

# ALLEGHENY COUNTY HEALTH DEPARTMENT

## Air Quality Program

### SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES ON THE PROPOSED ISSUANCE OF NEVILLE CHEMICAL COMPANY TITLE V OPERATING PERMIT NO. 0060

*[Notice of the opportunity for public comment appeared in the legal section of the Pittsburgh Post-Gazette on January 30, 2015. The public comment period ended on March 3, 2015]*

1. **Comment:** General Comment. The Title V Operating Permit (TVOP) must include the requirements and limitations from all MACT standards to which Neville Chemical Company (NCC) is subject. Operations at NCC meet the definition of “organic liquids distribution” in 40 CFR Part 63, Subpart EEEE – *National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution* (the “OLD”). The first compliance date for the OLD was February 5, 2007, at which time NCC was a major source for HAPs. The Technical Support Document (TSD) asserts that NCC is excused from compliance with OLD because NCC was subject to 40 CFR Part 63, Subpart FFFF – *National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing* (the “MON”) on the OLD’s first compliance date. This assertion appears to be based on a document called the “Implementation Tool for the Organic Liquids Distribution NESHAP”, which states in part:

*“Affected equipment regulated under the MON requirements would not be subject to the OLD rule during the interim between the OLD and MON rule compliance dates.”*

The “Implementation Tool” thus purports to write the OLD’s clear and unambiguous February 5, 2007 first compliance date out of the regulation, and graft into OLD an exemption not present in §63.2338(c). That is impermissible. EPA cannot simply disregard the unambiguous language of its own regulations. NCC operated an “organic liquids distribution operation” at a major source for HAPs on the OLD’s first compliance date. On that date, NCC was not an affected source under the MON because the MON did not take effect until May 10, 2008. Consequently, NCC was, and (as a result of USEPA’s “once in, always in” policy) continues to be an affected source under the OLD. ACHD must revise the draft TVOP to include the applicable requirements of the OLD.

**Response:** The EPA-issued guidance document, “Implementation Tool for the Organic Liquids Distribution NESHAP,” specifically covers this and is unambiguous in its determination that the OLD did not apply to the facility during the interim period between the compliance dates of the MON. The Department consulted with the US EPA in making this determination, and the EPA agreed. The permit remains unchanged.

2. **Comment:** General Comment. Alternatively to comment #1, NCC may still be subject to the MON. NCC was still a major source of HAPs on the MON’s first compliance date of May 10, 2008 because under a then-applicable “alternative operating scenario”, NCC still had the potential to emit more than 25 tpy of HAP. The reduction in HAP emissions prior to May 7, 2008 is based on an alternative operating scenario using aqua neutralization instead of clay/lime neutralization for the Unit 20 process. Because this was approved as an “alternative operating scenario”, it is implied that it was still permissible for NCC to use clay/lime neutralization on May 10, 2008. Documents produced by ACHD in response to GASP’s January 7, 2015 request for records related to NCC’s application for its Title V Operating Permit do not appear to include any permit or other enforceable requirement that NCC disable or remove the clay/lime neutralization system. The potential-to-emit for the Unit 20 process on May 10, 2008 should have been based on the highest possible emissions for the Unit 20 process permitted under the “alternative operating scenario”. If NCC was still authorized to operate the clay/lime neutralization system on May 10, 2008, its potential HAP emissions exceeded 25 tpy and the TVOP must be revised to include applicable restrictions and limitations that are imposed by the MON.

**Response:** Based on a maintenance work order from Neville Chemical Company, dated February 28, 2008, the Clay/Lime Neutralization system (listed on the work order as the “U-20 Rotary Vacuum Filter #2”) was out of

service as early as January 14, 2008, and was deemed irreparable on February 28, 2008. This is consistent with the timeline presented in Appendix A.1 and A.2 of the Technical Support Document. As this was before the May 10, 2008 compliance date, the facility was a minor source of HAP, and therefore not subject to the MON. The permit remains unchanged.

