



**CITY OF PHILADELPHIA
DEPARTMENT OF PUBLIC HEALTH
AIR MANAGEMENT SERVICES (AMS)**

**PESRM/ Former Refinery/ NorthStar & Schuylkill River Tank Farm (SRTF)
OP20-000052 & OP21-000064**

Modification and Renewal of Title V/State Operating Permits (TVOP)

**AMS Response Document to Written Comments Received &
Public Hearing on January 12, 2022
Virtual/Zoom Meeting**

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Note: Since most of the public interest and many of the comments applied to both facilities, AMS is putting the comments and responses for both proposed TVOPs in the same document.

PART I: PROJECT BACKGROUND

Philadelphia Energy Solutions Refining and Marketing LLC (PESRM) owns the former refinery complex (Former Refinery) located at 3144 Passyunk Ave, Philadelphia. PESRM also owns the Schuylkill River Tank Farm (SRTF) located at 70th & Essington Avenue, Philadelphia.

All refining operations at the facility permanently stopped after a June 2019 accident and subsequent bankruptcy. However, the facility must continue to operate some equipment during the demolition and clean-up process, including emergency engines, tanks, and wastewater treatment processes. PESRM is legally required to maintain an operating permit while there are remaining air pollution sources subject to the Title V Operating Permit (TVOP). The SRTF tank farm and terminal operations continued through August 31, 2021, at which time the SRTF was placed into a non-operational state. Currently, the SRTF remains in a non-operational state.

PESRM submitted an application to the City of Philadelphia – Air Management Services (AMS) to renew and modify its existing TVOP for the Former Refinery. The application includes many proposed changes to the Former Refinery TVOP to reflect the current operations. These proposed changes include the following:

- Changing the Standard Industrial Classification (SIC) Code for the former refinery complex. This is a code that notes the industry that a facility belongs to. The application proposes changing this code from 2911 (Petroleum Refining) to 1795 (Wrecking and Demolition Work) since there is no longer any refining at the Former Refinery.
- Removing all shutdown equipment from the TVOP. This includes all refining processes.
- Removing all air pollution requirements that are no longer applicable to the facility due to the shutdown of processes and ceasing of refining operations. AMS has only removed air pollution requirements that it agrees are no longer applicable.
- Removing some storage tanks, marine loading, and railcar loading/unloading processes from the TVOP. These units will be owned and operated by the adjacent SRTF and will be added to the SRTF TVOP as part of a permit modification.

On October 16, 2020, Host at Philadelphia, LLC, then the operator of the SRTF on PESRM's behalf, submitted an application to AMS to modify its existing TVOP to reflect the then-current operations and to formally incorporate air permits related to some storage tanks, marine loading, and railcar loading/unloading process from the PESRM TVOP for the Former Refinery. On November 16, 2021, PESRM submitted a TVOP renewal

application for the SRTF to be processed concurrently with the October 16, 2020, SRTF TVOP modification. With the two applications, PESRM requested a significant modification (in conjunction with the TVOP renewal) of the SRTF TVOP. These proposed changes were combined into a single draft TVOP for the SRTF and include the following:

- Renewing the SRTF TVOP;
- Transferring some storage tanks, marine loading, and railcar loading/unloading process from the Former Refinery TVOP to the SRTF TVOP, thereby formally incorporating air permits related to the Girard Point Docks, Point Breeze Docks, the South Rail Yards and pipelines into the SRTF TVOP (these operations were previously associated with the TVOP for the Former Refinery (Title V Operating Permit No. V06-016);
- Updating the Facility Inventory List;
- Updating Permit contacts and responsible official of the facility;
- Updating product descriptions;
- Updating leak detection and repair (LDAR) requirements to remove references to the refinery LDAR program;
- Group 2 transfer rack requirements update;
- Updating conditions superseded by Reasonably Available Control Technology (RACT) Plan Approval IP16-000269;
- Removing references to Global Consent Decree No. 05-02866 for any former refinery units; and
- Removing reference to shutdown units.

On December 4, 2021, notice of the intent to issue both the renewal of the Former Refinery's TVOP and the combined modification and renewal of the SRTF's TVOP were published in the Pennsylvania Bulletin. See [51 Pa.B. 7498, Saturday, December 4, 2021]. The 30-day public comment period on both draft TVOPs began to run from the publication date. The notices were also published in the **Philadelphia Daily News on Monday November 29, 2021**. The public hearing on the draft renewal TVOP was held virtually on January 12, 2022, at 6 PM.

PART II: SUMMARIES OF COMMENTS AND AMS RESPONSE TO COMMENTS MADE DURING JANUARY 12, 2022, PUBLIC HEARING, AND WRITTEN COMMENTS RECEIVED DURING THE 30-DAY COMMENT PERIOD

Note: The written comments and the testimony of commenters at the public hearing regarding both the SRTF and the Former Refinery TVOPs raised identical or similar concerns. Accordingly, where applicable, these comments have been summarized and condensed by AMS where possible. Lengthier comments have been broken into smaller sections to facilitate a streamlined response where indicated. The summarized comments, and attendant responses, are presented below in no particular order. A transcript of the January 12, 2022, Public Hearing, with noted corrections, and a copy of all written comments that were received and considered by AMS can be found at <https://www.phila.gov/departments/air-pollution-control-board/air-management-notice/> under the 02/1/2022 notice.

COMMENTS AND RESPONSES

Comment #1

AMS received numerous comments stating air pollution from the former refinery complex and the SRTF poses significant threats to public health and air quality. These comments requested that AMS deny and/or restrict all sources of dangerous air pollutants from the former refinery complex and the SRTF.

AMS Response:

AMS could only deny a TVOP renewal if the facility were in violation of an applicable air quality regulatory requirement *and* AMS found that the facility would be incapable of coming back into compliance. However, the federal Title V regulations at 40 CFR 70.5(c)(8), 40 CFR 70.6(c)(3) and (4) provide that when a facility is out of compliance, instead of denying the renewal application, the regulatory agency should include a schedule of compliance in the permit that included milestones and deadlines. The schedule of compliance will enable the facility to return to compliance within a reasonable time period but acknowledges that the facility is out of compliance. AMS cannot otherwise deny a TVOP renewal for other reasons, such as a desire by community members to shut down the facility. Here, AMS periodically inspects and reviews the compliance status of the former refinery complex and SRTF facilities and has found that neither facility is in violation of any applicable air quality requirement at this time. Additionally, AMS believes that the renewed and modified permits incorporate all applicable requirements. Further, these permits do not authorize PESRM to install and operate new units at the Former Refinery and SRTF. Instead, the TVOPs are being modified and renewed to only include the equipment supporting the demolition work by NorthStar and storage tanks that have not been emptied yet, and to reflect the current operational status of SRTF.

The permit modifications reflect that the vast majority of the air pollution sources from the former refinery (95% of historical emissions) have been removed. The remaining sources on the former refinery side, many of which were recently demolished, were required to be used during the decommissioning. For example, several tanks are required to support the wastewater treatment operations, which remain active. Those tanks will eventually be removed. The remaining emission sources will remain subject to the TVOP until permanently removed. Given the TVOP remains required for some sources, it is more appropriate for the permit to be modified to reflect actual emission sources. Moreover, benzene concentrations in outdoor air have been measured continuously at the perimeter of the refinery since 2018 pursuant to the Refinery Sector Rule. In October 2021, the EPA and the City of Philadelphia recognized the end of refining operations at the Former Refinery, now known as The Bellwether District. Hilco Redevelopment Partners is no longer legally required to monitor benzene levels on the property following the closure of refining operations but has voluntarily continued sampling at regular intervals.

PESRM is required to maintain a TVOP for the sources that have not been shut down yet at the Former Refinery. PESRM must continue to comply with the requirements in the permit for the tanks until they are emptied and shut down.

Comment #2

The permits should be denied because the negative health and environmental effects of the Tanks will disproportionately impact the residents of surrounding neighborhoods and does not satisfy environmental justice concerns. Renewal of these permits as they are written today is not an acceptable option for the city's residents. The city is setting a clear precedent by renewing these permits. Company's profit motive is more important than the community's health. We do not stand for putting profit over people.

AMS Response:

As mentioned in the response to Comment #1, the PESRM TVOP renewal removes the refining equipment which has been shut down. A TVOP must be maintained for equipment that must continue to operate during the demolition and clean-up process and for storage tanks which will be shut down but have not been emptied yet. Without a TVOP, PESRM could not operate equipment necessary to safely demolish old processes and clean-up the facility. (Both the Former Refinery and the SRTF are subject to emissions limitations and pollution control requirements through the TVOP for each facility). AMS cannot order a facility to shut down if it is otherwise operating legally.

AMS implemented its Environmental Justice (EJ) Policy for both the PESRM Former Refinery and SRTF TVOP modifications and renewals, though AMS was not required to do so under its EJ Policy. AMS, in coordination with PESRM,

undertook the following enhanced public participation steps to implement the EJ Policy for both the PESRM Former Refinery and SRTF TVOPs:

- AMS and PESRM held an Environmental Justice Public Participation meeting on September 1, 2021
- Creation of a plain language summary of the project
- Publication of the plain language summary, the TVOP drafts, notices about the intent to renew, Technical Review Memos and other supporting documents on AMS's website (<https://www.phila.gov/departments/air-pollution-control-board/air-management-notices/>)
- Ensuring copies of the notices, Technical Review Memos, TVOP drafts, plain language summaries, and supporting documents were made available in hardcopy at 321 University Ave, Philadelphia, PA 19104.
- Public notice in local newspapers.
 - For the Environmental Justice Public Participation meeting, notice was provided through social media, emails and posting on local bulletin boards.

