



DEPARTMENT OF AIR QUALITY & ENVIRONMENTAL MANAGEMENT

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Lewis Wallenmeyer Director · Alan Pinkerton Assistant Director · Tina Gingras Assistant Director

FINAL ACTION REPORT PART 70 OPERATING PERMIT RENEWAL

LASCO BATHWARE Source: 75

Public Notice: Review-Journal November 9, 2008
Public Comment: November 10, 2008 to December 9, 2008

Comments Received:
Lasco Bathware
US EPA Region IX

Public Hearing: Not held

Issuance date: February 11, 2009
Expiration date: February 10, 2014

Copies of comments received and responses to all comments are part of this final action report. All responders shall receive an electronic copy of this report, the final Part 70 Operating Permit, and the final Technical Support Document.

COMMENTS RECEIVED FROM LASCO BATHWARE AND DAQEM RESPONSE

Lasco Bathware provided supplemental information to the Compliance Assurance Monitoring (CAM) Plan as requested by DAQEM, based on its preliminary discussions with EPA during the public comment period. The supplemental information, along with the source's other comments regarding a permit condition is attached at the end of this document as Attachment 1. The source also provided clarifications regarding DAQEM's query about the operation types at the source; emission factor development of the permit; and the compliance option the source has selected to comply with the applicable emission limitations in 40 CFR 63 Subpart WWWW - National Emission Standards for Hazardous Air Pollutants: Reinforced Composites Production. The communication between DAQEM and the source in this matter is provided as Attachment 2.

DAQEM received comments for the source on November 17, 2008 and the relevant parts of it is provided below:

"Part 70 Operating Permit

Title Page

-SIC Code should be 3088

-NAICS should be 326191

-Responsible official phone # should be 702-864-2100 and fax 702-864-2130

D.5.c

This condition requires yearly testing of the emission control device. Although the following condition specifies testing when returning from non-operational status this condition still implies that annual testing is required. There is no exclusionary statement. It should further specify annual testing only for production lines currently operating at that time.

F.3.b

The summary of items to be included in the quarterly reports is actually found in Conditions IV-E-1-a through m not IV-B-1.”

Lasco suggested proposed language to replace conditions IV-D-5.c & d in the draft permit. The proposed condition in Section IV-D of the permit is provided below:

“Additionally Lasco proposes the following language for D.5.c of the Draft Title V Permit.

D.5.c and D.5.d should be combined to say;

Performance tests to demonstrate compliance with minimum control efficiencies and emission limits for the preconcentrators and the RTO, in accordance with 40 CFR 63 Subpart SS and 63.5850, shall be conducted annually or within 60 days after achieving maximum production but no later than 180 days after restart of production if the line is not in operation at the time of the annual performance test.”

DAQEM Response:

DAQEM incorporated the suggested language with slight modifications. The final permit condition (Condition IV-D-7.c in the Part 70 permit) is provided below:

“Performance tests to demonstrate compliance with minimum control efficiencies and emission limits for the preconcentrators and the RTO, in accordance with 40 CFR 63 Subpart SS and 63.5850, shall be conducted annually or within 60 days after achieving maximum production but no later than 180 days after restart of production if the production lines are not in operation at the time of the annual performance test. Performance test shall also be conducted within 60 days after achieving maximum production but no later than 180 days after restart if any of the production lines restarts after a period of shut down lasting more than 180 days.”

All the other corrections/changes mentioned in the comments above have been incorporated in the final Part 70 permit.

COMMENTS RECEIVED FROM EPA REGION IX AND DAQEM RESPONSE

Comments were received from Mr. Gerardo C. Rios, Chief, Permits Office, Air Division, of EPA Region IX. The comments are provided as Attachment 3 of this document. For the purpose of clarity, the comments and corresponding response from DAQEM are discussed in sections below.

