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**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

2006 JUL 12 AM 10:00
ENVIR. APPEALS BOARD

In re:)	
)	PSD Appeal Nos. 06-01 through 06-06
Knauf Insulation GmbH)	
)	EPA REGION 9'S BRIEF IN SUPPORT OF SUMMARY DISPOSITION
PSD Permit No. NSR 4-4-4, SAC 03-01)	
)	

I. INTRODUCTION

The United States Environmental Protection Agency, Region 9 (Region 9), responds and moves for summary disposition and dismissal of Petitioners' requests for the Environmental Appeals Board (EAB or Board) to review the issuance of revised Prevention of Significant Deterioration (PSD) permit NSR-4-4-4, SAC 03-01 (the 2006 Permit) to Knauf Insulation GmbH (Knauf) for the Knauf fiberglass plant in Shasta Lake, California. As set forth more specifically below, summary disposition and dismissal of each of the petitions is appropriate for one or more of the following reasons: (1) the petitions raise issues outside of the EAB's jurisdiction; (2) the petitions do not contain the specificity necessary to preserve an issue for EAB review; and/or (3) the petitioners do not have standing because of their failure to raise the subjects of their petitions in the public comment period. Region 9 also requests that the EAB deny the motion by Colleen Leavitt, Mary Scott, and Celeste Draisner (PSD Appeal No. 06-02, the "Leavitt Petition") and the separate but substantially similar motion by Celeste Draisner seeking an extension of time to file an appeal because an extension of time would improperly expand the rights of the petitioners at the expense of the permittee and Region 9 and because the petitioners failed to follow applicable EAB procedures.

EPA REGION 9'S BRIEF IN SUPPORT OF SUMMARY DISPOSITION
PSD Appeal Nos. 06-01 through 06-06

II. FACTUAL AND PROCEDURAL BACKGROUND

Knauf operates the subject source fiberglass insulation manufacturing plant in Shasta County, California. The Shasta County Air Quality Management District (the AQMD) permitted the plant as a new major source in March 2000 under a PSD delegation agreement with EPA Region 9 ("Region 9"). In March 2003, EPA revoked the delegation of the PSD program to the AQMD, making EPA Region 9 the PSD permitting authority. *See* 68 Fed. Reg. 19,371 (Apr. 21, 2003).

The original permit application estimated the potential to emit for particulate matter less than 10 microns (PM10) for the new plant would exceed 100 tons per year (tpy), qualifying the facility as a major new source under the PSD program. All other emissions were estimated in the original application to be below the relevant PSD significance thresholds. For more background information on the initial PSD permitting action, see *In Re Knauf Fiberglass GmbH*, 8 E.A.D. 121 (EAB, 1999) and *In Re Knauf Fiberglass GmbH*, 9 E.A.D. 1 (EAB, 2000).

The facility commenced operation in February 2002 and conducted several sets of emissions tests. The results of this testing showed that emissions of nitrogen oxides (NOx) exceeded the applicable permit limits and the 40 tpy significance threshold. In May 2003, Knauf submitted an application to modify its PSD permit. The application, as modified on August 11, 2003, seeks to increase NOx limits to allow the source to emit 99 tpy of NOx. The application included a new BACT analysis for NOx, which concluded that low-NOx burners represented BACT and that retrofit to include additional controls following the thermal oxidizer was not technically feasible. Although EPA determined Knauf's PSD application to be administratively complete on August 15, 2003, Knauf submitted several application updates to Region 9 in September and December 2003, in February, June and October 2004, and December 2005.

On January 31, 2006, Region 9 published a public notice in a local newspaper seeking comments on Region 9's proposal to issue a revised PSD permit. The proposed revised PSD permit sought to establish PSD requirements for emissions of NOx. Region 9 determined that Knauf was meeting BACT requirements for NOx but allowed an increase in NOx emissions from 24.8 tpy to 72.3 tpy from Knauf's manufacturing line. The revision also proposed to allow an increase in emissions of 2.5 tpy of PM10 from Knauf's electric glass melting furnace. Region 9 sent the public notice and a fact sheet to a list of interested persons, provided the proposed permit, the Ambient Air Quality Impact Report (AAQIR), the fact sheet, and the public notice to local libraries, and made the same documents available to the public via the Region 9 website. These documents presented Region 9's view that Knauf's controls and the proposed PSD permit's emissions limits satisfied BACT requirements and that Knauf's permitted emissions remained well below the PSD increments and the National Ambient Air Quality Standards (NAAQS).

The public comment period ran for a total of 57 days, including a public hearing in Shasta Lake, California, on March 8, 2006. Region 9 received written comments from 20 members of the public, and 11 members of the public submitted oral comments at the public hearing. Region 9 subsequently issued a response to the comments on May 11, 2006, which both responded specifically to comments and described changes made to the 2006 Permit in response to comments. Region 9 issued the 2006 Permit concurrently with the Response to Comments.

The EAB has received the following six petitions regarding the 2006 Permit:

<u>PETITIONER(S)</u>	<u>DATE OF FILING</u>	<u>APPEAL NUMBER</u>
Henry Francis	June 12, 2006	PSD 06-01
Colleen Leavitt, Mary Scott, and Celeste Draisner	June 13, 2006	PSD 06-02

Patricia Jiminez	June 14, 2006	PSD 06-03
Joy Louise Newcom	June 19, 2006	PSD 06-04
Serafin Jiminez	June 19, 2006	PSD 06-05
Joanna L. Caul	June 20, 2006	PSD 06-06

Additionally, the EAB has posted on its docket for this matter a Request for Time Extension filed by Celeste Draisner (the “Draisner Request”) on June 9, 2006.¹

For the specific reasons discussed below, Region 9 requests that the EAB summarily dismiss each these petitions and deny the Draisner Request.

III. STANDARD OF REVIEW

In evaluating a petition for review of a PSD permit under 40 C.F.R. § 124.19(a), the Board does not generally grant review unless the petition for review establishes that the permit condition in question is based on a clearly erroneous finding of fact or conclusion of law, or involves an exercise of discretion or an important policy consideration that the Board determines warrants review. 40 C.F.R. § 124.19(a); *see In re Amerada Hess Corp.*, PSD Appeal No. 04-03, slip op. at 11 (EAB, Feb. 1, 2005), 12 E.A.D. ___; *In re Sutter Power Plant*, 8 E.A.D. 680, 686-87 (EAB 1999). The Board’s analysis of PSD permits is guided by the preamble to the part 124 permitting regulations, which states that the Board’s power of review “should be only sparingly exercised” and that most permit conditions should be finally determined at the Regional level. *See In re Knauf Fiberglass, GmbH*, 8 E.A.D. 121, 127 (EAB 1999) (quoting 45 Fed. Reg. 33,290, 33,412 (May 19, 1980)). Accordingly, for each issue raised in a petition, the petitioner

¹ Although Region 9 is not aware of having received the Draisner Request from either the petitioner or from the EAB, we found the request on the EAB’s website and are therefore responding to it in this brief. No certificate of service was posted with the Draisner Request. We do not thereby waive any objection to the failure of petitioner to serve the request on Region 9.

bears the burden of demonstrating that review is warranted, which burden includes demonstrating that any objections were raised during the public comment period (including any public hearing). 40 C.F.R. § 124.19(a); *Amerada Hess*, slip op. at 10-11.

Moreover, in order to preserve an issue for appeal, the regulations require any petitioner who believes that a permit condition is inappropriate to have first raised “all reasonably ascertainable issues and . . . all reasonably available arguments supporting [petitioner’s] position” during the public comment period on the draft permit. 40 C.F.R. § 124.13; 40 C.F.R. § 124.19(a); *In re BP Cherry Point*, PSD Appeal No. 05-01, slip op. at 11 (EAB, June 21, 2005), 12 E.A.D. ____; *In re Encogen Cogeneration Facility*, 8 E.A.D. 244, 249 (EAB, 1999). The purpose of such a provision is to “ensure that the Region has an opportunity to address potential problems with the draft permit before the permit becomes final, thereby promoting the Agency’s longstanding policy that most permit issues should be resolved at the Regional level, and to provide predictability and finality to the permitting process.” *In re New England Plating Co.*, 9 E.A.D. 726, 732 (EAB 2001); *Sutter Power Plant*, 8 E.A.D. at 687. The burden of demonstrating that an issue has been raised during the comment period rests with the petitioner. *Encogen*, 8 E.A.D. at 250, n.10.

Further, where the Region responds to comments when it issues a final permit, it is not sufficient for a petitioner to rely solely on previous statements of its objections, such as comments on the draft permit. *In re Diamond Wanapa I, L.P.*, PSD Appeal No. 05-06, slip. op. at 4 (Feb. 9, 2006). Rather, a petitioner must demonstrate with specificity in the petition why the Region’s prior response to those objections is clearly erroneous or otherwise merits review. *In re Newmont Nevada*, PSD Appeal No. 05-04, slip op. at 58 (EAB Dec. 21, 2005), 12 E.A.D. ____ (citing *Steel Dynamics*, 9 E.A.D. 740, 744 (EAB 2001) and *In re LCP Chems.*, 4 E.A.D. 661, 664

(EAB 1993)); *In re Teck Cominco Alaska Incorporated*, 11 E.A.D. 457, 472-73 (EAB, 2004).

Thus, the petitioner bears the burden of demonstrating that the response to comments is clearly erroneous, an abuse of discretion, or otherwise warrants review. *In re Sierra Pacific Industries*, 11 E.A.D. 1, 6 (EAB 2003) (citing *In re Haw. Elec. Light Co.*, 8 E.A.D. 66, 71-72 (EAB 1998) and *In re EcoElectrica, L.P.*, 7 E.A.D. 56, 60-61 (EAB 1997)); *Encogen*, 8 E.A.D. at 251-52.

Finally, the EAB has no jurisdiction to review non-PSD issues, which it describes as “issues that are not explicit requirements of the PSD provisions of the Clean Air Act or EPA’s implementing regulations and have not been otherwise linked to the federal PSD program in the context of this case.” *In re Knauf Fiber Glass, GmbH*, 8 E.A.D. at 162; *see also In re Zion Energy, L.L.C.*, 9 E.A.D. 701, 706 (EAB 2001).

Although the EAB construes petitions filed by persons unrepresented by legal counsel broadly, the EAB expects such petitions “to provide sufficient specificity such that the [EAB] can ascertain what issue is being raised [and] expects the petition to articulate some supportable reason as to why the permitting authority erred or why review is otherwise warranted.” *In re Knauf Fiber Glass, GmbH*, 8 E.A.D. at 127; *see also In re Beckman Prod. Servs.*, 5 E.A.D. 10, 19 (EAB 1994) (even unrepresented petitioners must “comply with the minimal pleading standards and articulate *some* supportable reason why the [permit issuer] erred in its permit decision in order for the petitioner’s concerns to be meaningfully addressed by the Board”) (emphasis in original).

Where a petitioner has failed to preserve issues for the appeal, including a failure to provide sufficiently specific objections to a proposed permit and the permitting agency’s response to the comments, or a petition does not meet the burden of demonstrating clear error or other abuse of discretion warranting review, a petition may be summarily dismissed. *See*

generally, *Sierra Pacific Industries*, 11 E.A.D. 1; see also *EAB Practice Manual* at 36, n. 43 (June 2004).

IV. ARGUMENT

Each of the six petitions filed in this matter on the merits should be summarily dismissed for failure to preserve issues with sufficient specificity, for lack of jurisdiction, or for failure to raise issues during the public comment period. The remainder of this brief describes each of the substantive issues raised in each of these appeals and provides the basis for summary disposition as to each of these issues. As further set forth below, the Draisner Request for an extension of time should be denied because granting the request would improperly expand the procedural rights of the petitioner and would place an undue burden on both Region 9 and the permittee.

A. Petition from Henry Francis

The petition filed by Henry Francis (PSD Appeal No. 06-01), appears to raise the following three objections to the PSD permitting process and several more general objections. Region 9's response is provided after each objection.

1. Mr. Francis alleges an inconsistency between the EPA's Mission Statement, which relates to the protection of public health, and its action on the 2006 Permit.

Mr. Francis did not raise this specific concern during his comments at the public hearing on the proposed permit. See *Transcript of March 8, 2006 Public Hearing in Shasta Lake City (the "Public Hearing Transcript")*, Exhibit B, at 17:18-18:4. Because Mr. Francis has not demonstrated in his petition that it was raised during the public comment period or was not reasonably ascertainable at that time, the EAB should dismiss the objection. See *In re BP Cherry Point*, PSD Appeal No. 05-01, slip op. at 14 (EAB, June 21, 2005), 12 E.A.D. _____. In any case, Region 9 responded to Mr. Francis' general health-related comments by explaining that the

established NAAQS and PSD increment levels are established to protect public health. *See Response to Comments*, Exhibit A, at 37. Because Mr. Francis has not explained why Region 9's response was inadequate, his objection should be dismissed even if it had been preserved.

2. Mr. Francis states that his asthma has worsened since Knauf began operations.

Mr. Francis previously commented that he suffered from chronic bronchitis and that it had worsened since Knauf had begun operations. *See Public Hearing Transcript*, Exh. B, at 17:19-24. Region 9 responded by explaining that the established NAAQS and PSD increment levels are established to protect public health, including the health of sensitive populations. *See Response to Comments*, Exh. A, at 37, 39. Region 9 stated that the proposed emissions by the Knauf facility would not violate the NAAQS or PSD increment. *Id.* at 37. Because Mr. Francis simply reiterates the comment he made during the public comment period without explaining why Region 9's response is clearly erroneous, an abuse of discretion, or otherwise warrants review, he has failed to meet his burden and his objection must be dismissed. *See In re Sierra Pacific Industries*, 11 E.A.D. at 6.

3. Mr. Francis generally alleges that EPA failed to consider public health.

As noted above, Region 9 responded to comments concerning public health by explaining that the Knauf plant does not exceed NAAQS or PSD increment requirements, both of which are designed to protect public health. Mr. Francis' petition fails to explain why Region 9 did not adequately respond to his concerns, and it must therefore be dismissed.

Mr. Francis' petition also describes the airshed in which the plant operates and claims that the area has some of the most polluted air in the country. These comments do not provide any specific objection related to the 2006 Permit and do not require further response. To the extent Mr. Francis is claiming that the airshed is insufficiently protected under current state or

federal law, his claims do not relate to the PSD permitting requirements and therefore are outside the jurisdiction of the EAB in this proceeding. *See In re Knauf Fiber Glass, GmbH*, 8 E.A.D. at 162.

B. Petition from Colleen Leavitt, Mary Scott, and Celeste Draisner

The petition filed by Colleen Leavitt, Mary Scott, and Celeste Draisner (the “Leavitt Petition”) and the Draisner Request for an extension of time (collectively, the “Extension Requests”) do not state any substantive objections to the 2006 Permit. Rather, the Leavitt Petition makes two procedural requests. First, the petitioners seek “permission to file an appeal and receive judicial review” of the 2006 Permit. Second, they submit a “Request for Time Extension.” The Draisner Request seeks a similar extension of time to file an appeal.

The EAB should deny the Extension Requests. First, no permission is required to file an appeal with the EAB. Rather, the applicable regulations provide a process in which petitioners may submit their objections and petitions for review to the EAB within 30 days of a final decision on a PSD permit. *See* 40 C.F.R. § 124.19(a). The Leavitt Petition provides notice of appeal, but it does not make any substantive objections to the permit in the form of an appeal brief. Accordingly, there are no objections requiring a response from Region 9, and the petition should be dismissed.

The Leavitt Petition also includes a “Request for Time Extension.” It appears that this request is for time in which to file a substantive appeal brief to accompany the notice of appeal. Both the Leavitt Petition and the Draisner Request base their requests for an extension on the fact that they were waiting to obtain information through a Freedom of Information Act (FOIA) request filed with Region 9. That request, filed on June 2, 2006, requested a copy of the March 8, 2006 public hearing transcript, a copy of all written public comments submitted to Region 9,

and the modeling methodology and raw data underlying the AAQIR. Region 9 responded to the request on an expedited basis, sending the majority of the information requested by email to Celeste Draisner on June 16, 2006, and informing Ms. Draisner that Region 9 would need a physical address in order to send compact disks containing the requested raw data. Ms. Draisner provided a physical address on June 21, 2006, and Region 9 sent the CDs, completing the FOIA response, before the end of June.

The Extension Requests should be denied because petitioners had adequate time to prepare their appeal. The fact that petitioners submitted a FOIA request with only 10 full working days prior to their filing² deadline militates strongly against the EAB making an exception to the regulatory deadline for filing appeals. Because petitioners would have had to analyze the FOIA response, draft their petitions, and mail the petitions prior to the filing deadline, the request allowed Region 9 an impractical period to respond. If the EAB were to grant the request, the decision could eviscerate the purpose of the regulatory deadline by encouraging future appellants to file a FOIA request with EPA simply to extend the time for filing their appeal. It would be particularly improper in the present case since the request for public comments issued on January 31, 2006 made clear that the administrative record for the PSD permitting action was available for public inspection at the Region 9 offices. *See Request for Public Comment*, Exhibit C, at 3. That administrative record included the raw data that Ms. Draisner sought in her FOIA request. All of the data and documents requested by Ms. Draisner, including copies of all public comments and a transcript of the public hearing, were available for inspection as part of the final administrative record as of May 11, 2006.

² Region 9 issued the 2006 Permit on May 11, 2006 and mailed the notice of the decision to Mary Scott, Colleen Leavitt, and Celeste Draisner with cover letters dated May 15, 2006. Given the 30-day filing deadline after service, and giving 5 days for receipt of the notice, then the latest date on which a petition would have had to be filed was on or about June 19. *See In re Tri-County Builders Supply*, CWA Appeal No. 03-04, slip op. at 2-3 (EAB, May 24, 2004). The FOIA request from Celeste Draisner was received via e-mail on June 2, 2006.

Additionally, the Extension Requests should be denied because petitioners have not complied with EAB procedures for filing their requests. Although the EAB Practice Manual instructs that motions for extensions of time should state whether the opposing party concurs or objects, Region 9 has not been consulted and the Extension Requests do not provide that information. *See EAB Practice Manual* at 38. Additionally, motions for extensions of time must ordinarily be filed sufficiently in advance of the due date as to allow other parties reasonable opportunity to respond and to allow the EAB reasonable opportunity to issue an order. *Id.* In this case, the Leavitt Petition and the Draisner Request were filed on June 9 and June 13, respectively, both of which dates were near the end of the filing period. Because Region 9 only received a copy of the Leavitt Petition on June 26, 2006, and was apparently never served with a copy of the Draisner Request, Region 9 had no opportunity to oppose the requests prior to the filing deadline. Additionally, the EAB had little opportunity to consider the motions prior to the filing deadline. Further delaying the appeals process at this juncture would expand the rights of the petitioners at the cost of the permittee and would unduly burden Region 9.

Finally, the EAB should deny the request for an extension of time because the Extension Requests do not provide any suggestion of what particular information the petitioners are seeking from the FOIA request and what substantive arguments they intend to make in their appeal. The Draisner Request merely criticizes Region 9's summary of comments without describing what arguments Ms. Draisner anticipates supporting with the copies of the public comments she requested. The burden is on the petitioners to demonstrate that Region 9 acted erroneously or abused its discretion in responding to their comments. Their petition and requests offers nothing to meet that burden, much less to meet the added burden of showing why they require an extension of time to make their arguments.

In conclusion, the EAB should deny the Extension Requests and should dismiss the Leavitt Petition.

C. Petition of Patricia Jiminez

The petition filed by Patricia Jiminez (PSD Appeal No. 06-03), appears to raise the following four objections to the PSD permitting process and several more general objections. Region 9's response is provided after each objection

1. Ms. Jiminez states that the "local EPA office" was a "county employee," apparently implying a conflict of interest.

It appears that Ms. Jiminez is referring to the fact that the original PSD permit issued to Knauf for the plant was written by the Shasta County AQMD. At that time, Shasta County had been delegated the EPA's authority to issue PSD permits within its jurisdiction in accordance with federal law. *See* 40 C.F.R. § 52.21(u). Because Ms. Jiminez fails to specifically state how that delegation was improper, her petition should be dismissed. Moreover, Ms. Jiminez' objection should be dismissed because she does not demonstrate how the issue was raised and preserved during the public comment period. Finally, to the extent that the comment relates solely to the original PSD permit issued by Shasta County AQMD in 2000, the objection is untimely.

2. Second, Ms. Jiminez states that "Knauf was allowed to purchase the allowed emissions from a nearby paper plant that was going out of business."

This issue has not been preserved for appeal because Ms. Jiminez does not demonstrate that it was raised during the public comment period. Even if it had been preserved, this issue was considered and dismissed by the EAB in this matter. *See Knauf Fiber Glass GmbH*, 8 E.A.D. 121, 168 (EAB, 1999) (the offsetting requirements included in the AQMD's PSD permit decision are "an example of a requirement that is based on state or local rules and is not a

requirement of the federal PSD program. Emission offsets are not required in the PSD context.”) (citing *In re Multitrade Ltd. Partnership*, 4 E.A.D. 24, 27 (EAB 1992)). In any case, Region 9 made clear in its response to comments that “EPA does not consider the use of air emission reduction credits (ERCs) in the PSD process and has not considered ERCs in drafting the proposed or final [2006 Permit].” Response to Comments, Exh. A, at 30. Ms. Jiminez’ further failure to state how the EPA response was inadequate means that the issue would be subject to dismissal even if it had she had demonstrated that it was raised in the public comment period.

3. Ms. Jiminez alleges that the public hearing was “obviously a sham, as no attention was paid to citizens’ complaints. Those were brushed off in the answers.”