For the January 2022 Public Hearing, a notice was published in the Philadelphia Daily News on November 29, 30 and December 1, 2021, as well as in various social media outlets.

Comment #3

Releasing "plain language summaries" is not enough. Polluters should be required to hold community meetings with the people their operations will impact. There has been very limited community engagement and they were very fragmented. We had no ability to make comments for the operation of the meeting after I could initially inform the panel that the court reporter could not hear. It took 30 minutes to get the meeting started - we were informed that we had to put all comments in by this evening but given no ability to do so. We also couldn't access the mute off button in the case we needed to speak. I was very disappointed in the way the meeting was run - I feel that the delay in getting the meeting started as well as the poor coordination of the virtual meeting itself could be a tactic to limit community input - the 5 minute limit to comments was reduced to at max only 6 comments when over 150 people were attending the virtual meeting - an additional meeting with professional coordination of the virtual meeting should be considered to reflect the desire of Hilco to truly involve the community and to meet the required community involvement to which Hilco agreed. The webinar program you are using does not have an accessible chat button, which is why no one used it to sign up to speak. I wish to speak. Zoom is familiar to everyone at this point and allows from chats and in person participation. This was supposed to be a public hearing, not a webinar.

AMS Response:

As mentioned in the response to Comment #2, the plain language document is only part of the outreach for these TVOPs. In addition to the January 2022 public hearing,

people were able to submit written comments during the public comment period, prior to the hearing, as well as prior to and during the informational public meeting on September 1, 2021. AMS received many comments this way.

During the COVID-19 pandemic, AMS has been holding all public hearings and meetings virtually due to health concerns using the virtual platform licensed to the City. AMS plans to return to in-person meetings and hearings when it is safe to do so.

AMS acknowledges and apologizes for the technical difficulties during the hearing. However, each hearing was kept open until there was no one remaining that had requested to testify. Please note that only allowing one person to speak at a time and limiting them to 5 minutes of speaking time is also the standard procedure for in-person public hearings where many people sign up to testify. AMS follows this policy to ensure that the person testifying is not spoken over and to accommodate as many testifiers as possible during a limited amount of time.

Comment #4

Additional air monitoring should be required to have sufficient data on pollution sources and to protect residents' health. AMS should require PES to do additional air quality monitoring and more frequent leak detection tests because this area is a concentrated environmental justice area as defined by the Pennsylvania Department of Environmental Protection, and because PES has a history of violations. Increasing air monitoring at the Refinery and the Tank Farm will also address the high Benzene levels detected in the area by third party groups such as the Environmental Integrity Project even after the closure of the refinery's operations.

AMS Response:

As previously discussed in the Response to Comment #1, all refining operations at the Former Refinery stopped after a June 2019 accident and subsequent bankruptcy. However, the Former Refinery must continue to operate some equipment during the demolition and clean-up process, including emergency engines (e.g., diesel fire pump engines), tanks, and wastewater treatment processes. PESRM is legally required to maintain an operating permit while there are remaining air pollution sources.

Pursuant to 40 CFR 63.640, 40 CFR 63 Subpart CC applies to certain petroleum refining process units at a petroleum refinery that is located at a major source of hazardous air pollutants. Per 40 CFR 63.641, petroleum refining process unit means a process unit used in an establishment primarily engaged in petroleum refining as defined in the Standard Industrial Classification (SIC) code for petroleum refining (2911), and used primarily for the following: (1) Producing transportation fuels (such as gasoline, diesel fuels, and jet fuels), heating fuels (such as kerosene, fuel gas distillate, and fuel oils), or lubricants; (2) Separating petroleum; or (3)

Separating, cracking, reacting, or reforming intermediate petroleum streams. Examples of such units include, but are not limited to, petroleum-based solvent units, alkylation units, catalytic hydrotreating, catalytic hydrorefining, catalytic hydrocracking, catalytic reforming, catalytic cracking, crude distillation, lube oil processing, hydrogen production, isomerization, polymerization, thermal processes, and blending, sweetening, and treating processes. Petroleum refining process units also include sulfur plants. PES was subject to these requirements while operating as a refinery. However, since August 2019, all refining operations at the Former Refinery and the SRTF are permanently shut down, being removed from the site, and the site is planned to be redeveloped for other use. Ongoing equipment cleaning, demolition operations, and operating certain tanks do not qualify as petroleum refining under the Clean Air Act. Therefore, the benzene fence line monitoring requirement is no longer applicable to the former refinery facility or the SRTF pursuant to the Refinery MACT. Title V mandates that only requirements that are actually applicable be incorporated in the permit. Title V does not mandate incorporation of applicability thresholds for standards that do not apply. Thus, AMS cannot mandate that a facility comply with a regulation that is no longer applicable to said facility in a TVOP.

However, PESRM will continue to voluntarily maintain the benzene fence line monitors through December 2022. Data from such voluntary monitoring will be posted on their website at <https://www.thebellwetherdistrict.com/community>. Additionally, both facilities are still required to utilize a fugitive emission LDAR program for all valves, pumps, flanges, and compressors in VOC service per presumptive RACT requirements. Equipment leaks are subject to Air Management Regulation (AMR) V Section XIII. In accordance with AMR V Section XIII.D, the facilities must conduct a monitoring program for equipment leaks per the requirements in the current TVOPs. For any source not covered under an existing LDAR program, the TVOPs require that monitoring shall be conducted on a quarterly basis for equipment in gaseous service and on an annual basis for equipment in liquid service. This level of monitoring is protective of the environment and public health.

AMS is also taking additional steps to monitor the former refinery area to ensure the health and safety of the surrounding residents, including:

- AMS has a regulatory monitoring station (RIT) at Ritner St. / 24th St. that is monitoring PM_{2.5}, SO₂, and air toxics.
- AMS is implementing the Community-Scale Air Toxics Monitoring project, with two monitoring sites in the former refinery area.
- AMS is applying for an EPA grant, Enhanced Air Monitoring in EJ Communities, which would install continuous monitors for air toxics in the former refinery area.

Comment #5

Monitoring Data has not been made available online. The public needs access to benzene monitoring data to know what the current levels are and what has happened since. This data should be readily accessible to the public and in multiple formats including maps. The only air quality system regulatory monitor in South and Southwest Philly is located at 24th and Ritner and is run by AMS. Benzene is monitored there once every six days. During the refinery explosion in June 2019, Benzene wasn't sampled from the Ritner site until June 26, 2019, five days after the explosion. Monitoring Benzene and other VOCs once every six days is inadequate. In addition, as an epidemiologist, it's very challenging to conduct health impact studies when data is only available once every six days. There is also a lag between when data is collected versus publicly available. The most recent Benzene data available from the EPA API for this monitor is from September. Having more timely access to data from the fence-line monitoring and Ritner Street monitor would be a great start. But we need additional monitoring to be conducted in residential areas where community members live and work surrounding the site. Where the technology exists, we need continuous monitoring of VOCs and other pollutants of concern.

AMS Response:

As discussed in the response to Comment #4, AMS cannot require PESRM to conduct benzene fence line monitoring, because the fence line monitoring was a requirement from the Refinery MACT Regulation at 40 CFR 63 Subpart CC. That requirement applies to active refineries. This regulation is no longer applicable to the Former Refinery or the SRTF, as all refining operations have been shut down. Data from previous benzene monitoring prior to the shutdown of all refining operations can be found <https://cfpub.epa.gov/webfire/>. Also, as previously discussed in the response to Comment #4, PESRM will continue to voluntarily maintain the benzene fence line monitors through December 2022. Data from such voluntary monitoring will be posted on their website at <https://www.thebellwetherdistrict.com/community>.

The 1-in-6 days canister sampling at Ritner (RIT) satisfies EPA regulatory and grant commitment requirements. The passive samplers continuously sample the air quality but don't provide hour-by-hour readings and cannot be used for regulatory purposes.

As also discussed in the response to Comment #4, AMS is working to bring a continuous monitor with real-time data reading and reporting to the area. The EPA grant AMS is currently applying for, if awarded, would use a continuous VOC monitor at RIT to provide near real-time readings.

Comment #6

The Former Refinery and the River Tank Farm needs to have facility-wide tons per year pollution limits. Since these are major sources of all those different pollutants, but we don't know how much. So, it would be great if in these two permits there were tons per year

pollution limits for all those different pollutants particularly because the Former Refinery is in a low-income community and a community of color. And is recognized as an environmental justice area by both the State of Pennsylvania and the City of Philadelphia.

AMS Response:

TVOPs typically do not create new emission limits. Instead, they incorporate existing limits from regulations and construction permits. Some sources do have emission limits, although sometimes they are in concentrations like parts per million instead of tons per year. Sources like storage tanks may not have actual emission limits but do have requirements such as maintaining an internal or external floating roof which reduce emissions. Many of the refining process that were removed had emission limits.

Both facilities are required to submit an annual emission inventory that lists its actual emissions for as long as they remain a major source. The facilities' annual emissions reports can be found at <http://www.dep.pa.gov/DataandTools/Reports/Pages/Air-Quality-Reports.aspx>

Comment #7

In terms of the Former Refinery permit, there is this absurd inclusion of active petroleum tanks in what is supposed to be a permit for a demolition and deconstruction. There is actually more permitted petroleum and petrochemical storage in what is supposed to be a demolition permit rather than the actual Tank Farm permit. And PES/Hilco is proposing to move other active pieces of infrastructure on the east side of the river to the Tank Farm permit. So again, it's absurd the particular a series of over 40-million-gallon crude oil tanks that Hilco is still proposing to use as crude oil tanks are in the permit for the Former Refinery. And if that permit was allowed to go through, active Benzene fence line monitoring would cease at that site as well as the Tank Farm.

