

ATTACHMENT

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**RESPONSE TO COMMENTS
REGARDING
THE FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
PERMITS TO BE ISSUED TO PPG INDUSTRIES OHIO, INC. (OWNER &
OPERATOR) AND PPG INDUSTRIES, INC. (CO-OPERATOR)
CIRCLEVILLE, OHIO
OHD 004 304 689**

INTRODUCTION

This response is issued pursuant to Title 40 of the Code of Federal Regulations (40 CFR) Section 124.17, which requires that any changes of draft permit conditions be specified along with the reason for the change; that all significant comments be described and responded to; and that any documents cited in the response be included in the administrative record. Comments were requested regarding the United States Environmental Protection Agency's (U.S. EPA) tentative determination to reissue a RCRA permit to the Permittees.

The 45-day public comment period commenced on September 27, 2006, with a public notice in the Circleville Herald and a radio announcement on a local radio station WHOK FM, CBS Radio. The termination date of this comment period was November 13, 2006. Comments were received from PPG Industries Ohio, Inc. (PPG)

Additionally, pertinent information and materials were available at the Pickaway County District Public Library, 1160 North Court Street, Circleville, OH 43113.

RESPONSE TO COMMENTS

a. **PPG's Comments:**

Page 11 section III should be revised to eliminate the requirements for annual submission of election of compliance. The requirement to notify the agency of the compliance election was eliminated from the rules in April 2006.

U.S. EPA's Response:

The annual certification required under Section III of this permit is based on 40 CFR § 264.1064(m), which is not affected by the U.S. EPA's April 4, 2006, amendment (FR Vol. 71, No. 64) to remove notification requirements under 40 CFR § 264.1061 and 264.1062.

Under 40 CFR § 264.1064(m), the Permittees may elect to determine compliance with 40 CFR Part 264, Subpart BB, by documentation as required under that subpart, or by documentation of compliance with the regulations at 40 CFR Part 60,

Part 61, or Part 63 when the Permittees are also subject to these regulations. Therefore, notification to the Director is necessary.

The April 4, 2006, amendment (FR/Vol. 71, No.64, page 16907), however, applies to Conditions III.J and III.K. Therefore, the references to notifying the Director for electing the alternative standards/work practices have been deleted from these positions of the draft permit.

b. PPG's Comments:

Page 20 item IV.C.1.a identifies the applicable tanks that comply with level 2 tank requirements defined in 264.1084. The tank capacities identified in the table are the operating capacities, and not the maximum capacity of the tanks identified in the Part A permit application to avoid confusion. Also, the two overflow tanks indicated in the table are not regulated tanks, and should be removed as applicable sources.

U.S. EPA's Response:

In order to avoid confusion as pointed out in PPG's comments, the table in Condition IV.C.1 has been revised to include: (1) the tank operating capacities and (2) the maximum tank capacities.

The overflow tanks are part of the tank farm system and are interconnected to the other hazardous waste storage tanks. Therefore, the U.S. EPA determined that they are hazardous waste storage tanks and not exempt tanks.

No change to the permit condition is necessary based on this comment.

c. PPG's Comments:

Page 20 item IV.C.2.c should be removed as process and instrumentation diagrams are not required per 264.1084. In addition, exempt tanks would not be regulated under the rule.

U.S. EPA's Response:

Based on the information contained in the Part B Application, including the P&ID diagrams, no waste stabilization process is performed in the listed tanks. Therefore, this Condition IV.C.2.c reflects the current operations of the tanks for which the permit is sought.

The requirements of submitting P&ID diagrams are stipulated in 40 CFR § 270.16-Specific part B information requirements for tank systems. The overflow tanks are part of the tank system and are not exempted from 40 CFR Part 264, Subpart CC regulations. Therefore, must be included in the scope of the permit. See U.S.

EPA's response to comments under Item (b).

No change to the permit condition is necessary based on this comment.

d. PPG's Comments:

Page 20 of 23 item IV.C.2.b should remove the requirement to monitor the temperature and pressure of each tank. This is not required by rule.

