



## **GROUP AGAINST SMOG & POLLUTION**

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July 15, 2019

**VIA EMAIL (nwaryanka@pa.gov)**  
Pennsylvania Department of Environmental Protection  
Southwest Regional Office  
400 Waterfront Drive  
Pittsburgh, PA 15222  
Attention: Mr. Nick Waryanka, Air Quality Engineer

**Re: Comments of Group Against Smog and Pollution, Regarding Draft Title V Operating Permit for Flexsys America, L.P./Monongahela (Permit # 63-00015)**

Dear Ms. Nahar:

Please accept these comments regarding the draft Title V Operating Permit (# 63-00015) (the "Permit") for Flexsys America, L.P./Monongahela (the "Facility"), which I am submitting on behalf of the Group Against Smog and Pollution. According to the notice posted in the June 15, 2019 Pennsylvania Bulletin, the Department is accepting comments on the Permit through July 15, 2019.

Very truly yours,

/s

John K. Baillie  
Senior Attorney

**COMMENTS OF THE GROUP AGAINST SMOG AND POLLUTION REGARDING  
THE DRAFT TITLE V OPERATING PERMIT  
FOR FLEXSYS AMERICA L.P./MONONGAHELA (#63-00015)**

**I. THE PERMIT MUST BE REVISED TO INCLUDE TESTING, MONITORING, OR RECORDKEEPING SUFFICIENT TO ASSURE COMPLIANCE WITH LIMITS ON PARTICULATE MATTER EMISSIONS FROM THE FACILITY'S CRYSTEX PLANT**

Section D.101.I #001 of the Permit imposes a limit on the concentration of particulate matter (“PM”) in the effluent gas emitted by the Facility’s Crystex Plant. The Permit does not require that the concentration of PM emissions from the Crystex Plant be tested<sup>1</sup> or monitored,<sup>2</sup> but rather provides that “the permittee shall verify particulate matter emission rates using the most recent AP-42 emission factors or other applicable methods with prior written approval from the Department.”<sup>3</sup>

The Clean Air Act requires that every Title V Operating Permit contain monitoring requirements that are “sufficient to assure compliance with the terms and conditions of the permit.”<sup>4</sup> A Title V Operating Permit that purports to authorize the development of methods to determine compliance outside of the Title V permitting process is inconsistent with this requirement,<sup>5</sup> because it does not permit the public to comment on, or EPA to review, the monitoring methodology that is ultimately selected to verify compliance.<sup>6</sup> Accordingly, a permitting authority may not issue a Title V Operating Permit “without specifying the

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<sup>1</sup> See Permit § D.101.II.

<sup>2</sup> See *id.*, § D.101.III.

<sup>3</sup> *Id.*, § D.101.V #018.

<sup>4</sup> 42 U.S.C. § 7661c(c); 40 C.F.R. § 70.6(c)(1).

<sup>5</sup> *In the matter of Wheelabrator Baltimore, L.P., Permit No. 24-510-01886*, 2010 EPA CAA Title V LEXIS 4, \*11 (Apr. 14, 2010).

<sup>6</sup> *In the matter of United States Steel Corp. – Granite City Works*, 2012 EPA CAA Title V LEXIS 10, \*27 (Dec. 3, 2012).

monitoring methodology needed to assure compliance with applicable requirements in the Title V permit.”<sup>7</sup>

Unspecified emissions factors are not sufficient to assure compliance with emission limits in a Title V Operating Permit.<sup>8</sup> Because the Permit does not identify the emission factors that might be used to demonstrate compliance with the Permit’s limits on PM concentrations in emissions from the Facility’s Crystex Plant, it is impossible to determine (and the Department’s review memo does not show) that those factors are indicative of the actual PM emissions from the Plant, and thus that they could be used to demonstrate compliance with the Permit’s emission limits on PM concentrations in emissions from the Facility’s Crystex Plant.

Similarly, it is impossible to know whether any “other applicable method” approved by the Department will assure compliance with the Permit’s emission limit on the concentration of PM emitted from the Facility’s Crystex Plant, because that method has not yet been chosen.<sup>9</sup>

Accordingly, the Permit must be revised to specify which AP-42 emission factors or other methods will be used to verify compliance with the Permit’s limit on the concentration of PM in the effluent gas emitted from the Facility’s Crystex Plant, and, if necessary, to require testing sufficient to demonstrate that such emission factors or “other applicable methods” are indicative of the Crystex Plant’s PM emissions.

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<sup>7</sup> See *id.*, at \* 31.

<sup>8</sup> See *id.*, at \*27-28.

<sup>9</sup> See *id.*, at \*31.