EPA Comment #1:

The permit lacks sufficient detail from the NESHAP. As the permit is currently written, with only high level references to Subpart WWWW or some of its sections and tables, it is not clear which NESHAP requirements apply to Lasco. This makes the source's compliance obligations unclear to both the permittee and DAQEM, and complicates the task of inspecting the facility and enforcing the NESHAP requirements. Although DAQEM has not sought delegation of 40 CFR 63, Subpart WWWW, the NESHAP for reinforced plastic composites production, this has no impact on title V permit content. The Subpart WWWW requirements are applicable requirements that must be incorporated into the title V permit.

With complex NESHAP requirements that cover different types of operations within an industry, permitting authorities must first review each section of an applicable NESHAP to determine which sections or portions of sections apply to the facility. Subpart WWWW has provisions that apply to open molding, centrifugal casting, continuous lamination/casting, and pultrusion operations in sections §63.5810, §63.5820, and §63.5830. According to the TSD, Lasco uses open molding with mechanical resin application; yet the Subpart WWWW requirements for this type of operation have not been addressed in the permit. DAQEM must develop permit conditions that implement the compliance option that Lasco has selected from §63.5810.

The permit does not contain the emission limits from Subpart WWWW. Section IV.B.1 of the permit, which has emission limits, only contains the source's NSR emission limits. Tables 8 and 9 of the NESHAP (initial compliance requirements, including emission limits) are referenced elsewhere in the permit. However, since Lasco's compliance date (4/21/06) has passed, the initial compliance requirements in Table 8 and 9 no longer apply. Instead, the applicable emission limits from Tables 3, 5, or 7 apply, as well as the applicable work practice standards in Table 4. Again, DAQEM should develop permit conditions to implement the applicable portions of these tables. We recommend that the emission limit conditions be added to section IV.B.1 of the permit, so that all emission limits will be in one place. (Both sets of emission limits must be in the permit, unless DAQEM streamlines the overlapping NSR and NESHAP emission limits and associated monitoring and record-keeping requirements.)

§63.5855 requires sources to monitor and operate all add-on control devices according to the procedures in 40 CFR part 63, Subpart SS. To meet this requirement, DAQEM should develop conditions for the RTO to implement the applicable Subpart SS requirements. The proposed permit only references Subpart SS in the testing context.

The permit lists the Part 63 General Provisions in Attachment 1 (Applicable Regulations). Since not all of the general provisions are applicable to sources subject to WWWW, the permit should instead incorporate Table 15 of Subpart WWWW, which clarifies which general provisions are applicable.

DAQEM Response: DAQEM agreed to EPA's observations and the following steps were taken to address the Comments:

- a. DAQEM contacted the source for clarifications regarding the operation types at the source; emission factor development of the permit; and the compliance option the source has selected to comply with the applicable emission limitations in 40 CFR 63 Subpart WWWW - National Emission Standards for Hazardous Air Pollutants. Based on source's response to DAQEM's query, DAQEM has verified the operation type, applicable emission limits, and compliance option selected by the source under 40 CFR 63 Subpart WWWW.
- b. Emissions limits from Table 3 to 40 CFR 63 subpart WWWW, based on the operation types at the source, are included in the permit.
- c. Applicable work practice standards from Table 4 to 40 CFR 63 subpart WWWW, based on the operation types at the source, are included in the permit.
- d. Permit conditions to explain and implement the compliance option Lasco has selected from § 63.5810 (option c) have been included in the permit.
- e. Applicable operational, monitoring, and recordkeeping requirements from 40 CFR 63 Subpart SS for the RTO have been developed and included in the permit. DAQEM added subpart SS citations to already existing permit conditions under NSR, which are also required under the subpart.
- f. DAQEM incorporated Table 15 to 40 CFR 63 Subpart WWWW in the permit, which identifies which sections of Part 63 General Provisions are applicable to the source.

