UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

IN THE MATTER OF:	)
	) PETITION FOR OBJECTION
Clean Air Act Title V Operating Permit No. 0060-OP24	)
	)
	)
Issued to Neville Chemical Company	) Permit Number No. 0060-OP24
	)
Issued by the Allegheny County Health Department	)
	)
	)

PETITION REQUESTING THAT THE ADMINISTRATOR OBJECT TO TITLE V PERMIT RENEWAL NO. 0060-OP24 FOR NEVILLE CHEMICAL COMPANY

Pursuant to section 505(b)(2) of the Clean Air Act, 42 U.S.C. § 7661d(b)(2), and 40 C.F.R. § 70.8(d), Environmental Integrity Project, Clean Air Council, PennFuture, and Food & Water Watch (collectively, "Petitioners") respectfully petition the Administrator of the U.S. Environmental Protection Agency ("Administrator" or "EPA") to object to the proposed renewal for Title V Operating Permit No. 0060-OP24 ("Renewal Permit") issued by the Allegheny County Health Department ("ACHD") to the Neville Chemical Company facility located at 2800 Neville Road, Neville Township, PA 15225 in Allegheny County. The Renewal Permit is attached as Exhibit 1 to this Petition.

As discussed further below, EPA must object to the Renewal Permit because the permit fails to include sufficient monitoring, testing, and reporting requirements sufficient to assure compliance with all applicable requirements of the Clean Air Act. Specifically, the Renewal Permit fails to require adequate monitoring, testing, and reporting requirements to assure compliance with both short-term and long-term emission limits applicable to numerous emission units at the facility, including:

(1) P001 (Thermal Oxidizer)
(2) P0006 (Unit 20/201) and P009 (#3 continuous still)
(3) P011, P012, and P013 (#2, #3, and #5 Packaging Centers)
(4) B013 (#6 Boiler)
(5) B012 (#8 Boiler); and
(6) B001, B002, B003, B004, B015, and B0006 (still process heaters).

I. PETITIONERS

The Environmental Integrity Project ("EIP") is a non-profit, non-partisan watchdog organization founded to advocate for the effective enforcement of environmental laws, with a specific focus on the Clean Air Act and large stationary sources of air pollution such as the Facility. EIP has three goals: (1) to illustrate through objective facts and figures how the failure to enforce and implement environmental laws increases pollution and harms public health; (2) to hold federal and state agencies, as well as individual corporations accountable for failing to enforce or comply with environmental laws; and (3) to help local communities obtain protections guaranteed by environmental laws. EIP is headquartered in Washington, D.C. and has multiple program staff located in Pennsylvania.

Citizens for Pennsylvania's Future ("PennFuture") is a Pennsylvania-statewide environmental organization dedicated to leading the transition to a clean energy economy in Pennsylvania and beyond. PennFuture strives to protect our air, water, and land, and to empower citizens to build sustainable communities for future generations. A main focus of PennFuture's work is to improve and protect air quality across Pennsylvania through public outreach and education, advocacy, and litigation.

Clean Air Council is a nonprofit environmental health organization with offices in Philadelphia and Pittsburgh, Pennsylvania. The Council has been working to protect everyone's right to a clean and healthy environment for over 50 years. The Council has members throughout

Pennsylvania and the Mid-Atlantic region who support its mission, including many in Allegheny County.

Food & Water Watch ("FWW") is a national nonprofit organization founded in 2005 to ensure access to clean drinking water, safe and sustainable food, and a livable climate. FWW mobilizes regular people to build political power to move bold and uncompromised solutions to the most pressing food, water, and climate problems of our time. FWW has members across the country, including in Allegheny County, Pennsylvania, where FWW has sought to ensure that Neville Chemical is subject to appropriate permitting and public participation requirements.

II. FACILITY DESCRIPTION AND PERMITTING HISTORY

The Neville Chemical Company is a resins manufacturer that operates a Neville Island facility that manufactures synthetic hydrocarbon resins, plasticizers, and plasticizing oils. The facility is a major source of volatile organic compounds, and a minor source of particulate matter (PM), particulate matter <10 μm in diameter (PM_{10}), particulate matter <2.5 μm in diameter ($PM_{2.5}$), nitrogen oxides (NOx), sulfur oxides (SOx), and hazardous air pollutants (HAPs), as defined in § 2102.20 of ACHD Article XXI. Parts of Neville Island and areas around Neville Island are considered an environmental justice (EJ) area, defined by the Pennsylvania DEP's 2004 Environmental Justice Public Participation Policy as "any census tract where 20 percent or more individuals live at or below the federal poverty line, and/or 30 percent or more of the population identifies as a non-white minority, based on data from the U.S. Census Bureau and the federal guidelines for poverty."[1]

On February 1, 2024, ACHD published notice of its intent to issue the Renewal Permit, with the public comment period ending on March 12, 2024. Petitioners timely submitted

[1] DEP, *PA Environmental Justice Areas*, https://www.dep.pa.gov/PublicParticipation/OfficeofEnvironmentalJustice/Pages/PA-Environmental-Justice-Areas.aspx (last visited Sept. 19, 2024).

comments on the draft permit on March 12, 2024, which raised the same concerns stated in this Petition. *See generally* Exhibit 2, Petitioners' Comments on Proposed Renewal Permit 0060-OP24 (March 12, 2024) ("Petitioners' Comments"). On June 18, 2024, ACHD issued the permit to Neville Chemical Company, along with a Summary of Public Comments and Department Responses ("RTC" or "Response to Comments"), attached as Exhibit 3 to this Petition, and Technical Support Document ("TSD"), attached as Exhibit 4 to this Petition.

According to EPA Region 3's Title V petition tracking database,[2] the ACHD submitted the proposed permit renewal to EPA for its review on June 6, 2024. EPA's 45-day review period of the proposed permit ended on July 22, 2024. On June 18, 2024, ACHD issued the permit to Neville Chemical Company. According to EPA's website, the 60-day public petition period on the Title V permit began on July 23, 2024, and ends on September 20, 2024. Therefore, this petition is timely. As required, Petitioners are filing this Petition with the Administrator via the Central Data Exchange and providing copies via certified U.S. mail to ACHD and Neville Chemical Company.

III. STANDARD OF REVIEW FOR TITLE V PETITIONS

Title V permits, which must list and assure compliance with all federally enforceable requirements that apply to each major source of air pollution, are the primary method for enforcing and assuring compliance with the Clean Air Act's pollution control requirements for major sources. 57 Fed. Reg. 32250, 32258 (July 21, 1992). One of the primary purposes of Title V is to "enable the source, States, EPA, and the public to understand better the requirements to which the source is subject, and whether the source is meeting those requirements. Increased source accountability and better enforcement should result." *Id.* at 32251.