## II. THE PERMIT MUST BE REVISED TO INCLUDE TESTING, MONITORING, OR RECORDKEEPING SUFFICIENT TO ASSURE COMPLIANCE WITH LIMITS ON SO<sub>2</sub> EMISSIONS FROM THE THERMAL OXIDIZER

Section D.101.I # 004 of the Permit imposes hourly and rolling twelve month limits on emissions of sulfur dioxide (“SO<sub>2</sub>”) from the Crystex Plant’s Thermal Oxidizer. The Permit does not require that SO<sub>2</sub> emissions from the Thermal Oxidizer be monitored.<sup>10</sup> The Permit requires that SO<sub>2</sub> emissions from the Thermal Oxidizer be tested only once every five years.<sup>11</sup> The Permit provides that “the permittee shall verify SO<sub>2</sub> emission rates using the most recent stack test data, material balance methods, the most current AP-42 emission factors or other applicable methods with prior written approval from the Department.”<sup>12</sup>

A Title V Operating Permit must require testing sufficient to assure compliance with the terms and conditions of the permit.<sup>13</sup> Testing that is conducted only once every five years is insufficient to assure compliance with hourly and annual emission limits.<sup>14</sup>

The Clean Air Act also requires that every Title V Operating Permit contain monitoring requirements that are “sufficient to assure compliance with the terms and conditions of the permit.”<sup>15</sup> A Title V Operating Permit that purports to authorize the development of methods to determine compliance outside of the Title V permitting process is inconsistent with this requirement,<sup>16</sup> because it does not permit the public to comment on, or EPA to review, the

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<sup>10</sup> See Permit § D.101.III.

<sup>11</sup> See *id.*, § D.101.II #010.

<sup>12</sup> *Id.*, § D.101.V #019.

<sup>13</sup> 40 C.F.R. § 70.6(c)(1).

<sup>14</sup> See *In the matter of Luke Paper Co.*, 2010 EPA CAA Title V LEXIS 7, at \*14-15.

<sup>15</sup> 42 U.S.C. § 7661c(c); 40 C.F.R. § 70.6(c)(1).

<sup>16</sup> *In the matter of Wheelabrator Baltimore, L.P.*, Permit No. 24-510-01886, 2010 EPA CAA Title V LEXIS 4, at \*11.

monitoring methodology that is ultimately selected to verify compliance.<sup>17</sup> Accordingly, a permitting authority may not issue a Title V Operating Permit “without specifying the monitoring methodology needed to assure compliance with applicable requirements in the Title V permit.”<sup>18</sup>

Unspecified emissions factors also are not sufficient to assure compliance with emission limits in a Title V Operating Permit.<sup>19</sup> Because the Permit does not identify the emission factors that might be used to demonstrate compliance with the Permit’s limits on hourly and rolling twelve month SO<sub>2</sub> emissions from the Crystex Plant’s Thermal Oxidizer, it is impossible to determine (and the Department’s review memo does not show) that those factors are indicative of the Thermal Oxidizer’s actual SO<sub>2</sub> emissions, and thus that they could be used to demonstrate compliance with the Permit’s limits on SO<sub>2</sub> emissions from the Thermal Oxidizer.

Similarly, it is impossible to know whether unspecified “material balance methods” or other unspecified “applicable method” approved by the Department will assure compliance with the Permit’s hourly and rolling twelve month limits on emissions of SO<sub>2</sub> from the Crystex Plant’s Thermal Oxidizer.<sup>20</sup>

Accordingly, the Permit must be revised to incorporate more frequent testing of SO<sub>2</sub> emissions from the Thermal Oxidizer, to incorporate monitoring of those emissions, or to specify which “material balance methods,” AP-42 emission factors, or “other applicable methods” will be used to assure compliance with limits on emissions of SO<sub>2</sub> from the Crystex Plant’s Thermal Oxidizer. Further, if necessary, the Permit must be revised to require testing that is sufficient to

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<sup>17</sup> *In the matter of United States Steel Corp. – Granite City Works*, 2012 EPA CAA Title V LEXIS 10, at \*27.

<sup>18</sup> *See id.*, at \*31.

<sup>19</sup> *See id.*, at \*27-28.

<sup>20</sup> *See id.*, at \*31.

demonstrate that any emission factors or “other applicable methods” that are ultimately chosen to verify compliance are indicative of the Thermal Oxidizer’s emissions of SO<sub>2</sub>.

**III. THE PERMIT MUST BE REVISED TO INCLUDE TESTING, MONITORING, OR RECORDKEEPING SUFFICIENT TO ASSURE COMPLIANCE WITH LIMITS ON VOC EMISSIONS FROM THE “CRYSTEX PROCESS STACK”**

A Title V Operating Permit must contain testing, monitoring, and recordkeeping requirements that are “sufficient to assure compliance with the terms and conditions of the Permit.”<sup>21</sup> If the testing, monitoring, and recordkeeping requirements for a source in a Title V Operating Permit are not sufficient to assure compliance with an applicable emission limit, the Permit must be revised to include testing, monitoring, and/or recordkeeping requirements that are sufficient to assure such compliance.<sup>22</sup>

Section D.101.I #006 imposes an hourly limit on “[Volatile Organic Compound (“VOC”)]” emissions from the crystex process stack.” However, the Permit’s Site Inventory List does not include a “crystex process stack,” although it does identify four stacks that are associated with the Facility’s Crystex Plant: the Thermal Oxidizer Stack (source ID S02), the Crystex Packaging Replacement Baghouse Stack (source ID S04A), the CS<sub>2</sub> Recovery Absorber Stack (source ID S06), and the Crystex Plant Emergency Flare Stack (source ID S101). Section D.101.I should be revised to identify which stack or stacks in the Facility’s Crystex Plant are subject to the Permit’s hourly limit on VOC emissions.

