



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

December 15, 2010

Susan McLaughlin  
Supervising Air Quality Engineer  
Yolo-Solano Air Quality Management District  
1947 Galileo Ct., Ste 103  
Davis, CA 95618

Re: EPA Comments on Proposed Renewal of Title V Operating Permits for California State Prison – Solano, Leer West, University of California – Davis, Insulfoam, Yolo County Central Landfill, and CalPeak Power

Dear Ms. McLaughlin:

Thank you for the opportunity to review the Yolo-Solano Air Quality Management District's ("District") proposed title V operating permit renewals for the six sources listed above.

We have enclosed our comments. As we discussed with you, we want to work with the District to ensure that the final Leer West permit contains all applicable National Emission Standards for Hazardous Air Pollutants (NESHAP) requirements in sufficient detail to clarify the source's compliance obligations.

Please contact Roger Kohn at (415) 972-3973 or [kohn.roger@epa.gov](mailto:kohn.roger@epa.gov) if you have any questions concerning our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerardo C. Rios", with a long horizontal flourish extending to the right.

Gerardo C. Rios  
Chief, Permits Office  
Air Division

**US EPA Region 9 Comments**  
**Proposed Title V Permit Renewals**  
California State Prison - Solano  
Leer West  
University of California - Davis  
Insulfoam  
Yolo County Central Landfill  
CalPeak Power

1. All six of the sources are subject to New Source Performance Standards (NSPS) in 40 CFR Part 60, and/or National Emission Standards for Hazardous Air Pollutants (NESHAP) in 40 CFR Part 63. However it is not clear that the District has consistently incorporated the applicable NSPS and NESHAP requirements into the permits with sufficient specificity to clarify the source's compliance obligations. Specifically, the Leer West permit is clearly missing applicable requirements.

According to the statement of basis, the source is subject to three different NESHAP subparts: WWWW (reinforced plastic composites production), MMMM (surface coating of miscellaneous metal parts and products), and PPPP (surface coating of plastic parts and products). Yet there is only one condition in the permit for each of these subparts, stating that the permit holder must comply with the subpart. This high level of incorporation by reference does not satisfy the title V requirement that permits contain all applicable requirements. It is especially problematic for a complex NESHAP with various compliance options for various types of operations, such as Subpart WWWW. The result is that the sources' compliance obligations are unclear to both the permittee and the District, which complicates the task of inspecting the facility and enforcing the NESHAP requirements.

For a complex NESHAP like WWWW that covers different types of operations within an industry and has multiple compliance options, it is important to clarify which requirements apply and how the source will comply. Subpart WWWW has provisions that apply to open molding, centrifugal casting, continuous lamination/casting, and pultrusion operations in sections §63.5810, §63.5820, and §63.5830, respectively. Yet the statement of basis and permit do not specify which types of operations are in use at Leer West, or which of the WWWW compliance options the source intends to use.

When incorporating NSPS and NESHAP applicable requirements into title V permits, Districts must balance the need for specificity with the appropriate amount of detail from the applicable requirement. Emission limits, monitoring, and record-keeping requirements must be stated in the permit with sufficient detail to make compliance obligations clear to both the permittee and District inspectors. The District must develop permit conditions that reflect the operations at the source, contain the NESHAPs' core emission limits and monitoring, record-keeping, and reporting requirements, based on the compliance option(s) that the source has selected (for NESHAPs that have multiple compliance options). EPA and the District have discussed this issue. The District has

agreed to work with us to incorporate the NESHAP applicable requirements into the Leer West permit with an appropriate level of detail prior to permit issuance.

2. Since these six sources are subject to NSPS and/or NESHAP, the sources must also comply with the applicable NSPS and NESHAP General Provisions. Yet the permits do not contain any conditions with General Provision requirements, or only one high level citation, e.g., UC Davis. The District must add General Provision requirements to the final permits. While we don't believe the permits must contain a separate condition for each applicable General Provision, we also think one condition requiring the permittee to comply with the General Provisions of Part 60 (or 63), Subpart A is not sufficient because it is not clear which General Provisions apply. EPA recommends that the District determine which General Provisions apply to each source, and then add one condition (or two if a source is subject to both NSPS and NESHAP subparts) to each permit that requires compliance with "the following" General Provisions, then list the provisions that apply to the facility, citing by CFR citation and a phrase to briefly describe, e.g. 60.7(c), CEMS Reporting, etc.
3. Since Leer West and Insulfoam are subject to Compliance Assurance Monitoring (Part 64), the compliance certification must include additional language. Part 70 was revised when Part 64 was promulgated. One of the changes was to §70.6(c)(5)(iii), which now requires that annual compliance certifications "identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under part 64 of this chapter occurred." The District must add this language to one of the compliance certification conditions (conditions 104-107) of these two permits.
4. EPA appreciates the District's efforts to improve the practical enforceability of the compliance certification conditions in its title V permits, based on our past comments. However, as currently written, the revised certification language will allow all six of these sources to avoid having to certify compliance for some period of time in the first certifications they submit following permit issuance because the proposed permits state that the "twelve (12) month period will begin on the date that the Title V permit is issued." So hypothetically, if the most recent compliance certification submitted by a source is for a one year period that ended on October 15, 2010, and the final permit is issued on January 15, the language in the proposed permit would allow the source to avoid certifying compliance for the period from October 16 through January 14. While we don't know the specific dates that the most recent certifications for these six sources covered, it is clear that re-setting the reporting period to start with the permit issuance dates will create gaps in the compliance certifications. To avoid these gaps, and provide greater specificity with regard to the reporting periods and due dates, we recommend that the District base its compliance certification language on the last day that the source's most recent compliance certification covered. In the hypothetical example above, the permit should state that the compliance certification will cover the one year period from October 16 through October 15, and shall be postmarked by November 14<sup>th</sup>. Alternatively, if the District wants to retain the requirement that the certification periods start on the date of permit issuance, the District could require that the first compliance

certification submitted after permit issuance cover the period of time from the day after the end of a source's most recent certification period through the day before permit issuance, with a due date 30 days later. (As the District considers how to revise the certification language, we also note that a compliance certification cannot cover a period longer than one year, as this would be less stringent than the District's EPA-approved title V program requires.)

5. The statement of basis and proposed permit for the Yolo County Central Landfill are not clear on whether the source is subject to NSPS Subpart WWW (Municipal Solid Waste Landfills). The District has subsequently clarified that the source is subject to WWW, but that its current annual NMOC emissions are approximately 17 million megagrams per year. This rate is below the 50 megagram threshold in WWW that triggers the requirement to submit a collection and control system design plan. However, since the landfill's design capacity exceeds 2.5 million megagrams, the source is required to submit a NMOC emission rate report to the Administrator and the District annually, or every five years if the estimated NMOC emission rate as reported in the annual is less than 50 megagrams per year in each of the next five consecutive years. Subpart WWW requires that if the actual waste acceptance rate exceeds the estimated waste acceptance rate in any year reported in the five year estimate, a revised five year estimate must be submitted. See § 60.757(b). The District has explained that the source is currently projecting that its NMOC emissions for the next five years will be less than 50 megagrams per year, and therefore the source qualifies for this less frequent reporting requirement. The District must add a condition with this reporting requirement to the final permit.