[2] https://www.epa.gov/caa-permitting/title-v-operating-permit-public-petition-deadlines

It is the Title V permitting authority's responsibility to ensure that a proposed permit "set[s] forth" conditions sufficient "to assure compliance with all applicable requirements" of the Clean Air Act. *In the Matter of Sandy Creek Services, LLC, Sandy Creek Energy Station, McLennan County, TX*, Order on Petition No. III-2018-1 (June 30, 2021) ("Sandy Creek Order") at 12 (quoting 42 U.S.C. § 7661c(c)). The permitting authority's rationale for any proposed permit conditions must be clear and documented in the permit record, 40 C.F.R. § 70.7(a)(5), and "permitting authorities have a responsibility to respond to significant comments" received on a proposed permit. *In the Matter of CITGO Refining and Chemicals Co., L.P., West Plant, Corpus Christi, TX*, Order on Petition No. VI-2007-01 (May 28, 2009) ("CITGO Order") at 7.

EPA must object to any Title V permit that fails to include or assure compliance with all applicable requirements of the Clean Air Act. 40 C.F.R. § 70.8(c). "Applicable requirements" include any requirements of a federally enforceable SIP and any preconstruction requirements that are incorporated into the Title V permit. *In the Matter of Pac. Coast Bldg. Prods., Inc., Permit No. A00011, Clark County, NV* (Dec. 10, 1999) at 7 ("applicable requirements include the requirement to obtain preconstruction permits that comply with preconstruction review requirements under the Act, EPA regulations, and State Implementation Plans."). If EPA does not object to a Title V permit, "any person may petition the Administrator within 60 days after the expiration of the Administrator's 45-day review period to make such objection." 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(d). The Administrator "shall issue an objection" if the petitioner demonstrates "that the permit is not in compliance with the requirements of [the Clean Air Act], including the requirements of the applicable implementation plan." 42 U.S.C. § 7661d(b)(2); 40 C.F.R. § 70.8(c)(1). The Administrator "shall grant or deny such petition within 60 days after the petition is filed." 42 U.S.C. § 7661d(b)(2).

IV. GROUNDS FOR OBJECTION

EPA must object to the Renewal Permit because the permit fails to include sufficient monitoring, testing, recordkeeping, and reporting requirements sufficient to assure compliance with all applicable requirements of the Clean Air Act. Specifically, the Renewal Permit fails to require adequate monitoring, testing, recordkeeping, and reporting requirements to assure compliance with both short-term and long-term emission limits applicable to numerous emission units at the facility, including:

(1) hourly and long-term emission limits for PM, NOx, SOx, CO, VOC, and HAPs from the heat polymerization stills and thermal oxidizer (P001);

(2) hourly and long-term emission limits for PM, CO, VOCs, SOx, and NOx at Boilers No. 6 and 8 (B013 and B012 respectively).

(3) hourly and long-term emission limits for PM, NOx, CO, VOCs, HAPs, and SOx at the six Still Process Heaters (B001, B002, B003, B004, B015, and B0006) and the three Packaging Center Heaters (B009, B010, and B011); and

(4) hourly and long-term emission limits for VOCs and HAPs at Unit 20/21 (P006) and the #3 Continuous Still (P008).

Each of the claims in this Petition address largely similar issues—namely, involving a lack of adequate testing, monitoring, recordkeeping, and reporting requirements to assure compliance with the short- and long-term emission limits applicable to each unit. Consequently, Section A below will summarize the relevant requirements under Part 70 that apply to each of the claims, while Sections B through E will address, for each of these groups of units in turn, how the Renewal Permit has failed to meet those Part 70 requirements.

A. Each permit issued under Part 70 must set forth testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with all of the permit's terms and conditions.

"Each permit issued under [Title V] shall set forth inspection, entry, monitoring, compliance certification, and reporting requirements to assure compliance with the permit terms

and conditions." 42 U.S.C. § 7661c(c); *see also* 40 C.F.R. § 70.6(c)(1); ACHD Rules and Regulations Article XXI § 2103.12(h)(1). It is ACHD's responsibility, as the relevant permitting authority, "to ensure that the [T]itle v permit 'set[s] forth' monitoring to assure compliance with all applicable requirements." Sandy Creek Order at 12 (quoting 42 U.S.C. § 7661c(c)). Further, any emission limit in a Title V permit must be enforceable as both a legal and practical matter. For a limit to be enforceable as a practical matter, a proposed permit must clearly specify how emissions will be measured or determined for purposes of demonstrating compliance with the limit. *See, e.g.*, *In the Matter of Hu Honua Bioenergy Facility, Pepeekeo, HI*, Order on Petition No. IX-2011-1 (Feb. 7, 2014) at 10. This requires that any proposed emission limits "be accompanied by terms and conditions that require a source to effectively constrain its operations so as to not exceed the relevant emissions threshold… whether by restricting emissions directly or through restricting specific operating parameters," and supported by monitoring, recordkeeping, and reporting requirements "sufficient to enable regulators and citizens to determine whether the limit has been exceeded and, if so, to take appropriate enforcement action." *In the Matter of Orange Recycling and Ethanol Production Facility, Pencor-Masada Oxynol, LLC*, Order on Petition No. II-2001-05 (Apr. 8, 2002) at 7.

As a general matter, "the time period associated with monitoring or other compliance assurance provisions must bear a relationship to the limits with which the monitoring assures compliance." *In the Matter of United States Steel Corporation, Clairton Coke Works Permit No. 0052-OP22*, Order on Petition Nos. III-2023-5 and III-2023-6 (Sept. 18, 2023) ("Clairton Order") at 9; *see also* 40 C.F.R. § 70.6(a)(3)(i)(B). However, determining whether monitoring contained in a title V permit is sufficient to assure compliance with any term or condition is a context-specific, case-by-case inquiry. *Id.* To aid permitting authorities and the public in this

fact-specific exercise, EPA has identified a non-exhaustive list of factors that that permitting authorities "may consider as a starting point in determining appropriate monitoring" for a facility, including: (1) the variability of emissions from the unit in question; (2) the likelihood of a violation of the requirements; (3) whether add-on controls are being used for the unit to meet the emission limit; (4) the type of monitoring process, maintenance, or control equipment data already available for the emission unit; and (5) the type and frequency of the monitoring requirements for similar emission units at other facilities. *Id.* (quoting CITGO Order at 7–8).

