



GROUP AGAINST SMOG & POLLUTION

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GROUP AGAINST SMOG AND POLLUTION'S COMMENTS REGARDING THE TITLE V OPERATING PERMIT FOR ASHLAND INC'S NEVILLE ISLAND FACILITY (0037)

1. Ashland's Permit Application Does Not Establish That the Facility's PR Plant Oil Heater is Exempt From 40 CFR Part 60 Subpart Dc

A steam generating unit may (or may not) be subject to New Source Performance Standards depending on its generating capacity and when it was constructed, modified, or installed. 40 CFR Part 60 Subpart Dc imposes a New Source Performance Standard on steam generating units constructed, installed, or modified after June 9, 1989, and having heat generating capacities between 10 MMBtu/hr and 100 MMBtu/hr.¹

The facility's PR Plant Oil Heater (process P001d) is a steam generating unit having a generating capacity of 16.5 MMBtu/hr.² However, Ashland's permit application does not disclose when the PR Plant Oil Heater was installed;³ the PR Plant Oil Heater thus may be subject to Subpart Dc.

Ashland bears the burden of showing that an activity at its facility is not subject to Title V requirements.⁴ ACHD should require Ashland to provide information that demonstrates that the PR Plant Oil Heater was installed before Subpart Dc became effective before it issues the Permit, and, if Ashland is not able to make such demonstrations, apply the appropriate NSPS to the Main Boiler and PR Plant Oil Heater.

2. The Liquid Storage Tank Control Devices Listed in the Draft Permit are Inconsistent with Those Listed in the Technical Review Document

¹ 40 C.F.R. § 60.40c(a).

² Ashland Technical Support Document, at 3.

³ See Ashland's Permit Application, Form B.

⁴ See 40 C.F.R. § 70.5(a)(2); Article XXI § 2101.06.f.

The draft permit indicates that the only control device for the polyester resin plant storage tanks is a “Chiller on V-2002.”⁵ However, the technical review document indicates no control device for V-2002 and lists nitrogen blanketing to control V-650 and V-651.⁶ ACHD should determine what control devices are actually operating on each of these units and alter the final permit accordingly. The final permit must include conditions requiring the permittee to operate these control devices.⁷

3. The Permit Should Impose Throughput Limits on All Liquid Storage Tanks

Section V.B.1 of the Permit imposes throughput limits on styrene, vinyl toluene, and methyl methacrylate, which are stored in tanks at the facility. However, the Permit does not appear to impose explicit throughput limits on other chemicals stored in tanks at the facility, including dicyclopentadiene, ethylene glycol, propylene glycol, diethylene glycol,⁸ and maleic anhydride.⁹

“[P]ermit conditions establishing effective PTE limits must impose practically enforceable production or operational limit (e.g., hours of operation, raw materials used) in addition to practically enforceable emissions limits.”¹⁰ Emissions from the facility’s storage tanks were estimated using USEPA’s TANKS program,¹¹ which uses tank throughput volumes as an input to estimate emissions. Accordingly, the throughput volumes that Ashland used to estimate emissions from the tanks are readily available, and must be incorporated into the Permit as restrictions.

4. Ashland Should be Required to Test the Combustion Efficiency of the PR Plant Oil Heater, Main Boiler, and Backup Boiler

The Permit does not explicitly require Ashland to test the combustion efficiency of the PR Plant Oil Heater,¹² and Main and Backup Boilers.¹³ Ashland should be required to test (and record and report) the combustion efficiencies of those installations on at least an annual basis to assure that the installations are functioning properly and to help it maximize its fuel usage and minimize emissions from the installations.

⁵ See Permit § V.G.

⁶ Ashland Technical Support Document, at 3.

⁷ See e.g. USEPA, Title V Permit Writer's Tips - Compliance/Enforcement, Section A.2. *available at* http://www.epa.gov/reg3artd/permitting/t5_compl_enf.htm.

⁸ See Permit § V.G.1.

⁹ See Permit § V.H.1.