Further, the Permit does not appear to incorporate testing,<sup>23</sup> monitoring,<sup>24</sup> or recordkeeping<sup>25</sup> requirements that would assure compliance with the hourly limit on VOC

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<sup>21</sup> 42 U.S.C. § 7661c(c); 40 C.F.R. § 70.6(c)(1).

<sup>22</sup> *See In the matter of Luke Paper Co.*, 2010 EPA CAA Title V LEXIS 7, at \*14-15.

<sup>23</sup> *See* Permit § D.101.II.

emissions from the “crystex process stack.” The Permit must be revised to include testing, monitoring, and/or recordkeeping requirements that are sufficient to assure compliance with that emission limit.

**IV. THE PERMIT MUST BE REVISED TO INCLUDE TESTING, MONITORING, OR RECORDKEEPING SUFFICIENT TO ASSURE COMPLIANCE WITH LIMITS ON PM AND SO2 EMISSIONS FROM THE VAPORIZER**

The Permit imposes pounds per million BTU of heat input on emissions of PM<sup>26</sup> and SO<sub>2</sub><sup>27</sup> from the Facility’s Vaporizer. The Permit does not require that those emissions be tested<sup>28</sup> or monitored<sup>29</sup> to assure compliance with the applicable limits, but rather provides that “the permittee shall verify [PM and SO<sub>2</sub>] emission rates using the most recent AP-42 emission factors or other appropriate methods with prior written approval from the Department.”<sup>30</sup>

The Clean Air Act requires that every Title V Operating Permit contain monitoring requirements that are “sufficient to assure compliance with the terms and conditions of the permit.”<sup>31</sup> A Title V Operating Permit that purports to authorize the development of methods to determine compliance outside of the Title V permitting process is inconsistent with this requirement,<sup>32</sup> because it does not permit the public to comment on, or EPA to review, the

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<sup>24</sup> See *id.*, § D.101.III

<sup>25</sup> See *id.*, § D.101.IV.

<sup>26</sup> See Permit § D.103.I #001.

<sup>27</sup> See *id.*, § D.103.I #002.

<sup>28</sup> See *id.*, § D.103.II.

<sup>29</sup> See *id.*, § D.103.III.

<sup>30</sup> *Id.*, §§ D.103.V #005 (SO<sub>2</sub>) and #006 (PM).

<sup>31</sup> 42 U.S.C. § 7661c(c); 40 C.F.R. § 70.6(c)(1).

<sup>32</sup> *In the matter of Wheelabrator Baltimore, L.P., Permit No. 24-510-01886*, 2010 EPA CAA Title V LEXIS 4, at \*11.

monitoring methodology that is ultimately selected to verify compliance.<sup>33</sup> Accordingly, a permitting authority may not issue a Title V Operating Permit “without specifying the monitoring methodology needed to assure compliance with applicable requirements in the Title V permit.”<sup>34</sup>

Unspecified emissions factors are not sufficient to assure compliance with emission limits in a Title V Operating Permit.<sup>35</sup> Because the Permit does not identify the emission factors that might be used to demonstrate compliance with the Permit’s limits emissions of PM or SO<sub>2</sub> from the Facility’s Vaporizer, it is impossible to determine (and the Department’s review memo does not show) that those factors are indicative of the actual PM and SO<sub>2</sub> emissions from the Vaporizer, and thus that they could be used to demonstrate compliance with the Permit’s limits on PM and SO<sub>2</sub> emissions from the Vaporizer.

Similarly, it is impossible to know whether any “other applicable method” approved by the Department will assure compliance with the Permit’s limits on emissions of PM and SO<sub>2</sub> from the Facility’s Vaporizer, because that method has not yet been chosen.<sup>36</sup>

Accordingly, the Permit must be revised to specify which AP-42 emission factors or other method of assuring compliance with the Permit’s limits on emissions of PM and SO<sub>2</sub> from the Facility’s Vaporizer will be used to verify compliance, and, if necessary, to require testing that is sufficient to demonstrate that such emission factors or “other applicable methods” are indicative of the Vaporizer’s emissions of PM and SO<sub>2</sub>.

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<sup>33</sup> *In the matter of United States Steel Corp. – Granite City Works*, 2012 EPA CAA Title V LEXIS 10, at \*27.

<sup>34</sup> *See id.*, at \* 31.

<sup>35</sup> *See id.*, at \*27-28.

<sup>36</sup> *See id.*, at \*31.