"In all cases, the rationale for the selected monitoring requirements must be clear and documented in the permit record." CITGO Order at 7–8 (granting petition because permitting authority "did not articulate a rationale for its conclusions that the monitoring requirements… are sufficient to assure compliance"); *see also* 40 C.F.R. § 70 .7(a)(5). Further, "permitting authorities have a responsibility to respond to significant comments." CITGO Order at 7; *In the Matter of Onyx Environmental Services*, Petition V-2005-1 (February 1, 2006).

B. The Renewal Permit fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits for PM, NOx, SOx, CO, VOC, and HAPs from P001 (heat polymerization stills and thermal oxidizer).

1. Specific Grounds for Objection, Including Citation to Permit Terms

Process P001, the Heat Polymerization Stills, encompasses emissions from heat polymerization still nos. 15, 16, 18, 19, and Unit #43 from the thermal oxidizer stack, as well as emissions from combustion of natural gas from the thermal oxidizer itself. All of the emissions from this process are controlled by the thermal oxidizer and emitted through the thermal oxidizer stack.

Condition V.A.1.c of the Renewal Permit establishes the following short-term (lb/hour) and long-term (tons per year) emission limits on emissions from the thermal oxidizer stack.

Pollutant	Short-term Limits (lb/hr)	Long-term Limits (tpy)
Particulate Matter	0.15	0.66
Particulate Matter <10 μm (PM_{10})	0.15	0.66
Particulate Matter <2.5 μm ($PM_{2.5}$)	0.15	0.66
Nitrogen Oxides (NOx)	2.13	9.33
Sulfur Oxides (SOx)	0.02	0.06
Carbon Monoxide (CO)	1.79	7.84
Volatile Organic Compounds (VOC)	2.91	4.34
Hazardous Air Pollutants (HAP)	0.10	0.28

Condition V.A.1.b generally requires that the thermal oxidizer "shall be properly operated and maintained according to good engineering practices, manufacturer's recommendations," and further requires Neville Chemical to meet the following conditions at all times of operation:

1) The minimum VOC and HAP destruction efficiency shall be 98% by weight;
2) The minimum residence time shall be 0.5 seconds;
3) The minimum operating temperature shall be always 1,400 °F.

Condition V.A.2.c requires Neville Chemical to perform stack testing at least once every five years at the inlet and outlet of the thermal oxidizer to demonstrate compliance with the 98% VOC and HAP destruction efficiency required by Condition V.A.1.b. above, while Condition V.A.3.b requires Neville to continuously monitor temperature in the thermal oxidizer combustion chamber. The Renewal Permit does not include any other testing or monitoring requirements applicable to emissions from the thermal oxidizer.

2. Part 70 Requirements Not Met, Issue Raised in Public Comment

The Clean Air Act requires that all permits "set forth . . . monitoring . . . requirements to assure compliance with the permit terms and conditions." 42 U.S.C. § 7661c(c); *see* 40 C.F.R. § 70.6(c)(1); ACHD Rules and Regulations Article XXI § 2103.12(h)(1). "In all cases, the

rationale for the selected monitoring requirements must be clear and documented in the permit record." CITGO Order at 7-8. The Renewal Permit fails to meet the requirements of Part 70 both because it fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits applicable to P001 (heat polymerization stills and thermal oxidizer), and because neither the Renewal Permit nor ACHD's Response to Comments provide a clear rationale for why ACHD believes the monitoring requirements currently in place are sufficient.

Petitioners raised this issue in Comment 1.a, Ex. 2 at 9–10. Petitioners noted that continuous monitoring of thermal oxidizer temperature and recordkeeping of various production parameters was not sufficient to assure compliance with the hourly and rolling annual emission limits applicable to the thermal oxidizer. Our comment cited EPA's database on control techniques and noted that though EPA states the two primary indicators of thermal oxidizer performance are combustion chamber temperature and outlet exhaust gas VOC concentration, the Renewal Permit does not require any monitoring of outlet gas concentration. *Id.* at 10.[3] Petitioners further asserted that ACHD should either require stack testing every two years for each pollutant limit, or otherwise sufficiently explain how ACHD's proposed monitoring provisions (and lack of testing requirements) are sufficient to assure compliance with the hourly and rolling annual emission limits.

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[3] EPA. *Monitoring by Control Technique – Thermal Oxidizer,* https://www.epa.gov/air-emissions-monitoring-knowledge-base/monitoring-control-technique-thermal-oxidizer#:~:text=Thermal%20oxidizers%2C%20or%20thermal%20incinerators,to%20promote%20the%20oxidation%20reaction (last accessed Sept. 20, 2024). EPA's database also identifies a number of additional factors that can be indicative of thermal oxidizer performance in addition to outlet exhaust gas VOC concentration and combustion chamber temperature, such as outlet exhaust gas CO concentration, exhaust gas flow rate, fan current, outlet CO2 concentration, outlet O_2 concentration, and auxiliary fuel line pressure.

3. Analysis of ACHD's Response

ACHD's response to this comment is identified as Response to Comment 12 on page 2 of the RTC document. ACHD's response stated the following:

> Temperature of the thermal oxidizer is continuously monitored, which is an accepted method of parametric monitoring of VOC and HAP emissions from a process controlled by a thermal oxidizer. NOX emissions (as well as other criteria pollutants) from the thermal oxidizer are strictly from the combustion of VOC and supplemental natural gas. Emissions of NOX are potentially less than 10 tpy. Requiring a CEM on a control device and on a process/pollutant where emissions are low is not feasible. As the VOC is controlled and the other pollutants are a direct result of the control device, ACHD does not believe additional testing is required. ACHD added a condition V.A.4.a.3) to recordkeeping of natural gas use and monthly calculations of NOX and CO emissions based on AP-42 factors.

RTC at 2.

ACHD's response does not adequately address the concerns raised in comments.

First, Petitioners note that ACHD's response only attempts to explain the parametric monitoring requirements for VOC and HAP emissions and does not adequately address Petitioners' concerns regarding the lack of testing or monitoring for compliance with the other emission limits applicable to the thermal oxidizer. In addition to limits on VOCs and HAPs, the thermal oxidizer also has both short-term and long-term emission limits for PM, PM10, PM2.5, NOx, SOx, and CO. However, nothing in Condition V.A of the Renewal Permit sets forth any monitoring, testing, recordkeeping, or reporting requirements specific to emissions of PM, PM10, PM2.5, or SOx. ACHD's response states that because all of the emissions of these other criteria pollutants are the result of combustion of VOCs, so long as VOCs are controlled, no additional testing is required. ACHD's response does not actually explain how compliance with the thermal oxidizer's VOC limit would also assure compliance with its limits for each of these other pollutants—it merely asserts that it will.

