

EPA Comments on Proposed Title V Renewal Permit for Quemetco

1. Comment:

Condition E193.1 of the draft permit (dated March 23, 2005) contained requirements for the rotary dryer baghouse pursuant to the Compliance Assurance Monitoring program under 40 CFR Part 64. Prior to submittal of the proposed permit, the District removed this condition. The District explained its rationale for doing so by stating that the emission unit is exempt from the CAM rule because it is subject to the requirements of 40 CFR Part 63, Subpart X, which is a post-1990 NESHAP.

The District is correct that NESHAPs proposed after November 15, 1990 are exempt from CAM pursuant to § 64.2(b)(1)(i). However, the exemption applies only to the NESHAP itself for purposes of developing the CAM plan; it does not mean that the rotary furnace as a whole is exempt from the CAM program. The preamble to the CAM rule addresses this issue by stating the following:

The Agency notes that if emission limitations or standards other than the exempt emission limits described above apply to the same pollutant-specific emissions unit, the owner or operator would still be subject to part 64 for that pollutant-specific emissions unit and may have to upgrade the existing monitoring or add other types of monitoring. The Agency believes that for many situations in which both exempt and non-exempt emission limits apply to a particular pollutant-specific emissions unit, the monitoring for the exempt limit may be adequate to satisfy part 64 for the other non-exempt emission limit(s). Section 64.4(b)(4) of the rule recognizes this possibility and allows the owner or operator to meet the obligation to explain the appropriateness of its proposed monitoring by stating that it is proposing monitoring for non-exempt limits that is based on the monitoring conducted for certain types of exempt emission limits.

This issue is further clarified by an EPA guidance document which states:

[the proposed] monitoring may be based on the monitoring required for the exempted rule but **the permit submittal must include justification that the selected monitoring will be sufficient to satisfy part 64** and provide a reasonable assurance of compliance with the non-exempt rule or emissions limitation.

In addition to Subpart X, the rotary furnace is also subject to an 8 lb/day PM10 limit pursuant to the District's BACT and offset requirements. Because the rotary furnace is subject to this emission limit and meets the other applicability criteria under § 64.2, Quemetco is still subject to CAM for this emission unit.

Resolution:

EPA appreciates the District's commitment to address this issue by requiring the Permittee to prepare and submit a CAM plan pursuant to § 64.4 prior to issuance of the permit. In accordance with the preamble to the CAM Rule and the guidance document cited above, it may be possible for the Permittee to satisfy its Part 64 monitoring obligations by relying on the monitoring requirements of Subpart X. However, if that is the case, the Permittee must make such a demonstration in its submittal.

2. Comment:

The Compliance History section on page 5 of the Statement of Basis (SB) indicates that the facility has received two Notices to Comply and one Notice of Violation in the past two years. However, the SB does not contain a detailed discussion of the notices and the current compliance status of the facility. Without further information about the facility's compliance status, it is unclear whether the permit lacks a compliance schedule.

Resolution:

EPA appreciates the District's commitment to include a more thorough discussion of the notices in the SB. Information that may be helpful to EPA and the public include a description of the violations and an indication of how and when the notices were resolved. If the notices have not been completely resolved and the facility is not in compliance with all applicable requirements when the permit is issued, the District should add a compliance schedule to the permit or explain in the SB why one is not necessary.

3. Comment:

In cases where the District imposes monitoring pursuant to its periodic monitoring authority under Rule 3004(a)(4), the tag for the permit condition generally contains a reference to Rule 3004 but it does not contain a reference to the underlying applicable requirement with which it is intended to assure compliance. The absence of references to the underlying applicable requirements may make the Permittee's monitoring obligations unclear.

Resolution:

EPA appreciates the District's commitment to include citations to the underlying applicable requirements in the tags where only Rule 3004(a)(4) is cited.

4. Comment:

Condition D182.4 states that the operator "shall determine compliance with the ROG, CO, and PM10 emissions limit by conducting a source test no later than July 1, 2008, and not less than once every three years thereafter..." This condition applies to devices D3, D8, and D84, which are subject to multiple CO and PM

limits. While the condition specifically mentions the Rule 1303 limits, it is unclear whether the source test is also intended to assure compliance with the CO limit of Rule 407, the PM limit of Rule 409, the PM limit of NSPS Subpart L, and the PM limit of Rule 405.

Resolution:

EPA appreciates the District's commitment to clarify which limits are covered by the required source test. If the source test will not be used to determine compliance with all of the applicable limits, the District should explain in the SB why monitoring is not necessary to assure compliance with those standards.

5. Comment:

The equipment lists in Sections D and H of the permit indicate that the facility has several pot furnaces. It is unclear why these furnaces are not subject to NSPS Subpart L.

Resolution:

EPA appreciates the District's commitment to discuss the applicability of NSPS Subpart L with respect to the pot furnaces in the SB. If the furnaces are subject to the NSPS, the applicable requirements should be added to the permit as necessary.

6. Comment:

Pursuant to federally enforceable BACT and offset requirements, Condition S53.1 of the previous draft permit required that the Permittee maintain the level of plastic separation in the material separation system to the "maximum extent physically possible by the permitted equipment configuration." In comments submitted to the District on July 1, 2005, EPA noted that this requirement was unenforceable as a practical matter. The proposed permit now states the following:

For each calendar quarter, the ratio of the total amount of separated plastic shipped off site in that quarter to the total amount of raw lead metal produced from the reverberatory and lead slag furnaces in that quarter shall be 0.05 or greater.