Region 9 considered all substantive public comments and publicly responded to those comments. See *Response to Comments*, Exh. A. Region 9 cannot further respond to this allegation because Ms. Jiminez does not specify any way in which she believes the responses were clearly erroneous or an abuse of discretion. The allegation must be dismissed for lack of specificity.

4. Ms. Jiminez alleges that the EPA’s authority to enforce compliance “is really fuzzy and indefinite” in light of “the primary standard” of protecting public health.

To the extent that this comment suggests that EPA should fine Knauf or otherwise enforce compliance of the 2006 Permit, Region 9 has explained the authority and options it has to enforce the conditions of the 2006 Permit. See *Response to Comments*, Exh. A, at 31. Because Ms. Jiminez has not described how Region 9’s response is erroneous or an abuse of discretion, she has failed to preserve this issue for review and her petition should be dismissed.

In addition to these objections, Ms. Jiminez’ petition contains a list of “exceptions and exemptions” she states have been requested by Knauf. The petition does not describe how the alleged requests are linked to the final action taken by Region 9 on the 2006 Permit. To the

extent these are general concerns about the operation of the plant or address Knauf intentions and do not relate to the conditions of the 2006 Permit and the PSD program, the EAB is without jurisdiction to consider them and no further response from Region 9 should be required. *See Knauf Fiber Glass, GmbH*, 8 E.A.D. at 162; *Zion Energy, L.L.C.*, 9 E.A.D. at 706. Additionally, Ms. Jiminez has not demonstrated that any of these “exceptions and exemptions” were preserved by having been raised in public comments. In fact, none of these issues appears in her prior written comment. Finally, because Ms. Jiminez identifies herself in her petition as an attorney, she should be held strictly to her burden of describing with specificity how any of these issues is connected to an allegation that Region 9’s issuance of the 2006 Permit was clearly erroneous or an abuse of discretion. Since the petition does not meet that burden, it should be dismissed.

Ms. Jiminez’ petition also claims that the Shasta County airshed has some of the most polluted air in the country. These comments do not provide any specific objection related to the 2006 Permit and do not require further response. To the extent Ms. Jiminez is claiming that the airshed is insufficiently protected under current state or federal law, her claim does not relate to the PSD permitting requirements and therefore is outside the jurisdiction of the EAB in this proceeding. *See Knauf Fiber Glass, GmbH*, 8 E.A.D. at 162.

In sum, Ms. Jiminez’ petition does not raise any substantive issues that have been preserved with adequate specificity and are properly before the EAB on appeal. Accordingly, the petition should be dismissed.

D. Petition of Joy Louise Newcom

The petition filed by Joy Louise Newcom (PSD Appeal No. 06-04), appears to raise the following objection to the PSD permitting process and several more general objections.

1. Shasta County Supervisors allegedly violated the Clean Air Act when they permitted Knauf to build the Shasta facility. The County has allegedly failed to provide accurate air monitoring data.

Ms. Newcom did not raise the alleged violations of the Clean Air Act during the public comment period, and the issue is therefore not preserved for appeal. Even if read broadly to incorporate her earlier comment that a Shasta County employee “lies about Knauf air-test-results,” (*Public Comment of Joy Newcom*, Exh. D, Docket Index #: VII-A-32) the allegation is one unrelated to the 2006 Permit issued by Region 9. Furthermore, the allegation is not supported in any way, and therefore lacks specificity. Because this objection does not relate to Region 9’s issuance of this PSD permit, and because it lacks specificity, the EAB should dismiss the petition. Finally, to the extent that the comment relates solely to the original PSD permit issued by Shasta County AQMD in 2000, the objection is untimely.

Ms. Newcom generally states that the economic benefits of the Knauf facility do not justify health problems she alleges accompany operation of the plant. Region 9 has responded to comments regarding health-related complaints by explaining that the NAAQS and the PSD increment levels are established to protect public health and welfare, and that the emissions authorized under the 2006 Permit do not violate these levels. *See Response to Comments*, Ex. A, at 37. Because Ms. Newcom’s implied request for a further weighing of economic benefits against health-related costs is not required under the PSD program, it is outside the jurisdiction of the EAB on this appeal. Furthermore, Ms. Newcom does not explain how Region 9’s *Response to Comments* regarding health concerns was clearly erroneous or otherwise inadequate.

Additionally, Ms. Newcom requests that Region 9 close the Knauf facility. This comment does not appear to be related to the 2006 Permit, other than that it implies a request that Region 9 refuse to grant the permit. Because it is Ms. Newcom's burden to demonstrate why issuing the 2006 Permit was clearly erroneous or an abuse of discretion, and because she has not provided any support for her request, the petition must be dismissed.

E. Petition of Serafin Jiminez

The petition filed by Serafin Jiminez (PSD Appeal No. 06-05), appears to raise the following objection to the PSD permitting process and several more general objections.

1. Ms. Jiminez states that Region 9 has not adequately taken local health concerns into account in issuing the 2006 Permit.

Ms. Jiminez, along with others, raised concerns about the local health impacts of the Knauf plant during the public comment period. *See Public Comments of Serafin Jiminez*, Exh. E, Docket Index #: VII-A-38. Region 9 responded by explaining that the established NAAQS and PSD increment levels are established to protect public health, including the health of sensitive populations. *See Response to Comments*, Exh. A, at 37, 39. Region 9 stated that the proposed permit would not violate the NAAQS or PSD increment. *Id.* at 37. Because Ms. Jiminez simply reiterates the comment she made during the public comment period without explaining why Region 9's response is clearly erroneous, an abuse of discretion, or otherwise warrants review, she has failed to meet her burden and her objection must be dismissed. *See In re Sierra Pacific Industries*, 11 E.A.D. at 6.

2. Ms. Jiminez states that the "local EPA representative" was a "county employee," apparently implying a conflict of interest.

It appears that Ms. Jiminez is referring to the fact that the original PSD permit issued to Knauf for the plant was written by the Shasta County AQMD. At that time, Shasta County had been delegated the EPA's authority to issue PSD permits within its jurisdiction in accordance with federal law. *See* 40 C.F.R. § 52.21(u). Because Ms. Jiminez fails to specifically state how that delegation was improper, her petition should be dismissed. Moreover, Ms. Jiminez' objection should be dismissed because she does not demonstrate how the issue was raised and preserved during the public comment period.

Because Ms. Jiminez' petition does not raise any issues within the EAB's jurisdiction that have been preserved with sufficient specificity, her petition should be dismissed.

F. Petition of Joanna L. Caul

Region 9 was unable to find any record of Ms. Caul's participation during the public comment period. Accordingly, her appeal (PSD Appeal No. 06-06) must be limited to only those revisions made to the proposed permit after the comment period ended. *See* 40 C.F.R. § 124.19(a) ("Any person who failed to file comments or failed to participate in the public hearing on the draft permit may petition for administrative review only to the extent of the changes from the draft to the final permit decision."); *BP Cherry Point*, slip. op. at 14-15, 12 E.A.D. ___, (EAB, June 21, 2005) (issues and arguments raised by a petitioner that are not raised during the public comment period will not be considered preserved for review without a demonstration that they were not reasonably ascertainable at that time). Ms. Caul's petition makes no reference to changes from the draft to the final permit decision, nor does it demonstrate why her objections were not reasonably ascertainable during the public comment period. Accordingly, the petition must be dismissed.

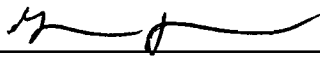
V. Conclusion

None of the Petitioners has demonstrated with sufficient specificity that Region 9 erred or abused its discretion in issuing the 2006 Permit to Knauf. Other issues, to the extent raised by the Petitioners, are outside the jurisdiction of the EAB in reviewing a PSD permit appeal. For these reasons and those set forth above, all six petitions should be dismissed. Additionally, the Extension Requests should be denied because of the policy implications of granting the requests, the prejudice to the permittee and Region 9 that a further delay would create, and for failure of the requesting parties to follow EAB procedures for requesting extensions of time.

In the alternative, if the EAB decides that any of the petitions is not appropriate for summary disposition, Region 9 requests the opportunity to file supplemental briefing on the merits.

DATED: July 7, 2006

Respectfully Submitted,
United States Environmental
Protection Agency, Region 9



M. Grady Mathai-Jackson
Assistant Regional Counsel

A

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

San Francisco, California



**RESPONSE TO PUBLIC COMMENTS
for the Knauf Insulation GmbH
Proposed Prevention of Significant Deterioration (PSD) Permit Revision**

Permit No. NSR 4-4-4, SAC 03-01

May 11, 2006

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ABBREVIATIONS AND ACRONYMS

Pollutants

CO	Carbon monoxide
HAPs	Hazardous air pollutants
NH ₃	Ammonia
NO ₂	Nitrogen dioxide
NO _x	Nitrogen oxides
PM _{2.5}	Particulate matter with an aerodynamic diameter less than 2.5 micrometers
PM ₁₀	Particulate matter with an aerodynamic diameter less than 10 micrometers
VOCs	Volatile organic compounds

Units

lb/hr	pound per hour
lb/ton	pound per ton of glass pulled
µg/m ³	micrograms per cubic meter
ppm	parts per million
TPD	tons of glass pulled per day
TPY	tons per year

Acronyms

AAQIR	Ambient Air Quality Impact Analysis
AQMD	Shasta County Air Quality Management District
AQRV	Air Quality Related Values
ATC	Authority to Construct permit
BACT	Best Available Control Technology
CAA	Clean Air Act
CFR	Code of Federal Regulations
EAB	Environmental Appeals Board
EIR	Environmental Impact Report
ERCs	Emission Reduction Credits
EPA	United States Environmental Protection Agency
ESA	Endangered Species Act
FWS	United States Department of Interior's Fish and Wildlife Service
Knauf	Knauf Insulation GmbH
LNB	Low NO _x burners
NAAQS	National Ambient Air Quality Standards
NESHAP	National Emission Standards for Hazardous Air Pollutants
NSPS	New Source Performance Standards
NSR	New Source Review
PSD	Prevention of Significant Deterioration
SCR	Selective Catalytic Reduction
SNCR	Selective Non-Catalytic Reduction

1. INTRODUCTION

On May 21, 2003, Knauf Insulation GmbH (Knauf) submitted an application to the United States Environmental Protection Agency, Region 9 (EPA) to revise its Prevention of Significant Deterioration (PSD) permit, which was originally issued by the Shasta County Air Quality Management District (AQMD) on March 14, 2000. Knauf's facility manufactures fiberglass insulation and is located in Shasta Lake, Shasta County, California. The facility has been operating since February 2002. Although EPA determined Knauf's PSD application to be administratively complete on August 15, 2003, Knauf submitted several application updates to EPA in September and December 2003, in February, June and October 2004, and December 2005.

On January 31, 2006, the EPA published a public notice in the Redding Record Searchlight newspaper soliciting comments on EPA's proposal to issue a revised permit in accordance with Sections 160-169 of the Clean Air Act (CAA), and 40 CFR Section 52.21 and Part 124. EPA proposed to revise the previously issued PSD permit issued to Knauf. The proposed revised PSD permit would establish PSD requirements for emissions of nitrogen oxides (NOx) by allowing an increase in NOx emissions from 24.8 tons per year (TPY) to 72.3 TPY from Knauf's manufacturing line. The proposed revision would also allow an increase in emissions of 2.5 TPY of particulate matter less than 10 microns (PM10) from Knauf's electric glass melting furnace.

EPA mailed the public notice and a fact sheet, which summarized EPA's action, to a list of interested persons consisting of State, Federal and local contacts, as well as several citizens. The mailing list consisted of persons at more than 500 individual mailing addresses. EPA mailed copies of the proposed revised PSD permit, the Ambient Air Quality Impact Report (AAQIR) which serves as the statement of basis for the permit, the fact sheet, and the public notice on February 3, 2006, to the following public libraries: the Shasta Lake Gateway Library in Shasta Lake, California and the Shasta County Library located in Redding, California. EPA sent the documents to these local public libraries specifically to have the documents available locally for public review. These documents were also available at the EPA office in San Francisco, California and on the internet through EPA's web site beginning February 3, 2006, at <http://www.epa.gov/region09/air/permit/knauf/>.

EPA's public notice on January 31, 2006, scheduled a public hearing in Shasta Lake, California, for March 8, 2006, for EPA to receive the public's comments orally in addition to soliciting written public comment. The public comment period, which ran for a total of 57 days, closed on March 28, 2006. During the comment period, EPA received written comments from 20 members of the public and 11 members of the public submitted oral comments at the public hearing on March 8, 2006. Some members of the public were representatives of community groups. Some of the oral comments were substantially the same as the submitted written comments and EPA received duplicates of some of the written comments. EPA also received written comments from the applicant, Knauf, requesting clarification of some of the revised permit conditions in the proposed PSD permit. Typically, to be considered, comments had to be postmarked, or sent by fax or electronic mail (email) to EPA no later than the close of the public comment period on March 28, 2006. EPA received 3 public comments after the close of the

comment period. EPA will respond to the late comments in addition to those that were timely submitted. Knauf also submitted additional written material after the close of the public comment period. EPA is including the subsequent written material from Knauf in the Administrative Record for EPA's final PSD permit decision.

EPA's response to the significant issues and other air quality-related issues raised in the comment letters and at the public hearing is contained in this document. We have summarized the comment letters and oral testimonies. In some cases, we used the original comment given by the commenter. We then grouped our responses according to the different categories of issues raised by various commenters (e.g. Best Available Control Technology Comments) and subcategories where necessary. Some comments have been paraphrased or generalized to allow direct responses to the concerns raised. Generally, we have noted the commenter's name and organization following the summarized comment. When there was more than one comment on the same issue, category or subcategory, we generally refer to the comment in the singular rather than plural.

Section 3 of this document addresses the specific provisions of the proposed draft permit that have been changed in the final permit decision. The final permit includes some administrative changes that may not be addressed in Section 3. These administrative changes include minor re-wording to clarify some permit conditions (e.g., see Conditions 33 and 57 in the final permit), renumbering of permit conditions due to additional conditions added to the final permit, and correcting typos in the final permit.

Documents upon which EPA relied in reaching our final permit decision and as referenced in our responses to comments, such as the AAQIR and PSD permit application, are contained in the Administrative Record. Copies of the EPA's response to comments document and the final permit are available on EPA's web site at <http://www.epa.gov/region09/air/permit/knauf/>. The web site also provides the index to the entire Administrative Record. Copies of the response to comments document and the final permit are also available for public review at the Shasta Lake Gateway Library located at 4150 Ashby Court in Shasta Lake, California and the Shasta County Library located at 1855 Shasta Street in Redding, California. All documents in the Administrative Record are available at the EPA office at 75 Hawthorne, San Francisco, California.

2. BEST AVAILABLE CONTROL TECHNOLOGY (BACT) COMMENTS

Comment 2a: The Top-Down BACT analysis for NO_x does not look at the facility as never having commenced construction as stated in the AAQIR. The AAQIR concludes that since the curing oven already uses Low NO_x Burners (LNB), the baseline NO_x emissions from this operation will be based on the use of LNB. (Mary Scott, Ivan Hall)

Response 2a: EPA did evaluate BACT for NO_x as if the facility had not yet been constructed. The AAQIR on page 9 cites the PSD regulations at 40 CFR 52.21(r)(4) and states: "Thus, for purposes of this permit revision application, EPA considers Knauf a major source for NO_x and will review the proposed NO_x emissions limit in accordance with our PSD requirements as if the source had not yet been constructed." EPA conducted a full Top-Down BACT analysis for NO_x as described in EPA's New Source Review Workshop Manual, Draft Edition, October 1990, (NSR Manual)¹ for a new facility. (See NSR Manual at Chapter B.)

EPA believes, therefore, that the commenters may be confusing the requirements set forth in 52.21(r)(4) for PSD applicability with the different requirements that apply to determining baseline emissions for purposes of the BACT cost effectiveness analysis. The commenters may be suggesting that EPA should have evaluated the cost effectiveness of installing SCR on a curing oven that was not equipped with LNB. EPA assumes the reason for the comment is because including LNB theoretically underestimates the uncontrolled emissions resulting in overestimating BACT cost effectiveness. If more tons of pollution are reduced by not using LNB in the cost-effectiveness baseline, then SCR would become more cost-effective.

That comment, however, would not be consistent with EPA's method of calculating baseline emissions for BACT cost effectiveness. EPA's NSR Manual provides guidance on determining baseline emissions for the cost effectiveness determination. The Manual states: "The baseline emissions rate represents a realistic scenario of upper bound uncontrolled emissions for the source....When calculating the cost effectiveness of adding post process emissions controls to certain inherently lower polluting processes, baseline emissions may be assumed to be the emissions from the lower polluting process itself. In other words, emission reduction credit can be taken for use of inherently lower polluting processes." (NSR Manual at page B.37.) Further, the NSR Manual provides: "In addition, historic upper bound operating data, typical for the source or industry, may be used in defining baseline emissions in evaluating the cost effectiveness of a control option for a specific source." (NSR Manual at page B.38.)

¹ The NSR Manual is available on the internet through EPA's web site at <http://www.epa.gov/ttn/nsr/gen/wkshpman.pdf>.

The NSR Manual distinguishes between the calculation of the uncontrolled emissions for baseline cost effectiveness and determining uncontrolled emissions for PSD applicability. The Manual illustrates: "In another example, suppose sources in a particular industry historically operate at most at 85% capacity. For BACT cost effectiveness purposes (but *not* for applicability), an applicant may calculate cost effectiveness using 85% capacity. However, in comparing costs with similar sources, the applicant must consistently use an 85% capacity factor for the cost effectiveness of controls on those other sources." (NSR Manual at page B.39.) The NSR Manual recognizes that some operating assumptions used in calculating baseline emissions do not need to be included as permit conditions. The Manual states: "Although permit conditions are normally used to make operating assumptions enforceable, the use of 'standard industry practice' parameters for cost effectiveness calculations (but *not* for applicability determinations) can be acceptable without permit conditions." (NSR Manual at page B.39.)

In this case, LNB are constructed into the design of Knauf's curing oven. LNB are typically included in numerous combustion units, such as the curing oven used at Knauf, and EPA, therefore, calculates the baseline emissions for BACT cost effectiveness using LNB. EPA correctly used LNB in the curing oven as the BACT cost effectiveness baseline emissions rate.

The comment, therefore, is incorrect. EPA does not find it necessary to make any changes to the permit as a result of this comment.

Comment 2b: Baseline emissions for NO_x should be established using standard burners and LNB should be evaluated just as the other pollution control technologies are, rather than as baseline. (Ivan Hall)

Response 2b: See the response to comment 2a.

Comment 2c: The AAQIR mentions that SCR is used at Quietflex, a similar fiberglass facility in Texas. But the cost analysis given for Knauf for the installation of Selective Catalytic Reduction (SCR) is astronomical which makes one wonder why any facility would want to use it. (Ivan Hall)

Response 2c: The BACT analysis is a case-by-case determination and is specific to Knauf. In the economic impact portion of the BACT analysis, EPA used the average cost effectiveness to assess the economic feasibility of installing and using each control option for NO_x, which included SCR. The average cost effectiveness is the total annualized cost of the control option divided by the annual emissions reductions. These figures are listed in Table 8 of the AAQIR. EPA considered the costs of using SCR at various points in the manufacturing line, which included the forming and curing sections and the Main Stack. EPA determined that the average cost effectiveness for installing

SCR anywhere in the manufacturing line, including at the Main Stack, was excessive and would not be cost effective. The lowest average cost effectiveness was \$14,034 per ton of NOx reduced. In this case, the costs may be excessive primarily due to the relatively low NOx emissions reductions that were expected compared to the annualized costs for installing SCR.

To date, no BACT determinations have been made in which SCR was required to control NOx at the manufacturing lines at other similar fiberglass facilities. The Texas Commission on Environmental Quality (TCEQ) issued a permit in May 2004 for a fiberglass facility called Quietflex Manufacturing in Texas. This permit was issued to avoid major source Non-Attainment New Source Review, so no cost analysis was completed. The permit conditionally required Quietflex to shutdown and install SCR, or an equivalent control device, at one of its manufacturing lines if the NOx limits for the facility could not be met. Like Knauf, Quietflex's manufacturing line uses a thermal oxidizer which greatly reduces VOCs emissions, but increases NOx emissions due to the thermal decomposition of ammonia and urea, which are used in the process, to NOx. EPA contacted TCEQ to determine the status of the installation of SCR at Quietflex and was informed that, based on NOx emissions tests, the facility was able to comply with its NOx emission limits. Based on this information, the facility was not required to and has not installed SCR.

SCR was considered in the BACT analysis for installation at the manufacturing line at the Johns Manville facility in Winder, Georgia. (This facility is listed in Table 6 of the AAQIR.) The cost effectiveness for installing SCR at the facility was estimated to be \$85,768 per ton of NOx reduced and was considered not to be cost effective.

Therefore, EPA continues to find that the cost of installing of SCR at Knauf's manufacturing line is excessive. SCR is commonly used at other industrial sources such as combustion processes at power plants.² These industrial sources are widely known to produce large amounts NOx which could be greatly reduced by SCR control.