Petitioners acknowledge that emissions of these criteria pollutants from the thermal oxidizer are generally expected to be fairly low. However, this is reflected in the relatively low short-term and long-term emission limits established for the thermal oxidizer. That certainly does not mean that ACHD can simply neglect its obligation to assure that the thermal oxidizer is meeting these limits, or justify a failure to include *any* monitoring or testing requirements for these pollutants. These short-term and long-term emission limits are not meaningless, and the Renewal Permit currently does not describe any means by which actual emissions of PM, PM10, PM2.5, or SOx from P001 would be measured or determined, or how Neville Chemical's continuous compliance with these limits would (or even could) be determined.

With regards to NOx and CO emissions, ACHD's response notes that ACHD added condition V.A.4.a.3 to the permit, which requires Neville Chemical to maintain records of total natural gas consumed (monthly and 12-month) and "calculations of NOX and CO emissions based on AP-42 factors for the thermal oxidizer."[4] This change does not adequately address our concern. Neither the Renewal Permit nor ACHD's response explain how and why monthly calculations based on AP-42 emission factors would yield an accurate estimate of actual NOx and CO emissions from the thermal oxidizer and assure compliance with the hourly NOx and CO limits applicable to the thermal oxidizer. Even if ACHD believes the AP-42 factors are accurate in this instance, it cannot simply rely solely on the AP-42 emission factors as a method of assuring compliance, without any form of periodic verification as to their accuracy as-applied to this unit. Because the Renewal Permit does not contain *any* requirement to test or monitor for NOx or CO emissions—even a one-time *initial* test to verify compliance with the applicable

[4] Though the Renewal Permit does not specify which AP-42 factors are applied, the Technical Support Document accompanying the permit specifies that the emission limits for the Thermal Oxidizer "were based on factors U.S. EPA AP-42 *Section 1.4: Natural Gas Combustion (7/98)* and *Section 1.5: Liquified Petroleum Gas Combustion (7/08).*" TSD at 14.

limits—the Renewal Permit contains no mechanism for actually evaluating the continued accuracy of the assumed emission factors.

Finally, Petitioners do not agree with ACHD's underlying assumption that monitoring temperature at the thermal oxidizer alone is sufficient parametric monitoring. As we noted in our comment below, EPA has stated that in addition to combustion temperature, one of the primary indicators of thermal oxidizer control efficiency performance is outlet exhaust gas VOC concentration.[5] Outlet VOC concentration can be monitored directly via CEMS (which our comment recommended), or through other means, such as measuring outlet CO concentration to determine the completeness of the combustion in the thermal oxidizer. As noted above, EPA's database also identifies numerous other factors that serve as indicators of thermal oxidizer control efficiency performance which could be monitored, such as exhaust gas flow rate, fan current, outlet CO2 concentration, outlet O_2 concentration, and auxiliary fuel line pressure. Petitioners acknowledge that combustion temperature is an important indicator of thermal oxidizer performance—but it is not the sole indicator. As our comment noted, at a minimum the Renewal Permit should include a requirement to monitor outlet exhaust gas VOC concentration, which EPA has stated is also one of the primary indicators of control efficiency. Monitoring combustion temperature alone is insufficient.

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[5] EPA. *Monitoring by Control Technique – Thermal Oxidizer,* https://www.epa.gov/air-emissions-monitoring-knowledge-base/monitoring-control-technique-thermal-oxidizer#:~:text=Thermal%20oxidizers%2C%20or%20thermal%20incinerators,to%20promote%20the%20oxidation%20reaction (last accessed Sept. 20, 2024).

C. The Renewal Permit fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits for PM, CO, VOCs, SOx, and NOx at Boilers No. 6 and 8 (B013 and B012 respectively).

1. Specific Grounds for Objection, Including Citation to Permit Terms

Boiler #6

Condition V.K.1.c of the Renewal Permit states that emissions of particulate matter from Boiler #6 "shall not exceed 0.008 lb/MMBtu." Condition V.K.1.d establishes the following additional short-term and long-term emission limits for PM, NOx, SOx, CO, and VOCs:

Pollutant	lb/hour	tpy
Particulate Matter	0.40	1.75
Nitrogen Oxides (NOX)	5.57	24.39
Sulfur Oxides (SOX)	0.03	0.15
Carbon Monoxide (CO)	4.68	20.49
Volatile Organic Compounds (VOCs)	0.31	1.34

Condition V.K.2 requires Neville Chemical to perform an initial stack test to demonstrate compliance with the NOx limits above, and then to perform at least one stack test every five years thereafter. Condition V.K.3, which was added in response to comments, generally requires Neville Chemical to perform an "annual adjustment or 'tune-up'" on Boiler #6 once every 12 months, which may include "adjustments necessary to minimize total emissions or NOX, and to the extent practicable, minimize emissions of carbon monoxide." Condition V.K.4.d, which was also added in response to comments, states that Neville Chemical "shall calculate NOx and CO emissions monthly based on AP-42 factors." The Renewal Permit does not contain any other testing or monitoring requirements for Boiler #6, and does not include any requirement to test, monitor, or report emissions of PM, SOx, or VOCs.

Boiler #8

Condition V.L.1.a of the Renewal Permit states that emissions of particulate matter from Boiler #8 "shall not exceed 0.008 lb/MMBtu." Condition V.L.1.d further establishes the following short-term and long-term emission limits for PM, NOx, SOx, CO, and VOCs:

Pollutant	lb/hour	tpy
Particulate Matter	0.24	1.05
Nitrogen Oxides (NOX)	1.66	7.28
Sulfur Oxides (SOX)	0.02	0.09
Carbon Monoxide (CO)	2.79	12.24
Volatile Organic Compounds (VOCs)	0.18	0.80

Condition V.L.3, which was added in response to comments, generally requires Neville Chemical to perform an "annual adjustment or 'tune-up'" on Boiler #8 once every 12 months, which may include "adjustments necessary to minimize total emissions or NOX, and to the extent practicable, minimize emissions of carbon monoxide." Condition V.L.4.c, which was also added in response to comments, states that Neville Chemical "shall calculate NOx and CO emissions monthly based on AP-42 factors." The Renewal Permit does not contain any other testing or monitoring requirements for Boiler #8, and does not include any requirement to test, monitor, or report emissions of PM, SOx, or VOCs. Instead, Condition V.L.2 simply states that ACHD "reserves the right to require emissions testing sufficient to assure compliance with the terms and conditions of this permit."