AMS Response:

As discussed previously, storage tanks must remain in the TVOPs until the tanks are emptied and shut down. The Former Refinery site historically had significantly more tankage than the SRTF. While decommissioning and demolition proceeds, these tanks remain in the Former Refinery TVOP. Inclusion of these tanks in the TVOP does not mean that the tanks are currently in use or are planned to be used in the future. In fact, many of the tanks that remain in the TVOP have already been permanently demolished. There has been significant progress in the tank decommissioning and demolition, with approximately 76% complete on demolition activity as of end of July 2022. Every month additional tanks are removed with planned removal of all tanks on the former refinery site within the next year.

Additionally, as noted previously, PESRM will continue to voluntarily maintain the benzene fence line monitors through December 2022. Data from such voluntary

monitoring will be posted on their website at <https://www.thebellwetherdistrict.com/community>.

Comment #8

Before 2020 both sides of the river were being regulated as a refinery and required to do fence line Benzene monitoring, we know from that required monitoring that even when the refinery wasn't functioning in 2020, Benzene levels were recorded more than three times the EPA actual level. So, we have proof that when this facility is not functioning, it's still releasing Benzene at an extremely high level. So, we want that Benzene monitoring to keep going as long as those levels are higher than established EPA levels in refinery fence line monitoring. So again, those are our two biggest considerations. We want that Benzene monitoring to continue because it's been proven that the facility is emitting dangerous levels of Benzene even without functioning at all in the year 2020.

AMS Response:

As discussed in the response to Comment #4, AMS cannot require PESRM to conduct benzene fence line monitoring, because the fence line monitoring was a requirement from the Refinery MACT Regulation at 40 CFR 63 Subpart CC. This regulation is no longer applicable to the Former Refinery or the SRTF, as all refining operations have been shut down. Data from previous benzene monitoring prior to the shutdown of all refining operations can be found at <https://cfpub.epa.gov/webfire/>. Also, as previously discussed in the response to Comment #4, PESRM will continue to voluntarily maintain the benzene fence line monitors through December 2022. Data from such voluntary monitoring will be posted on their website at <https://www.thebellwetherdistrict.com/community>. For AMS's existing and future monitoring plans, please see the response for Comment # 4.

Comment #9

Refinery is still storing and selling petroleum products and still adhering to a consent decree requiring active pollution monitoring and refinery wastewater treatment, this facility should be regulated as an active refinery until all petroleum products and refinery wastewater are safely and properly removed from the site. Even though Hilco is claiming this is a demolition and wreckage permit, that are obviously saying that they are going to treat a large amount of refinery wastewater at the Former Refinery. They are going to be selling a large amount of crude oil from the tanks of Former Refinery. So as long as those two things are happening, we would like this facility to be regulated as an active refinery or at least have the Benzene fence-line monitoring that a normal refinery would be subject to.

AMS Response:

As mentioned in the response to Comment #4, neither the Former Refinery nor the SRTF are engaged in the activities of petroleum refining, as defined by the SIC Code

for petroleum refining. Ongoing equipment cleaning, demolition operations, and operating certain tanks do not qualify as petroleum refining under the Clean Air Act. Therefore, AMS cannot legally consider the facilities to be engaged in active refining.

Additionally, regarding requirements under Consent Decree 05-CV-2866, the former refinery was subject to Consent Decree 05-CV-2866 governing certain air requirements for the now-former refinery. On September 21, 2021, PESRM filed an Unopposed Motion to Terminate the Consent Decree as to the Philadelphia Refinery with approval from AMS and the U.S. Environmental Protection Agency. The Consent Decree was fully and finally terminated pursuant to court order on October 19, 2021. Thus, AMS cannot enforce requirements from a null Consent Decree. Storage tanks remain in the TVOP for the Former Refinery, because PESRM has not completed emptying and cleaning all tanks, not because PESRM is actively using the tanks as part of a refining process.

The wastewater treatment process must remain active to support ongoing remediation and demolition at the Former Refinery. The most critical tanks during the demolition process were the ones managing recovered oil or wastewater. Oil needs to be removed from out of service tanks, lines and vessels during the decommissioning activity which is done before demolition. Oil flushed from out of service lines was stored in the recovered oil tanks until the oil could be removed from the site. Wastewater was generated during the flushing activities and therefore wastewater tanks were required for storage and treatment.

Comment #10

Any permits granted need to require disclosure of specific products and all oil tanks.

AMS Response:

The draft TVOP for the Former Refinery includes the specific products stored in Table A1. The specific products stored in tanks at the SRTF have the potential to change over time, so the draft TVOP includes more general descriptions, such as petroleum products within a certain range of vapor pressures. Regardless of the chemical in a given tank, all tanks are subject to the MACT requirements of 40 CFR 63 Subpart R, an EPA regulation for certain gasoline distribution facilities that includes recordkeeping and monitoring requirements, since all tanks theoretically could store gasoline at some point in time.

Comment #11

There has not yet been a groundwater impact study submitted that was sufficient. It's years late. And there shouldn't be any activity beyond actual clean up and remediation at this site until the full assessment of the damage has occurred. And that still to date has not occurred.

AMS Response:

AMS is an air agency and does not regulate groundwater contamination or soil contamination and cannot mandate a groundwater impact study or deny a TVOP on such grounds. These TVOPs are solely for air emission requirements.

Comment #12

There is leak detection tests that need to be done more frequently than are happening.

AMS Response:

Both facilities are required to conduct quarterly leak checks for equipment in VOC service under Air Management Regulation V, Section XIII.D. Pumps, valves, and flanges in gasoline service at the SRTF require more frequent leak checks under 40 CFR 63 Subpart R. AMS believes these requirements are appropriate and protective of the environment and the public health.

Comment #13

The petroleum tanks need to be decommissioned along with other refinery infrastructure because it harms human health through passive leakage of air pollutants and poses significant risk to public safety. Renewal of these permits as they are written today is not an acceptable option for the city's residents. The city is setting a clear precedent by renewing these permits. Company's profit motive is more important than the community's health. We do not stand for putting profit over people. AMS needs to deny any permits for a Tank Farm.

AMS Response:

This work is underway. The petroleum tanks on the Former Refinery site are in the process of being decommissioned and demolished. As of the end of July 2022, all but one tank are empty, and 76% of demolition activity is completed. This progress is observable while travelling along 26th Street or across the Platt Bridge. The one remaining petroleum tank at the former refinery is used to manage material removed from other tanks during decommissioning activities. This tank will be emptied, cleaned, and demolished once decommissioning work is complete. Once the decommissioning and demolition activities are complete, all tankage on the former refinery site TVOP will have been permanently removed. All petroleum product is expected to be removed from the remaining systems on the former refinery site by the end of 2022. As long as the Tanks are active, i.e. not empty, they must remain in the TVOP for the Former Refinery. The tanks at the SRTF are in inactive status, but as long as they remain at the SRTF, they must be included in the SRTF's TVOP.

Comment #14

Benzene has been released into the air before during and after the Refinery explosion. And Hilco acted secretly and within their own corporate interest over the last two years when the community noticed active Benzene leaks at the Ritner Street Station. According to the Inquirer on August, Philadelphia Energy Solutions Refinery in South Philadelphia last year emitted average airborne Benzene levels had tripled the federal threshold even though the site had been closed since due to an explosion and fire, according to a report by a Texas-based environmental integrity project. It needs to be said that Hilco is blanketing lies of a green future in advertisement across the City right now as the Bellwether District. And yet, they continue to do the court-mandated bare minimum in relationship to environmental protection. And today, they are requesting special permission to pollute our lungs and continue the -year history of giving the neighbors cancer. Hilco is, also, a bad actor in relation to their plans being different than Evergreen's soil contamination. And we still have not heard any report about water and underground aquifer solution on the site. We demand the highest level of government and community oversight, including requiring oversight. Treating the site not only as a refinery but an active refinery. This is not the Bellwether District. This is the fair-weather district because Hilco will only be here in the good times when they can take a profit and make us deal with the negative side effects. These -year-old tanks must be taken away and remediated. There is no other solution for this application brought on by an organization decommissioning the site.

AMS Response:

Compliance with the requirements in the TVOPs will not be left up to the facility operators. AMS is authorized by law to conduct regular inspections of air pollution sources, review emission and fuel records kept by facility operators and emissions tests as they are being performed. See i.e., Phila. Code Secs. 3-301(6)-(7), 3-304; 25 Pa. Code Sec. 139.2(1). AMS is further authorized to require additional monitoring should the circumstance require, direct the facility operators to take corrective action, and seek civil penalties when appropriate, when air pollution violations occur. See Phila. Code Sec. 3-305; 35 P.S. Secs. 4009.1, 4012. The recordkeeping and monitoring requirements contained in the TVOPs, as enforced by AMS, are sufficient to ensure compliance.

Comment #15

The Pennsylvania Constitution contains the strongest environmental rights amendment in the United States, Article I, Section 27. The people have a right to clean air, pure water and the preservation of the natural scenic historic and aesthetic values of the environment. What this means is very simply, it's as important as the right to bear arms. Important as far as right to free speech, free assembly, et cetera, et cetera because it's in that part of the Constitution which protects our rights. Therefore, every level of government, whether state government, whether it's the local government or whether it's commission or something involving any kind of activity, local or state, must follow these few words. These are some of the most important words in any constitution anywhere in the United States. The Supreme Court of

Pennsylvania back in affirms this right. And therefore, any decision must be made, must be taken into consideration for – for these things: The right to clean air, pure water and preservation, the natural scenic historic aesthetic values of the environment.