3. **Comment:** General Comment. A general statement should be included stating that compliance for each emission unit is to be determined by calculations based on existing information. All of the emission units are considered to be in compliance with their existing permit conditions, so re-certification of that compliance via new testing is not necessary or required, and is overly burdensome. In addition, none of the emission sources has the potential to emit any pollutant in excess of 100 tpy. Therefore, the recurring emission testing requirement in §2108.02 of Article XXI is not applicable. If testing was not a requirement in the existing permits, or has already been completed, it shouldn't be imposed as a new requirement in the TVOP.

**Response:** Any credible evidence applies to determining compliance with the permit, including, but not limited to, calculations based on existing information, testing, or any other method. New testing is a means of demonstrating compliance, and existing information is subject to change based on operational factors. Article XXI §2108.02 requires testing of any source with the potential-to-emit any pollutant in excess of 100 tpy, but does not preclude the requirement for testing of sources less than 100 tpy. While the purpose of the Title V permit program is not to include new restrictions in the operating permit, the permit must still include methods of demonstrating compliance. This may include additional testing requirements. The General Conditions (Section III) remain unchanged; individual sections are addressed below.

4. **Comment:** General Comment. A footnote should be added to all emission limit tables in Section V that states: "The emission limits may be adjusted based on emission test results, changes in emission factors, or other reasons deemed appropriate by the Department."

**Response:** Emission limits in the operating permit are based on the information provided in the permit application and where applicable, installation permits. Changes in those limits, even if based on credible evidence such as emissions tests, would require a permit amendment, as outlined in Article XXI, §2103.14 and §2103.24. The permit remains unchanged.

5. **Comment:** Section III: General Conditions. NCC objects to the Declaration of Policy. There should be no requirement to operate equipment "in conformity with the plans, specifications, conditions, and instructions which are part of [the] application." Such language introduces unnecessary ambiguity. Any necessary terms or conditions derived from the application should be expressly stated in the permit. NCC requests that this language be deleted from the permit.

**Response:** While it is correct that the terms and conditions expressly stated in the permit are derived from the application, if the facility deviates from what is stated in the application, those terms and conditions may no longer be accurate and the facility may no longer be in compliance. The permit remains unchanged.

6. **Comment:** Section III: General Conditions; condition III.12.b. This condition should be revised to read "...first report shall be due March 1, 2016 for the time period beginning on the issuance date of this permit through December 31, 2015."

**Response:** The permit has been revised.

7. **Comment:** Section III: General Conditions; condition III.27. This condition should be deleted. It does not accurately reflect the cited authorities (§2104.08 and §2105.02). Moreover, it is contrary to one of the main purposes of the Title V program, which is to incorporate all applicable requirements. The Title V rules provide for a "permit shield" as does the draft permit. This condition creates ambiguity as to the effect of the permit shield.

**Response:** The purpose of the Title V program is to incorporate all applicable requirements into one permit. However, in the event that NESHAPs or NSPSs (§2104.08 or §2105.02, respectively) or other applicable requirements change, the facility is still required to meet the regulation. The permit shield is not extended to applicable requirements that become effective after an operating permit is issued, violations prior to the issuance of an operating permit, misinterpretations of applicable requirements, provisions of Section 303 (emergency orders) and Section 408(a) (acid rain provisions) of the CAA, and information requests under Section 114 of the CAA. The permit remains unchanged.

8. **Comment:** Section III: General Conditions. In conjunction with comment #7 above, the following suggested permit shield language should be included in Section III:

**Permit Shield (§2103.22)**

- a. The permittee's compliance with the conditions of this permit shall be deemed compliance with all major source applicable requirements as of the date of permit issuance, provided that:
  - 1) Such major source applicable requirements are included and are specifically identified in the permit; or
  - 2) The Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the source, and the permit includes the determination or a concise summary thereof.
- b. Nothing in Article XXI, §2103.22.e or the Title V Permit shall alter or affect the following:
  - 1) The provisions of Section 303 of the Clean Air Act and the provisions of Article XXI regarding emergency orders, including the authority of the Administrator and the Department under such provisions;
  - 2) The liability of any person who owns, operates, or allows to be operated, a source in violation of any major source applicable requirements prior to or at the time of permit issuance;
  - 3) The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act; or
  - 4) The ability of the EPA or the County to obtain information from the permittee pursuant to Section 114 of the Clean Air Act, the provisions of Article XXI and State law.
- c. Unless precluded by the Clean Air Act or regulations therein, final action by the Department on administrative amendments, minor and significant permit modifications, and operational flexibility changes shall be covered by the permit shield provided such amendments, modifications and changes meet the relevant requirements of Article XXI.
- d. The permit shield authorized under Article XXI, §2103.22 is in effect for the permit terms and conditions as identified in this permit.

**Response:** The permit has been amended to include this section as condition III.36.

9. **Comment:** Section IV: Site Level Conditions; condition IV.13.a. The wording "On or before December 31, 1981" should be removed. Language should be inserted requiring that testing be done starting at the time of the initial issue of this permit.

**Response:** This is the language directly from Article XXI, §2108.02. Any source in Allegheny County is subject to this date, and sources installed before this date are not automatically required under this section to conduct emissions testing. The date in this condition is necessary for determining applicability, therefore the permit remains unchanged.

10. **Comment:** Section IV: Site Level Conditions; condition IV.27. The following statements should be added to this condition regarding applicable NESHAPs in order to confirm that the permit shield applies:

- d. The permittee is not subject to any requirements of 40 CFR Part 63, Subpart EEEE – *National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution*.
- e. The permittee is not subject to any requirements of 40 CFR Part 63, Subpart FFFF – *National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing*.

**Response:** This section is to list only the applicable NESHAPs, not those which are not applicable. For discussion on the applicability or non-applicability of certain NESHAPs, please see the Technical Support Document. The applicability of the permit shield is not affected. The permit remains unchanged.

11. **Comment:** Section IV: Site Level Conditions; condition IV.31.f. The Correlation Approach methods in EPA's "Protocol for Equipment Leak Emission Estimates" are used to determine total VOC emissions, not HAP emissions. The HAP portion of the VOC should be calculated by the method used in NCC's TVOP application or a methodology agreeable to the Department and the permittee.

**Response:** Estimates of potential HAP emissions are based on the method described in the EPA protocol, with a factor applied to account for the percent of VOC that is HAP. See the Technical Support Document for details. The permit has been revised to add the phrase "...with an applied calculated HAP content (as a percent of total VOC)..." for clarification.

12. **Comment:** Section IV: Site Level Conditions; condition IV.31.i.3). This condition should be deleted. The HAP LDAR program is conducted on an annual basis and the reporting of estimated emissions should be done annually in the Emissions Inventory Statement due March 15.

**Response:** The determination of HAP emissions due to leaks and equipment fugitives is a critical component in the determination of Neville Chemical Company as a minor source of HAP. As such, it is necessary to have ongoing continuous compliance in the form of reporting, not just as part of the annual Emissions Inventory. The facility may report whatever LDAR any information obtained for components monitored in that reporting period, or, for components not monitored during that reporting period, use factors obtained from previous monitoring. The permit remains unchanged.

13. **Comment:** Section V.A: Heat Polymerization Stills (P001); condition V.A.2.c. The permit should include an initial emissions test prior to the operation of the facility under this permit.

**Response:** All initial testing requirements for this process were satisfied under the installation permit, No. 0060-I006, condition V.A.2.b. The permit remains unchanged.

14. **Comment:** Section V.A: Heat Polymerization Stills (P001); condition V.A.6.b.1). There should be a definition of "emergency" as defined in Article XXI, §2101.20 somewhere in the permit.

**Response:** General Condition III.2.a states that, unless specified otherwise, "terms used retain the meaning accorded to them under the applicable provisions and requirements of Article XXI". The term "emergency" is defined in Article XXI, §2101.20. The permit remains unchanged.

15. **Comment/Response:** Section V.B: Unit 20 (P006), condition V.B.4.c.2). The permit was revised to include minimum requirements of what is to be included in the log of inspections for the BF<sub>3</sub> scrubber.