EPA Comment #2:

The Technical Support Document incorrectly states that LASCO is not subject to Compliance Assurance Monitoring (“CAM”) because the NESHAP for reinforced plastic composites production was promulgated in 2003, and Part 64 exempts NSPS and NESHAP emission limits promulgated after 1990. However other non-exempt emission limits can trigger CAM. In this case, LASCO is subject to NSR VOC emission limits, and the pre-control VOC potential to emit of the emission units that are controlled by the RTO exceeds the major source threshold. Therefore these emission units are subject to CAM. In discussions with EPA, DAQEM has acknowledged the error and stated that the facility did in fact submit a CAM plan.

To address this comment, DAQEM should revise the TSD and the permit. The TSD should explain the applicability of CAM to the emission units controlled by the RTO. The final permit must contain all required CAM elements, including an indicator range, a definition of excursion (or exceedance), and appropriate compliance certification language. The permit already contains NSR conditions with an RTO temperature range and a requirement to continuously monitor and maintain records of the RTO temperature. Since these are apparently consistent with LASCO’S proposal in its CAM plan, the permit should cite Part 64 in addition to NSR as the authority for these requirements. The permit should contain a condition that defines an excursion from the temperature range.

The compliance certification condition (#29 in section II of the permit) must be revised to require that any excursions and exceedances be reported in the annual certification. (Part 70 was revised when Part 64 was promulgated. One of the changes was to §70.6(c)(5)(iii), which now requires that annual compliance certifications “identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred.”)

Finally, Part 64 should be added to the list of applicable requirements in Attachment 1.

DAQEM Response:

DAQEM agreed to EPA's observations and the following steps were taken to address the Comments:

- a. DAQEM contacted the source for providing supplemental information for the CAM plan submitted with the Title V renewal application. The source submitted supplemental information to the previously submitted CAM plan on 11/19/2008. The source selected RTO operating temperature, preconcentrators desorption temperature, and Inlet air pressure to the concentrators as CAM indicators.
- b. Conditions have been incorporated in the permit to monitor the proposed indicators for the add-on control device(s). Indicator ranges have been established and excursions to normal operations have been defined. Conditions regarding data verifications, averaging time, calibration of monitoring equipment etc have also been incorporated in the permit.

- c. The compliance certification condition in the general requirements section of the Part 70 permit has been revised to add the §70.6(c)(5)(iii) requirement.
- d. Part 64 has been added to the list of applicable requirements in the permit.

EPA Comment #3:

The TSD notes that DAQEM issued NSR permit modifications 3 and 4 in 2006, and states that “Source is in compliance with Title V requirements for these ATC actions due to the fact that Title V applications for these modifications were received within 12 months of commencement of operation” (p. 9). When a source adds new emission units and the title V permit does not address or prohibit the modification, it is true that the source may make the modification as long as it applies for a title V permit modification within 12 months of making the modification authorized by the NSR permit. However, when a new or revised NSR permit contravenes the source’s existing title V permit, the source cannot make the modification until the title V permit has also been revised. This Part 70 program requirement is implemented with DAQEM’s EPA-approved Title V rule. Section 19 states that “Where an existing Part 70 permit would prohibit such construction or change in operation, the Source must obtain a permit revision before commencing operation” (19.3.1.1).

Modification 3 authorized a second production line, and resulted in an increase in the source’s permitted facility-wide HAP potential to emit (“PTE”) limit from 38.92 to 44.46 tons per year. Since it is DAQEM’s practice to include facility-wide limits on a source’s potential to emit in all of its title V permits, any increase in a source’s permitted PTE authorized via NSR contravenes the existing title V permit. Therefore in accordance with its EPA-approved title V program, DAQEM should have required LASCO to obtain a title V permit revision before operation of the new production line commenced. EPA urges DAQEM to be mindful of this requirement in future permitting actions. Please be aware that sources that begin new or modified operations that contravene their title V permits before the title V permits are modified may be subject to enforcement action.

DAQEM Response:

DAQEM acknowledged the issue and agreed to EPA’s conclusion. DAQEM has been taking the necessary steps to correct existing permitting determinations and to avoid the issue in the future for all the Part 70 sources in Clark County.