AMS Response:

The right to clean air, as per Art. I of the Pa. Constitution does not mean that any facility or project that would have an impact on air quality is prohibited *per se*. See Center of Coalfield Justice v. PADEP, EHB Docket No. 2014-072-B, slip op. at 60 (Opinion and Order, August 15, 2017). Rather, the Pa. Constitution prohibits the government from taking actions that cause “unreasonable” degradation or deterioration of the air. Id. (Discussing Pa. Environ. Def. Foundation v. Commonwealth, 161 A.3d 911 (Pa. 2017) and Robinson Township v. Commonwealth, 623 Pa. 564 (2013)).

AMS’s review of the TVOP Applications (as well as EPA’s further review) and the supporting materials submitted by PESRM, and the subsequent approval of those applications, is consistent with all applicable Federal, State, and City statutory and regulatory requirements. These legal requirements, AMS’s thorough review process with federal review, and its application of its scientific and technical expertise in air quality management, satisfy Art. I, Sec. 27 of the Pa. Constitution. The TVOPs provide reasonable protections for public health and safety and the environment. These reasonable protections include but are not limited to the establishment of emission limits, monitoring requirements, and recordkeeping requirements, all of which are contained in these TVOPs.

Comment #16

The fact that this refinery is in the floodplain and, and flood can cause excessive damage and destruction of those tanks. And if that were to happen, the impact to the lower Schuylkill water quality and the Delaware estuary all the way down into the Atlantic Ocean and Cape May and that has long lasting effects because it's tidal.

AMS Response:

The TVOPs at issue cover air pollution requirements. AMS does not have jurisdiction over land use issues. AMS does not have the authority or expertise to address potential flooding or water issues. However, in the event that an air pollution violation is determined to have been caused by the operation of the tanks or by a natural disaster, AMS has the authority to require that the facility owners and operators take action to correct such violations. See Phila. Code Sec. 3-305.

Comment #17

Please reject Philadelphia Energy Solutions Refining and Marketing LLC’s (PESRM) proposal to exempt large petroleum storage tanks at the former refinery from important air

monitoring requirements. First, all air pollution permits in this recognized Environmental Justice (EJ) area must include annual facility-wide pollution limits as both the former refinery and the Schuylkill River Tank Farm (SRTF) each remain major sources of volatile organic compounds (VOC), nitrogen oxides, hazardous air pollutants, carbon monoxide, sulfur dioxides and particulate matter. In order to accurately account for air pollution in this low-income community and community of color, Air Management Services (AMS) must generate and enforce facility-wide pollution limits like it does with VOC emissions from individual pollution sources at the site. One of the biggest issues in the proposed permits is Hilco's inclusion of several very large crude oil storage tanks in its demolition permit for the former refinery even though Hilco plans to continue to operate those tanks and including them in the demolition permit would exempt the tanks from important monitoring requirements for harmful air pollutants.

AMS Response:

Please see AMS Response to Comment #1 and Comment #6.

Comment #18

Specifically, if the former refinery was permitted to operate under the currently proposed permit, it would no longer be required to do active benzene monitoring of the tanks. This is especially concerning because of documented releases of the known-carcinogen benzene from the Philadelphia refinery, even after its shutdown. It is alarming that if the former refinery was permitted for wrecking and demolition work, it would no longer be required to do active benzene monitoring. Even after the facility ceased refining operations in June 2019 after a catastrophic fire, benzene levels measured along the perimeter in 2020 averaged 28.1 micrograms per cubic meter, more than three times higher than the actionable level. Because the state of Pennsylvania and the city of Philadelphia both classify the former Philadelphia refinery as being located in an EJ area, the entire facility should be required to maintain active benzene monitoring and participate in Toxic Release Inventory (TRI) reporting requirements. Furthermore, PESRM still plans to store and sell remaining crude oil at the site and should not be allowed to suspend current air monitoring until all petroleum storage and sale is complete. In PESRM's own words, "there are storage tanks containing the refinery's remaining inventory of heavy oil and crude oil which remain in operation. PESRM plans to sell this remaining product prior to closing these tanks. Additionally, some small lube oil and process chemical tanks remain that have not yet been emptied that will be sold or managed as waste prior to closing." This error is particularly egregious because PESRM is attempting to register the Schuylkill River Tank Farm (SRTF) as "Petroleum Bulk Stations and Terminals" while the former refinery site will actually have vastly more petrochemical storage capacity than the SRTF. The tanks at the former refinery site must be regulated as a petrochemical facility as it will have a storage capacity far above 10,000 gallon threshold for being considered this type of source. AMS should consider all petrochemical storage facilities present at the former refinery, including tanks on both sides of the Schuylkill River, under a single air pollution permit and properly and thoroughly account for all associated air pollution. The currently proposed permit would exempt these tanks, a very large petrochemical storage facility, from federally-required reporting of spills

and regular releases of toxic chemicals, specifically under Section 313 of the Emergency Planning and Community Right-to-Know Act (EPCRA). Similarly, there is still a large accumulation of refining-related wastewater at the site that is subject to treatment at the former refinery's wastewater treatment plant, which is included in the former refinery's proposed permit. PESRM specifically mentions that it "will continue to comply with applicable wastewater requirements specified by Consent Decree Order 05-CV-2866 until the Consent Decree is terminated." In this 2005 Consent Decree, the refinery's owner was ordered by the U.S. government to "adopt and implement comprehensive, facility-wide programs for monitoring and controlling emissions of benzene and other volatile organic compounds." Given that the former refinery is still storing and selling petroleum products and still adhering to a consent decree requiring active pollution monitoring and refinery wastewater treatment, this facility should be regulated as an active refinery until all petroleum products and refinery wastewater are safely and properly removed from the site.

AMS Response:

Regarding the benzene monitoring, please see AMS Response to Comment #4.

As also mentioned in the response to Comment #4, neither the Former Refinery nor the SRTF are engaged in the activities of petroleum refining, as defined by the SIC Code for petroleum refining. Ongoing equipment cleaning, demolition operations, and operating certain tanks do not qualify as petroleum refining under the Clean Air Act or otherwise. Therefore, AMS cannot legally consider the facilities to be engaged in active refining. The Former Refinery does need to comply with storage tanks and wastewater requirements while those processes remain. SRTF must continue to comply with storage tanks and petroleum product loading/unloading requirements (even though the tanks and loading/unloading are currently non-operational).

EPCRA requirements are not air pollution requirements regulated by AMS or covered by these TVOPs. These TVOPs should have no effect on any EPCRA requirements. The TVOPs also have reporting requirements for spills and releases, such as a reporting requirement for any malfunction that could cause emissions in excess of permit requirements.

Regarding requirements under Consent Decree 05-CV-2866, as previously discussed in AMS Response to Comment #9, Consent Decree 05-CV-2866 was fully and finally terminated as to the Former Refinery pursuant to a federal court order on October 19, 2021. AMS cannot enforce requirements from a null Consent Decree. Please note that the wastewater processes, which require the use of tanks subject to the TVOPs, are still applicable to a few EPA regulations.

Comment #19

These permits should be rejected, reconsidered, and if issued at all, there should be one permit that would include all petrochemical storage facilities/tanks across the entire site,

thoroughly account for and monitor all associated pollution, and not allow polluting tanks to be “divvied” up into different permits under different, weaker classifications. Also, the entire site as well as the surrounding neighborhoods, need continued active monitoring for benzene, including the portions under demolition and areas that continue to operate polluting facilities. Given that there have been multiple reports of dust and debris coming from the deconstruction/demolition areas, better dust and debris control requirements and enforcement also need to be addressed by AMS. In addition to the above attached comments, which I completely support, these permits indicate that AMS and the City of Philadelphia are dealing with the former refinery site with “business as usual” standards. This means that they are following the policy that if a permit application meets the minimum standards that AMS applies, then the permit is issued, maybe with a few modifications, if any, regardless of or in spite of public health issues that are not adequately covered under current regulations, and regardless of the location of the polluting sources in or near an EJ area. This may or may not be technically legal, but it is unethical and continues to violate the constitutional environmental rights of the public, and it perpetuates environmental injustices. Following the “if the application meets the standards, we must issue the permit” policy is inadequate in almost all conditions, but it is especially inappropriate when evaluating major sources of pollution in an EJ area where the public and the environment have suffered for over a century under “business as usual” policies, including permissive permitting and lax enforcement. These permits, even for continued operation of the previously permitted SRTF, should not be viewed as little more as renewals with some administrative changes; going through the motions of minimal required public review and comment while planning to do little more than “rubber stamp” the permits. All polluting operations in the former refinery area need to be looked as if they are requests for new, operations with highly explosive and carcinogenic materials in an EJ community. The neighbors and the city have suffered enough. Among the environmental injustices in these permits is that active monitoring for benzene would no longer be required on the entire site, since the still operating tanks in the refinery “demolition” area would be reclassified and would be exempt from active monitoring. If those tanks are going to be retained and operated, as I think is currently the plan, at the very least they should be permitted as operating sources and included with all the other tanks for permitting, monitoring and enforcement. It is well-known, by experts and residents in the area, that the levels of benzene coming from the refinery site are still very high, with readings that are many times as high as a reading that legally requires action to reduce this carcinogen. But nothing is being done except to try to exempt some large sources of that benzene from being monitored. Not monitoring for benzene in a thorough manner may make the problem invisible from a regulatory standpoint, but it is not the same as “taking action” to mitigate the problem. The entire PES refinery site should have continuous, high-grade active monitoring for benzene as long as it is used to store/sell petroleum from the site, regardless the permit classifications of the tanks. Enforcement of violations of action levels must be done, and must reduce the pollution, not just collect monetary fines. Permit classifications and fines do not reduce the threat of cancer; operating restrictions or prohibitions do. Please consider these comments and reject the proposed permits.