² For more information about SCR, see the Air Pollution Control Technology Fact Sheet for SCR, EPA-452/F-03-032, at EPA's Clean Air Technology Center on the internet at <http://www.epa.gov/ttn/catc/dir1/fscr.pdf>

Comment 2d: The AAQIR states that it will review the proposed NO_x emissions limit in accordance with the PSD requirements as if the source had not yet been constructed. Yet, there are several considerations made as add-on sources, rather than not yet built. First, electric furnaces for the manufacturing line have not even been considered. Electric furnaces would eliminate most, if not all NO_x emissions, and were not even considered in BACT determination. Selective Non-Catalytic Reduction was only considered as an add-on control device, not a primary device. (Mary Scott)

Response 2d: The comment that an electric furnace should have been included in the NO_x BACT analysis for the manufacturing line indicates a misunderstanding of the fiberglass manufacturing process. As described in the AAQIR, there are two separate processes and separate emissions stacks. The manufacturing line is one part of the process and its emissions are vented to the Main Stack. The manufacturing line consists of the rotary spin glass fiber forming operation, and the curing and cooling operations. None of these processes require the use of a furnace -- electric or otherwise. Thus, an electric furnace has no application to any of the manufacturing line processes and would not be included in Step 1 of the Top-Down BACT analysis (identify all potentially available control technologies) for the manufacturing line processes at any fiberglass production facility. The molten glass production operation is a separate process from the manufacturing line processes, although it feeds into the rotary spin process in the manufacturing line. The electric glass melting furnace vents its emissions to the Furnace Stack. Therefore, EPA disagrees with the comment because an electric furnace has no technical role in the manufacturing line processes.

Regarding SNCR, the comment is not clear on what is meant by "primary device." Selective Non-Catalytic Reduction (SNCR) is an add-on control device. It was eliminated as a control alternative in the NO_x BACT analysis as technically infeasible because the inlet NO_x concentration is too low to make the control technology effective. In order for SNCR to be feasible for reducing NO_x at the manufacturing line, the control technology has to operate within a temperature range of 1600°F to 2100°F with elevated inlet NO_x concentrations greater than 100 parts per million by volume (ppmv). Typical inlet NO_x concentrations for sources that use SNCR vary from 200 to 400 ppmv.³ SNCR is not effective at lower levels inlet NO_x concentrations. The NO_x concentrations from the forming and curing sections of the manufacturing line Main Stack would not exceed 10 ppmv, which means that SNCR is technically infeasible.

³ See the Air Pollution Control Technology Fact Sheet for SNCR, EPA-452/F-03-031, at EPA's Clean Air Technology Center on the internet at <http://www.epa.gov/ttn/catc/dir1/fsnrcr.pdf>.

The comment does not provide any specific information or facts to contradict EPA's determination that SNCR is technically infeasible to apply to this facility.

Comment 2e: The discussion of Table 6 in the AAQIR only includes plants that have "similar operations." It does not consider the lowest NOx emitting plant, Certainteed Corporation of Kansas City, KS. The controls used by that plant must be considered in the BACT analysis. (Mary Scott)

Response 2e: Certainteed Corporation of Kansas City, Kansas was considered in the BACT analysis for NOx. In establishing BACT, EPA relied primarily on the agency's RACT/BACT/LEAR Clearinghouse (RBLC) which contains a compilation of control technology determinations based on regulatory decisions made nationwide.⁴ Table 6 of the AAQIR lists five similar facilities from the RBLC (including Johns Manville in Georgia and Knauf Insulation in Alabama) and one facility (Johns Manville in Indiana) not listed in the RBLC since the NOx limit for the facility is not a BACT emission limit.

Knauf's Shasta Lake, California facility uses thermal oxidizers to reduce VOC emissions and was not subject to PSD review for VOCs. The thermal oxidizers increase the potential for NOx emissions due to the thermal decomposition of ammonia and urea to form NOx. Thus, NOx emissions are expected to be higher when a thermal oxidizer, or other incineration device, is used on the manufacturing line than for a facility that operates without these VOC controls. Certainteed does not use thermal oxidizers.

EPA's Environmental Appeals Board (EAB) has frequently considered the question of what particular emissions limit constitutes BACT and how much latitude the permitting authority has in deviating from the lowest BACT emission limit in the RBLC. The EAB has recognized that the BACT evaluation is a case-by-case determination. (See *In re Knauf Fiber Glass, GmbH, 8 E.A.D. 121 (EAB Feb. 4, 1999) ("Knauf I")*). See also the NSR Manual at page B.1.) The EAB has stated that evidence of permits issued to similar facilities containing lower BACT emissions limits does not preclude setting a different BACT limit, provided the BACT limit is within a reasonable range of the lowest and is adequately justified. (See *In re Newmont Nevada Energy Investment, L.L.C., PSD Appeal No. 05-04 (EAB Dec. 21, 2005)*.) The EAB, relying on its decision in *Knauf I*, stated: "Further, '[d]ue to characteristics of individual plant processes, we recognize that application of identical technology may not yield identical emission limits.'" Thus, the EAB has clearly articulated that the permitting authority may set BACT within a reasonable range of emissions limits for a particular control technology and a particular facility configuration.

⁴ The RBLC is available on the Internet on EPA's Clean Air Technology Center at <http://www.epa.gov/ttn/catc/>.

Knauf initially underestimated the NOx emissions for its Shasta Lake, California facility because its engineers failed to account for the NOx emissions from its thermal oxidizers used at the curing section of the manufacturing line. At EPA's request, Knauf then applied for this revision to its PSD permit to correct the underestimate. In the facility's application, Knauf initially proposed a NOx emission limit of 2.78 lb/ton. EPA final BACT determination for NOx is 1.76 lb/ton. Because EPA was reviewing this BACT emissions limit as if construction had not yet begun, EPA evaluated whether Knauf could further reduce its emissions with additional emissions controls. EPA eliminated SCR based on cost-effectiveness. Next, EPA compared the requested NOx BACT emissions rate with other recent BACT analyses to determine if that rate was within a reasonable range.

Table 6 of the AAQIR shows that most fiberglass facilities operating with BACT controls for NOx require either LNB or "combustion controls." The NOx BACT limits for these facilities ranged from 1.00 lb/ton (Certainteed in Kansas) to 6.05 lb/ton (Johns Manville in Georgia). EPA considered the lower BACT emissions rate being achieved at CertainTeed but determined that the BACT emissions rate of 1.76 lb/ton was justified for Knauf's particular facility based on its operation of the thermal oxidizers to reduce VOC emissions, and that this limit is among the lowest in the range of acceptable BACT rates. EPA's revised PSD permit sets a NOx BACT limit for Knauf at 1.76 lb/ton, which ranks Knauf just above the Certainteed's NOx BACT limit of 1.00 lb/ton and Johns Manville's NOx limit of 1.64 lb/ton (which is not a BACT limit) for its Indiana plant.⁵ Knauf's BACT limit is substantially lower than the BACT limits of 3.00 to 6.05 lb/ton for several other facilities in the RBLC.

Beyond citing the lower NOx BACT rate at Certainteed (which EPA adequately considered in its BACT review), the comment does not provide any specific information or facts that support a different NOx BACT rate for this facility. The comment does not indicate how Knauf could achieve a lower NOx emissions rate. Therefore, EPA does not intend to revise the permit based on the comment.

Comment 2f: The BACT analysis should have a cost and energy impact analysis for the LNB. (Ivan Hall)

Response 2f: As explained in the response to comment 2a, LNB establishes the baseline for comparing the cost effectiveness of the NOx control alternatives. Cost and energy impact analyses are not necessary for the baseline control level.

⁵ For these facilities, the NOx BACT limits apply to the entire manufacturing lines at the facilities. Although the Knauf plant in Alabama has lower NOx limits, these NOx limits only apply to the curing sections of the facility's manufacturing lines and not the entire manufacturing lines which consist of the forming, curing and cooling processes.

- Comment 2g:** The environmental impacts shown on Table 9 in the AAQIR are only additional solid waste that must be disposed. This "additional solid waste" is what we are trying to keep out of the air. This should not be considered any more of an environmental impact when disposed in a landfill rather than emitted into the air. (Mary Scott)
- Response 2g:** The comment seems to imply that the "additional solid waste" addressed in Table 9 of the AAQIR would have been emitted into the outside air if not controlled. This is not the case. The environmental impacts analysis concentrates on impacts such as solid or hazardous waste generation, and not impacts on EPA's air quality standards,. (See NSR Manual at page B.46.) The environmental impacts listed in Table 9 concern the disposal of spent catalyst when using SCR control that was considered in the BACT analysis. SCR is an add-on control device that chemically reduces NOx into molecular nitrogen (N₂) and water vapor (H₂O). SCR achieves this NOx reduction by using a solid material called a catalyst to increase the NOx removal efficiency. However, once the solid catalyst material can no longer be used, it must be disposed of, usually in a landfill, and would not be emitted into the outside air.
- Comment 2h:** SCR has not been given proper consideration in the environmental review documents prepared by EPA. (Eric Alan Berg for the Citizens for Clean Air and Water Campaign)
- Response 2h:** EPA disagrees. The comment is conclusory and provides no evidence to support its claim. As stated in the response to comment 2a, EPA conducted a full Top-Down BACT analysis for NOx as described in Chapter B of the NSR Manual. The BACT analysis considered the installation of SCR at various points on Knauf's manufacturing line. EPA also conducted a cost, energy and environmental impacts analysis for NOx controls, including SCR, in accordance with the definition of BACT in the Section 165 of the CAA and the regulations at 40 CFR 52.21(b) (12) and as described in Chapter B of the NSR Manual. The comment does not supply sufficient detail for EPA to respond further.
- Comment 2i:** EPA has prepared a draft permit and an AAQIR that does not significantly address the issue of Best Available Control Technology (BACT). EPA includes no analysis for the installation of BACT. (Eric Alan Berg for the Citizens for Clean Air and Water Campaign)
- Response 2i:** The comment does not include any specific information or facts demonstrating that EPA's BACT analysis or determination was incorrect or flawed. As stated in the responses to comments 2a and 2h, the AAQIR contains a full Top-Down BACT analysis that considers energy, environmental and economic impacts, and other costs associated with various potential controls. The BACT analysis was conducted in accordance with the definition of BACT in the Section 165

of the CAA and the regulations at 40 CFR 52.21(b) (12) and as described in Chapter B of the NSR Manual. The AAQIR and proposed permit contain EPA's determination of BACT. The comment does not supply sufficient detail for EPA to respond further.

Comment 2j: EPA considers SCR in conjunction with LNB in the BACT analysis for NOx, which is not appropriate. SCR should be evaluated as a stand-alone control technology separately from LNB. (Ivan Hall)

Response 2j: As explained in the response to comment 2a, EPA's NSR Manual at page B.37 states that when calculating the cost effectiveness of adding post process emissions controls (e.g., an add-on control device such as SCR) to certain inherently lower polluting processes, baseline emissions may be assumed to be the emissions from the lower polluting process itself. EPA followed this procedure in evaluating BACT for NOx and, thus, the BACT analysis is correct and appropriate.

Comment 2k: The section of the BACT analysis regarding evaluation of the most effective controls considers the costs of SCR as an add-on, not as if it were not yet built. The economic analysis is based on SCR as an add-on, not instead of LNBs. Would the total capital costs be the same as if the plant were not already built? Was it compared to the costs of LNBs? (Mary Scott)

Response 2f: See the responses to comments 2a and 2f.

3. PROPOSED PERMIT REQUIREMENT COMMENTS

3.1. Glass Production Limit

Comment 3.1a: EPA should delete the 225 ton per day (TPD) glass production limit from the PSD permit because it is descriptive only. The project description of the permit should be revised to indicate that the 225 TPD production capacity for the electric glass melting furnace is descriptive only. The production limit is not required under PSD, and is not a BACT limit which focuses on emissions rates, not production rates. (Knauf)

Response 3.1a: EPA partially agrees with Knauf's comment. EPA's proposed revised permit contains two types of emissions limits: one limit is expressed in "lb/hr" and the other is expressed in "lb/ton of glass pulled." The effective limit on Knauf's maximum air emissions is the limit expressed in lb/hr. Knauf is prohibited from emitting more than 16.5 lb/hr of NO_x and 28.4 lb/hr of PM₁₀ at the manufacturing line Main Stack and 0.67 lb/hr at the Furnace Stack. Therefore, EPA agrees with Knauf that the daily production rate (e.g., 225 TPD) does not directly affect the maximum allowable amount of either NO_x or PM₁₀ which can be emitted from the facility. In other words, Knauf's allowable pollution is limited to 16.5 lb/hr of NO_x and 28.4 lb/hr of PM₁₀ at the manufacturing line Main Stack and 0.67 lb/hr at the Furnace Stack regardless of how much glass is being produced at the facility.

The production rate in the proposed permit, however, is more than descriptive. The primary importance of the daily production rate is to ensure that when Knauf performs its annual source test, the facility is operating in a way that will accurately test for the maximum rate of emissions in lb/hr. Knauf is required to perform an annual source test to demonstrate that its BACT controls are maintaining its emissions below 16.5 lb/hr of NO_x and 28.4 lb/hr of PM₁₀ at the manufacturing line Main Stack and 0.67 lb/hr at the Furnace Stack. The final permit contains a condition that requires Knauf to retest if the production level at the facility increases by more than 5 percent above the maximum production rate at which the facility has been tested within the last five years. This condition ensures that the source tests at the facility will accurately measure Knauf's worst case NO_x and PM₁₀ emissions in lb/hr.

In the final revised PSD permit, therefore, EPA is modifying and clarifying the role of the production rate as it applies to the facility in two ways. First, we are removing the production rate in TPD as an absolute limit in the PSD permit. Second, in order to assure that Knauf is continually meeting its lb/hr limits for both NO_x and PM₁₀ without an absolute production limit, the final PSD permit requires Knauf to retest the emissions from the facility if the production level at the facility increases by more than 5 percent above the maximum production rate at which the facility has been tested within the last five years. The requirements set forth in Conditions 35 and 59 of the final revised PSD

permit will assure the facility's emissions remain below the maximum allowable NOx and PM10 lb/hr emissions limits for the Main Stack and Furnace Stack. Conditions 34 and 58 require Knauf to calculate its hourly emissions based upon the lb/ton emission factors for NOx and PM10 established through previous emissions testing at the facility and the hourly glass production rate. Therefore, in addition to the retesting requirements, Knauf can only increase production at the facility if the emissions rates established through testing show that such an increase in production will keep emissions below 16.5 lb/hr of NOx and 28.4 lb/hr of PM10 at the manufacturing line Main Stack and 0.67 lb/hr at the Furnace Stack.

For purposes of calculating hourly emissions rates and triggering the 5 percent retesting requirements, Knauf can only rely on previous emissions tests which are less than 5 years old. In addition, Knauf must retest if the glass melting furnace is rebricked. EPA is finalizing the revised PSD permit with these two modifications and clarifications of the role of the daily production rate because the change will not cause any increase in emissions and results in better protection of the air quality. As a result, Conditions 18, 29, 20, 34, 41, 56, 55, 56, 59 and 64 in the final PSD permit have been modified in response to the comment. Also, Conditions 32, 35, 57 and 60 are new permit conditions that have been added to the final PSD permit in response to the comment.

The above changes to the permit are not significant because they do not affect the NAAQS and PSD increment analyses, and do not result in a change in the BACT or air quality emission limits.

Comment 3.1b: Several places in the fact sheet, public notice, and AAQIR state that increasing the production of fiberglass from 195 TPD to 225 TPD would not increase emissions. This is a factual error since, although the emission limits may not increase, actual emissions will increase. For this reason, the production increase should not be allowed. (Mary Scott)

Response 3.1b: The final permit sets emission limits for PM10 and NOx and allows Knauf to have PM10 and NOx air emissions up to the emission limits that are set in the permit. Thus, the commenter may be correct that actual emissions may increase. Such increases are allowed as long as the facility's emissions do not exceed the emission limits that are established in the permit. As explained in the response to comment 3.1a above, Knauf is permitted to emit 16.5 lb/hr of NOx and 28.4 lb/hr of PM10 at the manufacturing line Main Stack and 0.67 lb/hr at the Furnace Stack. Those maximum allowable emissions will not change as a result of Knauf's increase in the facility's daily production rate. The permit has not been revised in response to the comment.

3.2. General Requirements

Comment 3.2a: Condition 1 of the proposed permit, which relates to notifying EPA of the initial performance test deadline, should be deleted because this condition has been satisfied and is no longer necessary or appropriate. (Knauf)

Response 3.2a: EPA disagrees. An initial performance test requirement is necessary for determining initial compliance with the revised emissions limits in the PSD permit. EPA has revised the permit to require an initial performance test to be performed for PM10 at the Furnace Stack and for NOx and PM10 at the manufacturing line Main Stack within 180 days after the effective date of permit. EPA added Conditions 26 and 56 to the final permit which require initial performance testing at the Furnace Stack and Main Stack.

These changes to the permit are not significant because they do not affect the NAAQS and PSD increment analyses, and do not result in a change in the BACT or air quality emission limits.

Comment 3.2b: Condition 2 of the proposed permit, which imposes a requirement to maintain and operate the facility in a manner consistent with good air pollution control practice for minimizing emissions, should either be deleted or should be tied to specific emission units. The only requirement that establishes this standard is the New Source Performance Standard (NSPS), which applies on a unit-by-unit basis, not on a plant-wide basis. (Knauf)

Response 3.2b: EPA disagrees. This is a general requirement to ensure that Knauf is operating the facility in accordance with good air pollution control practices. The condition applies to the entire facility. EPA has discretion to require appropriate permit conditions to minimize emissions from the facility and protect air quality. The comment has not resulted in any changes to the permit.

Comment 3.2c: Subsection c of Condition 3 of the proposed permit, which states that "compliance with this malfunction notification provision shall not excuse or otherwise constitute a defense to any violation of the permit" is inconsistent with the malfunction exemption, which is available under the NSPS at 40 CFR 60.11, and other comparable exemptions. (Knauf)

Response 3.2c: EPA has issued several documents over the past years setting forth our policy regarding excess emissions that occur during equipment malfunctions. The most recent, relevant document was issued on September 20, 1999, entitled "State Implementation Plans: Policy Regarding Excess Emissions During Malfunction, Startup, and Shutdown." The 1999 Memo states: "As stated in its 1982 memorandum, because excess emissions might aggravate air quality so as to prevent attainment or interfere with maintenance of the ambient air quality standards, EPA views all excess emissions as violations of the applicable emission limitation." EPA's memo acknowledges that the relevant

enforcement authority may find "that imposition of a penalty for sudden and unavoidable malfunctions caused by circumstances entirely beyond the control of the owner or operator may not be appropriate." But the excess emissions are a violation of the permit and EPA does not recognize malfunctioning equipment to excuse the violation of a permitted emissions limit. The PSD permit language is consistent with EPA's policy regarding excess emissions during malfunctions and will not be changed.

Comment 3.2d: The first sentence of Condition 10 of the proposed permit, which states that "failure to monitor, record information, or maintain records" will be "considered a violation of the applicable emission standards," is not based on any law or regulation and should be deleted. A violation of an applicable emission standard is a violation of the standard. A violation of a monitoring or recordkeeping requirement is a violation of that requirement, not of the underlying standard. (Knauf)

Response 3.2d: EPA has reviewed this requirement and determined that it was not our intent to say that a failure to monitor or keep records was an emissions violation. Monitoring and recordkeeping violations may occur independent of any occurrences of violations due to excess emissions. We did intend to highlight the fact that monitoring and recordkeeping requirements are an integral part of the permit and must be followed to determine the compliance status of the facility. The permit contains several monitoring and recordkeeping requirements. The first page of the permit states that "failure to comply with any condition or term set forth in this PSD Permit is subject to enforcement action pursuant to Section 113 of the Clean Air Act" which would cover any violations of any monitoring or recordkeeping requirements in the permit. In response to this comment, Condition 10 in the final PSD permit has been modified to remove first sentence which stated the following: "Failure to monitor, record information, and maintain records according to the following conditions will be considered a violation of the applicable emission standards."

This change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

Comment 3.2e: The address on the cover page of the proposed permit is not correct. (Eric Cassano)

Response 3.2e: The proposed permit and AAQIR contained the address listed in Knauf's PSD permit application which is 3100 District Drive, Shasta Lake, California 96019. The address appears to be incorrect. EPA contacted Knauf about this discrepancy, and on March 10, 2006, Knauf notified EPA that the current address for the facility is 3100 Ashby Road, Shasta Lake, California 96019. The cover page of permit has been modified to include the correct address.

Comment 3.2f: The draft permit contains conditions for controlling air pollution in the abstract. EPA describes the derivation of the conditions in the AAQIR for the draft permit and the reasons for them poorly and without sufficient evidence. (Eric Alan Berg for the Citizens for Clean Air and Water Campaign)

Response 3.2f: Knauf submitted an application to revise its PSD permit issued in March 2000 by the Shasta County Air Quality Management District (AQMD). Knauf's application requested an increase for its NOx emissions at the facility. The PM10 BACT limit was revised to include condensable PM10 which was not considered in the previous BACT determination.

The AAQIR contains extensive BACT analyses in which the PM10 emission limit that applies at the Furnace Stack is reassessed and a BACT determination is made for NOx at the Main Stack treating the facility as if Knauf had not yet constructed. The proposed permit contained EPA's determinations for PM10 at the Furnace Stack and NOx at the Main Stack which are explained in the AAQIR. The proposed permit also contained the monitoring, testing and recordkeeping requirements for maintaining the BACT controls and requirements for demonstrating compliance with the BACT emission limits. Most of these requirements were established in the original PSD permit issued in March 2000. However, EPA added requirements for periodic and annual emissions testing for PM10 and NOx and semiannual reporting.

The comment does not include any specific information or facts demonstrating that EPA's BACT analysis or determination was incorrect or flawed. The comment does not supply sufficient detail for EPA to respond further.