16. **Comment:** Section V.C: Unit 21 (P007); conditions V.C.4.a & b. There should be a requirement to calculate short-term emissions on a certain frequency, and long-term emissions on a rolling 12-month basis.

**Response:** The Department feels that requiring calculations of short-term emissions and long-term emissions on a rolling 12-month basis is excessive and unnecessary. There are conditions in Section V.C.1 limiting the total throughput and number of product changes, as almost all emissions are related to working losses associated with

the filling and heating of vessels during product changes. The permit also contains record keeping conditions in Section V.C.4 to record all this information. Since these are the variables used in calculating potential emissions, if they are not exceeded, the maximum emissions limits will not be exceeded. Conditions V.C.4.a & b also require the facility to calculate emissions if the throughput or number of product changes ever exceed 90% of the product change limit in any 12-month period. The permit remains unchanged.

17. **Comment/Response:** Condition V.C.4.a.4). Revised permit to correct typographical errors.
18. **Comment:** Section V.D: Continuous Stills No. 3 & No. 4 (P008 & P009); conditions V.D.4.a & b. There should be a requirement to calculate short-term emissions on a certain frequency, and long-term emissions on a rolling 12-month basis.

**Response:** See response to comment #16. The permit contains a limit on the number of product changes, as almost all emissions are related to working losses associated with the filling and heating of vessels during product changes. The permit also contains requirements to record all parameters used in calculating potential emissions, and a requirement for the facility to calculate emissions if the number of product changes exceeds 90% of the product change limit in any 12-month period. The permit remains unchanged.

19. **Comment:** Section V.E: No. 2 Packaging Center (P011); condition V.E.2.a. The permit should include an initial emissions test prior to the operation of the facility under this permit.

**Response:** All initial testing requirements for this process were satisfied under the installation permit, No. 0060-I007a, condition V.A.2.a. The permit remains unchanged.

20. **Comment:** Section V.E: No. 2 Packaging Center (P011); condition V.E.3.b. Please provide an explanation as to how the monitoring of differential pressure assures compliance with the PM limits in Table V-E-1.

**Response:** Monitoring the differential pressure, combined with proper maintenance as required under condition V.E.1.a, assures that the baghouse is operating as specified. Substantial changes in differential pressure indicate that the baghouse is not operating efficiently and may be exceeding emissions limits. Operation under consistent differential pressure indicates proper operation, which demonstrates compliance with the outlet loading on the baghouse (on which the maximum potential-to-emit was based).

21. **Comment:** Section V.F: No. 3 Packaging Center (P012); conditions V.F.1.b, c, & e. These limits are based on factors obtained from other similar sources. If the final permit requires source testing, it should be stated that these limits may be subject to adjustment based on the results of the source test. Please see comment #4 for language.

**Response:** See response to comment #4. The permit remains unchanged.

22. **Comment:** Section V.F: No. 3 Packaging Center (P012); condition V.F.2.a. Pursuant to comment #3 these are newly imposed restrictions that should be deleted from the permit. If the source test is required, the deadline for the first test should be 24 months to allow for required changes to the ductwork needed to conduct such testing.

**Response:** See response to comment #3. Due to the potentially high VOC emissions from this process, as well as the facility's minor source of HAP status, the Department feels that emissions testing is necessary. Pursuant to comment #23 below, the facility has 12 months from the issuance of this operating permit to conduct the initial test. The permit remains unchanged.

23. **Comment:** Section V.F: No. 3 Packaging Center (P012); condition V.F.2.a. The permit should include an initial emissions test prior to the operation of the facility under this permit.

**Response:** The Department agrees that testing is required to demonstrate compliance, and condition V.F.2.a states

that a test is required within 12 months of issuance of the operating permit. Because this is an existing process operating under an existing permit (OP #4051008-000-00905) at the facility, the Department does not feel it is necessary to require an emissions test prior to operation of this process. The permit remains unchanged.

24. **Comment:** Section V.G: No. 5 Packaging Center (P013); condition V.G.2.a. The permit should include an initial emissions test prior to the operation of the facility under this permit.

