



## GROUP AGAINST SMOG & POLLUTION

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November 12, 2014

### VIA EMAIL

Allegheny County Health Department  
Air Quality Program  
301 39th St., Bldg. 7  
Pittsburgh, PA 15201  
aqpermits@achd.net

**Re: Comments of Group Against Smog and Pollution, Regarding Draft Title V  
Operating Permit for Liberty Pultrusions (Permit # 0015)  
1575 Lebanon School Road, West Mifflin, PA 15122**

Dear Sir or Madam:

Please accept these comments regarding the draft Title V Operating Permit (#0015) for Liberty Pultrusions, on behalf of the Group Against Smog and Pollution ("GASP"). According to the notice posted on its website, the Allegheny County Health Department ("ACHD") is accepting comments on the Permit through November 12, 2014..

Very truly yours,

/s

John K. Baillie  
Staff Attorney

**GROUP AGAINST SMOG AND POLLUTION’S COMMENTS REGARDING THE  
DRAFT TITLE V OPERATING PERMIT FOR LIBERTY PULTRUSIONS  
(ACHD PERMIT # 0015)**

**I. Liberty Pultrusions’ Title V Operating Permit Must Incorporate All Applicable Monitoring, Recordkeeping, And Reporting Requirements**

A Title V Operating Permit must consolidate, “in a single, comprehensive set of documents, all [Clean Air Act] requirements relevant to the particular polluting source.”<sup>1</sup> Thus, the United States Environmental Protection Agency’s (“USEPA”) regulations concerning Title V Operating Permits direct that each Title V Operating Permit must incorporate: “[a]ll monitoring and analysis procedures or test methods required under applicable monitoring and testing requirements;”<sup>2</sup> “all applicable recordkeeping requirements;”<sup>3</sup> and “all applicable reporting requirements.”<sup>4</sup>

Accordingly, it is not sufficient for Liberty Pultrusions’ Title V Operating Permit (the “Permit”) to state that Liberty Pultrusions “shall comply with all applicable requirements of 40 C.F.R. part 63, subpart WWWW,”<sup>5</sup> as the Permit does in its section IV.26. Neither Allegheny County Health Department (“ACHD”) enforcement personnel, nor Liberty Pultrusions’ compliance personnel, nor interested citizens should be required to analyze a regulation as lengthy and complex as subpart WWWW to determine which of its requirements apply to the Facility, and which of its requirements do not. Rather, the specific requirements from subpart WWWW that apply to Liberty Pultrusions’ facility (the “Facility”) should be identified explicitly and included in the Permit. Based on GASP’s review of the Permit and ACHD’s Technical

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<sup>1</sup> *Virginia v. Browner*, 80 F.3d 869, 873 (4<sup>th</sup> Cir. 1996), *cert. denied*, 519 U.S. 1090 (1997); *see also Public Citizen, Inc. v. United States Envtl. Prot. Agency*, 343 F.3d 449, 453 (5<sup>th</sup> Cir. 2003) (“Title V Permits do not impose additional requirements on sources but, to facilitate compliance, consolidate all applicable requirements in a single document”).

<sup>2</sup> 40 C.F.R. § 70.6(a)(3)(i)(A).

<sup>3</sup> 40 C.F.R. § 70.6(a)(3)(ii).

<sup>4</sup> 40 C.F.R. § 70.6(a)(3)(iii).

<sup>5</sup> 40 C.F.R. part 63, subpart WWWW (“subpart WWWW”) is codified at 40 C.F.R. §§ 63.5780 – 63.5935.

Support Document, there appear to be several monitoring, recordkeeping, and reporting requirements from subpart WWWW that apply to the Facility that have not been included in the Permit. They are identified and briefly discussed below.

### **Site Level Terms and Conditions**

40 C.F.R. § 63.5835(c) provides that a source that is subject to subpart WWWW must at all times be operated and maintained according to the provisions of 40 C.F.R. § 63.6(e)(1)(i).<sup>6</sup>

Section 63.6(e)(1)(i) provides (in part):

At all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. During a period of startup, shutdown, or malfunction, this general duty to minimize emissions requires that the owner or operator reduce emissions from the affected source to the greatest extent which is consistent with safety and good air pollution control practices.<sup>7</sup>

Section IV.5 of the Permit should be revised to better reflect Liberty Pultrusions' duty to operate the Facility “[a]t all times ... in a manner consistent with safety and good air pollution control practices,” including during periods of startup, shutdown, and malfunction, and to reflect that 40 C.F.R. §§ 63.6 and 63.5380 (along with Article XXI, § 2105.03) are the origin and authority for that Permit provision.<sup>8</sup>

### **Emissions Unit-Level Restrictions**

Section V.A.1 does not include a restriction based on 40 C.F.R. § 63.5830(b)(4), which applies to pultrusion lines that have pre-wet areas prior to direct die injection, and requires that:

(i) such lines have “no more than 12.5 inches of open wet stock ... between the entrance of the

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<sup>6</sup> 40 C.F.R. § 63.5835(c).