Comment 3.2g: EPA should put a requirement in the new permit to require Knauf to do a health survey. (Betty Doty)

Response 3.2g: In issuing a PSD permit, EPA is required to evaluate Knauf's PSD permit application for its Shasta Lake facility in accordance with the CAA and its implementing regulations at 40 CFR 52.21. EPA is not aware of any statutory or regulatory provision that would allow us to require a health survey as a condition of granting approval of Knauf's application. Consideration of requiring a health survey is not part of the PSD review process. However, the PSD review process ensures that health-based the NAAQS continue to be met as discussed further in the response to comment 4b.

3.3. Glass Furnace Requirements

Comment 3.3a: Condition 17 of the proposed permit should be revised to change the word "protable" in the last line to "portable." (Knauf)

Response 3.3a: The permit has been modified to include this change.

Comment 3.3b: Condition 22 of the proposed permit, which establishes PM10 emission limitations for the Furnace Stack should be changed in the following three ways (a) the limitation should be set at 1.0 lb/hr, not 0.67 lb/hr; (b) the emission limit should be expressed simply in terms of pound per hour, and not pound per ton of glass pulled, because the emission rate per production unit will vary based on the production level; and (c) the annual limit should be deleted. (Knauf)

Response 3.3b: (a) EPA's proposed PSD permit used the 0.67 lb/hr PM10 emission limit to calculate the BACT limit of 0.07 lb/ton glass pulled for the Furnace Stack. EPA believes the proposed limit of 0.67 lb/hr is protective of air quality and human health. Therefore, the proposed emission limit of 0.67 lb/hr will not be modified.

(b) EPA disagrees with Knauf that the final PSD permit should delete any lb/ton of glass pulled emission limit for two reasons. First, the emission limit expressed in lb/ton of glass pulled represents the BACT emissions standard which is used to compare emissions performance between fiberglass facilities. According to the NSR Manual, for the purpose of determining the BACT emissions level, it is generally most effective to express emissions performance as an average steady state emissions level per unit of product produced or processed. (See NSR Manual at page B.22.) In other words, the lb/ton of glass pulled emission rate is equivalent to a concentration limit for purposes of comparing performance across the industry and for ensuring Knauf's pollution control performance is maintained at lower production levels. This emission limit ensures that Knauf will minimize its PM10 emissions at the Furnace Stack, as well NOx and PM10 emissions at the manufacturing line, even when Knauf is operating at a reduced production rate.

Second, as shown in Tables 5 and 6 of the AAQIR, such limits have been included in previous BACT determinations for other similar fiberglass facilities. Also, EPA's federal New Source Performance Standards (NSPS) for glass melting furnaces and manufacturing lines at glass manufacturing plants, including fiberglass plants, have limits that are expressed in lb/ton. Furthermore, EPA's emission factors for glass fiber manufacturing published in AP-42 (AP-42, Fifth Edition, Volume I, Chapter 11: Mineral Products Industry) are in terms of lb/ton. Therefore, lb/ton is a generally recognized way of representing emissions from this industry. The permit has not been modified as a result of the comment.

(c) The annual limit of 2.2 TPY was calculated incorrectly in the proposed permit. The limit should have been equal to 0.67 lb/hr in terms of TPY based on year-round operation at 8760 hours per year. Therefore, the annual limit should have been equal to 2.9 TPY, and not 2.2 TPY. EPA modified Condition 22 in the final permit to require an annual limit of 2.9 TPY, instead of 2.2 TPY. This change to the permit is not significant because it does not

affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or short-term lb/hr air quality emissions limits. Thus, this change should not result in more emissions being emitted into the atmosphere than were expected.

Comment 3.3c: Condition 23 of the proposed permit, which imposes a requirement to record the hours of operation of the glass melting furnace on a daily basis and retain records of the hourly glass pull rate, should be removed. The condition should not require recording the hours of operation of the glass melting furnace because the glass melting furnace runs 24 hours a day, and there is no benefit by tracking the number of hours it runs in any given day. (Knauf)

Response 3.3c: Since Knauf is required to maintain and operate monitors that continuously monitor the glass pull rate from the furnace on an hourly basis, EPA agrees that a separate requirement to record the hours of operation of the glass melting furnace is not necessary. Condition 23 in the final PSD permit has been modified to remove this requirement. This change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

However, since the permit condition requires continuous monitoring of the glass pull rate on an hourly basis, the facility must keep records of the hourly glass pull rate which is required by the general recordkeeping requirement in Condition 10 of the proposed permit. Therefore, the permit has not been modified to remove the requirement to retain records of the hourly glass pull rate.

Comment 3.3d: Condition 24 of the proposed permit, which establishes a 5 percent opacity limit for any three minute average, should be changed to impose that limit on a six minute basis, since six minute averages are the federal standard, and three minute averages are not applicable to a federal PSD permit. Six minute opacity averages are the compliance method, per 40 C.F.R. 60.11 and 40 C.F.R. 60, Appendix A, Method 9. (Knauf)

Response 3.3d: For clarification, the opacity limit in the proposed permit actually requires the facility not to exceed a 5 percent opacity limit for a period greater than three minutes in any one hour period, and is not a three minute average. However, EPA believes a six minute average basis is more enforceable and consistent with how opacity should be measured and recorded in accordance with EPA Test Method 9 and Performance Specification 1 of Appendix B. Also, opacity observations are made according to EPA Test Method 9 and Method 9 observers must be certified to perform EPA Test Method 9 observations. Therefore, the permit has been modified to require a six minute averaging period in response to this comment. This change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

Comment 3.3e: Condition 25 of the proposed permit should be changed to six minute averages, since a six minute averaging period is the federal standard, not a three minute averaging period. (Knauf)

Response 3.3e: Condition 25 of the proposed permit is the requirement for installing and operating an opacity monitor. As explained in the response to comment 3.3d, the data recording requirements for the opacity limit must match the six minute averaging period requirement which is consistent with EPA Test Method 9 and Performance Specification 1 of Appendix B. Therefore, the permit has been modified to require a six minute averaging period in response to this comment. This change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

EPA also modified Condition 28 in the final PSD permit to require Knauf to test for PM10 emissions at the Furnace Stack using EPA Methods 1 through 5, and 202, which are Federal test methods, instead of CARB Methods 1 through 5. Both the EPA and CARB test methods are substantially equivalent.

Comment 3.3f: Condition 29 of the proposed permit, which establishes the criteria for conducting performance tests, should be modified to allow the submission of written results within 60 days of the test date, rather than 30 days. (Knauf)

Response 3.3f: EPA agrees that a reasonable time frame for the submission of test reports is within of 60 days of the performance tests. The permit has been modified in response to this comment. This change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

Comment 3.3g: Condition 29 specifies that the annual emissions test shall be performed at a minimum of 95% of maximum operating capacity of 225 tons. Considering the different products produced, it would be easy for Knauf to perform the tests while manufacturing the least polluting product, thus giving a less than average reading of pollutants. Different products are made with different amounts of binder, varying from no binder for unbonded blowing wool insulation to 10% binder by weight for some products. This testing should be required to be performed at a minimum of 95% of the most polluting manufacturing process. (Mary Scott)

Response 3.3g: Condition 29 of the proposed permit corresponds to the emission testing requirement for the electric melting furnace which only produces molten glass. Binder is not used at the electric melting furnace. The commenter is most likely referring to Condition 51 of the proposed permit since this condition applies to the manufacturing line where binder is used to produce bonded fiberglass insulation products. Condition 51 in the proposed permit has been revised in the final PSD permit (see the response to comment 3.1a).

For the unbonded fiberglass operations, the permit does not require emissions testing for these operations since they are vented within Knauf's building and not directly to the outside air. But the permit does contain permit conditions that require the facility to capture the emissions from these operations within the building and requires monitoring, recordkeeping and reporting requirements to prevent any emissions from escaping the building.

For the bonded operations, according to Knauf's PSD permit application, the quantity of binder solids sprayed on the bonded products could range from 4 to 10 percent. Knauf typically produces bonded products that use 4 or 5 percent binder 90 to 95 percent of the time within a year and other products that have higher binder contents during the remaining 5 to 10 percent of the same year. Therefore, it may not be possible for the facility to always test when it is producing products with the highest binder content.

EPA does believe it is reasonable for the facility to identify the type of product(s) and expected binder content for the product(s) that is expected to be produced during a performance test. EPA revised Condition 55 of the final PSD permit which is the performance test protocol requirement for the manufacturing line. The revised permit condition requires Knauf to identify the operating conditions and products that are expected to be produced during each performance test. The revised permit condition also requires Knauf to include a summary of the various materials formed over the past year and the percent of time during which those materials were produced that would have a higher potential NOx and PM10 emissions. If the test is performed while producing a material that does not have the highest potential NOx or PM10 emissions, a retest may be required if the test results do not demonstrate a sufficient margin to assure compliance during all operating scenarios. This

change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

Comment 3.3h: Condition 31 of the proposed permit should be modified to remove references to a lb/ton of glass pulled limit because the emission limit should be expressed in terms of lb/hr, not lb/ton. (Knauf)

Response 3.3h: See the response to comment 3.3b.

Comment 3.3i: Condition 32 of the proposed permit should be deleted because it provides no useful data. This condition requires the permittee to use an emission factor gained through the performance test to determine compliance on an hourly basis. The emission factor will be based on the same test data, and therefore if it is in compliance on any hour, it will be in compliance for all hours. Calculating and recording a number repeatedly over the course of the year that does not have any relevance to compliance is unduly burdensome. (Knauf)

Response 3.3i: EPA disagrees. The permit condition is a useful method of showing continuous hourly compliance with the lb/hr emission limit. Although the method may show that the facility is complying with its lb/hr emission limit at and below the average glass production rate tested at, it may not show compliance for certain glass production rates higher than the average glass production rate tested at during the most recent performance test or from testing performed within the last five years. The permit condition limits how much Knauf can increase production so that the facility continuously complies with its emission limit on an hourly basis. Therefore, the permit has not been modified in response to the comment.

Comment 3.3j: Condition 34 of the proposed permit should be deleted because excess emissions cannot occur for Condition 22 if the performance test emission factor is in compliance with the underlying emission limitation. (Knauf)

Response 3.3j: EPA disagrees. Excess emissions can occur if the facility operates at certain glass production rates that are higher than the average glass production rate tested at based on the most recent performance test or based on testing within the last five years. Therefore, the permit has not been modified in response to the comment.

Comment 3.3k: Condition 36 of the proposed permit, which allows Knauf to waive the annual test and/or allow testing to be done at less than 95% of the maximum operating capacity, should be removed since the permit should not waive the test for any reason, as long as the facility is in operation and emitting pollutants. (Mary Scott)

Response 3.3k: The final revised PSD permit requires annual emissions testing for both NO_x and PM₁₀. The final PSD permit requires Knauf to retest any time Knauf increases its glass production by 5 percent or more than the maximum production rate at which the facility was tested at in the last five years. Therefore, the testing requirements are protective and will ensure Knauf's compliance with its emissions limits.

EPA may waive the annual source test, but only upon prior written notification and adequate justification. Therefore, EPA continues to find the testing requirements in the revised PSD permit to be sufficiently enforceable and protective.

3.4. Forming/Curing/Cooling (Manufacturing Line) Requirements

Comment 3.4a: Condition 38 of the proposed permit, which establishes a molten glass feed rate limitation, should be deleted because there should be no production limitation of 225 tons in rolling 24-hour period. In addition, if this condition is maintained, the last sentence of Condition 38 should be limited to "reasonable" times for which EPA can inspect the production log. (Knauf)

Response 3.4a: The permit condition has been revised to remove the limitation on molten glass production. The condition still requires Knauf to maintain records of the throughput of molten glass in TPD and maintain a log of the throughput that is available for inspection by EPA. The condition does not limit times in which EPA can inspect the log to only "reasonable" times. For the reasons discussed in the response to comment 3.1a, this change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

Comment 3.4b: Condition 40 of the proposed permit, which imposes NO_x and PM₁₀ emission limitations on the main stack, should be modified to remove the references to a lb/ton emission limit. (Knauf)

Response 3.4b: See the response to comment 3.3b.

Comment 3.4c: Condition 41 of the proposed permit, which imposes an opacity limitation on a three minute average, should be changed to establish that limitation on a six minute average since the six minute average is the federal standard. (Knauf)

Response 3.4c: See the response to comment 3.3d.

Comment 3.4d: Table 2 of the proposed permit, which imposes testing requirements, should be modified to remove the testing requirement for the "wet ESP inlet" because the inlet emissions are not emitted into the ambient air. There should be no requirement to test "inlet" loadings under this permit. (Knauf)

Response 3.4d: Table 2 corresponds to Condition 47 of the proposed permit. Condition 47 requires that Knauf provide sampling ports at certain locations, including the wet electrostatic precipitator (ESP) inlet, for determining emission control efficiency. This permit condition was derived from the original PSD permit issued in March 2000. Since a sampling port would be necessary at the "wet ESP inlet" to determine the emission control efficiency at the electrostatic precipitator (ESP), then the condition is necessary as it is stated in the proposed permit. Therefore, the permit has not been revised in response to the comment.

Comment 3.4e: Condition 51 of the proposed permit, which establishes certain testing requirements, should be modified to allow 60 days to submit a written report to EPA of results of any such test. (Knauf)

Response 3.4e: See the response to comment 3.3f.

Comment 3.4f: Conditions 53 and 55 of the proposed permit should be removed because the limitations should be based simply on a lb/hr basis, and, in any event, the calculated number would simply be based on the same compliance test in all instances and would always show either compliance, or noncompliance, based on whether the stack test showed compliance or noncompliance. (Knauf)

Response 3.4f: See the responses to comments 3.3i and 3.3j.

Comment 3.4g: Condition 56 of the proposed permit, which imposes certain requirements relating to failures of a leak bag detection system, should be removed because there are no baghouses or bag leak detection systems on these sections of the plant. (Knauf)

Response 3.4g: The condition, which imposes certain requirements relating to failures of a leak bag detection system, has been removed in the final PSD permit since there are no baghouses or leak detection systems on the operations that make up the manufacturing line at the facility. This change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

Comment 3.4h: Condition 58 of the proposed permit, which allows Knauf to waive the annual test and/or allow testing to be done at less than 95% of the maximum operating capacity, should be removed since the permit should not waive the test for any reason, as long as the facility is in operation and emitting pollutants. (Mary Scott)

Response 3.4h: See the response to comment 3.3k.

Comment 3.4i: The proposed permit does not include Condition 57 of the original PSD permit and it should include this requirement. (Colleen Leavitt)

Response 3.4i: Condition 57 of the original PSD permit issued on March 14, 2000 states the following: "Under no circumstances shall the owner/operator be allowed to operate the system with operational parameters beyond the limits specified in Conditions #45, #47, and #48. The owner/operator shall take immediate action to bring the operational parameters to within the specified limits. Immediate action for the purpose of this condition shall be defined as within four (4) hours of the discovery of the exceedance."

The final PSD permit for Knauf contains operational limitations for the manufacturing line that must be complied with at all times. (See also the response to comment 3.2c.) Thus, the permit conforms to federal requirements for malfunctions and requires immediate corrective action. Therefore, the permit will not be revised in response to the comment.

3.5. Fiberglass Trimming & Operating Requirements

Comment 3.5a: The second sentence of Condition 60 of the proposed permit, which requires the dust collectors to be equipped with differential pressure measuring devices for the daily monitoring and recording of pressure drop, should be removed because the pressure drop is a meaningless parameter. The operative parameter is the bag leak detector, which will identify when a bag is leaking, and the requirement for pressure drop monitoring is therefore unnecessary and unduly burdensome. (Knauf)

Response 3.5a: EPA agrees. The permit has been revised to include the change. This change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

Comment 3.5b: Condition 61 of the proposed permit, which requires certain corrective actions to be imposed in the event of leaking or torn bags in this section, should be removed because the operations exhaust into the plant, not into the ambient atmosphere, and therefore any permit requirement to implement corrective action is not necessary to protect the ambient air, and is therefore unduly burdensome. (Knauf)

Response 3.5b: EPA disagrees. The requirement ensures that emissions released from torn or malfunctioning bags are mitigated and do not escape from the building, and that any emissions releases within the building from this operation will be

properly controlled to prevent these emissions from affecting the outside air. Therefore, the permit will not be not be revised in response to the comment.

Comment 3.5c: Conditions 62 and 64 of the proposed permit should be removed from the permit since the bags exhaust inside the building and therefore any requirement for corrective action associated with a leaking bag should not be necessary under this permit since the air that escapes, if any, would not vent to the ambient air. (Knauf)

Response 3.5c: The permit conditions referred to in the comment are the recordkeeping and reporting requirements for Condition 61 of the proposed permit. The permit conditions will be used to assure compliance with Condition 61 of the proposed permit. Therefore, the permit will not be revised in response to the comment.

Comment 3.5d: Subsection d of Condition 63 of the proposed permit, which requires recordkeeping of pressure drop across the filter modules, should be removed because the bag leak detection system should satisfy any leak detection requirement. (Knauf)

Response 3.5d: EPA agrees. The permit has been revised to remove the requirement for the pressure drop. This change to the permit is not significant because it does not affect the NAAQS and PSD increment analyses, and does not result in a change in the BACT or air quality emission limits.

3.6. General Comments Regarding Permit Requirements

Comment 3.6a: Concerned that the upper limit of total pollutants be kept as close to the actual limits. That is, at maximum permitted production rates the emissions should not be allowed to exceed control standards and total annual permitted emissions. Once tight guidelines are in place, a monitoring and reporting system should be in place to ensure compliance. All this information should be public record and available upon request. (Douglas Bennett)

Response 3.6a: The permit requires BACT and air quality emission limits for PM10 and NOx. Knauf is required to abide by these limits at all times. The permit contains testing, monitoring, recordkeeping and reporting requirements to ensure that compliance with the emission limits will be met on a continuous basis. The permit, AAQIR, and any other documents used to draft the proposed and final permits, including documents provided to EPA by Knauf, are part of the Administrative Record. The Administrative Record is located at the EPA Region 9 office in San Francisco, California and available for public inspection. Any public documents, including the permit, in the Administrative Record are available upon request.

Comment 3.6b: The AAQIR mentions that Knauf's emissions tests demonstrated that the original permit limits for NOx were not appropriate. How can EPA ignore the company's violations of the law by saying the permit limits were "not appropriate"? (Eric Cassano)

Response 3.6b: As explained in the AAQIR, Knauf previously accepted NOx limits at 24.8 TPY which allowed the facility to avoid Federal PSD permitting for the pollutant before the facility constructed and commenced operation. Emissions testing for NOx showed that the facility could not comply with its permitted NOx level of 24.8 TPY and that Knauf's NOx emissions were greater than the Federal significance threshold of 40 TPY, making them subject to Federal PSD permitting for NOx before the facility constructed. EPA conducted a full Top-Down BACT analysis for NOx and evaluated BACT as if Knauf had not constructed. Therefore, Knauf was required to obtain a PSD permit for NOx and did not benefit from its noncompliance. (See the responses to comments 5a and 5b.)

Comment 3.6c: The proposed permit does not have any conditions for enforcement and compliance. There are no consequences or penalties for Knauf not complying with the permit, other than reporting malfunctions and non-compliance. There must be punitive consequences for Knauf not complying with PSD limits. (Mary Scott)

Response 3.6c: Section 113 of the CAA establishes EPA's authority to enforce compliance with PSD emissions limits. The CAA provides that EPA may issue an order requiring compliance, may issue an administrative penalty order for non-compliance, or may file a judicial action in federal court. (See Section 113(a) of the CAA.) The CAA in Section 113(e) sets forth parameters for establishing appropriate penalties for violating PSD emissions limits, such as the size of the business, prior compliance history, good faith efforts to comply, the economic benefit of non-compliance and the seriousness of the violation.

EPA has issued several documents relating to enforcement of CAA violations, such as the CAA Penalty Policy. Documents related to CAA enforcement are available at the web site of EPA's Office of Enforcement and Compliance Assurance.

EPA cannot provide different enforcement procedures or penalties in an individual permit than those that are required or allowed by the CAA. In addition, EPA cannot estimate penalties or speculate about appropriate injunctive relief for prospective violations. Therefore, EPA disagrees with the comment. The commenter should note that one factor in the CAA Section 113(e) penalty assessment criteria is the violator's past compliance history.

4. AIR QUALITY RELATED COMMENTS

Comment 4a: The ambient NO_x levels used in the air report's computer modeling were measured in the town of Bella Vista, California back in the year 2000. How can this computer modeling possibly be accurate considering that the data was collected at least 5 years ago? The town of Bella Vista is close to 9 miles east of Knauf's factory and approximately 320 feet lower in elevation. An air analysis that uses data measured in Bella Vista can not possibly be accurate and should not be used by the EPA to support giving Knauf higher pollution limits. (Eric Cassano)

Response 4a: The computer air quality modeling used in the air quality impact analysis directly models the emissions from the Knauf facility to determine the impact of the facility. Therefore, the background ambient levels measured at Bella Vista do not affect the accuracy of the computer modeling used to determine the air quality impact of the facility itself.

The air quality impacts from the Knauf facility were below the modeling significance level ($1 \mu\text{g}/\text{m}^3$). The background ambient air quality data would only be relevant if the impacts from the facility had been above the modeling significance level. In that case, the ambient data would have been used to determine if the impacts from the facility, added to the background ambient air quality, would violate the annual average NO₂ NAAQS of $100 \mu\text{g}/\text{m}^3$. However, for the Knauf facility, the impacts from the facility ($0.45 \mu\text{g}/\text{m}^3$) were below the modeling significance level ($1 \mu\text{g}/\text{m}^3$) and EPA does not need to consider background ambient air quality.