¹⁰ USEPA, Title V Permit Writer's Tips - Potential to Emit Limits, Section A *available at* http://www.epa.gov/reg3artd/permitting/t5_pte.htm; *See also*, USEPA, Limiting Potential to Emit (PTE) in New Source Review (NSR) Permitting, Section III, *available at* <http://www.epa.gov/reg3artd/permitting/limitPTEmmo.htm> (Permits “must contain a production or operational limitation in addition to the emission limitation in cases where the emission limitation does not reflect the maximum emissions of the source operating at full design capacity without pollution control equipment. Restrictions on production or operation that will limit potential to emit include limitations on quantities of raw materials consumed, fuel combusted, hours of operation, or conditions which specify that the source must install and maintain controls that reduce emissions to a specified emission rate or to a specified efficiency level.”)

¹¹ Technical Support Document, at 7, 11.

¹² See Permit § V.D.

¹³ See Permit § V.I.

5. Ashland's Application for a Title V Operating Permit is Not Complete

To be complete, an application for a Title V operating permit must identify (among other things) all emissions from and sources of air pollutants at the facility,¹⁴ and provide such other information as may be necessary "to implement and enforce other applicable requirements of the Act."¹⁵

Ashland's application for a Title V operating permit appears to be incomplete because it does not include information about the facility's Main Boiler (there does not appear to be a Form B for the Main Boiler), and, as noted above, does not disclose when the PR Plant Oil Heater was installed. ACHD must require Ashland to complete its application before granting the Permit.

6. Ashland Has Failed to Justify its Characterization of Emissions Sources as Insignificant

Ashland's permit application characterizes a number of activities at the facility as insignificant sources of emissions. Generally, an activity that produces emissions may be omitted from a Title V operating permit when the activity is included on a list of insignificant activities created by the permitting authority and approved by EPA.¹⁶

When an applicant believes an activity is insignificant, it must demonstrate that the activity is not subject to Title V requirements.¹⁷ The applicant bears the burden of proving that an activity is insignificant and not subject to a Title V requirement.¹⁸

Ashland's permit application characterizes a number of activities at the facility as insignificant sources of emissions, but does not provide any information to justify that characterization. Assuming that Ashland is able to justify its characterization of the listed activities as insignificant sources of emissions, ACHD should identify the activities as insignificant sources in its Technical Review Document and in the Permit. This could be included in the Permit as a section VIII, moving the Permit's emissions summary table to a new section IX. If Ashland is unable to justify its characterization of the activities as insignificant sources of emissions, the activities and the emissions they produce must be included in the Permit.

7. Miscellaneous Comments

Our review of the Permit uncovered several provisions that seem ambiguous or unnecessary because they refer to past requirements:

- Section V.A.1.d's requirement that Ashland submit a waste management plan by April 5, 2004 is outdated, assuming that Ashland has in fact submitted such a plan. If it has not, ACHD should require Ashland to submit the plan and should not issue a Title V Operating Permit until it does.

¹⁴ 40 C.F.R. § 70.5(c)(3)(i) and (ii).

¹⁵ 40 C.F.R. § 70.5(c)(5).

¹⁶ 40 C.F.R. § 70.5(c).

¹⁷ 40 C.F.R. § 70.5(a)(2).

¹⁸ See Article XXI § 2101.06.f.

- Section V.A.1.h refers to “any incinerator” installed at the facility’s PR Plant. There do not appear to be any incinerators other than the thermal oxidizer installed at the PR Plant. To reduce ambiguity, section V.A.1.h should refer to the “thermal oxidizer” rather than “any incinerator.”
- To reduce ambiguity, section V.A.1.t’s reference to “you” should be changed to “each operator.” “You” is generally used in the Permit to refer to Ashland, but in this section it appears to refer to individual incinerator operators.
- Section V.A.1.w’s requirement that incinerator operators have certain information kept available at the facility “by October 4, 2004” is outdated, also assuming again that such information is indeed being kept available at the facility.
- Section V.A.2.a’s requirement that Ashland conduct emissions tests on the thermal oxidizer “[o]n or before December 15, 2009” is outdated, assuming again that Ashland has already conducted such tests.
- Section V.A.2.b (and a number of Permit provisions that follow) refer to a “WAP” and a “CMP;” for clarity’s sake, those terms should be defined.
- Section V.A.3.d uses the abbreviation “T.O.,” apparently to refer to the PR Plant’s thermal oxidizer unit. To avoid confusion, the term “T.O.” should be defined or the Permit should use the term “thermal oxidizer” throughout.

Sincerely,



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