**Response:** All initial testing requirements for this process were satisfied under the installation permit, No. 0060-I008, condition V.A.2.a. The permit remains unchanged.

25. **Comment:** Section V.G: No. 5 Packaging Center (P013); condition V.G.3.c. The language of this condition is not a monitoring requirement to monitor collection efficiency because collection efficiency is not included as a limit. The 2<sup>nd</sup> sentence could be clarified by removing the term “collection efficiency” unless it is in the underlying rule. Consider removing a portion of the language to make this clearer.

**Response:** The phrase “...which might interfere with collection efficiency” was deleted. The same revision was made to similar conditions for the No. 2 and No. 3 Packaging Centers (conditions V.E.3.c and V.F.3.c, respectively).

26. **Comment:** Section V.G: No. 5 Packaging Center (P013); condition V.G.3.d. The visual inspection required by this condition should be an inspection using either EPA Test Method 22 or Method 9.

**Response:** The permit has been revised to reference EPA Test Method 22. The same revision was made to similar conditions for the No. 2 and No. 3 Packaging Centers (conditions V.E.3.d and V.F.3.d, respectively).

27. **Comment:** Section V.H: Wastewater Collection, Conveyance, and Treatment (P014); condition V.H.4.b.3). The requirement to record monthly and rolling 12-month average temperatures of the wastewater transferred from the batch tanks to the Equalization Tank should be eliminated. The batch tanks are unheated vessels and the transfer temperature is not used for any emission calculations.

**Response:** Since temperature is not used in any calculations or other compliance determinations for this process, the permit has been revised.

28. **Comment:** Section V.H: Wastewater Collection, Conveyance, and Treatment (P014); conditions V.H.5.a & b. These are newly imposed restrictions that should be deleted from the permit.

**Response:** The determination of HAP emissions due to Wastewater Collection, Conveyance, and Treatment System is a critical component in the determination of Neville Chemical Company as a minor source of HAP. As such, it is necessary to have ongoing continuous compliance in the form of reporting. While the purpose of the Title V permit program is not to include new restrictions in the operating permit, the permit must still include methods of demonstrating compliance. This may include additional recordkeeping and reporting requirements. The permit remains unchanged.

29. **Comment:** Section V.I: Resin Rework Tanks (P015); condition V.I.1.b. If the emission limits are based on the outlet of the condenser, this condition should specify that.

**Response:** The permit has been revised.

30. **Comment:** Section V.I: Resin Rework Tanks (P015); condition V.I.3.a. The required standard accuracy should read “...the greater of  $\pm 2.2^{\circ}\text{C}$  or  $\pm 0.75\%$  of the temperature measured...”

**Response:** The permit has been revised.

31. **Comment:** Section V.J: Final Product Loading (P016); condition V.J.4. There should be a requirement to keep records of calculated short-term VOC emissions and long-term VOC emissions on a 12-month rolling basis.

**Response:** See response to comment #16. The permit was revised to include conditions V.J.1.b & c, which limit the rate of throughput and annual amount of material transferred, as almost all emissions are related to working losses associated with the transfer of product. The permit also includes condition V.J.4.b, which requires the facility to calculate emissions if the total amount of material transferred exceeds 90% of the yearly limit.

32. **Comment:** Section V.J: Final Product Loading (P016); condition V.J.6.b. Please provide examples of “good engineering practices”.

**Response:** The language in this condition is from the Plan Approval Order and Agreement (RACT) #230. Examples of “good engineering practices” are found in condition V.J.6.a. This condition was revised to be consistent with similar conditions in other sections.

33. **Comment:** Section V.K: Heat Poly Still Process Heaters (B001-B004 & B015); conditions V.K.1.b & c. All of the emission limits are based on published factors, and there should be a statement that limits will be adjusted in the event of changes in the published factors. Please see comment #4 for suggested footnote language.