Attachments:

1. Comments from Lasco Bathware and supplemental information on CAM plan
2. Communication between DAQEM and LASCO regarding operation types at the source; emission factor development of the permit; and the compliance option the source has selected to comply with the applicable emission limitations in 40 CFR 63 Subpart WWWW.
3. EPA Comments on the Title V Renewal permit.

Attachment 1



201 N. Meadow Valley Road
Moapa, NV 89129
PH: 702-864-2100
FX: 702-864-2130

November 17, 2008

VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Shibi Paul
Senior Air Quality Specialist
Clark County Dept. of Air Quality and Environmental Management
500 S. Grand Central Pkwy
P.O. Box 551776
Las Vegas, NV 89155-1776

RE: Part 70 Permit Renewal 00075

Mr. Paul,

Lasco Bathware has reviewed the draft Part 70 permit and is providing the attached comments for your consideration.

If you have any additional questions please contact our technical contact, Viktor Prismantas, at 714-993-1220 x86428

Sincerely,

Steve Dowler
Plant Manager

Part 70 Permit Draft Renewal (00075)

Part 70 Operating Permit

Title Page

-SIC Code should be 3088

-NAICS should be 326191

-Responsible official phone # should be 702-864-2100 and fax 702-864-2130

D.5.c

This condition requires yearly testing of the emission control device. Although the following condition specifies testing when returning from non-operational status this condition still implies that annual testing is required. There is no exclusionary statement. It should further specify annual testing only for production lines currently operating at that time.

F.3.b

The summary of items to be included in the quarterly reports is actually found in Conditions IV-E-1-a through m not IV-B-1.

Comments from 11/19/07:

The following should be added to the Lasco Bathware CAM plan for the concentrator/RTO.

In order to assure the building is kept under negative pressure the inlet pressure to the concentrator shall maintain a negative pressure greater than 2.5 inches W.C. Note; The system maintains a -3 to -4 inches WC.

The inlet pressure is monitored by the Concentrator and the fan is adjusted to maintain constant negative pressure. The inlet pressure drop is monitored but not recorded.

In order to demonstrate air flow through the desorption section of the concentrator Lasco monitors the pressure drop in the heat exchanger. The RTO fan pulls air through the heat exchanger then through the desorption section of the RTO then to the RTO. A negative pressure reading greater than zero demonstrates desorption of the concentrator wheel. The heat exchanger pressure drop currently operates between negative 2 and negative 4 inches WC. The pressure drop across each heat exchanger is currently monitored and measured every 5 minutes.

Additionally Lasco proposes the following language for D.5.c of the Draft Title V Permit.

D.5.c and D.5.d should be combined to say;

Performance tests to demonstrate compliance with minimum control efficiencies and emission limits for the preconcentrators and the RTO, in accordance with 40 CFR 63 Subpart SS and 63.5850, shall be conducted annually or within 60 days after achieving maximum production but no later than 180 days after restart of production if the line is not in operation at the time of the annual performance test.

Attachment 2

From: Viktor Prismantas
To: Santosh Mathew;
CC: Shibi Paul;
Subject:
RE: LASCO (source # 75) Draft Title V Permit comments
Date:
Monday, December 15, 2008 9:38:14 AM
Attachments:

2, 3, 6, 7, 8

Viktor Prismantas

Director of Environmental Management
Lasco Bathware Inc.
8101 E Kaiser Blvd. Suite 200
Anaheim, CA 92808
Phone: 1-714-993-1220 x86428
Fax: 1-714-998-1377
viktor.prismantas@lascobathware.com

-----Original Message----- **From:** Santosh Mathew [mailto:MATHEW@co.clark.nv.us]

Sent: Monday, December 15, 2008 9:35 AM **To:** Viktor Prismantas **Cc:** Shibi Paul

Subject: RE: LASCO (source # 75) Draft Title V Permit comments

Thanks Viktor. It makes more sense now. The draft permit is missing references to the equations for the weighted average MACT emission limit and weighted average actual emissions. We will included these requirements in the permit.