2. Part 70 Requirements Not Met, Issue Raised in Public Comment

The Clean Air Act requires that all permits "set forth . . . monitoring . . . requirements to assure compliance with the permit terms and conditions." 42 U.S.C. § 7661c(c); *see* 40 C.F.R. § 70.6(c)(1); ACHD Rules and Regulations Article XXI § 2103.12(h)(1). "In all cases, the rationale for the selected monitoring requirements must be clear and documented in the permit record." CITGO Order at 7-8. The Renewal Permit fails to meet the requirements of Part 70 both

because it fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits at Boilers No. 6 and 8, and because neither the Renewal Permit nor ACHD's Response to Comments provide a clear rationale for why ACHD believes the monitoring requirements currently in place are sufficient.

Petitioners raised this issue in Comment 1.a.ii and iii, Ex. 2 at 10–13. Our comments noted that though these boilers have both hourly and annual limits for PM, NOx, SOx, CO, and VOCs, the Renewal Permit does not include any requirement to test or monitor for these pollutants at Boiler #8, or for PM, SOx, CO, and VOCs at Boiler #6.[6] Our comment also argued that ACHD had not demonstrated that a requirement to perform one stack test every five years for NOx at Boiler #6 was sufficient to assure compliance with the hourly (lb/hour) or annual (tpy) NOx emission limits at Boiler #6. Petitioners also noted that the requirement to keep a record of fuel combusted by the boilers is not an adequate substitute for direct monitoring of emissions, because it is a predictive measure that assumes combustion efficiency remains constant—however, combustion efficiency can vary as a boiler ages, undergoes various forms of maintenance, or based on variations in fuel quality. *Id.* at 11-12.

3. Analysis of ACHD's Response

ACHD's response to this comment is identified as Response to Comment 12 on pages 2–3 of the RTC document. ACHD's response stated the following:

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[6] As noted, ACHD revised the permit in response to comments to include new conditions requiring annual tune-ups at both Boilers #6 and 8, as well as a requirement to "calculate NO_X and CO emissions monthly based on AP-42 factors." Consequently, Petitioners did not have an opportunity to comment on these requirements below. As discussed below, however, neither the Renewal Permit nor ACHD's RTC explain how and why monthly calculations based on AP-42 factors will yield an accurate estimate of actual NOx and CO emissions from these boilers and assure compliance with the hourly NOx and CO limits applicable to either boiler.

> For Boilers No. 6 (B013) and No. 8 (B012), the monthly records of fuel use are an acceptable parameter for demonstrating continuous compliance in a natural gas fired boiler. The EPA noted (*In the Matter of United States Steel Corporation, Clairton Coke Works Permit No. 0052-OP22*, Order on Petition Nos. III-2023-5 and III-2023-6) that: "EPA has not indicated that in all cases testing and monitoring must exactly mirror the averaging times of associated emission limits." ACHD believes that monthly fuel monitoring is sufficient for steady-state boilers. Additionally, an annual tune-up, including determining the NOX and CO emission rates, make annual or biennial testing unnecessary. The permit has been revised to include an annual tune-up requirement for Boiler No. 8. ACHD added conditions V.K.4.d and V.L.4.c to calculate NOX and CO emissions based on AP-42 factors monthly.

RTC at 2-3.

ACHD's response does not adequately address the concerns raised in our comment for multiple reasons.

First, ACHD's statement regarding EPA's statement from the Order on Petition Nos. III-2023-5 and III-2023-6 does not address Petitioners' concern, and Petitioners note that ACHD has taken EPA's quote from that order out of context. As a general matter, it is true that EPA has indicated that it is not always the case that testing and monitoring "must exactly mirror the averaging times of associated emission limits." However, the point of that statement is simply that "whether testing and monitoring is adequate in a particular circumstance is a case-by-case, context-specific determination," and that more infrequent monitoring or testing may be acceptable, so long as the permitting authority can adequately demonstrate that the more infrequent monitoring will assure continuous compliance with a shorter-term limit. In the case of an annual limit, for example, testing on a more infrequent basis (such as once per several years) may still be appropriate, so long as the permitting authority can demonstrate that testing at that frequency is actually sufficient to assure continuous compliance with a shorter-term limit (for example, in combination with parametric monitoring in-between periods of stack tests).

This is distinctly not the case here. The Renewal Permit does not, in fact, contain **any** testing or monitoring requirements to demonstrate compliance with the PM, SOx, and VOC limits at either Boilers #6 or #8. The issue is not simply a question of whether there is a "mismatch between the timeframe of emission limits and the Permit's compliance assurance provisions"—the issue is that there are **no compliance provisions at all** for these pollutants.

As noted previously, ACHD did revise the permit in response to comments to include a requirement to perform annual tune-ups at both Boilers #6 and 8, as well as a requirement to "calculate NOx and CO emissions monthly based on AP-42 factors" at each boiler. *See* Condition V.K.4.b, d; Condition V.L.4.b, c. ACHD's response states that the "annual tune-up, including determining the NOX and CO emission rates, make annual or biennial testing unnecessary."

Because these requirements were implemented in response to comments, Petitioners did not have an opportunity to comment on them below. While Petitioners generally appreciate these revised requirements, we do not believe these revised conditions adequately address our concerns for multiple reasons. First, though revised Conditions V.K.4.b.3) and Condition V.L.4.b.3) state that Neville shall record the "CO and NOx emission rate [at each boiler] before and after the annual tune-up," neither the Renewal Permit nor ACHD's response explain **how** the CO and NOx emission rates at each boiler will be determined. It is presumptively not through stack testing, since ACHD's response states the requirement to determine NOx and CO emission rates as a part of the annual tune-up makes "annual or biennial testing unnecessary." Petitioners do not understand how ACHD is proposing that Neville will determine actual NOx and CO emission rates if not through stack testing, and the permit must be revised to clarify precisely how these emission rates will be determined.