**Response:** See response to comment #4. The permit remains unchanged.

34. **Comment:** Section V.K: Heat Poly Still Process Heaters (B001-B004 & B015); process description. The installation permit for the No. 18 Still’s process heater lists the maximum design rate as 8 MMBtu/hr; the permit lists it as 7.21 MMBtu/hr.

**Response:** The permit has been revised to correspond to the actual burner rating of 8.0 MMBtu/hr.

35. **Comment:** Section V.K: Heat Poly Still Process Heaters (B001-B004 & B015); condition V.K.3. The type of meter should be specified, and required calibrating methods should be included in the permit.

**Response:** The permit has been revised to include the words “fuel flow” for clarification. The same revision was made to similar conditions for the Continuous Still Process Heaters and Packaging Center Heaters (conditions V.L.3 and V.M.3, respectively).

36. **Comment:** Section V.K: Heat Poly Still Process Heaters (B001-B004 & B015); condition V.K.6.a.2). This condition is practically unenforceable because there is no definition of “significant effect”.

**Response:** The condition has been revised to read “Keep records of any maintenance,” which is part of normal facility operation, and eliminates any ambiguity due to the term “significant effect.” The other sections of the permit were also revised for consistency.

37. **Comment:** Section V.L: Continuous Still Process Heaters (B006 & B007); section description. There should be a clarifying note indicating that the maximum design rates are not enforceable limits, if that is the case.

**Response:** The purpose of this table (in each section) is to identify the specifics of the process identified in the permit application. The ‘Declaration of Policy’ in Section III: General Conditions, states in part:

*“The subject equipment has been conditionally approved for operation ... [and] shall be operated in conformity with the plans, specifications, conditions, and instructions which are part of [the] application, and may be periodically inspected for compliance by the Department.”*

Based on this declaration, the maximum design rates are enforceable in that the facility must provide accurate information in their application. However, for clarity in this permit, a condition has been added (V.L.1.b) limiting the amount of fuel that may be combusted in the heaters, which is based on the maximum design rates. This limit is enforceable under conditions V.L.4.a and V.L.5.b.2). The other combustion unit sections of the permit (V.K, V.M, V.N (see comment #45 below) and V.O) were also revised for consistency.

38. **Comment:** Section V.L: Continuous Still Process Heaters (B006 & B007); conditions V.L.1.b & c. All of the emission limits are based on published factors, and there should be a statement that limits will be adjusted in the event of changes in the published factors. Please see comment #4 for suggested footnote language.

**Response:** See response to comment #4. The permit remains unchanged.

39. **Comment:** Section V.L: Continuous Still Process Heaters (B006 & B007); condition V.L.6.a.2). See comment #36. The term “significant effect” should be defined.

**Response:** The permit has been revised. See response to comment #36.

40. **Comment:** Section V.M: Packaging Center Heaters (B009, B010, & B011); conditions V.M.1.b & c. All of the emission limits are based on published factors, and there should be a statement that limits will be adjusted in the event of changes in the published factors. Please see comment #4 for suggested footnote language.

**Response:** See response to comment #4. The permit remains unchanged.

41. **Comment:** Section V.N: Boiler No. 6 (B013); conditions V.N.1.b & C. All of the emission limits are based on published factors, and there should be a statement that limits will be adjusted in the event of changes in the published factors. Please see comment #4 for suggested footnote language.

**Response:** See response to comment #4. The permit remains unchanged.

42. **Comment:** Section V.N: Boiler No. 6 (B013); condition V.N.1.c, Table V-N-1. This table should have a footnote added regarding emissions being based on 3-hour averages. The particulate matter references need a footnote added regarding being for filterable particulates only.

**Response:** The permit has been revised to be consistent with other combustion sources.

43. **Comment:** Section V.N: Boiler No. 6 (B013); conditions V.N.2.a, b, & c. These are newly imposed restrictions that should be deleted from the permit. In addition to not being a requirement in the existing permit, this condition goes well beyond the requirements of the cited reference in Article XXI, §2108.02. Only units with emissions greater than 100 tpy are specifically required to conduct tests on a recurring (every two years) basis. This boiler is well below the 100 tpy threshold for all pollutants, so recurring testing should not be required.