While the revised requirement is practically enforceable, the District's rationale for establishing the specific ratio of 0.05 is unclear. It is also unclear how the District came to the conclusion that this ratio is representative of BACT.

Resolution:

EPA appreciates the District's commitment to explain the basis for the established ratio.

7. Comment:

40 CFR Part 63, Subpart X requires that the Permittee prepare and operate in accordance with standard operating procedures (SOP) manuals for the following:

- control of fugitive dust emissions sources within specified areas of the secondary lead smelter; and
- inspection, maintenance, and corrective action plans for all baghouses that are used to control process, process fugitive, or fugitive dust emissions from any source subject to the standards of §§ 63.543, 63.544 and 63.545.

While Conditions 10 and 12 of Section J require operation in accordance with the approved SOP manuals, the actual requirements of the facility are unclear because the manuals themselves were not provided with the proposed permit. An opportunity for EPA and public review of these manuals is important because the regulation contains minimum requirements that each one must meet and the ongoing recordkeeping and reporting requirements of the Subpart rely heavily on the approved manuals.

Resolution:

EPA appreciates the District's commitment to:

- 1) incorporate the SOP manuals into the final permit by reference to the date of the most recently approved versions; and
- 2) include the manuals themselves as attachments to the permit.

In response to comments submitted at the June 28, 2005 Public Consultation Meeting, the District indicated that the compliance plans prepared for Rules 1420 and 1407 collectively serve as the SOPs required by the NESHAP and that certain requirements have been incorporated into the permit as conditions tagged with Rules 1407 or 1420. Please note that if any of those conditions also address requirements related to the NESHAP or the required SOPs, they should be tagged with a citation to 40 CFR Part 63, Subpart X.

8. Comment:

For wet scrubbers that are used to control emissions from process fugitive sources, § 63.548(i) requires that the operator monitor and record the pressure drop and water flow rate of the scrubber during the initial performance test. Following the initial test, the regulation requires that the operator:

- a) monitor and record the pressure drop and water flow rate at least once every hour following the initial performance test; and
- b) maintain the pressure drop and water flow rate no lower than 30% below the pressure drop and water flow rate measured during the initial compliance test.

While condition K67.5 requires hourly monitoring of the pressure drop and water flow rate for scrubbers C40 and C89, the permit does not contain a requirement that the pressure drop and flow rate remain above 30% of the value measured during the initial source test. In addition, the above requirements for the wet scrubbers appear to have been omitted from Section J, which contains Subpart X requirements.

Resolution:

EPA appreciates the District's commitment to add the missing requirement to the permit. In doing so, the District should determine what the initial values were and state the specific numerical limits in the permit.

9. Comment:

Condition 14 of Section J states that the operator must take corrective measures if the pressure drop across the HEPA filters is outside the limits stated in Sections D and/or H of the permit. However, EPA was not able to find any pressure drop limits in the permit.

Resolution:

EPA appreciates the District's commitment to add the missing limits to the permit.

10. Comment:

The 20% opacity limit of 40 CFR 60.122(a)(2) (NSPS Subpart L) is missing from the permit for devices D8 and D84, and should be added.

EPA notes that Condition A63.1 contains a 20% opacity limit pursuant to 40 CFR **63**, Subpart L (National Emission Standards for Coke Oven Batteries) for these devices but the applicability of NESHAP Subpart L is unclear with respect to this facility.

Resolution:

EPA appreciates the District's commitment to ensure that the permit contains all necessary and appropriate requirements with respect to 40 CFR 60, Subpart L and 40 CFR 63, Subpart L by ensuring that the proper opacity limit is in the permit and by clarifying the applicability of the standards for coke oven batteries.

11. Comment:

Condition D322.2 requires the operator to perform a weekly inspection of the rotary dryer furnace for internal build-up of feed material. The condition further states the following:

To comply with this condition, the operator shall, within 24 hours following the discovery of **excessive** material build-up, remove material

which has fused and/or adhered to the internal surface of the rotary dryer furnace.

This condition is not practically enforceable because it is unclear how much material buildup is considered to be “excessive.”

Resolution:

EPA appreciates the District’s commitment to remove the word “excessive” and require removal of all build-up following the weekly inspections.

12. Comment:

Condition D12.5 requires that the triboelectric bag leak detector be accurate to “within the limits defined in the protocol from the manufacturer.” This is problematic because the protocol may not be readily available to the public and EPA, and may not specify the limits in a practically enforceable manner.

Resolution:

EPA appreciates the District’s commitment to state the limits directly in the permit.

13. Comment:

The permit does not contain monitoring or recordkeeping requirements for the following conditions, which limit the amount of material that can be processed by the pot furnaces.

Condition Number	Requirement
C1.2	The operator shall limit the material processed to no more than 640 ton(s) in any one day. For the purpose of this condition, material processed shall be defined as the total weight of all materials. This limit shall be based on the total combined limit for all pot furnaces.
C1.3	The operator shall limit the material processed to no more than 45750 lb(s) in any one calendar month. For the purpose of this condition, material processed shall be defined as phosphorus. This limit shall be based on the total combined limit for all pot furnaces.
C1.4	The operator shall limit the material processed to no more than 400 lb(s)/hr. For the purpose of this condition, material processed shall be defined as sulfur. This limit shall be based on the total combined limit for all pot furnaces.

Resolution:

EPA appreciates the District’s commitment to add monitoring and recordkeeping requirements to the permit to assure compliance with the conditions listed above.