Similarly, though revised Conditions V.K.4.d. and Condition V.L.4.c require Neville to "calculate NOx and CO emissions monthly based on AP-42 factors," neither the Renewal Permit nor ACHD's response explain how and why calculations of NOx and CO emissions based on AP-42 emission factors will yield an accurate estimate of actual NOx and CO emissions and assure compliance with the hourly NOx and CO limits applicable to either boiler. We especially do not understand ACHD's decision to rely on the AP-42 factors for this requirement to calculate monthly NOx and CO emissions, given that (1) Boiler #6 actually has a requirement to periodically perform a stack test for NOx emissions (even if only once per five years), and (2) Conditions V.K.4.b.3) and Condition V.L.4.b.3) purportedly require Neville to record actual CO and NOx emission rates on an annual basis as a part of the annual tune-up. As we noted multiple times throughout our comments, EPA has explicitly stated that AP-42 factors should be used only as a "last resort" when better sources of emission factors, such as source-specific testing data, are unavailable.[7] If it is actually the case that Neville must determine actual NOx and CO emission rates at these boilers on an annual basis, there is no reason to rely upon the AP-42 emission factors rather than this actual emissions data. We further note that even if ACHD believes the AP-42 factors are accurate, it cannot rely solely on the calculations using AP-42 emission factors as a method of assuring compliance, without any form of periodic verification as to their accuracy as-applied to this unit. Combustion efficiency can vary due to a variety of factors, and periodic testing of actual NOx and CO emissions is important to ensure the continued accuracy of the assumed emission factors. It is especially important to ensure that the Renewal Permit's testing and monitoring requirements for NOx and CO from these boilers are both adequate to

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[7] EPA, *Best Practices for Estimating Emissions Using Emissions Factors for Clean Air Act Permitting* 1 (Nov. 2021) ("Emissions Factors Best Practices"), available at: https://www.epa.gov/system/files/documents/2022-02/Emissions-factors-best-practices_0.pdf.

assure compliance and clearly explained, because these boilers are comparatively significant emitters of both pollutants. Boiler #6 has an annual limit of 24.39 tpy of NOx and 20.49 tpy of CO, while Boiler #8 has an annual limit of 7.28 tpy of NOx and 12.24 tpy of CO. These are certainly not minor sources of these pollutants, and as our comment noted, Boiler #6 alone accounts for over 35% of the entire facility's allowable annual NOx emissions.

Finally, ACHD's response also states that "ACHD believes that monthly fuel monitoring is sufficient for steady-state boilers." Again, this does not address Petitioners' concerns. We understand ACHD believes this. As noted above, our comment specifically stated that we did not agree that this requirement constitutes adequate monitoring because "combustion efficiency can vary as a boiler ages, undergoes various forms of maintenance, or if fuel quality varies." *Id.* at 11-12. Monitoring fuel flow rate alone to calculate emissions is a predictive measure that assumes all other variables remain constant, and real-world conditions that can impact combustion's completeness and efficiency are rarely unchanging. ACHD's response does not address this concern and merely reiterates ACHD's view that monthly fuel monitoring is sufficient, with no further explanation, and neither the Response to Comments nor the TSD address any of the factors that EPA has identified as potential starting points for determining whether monitoring is appropriate. CITGO Order at 7–8).

D. The Renewal Permit fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits for PM, NOx, CO, VOCs, HAPs, and SOx at the six Still Process Heaters (B001, B002, B003, B004, B015, and B006) and the three Packaging Center Heaters (B009, B010, and B011).

1. Specific Grounds for Objection, Including Citation to Permit Terms

Still Process Heaters (B001, B002, B003, B004, B015, and B0006)

Condition V.I.1.c of the Renewal Permit states that emissions of particulate matter from each of the six still process heaters "shall not exceed 0.008 lb/MMBtu." Condition V.I.1.d further establishes short-term (hourly) and long-term (annual) emission limits for PM, NOx, SOx, CO, VOCs, and HAPs from each of the six still process heaters.

Condition V.I.3 requires Neville Chemical to install and maintain a fuel flow meter to record the monthly amount of natural gas combusted at these heaters. This is the **only** monitoring condition applicable to these six still process heaters. The Renewal Permit contains no other testing or monitoring requirements to demonstrate compliance with any of the short- or long-term emission limits established in Conditions V.I.1.c and d.

Packaging Center Heaters (B009, B010, and B011)

Condition V.J.1.c of the Renewal Permit states that emissions of particulate matter from each of the three packaging center heaters "shall not exceed 0.008 lb/MMBtu." Condition V.K.1.d further establishes the following short-term (hourly) and long-term (annual) emission limits for PM, NOx, SOx, CO, VOCs, and HAPs from each of the three packaging center heaters:

Pollutant	**#2 Packaging Center Heater (B009)**		**#3 Packaging Center Heater (B010)**		**#5 Packaging Center Heater (B011)**	
	lb/hour	tpy	lb/hour	tpy	lb/hour	tpy
PM	0.040	0.18	0.031	0.14	0.024	0.11
NOx	0.564	2.47	0.441	1.93	0.338	1.48

SOx	0.003	0.01	0.003	0.01	0.002	0.01
CO	0.474	2.08	0.370	1.62	0.284	1.24
VOC	0.040	0.18	0.024	0.11	0.024	0.11
HAP	0.011	0.05	0.001	0.01	0.001	0.01

Condition V.K.3 states that Neville Chemical shall install and maintain a fuel flow meter to record the monthly amount of natural gas combusted at these heaters. This is the **only** monitoring condition applicable to these six still process heaters. The Renewal Permit contains no other testing or monitoring requirements to demonstrate compliance with any of the short- or long-term emission limits established in Conditions V.J.1.c and d.

The Clean Air Act requires that all permits "set forth . . . monitoring . . . requirements to assure compliance with the permit terms and conditions." 42 U.S.C. § 7661c(c); *see* 40 C.F.R. § 70.6(c)(1); ACHD Rules and Regulations Article XXI § 2103.12(h)(1). "In all cases, the rationale for the selected monitoring requirements must be clear and documented in the permit record." CITGO Order at 7–8.

2. Part 70 Requirements Not Met, Issue Raised in Public Comment

The Clean Air Act requires that all permits "set forth . . . monitoring . . . requirements to assure compliance with the permit terms and conditions." 42 U.S.C. § 7661c(c); *see* 40 C.F.R. § 70.6(c)(1); ACHD Rules and Regulations Article XXI § 2103.12(h)(1). "In all cases, the rationale for the selected monitoring requirements must be clear and documented in the permit record." CITGO Order at 7-8. The Renewal Permit fails to meet the requirements of Part 70 both because it fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits applicable to all nine heaters in question, and because neither the Renewal Permit nor ACHD's Response to Comments provide a clear rationale for why ACHD believes the monitoring requirements currently in place are sufficient.