AMS Response:

The Former Refinery and the Tank Farm have had different AMS Plant IDs and TVOPs for many years. This is allowed and there are some benefits given the operations have been historically different at each facility. It does not change their applicability to regulations. Since most of the air pollution units at the Former Refinery have been removed and remaining equipment at the facility is no longer engaged in petroleum refining or manufacturing of any kind, the facility should no longer be considered a petroleum refinery or a chemical manufacturing facility (2911). This would be the case even if both facilities were combined under the same TVOP. At this time, because the site's operators are engaged in decommissioning and demolishing the refinery process equipment, the SIC code for the Former Refinery has changed to 1795 – Wrecking and Demolition Work to reflect the current activities. Please see AMS Response to Comment # 1 for additional information.

As mentioned in the response to Comment #1, the PESRM TVOP renewal removes the refining equipment which has been shut down. A TVOP must be maintained for equipment that must continue to operate during the demolition and clean-up process and for storage tanks which will be shut down but have not been emptied yet. Without a TVOP, PESRM could not operate equipment necessary to safely demolish old processes and clean-up the facility. Both the Former Refinery and the SRTF are subject to emissions limitations and pollution control requirements through the TVOP for each facility. AMS cannot order a facility to shut down if it is otherwise operating legally.

Regarding benzene monitoring, as discussed in the response to Comment #4, AMS cannot require PESRM to conduct benzene fence line monitoring, because the fence line monitoring was a requirement from the Refinery MACT Regulation at 40 CFR 63 Subpart CC. This regulation is no longer applicable to the Former Refinery or the SRTF, as all refining operations have been shut down. Data from previous benzene monitoring prior to the shutdown of all refining operations can be found at <https://cfpub.epa.gov/webfire/>. Also, as previously discussed in the response to Comment #4, PESRM will continue to voluntarily maintain the benzene fence line monitors through December 2022. Data from such voluntary monitoring will be posted on their website at <https://www.thebellwetherdistrict.com/community>.

Comment #20¹

- (a) Hilco, the new owner of PES and the refinery land, is structuring its Clean Air Act permits so it can continue importing, storing, and exporting hundreds of millions of gallons of petroleum products by barge, rail, and pipeline. Hilco's permit requests directly contradict its promise to be accountable to neighbors and build a greener, carbon-free future in the poorest big city in the U.S.

¹ For organizational purposes, AMS has assigned this comment subsections and responded to each subsection individually.

AMS Response:

The permittee is not requesting any new permit, such as for approval to import, store or exporting petroleum product. Both TVOP are for renewal and modification of existing sources.

- (b) Fossil fuel storage and transport is NOT the future land use that Hilco and the City has told residents to expect, and residents continue to be excluded from the planning process. The science is clear: ongoing storage of fossil fuels in petroleum tanks at the 1300-acre site harms human health. Petroleum products evaporate, and petroleum storage tanks leak dangerous air pollutants, including benzene and dioxin, which are considered Hazardous Air Pollutants under the Clean Air Act. Older tanks, like the ones found at the refinery – most dating from the 1950s to 1980s - are more likely to leak. These tanks also pose acute and significant risk to public safety now and in the future during flooding events. The 1300-acre refinery site and Tank Farm are in the same floodplain that inundated I-76 with water last summer.

AMS Response:

AMS does not have jurisdiction over land use or expertise to address potential flooding or water issues. However, in the event that an air pollution violation is determined to have been caused by the operation of the tanks or by a natural disaster, AMS has the authority to require that the facility owners and operators take action to correct such violations. See Phila. Code Sec. 3-305.

The TVOP includes the leak detection and repair programs applicable to the Refinery and Tank Farm. AMS believes these requirements are sufficient to protect the environment public health and safety.

- (c) Thousands of Philadelphians are uniting across race, class, and neighborhood to demand a fossil fuel free future. Most recently, hundreds of Philadelphians have called for an end to oil tanks on the former refinery site.

AMS Response:

This comment is outside the scope of the Title V permit renewal and modification process.

- (d) Summary of Objections: Philly Thrive is a member of the United South/Southwest: Coalition for Healthy Communities, a group of 20+ organizations based in the neighborhoods 4 <https://actionnetwork.org/petitions/actual-end-to-fossil-fuels-at-pes-site> 3 <https://actionnetwork.org/letters/philadelphians-want-a-just-transition-from-fossil-fuels-at-pes-beyond> <https://actionnetwork.org/letters/future-of-refinery-land-must-end-legacy-of-racism> <https://actionnetwork.org/petitions/justice-at-the-pes-refinery-site-starts-now> 2 <https://philadelphia.cbslocal.com/2021/09/04/vine-street->

[expressway-reopens-ida-flooding/](https://www.youtube.com/watch?v=JS3r9D6YjDc&authuser=0) [1https://why.org/articles/the-bellwether-district-hilco-new-brand-for-the-old-pes-refinery-complex-in-south-philly/](https://why.org/articles/the-bellwether-district-hilco-new-brand-for-the-old-pes-refinery-complex-in-south-philly/)
<https://www.youtube.com/watch?v=JS3r9D6YjDc&authuser=0> surrounding the former PES refinery site.

As a member of United South/SW, we call on Air Management Services (AMS) to deny permits for continued pollution or add abundant restrictions and protections to guarantee the community's safety, including requiring disclosure of specific products in all oil tanks, requiring repair of any leaks within 15 days, applying all regulations for Bulk Gasoline Terminals, and restricting the use of truck racks to export gasoline. We also call on AMS to require Hilco to do additional air quality monitoring and more frequent leak detection tests. We support CAC's proposals for modifications to both Title V permits. We further call on AMS to: 1) Require public notification of what technologies are being used to catch and absorb pollutants from the refinery site demolition, as well as releases from the Tank Farms 2) Require Hilco to pay for an independent study of cumulative impacts on nearby neighborhoods, ensuring that all public health risks faced by the residents can be considered together. 3) Increase fines for violations to incentivize Hilco to obey the law and protect public health. Direct fines to a fund for impacted neighborhoods, to support people whom the violation is directly hurting. The United South/SW Coalition would be a strong candidate to oversee the fund. Surrounding Neighborhoods are Environmental Justice Communities The neighborhoods surrounding the former refinery are environmental justice communities – defined by poverty rates between 20% and 53%, and residents of color making up between 79% and 99% of the population. The City's own data shows the impacts of pollution on South and Southwest neighborhoods: frontline communities have higher rates of asthma and cancer than the rest of Philadelphia.

AMS Response:

As previously discussed in AMS Response to Comment #1, AMS could only deny a Title V permit renewal if the facility is in violation of an applicable air quality regulatory requirement *and* AMS finds that the facility will be incapable of coming back into compliance. Neither of those conditions exists. Moreover, the federal Title V regulations at 40 CFR 70.5(c)(8), 40 CFR 70.6(c)(3) and (4) provide that when a facility is out of compliance, instead of denying the renewal application, the regulatory agency must include a schedule of compliance in the permit that includes milestones and deadlines. The schedule of compliance will enable the facility to be in compliance within a reasonable time period but acknowledges that the facility is out of compliance. AMS cannot deny a Title V permit renewal for other reasons, such as a desire by community members to shut down the facility. AMS periodically inspects and reviews the compliance status of the former refinery and SRTF facilities and has found that neither facility is in violation of any applicable air quality requirement at this time. As also explained in the above comment responses, AMS believes that the renewed and modified permits incorporate all applicable requirements.

Please also see AMS Response to Comment #13. As long as the tanks are active, i.e. not empty, they must remain in the TVOP for the Former Refinery. The tanks at the SRTF are in inactive status, but as long as they remain at the SRTF, they must be included in the SRTF's TVOP.

The demolition process does not fall under the Former Refinery TVOP. Please note that the contractor is required to obtain and maintain a dust control permit and comply with the requirements of Air Management Regulation II, Section IX, which can be found at https://www.phila.gov/media/20190205124831/AMS-Regulation-I-II-III-Combined--2_5_19.pdf.

- (e) While the refinery's pollution has accounted for the lion's share of pollution, S/SW neighborhoods are also exposed to significant pollution from the airport and the expressway – these compounding exposures make residents more susceptible to health impacts from continued pollution from the Tank Farm and refinery site. We are aware that the consistent trend is for such permits to be “rubber stamped”, or approved without significant resident involvement, due to their status as renewals of old permits. We lodge our objection to this practice: allowing ongoing fossil fuel storage at the PES refinery site is environmental racism, plain and simple, continuing a long pattern of prioritizing corporate profit over the health and well-being of Black communities. Permitting continued pollution is also a violation of Pennsylvanians' constitutional right to clean air, water, and a safe environment. More Robust Air Quality Monitoring and Public Information is Long Overdue Philly Thrive calls on AMS to require Hilco to do additional air quality monitoring and more frequent leak detection tests. We call for continuous air monitoring, with sensitive detection levels for ALL the chemicals/pollutants associated with the products in the tank farm, and continuous readings of the monitors displayed publicly in an accessible format. This is vital given the environmental justice status of frontline neighborhoods, and due to PES's history of violations (7 from 2012 to 2019 alone) and a history of accidents on the site (the 2019 explosion, and the spill of 50,000 gallons of Naphthalene in the same year). Increased air monitoring at the Refinery and the Tank Farm must also address the high benzene levels detected in the area even after the closure of the refinery's operations.

AMS Response:

The Title V Operating Permit is a tool to improve compliance with air quality related applicable requirements. These requirements are gathered into one document with sufficient monitoring, recordkeeping, and reporting to enable the facility to comply with all applicable requirements and to enable AMS and the public to determine the compliance status for the facility.

