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EPA Finds Greenhouse Gas Is Air Pollutant That Must Be Regulated

On 17 April 2007 the Environmental Protection Agency (EPA) issued a [proposed finding](#) that greenhouse gases (GHGs) contribute to air pollution and may endanger public health or welfare. The finding formally declared carbon dioxide and five other heat-trapping gases to be pollutants. It sets in motion a process that will lead to the regulation of the gases for the first time in the United States.



EPA's says its finding is based on rigorous, peer-reviewed scientific analysis of six gases – carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride – that have been the subject of intensive analysis by scientists around the world. EPA states the science clearly shows that concentrations of these gases are at unprecedented levels as a result of human emissions, and these high levels are very likely the cause of the increase in average temperatures and other changes in our climate.

The next step for EPA is a public comment period, an action EPA must take before issuing final findings. EPA's 17 April finding does not include any proposed regulations. Before taking any steps to reduce greenhouse gases under the Clean Air Act, EPA must conduct an appropriate process and consider stakeholder input.

While EPA must begin the process of regulating GHGs, the U.S. Congress is writing energy and climate legislation that could alter, combine with or override EPA's actions. President Obama and EPA Administrator Lisa Jackson have said they prefer that Congress address global warming rather than have EPA engage it through administrative action that could be subject to lawsuits.

Utah Gas Producers must install \$6M in Pollution Controls and Pay \$600,000 fine

On 17 April 2009 the Justice Department and the Environmental Protection Agency (EPA) said six energy companies must install pollution control equipment at a cost of over \$6 million to comply with the Clean Air Act at their natural gas producing facilities in Utah's Uintah Basin. The facilities are located on the Uintah & Ouray Indian Reservation southwest of Vernal, Utah.



Orders were filed in Salt Lake City U.S. District Court in a series of three settlements with Bill Barrett Corp, Wind River Corp, XTO Energy Inc., Dominion Exploration and Production Inc., Whiting Oil and Gas Corporation, and Miller Dyer and Company. The agreements require air pollution reductions and conservation practices at the companies' natural gas compressor stations, well heads, and pipelines across the Uintah Basin.

In addition to \$6,462,000 in retrofits and upgrades to implement pollution control equipment, the agreements require the companies to pay \$632,000 in civil penalties and to spend \$200,000 on supplemental environmental projects.

As part of the settlements, the companies have agreed to perform the following:

- Retrofit pneumatic controls with lower emitted components
- Conduct a process optimization review to increase natural gas recovery and reduce air emissions at compressor stations and well sites
- Control emission sources, such as large engines, gas dehydrators, condensate tanks at all new facilities constructed in the next five years and install low/no-bleed pneumatics
- Shale-plate all future well access roads
- Fund the operation & maintenance of two ambient air monitoring stations for one year at a cost of approximately \$100,000
- Pilot new technologies that are less polluting and more energy efficient

According to complaints filed with the settlements, the six companies allegedly violated several provisions of the Clean Air Act, including emission standards for hazardous air pollutants, federal permitting, emissions monitoring and reporting requirements.

US and Canada propose to establish Emission Control Area along their coastlines

The United States and Canada have submitted a proposal to the International Maritime Organization (IMO) to designate an Emission Control Area (ECA) for specific portions of U.S. and Canadian coastal waters. The action would control the emission of nitrogen oxides (NOx), sulfur oxides (SOx), and particulate matter (PM) from ocean-going ships, most of which are flagged outside of the United States.



The proposed area of the ECA includes waters adjacent to the Pacific coast, the Atlantic/Gulf coast and the eight main Hawaiian Islands. The proposed ECA would extend 200 nautical miles from the coastal baselines of the United States or Canada. The proposed ECA does not include the Pacific US territories, the western (unpopulated) Hawaiian Islands, the US territories of Puerto Rico and the US Virgin Islands, the Aleutian Islands and Western Alaska, and the US and Canadian Arctic.

EPA says these ships are significant contributors to our national mobile-source emission inventory. In the U.S. and Canada combined, the ECA is expected to reduce emissions of NOx by 320,000 tons, PM2.5 by 90,000 tons, and SOx by 920,000 tons per year, which is 23 percent, 74 percent, and 86 percent below current levels, respectively. EPA has posted a [fact sheet](#) regarding the joint U.S./Canada proposal.

Shell reaches \$5.8M settlement over air pollution claims at Houston refinery

On 23 April 2009 Royal Dutch Shell announced it had reached a \$5.8 million settlement agreement against a lawsuit filed by the Texas Citizen Lobby and the Sierra Club citing violations of the Clean Air Act at the company's Deer Park refinery near Houston. The [settlement](#) requires Shell to reduce emissions from air pollutants from its plant by 80 percent within three years, upgrade chemical units and reduce gas flaring.



The suit must be reviewed by the Environmental Protection agency and the Justice Department and must also be approved by the U.S. District Court for the Southern District of Texas. The suit alleges more than a thousand instances of illegal pollution at the plant since 2003

The Deer Park refinery is a 1,500-acre complex on the Houston Ship Channel, about 20 miles from downtown Houston. It is the nation's eighth-largest oil refinery and one of the world's largest producers of petrochemicals.

Luke Metzger, director of Environment Texas, said the settlement could provide a new benchmark for operations in the petroleum and refining sector. "Shell will set an example for the rest of the industry that you can control these emissions," Mr. Metzger said