Petitioners raised this issue in Comment 1.a.iv (still process heaters) and v (packaging center heaters), Ex. 2 at 13–14. Our comments noted that though these nine heaters all have both hourly and annual limits for PM, NOx, SOx, CO, VOCs, and HAPs, the Renewal Permit did not include any monitoring or testing requirements for these heaters aside from a requirement to keep a record of monthly fuel usage. Our comments further noted that we did not believe monitoring fuel use alone constituted monitoring adequate to assure compliance with the heaters' short- and long-term emission limits, and recommended that ACHD (1) revise the permit to require Neville Chemical to perform a stack test at least once every two years in order to demonstrate compliance with the permitted emission limits, and (2) requested ACHD to adequately explain how the existing monitoring requirements would assure compliance with the permitted limits.

3. Analysis of ACHD's Response

ACHD's response to this comment is identified as Response to Comment 12 on page 3 of the RTC document. ACHD's response states the following:

> For the six Still Process Heaters (B001, B002, B003, B004, B015 & B006) and the three Packaging Center Heaters (B009, B010 & B011), all nine units are rated at less than 10 MMBtu/hr and combust only natural gas. Therefore, these heaters meet the exemption criteria of §2102.04.a.5.F... Monthly natural gas combustion is required to be monitored, recorded, and reported. As with Boiler #6 and Boiler #8, ACHD believes this is sufficient to demonstrate continuous compliance.

RTC at 3.

ACHD's response does not adequately address the concerns raised in Petitioners' comment.

The first portion of ACHD's response does not appear to be responsive (or relevant) to Petitioners' comment at all. Although it is not actually clear, from context Petitioners gather that when ACHD states that these nine heaters meet "the exemption criteria of § 2102.04.a.5.F,"

ACHD is referring to § 2102.04 of ACHD Article XXI, which generally relates to requirements for installation permits. Section 2102.04.a.5.F of these regulations grants an exemption from the obligation to obtain installation permits for:

> Fuel-burning or combustion equipment, except sources producing power by direct momentum transfer, having a net load rating of 10,000,000 BTU per hour or less, if such equipment is fired only with natural gas supplied by a public utility, liquified petroleum gas, or by commercial virgin fuel oils which are No. 2 or lighter, have a viscosity less than or equal to 5.82 c St, meet all sulfur content requirements for permitted sources, meet all sulfur dioxide emission limit requirements of §2104.03 of this Article, and contain no reprocessed, recycled, or waste material.

ACHD Article XXI, § 2102.04.a.5.F.

Petitioners do not understand how this provision is responsive to our comment and do not understand why ACHD believes it is relevant here. Our comment did not have anything to do with a requirement to obtain an installation permit for these heaters. Our concern is that all nine heaters in question have both hourly and long-term emission limits for PM, NOx, CO, VOCs, HAPs, and SOx, but do not have any testing, monitoring, or reporting requirements to demonstrate or assure compliance with these limits.

The second part of ACHD's response, which states that "[m]onthly natural gas combustion is required to be monitored, recorded, and reported, and that "[a]s with Boiler #6 and Boiler #8, ACHD believes this is sufficient to demonstrate continuous compliance," similarly does not address Petitioners' comment. Again, as with Boilers #6 and #8, we understand that ACHD believes that a requirement to monitor monthly fuel use is sufficient to demonstrate compliance. Our comment stated that we do not believe monitoring fuel use alone is sufficient to assure compliance with these limits. Comments at 13. ACHD's response, which merely reiterates ACHD's conclusion that ACHD has determined monitoring fuel is sufficient, with no further explanation, does nothing to address this concern, and again, neither the Response to Comments

nor the TSD even attempt to address any of the factors that EPA has identified as potential starting points for determining whether monitoring is appropriate. CITGO Order at 7–8).

We note that, unlike Boilers #6 and 8, these nine heaters do not even have a requirement to calculate monthly NOx or CO emissions using AP-42 factors. Indeed, there does not appear to be any requirement to ever calculate or report emissions at all. Given the complete lack of any testing or monitoring provisions applicable to these nine heaters, Petitioners believe it is plain that ACHD has failed to show that the Renewal Permit contains sufficient monitoring and testing to assure compliance with the limits at these nine heaters. At a minimum, ACHD should be required to state clearly on the record its justification for **how** monitoring monthly fuel usage alone is sufficient to assure compliance with these short- and long-term emission limits.

E. The Renewal Permit fails to include adequate testing, monitoring, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits for VOCs and HAPs at Unit 20/21 (P006) and the #3 Continuous Still (P008)

1. Specific Grounds for Objection, Including Citation to Permit Terms

Unit #20/21 (P006)

Condition V.B.1.e of the Renewal Permit establishes both short-term (lbs/product change) and long-term annual (tpy) emission limits for VOCs and HAPs emissions from Unit #20/21, based on which type of scenario that the units are operating under:

Scenario #1

Pollutant	lb/product change	tpy
Volatile Organic Compounds (VOC)	70.053	3.054
Hazardous Air Pollutants (HAP)	14.201	0.554

Scenario #2

Pollutant	lb/product change	tpy
Volatile Organic Compounds (VOC)	52.797	9.457
Hazardous Air Pollutants (HAP)	26.772	4.852

Scenario #3

Pollutant	lb/product change	tpy
Volatile Organic Compounds (VOC)	76.463	3.304
Hazardous Air Pollutants (HAP)	17.324	0.676

Scenario #4

Pollutant	lb/product change	tpy
Volatile Organic Compounds (VOC)	75.261	9.707
Hazardous Air Pollutants (HAP)	29.895	4.973

Condition V.B.4 generally requires Neville Chemical to maintain records of certain operating parameters for the units and their associated equipment, including:

1) Number of product changes per month and the rolling 12-month total;
2) Poly oil addition rate (lb/hr) and the rolling 12-month total;
3) Operation scenario and type of poly oil used per batch;
4) Number of solvent flushes per batch; and
5) The calculated estimated emissions per month.

The Renewal Permit contains no other testing or monitoring requirements to demonstrate compliance with any of the short- or long-term emission limits established in Conditions V.B.1.e, and neither the Renewal Permit nor the RTC explain how the operating parameters identified in Condition V.B.4 will (or even can) be used to determine compliance with these limits, or how "estimated emissions per month" are to be calculated.

#3 Continuous Still (P008)

Condition V.C.1.b of the Renewal Permit establishes the following short-term (lbs/product change) and long-term annual (tpy) emission limits for VOCs and HAPs emissions from the #3 Continuous Still:

Pollutant	Short-term (lb/prod. change)	Long-term (tpy)
Volatile Organic Compounds (VOC)	14.00	2.56
Hazardous Air Pollutants (HAP)	1.66	0.31

Condition V.C.4 generally requires Neville Chemical to maintain records of certain operating parameters for the still associated equipment, including:

1) Number of product changes per month and the rolling 12-month total;
2) Total operating times;
3) Type and amount of daily raw materials used;
4) Type and amount of daily resins produced; and
5) The calculated estimated emissions per month.

