

EPA must provide some time to repair pressure vessels, as it does for storage vessels,⁴² or change the designation of leaks from such containers as violations.

We note also that EPA's cost analysis did not consider the costs to eliminate all leak opportunities or to immediately shutdown to avoid a willful violation. The Agency estimated the "cost of monitoring, repair, recordkeeping and reporting for annual Methods 21 monitoring of a pressure vessel at a chemical manufacturing facility," but did not, for example, consider the costs of installing new "capture and containment systems for leak interfaces" that may be necessary to avoid "willful" violations.⁴³

The Agency also did not consider the scope of work required to monitor pressure vessels under this rule. For example, a typical sphere would likely have a 24-inch manway hatch in the center along with 12 other pieces of equipment attached to the top of the sphere, typically valves with at least two flanges (i.e., connectors). The new HON rule requires that "each point" on the vessel that could potentially emit HAPs must be monitored initially and annually thereafter via Method 21. Taking an 8-inch valve as an example, Method 21 Section 8.3.1.1 requires an operator to slowly move a probe of the Method 21 hydrocarbon (HC) detector around various specific interfaces of the valve in search of leaks. The operator must stay at a location for 2 times the instrument response time if the HC detector measures an increase. On an 8-inch valve, there are between 25 and 40 possible locations where a leak could occur that the operator must monitor.

Based on the preceding assumptions, there are at least 39 pieces of equipment at the top of a sphere that an operator would need to monitor in the same manner, and any one of the locations on this equipment could be source of a leak. The bottom and the sides of the sphere have valves, connectors and hatches that also need to be monitored. We assume that because welds on pressure vessels are regulated under EPA's Risk Management Program at 40 C.F.R. 68.73(a)(1), they are not subject to the LDAR requirements. This is a question that VI has posed previously, but the Agency has never answered.

Ultimately, we submit that although pressure vessels are designed not to leak, they do fail like all equipment, and for a variety of reasons. The Agency should not establish a default position that a leak from a pressure vessel is a wilful violation of the Clean Air Act. If EPA does insist on making leaks a violation, then it should provide the industry with time to effectuate repairs.

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⁴² See e.g. 89 Fed. Red. 83,325 (to be codified at 40 C.F.R. § 60.113c(a)(2) (If failure cannot be repaired within 45 days and storage vessel cannot be emptied within 45 days, facility may request a 30-day extension from EPA).

⁴³ *Cost and Emissions Impacts for Pressure Vessels Located in the SOCM/I Source Category that are Associated with Processes Subject to HON and for Pressure Vessels Subject to the Group I Polymers and Resins NESHAP* (March 2023), EPA Docket ID No.