Even if EPA had considered background ambient air quality, a review of the 2005 NO₂ annual average data from EPA's 'AirData' (see <http://www.epa.gov/air/data/>) indicates that NO₂ annual averages in northern California range from 0.008 to 0.016 ppm (approximately 15 to $30 \mu\text{g}/\text{m}^3$). This data includes data from sites in urban areas which would include a large mobile source impact. The annual average NO₂ impact of $0.45 \mu\text{g}/\text{m}^3$ from the Knauf facility, added to the annual average NO₂ background data from data from this range (15 to $30 \mu\text{g}/\text{m}^3$) would still be well below the annual average NO₂ NAAQS of $100 \mu\text{g}/\text{m}^3$.

Comment 4b: EPA states that the proposed increase of NO_x emissions will not violate the NAAQS. This is meaningless and misleading since the air quality standards have been decimated in favor of corporate pollution. The standards right now are very low, which is why Knauf is acting swiftly to take advantage. (Suzy Coffee)

Response 4b: The commenter seems to imply that the NAAQS for NO₂, which is the standard for NO_x, has been changed since the time it was promulgated by

EPA. The primary and secondary NAAQS for NO₂ are currently 0.053 ppm (100 µg/m³), annual arithmetic mean concentration. The standards were promulgated in 40 CFR 50.11 on July 19, 1985, and have not been changed since that time. The primary standard is based on criteria used to protect public health. The secondary standard is based on criteria used to protect public welfare, which include effects on soils, water, vegetation, man-made materials, animals, wildlife, weather, visibility, climate, damage and deterioration to property, hazards to transportation, and effects on personal comfort and well-being. As noted in the response to comment 4a, Knauf's air quality impact is significantly below the primary and secondary NAAQS.

- Comment 4c:** The AAQIR includes an air quality impact analysis with data that does not apply to what Knauf is actually doing at their facility. (Eric Alan Berg for the Citizens for Clean Air and Water Campaign)
- Response 4c:** The comment does not provide adequate information for EPA to respond. Based on all available information, EPA has determined that Knauf has met the requirements for EPA to revise the facility's PSD permit.
- Comment 4d:** Statistics on NO_x levels can and have been manipulated to favor Knauf's output, for example testing site remote from the plant. EPA should conduct its own scientifically valid study and not just accept the previous numbers from Knauf. (Susan Walden)
- Response 4d:** The comment does not provide adequate information for EPA to respond. Based on all available information, EPA has determined that Knauf has met the requirements for EPA to revise the facility's PSD permit.
- Comment 4e:** The supplemental EIR for Knauf was seriously flawed because the air quality assessments were done in Chico, not Shasta Lake where Knauf is located which is not accurate. (Kathy Kallan)
- Response 4e:** EPA's air quality analysis did not consider the air quality assessments in the supplemental EIR for Knauf since the air quality assessment portion of the supplemental EIR was not submitted for consideration in the PSD permitting process and is not required for compliance with the regulatory or statutory provisions for PSD.
- Comment 4f:** I find it hard to believe that the proposed increase in NO_x will not have a significant affect on air quality. The EPA is basically saying that air credits bought by Knauf are not increasing air pollution. (Kathy Kallan)
- Response 4f:** EPA does not consider the use of air emission reduction credits (ERCs) in the PSD process and has not considered ERCs in drafting the proposed or final PSD permit.

5. ENFORCEMENT & COMPLIANCE RELATED COMMENTS

Comment 5a: The PSD permit should include conditions specifying the enforcement consequences if Knauf does not comply with the permit limits. (Mary Scott, Colleen Leavitt, Kathy Kallan) EPA should not approve the proposed permit revision and should fine Knauf whenever it exceeds the limits. (Edward and Suzanne Kowalewski, Patricia Jiminez).

Response 5a: Section 113 of the CAA establishes EPA's authority to enforce compliance with PSD emissions limits. The CAA provides that EPA may issue an order requiring compliance, may issue an administrative penalty order for non-compliance, or may file a judicial action in federal court. (See Section 113(a) of the CAA.) Section 113(e) of the CAA sets forth parameters for establishing appropriate penalties for violating PSD emissions limits, such as the size of the business, prior compliance history, good faith efforts to comply, the economic benefit of non-compliance and the seriousness of the violation.

EPA has issued several documents relating to enforcement of CAA violations, such as the CAA Penalty Policy. Documents related to CAA enforcement are available at the web site of EPA's Office of Enforcement and Compliance Assurance.

EPA cannot provide different enforcement procedures or penalties in an individual permit than those that are required or allowed by the CAA. In addition, EPA cannot estimate penalties or speculate about appropriate injunctive relief for prospective violations. Therefore, EPA disagrees with the comment. The commenters should note that one factor in the Section 113(e) penalty assessment criteria of the CAA is the violators past compliance history.

Comment 5b: Knauf's application for a revised PSD permit should be denied because Knauf was in violation of the PSD Permit issued in 2000. (Edward and Suzanne Kowalewski, Eric Cassano, Susan Walden). Knauf's application for a revised PSD permit should be denied until Knauf settles all outstanding violations. (Luise Landers) Knauf should be shutdown due to its past violations. (Eric Cassano, Serafin Jiminez, Mary Scott). It is appalling that EPA will vote to increase pollution at Knauf since it has not paid fines for violations in its current permit. (Chris Hunter, Richard & Elaine Harrison). Knauf low-balled their emission estimates to avoid more stringent permit requirements. (Kathy Kallan)

Response 5b: When Knauf initially submitted its PSD application for a PSD permit to construct a new facility, its engineers estimated the potential emissions of the as yet unbuilt facility. The PSD program is focused on estimates prior to construction so that the permitting authority can anticipate the emissions and place appropriate conditions in the permit. Shortly after the facility was built, Knauf performed testing to confirm that its emissions estimates were correct.

Knauf discovered that its engineers had underestimated the potential NOx emissions and overestimated potential PM10 emissions.

EPA took the appropriate action in responding to Knauf's admissions of higher than estimated NOx emissions. Specifically, EPA made Knauf apply for a revision to the PSD permit as if Knauf had not yet constructed the facility, as set forth in 40 CFR 52.21(r)(4). EPA required Knauf to perform a complete BACT analysis as a new source subject to PSD for NOx. In that analysis, EPA established a BACT limit for NOx and Knauf must comply with that limit. EPA also evaluated the impact of increased NOx emissions and determined that the NOx emissions would remain substantially below the NAAQS.

EPA has added some testing, monitoring and recordkeeping conditions to this permit. EPA has determined that the conditions in the final PSD permit will ensure Knauf's continuous compliance with the BACT emissions limits for both NOx and PM10.

Thus, EPA disagrees with the comment. Because we evaluated Knauf's NOx emissions as if the facility had not yet constructed (see page 9 of the AAQIR), Knauf has not benefited from underestimating its NOx emissions during its pre-construction application. EPA conducted a full and independent PSD evaluation of the NOx emissions as it would have done if Knauf's initial PSD application had been accurate. The comments that were submitted have not provided any facts demonstrating that EPA's permitting decision would have been different if Knauf had correctly estimated its NOx emissions initially.

As the commenters recognize, EPA issued a Notice of Violation (NOV) to Knauf. Relatively soon after EPA issued the NOV, the District took an enforcement action against Knauf. The District ultimately settled the violation for a settlement package valued at more than \$600,000. Section 113 of the CAA is structured so that EPA is required to give the local air quality authority notice of an expected violation. The purpose of the requirement is to allow the local authority to take action in the first place, which is what happened here. When the local authority fails to take action or the action is inadequate, then EPA may commence further action. In this case, however, EPA concluded that the District's enforcement response, together with requiring Knauf to evaluate its actual NOx emissions as if the facility had not yet constructed, constituted a satisfactory response. The comment letters have not provided information or facts showing that Knauf has not been adequately penalized.

Comment 5c: EPA should investigate the totality of the process by which the agency originally permitted Knauf and how after Knauf was granted a PSD permit in 2000 they willfully disregarded their promises to the agency and public. (Eric Alan Berg for the Citizens for Clean Air and Water Campaign)

Response 5c: See the response to comment 5b.

6. PROCEDURAL COMMENTS

Comment 6a: The public notice was inadequate because no address or phone number was given to view the complete Administrative Record. The 45- or 60-day public comment period should begin again after new notification. (Mary Scott)

Response 6a: 40 CFR section 124.10(d)(iv) states that EPA should provide the name, address and telephone number of the person to contact for further information on the proposed permit. The public notice that EPA published on January 31, 2006, and a clarification to the public notice that EPA published on March 19, 2006, before the close of the public comment period are available on EPA's web site at <http://www.epa.gov/region09/air/permit/knauf/>. Both notices were published in the Redding Record Searchlight, which is the newspaper of general circulation in the Shasta Lake area.

Our public notice on January 31, 2006, inadvertently omitted the phone number of EPA's contact person, Shaheerah Kelly. However, the public notice correctly listed the EPA contact's fax number and address, as well as a web site address that contained a direct link to an internet address specifically dedicated to the Knauf permit: <http://www.epa.gov/region09/air/permit/knauf/>. The web site was available to the public on February 3, 2006. The EPA contact's telephone number was correctly listed on the web site. All Region 9 staff telephone numbers are available on the Region 9 web site, and numerous residents of Shasta Lake have made frequent calls to EPA staff to discuss opposition to the facility. Finally, EPA held a public hearing on the proposed revised PSD permit on March 8, 2006, and EPA published a clarification with the EPA contact's telephone number listed on March 19, 2006, before the close of the public comment period.

Therefore, EPA does not believe that the absence of the EPA contact's phone number from the public notice that appeared in the Shasta Lake newspaper resulted in any harm. The phone number was available easily, EPA was available at the public hearing, and EPA published a clarification.

Comment 6b: The Administrative Record should be available locally in the cities of Shasta Lake and Redding for public review. The best thing would be to make copies of the documents available at the Shasta County Library in Redding, California. (Mary Scott)

Response 6b: The procedural requirements governing EPA's issuance of PSD permits is set forth at 40 CFR Part 124. 40 CFR Section 124.10 sets forth the requirements for public notice of permit actions. In particular, Section 124.10(d)(iv) requires public notice to provide the "(iv) Name, address and telephone number of a person from whom interested persons may obtain further information, including copies of the draft permit or draft general permit, as the case may be, statement of basis or fact sheet, and the application." Section

124.10(d)(vi) requires EPA to provide the following information: “ (iv) For EPA-issued permits, the location of the administrative record required by § 124.9, the times at which the record will be open for public inspection, and a statement that all data submitted by the applicant is available as part of the administrative record.”

EPA complied with the procedural requirements by making the administrative record available at the EPA offices for public inspection. The fact that EPA did not provide a copy of the entire administrative record locally in Shasta Lake is not a violation of any requirement.

In fact, EPA went beyond the requirements of 40 CFR Part 124. EPA provided copies of the proposed permit, AAQIR (which constitutes the statement of basis), fact sheet (which briefly described EPA’s PSD action), and public notice locally for public review at the Shasta Lake Gateway Library in Shasta Lake, California and the Shasta County Library in Redding, California. EPA also made these materials available on the internet at <http://www.epa.gov/region09/air/permit/knauf/>.

EPA received only one inquiry from Ivan Hall requesting the location administrative record and only one request from Mary Scott to have the administrative record available locally. Considering the volume of documents contained in the Administrative record and the fact that only one member of the public was interested in having these documents available locally, EPA disagrees with the comment that EPA should have made the administrative record available locally.

Comment 6c: The announcement should be sent to everyone in Shasta County not just the people who attend a meeting for public comment. (Chris Hunter, Richard & Elaine Harrison)

Response 6c: EPA is not completely clear on what announcement the commenters are referring to. However, EPA mailed the public notice and a fact sheet, which summarized EPA’s action, to a list of interested persons consisting of State, Federal and local contacts, as well as numerous members of the public. EPA’s mailing list was compiled based on the Federal requirements at 40 CFR Part 124, which does not require the agency to notify the entire county. The mailing list consisted of persons at more than 500 individual mailing addresses. The mailing list consisted of local, State and Federal contacts and interested members of the public compiled by EPA and the Shasta County AQMD. It also consisted of a list, which was provided by a local resident named Heidi Silva, of several interested members of the public that lived in the vicinity of Knauf. In addition, Shasta County AQMD’s mailing list included a list of several residents from the local County Assessor’s office.

Comment 6d: The announcement should be put to a vote through the State. (Richard & Elaine Harrison)

Response 6d: EPA's PSD action is a Federal action and is not required to be put through a vote for the entire State of California.

7. HEALTH RELATED COMMENTS

Comment 7a: Bronchitis has gotten worse and people with respiratory illnesses will be hurt by the increase in emissions. (Henry Francis) EPA should investigate health related complaints and give greater consideration to the citizens. (Eric Alan Berg for the Citizens for Clean Air and Water Campaign)

Response 7a: Under the authority of the CAA, EPA has established NAAQS and PSD increment levels to protect the public health and welfare. The purpose of the PSD permitting program is to ensure that air emissions from stationary sources do not cause or contribute to a violation of the NAAQS. The purpose of the PSD increments is to ensure that air quality in areas that have cleaner air than the NAAQS, such as the City of Shasta Lake, does not deteriorate beyond established levels. EPA evaluated the increased NOx emissions levels that this PSD permit requires Knauf to meet according to the PSD provisions.

Knauf submitted an application for this modification to its existing PSD permit in May 2003. Knauf supplemented the PSD application with additional information in September and December 2003, in February, June and October 2004, and December 2005. EPA drafted a proposed revision of the existing PSD permit to allow Knauf to emit higher levels of NOx and slightly more PM10 from the furnace stack. The proposed revised PSD permit contains control requirements to ensure that Knauf will not cause or contribute to a violation of the NAAQS and will not exceed the PSD increments. Along with the proposed permit, EPA provided a supporting analysis in the AAQIR.

After considering the comments provided during the public comment period and at the public hearing, EPA has determined that the revised PSD permit should be issued with some changes. EPA, therefore, is issuing a final revised PSD Permit to Knauf. Although there will be some increases in air emissions, primarily NOx emissions, from the facility, EPA has determined that these emissions will be manageably controlled, and will not adversely affect the public health and welfare because the emissions are substantially below the NAAQS and PSD increment.

Specifically, Knauf's annual average NOx maximum concentration based on conservative modeling assumptions at 99 TPY is $0.45 \mu\text{g}/\text{m}^3$ which is substantially lower than the Class II increment ($25 \mu\text{g}/\text{m}^3$) and significance level ($1 \mu\text{g}/\text{m}^3$). Therefore, EPA disagrees with the comment.

Comment 7b: Fiberglass particles are a well known health hazard. The 120 jobs created at Knauf do not compensate for the possible increased health risks of cancer, asthma, esp. to elderly and children. Live 2.5 miles from the plant and feel they are at a daily risk. (Edward and Suzanne Kowalewski) I don't want to 'breathe in' any of those fibers, which are so obvious to the naked eye. (Holly Nelson)

Response 7b: Federal PSD review under the CAA does not regulate all air emissions or all activities by a facility subject to PSD. For example, hazardous air pollutants are regulated under Section 112 of the CAA rather than under PSD regulations. Odors are typically regulated by local nuisance ordinances. Landfill disposal issues are governed by state law.

Knauf is subject to one the Federal National Emission Standards for Hazardous Air Pollutants (NESHAP) which is regulated under Section 112 of the CAA. Knauf is subject to the NESHAP for Wool Fiberglass Manufacturing (40 CFR Part 63, Subpart NNN), which regulates emissions of particulate matter emissions at the melting furnace and particulate matter and formaldehyde emissions from the manufacturing line. Knauf is required to comply with the NESHAP as the facility is subject to the standards.

When Knauf received its initial PSD permit allowing construction of the facility, several people filed petitions with the EAB raising objections to Knauf's potential emissions of respirable fiberglass particles, odors, toxic pollutants and disposal in landfills. The EAB denied these petitions noting that regulation of these issues were beyond the scope of the PSD program. The EAB further noted that Shasta County AQMD had nonetheless responded to comments on these issues concerning potentially respirable fiberglass emissions. Specifically, the EAB cited the fact that the initial PSD permit contained conditions for a monitoring program conducted by Shasta County AQMD and required Knauf to test its PM10 emissions for glass fiber content. The EAB stated: "These two conditions go beyond the requirements of the PSD program to provide important information to AQMD and the public regarding fiberglass emissions from the facility." (See *In re Knauf Fiber Glass, GmbH*, 8 E.A.D. 121 (EAB Feb. 4, 1999) ("Knauf I").)

The EAB also noted that an EIR was prepared prior to construction of Knauf's facility and that the agency overseeing that process had responded to similar comments.

EPA's revision of the initial Knauf PSD permit did not change those conditions. Therefore, although the comments go beyond the scope of EPA's authority under the PSD program, EPA notes that the Shasta County AQMD and Knauf are continuing to perform additional analysis not required by PSD to minimize the potential problems.

Comment 7c: The valley, where the cities of Shasta Lake and Redding are located, is like Southern California and there is no where for the bad air to go. Particle matter will settle into the lakes that surround Redding that are all of California drinking water and people are breathing deadly cancer-causing agents. (Richard & Elaine Harrison)

Response 7c: See the response to comment 7a.

Comment 7d: Who is researching the local health of the citizens and environment for short and long term effects of the Knauf emissions? Knauf must be held monetarily responsible for every health claim against it, for the restoration of every bit of local environment damaged by its imposed pollution, since it has made the north state its home. (Suzy Coffee)

Response 7d: See the response to comment 3.2k.

Comment 7e: At the meeting on March 8, 2006 in Shasta Lake, pamphlets were available from the EPA stressing the harmful effects of NOx and PM10. Then EPA has the unmitigating gall to substantially allow an increase in pollution levels at Knauf. (Susan Walden)

Response 7e: EPA provided pamphlets to the public regarding NOx and particulate pollution at the public information session and public hearing held on March 8, 2006. The pamphlets were intended to educate the public about the nature of these pollutants, the sources of these pollutants, and their health effects. The pamphlets were also intended to help the public understand why EPA regulates these pollutants from industrial plants and mobile sources such as cars and diesel trucks. The PSD permitting program is one of a number of EPA programs aimed at regulating air pollution. The program does not eliminate all pollution but is intended to minimize pollution at industrial sources to prevent the existing air quality in the area from significantly deteriorating.

Comment 7f: Those with respiratory problems would not be benefited by the increase in emissions. (Henry Francis)

Response 7f: See the response to comment 7a. Also, People with respiratory problems and other sensitive populations are considered when EPA sets the NAAQS. EPA cannot issue a permit to a facility that would violate the NAAQS. Thus, if an increase in emissions does not violate the NAAQS, it would be protective of public health.

8. GENERAL COMMENTS

Comment 8a: EPA should deny Knauf's request to increase its emissions. (Holly Nelson, Edward and Suzanne Kowalewski, Suzy Coffee, Eric Cassano, Virginia Merryman, Susan Walden, Serafin Jiminez, and Mr. & Mrs. Albert J. Zimmerman). Opposed to any increases at Knauf. (Shirley Gallant of the Citizens for Clean Air, Patricia Jiminez, and Gean Vonk)

Response 8a: As stated earlier in this document, EPA established NAAQS for PM10 and NOx pursuant to the CAA. EPA also established PSD increment levels. EPA determined that the NAAQS and PSD increments would protect public health and welfare, and the environment. The purpose of the PSD permitting program is to ensure that air emissions from stationary sources do not cause or contribute to a violation of the NAAQS. The purpose of the PSD increments is to ensure that air quality in areas that have cleaner air than the NAAQS does not deteriorate beyond established levels.

The revised PSD permit contains control requirements to ensure that Knauf will not cause or contribute to a violation of the NAAQS and will not exceed the PSD increment. Along with the proposed permit, EPA provided a supporting analysis in the AAQIR. Specifically, Knauf's annual average NOx maximum concentration based on conservative modeling assumptions will be $0.45 \mu\text{g}/\text{m}^3$ which is substantially lower than the Class II increment ($25 \mu\text{g}/\text{m}^3$) and significance level ($1 \mu\text{g}/\text{m}^3$).

Comment 8b: The EPA and the purpose of the Clean Air Act are to continually clean and improve environmental qualities of the earth, air and water. How does adding more pollutants fit with the mission of continually cleaning the air? (Russ Wade)

Response 8b: See the response to comment 7a and 8a.

Comment 8c: The prevailing winds in this closed-end valley allow heavier fallout over a smaller area than suitable for clean air. Knauf should never have been sited here. EPA should have independent investigations (besides Knauf) of the actual fallout before increasing PSD limits. EPA should look into some, if not all, health and other complaints of odor, noise, and night time operations and dumping practices. (Virginia Merryman)

Response 8c: See the responses to comments 7a and 7b. In addition, EPA's PSD authority does not provide for oversight of the local agency's decisions regarding siting. EPA determined that Knauf's application to revise its existing PSD permit met the PSD requirements.

Comment 8d: The AAQIR is inadequate and must be redone. (Eric Alan Berg for the Citizens for Clean Air and Water Campaign)

Response 8d: The comment is conclusory and provides no evidence to support its claim.

Comment 8e: Because Knauf does not have a Federal Title V operating permit, the facility must now rely on EPA to approve their new PSD permit application in the hope of one day being given a Federal operating permit. (Eric Alan Berg for the Citizens for Clean Air and Water Campaign)

Response 8e: The Title V operating permit program is a separate permit program that has procedures that are administered independently of the PSD action EPA is taking. The Title V program is administered by the Shasta County AQMD. The AQMD is not required to wait for EPA to issue the PSD permit before issuing Knauf's Title V operating permit.