As mentioned in the response to Comment #7, both the Former Refinery and Tank Farm are required to submit annual emission inventories, which are available online: https://www.phila.gov/media/20210219153051/2019EI_Totals_for_WEBa.pdf

AMS cannot require a facility to conduct an independent study on the health impact in the community. Rather, the emissions limits in the TVOPs are established to be protective of human health and the environment.

The 15-day leak repair requirement in AMR V, Section XIII.B is only applicable to facilities that manufacture certain Synthetic Organic Chemicals and is not applicable to the Former Refinery or SRTF. As discussed previously in AMS Response to Comment #12, the SRTF components in gasoline service are subject to the MACT requirements of 40 CFR 63 Subpart R. Components not in gasoline service have other requirements.

For AMS's Response to comments related to additional air quality monitoring and more frequent leak detection tests please see AMS Response to Comment #4.

- (f) Philly Thrive echoes calls for AMS to require PES to disclose what is stored in tanks at Girard Point. "Petroleum Liquids" is an overly broad description that can encompass numerous products. PES should be obligated by AMS to identify the specific products it is storing in these tanks and the quantities of each, so that its neighbors can understand what pollutants they are being exposed to. Philly Thrive raises an objection to the Leak Detection and Repair requirements in both permits. We call on AMS to explicitly require PES to repair any leaks they discover within 15 days, as required by Air Management Regulation 5, Section 13. We also call on AMS to require PES to immediately disclose leaks to the public. Closing: As the climate crisis accelerates, and we continue to grapple with a worsening COVID-19 pandemic (historic hospitalizations have been recorded in Philadelphia this week), it is beyond clear: it is time to rapidly shut down and phase out fossil fuel production and storage facilities.

AMS Response:

As discussed in response to Comment #10, the draft TVOP for the Former Refinery includes the specific products stored in Table A1. The products stored in tanks at the SRTF can vary over time, so the draft TVOP includes more general descriptions, such as petroleum products within a certain range of vapor pressures, as it appropriate for such a TVOP. Regardless of the chemical in a given tank, all tanks are subject to the MACT requirements of 40 CFR 63 Subpart R, which requires maintenance of an internal or external floating roof control device as well as other requirements. Additionally, the applicable requirements are the same for this facility regardless of the chemical.

Please see AMS Response to Comment # 4 for additional information regarding monitoring.

- (g) The hundreds of millions of gallons of fossil fuels that this site can store represent a measurable percentage (around 0.5%, depending on the emissions intensity of the fuel) of the world's remaining global CO2 <https://news.un.org/en/story/2021/08/1097362> <https://www.inquirer.com/health/coronavirus/delco-hospital-capacity-omicron-covid->

surge-20220110.html grist.org/justice/this-philadelphia-refinery-is-the-countrys-worst-benzene-polluter-trump-wants-to-keep-it-open/ carbon budget of 580 GtCO₂.

We must act now: Philly Thrive calls on AMS to break from business as usual and deny the Title V permit renewals for the former Refinery Site and the Tank Farm site, or, at a minimum, add strong protections for residents' health, as detailed above. The COVID-19 pandemic has continued to shed light on the vast and varied ways that pollution in our Black neighborhoods compounds and worsens existing inequalities. Numerous studies show a clear link between long-term exposure to air pollution and higher COVID-19 mortality rates.

Philly Thrive members living in Grays Ferry have all lost loved ones to pollution-related diseases, including cancer, lung disease, and heart disease. The PES refinery site's historic and ongoing pollution has a very real and human cost. Enough is enough.

AMS Response:

These comments are outside the scope of the TVOP renewal and modification process.

Comment #21²

(a) The Council and the Coalition found several issues with the permits where alternations or more information is needed. Most significantly, the Tank Farm is a Bulk Gasoline Terminal according to the Pennsylvania Code and the permit renewal application, but the Code's regulations for Bulk Gasoline Terminals (25 Pa. Code 129.59 and 129.62) are listed as "inapplicable" on the current draft permit, presumably because of a misunderstanding of the Code in the permit renewal application. Additionally, the permits could be improved by explicitly including the repair requirements, rather than just the detection requirements, of the leak detection and repair programs applicable to the Refinery and Tank Farm. Furthermore, the public deserves more information about the contents of the petroleum liquids storage tanks being transferred from the Refinery to the Tank Farm permit - and those tanks are subject to a lower vapor pressure limit than is currently identified in the draft permit. And finally, AMS should continue to require fenceline benzene monitoring at the site, both to answer public concerns and to comply with a proper and protective reading of federal regulations.

Given that the Refinery and the Schuylkill River Tank Farm are located in an area of especially concentrated environmental injustice, we hope that in addition to implementing the changes listed here, Air Management Services will listen to the input of the community and implement that input as enforceable restrictions in the permits wherever possible. Given the history of the former PES Refinery ("Refinery") and the Schuylkill River Tank Farm ("Tank Farm") and the surrounding

² For organizational purposes, AMS has removed internal citations and assigned this comment subsections and responded to each subsection individually.

area, AMS should address these permits with the utmost care and scrutiny, and be as protective as possible of the health of the community.

The former Refinery and the Schuylkill River Tank Farm sit in one of the most vulnerable Environmental Justice Areas of the City and the Commonwealth. The communities surrounding the former Refinery and Tank Farm have continuously faced environmental injustice and environmental racism for the last century or more. According to the Office of the Controller, each neighborhood bordering the Refinery and Tank Farm was either redlined or marked as commercial/industrial by the Homeowners' Loan Corporation in 1937. These neighborhoods remain largely populated by people of color, and the effects of segregation on these communities is still felt today in high rates of poverty.

According to the most recent data of the Pennsylvania Department of Environmental Protection (the DEP)'s Environmental Justice Areas Viewer, census tract 9809, which contains the Refinery and Tank Farm, remains 70% nonwhite. Nearly every census block surrounding the Refinery and Tank Farm qualifies as an Environmental Justice area, with the closest census tracts to the west, north, and northeast (56, 50, 60, 61, 67, 69, 33, & 36) having poverty rates between 20% and 53%, with residents of color making up between 79 and 99% of the population. And the Refinery and Tank Farm are not the only major sources of environmental harm these communities face. Within miles are PGW's Passyunk Plant, a recycling facility, a garbage dump, and the Philadelphia International Airport - to name just a few.

PES has a history of mismanagement and of Clean Air Act violations on this historically enormous source of air pollution. The former Refinery was one of our nation's biggest and longest running. It was also one of the worst polluting. Before the end of refining activities in 2019, many noted that the Refinery was the largest stationary source of the criteria air pollutants in Philadelphia. In its last decade of operation, the Refinery emitted about 9% of all fine particulate matter and 20% of all greenhouse gases in the entire City, and, in at least one year *more than half* of all hazardous air pollutants in Philadelphia.

In its final seven years of operation, the Refinery received just as many Notices of Violation of the Clean Air Act for its emission overages. The soil and groundwater at the Refinery and Tank Farm are so contaminated from the site's history of refining that the City will be lucky if it is remediated under Pennsylvania's Act 2 by 2030. And residents are not going to forget the series of explosions that ultimately led to the Refinery's closure in 2019, or the 50,000 gallon spill of light naphthalene that occurred earlier that year but was not made public until 2021, *or* the high amounts of benzene detected by fence line monitors even after the shutdown. AMS should not forget this history of violations, accidents, and quasi-legal secrecy at the Refinery when crafting these permits.

The plans that Hilco, PES's owner, have publicized plans at odds with the continuing operations these permit modifications accomplish. In a 2020 video, Hilco

Redevelopment Partners' CEO Roberto Perez specifically mentions working with customers (presumably referring to future tenants) "to truly help them achieve that zero-carbon impact." Only four months ago, Perez was quoted saying that the site's redevelopment meant the facility would no longer be releasing planet-warming carbon, and that "Neighbors will breathe cleaner air." Soon after, Hilco unveiled a massive media campaign, plastering Philadelphia ad space and social media with information about a "Bellwether District" that would be clean and focused on life sciences.

These permit modifications tell a different story. Renewing the ability to operate two major marine loading sites, a 36 railcar per day loading site, and seven of the site's largest tanks at Girard Point alongside the entire Schuylkill River Tank Farm with a combined capacity for well over 300 million gallons of gasoline and high-vapor-pressure petroleum liquids does not appear compatible with a clean and carbon-free future for the site as a life sciences center.

While Air Management Services is obviously not in control of Hilco's public messaging, it should keep in mind the promises that Hilco has made to the public while moving forward with these permit renewals and modifications. Air Management Services has increased access to Hilco and PES as their air permitting agency and should not ignore what Hilco is telling the public about this site when communicating with Hilco and its subsidiaries about their operating permits. It should also keep this messaging in mind when determining how much public involvement and public education is needed for a truly just permitting process in this key environmental justice area.

AMS Response:

As discussed in the response to Comment #4, AMS cannot require PESRM to conduct benzene fence line monitoring, because the fence line monitoring was a requirement from the Refinery MACT Regulation at 40 CFR 63 Subpart CC. This regulation is no longer applicable to the Former Refinery or the SRTF, as all refining operations have been shut down. Data from previous benzene monitoring prior to the shutdown of all refining operations can be found at <https://cfpub.epa.gov/webfire/>. Also, as previously discussed in the response to Comment #4, PESRM will continue to voluntarily maintain the benzene fence line monitors through December 2022. Data from such voluntary monitoring will be posted on their website at <https://www.thebellwetherdistrict.com/community>.

As discussed in response to Comment #10, the draft TVOP for the Former Refinery includes the specific products stored in Table A1. The products stored in tanks at the SRTF can change over time, so the draft TVOP includes more general descriptions, such as petroleum products within a certain range of vapor pressures. Regardless of the chemical in a given tank, all tanks are subject to the MACT requirements of 40 CFR 63 Subpart R, which requires maintenance of an internal or external floating

roof control device as well as other requirements. Additionally, the applicable requirements are the same for this facility regardless of the chemical.

