and Digital

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