Also, we are going to include all applicable work practice standards of Table 4 of the MACT standard in the permit. Please identify the applicable standards in Table 4 so that we can address them in the permit. Current draft permit is deficient in identifying all work practice standards.

Thanks

Santosh Mathew
Permitting Supervisor
Department of Air Quality and Environmental Management
Clark County, Nevada.
702-455-1685
Website: www.accessclarkcounty.com

 **Please consider the environment before printing this email**

From: Viktor Prismantas [mailto:Viktor.Prismantas@lascobathware.com] **Sent:** Monday, December 15, 2008 9:06 AM **To:** Santosh Mathew **Subject:** RE: LASCO (source # 75) Draft Title V Permit comments

Santosh,

Yes, the emission factors used in the TSD table were derived from the highlighted items in Table 1 of the Subpart

Because Lasco uses the emissions averaging option c in 63.5810 the specific emission limits of table 3 do not apply. The limits of table 3 are used in equations(63.5810 eq.3) to calculate what the weighted emission limit is for our facility.

Lasco uses the following methods listed in table 3 – (2.a, 3a, 6a, 6b, and 6c)
Lasco is not required to meet these emission limits since Lasco uses the weighted average options of 63.5810(c).
Please note that the attachment you sent us is from the April 21, 2003 federal register. Tables 1 and 3 were updated in a August 25, 2005 edition of the federal register. The attached spreadsheet is what the facility uses to demonstrate MACT compliance with the weighted emission limit. You will see the weighted limit changes monthly based on material usage.
Lasco does not perform continuous lamination.

Please call if you have any additional questions.

Viktor Prismantas

Director of Environmental Management
Lasco Bathware Inc.
8101 E Kaiser Blvd. Suite 200
Anaheim, CA 92808
Phone: 1-714-993-1220 x86428
Fax: 1-714-998-1377
viktor.prismantas@lascobathware.com

-----Original Message----- **From:** Santosh Mathew [mailto:MATHEW@co.clark.nv.us]

Sent: Thursday, December 11, 2008 3:47 PM **To:** Viktor Prismantas **Cc:** Shibi Paul

Subject: RE: LASCO (source # 75) Draft Title V Permit comments

Viktor,

We received some comments from EPA. EPA mentioned that Lasco's resin application process is not clearly identified in the permit. Shibi and I looked at your process description and understand that you are using open molding with mechanical resin application, in general. However, we are unable to pin point to the exact operation and application methods you are using for various resin application. For example, to estimate the Potential emissions from a particular process, we could not identify the exact combination of application methods in 40 CFR 63 Subpart WWWW, Table 1. Similarly, the operations at Lasco (being an existing major source), should meet the applicable emissions limitations in Table 3 of the subpart. In order to explicitly demonstrate that, we need to identify the limitations for the exact process of open molding and gelcoat application in Table 3 which is applicable to LASCO.

Please identify the applicable line items in the attached tables (Table 1 and Table 3).

By having a 95% overall control, we are aware that Lasco is already meeting the standards in Table 3. However, we need to explicitly identify the applicable limitations in Table 3 in the permit. Please specify if your process involve any

continuous casting/lamination. If so, the rule only requires demonstration of 95% control. Please verify the uncontrolled emission calculation presented in the draft TSD (Table III-C-2 in page 15). The emission factors used in the TSD table was derived from the highlighted items in Table 1 of the Subpart (See attached PDF document)

If you need further explanation on what we are asking for, please give Shibi or me a call.

We would like to get back to EPA ASAP as their comment period ends on Dec. 23rd.

Table 3 to Subpart WWWW of Part 63—Organic HAP Emissions Limits

Santosh Mathew

Permitting Supervisor

Department of Air Quality and Environmental Management
Clark County, Nevada.