Comment 8f: The initial air quality analysis for Knauf was grossly inadequate. Why are you even considering approval of yet another revision? (Elizabeth A. Ballou)

Response 8f: EPA's current revision of the Knauf's PSD permit is the first revision of the facility's PSD permit. There have not been any other revisions of the PSD permit since the permit was issued in March 2000. As EPA discussed in prior responses to comments, EPA treated Knauf's request to increase its NOx emissions as if the facility had not yet constructed. Shasta County AQMD also took an enforcement action against Knauf. Therefore, Knauf has not benefited from its mistaken emissions estimates before construction.

The adequacy of the initial air quality was subject to public comment and upheld in a review by the EAB.

Comment 8g: BACT should be required for leftover fiberglass particles that have to be taken to the landfill to filter the leftover particles through the ground so that nothing gets into the air. (Dwight Bailey)

Response 8g: BACT is required for controlling the air pollution from the processes at the facility that produce air pollution, such as the glass melting furnace or the manufacturing line processes. It does not apply to controlling solid industrial waste or solid waste disposal.

Comment 8h: You made a couple of comments in your speech and then also in the permit that it wasn't subject to Federal rules because the Federal government had delegated authority to the County and now they've taken it back. The original permit was not directly issued by the Federal government, but it was absolutely subject to all Federal requirements. The actual legal language is that AQMD is allowed to stand in the shoes of EPA in issuing the permit and that the permit remains a Federal permit and EPA does not -- is not excused from their oversights. So it was a Federal permit and it still is a Federal permit. (Colleen Leavitt)

Response 8h: During the public hearing and in the AAQIR, EPA stated that Knauf's permit (permit no. 97-PO-06) was issued the Shasta County AQMD in 2000. In general, a permit issued by a local air agency can include requirements from Federal and State, as well as local programs that the local air agency is authorized to implement. During the public hearing and in the AAQIR, EPA stated that Knauf's permit was a combined PSD (i. e., Federal) and local preconstruction permit. Since Knauf was a major source for PM10, the PSD portion of the permit contained Federal PSD requirements for regulating PM10. The permit referred to the local preconstruction portion of the permit as an Authority to Construct (ATC). The ATC portion of the permit contained several County requirements, including emission limits for NOx, VOCs, and CO that were used to limit the facility's emissions of these pollutants to below the PSD significance thresholds in order to avoid PSD review, and making the facility not subject to the Federal PSD review for these pollutants. (See Condition 52 of permit no. 97-PO-06.)

Also, at the public hearing and in the AAQIR, EPA explained, and wanted the public to understand, that although NOx was not initially permitted as a Federal PSD pollutant in 2000, EPA later determined that Knauf was subject to Federal PSD review for NOx. Thus, NOx was to be regulated, with PM10, as a PSD pollutant in Knauf's Federal PSD permit. Since the Shasta County's PSD delegation was withdrawn in 2003, EPA is acting on the Federal PSD portion of permit no. 97-PO-06 since EPA is currently the Federal PSD permitting authority in Shasta County.

The comment is, therefore, incorrect in its implication that EPA stated that Knauf's permit was not a Federal permit.

Comment 8i: Knauf is off-gassing more pollution at night. (Colleen Leavitt, F. Ted Schalesky)

Response 8i: Knauf is subject to emission limits on NOx and PM10, as well as other pollutants. The facility is required to comply with these emission limits at all times. The comment does not explain or provide any supporting evidence of this phenomenon.

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ENVIRONMENTAL PROTECTION AGENCY
PUBLIC HEARING
SHASTA LAKE CITY, CALIFORNIA

Re:)
KNAUF INSULATION PROPOSED AIR)
PERMIT REVISION.)
-----)

TRANSCRIPT OF PROCEEDINGS

Wednesday, March 8, 2006
John Beaudet Senior Community Center
Shasta Lake City, CA

7:00 p.m.

Reported By: CRAIG W. WOOD, RPR, CSR No. 9789

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APPEARANCES

FOR THE ENVIRONMENTAL PROTECTION AGENCY:

JOANNA DeLUCIA -- Hearing Officer
SHAHEERAH KELLY
GERARDO RIOS

Also Present:

Representatives from EPA

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PROCEEDINGS

MS. DeLUCIA: Good evening. It's approximately 7:05 p.m. on March 8, 2006, and this public hearing is now in session.

My name is Joanna DeLucia, and I'm from the U.S. Environmental Protection Agency in San Francisco, Region 9, and I'll be serving as tonight's hearing officer for this public hearing.

The purpose of tonight's hearing is to accept public comment on the EPA's proposal to make revisions to Knauf Insulation Prevention of Significant Deterioration, or PSD, permit. With me are staff members from EPA San Francisco regional office, here to assist with the public hearing. Shaheerah Kelly, Gerardo Rios, Joe Lafca (phonetic), Karen Bohenkamp, and (inaudible) are here from the Region 9 air program. Alan Vable is here from the EPA Regional Council's Office. And Laurie Lewis and Leo Kay (phonetic) are here from the Region 9 Office of Public Affairs.

Before we start to take your comments tonight, Shaheerah Kelly of the Air Permits Office is going to make a short presentation regarding the proposed actions. Then I'll be explaining the ground rules for making sure everybody that wishes to comment tonight will have an

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1 opportunity to do so.
2 If you'd like some background information about
3 the air permit, please help yourself to one of the blue
4 fact sheets on the sign-in table when you came in.

5 Now I'm going to turn it over to Shaheerah so she
6 can provide you with some information about the proposed
7 permit revision. I have to ask you to please refrain from
8 interrupting or asking questions during the presentation
9 since you'll have the opportunity to make comments shortly
10 once we begin the public comment portion.

11 We do realize this is a complex issue. So if you
12 have technical or clarifying questions during the
13 presentation, please see one of the EPA staff circulating
14 around the room or raise your hand and an EPA staff member
15 will come over and assist you quietly.

16
17 **PRESENTATION BY MS. KELLY**

18
19 MS. KELLY: Good evening everyone. As Joanna
20 said, my name is Shaheerah Kelly and I am the technical
21 contact for the Knauf Insulation air permit revision.

22 I'd like to give you an overview of what I'm
23 going to talk about. First I'll give you some background
24 on the facility, I'm going to describe the operations at
25 the facility, describe the Prevention of Significant

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1 converted to fiberglass, or glass fibers, and converted
2 into a mat, and eventually converted to a final product.
3 There's also trimming and packaging in which the final
4 product is packaged, or prepared for packaging. And the
5 pollution control equipment that's used for these
6 processes include dust collectors, vac houses, wet
7 scrubbers, and wet electrostatic precipitator, which is
8 used to reduce particulate matter. Knauf uses a thermal
9 oxidizer to destroy (inaudible) compounds, and a low
10 nitrogen oxide burner -- nitrogen oxide burners to
11 reduce NOx emissions.

12 So what is prevention of significant
13 deterioration? It's a Clean Air Act federal permitting
14 program, and it applies to areas that are attaining the
15 ambient air quality standards set by the U.S. Government.
16 It applies to new and modified major sources and applies
17 to criteria pollutants like nitrogen oxides and
18 particulate matter. And regulations are at 40 CFR 52.21,
19 located in the Federal regulations.

20 The Federal permit requirements include requiring
21 the source to obtain a permit prior to construction or
22 modification or a changing of PSD permit. It requires
23 source to install the best available control technology
24 and perform air quality analysis. That air quality
25 analysis has to show that the change in pollution won't

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1 Deterioration program, and the Federal permit process,
2 describe the air quality analysis conducted for Knauf, and
3 finally I'll talk about the proposed changes to the
4 permit.

5 Many of you probably are already aware of this.
6 Knauf Fiberglass is a fiberglass insulation facility.
7 They produce wool fiberglass products like residential
8 insulation. The facility is located in Shasta Lake,
9 California, right here. The Shasta County Air Quality
10 Management District issued a combined Federal and local
11 pre-construction permit to the facility in 2000. The
12 Federal portion was for particulate matter less than
13 10 microns, or PM10, and the local portion of that permit
14 was for nitrogen oxide, or NOx, and all the other
15 pollutants that were addressed in that permit. And the
16 facility began operation in 2002.

17 To give you a description of the facility, the
18 operations at the facility, there's the raw materials
19 handling process in which raw materials are delivered and
20 processed and prepared for later use. There's the glass
21 melting furnace in which the raw materials are converted
22 to molten glass, and the pollution from the glass melting
23 furnace is emitted through the furnace stack.

24 There's a manufacturing line which the molten
25 glass is converted to fiberglass particles or --

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1 cause or contribute to a violation of any ambient air
2 quality standards or significantly deteriorate air
3 quality. It also has to show that the change in the
4 pollution won't adversely impact any national parks or
5 wilderness areas designated as Class 1 areas. And for
6 this project that we are working on that we're proposing
7 today, it applies to PM10 and NOx. And the air quality
8 analysis is conducted for NO2 for Knauf.

9 So what are the proposed changes in the permit?
10 For Knauf, we're establishing Federal permit requirements.
11 We're actually bringing it into the PSD process. Whereas
12 before, the facility had a local limit for NOx and it was
13 not subject to the PSD process. So the new PSD level will
14 be at 72.3 tons per year. For PM10, we're changing the
15 limit at the furnace. We're changing the limit to include
16 condensable particulate matter. The new limit will be
17 only two percent of the entire particulate matter
18 emissions at the facility.

19 The increase for the particulate matter at the
20 facility will increase from 124.4 tons per year to
21 126.9 tons per year. We're also changing the glass
22 production limit. Knauf requested increase from 195 to
23 225 tons per year, 225 tons of glass produced per day. We
24 don't expect any additional pollutant increases because
25 the facility's actual emissions are much less than its

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1 potential emissions. Basically maximum emissions. And
2 the increase in glass production was factored into the
3 emission limits for PM10 and for NOx.

4 UNIDENTIFIED SPEAKER: Could you go back on
5 that slide? You said under PM10 the furnace, the third
6 statement there, you said it was increase from --

7 MS. DeLUCIA: I'm sorry, I'll have to cut you
8 off. If you have specific questions, if you could ask
9 one of the EPA staff in the back of the room.

10 UNIDENTIFIED SPEAKER: She read it wrong.
11 Could you read it again?

12 MS. DeLUCIA: Go ahead and read it.

13 MS. KELLY: For NOx, we are establishing
14 Federal PSD requirements and the new PSD emission level
15 will be set at 72.3 tons per year. For PM10, we're
16 changing the limit at the furnace only, and we're
17 changing that limit to include condensable particulate
18 matter. The new limit will only be two percent of the
19 overall PM10 emissions at the facility, and the increase
20 at the -- the increase in particulate matter emissions
21 for the entire facility will go from 124.4 --

22 UNIDENTIFIED SPEAKER: From 124?

23 MS. KELLY: 124.4 tons per year to 126.9 tons
24 per year.

25 UNIDENTIFIED SPEAKER: Not "of." You said --

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1 will not cause or contribute to a violation of the
2 standard or significantly deteriorate air quality. And
3 since the overall permit level, the new level proposed in
4 our permit, will be at 126.9 tons per year, a new analysis
5 won't be required because the new level is below the model
6 level.

7 For Class 1, we looked at NO2, PM10, visibility
8 degradation, and nitrogen deposition. Nine Class 1 areas
9 were reviewed and five were within 100 kilometers. And
10 the proposed emission levels for PM10 and NOx would not --
11 do not result in a significant impact in any Class 1
12 areas.

13 The changes -- the specific changes in the
14 permit, to compare the current permit to -- to compare the
15 current permit to the permit that we're proposing, for the
16 furnace stack we're changing the PM10 limit from 0.1
17 pounds per hour to 0.67 pounds per hour. And also
18 applying another limit 0.07 pounds per ton for glass
19 pulled. Which is a pollution-based limit based on the
20 glass production, also. The amount of pollution produced
21 per amount of glass produced. And that requires Knauf to
22 operate more efficiently so that their pollution is
23 reduced per the amount of glass that is produced.

24 For the main stack, we're changing that limit
25 also because we're factoring in the increase in the glass

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1 says "increase of 124 tons."

2 MS. KELLY: Okay. That is a correction. It
3 should be increase of 124 -- increased from 124.4 tons
4 per year to 126.9 tons per year.

5 UNIDENTIFIED SPEAKER: Thank you.

6 MS. KELLY: So why is EPA issuing this permit?
7 The last permit was issued by the District Office, the
8 Shasta County Air Quality Management District. EPA is
9 currently the PSD permitting authority. We have the PSD
10 delegation. The county had the PSD delegation
11 previously, and right now EPA is the permitting
12 authority because that authority was withdrawn because
13 of new regulations that were promulgated back in 2003.
14 So for this permitting action, Shasta County rules don't
15 apply to this permitting action.

16 For the air quality impact analysis, for NOx, NOx
17 is modeled at 99 tons per year. Based on that modeling,
18 it showed that it will not cause or contribute to a
19 violation of the NO2 standard or significantly deteriorate
20 air quality. And the overall permit level will be at
21 72.3 tons per year. So the impact we expect from the
22 permit action we're proposing should be less than what it
23 was modeled at.

24 For PM10, the previous analysis was modeled at
25 191.8 tons per year. And that also showed that the impact

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1 production. So that limit will -- the pound per ton limit
2 for the main stack will decrease from 3.5 pounds per ton
3 of glass pulled to 3.03 pounds per ton of glass pulled,
4 because we're factoring in the increase in the glass
5 production. So it requires them to operate more
6 efficiently to produce less pollution per ton of glass
7 that's produced.

8 For NOx, the current permit did not contain any
9 PSD requirements. We're pulling that into the Federal
10 program. For the furnace stack, there are no numerical
11 limits because they're -- Knauf is using an electric
12 furnace. And the furnace, it's not combusting any fossil
13 fuel such as natural gas. We don't expect any combustion
14 products such as NOx. So no NOx limit is applied there.

15 For the main stack, the limit -- limits are
16 16.5 pounds per hour and 1.76 pounds per ton of glass
17 pulled. Knauf is required to use low nitrogen oxide
18 burners.

19 For the glass production requirements, the limit
20 in the current permit is 195 tons per day. And the limit
21 will go to 225 tons per day. But that limit is factored
22 in to the pound per ton limit for each of the pollutants,
23 including PM10 and NOx.

24 So the proposed permit that we are -- that we put
25 out for public comment includes emission limits, control

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1 technology limits, and limits to protect air quality that
2 were included in air quality analysis to show that it will
3 not significantly deteriorate air quality or significantly
4 impact the air. Also includes controls that are required
5 to be operated continuously, it requires testing and
6 monitoring and record keeping and reporting so that we can
7 be sure that the limits are being met on a continuous
8 basis -- on an ongoing basis.

9 And for more information, we have a web page on
10 our Region 9 EPA web site, and that information is
11 included in the fact sheets that are at the back of the
12 room.

13 Joanna?

14 MS. DeLUCIA: Thank you, Shaheerah.

15 Now before taking your testimony, I want to just
16 go over the ground rules of the hearing tonight.

17 This hearing is a legal proceeding being held
18 pursuant to part 124 of Title 40 of the Code of Civil
19 Regulations. Public notice of this hearing was given
20 January 31, 2006, by publication in the Redding Record
21 Searchlight. And it was also made available on EPA's web
22 site.

23 As you came into the hearing room, we asked you
24 to sign in on the sign-in sheet. This assists us in the
25 completion of our work if we know how many people attended

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1 and who they represented. It also helps in the
2 preparation of the transcript of the hearing.

3 And in addition, if you don't plan on
4 submitting oral comments tonight or written comments,
5 signing in ensures you'll be an EPA's mailing list to
6 receive a copy of the final permit decision, if you wish
7 to receive that.

8 If you would like to make comments at tonight's
9 hearing, you should fill out one of the green speaker
10 request forms that you saw on that sign-in table there and
11 hand it to one of the EPA staff, who can be identified by
12 the name tags. If you don't wish to speak tonight, you
13 can also submit written comments for the official record.
14 Both written comments and oral comments will receive equal
15 consideration by the EPA in making a permit decision.

16 Written comments must be received by the EPA
17 regional office by the time the public comment period
18 closes on March 28th, 2006. You'll find the procedure for
19 submitting written comments on the yellow handout on the
20 sign-in table that's called Public Participation
21 Guidelines.

22 Now, it's important for you to know we're here to
23 take comments only on the draft permit revision. So only
24 comments specific to the permit will be accepted into the
25 record. But if you do have general questions or concerns,

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1 please see one of the EPA staff members who can let you
2 know how best to address the concerns or where to direct
3 the concerns.

4 Now, you can also make oral comments on the
5 record in the form of questions as long as they're
6 specific to the permit. You do need to know that EPA
7 won't be providing responses to your questions and
8 comments during this hearing since the purpose of this
9 proceeding is only to accept comments.

10 After the hearing, EPA will carefully consider
11 all of the comments received, both oral and written, in
12 making its final permit decision and it will prepare a
13 written response to your comments and questions. These
14 responses will be included in the official permit record.

15 Once EPA reaches a determination on the revised
16 permit, notice of final decision, as well as the written
17 response to comments document I just mentioned, will be
18 sent to each person who has submitted written comments
19 or oral comments or signed up to receive notice on the
20 sign-in sheet of the permit decision. This information
21 is also going to be available on EPA's web site.

22 Now, after the final decision is made, within
23 30 days of the date of that decision, interested persons
24 who disagree with the decision can file an appeal. And
25 you'll find the specific procedures for filing an appeal

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1 in the yellow handout that's titled Public Participation
2 Guidelines.

3 Now, we'll be taking your testimony in the
4 approximate order which you turned in your speaker cards.
5 Given I only have about a dozen cards here on the desk, I
6 can safely say everyone will have an opportunity to speak
7 tonight. So when your name is called, please come up to
8 the microphone, state your name, and if you're appearing
9 on behalf of someone else or on behalf of an organization,
10 please tell us who you're representing. Please speak
11 clearly into the microphone so the court reporter can
12 accurately record your testimony. And for that reason,
13 I'd also ask while a person is testifying, not to speak
14 when you're in the audience.

15 Now we want to ensure everybody has an
16 opportunity to speak tonight. So to make sure, we're
17 asking that you try to limit your comments to no more than
18 five minutes if possible. And if you do take up to five
19 minutes, we have someone in the back here who will be
20 holding up a sign that says "one minute left" just to
21 keep us on track here. Then you'll be notified when your
22 time is up.

23 If you do have extensive comments, you can
24 provide them in writing either tonight or up through the
25 end of the comment period which is March 28th. And then

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1 one other thing I wanted to say about written comments, if
2 you brought a written copy of your comments tonight,
3 please give it to one of the EPA staff so we can
4 incorporate it into the official record. There's no need
5 to actually read your written comments into the record
6 since, as I've explained, both written and oral comments
7 will receive equal consideration.

8
9 **PUBLIC COMMENT SECTION**

10
11 MS. DeLUCIA: So at this point I'm going to go
12 ahead and turn to the public comment portion of tonight.
13 First, though, I'd like to ask whether there are any
14 public officials in the room who would like to make
15 comments on the record?

16 Okay. I guess not. In that case, then the
17 first speaker is Henry Francis.

18 MR. FRANCIS: My comment is going to be very
19 short. My name is Henry Francis. I live out east of
20 Knauf, and I suffer from chronic bronchitis, and have
21 for several years. But it's gotten worse since the
22 plant has been in operation when the wind blows in our
23 direction. And the increase in emissions will probably
24 make my problem even worse.

25 I'm a -- I've had five major surgeries that have

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1 been -- have also caused my bronchitis to be worse. And I
2 don't think that those of us with respiratory problems
3 would be benefited by this increase in emissions.

4 Thank you.

5 MS. DeLUCIA: Thank you for coming.

6 The next individual is Dwight Bailey.

7 MR. BAILEY: You know, it's kind of hard for
8 the layman to really understand about the increase and
9 the decrease and the permitting process. I think
10 probably the biggest thing that comes to mind is about a
11 year ago, year and a half ago, when we had -- I guess
12 2003, during a public hearing comment there, one of the
13 best enlightening things I heard was from an electrician
14 actually working for Knauf Fiberglass at the time. At
15 the time they were trying to explain how they were going
16 to increase the NOx and decrease a little bit of the
17 PM10.

18 Basically this electrician raised -- his
19 comments are on file and you can hear what he actually
20 said to verify this. What he pretty much said was he
21 said already there's a lot of fiberglass particles left
22 over which they have to take to the landfill. This has
23 been a problem, we suggest best available technology to
24 actually filter it through the ground, that way there
25 would be nothing getting in the air. That would create

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1 more product to take to the landfill. They didn't think
2 that was the best available technology. They prefer to
3 put it up the main stack, let the scrubbers -- knock it
4 out, all the loose stuff back down, gathering that back
5 up, taking what is left over to the landfill.

6 This electrician in his comment, he said
7 basically what they figured out was that they take that
8 material -- think it might be labeled bag house
9 material -- and they actually put that back in the
10 melting furnace. It does two things. It's combustible
11 material, creates heat, molten glass in it, also
12 eliminates problem of pollution. Of course part of his
13 thing was, it's getting far too costly for them to move
14 this from one part of the facility to the other,
15 physically doing this. He was trying to explain to us
16 how they were trying, but they just couldn't do that.

17 So apparently what I learned from that was this
18 is kind of a bait and switch thing when they're going to
19 actually do this and this is where they're going to
20 increase and decrease and come up with these better
21 limits.

