



Western States Petroleum Association
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Catherine H. Reheis-Boyd

Executive Vice-President and Chief Operating Officer

December 8, 2009

Via email: <http://www.arb.ca.gov/lispub/comm/bclist.php>

Clerk of the Board
California Air Resources Board
1001 I Street,
Sacramento, CA 95814

Subject: Proposed Regulation for the Management of High Global Warming Potential
Refrigerants for Stationary Sources

Dear Board Members:

The Western States Petroleum Association (WSPA) is a non-profit trade organization representing twenty-seven companies that explore for, produce, refine, transport and market petroleum, petroleum products, natural gas and other energy supplies in California and five other western states.

WSPA member companies own and operate facilities that include oil and natural gas production properties, refineries, marketing terminals, pipelines and retail gasoline outlets. The companies produce fuels and other products that will all be impacted by the implementation of AB 32.

We thank the Air Resources Board Staff (ARB) for considering our comments during regulatory development this past year. After reviewing proposed regulations, we offer the following additional comments and clarifications¹ :

- 1) Add an "industrial process" definition to the regulation in order to clarify the scope of covered activities, as follows:

"Industrial Process" means components assembled to produce or store, as intermediate or final products, one or more of the products produced at the facility. An industrial process can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the product.

- 2) Amend the proposed definition of “industrial process shutdown” so that it is not limited solely to when an industrial process or facility temporarily ceases to operate or manufacture its product. The proposed revision is as follows:

“Industrial process shutdown” occurs whenever an industrial process or facility temporarily ceases to operate or manufacture whatever is being produced when the industrial process refrigeration system is in operation.

This change would allow the provision to apply during the temporary cessation of normal operations for some industrial processes or portions of a facility.

- 3) It is our understanding that ARB’s intent is to require the monthly leak detection in section 95385 (a)(1) for the refrigerant circuits that are located entirely within an enclosed building or structure, or the compressor, evaporator, condenser, or any other component of the refrigeration system(s) with a high potential for a refrigerant leak is located inside an enclosed building or structure. We urge that proposed Section 95385(a)(1) be amended to clarify this understanding and suggest that the following language be added to section 95385 paragraph (a)(1).

“...using a refrigerant leak detection device, a bubble test, or observation of oil residue if the refrigerant circuit is located entirely within an enclosed building or structure, or the compressor, evaporator, condenser, or any other component of the refrigeration system(s) with a high potential for a refrigerant leak is located inside an enclosed building or structure”

- 4) Amend Section 95385(a)(3) to make the effective date January 1, 2011 for other monitoring requirements to make it consistent with the effective date in Section 95385(a)(1).
- 5) Amend Section 95385(a)(3), (a)(8) and (b) to require a leak inspection quarterly, with the time in between each quarterly inspection to be at least 30 days (as opposed to the current requirement for inspection every three months). Changing the provision as suggested will provide facilities with the needed flexibility to detect leaks while accommodating the various operating requirements used by refrigerant systems. This flexibility will also ensure that inspections are completed with sufficient time between each quarterly inspection.

The proposed amendment will address situations when it might not be possible to conduct leak detection every 3 months as required by Section 95385 paragraph (a)(3), (a)(8) and (b).

- 6) Amend Section 95397(a)(2)(B) to clarify the meaning of “without a corresponding benefit in reducing combined direct and indirect emissions.” It is our understanding that ARB’s intent is to compare the economic impact to a facility with the reduction of direct and indirect emissions. We suggest the language in subparagraph (B) be revised to the following:

“The extraordinary hardship to the applicant does not provide a comparable corresponding benefit in reducing the combined direct and indirect emissions.”

- 7) Amend Section 95397(b) to clarify that during the review of the exemption request by the executive officer, the leak repair and retrofit and retirement plan requirements are not applicable. Unless this amendment is adopted, there is a possibility that a facility would be in violation of the leak repair requirements per Section 95386, or implementation of a retrofit and retirement per

¹ Reducing high-global warming potential (GWP) refrigerant emissions from stationary and non-residential refrigeration equipment. The regulation has been proposed for adoption by the Air Resources Board on December 9, 2009

Section 95384, while waiting for the executive officer's decision on the exemption request. We urge that a new paragraph be added in section 95397(b), as follows:

“If the owner or operator has submitted a request for an exemption, a refrigerant leak repair or a retrofit and retirement plan is not required until a final exemption determination is made by the Executive Officer.”

- 8) Section 95397(e), currently states that if an exemption is denied or revoked, the applicant must repair the leak within 14 days of a notice of such revocation or prepare a retrofit and retirement plan. We urge that the following language be added consistent with the schedule in which a retrofit and retirement plan will be required under section 95386:

“... or operator of the facility must prepare a retrofit or retirement plan within 28 days of a notice of such revocation in accordance with section 95387.”

Thank you for considering our comments. Please contact me if you have any questions.

Sincerely,

A handwritten signature in blue ink, reading "Catherine A. Kelly-Boyd". The signature is fluid and cursive, with the first name "Catherine" being the most prominent.

cc: Linda Adams, CALEPA
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