The Renewal Permit contains no other testing or monitoring requirements to demonstrate compliance with any of the short- or long-term emission limits established in Conditions V.C.1.b, and neither the Renewal Permit nor the RTC explain how the operating parameters identified in Condition V.C.4 will (or even can) be used to determine compliance with these limits, or how "estimated emissions per month" are to be calculated.

The Clean Air Act requires that all permits "set forth . . . monitoring . . . requirements to assure compliance with the permit terms and conditions." 42 U.S.C. § 7661c(c); *see* 40 C.F.R. § 70.6(c)(1); ACHD Rules and Regulations Article XXI § 2103.12(h)(1). "In all cases, the rationale for the selected monitoring requirements must be clear and documented in the permit record." CITGO Order at 7–8.

2. Part 70 Requirements Not Met, Issue Raised in Public Comment

The Clean Air Act requires that all permits "set forth . . . monitoring . . . requirements to assure compliance with the permit terms and conditions." 42 U.S.C. § 7661c(c); *see* 40 C.F.R. § 70.6(c)(1); ACHD Rules and Regulations Article XXI § 2103.12(h)(1). "In all cases, the rationale for the selected monitoring requirements must be clear and documented in the permit record." CITGO Order at 7-8. The Renewal Permit fails to meet the requirements of Part 70 both because it fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits applicable to Unit 20/21 and the #3 Continuous Still, and because neither the Renewal Permit nor

ACHD's Response to Comments provide a clear rationale for why ACHD believes the monitoring requirements currently in place (or lack thereof) are sufficient.

Petitioners raised this issue in Comments 1.b.i (P006) and 1.b.ii (P008), Ex. 2 at 15–16. Our comments noted that the Renewal Permit did not include any means of demonstrating compliance with the short-term, per-product-change or long-term rolling annual emission limits for VOCs and HAPs from these units. We noted that though the permit generally requires Neville to maintain records of various production parameters, this was not sufficient to demonstrate compliance with these limits as it means compliance would "ostensibly demonstrated exclusively through predictive means that are not backed up by hard measurements." Ex. 2 at 15, 16. This is especially the case since neither the Renewal Permit nor ACHD's Response to Comments clarifies **how** these operating parameters relate to emissions of VOCs or HAPs from either of these units (i.e., through a demonstrated correlation between certain levels of operating parameters and emissions).

We recommended that ACHD at a minimum (1) revise the permit to require Neville Chemical to perform a stack test at least once every two years in order to demonstrate compliance with the permitted emission limits, and (2) adequately explain how the monitoring requirements would assure compliance with the permitted limits.

3. Analysis of ACHD's Response

ACHD's response to this comment is identified as Response to Comment 13 on page 3 of the RTC document. ACHD's response states the following:

> For both of these processes, although they are "continuous", emissions are only released when the respective product lines are initially filled following a product change. As such, conventional monitoring is not effective, therefore a CEMS is not feasible. In the case of the No. 3 Continuous Still, potential VOC emissions are less than 3 tons/year, so ACHD believes CEMS and additional testing to be unnecessary. For both of these processes, the facility is required to monitor and record all operating parameters. Additionally, in the draft permit, if production exceeds

> certain parameters, the facility is required to calculate their actual emissions to demonstrate compliance. ACHD removed the qualifying production parameters in conditions V.B.4.a.5) and V.C.4.a.5) to require calculation of monthly emissions regardless of production. While these processes are steady state, the emitting portion of the process is only during the initial fill of the product. The steady state portion of the process can last for hours or even days. Short-term limits based on lb/hr are not appropriate, so the limits are based on lb/product change. See also response to Comment No. 12 above. No changes have been made for testing requirements, but production threshold was removed from the Recordkeeping requirements in part of the calculating emissions.

RTC at 3.

ACHD's response does not adequately address the concerns raised in Petitioners' comment for multiple reasons.

First, ACHD states that it believes additional testing to be unnecessary in the case of the No. 3 Continuous Still because "potential VOC emissions are less than 3 tons/year." RTC at 3. Again, Petitioners acknowledge that potential emissions at issue here are not especially high (relatively speaking). However, this does not mean ACHD can simply neglect its obligation to assure that the Continuous Still is meeting its permitted emission limits, and certainly does not justify a failure to include *any* monitoring or testing requirements for VOCs. The Renewal Permit establishes short- and long-term emission limits, and these limits are not meaningless—there must be some mechanism for assuring continuous compliance with these limits.

Second, ACHD states that for both of these processes, the facility is "required to monitor and record all operating parameters." RTC at 3. As we noted in our comments, however, this is not sufficient to assure compliance with the short- and long-term emission limits at these units. Neither the Renewal Permit nor ACHD's Response to Comments clarifies **how** these operating parameters actually relate to emissions of VOCs or HAPs from either of these units (i.e., through a demonstrated correlation between certain levels of operating parameters and emissions). The requirement to "maintain records" of operating parameters is largely meaningless without some

explanation of how the parameters in question relate to emissions, how these parameters can be used to determine compliance, or even identified operational bounds within which Neville Chemical must maintain these parameters. ACHD's statement that the Renewal Permit requires "calculation of monthly emissions" is similarly unedifying, since again, neither the Renewal Permit nor the RTC actually explain precisely *how* monthly emissions are to be calculated.

Finally, ACHD notes that these units are steady state processes, and that because the steady state portion of the process can last for hours or even days, "short-term limits based on lb/hr are not appropriate." RTC at 3. Petitioners are unsure how this is relevant to their comment, which was that the permit currently contains no testing or monitoring requirements to demonstrate compliance with the short-term (lbs/product change) or long-term (tpy) emission limits.

V. CONCLUSION

For the reasons discussed above, EPA must object to the Renewal Permit. As clearly raised in Petitioner's Comments, the Renewal Permit fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and annual limits for multiple pollutants applicable to numerous emission units located at the facility. Accordingly, Petitioners respectfully request that EPA object to the issuance of the Renewal Permit and require that:

(1) ACHD revise the permit to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure compliance with the hourly and annual limits applicable to units identified above, and;

(2) Supplement the permit record to clearly provide the ACHD's rationale for the selected monitoring requirements that ACHD includes in an amended permit.

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Respectfully submitted,

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