22 The fact is, this is not how it was designed,
23 it's not how it was supposed to be. The fact was, if
24 you go back on record, and I ask you to do that and get
25 the electricians that actually worked at the plant and

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1 have inside knowledge, actually listen to what he said
2 year and a half, two years ago, when he said that, and
3 you say they've already been doing that. He's saying
4 it's costing too much money to do that. Of course now
5 if they can get the permission and do it or put the
6 dump back in wherever they want to, then they can save a
7 lot of money and do that. The fact is, when this is
8 burned -- reburned, this material, the material is
9 supposed to be taken to the landfill. That creates
10 stuff that was not best available technology. Just
11 moving things from one side of the plant to the other in
12 my opinion is not best available technology.

13 So I'd advise you to look at that, figure out
14 if that's actually the physical thing that's going on,
15 and whether it has been going on. According to this
16 gentleman's testimony two years ago, it was going on
17 then. I have to assume it's still going on and I have
18 to say that's what they're actually applying to do. I
19 don't want that to happen. I don't think you want that
20 to happen. Look at the numbers what I'm saying, if it
21 is true, check into it. If it is, stop it. That's not
22 what it's supposed to do. Not what the original plan
23 was.

24 I have to also say these limits Knauf came in
25 here with, these are limits set by Knauf. They

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1 voluntarily did this. Part of the citizens group, I
2 remember they raised comment 295 tons, they voluntarily
3 went to 195 so they can get below the 200-ton limit to
4 have a different environmental process. They decided they
5 would come down to a hundred and a half and they decided
6 to come in at a hundred and a quarter. At one point they
7 offered the citizens a thing, we're willing to square up
8 with you guys and give you money for your lawyers and time
9 for this, but when we come in, we're coming at 125. They
10 actually said we'll give you the money. Some people said,
11 "Well, I'll take the money." Some said, "No, we're into
12 clean air, we're not into money, you don't understand."

13 So what caused some riff, the fact was Knauf then
14 voluntarily reduced it to 125. It wasn't the citizens
15 standing here before you that reduced that, it wasn't you,
16 wasn't the EPA, wasn't our county officials, it was them.
17 They lowered it. If they lowered that just to get in and
18 now they're asking to increase it, that's not the way it's
19 supposed to work. And I'd invite you to make sure that's
20 not what's been happening and not going to happen in the
21 future. Thank you.

22 MS. DeLUCIA: Thank you.

23 Next speaker is Mary Scott.

24 MS. SCOTT: I don't have a lot of detailed
25 information and I need to get more information. The one

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1 comment -- a couple comments I would like to make though
2 that I have made already to a few of you this evening is
3 the inadequacy of the public notice. And I'm requesting
4 that the -- I believe it's 45- or 60-day public comment
5 period begin again because of the lack of address and
6 phone numbers and information of the complete documents.
7 The public notice that were available are not really
8 available to us. I'm also requesting they be brought
9 into Shasta County so we can actually see them without
10 having to go down to San Francisco.

11 About compliance. This has happened from the
12 original EIR to the revised EIR process and PSD process
13 to the revision of the County process last year. All
14 these limits keep getting set and broken. And even in
15 this new PSD permit, it says you're set to these limits,
16 and if you go over these limits, you need to notify us,
17 you need to notify us. There's nothing in it for any
18 compliance. Nowhere is there any explanation of what
19 will happen once Knauf notifies the EPA. And I think
20 that it needs to be written into the permit about what
21 will happen. Will they be closed down? Will their
22 production be limited or decreased? And I think this is
23 one of the biggest problems the citizens of Shasta
24 County have had is this over and over -- continuously
25 for four years now, not one day in four years have they

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1 been in compliance. We were promised in the process
2 that Knauf would be shut down within four hours of any
3 violation of any air violation. And four years later it
4 hasn't been shut down. And I really think this needs to
5 be addressed.

6 Thank you.

7 MS. DeLUCIA: Thank you for comments.

8 Next speaker is Kathy Callan.

9 MS. CALLAN: As I begin, I'd like to thank
10 Shaheerah and Gerardo for spending so much time on the
11 phone with me last April answering my questions about
12 the PSD permitting process. I really appreciate that.

13 I'm really concerned, though, about the
14 allowances that are going to be given to Knauf. I know
15 originally they had requested from you an increase -- I'm
16 going to deal mostly with the nitrous oxide emissions and
17 NOx emissions, because that's the largest increase they
18 requested in the permit.

19 Originally they requested an increase in their
20 NOx emissions from 24.9 tons per year to 99 tons per
21 year. And I just want everybody here to realize that
22 that's a four-fold increase. It kind of reminds you of
23 the story of the Trojan horse kind of sneaking in and
24 then the soldiers come out from within it. I think it's
25 a violation of the public trust on Knauf's part.

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1 I also, being a former science teacher, looked
2 very meticulously at the supplemental EIR that was
3 available online through the County last spring and I
4 found it seriously flawed. There were a lot of air
5 monitoring assessments that were done in Chico. Well, we
6 don't live in Chico. The air quality here is what needs
7 to be assessed. I know some of the stations were located
8 in Chico. I don't find that very accurate at all. And I
9 found several flaws in the EIR that I submitted, so you
10 have them on record.

11 I also find it very hard to believe that an
12 increase -- a three-fold increase, which is what you're
13 proposing allowing Knauf, from 24.9 tons per year to
14 72 tons per year, that's basically a three-fold increase
15 in allowable emissions of NOx, nitrogen oxides. I find it
16 hard to believe that's not going to have a significant
17 affect on air quality. I think what basically the EPA is
18 saying is because of these air credits that they bought
19 from companies that didn't pollute as much as they were
20 allowed to, on paper it will show that Knauf is not
21 increasing air pollution. But I would ask everybody here
22 to consider that our lungs don't recognize what's on
23 paper. As the gentleman who had the chronic bronchitis
24 said, we're going to be breathing the actual pollutants
25 that -- that is going to be a three-fold increase. And

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1 that really concerns me. Again, the consultants that did
2 the EIR for Knauf did a poor job.
3 I really feel the original permit was a contract
4 with the community. I think you've heard that from
5 several of the people that spoke in here this evening. If
6 a company comes in and says, gee, we promise to keep our
7 emissions at this level, we really have to take them at
8 their word. And then to ask for four-fold increase and be
9 granted a three-fold increase, whom can we trust anymore?
10 It's really an issue of trust, I think.

11 The last question I would ask is really I guess a
12 rhetorical question, but I would like an answer to. If
13 it's so easy for a company to change their permit, what
14 incentive do they have to abide by the original permit?
15 All of us in this room have to abide by certain laws and
16 certain limits. And the incentive is there's a
17 consequence if we don't. I don't see a consequence here
18 for Knauf. So if it is the law that you have to grant
19 them this increase, I think the law is seriously flawed
20 and we need to work on that.

21 I think they lowballed their estimates -- this is
22 my opinion -- so they could get the permit and get into
23 the community, and now it's, "Oops, we're not able to keep
24 our emissions at this level." So I would ask you to
25 please be the guardians of our health and help us to

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1 restore trust in these companies that come into our
2 community and please be there for us. And I think 72 tons
3 per year is way too great an increase. Please make them
4 abide by the original contract. Thank you very much.

5 MS. DeLUCIA: Thank you for your comments.
6 Next speaker is Eric Cassano.

7 MR. CASSANO: Thank you for coming up here and
8 holding this pro Knauf PR rally. I'd like to see you
9 come up here sometime and maybe enforce the permits.
10 That might be a good change of pace from the EPA since
11 you do call yourselves the Environmental Protection
12 Agency. Maybe protecting the environment could be
13 something you could make time to do in the future.

14 I'm going to go ahead with my written comments
15 here. Knauf has been in violation of the original PSD air
16 permit since November 22, 2002. That's 1,202 days that
17 Knauf has ignored their air permit and broke the Federal
18 pollution laws. Been three years, three months, and
19 14 days that the EPA has allowed this company to spew
20 illegal pollution into our air. Now that the EPA has
21 finally come to town, what do they want to do? They want
22 to give Knauf an even larger permit to pollute even more.
23 The EPA needs to spend less time writing new permits and
24 more time enforcing the permits they've already issued.
25 If the EPA won't enforce the pollution laws Knauf is

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1 currently violating, it has absolutely no business
2 granting Knauf a new permit with even higher pollution
3 limits. Pretty fundamental stuff. Probably in your job
4 descriptions, but God forbid you read them.

5 The EPA needs to start actually protecting our
6 environment instead of sheltering Knauf from the pollution
7 laws. The EPA should be out at the industrial park right
8 now shutting down this arrogant polluter and padlocking
9 their doors instead of holding this blatant pro Knauf
10 campaign rally.

11 Despite numerous complaints from community
12 members, the EPA has refused to protect our environment
13 and enforce Knauf's original permit. The EPA should be
14 ashamed and embarrassed to be involved in this fiasco.
15 The EPA has been making all kind of excuses on Knauf's
16 behalf attempting to explain why Knauf's actual NOx
17 emissions ended up being 226 percent of what their
18 original permit allowed. I suspect Knauf knew all along
19 their NOx emission would be well above their permit but
20 submitted a lower figure to get a foot in the door. Like
21 they say, it's easier to ask forgiveness than permission.
22 I should mention Knauf did receive a notice of violation,
23 which I notice you conveniently left off your fact sheet
24 in describing this particular matter. I think that's
25 pertinent information when you're talking about granting a

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1 new permit to give people a history this company violated
2 their original permit. Quit playing us like fools here.
3 This is ridiculous.

4 Notice of violation -- they receive notice of
5 violation from EPA in October of 2004. And I've got a
6 copy if anyone is interested in looking. But nothing has
7 been done to make them comply with the permit. The notice
8 of violation was signed by the EPA Region 9 air
9 district -- air director Deborah Jordan. Recently I've
10 made several attempts to contact Deborah Jordan about this
11 notice of violation, but she refuses to talk to me. EPA
12 public affairs department also refuses to return my phone
13 calls. The only person who has ever shown any true
14 interest in this ongoing violation was EPA special
15 investigator in charge by the name of Scott West. He
16 actually went out to the factory and took a look at it.

17 I think it's rather interesting that when I
18 called to check up on the case, I found out Mr. West had
19 been transferred out of Region 9 by some mechanism, and
20 none of the other investigators would give me any
21 information on the status of the case. It was like it
22 just disappeared.

23 Deborah Jordan's name is, by the way, spelled
24 wrong on the permit. Kind of interesting that the air
25 director's name wouldn't be caught as a typo on the front

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1 of your permit. You would think the person who drafted
2 the permit would know how to spell the name of Region 9
3 air director. Of course, if I were Deborah Jordan, I
4 wouldn't want my real name on this piece of rubbish
5 either. And Knauf's address is wrong on both the PSD
6 permit and ambient air quality impact report. So you have
7 the address wrong of the facility you're talking about,
8 and you claim to be experts. Be interesting to know how
9 many of these people actually have been to the facility.
10 Probably not very many.

11 I want to point out one thing that really caught
12 my eye. There's a paragraph says, "Performance tests
13 shall be performed by independent testing firm,
14 performance test shall be at least performed at greater
15 than 95 percent of the maximum operating capacity of 225
16 tons of molten glass produced in any 24-hour period.
17 Committee shall furnish EPA with a written report of
18 results of such tests within 30 days after the performance
19 tests are conducted." Then a paragraph later says, "Upon
20 written request and adequate justification from the
21 committee, EPA may waive the annual test and/or allow for
22 testing to be done at less than 95 percent the maximum
23 operating capacity of 225 tons," et cetera. I won't go
24 into all the detail, but you the get general idea. So I
25 wonder which one of these options Knauf would choose.

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1 My time is up. I'll submit the rest in written
2 form. Pretty disheartened with your attempts at complying
3 with the law. Please do your job. Thank you very much.

4 MS. DeLUCIA: Thank you.

5 Next speaker is Betty Doty.

6 MS. DOTY: Mine is short and probably off the
7 target. I'll say it anyway.

8 Before Knauf was issued its first permit,
9 Dr. Andrew Dever (phonetic), a Shasta County Health
10 Officer, asked for basic health survey so we can have
11 before and after figures about this obvious polluter. And
12 I've heard all kinds of rumors that people that say
13 they've had more health problems than before. I've heard
14 that. But I know there's so many variables, it's not easy
15 for us out here to know if something really serious is
16 happening or not. I'm suggesting that part of the new
17 permit, why isn't it possible you can put in a requirement
18 they do a health survey now so a few years down the road
19 we'll know something?

20 MS. DeLUCIA: Thank you for your comment.

21 Next speaker is Jeff Smith.

22 MR. SMITH: No comment at this time, thank you.

23 MS. DeLUCIA: Okay. Thank you.

24 In that case, next comment is Celeste Draisner.

25 MS. DRAISNER: I'll try to follow Betty Doty,

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1 be brief.

2 I consider myself many different things. Most of
3 all I consider myself an American, someone who loves this
4 country and appreciates the diverse tapestry that binds us
5 all together. And I know the EPA people that came here,
6 they have a job to do and they specifically are not the
7 ones making the decisions regarding this. So it's hard to
8 be angry at you for what you're doing when you're not
9 really making the decisions. I hope the people here
10 understand that, that the decisions go much higher. And
11 that if there's anyone who is making the decisions, it's
12 probably Knauf Fiberglass. They're just writing the
13 permit (inaudible) and paying out the money to the correct
14 locations, which will remain nameless. But I think we all
15 know where they are. That's where it comes from.

16 And so I would offer this. Just this one
17 statement. And that is that I appreciate all the people
18 that came out here in the rain, came out here in the cold,
19 came out here even though they didn't have any hope that
20 their voice would be heard or listened to or even
21 considered.

22 I'd also urge Knauf Fiberglass to do a better
23 job, to operate cleaner. The best engineers in the world
24 are in Germany. And Knauf, if they were to operate clean,
25 if they were to operate in a way that was much more

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1 helpful and beneficial to this county, they can succeed.

2 And there's a certain price that they have paid in
3 negative publicity. There's a lot of media coverage
4 generated -- some by me and some by others -- which have
5 really blown the lid off what they're doing.

6 I would give an example to Knauf, and that
7 would be Enron. Enron thought they had it all worked
8 out. They were the master's of (Inaudible). Enron part
9 of the same clubs as Knauf Fiberglass and other
10 prominent corporations. In the end, Enron cheated and
11 defrauded people, and there were elderly people that
12 were cold and couldn't pay their electric bills because
13 of Enron's methods that simply profiteering on human
14 misery is not the way to have a sustainable company or
15 corporation. And I know Knauf Fiberglass is not
16 technically a corporation, but they are in many ways a
17 corporation and in a way we see corporations in this
18 country. And in the world.

19 So they have a responsibility that goes beyond
20 profit making aspect that goes to the long-term profit
21 making aspect, and that has to do with humanity and caring
22 about other people and understanding that everyone has
23 children and grandchildren or friends and family and they
24 want to take care of those people.

25 One of the best speakers we had was a man named

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1 John Rascal (phonetic), and he can't come here anymore
2 because -- he can't. But my friend Colleen is going to
3 read some of his previous comments. He would usually
4 bring an oxygen tank up at the podium, and he said he
5 never had to be on oxygen, he was never sick until the
6 factory came online. All you have to do is look at our
7 valley and how it's shaped and realize this valley is not
8 a good place to put heavy industry.

9 So I would urge Knauf Fiberglass, the true
10 puppetmasters, if you will, of this meeting, I would
11 urge them to do a better job. It's not the -- the
12 problem is not me, the problem is not the citizens that
13 have come here. The problem is what they're doing, that
14 they keep doing it here. Not just here, but other
15 places in the world. They're going to suffer
16 financially just as Enron suffered.

17 And so once again, I want to say thank you to
18 everyone here that came and thank you to the people at
19 EPA who have tried the very best to do a difficult job.
20 We're just asking for whatever help we can get from you,
21 whatever small thing you can do. If there's something
22 you can do to help us, please, please help us. We
23 really need it. There are people that are honestly in
24 need of help. Thank you to everyone here.

25 MS. DeLUCIA: Thank you for your comments.

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1 Next person is Ivan Hall.
2 MR. HALL: Good evening. My name is Ivan Hall.
3 I live at 2575 Star Drive. Thanks for finally coming up
4 here and squaring aware this NOx issue that's been going
5 on for quite some time.
6 My comments concern the top down back analysis
7 for the NOx emissions, now that NOx is under PSD control.
8 What I noticed is that the low NOx burners, no cost
9 analysis was given for the low NOx burners. Rather it was
10 listed as baseline. And specifically in your document
11 here you say that you're going to consider -- under the
12 regulations you're going to consider the PSD requirements
13 as if the construction of the source had not commenced.
14 Clearly if we're using low NOx burners already in
15 operation as baseline, that's not the case. Selective
16 catalytic reduction, if I'm saying that right, just
17 familiarizing myself with that terminology, you mention
18 that's used in Quiet Flex operation of fiberglass facility
19 in Texas. Yet when we look at the cost analysis given for
20 Knauf using it, it's astronomical. So astronomical as to
21 be ridiculous. Which makes me wonder why would anyone use
22 it? So doesn't seem to be -- doesn't seem to jibe there.

23 One of the things I noted though is you're
24 considering the SCR analysis in conjunction with the low
25 NOx burners in operation. And I'm not sure that that's

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1 appropriate. Rather, should be looking at the selective
2 catalytic reducers operating separately from the LNBS.
3 And the low NOx burners, we should be getting emission
4 reduction, a total capital cost, and total annualized cost
5 to compare these things. We should be seeing what are the
6 NOx emissions without pollution control devices and then
7 each pollution control device matched against the
8 pollution coming out to see which one is the most
9 effective. Just in terms of reducing the pollution and
10 then how much each one costs, and then we can see how much
11 each ton is actually being reduced. I'm not sure this
12 analysis is correct if we're calling low NOx burners a
13 best available control technology, but we're only
14 considering selected catalytic reduction after the low NOx
15 burners have already been put into operation. So they're
16 being unfairly evaluated in terms of their cost
17 effectiveness in reducing pollution because they're having
18 to reduce the pollution once it's already been considered
19 to be a reduced by the low NOx burners.

20 It may be that the low NOx burners are ultimately
21 the best available control technology. But I don't
22 understand from this analysis that that's clear. And it
23 seems to me that -- we've already given them four years,
24 what's another six months. Whatever it takes to get this
25 thing so it comes out straight here so that we understand.

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1 If it comes down to, well, we don't want to make Knauf rip
2 out their low NOx burners and put in selective catalytic
3 reducers because it doesn't seem to make sense, at least
4 let's get that in black and white. If it's because low
5 NOx burners are the best available control technology and
6 that's what they have on it, well great. Seems like they
7 could have been forthcoming with their pollution emissions
8 from the beginning and they would have had low NOx burners
9 and everybody's time would not have been wasted up to this
10 point.

11 So I'm a little skeptical of the whole process.
12 Knauf has went to great lengths to try to do away with PSD
13 permit to try to avoid some things. Fortunately, EPA
14 Region 9 didn't allow them to do that. Now that we're
15 here and we're considering a revised permit, I would ask
16 that the Region 9 would consider my request and review the
17 top down analysis for NOx facts and look at the
18 technologies individually as if this factory truly had not
19 been built yet, instead of looking at it, well, the
20 factory has been built, it does have low NOx burners in
21 place.

22 Thank you.

23 MS. DeLUCIA: Thank you. Next speaker is
24 Colleen Leavitt.

25 MS. LEAVITT: Hi. We must kind of seem like a

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1 cynical bunch, but I think a lot of us have been going
2 to these hearings that always seem like a sham probably
3 longer than some of you have worked for EPA. You'll
4 have to forgive us if we're a little bit hostile.
5 I have actually two points. One as I discussed
6 with -- has checkered shirt on, the guy that was supposed
7 to be enforcement guy, why he -- why the condition in
8 their PSD permit that was issued by Shasta County was not
9 enforced. That it said that they would be shut down in
10 four hours if they weren't in compliance. And he said he
11 wasn't familiar with that.

12 So I went and got -- this is the Knauf Fiberglass
13 PSD authority to construct and -- you made a couple
14 comments in your speech and then also in the permit that
15 it wasn't subject to Federal rules because the Federal
16 government had delegated authority to the County and now
17 they've taken it back. So it's not directly -- was not --
18 original permit was not directly issued by the Federal
19 government, but it was absolutely subject to all Federal
20 requirements. The actual legal language is that AQMB is
21 allowed to stand in the shoes of EPA in issuing the permit
22 and that the permit remains a Federal permit and EPA does
23 not -- is not excused from their oversights. So it was a
24 Federal permit and it still is a Federal permit.

25 Anyway, there's condition 57 in the original

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1 permit, "Under no circumstances shall the owner/operator
2 be allowed to operate the system with operational
3 parameters beyond the limit specified in conditions 45,
4 47, and 48. The owner/operator shall take immediate
5 action to bring the operational parameters to within the
6 specified limits. The immediate action for the purpose of
7 this condition shall be defined as within four hours of
8 the discovery of the exceedence." Remember, it says "under
9 no circumstances" will they be allowed to.

10 So then you have to go to condition 42. But
11 you finally end up at the chart that has the NOx limits
12 in it. And I'm surprised that nobody at the EPA seemed
13 to know about this. I think you people probably changed
14 hands there. I sent all of this information and several
15 requests, I think probably three times, several times,
16 even to EPA people in Washington when I was ignored by
17 the Region 9. Why isn't this being enforced? I never
18 got any answer, either through the mail or over the
19 telephone. No one ever acknowledged that I had even
20 sent this information and this request.