- (b) Pennsylvania's Bulk Gasoline Terminal Regulations apply to the Schuylkill River Tank Farm and must be included on the permit. The Tank Farm Permit has SIC 5171, for Bulk Petroleum Station and Terminals. Twenty-one of the tanks on the Permit contain gasoline or gasoline components, with over 80 million gallons of total capacity. And in PES's application for this permit modification, it notes that the Tank Farm's daily gasoline throughput exceeds 20,000 gallons. But the Tank Farm Permit currently lists 25 Pa. Code Chapters 129.59 and 129.62 as inapplicable. 129.59 and 129.62 include work practice standards required for Bulk Gasoline Terminals under the Pennsylvania Code - those with a daily gasoline throughput of over 20,000 gallons. Both apply to the Tank Farm, so must be included as restrictions on the Tank Farm Permit.

In PES's application for this permit modification, despite noting its 20,000+ gallon daily gasoline throughput, it claims that neither the regulations for Bulk Gasoline Plants (129.60) nor the regulations for Bulk Gasoline Terminals (129.59) apply to its bulk gasoline terminal operations. PES cannot have it both ways - if it engages in gasoline terminal operations, it must comply with the Pa. Code's restrictions on those operations.

25 Pa. Code Chapter 129.59 applies to the Tank Farm because it applies to all Bulk Gasoline Terminals. The Pa. Code defines a Bulk Gasoline Terminal as "[a] gasoline storage and distribution facility which has a daily throughput of 20,000 gallons or more of gasoline." PES admits it has a higher throughput than this when it explains why 129.60 does not apply to the Tank Farm. If the Tank Farm has a daily gasoline throughput of 20,000 gallons or more, it is a Bulk Gasoline Terminal, and 129.59 applies to its operations. PES claims that 129.59 does not apply because 129.59 applies to loading and unloading gasoline truck racks, which it does not do at the Tank Farm. PES completely misunderstands Chapter 129.59. First, Chapter 129.59 applies to all Bulk Gasoline Terminals - so it applies to the Tank Farm, full stop. More importantly, 129.59 does not apply only to truck racks. 129.59 applies to all gasoline loading into "vehicular tanks" - i.e., into anything other than a pipeline.

129.59 states that "A person may not cause or permit the loading of gasoline into a **vehicular tank** from a bulk gasoline terminal unless the **gasoline loading racks** are equipped with a vapor collection and disposal system... " (emphasis added). This Chapter makes no reference to "tank trucks" - a legally defined term under 25 Pa. Code 121.1 - or to truck racks. If 129.59 applied only to tank truck loading, then it would say "tank truck" - like 129.60 does. Unlike 129.59, 129.60 states that: "A person may not cause or permit the loading of gasoline into the stationary tanks of a bulk gasoline plant **from a tank truck ...** " and that "A person may not cause or permit the loading of gasoline from a bulk gasoline plant... **into a tank truck** with a capacity ... " (emphasis added). The difference is clear. 129.59 applies to loading any "**vehicular tank**" - not just tank trucks. Any "vehicular tank" is obviously broader than

the limited definition the Code has for tank trucks: vehicular tanks including, for example, a railcar or a barge's tanks. The actual restrictions on the use of vehicular tanks under 129.59 also make it clear that it applies to more than just tank trucks - any gasoline loading equipment should have a vapor collection and disposal system, not just truck racks. PES's assertion that 129.59 does not apply is clearly wrong. AMS must include 25 Pa. Code 129.59's restrictions in the Tank Farm's permit. 25 Pa. Code Chapter 129.62 also applies to the Tank Farm because it is a Bulk Gasoline Terminal.

25 Pa. Code 129.62 also clearly applies to the Tank Farm. PES claims that 129.62 does not apply because 129.59-129.61 do not apply to the Tank Farm. Again, PES is wrong in multiple ways. First, 129.62 applies to all Bulk Gasoline Terminals (as well as plants and small storage tanks) - its very title is "General standards for bulk gasoline terminals, bulk gasoline plants and small gasoline storage tanks." Its first restriction obviously applies to all gasoline storage operations - "Gasoline may not be spilled or discarded in sewers or stored in open containers or handled in a manner that would result in uncontrolled evaporation to the atmosphere." Again, PES admitted the Tank Farm qualifies as a Bulk Gasoline Terminal when discussing its daily throughput - so 129.62 applies. And second, as explained above, 129.59 *does* apply to the Tank Farm - so even if PES were correct about when 129.62 applied, it would *still* apply. AMS must therefore include 129.62's restrictions in the permit.

If the permit were not to include 25 Pa. Code Chapter 129.59 and 129.62, it would have to include a prohibition on the activities that those Chapters regulate. Alternatively, if PES wishes to avoid complying with regulations on Bulk Gasoline Terminals, then its permit must restrict its ability to import and export gasoline.

AMS Response:

25 Pa. Code Chapter 121.1 defines a "vehicle" as "[a] highway vehicle powered by an internal combustion engine with fewer than nine seating positions for adults." This definition of vehicle would cover any car or truck and most vans. However, it would not cover buses, boats, or pipelines. Hence, while PESRM is subject to 129.59, it is only subject to this provision when it is filling a vehicle as defined above. SRTF only has the capability to transfer gasoline into barges or pipelines. The terminal only has the ability to load butane and propane into trucks, not gasoline.

As the commenter pointed out, 25 Pa. Code Chapter 129.62 in general applies to SRTF as a bulk gasoline terminal. However, with the exception of 25 Pa. Code Chapter 129.62(a), the provisions of Chapter 129.62 apply to terminals that load gasoline into trucks. The SRTF only has the capability to transfer gasoline into barges or pipelines. The terminal only has the ability to load butane and propane into trucks, not gasoline. AMS corrected this error in the final TVOP in the "Non-Applicable Requirements" section and statements of basis to reflect this change.

- (c) The Tank Farm is supposedly "non-operational" at the moment, but its Permit does not prevent its future operation. If PES does not wish to comply with 129.59 or 129.62, there is an easy solution - PES could take a restriction in its permit stating that it will not resume import or export of gasoline and could begin to decommission the Tank Farm. That way, it would no longer be a Bulk Gasoline Terminal. Such a commitment would surely be welcomed by the broader community and would open more of the former Refinery site for future clean and greendevlopment as Hilco has signaled it seeks. No such restriction is included in the Tank Farm Permit.

In fact, the Tank Farm Permit does not even include a restriction on the use of tank trucks - even though PES tried to avoid the regulations discussed above on the basis that it does not use truck racks. If PES does not use truck racks for loading or unloading of gasoline, it should have no problem including a restriction in its permit preventing the use of such racks - in fact, it most definitely *should have* taken such a restriction given its reasoning about the regulation of Bulk Gasoline Terminals. Fortunately, that reasoning was faulty, and PES merely needs to comply with the regulations described above.

There is also confusion about PES's claim that it does not use truck racks. Residents of West Passyunk have noticed tank trucks entering the area of the Refinery and being filled. It is possible they were filling at the adjacent PGW site, or that they were filling at the Refinery site but with unregulated materials. But if they were being filled with gasoline at the Refinery or Tank Farm, it is possible PES misrepresented its activities in its application. AMS should inquire with PES about its use of truck racks and tank trucks at both facilities and confirm any communications through on-the-ground monitoring and investigations as appropriate.

AMS Response:

The SRTF only has the capability to transfer gasoline into barges or pipelines at this time. The SRTF is currently non-operational and has been since September 2021. However, if SRTF changes its operational status or switches to truck racks loading/unloading, PES is required to notify AMS and comply with the applicable requirements of 25 Pa. Code Chapters 129.59 and 129.62 immediately.

- (d) Both the Tank Farm and the former Refinery's permits should be clearer about the repair timeline and other details of their Leak Detection and Repair programs, as well as their Risk Management Programs.

The current draft permits both refer to Leak Detection and Repair (LDAR) requirements, but each only lists the broadest applicable leak detection timelines, without mentioning the legal requirements for timely repair (i.e., *completion* of repair within 15 days of detection). The permits do incorporate AMR V Section XIII and 40 CFR 63.424, so there is no question that PES must repair any leak that is detected within 15 days of detection - the Tank Farm Permit's requirements for

recordkeeping even note that PES must provide an explanation for any leak not repaired within 15 days. But the permits should still mention the 15-day repair requirement, so the applicable law is clear to both PES and to the public.

Specifically, the Refinery Permit should explicitly mention AMR V, Section XIII's requirement that all VOC leaks should be completely repaired within 15 days of detection. The only exception to this requirement is if the repair would require shutdown of a process unit - because the Refinery no longer runs any process units, leak repair will never require shutdown of a process unit, so all VOC leaks must be fully repaired within 15 days of detection. Clearly stating this in the permit will ensure full public understanding and easy reference for PES.

AMR V Section XIII also applies to the Tank Farm Permit, so the above requirements should also be explicitly mentioned there. The Tank Farm Permit also requires compliance with 40 CFR 63.424 for LDAR in gasoline equipment, and the repair requirements of 63.424 are even stricter. In particular, 63.424 requires that once a leak is detected, the operator must attempt repair "as soon as practicable," and always within 5 calendar days. On top of the required initial attempt at repair, 63.424 requires the repair to be completed within 15 calendar days of detection unless the operator can demonstrate to the EPA that such quick repair is infeasible. Just as the monthly inspection requirement is listed in the Tank Farm Permit, these repair requirements should be explicitly listed.