**Response:** See response to comment #3. Furthermore, while sources with emissions greater than 100 tpy are required to test every two years, the permit is requiring testing on the No. 6 Boiler once every five years. Because of the age and size of this boiler, combined with the high potential NO<sub>x</sub> emissions, the Department feels that periodic testing is necessary. The permit remains unchanged.

44. **Comment:** Section V.N: Boiler No. 6 (B013); condition V.N.2.a. The permit should include an initial emissions test prior to the operation of the facility under this permit.

**Response:** The permit has been revised to require an initial emissions test within 18 months after the issuance of the operating permit. Because this is an operating permit for an existing facility, and this is an existing process at the facility, the Department feels it is unreasonable to require an emissions test prior to operation of this process.

45. **Comment:** Section V.N: Boiler No. 6 (B013); section V.N.4. There should be a requirement to keep records of the long-term and short-term emissions of all pollutants in Table V-N-1.

**Response:** The Department feels that keeping records of fuel use is an acceptable alternative to calculation of emissions, and that a requirement to keep records long- and short-term emissions would be excessive. The permit has been revised to include a condition (V.N.1.b) that sets an hourly and annual limit on the amount of natural gas that can be combusted.

46. **Comment:** Section V.N: Boiler No. 6 (B013); condition V.N.4.a. Instead of stating “all appropriate records...” this section should specify the type of records required to me maintained.

**Response:** The language of this condition is directly from the Plan Approval Order and Agreement (RACT), #230. The specific “appropriate” records required are contained in subsequent conditions V.N.4.b and V.N.4.c. The permit remains unchanged.

47. **Comment:** Section V.O: Boiler No. 8 (B012); condition V.O.5.b. The reporting requirement for cold starts should be the same as that for Boiler No. 6 (see condition V.N.5.b) which includes a waiver for the 24-hour advance report and replaces it with semiannual reporting.

**Response:** The permit has been revised to include the waiver for cold start reporting.

48. **Comment:** Section V.O: Boiler No. 8 (B012); condition V.O.6.b.1). This condition should be deleted. Condition V.O.6.b.3) covers operating the unit within the applicable terms and conditions of this permit.

**Response:** The Department disagrees in that there could be “good operating and maintenance practices” (as outlined in condition V.O.6.a) that are in addition to those specified by the manufacturer. The permit remains unchanged.

49. **Comment:** Section V.P: Storage Tanks (D001-D012). Tank numbers 6301, 6302, 8501, 8502, 8503, 8504, 8505, and 8506 are subject to 40 CFR Part 60, Subpart Kb – *Standards of Performance for Volatile Organic Liquid Storage Vessels*. However, Section V.P does not include any citations for Subpart Kb. The draft permit should be revised to incorporate all applicable terms and conditions from Subpart Kb with citations.

**Response:** Per §60.110b(b), the requirements of 40 CFR Part 60, Subpart Kb apply to the tanks in question only if the maximum vapor pressure of the materials stored is greater than or equal to 3.5 kPa. Condition V.P.1.f restricts these tanks to storage of materials with a maximum vapor pressure less than 3.5 kPa. Provided this condition is met, no further conditions from Subpart Kb are applicable. The ‘Regulatory Applicability’ section in the Technical Support Document has been revised to provide greater clarity.

50. **Comment:** Section V.P: Storage Tanks (D001-D012); condition V.P.1.e. The facility should conduct an initial test on the vapor balancing system prior to the facility operating under this permit. The stack test should be conducted such that results show emissions of VOC during barge off-loading operations are reduced by at least 90% by weight.

**Response:** The Department feels that an actual emissions test would be excessive in this case, given that the requirements for vapor balancing systems in 40 CFR Part 63, Subpart EEEE (the OLD, to which the facility is not subject) do not include testing (§63.2346(a)). In this case, compliance will be demonstrated as part of the HAP LDAR program, with an instrument reading less than 500 ppm.

51. **Comment:** Section V.P: Storage Tanks (D001-D012); condition V.P.3.a. The permit needs to include monitoring to assure that calculated emissions comply with the emissions limits in Tables V-P-1 and V-P-2.