702-455-1685

Website: www.accessclarkcounty.com

 **Please consider the environment before printing this email**

Attachment 3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

December 18, 2008

Richard Beckstead, Permitting Manager
Clark County Department of Air Quality and
Environmental Management
500 S. Grand Central Pkwy
Las Vegas, NV 89155-5210

Re: Proposed Title V Permit Renewal for Lasco Bathware

Dear Mr. Beckstead:

Thank you for the opportunity to review DAQEM's proposed title V permit renewal for Lasco Bathware, which we received on November 12, 2008.

Lasco is a major source of styrene and is subject to the National Emission Standard for Hazardous Air Pollutants ("NESHAP") for reinforced plastic composites production, 40 C.F.R. 63, Subpart WWWW. We believe the applicable requirements from Subpart WWWW have not been incorporated into the permit with sufficient specificity to clarify the source's compliance obligations. Since we have not reviewed many DAQEM permits with NESHAP requirements, we are providing comments that we hope will help you ensure that this permit and future permits accurately incorporate applicable NESHAP requirements.

We also note that the Compliance Assurance Monitoring ("CAM") rule, codified in 40 C.F.R. 64, applies to the emission units controlled by the regenerative thermal oxidizer ("RTO"). DAQEM must modify the permit and Technical Support Document ("TSD") to properly implement CAM requirements.

In reviewing Lasco's permitting history, we discovered that the NSR permit that authorized a new production line contravened the source's existing title V permit. We want to remind DAQEM that in this scenario, the source's title V permit must be revised before the source can make the change authorized by the NSR permit.

We have enclosed our detailed comments. Please contact me or Roger Kohn of my staff at (415) 972-3973 or kohn.roger@epa.gov if you want to discuss our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerardo C. Rios", written over a horizontal line.

Gerardo C. Rios
Chief, Permits Office
Air Division

EPA Region 9 Comments
Proposed Title V Permit Renewal
Lasco Bathware

1. The permit lacks sufficient detail from the NESHAP. As the permit is currently written, with only high level references to Subpart WWWW or some of its sections and tables, it is not clear which NESHAP requirements apply to Lasco. This makes the source's compliance obligations unclear to both the permittee and DAQEM, and complicates the task of inspecting the facility and enforcing the NESHAP requirements. Although DAQEM has not sought delegation of 40 CFR 63, Subpart WWWW, the NESHAP for reinforced plastic composites production, this has no impact on title V permit content. The Subpart WWWW requirements are applicable requirements that must be incorporated into the title V permit.

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Finally, Part 64 should be added to the list of applicable requirements in Attachment 1.

3. The TSD notes that DAQEM issued NSR permit modifications 3 and 4 in 2006, and states that “Source is in compliance with Title V requirements for these ATC actions due to the fact that Title V applications for these modifications were received within 12 months of commencement of operation” (p. 9). When a source adds new emission units and the title V permit does not address or prohibit the modification, it is true that the source may make the modification as long as it applies for a title V permit modification within 12 months of making the modification authorized by the NSR permit. However, when a new or revised NSR permit contravenes the source’s existing title V permit, the source cannot make the modification until the title V permit has also been revised. This Part 70 program requirement is implemented with DAQEM’s EPA-approved Title V rule. Section 19 states that “Where an existing Part 70 permit would prohibit such construction or change in operation, the Source must obtain a permit revision before commencing operation” (19.3.1.1).

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44.46 tons per year. Since it is DAQEM's practice to include facility-wide limits on a source's potential to emit in all of its title V permits, any increase in a source's permitted PTE authorized via NSR contravenes the existing title V permit. Therefore in accordance with its EPA-approved title V program, DAQEM should have required LASCO to obtain a title V permit revision before operation of the new production line commenced. EPA urges DAQEM to be mindful of this requirement in future permitting actions. Please be aware that sources that begin new or modified operations that contravene their title V permits before the title V permits are modified may be subject to enforcement action.