U.S. EPA's Response:

Condition IV.C.3.b is necessary and appropriate to assure compliance with 40CFR § 264 Subpart CC standards requiring that the facility control air pollutant emissions from the tanks.

In addition 40 CFR § 270.30(e) requires that the Permittees must at all times properly operate and maintain all facilities and systems of control (and related appurtenances).

It is a general industrial tank design practice for a hazardous waste (flammable and/or combustible liquid) storage tank equipped with a mechanical agitator/mixer to monitor the temperature and pressure inside the tank to reduce the potential of tank failure and explosion/fire hazards. Therefore, the temperature and pressure monitoring system is essential in providing safe operation of these tanks and in controlling air pollutant emission from these tanks.

Page ii of the permit application signature page states: "...Permittees' RCRA permit application is accurate, and that the facility is configured, operated and maintained as specified in the permit and as described in the Application." The information contained in the Part B Application shows that temperatures and pressure inside the tank can be monitored as part of the operation and maintenance of the tanks.

As 40 CFR § 270.32(b)(2) states: "Each permit issued under section 3005 of this act shall contain terms and conditions as the Administrator or State Director determines necessary to protect human health and the environment." The condition simply outlines and specifies pressures needed for appropriate emission control, operation and maintenance under the RCRA rules.

No change to the permit condition is necessary based on this comment.

e. PPG's Comments:

Page 22 item IV.C.3.b should remove specifications of the thermal oxidizer. This information is not required by rule.

U.S. EPA's Response:

This condition outlines the required capacities and proper operations of the thermal oxidizer unit to assure safe and proper functioning for emission control, as described in the additional information received by the U.S. EPA as part of the Part B Application which is a central basis for the condition of the permit.

See U.S. EPA's response provided under item (d) above.

No change to the permit condition is necessary based on this comment.

f. PPG's Comments:

Page 23 item IV.C.4 should remove the requirement for hazardous waste tank blanketing with nitrogen. This is not required by rule.

U.S. EPA's Response:

See U.S. EPA's response provided under item (d) above. Nitrogen blanketing reduces the potential of fire/explosion and is a standard industrial practice for safe operations of flammable/combustible liquids. Also, application of nitrogen blanketing would reduce the organic emissions from the tanks, thus reducing the potential overloading of the thermal oxidizer.

The Permittees may propose to test the thermal oxidizer without the nitrogen blanketing. When the test results demonstrate compliance with the requirements of Condition IV.C.3.b, the Permittees may process a permit modification to eliminate the nitrogen blanketing requirements under Condition IV.C.4.

CHANGES TO THE DRAFT PERMIT

1. Pages 14 and 15 of 24, Conditions III.J and III.K

Condition III.J - The last sentence "If you decide to discontinue the election of the alternative standards, you must notify the Director in writing that the work....." has been deleted from the draft permit.

Condition III.K - Last sentence of first paragraph, "You must notify the Director before implementing one of the alternative work practice." has been deleted from the draft permit.

The reason of this change is described in U.S. EPA's response to PPG's comments under Item (a).

2. Page 20 of 24, Condition IV.C.1

5th column of the tank table has been revised to include the operating and maximum tank capacities. The reason for this change is described in U.S. EPA's response to PPG's comment under Item (b).

3. Page 19 of 24, Condition IV.C.1 Hazardous Waste Storage Tanks

Conditions IV.C.2.b and IV.C.2.c in the draft permit have been redesignated as IV.C.1.b and IV.C.1.c, respectively, due to typographic errors.

4. Page 7 of 24, Condition IG Reports, Notifications and Submittals to the Director

Since the reorganization at Region 5 is still in progress, the current RCRA permitting program remains in the Program Management Branch. Therefore, the "RCRA Branch, DW-8J" in the draft permit has been changed to reflect the current organizational structure.

DETERMINATION

Based on a full review of all relevant data provided to the U.S. EPA, the U.S. EPA has determined that the final permit contains such terms and conditions necessary to protect human health and the environment.