Finally, AMR V Section XIII includes not only quarterly testing of all VOC-related equipment (which is mentioned in the permits), but also requires weekly visual inspections of all pumps, testing within 24 hours of certain events, and a maintenance log of these and other required activities. AMS should include these requirements on the face of the permit, and should consider making all reports and data about leaks public. As described in the background section above, this Refinery is located in one of the most concentrated environmental justice areas in the City and the whole Commonwealth. PES has a long history of permit violations, and these two facilities are the historic sources of a frightening percentage of Philadelphia's air pollution. South and Southwest Philadelphians will be incurring the health effects of these sites' pollution for the rest of their lives, even if these permits are not renewed. To begin to remedy this environmental injustice, AMS should make clear every requirement PES must fulfill to legally operate and could make that data public to ensure neighboring communities know what happens in their backyards.

AMS Response:

Both facilities are required to conduct quarterly leak checks for equipment in VOC service under Air Management Regulation V, Section XIII.D. Pumps, valves, and flanges in gasoline service at the SRTF require more frequent leak checks under 40 CFR 63 Subpart R. AMS believes these requirements are appropriate and protective of the environment and the public health. However, weekly visual inspections of all pumps, testing within 24 hours of certain events, and a maintenance log of

these and other required activities don't apply to both facilities since these facilities are not manufacturing 1,100 tons per year, or more, of any one or a combination of the Synthetic Organic Chemicals as listed in 40 CFR 60.489, and/or Methyl Tert-butyl Ether, Polyethylene, Polypropylene, or Polystyrene.

- (e) Similarly, AMS should be clearer in the permits about applicable risk management, emergency preparedness, and release notification laws and regulations. Point 9 of Section 3 (Facility-Wide Requirements) of the Refinery Permit, covering risk management, has several provisions stated as conditional ("If required by... If the Title V facility is subject to..." etc.) But these permits should clearly state which requirements apply and which do not. Members of the public can guess that these sections being listed means they apply but listing them conditionally raises unnecessary confusion. AMS should therefore avoid such conditional language and instead clearly state that the facility is still covered by provisions such as 40 C.F.R. Part 68, Clean Air Act Section 112(r), and the reporting requirements of the Emergency Planning and Community Right-to-Know Act. Particularly with a permit covered by AMS's environmental justice policy, it is important to be as clear as possible.

AMS Response:

Internal floating roof tanks cannot hold petroleum liquids of a vapor pressure of 11 psia or higher under 25 Pa. Code 129.56.

- (f) Seven internal floating roof tanks on the Tank Farm Permit are listed as containing Petroleum Liquids < 11.1 psia. (P-025, P-026, P-029, P-163, P-002, P-003, & P-165, all located at Girard Point and only now transferred to the Tank Farm Permit). As the Permit notes, these tanks are subject to 25 Pa. Code Chapter 129.56. Although certain federal regulations refer to storage vessels with liquid of a vapor pressure less than 11.1 psia, Chapter 129.56 states that internal floating roof tanks "may not be permitted if the volatile organic compounds have a vapor pressure of 11 psia or greater..." (meaning the tanks can hold liquids of <11 psia, not <11.1).

Therefore, PES cannot store petroleum liquids with a vapor pressure of 11 psia in these tanks. The permit should specify that they can hold <11 psia, instead of 11.1 psia. Any similar error elsewhere on the Tank Farm Permit or the Refinery Permit should also be fixed. Although the error appears small, it is not insignificant to require PES to conform to Pennsylvania law.

AMS Response:

AMS accepted the comments and corrected the error in the SRTF final TVOP.

- (g) PES should disclose what petroleum liquids are stored in the storage tanks listed on the Tank Farm Permit, just as it does with the analogous tanks on the Refinery Permit. Seven of the former Refinery's largest tanks (P-025, P-026, P-029, P-163, P-002, P-003, & P-165, all located at Girard Point) that are being transferred to the

Tank Farm Permit are listed as containing "Petroleum Liquids" of up to a very high vapor pressure (<11 psia). "Petroleum Liquids" is a catchall term that could indicate a specific product or a mixture of constituent liquids, and the tanks covered by the same regulations on the Refinery Permit list the exact kind of "Petroleum Liquid" they contain. The public deserves clarity on the contents of these tanks -they are enormous, even by petroleum industry standards, and liquids of such a high vapor pressure are sure to emit more than average. The Tank Farm Permit should therefore list what liquids are in these tanks.

It should not be a problem for PES to identify what is in each of these tanks. These tanks are >40-million-gallon internal floating roof tanks subject to MACT Subpart R & NSPS Subpart Ka/Kb. PES has essentially identical tanks covered under the Refinery Permit (>40Mgal, IFR, NSPS Subpart Kb). These are in Group 13C, and have their contents listed: recovered oil, spent caustic, and oily wastewater. The similar large tanks in Group 14C also list the exact liquids in them. And Group 15A, which is described as "Petroleum Liquids Storage Tanks," has individual liquids listed for each tank.

Given these descriptions on the Refinery Permit, it should be no trouble for PES to disclose what it has in the petroleum liquids tanks listed on the Tank Farm Permit. If the tanks contain mixtures of other liquids, that should be disclosed, and as many of the constituent liquids as possible should be identified. If they are currently empty, but will be filled, PES should be required to notify the public about the contents later. The public deserves to know what is being stored in these tanks, which likely emit hazardous air pollutants. It is even more imperative for the Tank Farm Permit to specify what is in these tanks: the tanks on the Refinery Permit will presumably be decommissioned and demolished, but the tanks on the Tank Farm Permit may continue to operate far into the future.

AMS Response:

As discussed in response to Comment #10 and in response to this Comment above, the draft TVOP for the Former Refinery includes the specific products stored in Table A1. The products stored in tanks at the SRTF can change over time, so the draft TVOP includes more general descriptions, such as petroleum products within a certain range of vapor pressures. Regardless of the chemical in a given tank, all tanks are subject to the MACT requirements of 40 CFR 63 Subpart R, which requires maintenance of an internal or external floating roof control device as well as other requirements. Additionally, the applicable requirements are the same for this facility regardless of the chemical.

- (h) The Refinery Permit should specify that 40 C.F.R 63 Subparts TT, UU and H apply, and not list any of these as "inapplicable requirements." The source specific standards for Group 08 of the Refinery Permit specify that PES must comply with 40 C.F.R. 63.2346(1), and Subparts TT, UU, and H- as does AMS's review

memo. But the same permit lists Subpart H as a non-applicable requirement. Such an error is especially pernicious because the permit specifies that 40 C.F.R 61 Subpart J is inapplicable because its requirements are covered by 63 Subpart H. Subpart H should not be listed as inapplicable, and its requirements should be listed in the permit.

AMS Response:

AMS accepted the comment, and Section F, Non-Applicable Requirements, has been modified to delete 40 CFR 63 Subpart H. Subparts TT and UU were not listed under Section F, Non-Applicable Requirements.

- (i) The Refinery and Tank Farm Permits should continue to require fenceline monitoring for benzene through 40 C.F.R 63 Subparts CC, WW, and UUU. In the review memo for the Refinery Permit, 40 C.F.R Subpart CC is said to be inapplicable because the former Refinery no longer has any petroleum refining process units. But this reflects an incomplete picture of Subpart CC. Subpart CC "applies to petroleum refining process units **and to related emissions points** that are specified in paragraphs (c)(1) through (9) ... " (emphasis added). Although the petroleum refining process units are currently shut down, the Refinery and Tank Farm are still major sources of HAPs and include "related emissions points" that are listed in Subpart CC - storage vessels, wastewater streams, equipment leaks, etc. These are all related to the former Refinery's process units.

PES has also confirmed its intent to continue selling its remaining inventory of oil and oil by-products, even what is located at the former Refinery. AMS should require PES to continue compliance with Subpart CC, and therefore the related Subparts WW and UUU, so long as it continues to operate the emissions points related to the process units (i.e., until demolition and decommission of these points is actually complete), since PES and NorthStar will continue operating those sources for their intended purpose at least until the remaining product is sold.

In addition to the law, it is common sense to implement these requirements. Even after the shutdown of the Refinery, fenceline monitors picked up high levels of benzene at the site. The City noted around that time that data from a monitor nearby did not show health-threatening levels. Given the confusion, as well as the higher accuracy of onsite monitors compared to far-off monitors, AMS should require PES to actively monitor for benzene onsite, and preferably publish the monitoring data - or AMS should publish the data in an easily accessible form. If PES and the City want Philadelphians to feel safe from hazardous pollutants, more public data - not less - is the path forward.

AMS Response:

Please see AMS's response to Comment #4 regarding the applicability of Subpart CC. Since the Former Refinery no longer does any refining, Subpart CC is

not applicable to any of the tanks on-site, and as a result, 40 CFR 63 Subpart WW is not applicable.

Per 40 CFR § 63.1561(a), a petroleum refinery is an establishment engaged primarily in petroleum refining as defined in the Standard Industrial Classification (SIC) code 2911 and the North American Industry Classification (NAIC) code 32411, and used mainly for:

- (i) Producing transportation fuels (such as gasoline, diesel fuels, and jet fuels), heating fuels (such as kerosene, fuel gas distillate, and fuel oils), or lubricants;
- (ii) Separating petroleum; or
- (iii) Separating, cracking, reacting, or reforming an intermediate petroleum stream, or recovering a by-product(s) from the intermediate petroleum stream (e.g., sulfur recovery).

Since August 2019, all refining operations at the Former Refinery and the SRTF are permanently shut down, being removed from the site, and the site is planned to be redeveloped for other use. Ongoing equipment cleaning, demolition operations, and operating certain tanks do not qualify as petroleum refining under the Clean Air Act. Therefore, 40 C.F.R Subpart UUU is no longer applicable to the former refinery facility or the SRTF facility.



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