**Response:** The permit requires parametric monitoring, which includes records of tank dimensions, types of liquids stored, vapor pressure, throughputs, and turnovers in each tank. The Department feels that these recordkeeping requirements are sufficient to demonstrate compliance with the emissions limits. The permit remains unchanged.

52. **Comment:** Section V.P: Storage Tanks (D001-D012); condition V.P.4.b. The permittee should maintain records of the emissions of each of the pollutants of concern emitted from the tanks.

**Response:** The Department agrees that, in order to demonstrate continued minor source of HAP status, emissions from the tanks must be calculated. The permit has been revised to include a condition (V.P.4.e) requiring record keeping of the calculated VOC and HAP emissions from the tanks on a rolling 12-month basis.

53. **Comment:** Section VI.A: Groundwater Remediation (P017). The process flow diagram in Section II of the draft TVOP for the Groundwater Remediation System shows a number of wells that is inconsistent with the process description in this section. This inconsistency makes it difficult to determine what requirements are applicable to the system. The draft TVOP must be revised to that all of its descriptions of the Groundwater Remediation System are correct and consistent, and to include any applicable requirements, specifically those from 40 CFR Part 63, Subpart GGGGG.

**Response:** The process flow diagram in Section II is intended as a representation of a more complex system, and is only intended to represent a sample well. The diagram has no bearing on the applicable requirements of 40 CFR Part 63, Subpart GGGGG. All applicable requirements of Subpart GGGGG are contained in Section VI.A. For clarification purposes, the diagram has been revised to show the number of wells.

54. **Comment:** Section VI.B: Emergency Generators. NCC's emergency generators are subject to 40 CFR Part 63, Subpart ZZZZ – *National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines* (RICE); however it does not appear that this section incorporates all the RICE requirements that apply to each of the emergency generators. For example, it is not clear which type (specifically, rich-burn or lean-burn) of engines the emergency generators are, and thus it is unclear which restrictions apply to each generator. The draft permit should be reviewed and revised (if necessary) to include all applicable requirements of Subpart ZZZZ.

**Response:** Since these are all emergency generators, meeting the definition in §63.6675, and meeting the requirements specified in §63.6640(f), only the work practice, maintenance, and some recordkeeping/reporting requirements apply. Those have been included in the permit. The Department feels that these requirements should apply to all eight of the generators, not just the six for which they are specifically applicable, so no distinction was made in the permit. A citation was added to justify these requirements under Article XXI. For clarification, a row was added to the section description table to indicate the type of engine (i.e., rich-burn or lean-burn), and a table (Table 35b) was added to the Technical Support Document to indicate the applicability under Subpart ZZZZ.

55. **Comment:** Section VI.B: Emergency Generators; condition VI.B.2. The permit should provide details on the testing requirements.

**Response:** Because these generators are “emergency”, as defined in §63.6675, and meet the requirements in §63.6640(f) for emergency engines, there are no applicable testing requirements. However, the Department reserves the right to require testing. The permit remains unchanged.

56. **Comment:** Section VI.C: Sources of Minor Significance; conditions VI.C.1.a, b, & c. These are newly imposed restrictions that should be deleted from the permit. There is no regulatory basis for any of these conditions.

**Response:** See response to comment #3. The restrictions in this section are based on information provided by the

facility in the operating permit application. The limits in this section are to ensure the facility's minor source of HAP status. The record keeping requirements in this section are what the facility would keep as matter of good operating practice; therefore the Department does not consider them to be onerous or excessive. The permit remains unchanged.

### **List of Commenters**

Name	Affiliation
Mr. John K. Baillie Staff Attorney	<b>Group Against Smog &amp; Pollution (GASP)</b>
Mr. John H. Ferguson Vice-President & Plant Manager	<b>Neville Chemical Company</b>
Mr. Paul T. Wentworth, P.E. Senior Environmental Engineer	<b>U.S. Environmental Protection Agency Region III</b>
ACHD	