



## **GROUP AGAINST SMOG & POLLUTION**

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January 18, 2017

### **VIA EMAIL**

Allegheny County Health Department  
Air Quality Program  
301 39th St., Bldg. 7  
Pittsburgh, PA 15201  
aqpermits@alleghenycounty.us

**Re: Comments of Group Against Smog and Pollution, Regarding Draft  
Title V Operating Permit for AKJ Clairton, LLC  
(Permit # 0637)**

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Dear Sir or Madam:

Please accept these comments regarding the draft Title V Operating Permit (#0637) (the "Permit") for AKJ Clairton, LLC (the "Facility"), which I am submitting on behalf of the Group Against Smog and Pollution. According to the notice posted on its website, the Allegheny County Health Department is accepting comments on the Permit through January 18, 2017.

Very truly yours,

/s

John K. Baillie  
Staff Attorney

**COMMENTS OF THE GROUP AGAINST SMOG AND POLLUTION REGARDING  
THE DRAFT TITLE V OPERATING PERMIT RENEWAL FOR  
AKJ CLAIRTON LLC (#0637)**

**I. THE PERMIT SHOULD REQUIRE THE FACILITY TO RECORD THE VOLUME OF EACH BATCH OF COAL WASTE SLUDGE IT PRODUCES TO ASSURE COMPLIANCE WITH ANNUAL THROUGHPUT LIMITS**

The Permit limits the annual throughput for both of the Facility's units,<sup>1</sup> but does not require that the Facility keep records of each unit's annual throughput. Rather, the Permit requires that the Facility keep records of its daily usage of coal waste sludge, diluent, and dispersant,<sup>2</sup> and "sufficient records on a daily basis to demonstrate compliance with" the annual throughput limits.<sup>3</sup> The Permit does not specify what records will serve that purpose.

An operating permit must incorporate "compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms of the conditions of the permit."<sup>4</sup> "[I]f there is some periodic monitoring in the applicable requirement, but that monitoring is not sufficient to assure compliance with permit terms and conditions, permitting authorities must supplement monitoring to assure such compliance."<sup>5</sup>

It is not clear how records of the Facility's daily usage of coal waste sludge, diluent, and dispersant will be sufficient to assure compliance with the annual throughput limits for the Facility's coal waste sludge processing units. The Permit should specifically require that the Facility record the volume of each batch of coal waste sludge that it processes so that its annual

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<sup>1</sup> See §§ V.A.1.a.1) - 2).

<sup>2</sup> § V.A.4.b.

<sup>3</sup> § V.A.4.a.

<sup>4</sup> Art. XXI, § 2103.12.h.1.

<sup>5</sup> *In the Matter of CITGO Ref. and Chems. Co.*, Petition VI-2007-01, at 6-7 (May 28, 2009), quoted in *In the Matter of Luke Paper Co.*, 2010 EPA CAA Title V LEXIS 7, \*13-14 (Oct. 18, 2010).

throughput can be easily determined and its compliance with the Permit's annual throughput limits can be easily confirmed.

## **II. THE PERMIT SHOULD REQUIRE TESTING THAT IS SUFFICIENT TO ASSURE COMPLIANCE WITH ITS CONTINUOUS LIMITATION ON THE TEMPERATURE OF THE MIXING TANKS**

The Permit requires that the temperature of the Facility's mixing tanks not exceed 190° F.<sup>6</sup> The Permit also requires that the Facility record "the mixing tank operating temperature on a daily basis," and that the Facility "keep sufficient records on a daily basis to demonstrate compliance with" the temperature limit for the mixing tanks.<sup>7</sup> The Permit does not specify which records will be sufficient for that purpose.

An operating permit must incorporate "compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms of the conditions of the permit."<sup>8</sup> "[I]f there is some periodic monitoring in the applicable requirement, but that monitoring is not sufficient to assure compliance with permit terms and conditions, permitting authorities must supplement monitoring to assure such compliance."<sup>9</sup>

It is not clear that daily temperature readings will be sufficient to assure compliance with the continuous temperature limit for the mixing tanks. As the Permit is written, the Facility can choose when during the day it records the temperature of the mixing tanks, and thus could conceivably do so when the mixing tanks are empty. The Permit should be revised to require that the Facility record the maximum daily temperature for each mixing tank, or, alternatively, to

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<sup>6</sup> § V.A.1.a.3).

<sup>7</sup> § V.A.4.a.

<sup>8</sup> Art. XXI, § 2103.12.h.1.

<sup>9</sup> *In the Matter of CITGO Ref. and Chems. Co.*, Petition VI-2007-01, at 6-7 (May 28, 2009), quoted in *In the Matter of Luke Paper Co.*, 2010 EPA CAA Title V LEXIS 7, \*13-14 (Oct. 18, 2010).

specify a protocol for recording the temperature of the mixing tanks that would increase the likelihood that the daily temperature of the mixture in the tanks reflect the maximum temperature for that day.

### **III. THE PERMIT SHOULD REQUIRE TESTING THAT IS SUFFICIENT TO ASSURE COMPLIANCE WITH ITS CONTINUOUS LIMITATION ON THE BENZENE CONCENTRATION OF THE COAL WASTE SLUDGE**

The Permit provides that “[t]he benzene concentration of the diluted sludge shall not exceed 1% by weight at any time,”<sup>10</sup> but only requires that the Facility analyze the benzene concentration of the diluted coal waste sludge every six months.<sup>11</sup> The Permit does not appear to incorporate operating parameters that could be monitored and that might assure the Facility’s compliance with the Permit’s continuous limitation on the benzene concentration of the diluted sludge. Without such parameters, it is not clear that an analysis that is to be performed once every six months will be sufficient to assure compliance with a limitation that applies continuously, especially when the Facility is designed to process new batches of coal waste sludge on an almost daily basis.<sup>12</sup>

An operating permit must incorporate “compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms of the conditions of the permit.”<sup>13</sup> “[I]f there is some periodic monitoring in the applicable requirement, but that monitoring is not sufficient to assure compliance with permit terms and

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<sup>10</sup> § V.A.1.b.

<sup>11</sup> § V.A.3.b.

<sup>12</sup> Review Memo, at 1 (stating “there is little if any overnight or longer-term storage of the product”).

<sup>13</sup> Art. XXI, § 2103.12.h.1.

conditions, permitting authorities must supplement monitoring to assure such compliance.”<sup>14</sup>

The Permit’s requirement that the benzene concentration of the Facility’s coal waste sludge be tested biannually is not sufficient to assure compliance with the Permit’s continuous limit on the benzene concentration of the Facility’s coal waste sludge. Section V.A.3.b should be revised so that the benzene concentration of the diluted sludge is analyzed on a frequent enough basis to assure compliance with the Permit’s requirement that such concentration not exceed 1% by weight “at any time.”

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<sup>14</sup> *In the Matter of CITGO Ref. and Chems. Co.*, Petition VI-2007-01, at 6-7 (May 28, 2009), quoted in *In the Matter of Luke Paper Co.*, 2010 EPA CAA Title V LEXIS 7, \*13-14 (Oct. 18, 2010).