21 Then I notice in your permit, which is still a
22 Federal permit, you've kind of done away with that
23 problem, because although you have an entire section --
24 you have an entire section that talks about -- says
25 compliance and reporting. And -- I can't find it. It has

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1 all kinds of things about reporting and the report within
2 the certain amount of time that they're out of exceedence
3 and they'll report this and they'll report that. But
4 conveniently there's absolutely no -- it doesn't say
5 what's going to happen if they're out of compliance. It's
6 like they can be out of compliance as long as they report
7 it. I think there should be some language in here that
8 says if you're out of compliance, we'll do this, or that
9 will happen to you, or something. Although, from past
10 experience, we might not really expect it to -- anything
11 to really happen.

12 I have a lot of other things that I can submit.
13 I'd like permission just to run a little over to read
14 something from the transcript of the hearing from the --
15 before the Board of Supervisors. I'll send that entire
16 transcript. So many people talk about the health impacts
17 and I talked to some of you before that -- and Betty Doty
18 talked about the baseline.

19 This was a man, John Rascal. "I am probably the
20 closest neighbor to the plant. We live within 200 feet of
21 the plant and we bought our place back in 1979. We moved
22 up from Los Angeles where the smog was killing us to a
23 nice clean place. Now we're back where we started from.
24 To start off with, I'm 72 years old and I've never spent a
25 day in the hospital in my life until a year and a half

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1 ago, and it was with my lungs. My doctor said, 'Are you
2 still living near Knauf?' I said, 'Yeah.' He said,
3 'Maybe you should think about moving.' 'We'd like to
4 move, but we don't have the money to move. Now I'm
5 tethered to this thing.' Although it doesn't reflect it,
6 he's talking about his oxygen tank. 'Now I'm tethered to
7 this thing here. I can't even brush my teeth without this
8 hose in my nose.' So due to Knauf, up until then, I was
9 probably about 50 percent offered no oxygen, didn't need
10 no oxygen. Now I have to have a gardener, painter,
11 plumber. I can't do anything. That's all I have to say,
12 and I just hope you don't give them any more room to
13 pollute the country anymore. Thank you."

14 He's since died. And people talk about being
15 the guardians of our health. I think that's how we see
16 the EPA, and I hope that's how you see yourselves, also.
17 Thank you.

18 MS. DeLUCIA: Thank you.

19 Next speaker is Curtis Brown.

20 Mr. Brown, I don't have a city and state and Zip
21 code on your form. If you want to receive a copy of the
22 permit, just make sure --

23 MR. BROWN: Redding, California.

24 I read this article that the Record Searchlight
25 put out today about Knauf seeks new air permit. It

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1 sounded like to me by this couple paragraphs here, says,
2 "Modification would increase the Ashby Road glass
3 production capacity of 195 tons per day to 225, a change
4 that one EPA environmental engineer said would trigger a
5 fairly minor increase in emissions from the plant's
6 199-foot main stack." What's that tell you? That tells
7 you you people have already made up your mind, doesn't it?

8 You know, Eric had it right. You people are not
9 doing your job. The first time that it ever rang a bell
10 in my head about the Environmental Protection Agency --
11 because I always thought you guys did your job and did it
12 right. But I took a trip back to Lanett, Alabama, to one
13 of their plants, and interviewed the same people that the
14 Record Searchlight interviewed back there. And I got
15 almost exactly the same response from those people that
16 the Record Searchlight did. So the Record Searchlight did
17 their job. And here I am talking to one guy that's got a
18 swimming pool back there. And Knauf, every so often they
19 have to burn their stack out to get all the stuff out of
20 it that accumulates. A lot of this, the wind had to be
21 blowing towards his place that day, and it blew over on
22 him and other neighbors. He collected a jar of it. And
23 he sent it to the Environmental Protection Agency of
24 Alabama. And I asked him, I said, "What did they say?"
25 He said, "I haven't heard back from them." I said, "How

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1 long has it been?" He said, "Two years." So he didn't
2 get an answer back.
3 So I thought, well, this is Alabama, you know,
4 the deep south, they walk on people down here, they
5 don't care about people, they don't have to respond to
6 them. But we in this state right here lead the entire
7 nation when it comes to common sense on air pollution
8 and keeping things under control. Just common sense is
9 all we're asking for. And it sounds to me like you guys
10 have already made your minds up. I hope you haven't.
11 Because this plant, this company, is extremely
12 intelligent people. They're smarter than hell. They
13 have started off from the ground zero -- this is not a
14 four-year thing we're talking about here. This started
15 in 1996, about ten years ago if I remember correctly,
16 and they have misled the people in this county, the
17 County officials, the State officials, the environmental
18 officials, from day one. And it continues right up
19 until now. It just keeps continuing.

20 They told us when we come in here, "We can run
21 this plant over here on all this sewage water here going
22 into the treatment pond." As soon as they started up,
23 "Hey, we can't do that, we have to have your drinking
24 water." Now they're using all our good drinking water.
25 Guess what, our water price has gone up. Same with the

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1 electric. They put in two different plants out here,
2 power -- not generation, but control plant where they can
3 supply that plant, two of them. One is right there on the
4 corner of Beltline Road and Oasis, and another one back
5 out here (indicating). Not supposed to affect our
6 electric. Guess what? Everybody's electric rates goes
7 up.

8 We've been shafted ever since. They're smart.
9 And they're making you people look like either butt
10 suckers or yes-men. They've snowed you all the way
11 through. You have to stop and look this thing over.
12 These people that stood up here and talked to you with
13 facts here in front of them, they're telling you exactly
14 the truth. If they didn't, they'd get their ass sued off.
15 That company has threatened me before and it threatened
16 the guy that spoke up here before. They're smart, and
17 they're snowing you. You have to take these people's
18 word. What they're telling you is the truth. Otherwise,
19 we'd be up a shaft creek, boy.

20 MS. DeLUCIA: Thank you for your comments.

21 Are there any other speaker cards?

22 UNIDENTIFIED SPEAKER: Would anybody else like
23 a speaker card at this time?

24 MS. DeLUCIA: Anyone else who didn't have a
25 chance to speak and would like to do so now?

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1 Okay, anyone who did speak and wants to expand
2 upon their comments? We have some time here.

3 Yes, sir.

4 MR. SCHALESKY: I'd like to make a comment.

5 MS. DeLUCIA: Could you step to the microphone
6 and also tell us your name.

7 MR. SCHALESKY: I will. My name is kind of
8 long, I'll give you a brief. It's -- F. Ted Schalesky.
9 The reason why I'm here is because 15 years ago my
10 parents moved from the Bay Area, very much like some of
11 these people have, to come here to have the ability of
12 breathing fresh air and a good environment. Since Knauf
13 has been operating, which is about three years -- my
14 parents' home is down Oasis Road east of Interstate 5
15 about five miles, and every night we get gassed by the
16 fumes that come from Knauf. I have checked it myself.
17 I wish I had a couple sniffers to check the oxygen and
18 also the emissions that come out of the plant. The gas
19 is so bad that it burns your eyes at night. It burns
20 their nose when you breathe, inside membranes, just
21 burning on fire. Same thing with our lungs. Only
22 happens at nighttime. And it did not happen when they
23 were remodeling their plant here this last month or so.
24 But it's really causing some serious problems. And it's
25 bad enough that -- I'm an investor -- that when my mom

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1 passes away -- because I'm here to take care of her
2 until she passes away -- I will not spend a dime in this
3 community. Not because of the people, not because of
4 where it's at, but because of what Knauf has. We have
5 several million dollars worth of property in the area.
6 If they continue doing what they're doing, the community
7 will not have access to that money. Because I will
8 move.

9 Anyway, it's very bad. We've lost birds out of
10 our bird aviary. Nights it's been really very bad.
11 Currently I'm working with a firm out of Texas that's
12 building an air purifier we can put in the cold air
13 returns to reduce particles and fumes from the air that
14 we breathe in our house. And it's terrible. I wish one
15 of you guys would come and live with us for a month and
16 see what you think of it. It's bad. It's worse than
17 sticking your nose up a tailpipe of a car.

18 I hope, like a few people before us said,
19 please do your job. We had a nice environment and good
20 place to be, good place to live, good place for people
21 to come and retire. Right at the moment, it stinks,
22 literally.

23 MS. DeLUCIA: Thank you. Could you sign the
24 sign-in sheet, I want to make sure we have the right
25 spelling of your name for the transcript.

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1 that -- when that gentleman was talking and he wished
2 that you would come and -- and I've heard a lot of
3 people comment that it's worse at night, also.

4 So that's all I wanted to add. Thank you.

5 MS. DeLUCIA: Thank you.

6 Are there any further comments?

7 Well, if there aren't any further comments for
8 the record, I'm going to go ahead and conclude this public
9 hearing. But as a reminder, the public comment period
10 remains open until March 28th. If you wish to make
11 further written comments about the proposed permit
12 revision, don't forget to take a yellow handout in the
13 back. That will explain how to make those comments.

14 It's now 8:09 p.m. and this public hearing is
15 hereby closed. Thank you all for coming out tonight in
16 the rain and have a good night.

17 (Public hearing concluded at 8:09 p.m.)

18
19 ---oOo---

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1 MR. SCHALESKY: Yes. No problem.

2 MS. DeLUCIA: Anyone else want to make a
3 comment?

4 Ms. Leavitt?

5 MS. LEAVITT: I didn't get to read both
6 comments. I read what John Rascal said. I wanted to
7 read also what Claire Rascal said.

8 "I'm Claire Rascal. I happen to be his wife,
9 and I'm in pretty good condition myself, but I have been
10 getting a lot of allergies." Which is actually a common
11 complaint of the people that live around the plant.
12 "But I've been getting a lot of allergies. I'm telling
13 you at times there are terrible smells. Heavy chlorine
14 and sometimes, believe it or not, like rotten eggs. We
15 live on the west side. Like he says, we're right near
16 there, and it stinks mostly at night. Believe me, maybe
17 they're doing it secretly to do it at night. I don't
18 know. But it would be nice if one of you would come and
19 spend the night with us," obscured by applause from the
20 audience, "just to find out yourself. You know you're
21 living somewhere far away from them and you don't smell
22 it. But I would love to have you come and stay with
23 us."

24 She was speaking to the Board of Supervisors,
25 and none of them did go and spend a night with her. But

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1
2 **CERTIFICATE OF REPORTER**

3
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14 That the foregoing transcript constitutes a full,
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16 place;

17 That I am not of counsel or attorney for any of the
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19 this cause, and that I am not related to any of the
20 parties hereto.

21 IN WITNESS WHEREOF, I have hereunto subscribed my
22 signature.

23 DATED: March 24, 2006

24
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*** * * PUBLIC NOTICE * * ***

**OF A PROPOSED PREVENTION OF SIGNIFICANT
DETERIORATION PERMIT REVISION
AND PUBLIC HEARING
BY
THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

The Region 9 office of the United States Environmental Protection Agency (EPA) is requesting public comment on the proposed revision of a permit for the Prevention of Significant Deterioration (PSD) of air quality, issued in accordance with 40 CFR 52.21, to Knauf Insulation GmbH (Knauf) in Shasta Lake, California. The public comment period for submitting written comments ends March 28, 2006.

Knauf submitted an application to revise its PSD permit to modify the Best Available Control Technology (BACT) requirements for the glass melting furnace (Furnace Stack) and the fiberglass manufacturing line (Main Stack). Knauf also applied to increase its NO_x emissions at the Main Stack and its glass production capacity from 195 to 225 tons of glass produced per day (tpd). The initial PSD permit was issued in 2000 by the Shasta County Air Quality Management District before Knauf had begun construction of the facility based on emissions estimates in the initial application. The initial PSD permit required Knauf to meet PM₁₀ BACT limits of 0.1 lb/hr at the Furnace Stack, and 28.4 lb/hr and 3.50 lb/ton at the Main Stack. The initial PSD permit limited glass production capacity to 195 tpd. The initial PSD permit also incorporated a District-imposed synthetic minor emission limitation of 5.66 lb/hr for NO_x. Initial performance testing in 2002-03 showed that Knauf's NO_x emissions at the Main Stack were higher than the application had estimated. Knauf's PM₁₀ emissions at the Furnace Stack were also slightly higher than estimated. In its application for a revised PSD permit, Knauf stated its emissions were higher than estimated because its initial BACT determination underestimated emissions. After reviewing all of the information submitted by Knauf, EPA is proposing to make the following revisions to Knauf's PSD permit: (1) make minor changes to the PM₁₀ BACT limits of 0.67 lb/hr and 0.07 lb/ton for the Furnace Stack and 28.4 lb/hr and 3.03 lb/ton for the Main Stack; (2) establish NO_x BACT limits of 16.5 lb/hr and 1.76 lb/ton for the Main Stack; and (3) allow Knauf to increase glass production to 225 tpd. The potential emission increases above the initial PSD permit will be 2.5 tpy for PM₁₀ and 47.5 tpy for NO_x. The proposed increase in the glass production rate does not contribute to the increase in emissions of either NO_x or PM₁₀. The only effect of increasing the glass production rate is to subject Knauf to a lower emissions rate for each pollutant as expressed in pounds of pollutant emitted per ton of product produced.

Until the public comment period ends on March 28, 2006, any interested person may submit written comments on the proposed revised PSD permit. In addition, because EPA has determined that there is likely to be significant public interest in the proposed revised PSD permit, we have scheduled a public hearing to receive oral comments which will be transcribed and placed in to the administrative record for a final permit decision. EPA staff will be available to provide additional information on this proposed action during a public information session, and you may also obtain additional information by using EPA's website listed below. All

interested persons are encouraged to attend the public hearing and informational session. You are not required to attend the information session to comment at the public hearing.

DATE: Wednesday, March 8, 2006

PLACE: John Beaudet Senior Community Center
1525 Median Avenue
Shasta Lake, California

TIMES: Public Information Session – 4:00 PM until 6:00 PM
Public Hearing – Starts at 7:00 PM

Persons who submit comments should focus on: (1) issues relating to the proposed revised PSD permit rather than issues that may have been relevant to the initial PSD permit; (2) their interest in the proposed revised permit; (3) the action they wish EPA to take on those portions of the proposed PSD permit that have been revised; and (4) the reasons supporting their position, stated with sufficient specificity as to allow EPA to investigate the merits of the position. All comments on the proposed revised PSD permit must be received, in writing, by EPA by March 28, 2006. Written comments must be mailed, emailed, or faxed as provided in 40 C.F.R. §124.10 – 124.13 and sent to the following addresses:

Shaheerah Kelly
Air Division (AIR-3)
EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105-3901
Fax: (415) 947-3579
Email: knaufpermit@epa.gov

EPA's decision to issue a final revised PSD permit, or to deny the application for the permit revision, shall be made after EPA has considered all timely comments. EPA's notice of the final decision shall be sent to each person who has submitted written comments or requested notice of the final permit decision, provided EPA has adequate contact information. The decision will become effective 30 days from the date of issuance unless:

1. A later effective date is specified in the decision; or
2. The decision is appealed to the Environmental Appeals Board pursuant to 40 C.F.R. 124.19. Within 30 days after EPA's final decision, any person who submitted written comments or provided comments at the Public Hearing that were transcribed into the administrative record may file a petition with the Environmental Appeals Board. A person who failed to comment as described above, has a limited right to petition the Board to review only a part of the final permit decision that arose for the first time in the final permit.

3. If no one submits comments requesting a change to the proposed permit, EPA's final decision shall become effective immediately upon March 28, 2006.

The Administrative Record for the proposed permit, which consists of the proposed revised PSD permit, all data submitted by the applicant in support of the permit revision, and correspondence between EPA and the applicant is available for public inspection Monday through Friday from 9:00 A.M. until 4:00 P.M. at the address below. Due to building security procedures, please call to arrange a visit 24 hours in advance. All public documents that are available in electronic form may be requested via email. Please contact Shaheerah Kelly at the contact information listed in this notice for further information.

The proposed revised PSD permit and Air Quality Impact Report (AAQIR) will also be available for public inspection during normal business hours at the Shasta Lake Gateway Library at 4150 Ashby Court in Shasta Lake, California and at the Shasta County Library at 1856 Shasta Street in Redding, California. These documents are also available on the EPA Region 9 website at: <http://www.epa.gov/region09/air/permit/>

Please bring this notice to the attention of all persons who you know would be interested in this matter.

PUBLISHED: January 31, 2006

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MAR 08 2006

Permits Office Air-3
U.S. EPA, Region 9

Public Comment Form

(Please Print)

Name Joy Newcom R.N. F.N.P. - P.A.

Address 3702 Fujiyama Way
Redding, CA 96001

Affiliation ^{401(a)(3)} Health Improvement Partnership, Northstate Health Network

Telephone 530-241-1007

Email sgnewcom@snowrest.net

Would you like to be added to our mailing list? Yes No

Comments: Please please please stop
KNAUF (cough) Fiberglass from
SUFFOCATING US!!! Our air inversion
layers in the summertime are unbearable -
We can't even see the mountains anymore -
I-5 Diesel trucks are CONSTANT, woodstore smoke,
dirt roads, Sierra Pacific, Calaveras Cement, ETC
and NO access to the ocean, surrounded by TALL
mountain ranges - We're the Low POINT of the north
valley. Our Shasta County Resource director, Russ Mull
lies about Knauf air-test - results and we can't
afford to hire our own independent tester.

3-8-06

Why is Knaut Fiberglass plant allowed to suffocate us?

CLEAN AIR IS MORE IMPORTANT THAN GERMAN MULTI-NATIONAL CORPORATE PROFITS !!!

ISN'T THERE EVEN ONE SINGLE PERSON IN A POSITION - OF - POWER WHO WON'T SELL-OUT A CHILD'S RIGHT TO CLEAN AIR ??? THERE ARE THOUSANDS OF BABIES, CHILDREN, AND YOUNG PEOPLE WHO DESERVE THE PURE, UNADULTERATED HEALTH AND BEAUTY OF CLEAN AIR AND CLEAR VIEWS

FIBERGLASS IS HATED BY WORKERS - CONTACTED-BY-IT AND IS COMPLETELY UNNECESSARY - thanks to cellulose, strawbales, foam and COB -

HERE IS the very, worst, possible location for a plant: AIR-INVERSION LAYERS 1/2 the year, (when its hot), surrounding mountain ranges preventing ventilation, and being in the low point of the north valley -

Joy Louise Newcom R.N. F.N.P.-P.A.
530-241-1007

E

Serafin Jiminez
13613 Jaybird Way
Redding, CA 96003

March 9, 2006

Wayne Natri
EPA REGION 9 Director
75 Hawthorne Street
San Francisco. CA 94105

RECEIVED

MAR 17 2006

Permits Office Air-3
U.S. EPA, Region 9

Re: Knauf Fiberglass

Dear Sir:

I retired and moved to Shasta County in 1981. Prior to the opening of Knauf Fiberglass in Shasta Lake, I had never in my life had any respiratory problems, but now I suffer from asthma that gets increasingly worse. I am dependent on medical inhalers twice a day to help me breathe.

Unfortunately, I live only about five air miles from the Knauf plant, and with prevailing westerly breezes, my asthma condition is really exacerbated.

It is ironic that I lived and worked all of my life in metropolitan areas and retired to this place that used to have air so clean, and a sky so blue that it hurt the eyes. I am basically an outdoor person, always out doing one job or another. Now, it is not always possible.

Knauf should not be allowed to operate in a wonderful place like this, where they pollute the air, the water and the land. The plant should be closed down permanently, but the EPA does not even do that temporarily as required, when there is an excessive air pollution emission. Knauf should NOT be granted greater Nox and PMI allowances, as the plant would just commit more damage than it is doing already.

I always thought the EPA was supposed to protect the people from harm, but in this case they have not done so. Is this just another case of whatever big business wants, big business gets? Why doesn't the EPA live up to what EPA stands for?

Thank you.



U. S. EPA Region 9
Knauf Insulation
NSR 4-4-4, SAC 03-01
Docket Index #: VII-A-38

CERTIFICATE OF SERVICE

I hereby certify that the original and five copies of the United States Environmental Protection Agency's BRIEF IN SUPPORT OF SUMMARY DISPOSITION were sent by Pouch Mail to the Clerk of the of the Environmental Appeals Board on Monday, July 10, 2006, for filing on July 11, 2006, and that one copy was sent by First Class Mail, Postage Prepaid to:

Appeal No. PSD 06-01: Henry Francis
13613 Jaybird Way
Redding, CA 96003

Appeal No. PSD 06-02: Celeste Draisner, Colleen Leavitt, Mary Scott
c/o Celeste Draisner
1000 Shepard Court
Redding, CA 96002

Courtesy copy of Brief w/o Exhibits to:
Colleen Leavitt
P.O. Box 5538
Summit City, CA 96089

Mary Scott
12982 Beltline Road
Redding, CA 96003

Appeal No. PSD 06-03: Patricia Jiminez, Esq.
13613 Jaybird Way
Redding, CA 96003

Appeal No. PSD 06-04: Joy Louise Newcom
3702 Fujiyama Way
Redding, CA 96001

Appeal No. PSD 06-05: Serafin Jiminez
13613 Jaybird Way
Redding, CA 96003

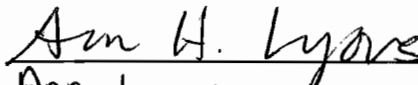
Appeal No. PSD 06-06: Joanna L. Caul
21684 Elk Trl W
Redding, CA 96003

Permittee:

Courtesy copy of Brief w/o Exhibits:
Knauf Insulation GmbH
3100 Ashby Road
Shasta Lake, CA 96019

Anthony Sullivan, Esq.
Barnes & Thornburg
11 South Meridian Street
Indianapolis, Indiana 46204-3535

DATED: July 10, 2006



Ann Lyons
U.S.E.P.A., Region IX