<sup>7</sup> 40 C.F.R. § 63.6(e)(1)(i).

<sup>8</sup> See 40 C.F.R. § 70.6(a)(1)(i) (requiring that a Title V Operating Permit “specify and reference the origin of and authority for each term or condition” it includes).

first pre-wet area and the entrance to the die;” and (ii) any drip from the pre-wet stock must be enclosed.<sup>9</sup> Based on its review of the Permit and ACHD’s Technical Support Document, GASP was unable to determine whether any of the Facility’s pultrusion lines have pre-wet areas prior to direct die injection. If any of them do, the Permit must be revised to include a restriction based on section 63.5830(b)(4).

### **Testing**

40 C.F.R. § 63.5845 requires a Facility to “conduct a performance test every 5 years following the initial performance test for any standard” it meets with an add-on control device.<sup>10</sup> According to ACHD’s Technical Support Document, the Facility’s pultrusion lines purportedly operate with two add-on control devices: wet area enclosures and a resin drip collection system (or systems).<sup>11</sup> Section V.A.2 of the Permit should be revised to include a requirement that a performance test be conducted at least once every five years to ensure the efficiency of the Facility’s wet area enclosures and resin drip collection systems.

Similarly, ACHD’s Technical Support Document states that the Facility’s cut-off saws and chop saws use a baghouse as an add-on control device.<sup>12</sup> Accordingly, section V.B.2 of the Permit should include a requirement that a performance test be conducted at least once every five years to ensure the efficiency of the Facility’s baghouse.

### **Monitoring**

40 C.F.R. § 63.5895(c) provides:

You must collect and keep records of resin and gel coat use, organic HAP content, and operation where the resin is used if you are meeting any organic HAP

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<sup>9</sup> 40 C.F.R. § 63.5830(b)(4).

<sup>10</sup> 40 C.F.R. § 63.5845.

<sup>11</sup> Allegheny County Health Department, Air Quality Program, Technical Support Document for Liberty Pultrusions (Operating Permit # 0015) (Sept. 25, 2014), at 2.

<sup>12</sup> *Id.*

emissions limits based on an organic HAP emissions limit in Tables 3 or 5 to this subpart. You must collect and keep records of resin and gel coat use, organic HAP content, and operation where the resin is used if you are meeting any organic HAP content limits in Table 7 to this subpart if you are averaging organic HAP contents. Resin use records may be based on purchase records if you can reasonably estimate how the resin is applied. The organic HAP content records may be based on MSDS or on resin specifications supplied by the resin supplier.

These requirements apply because the Facility's pultrusion lines appear to be subject to a limit on organic HAP emissions established by Table 3 to subpart WWWW (specifically, a requirement to "reduce total organic HAP emissions by a least 60 weight percent").<sup>13</sup> They should thus be added to section V.A.3 of the Permit.

### **Record Keeping**

Section V.A.4 of the Permit does not incorporate the record keeping requirements set forth in 40 C.F.R. § 63.5915, and by reference, 40 C.F.R. part 63, subpart SS.<sup>14</sup> It should be revised so that those requirements are explicitly incorporated into the Permit.

### **Reporting**

40 C.F.R. § 63.5910(a) and Table 14 to subpart WWWW set forth specific reporting requirements relating to violations of emissions standards and startups, shutdowns, and malfunctions. Section V.A.5 of the Permit should be revised to incorporate those requirements.

## **II. The Draft Permit Cites Incorrect Authority For Several Terms And Conditions**

A Title V Operating Permit must "specify and reference the origin of and authority for each term or condition" in the permit.<sup>15</sup> The Permit incorrectly specifies the authority for a number of its terms and conditions.

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<sup>14</sup> See 40 C.F.R. § 63.5915(b).

<sup>15</sup> 40 C.F.R. § 70.6(a)(1)(i).

For example, almost all of the terms and conditions in sections V.A.1, V.A.2, V.A.3, V.A.4, and V.A.5 of the Permit are required by subpart WWWW. Accordingly, the authority to include those terms and conditions in the Permit derives from Article XXI, § 2103.12.a.2.C,<sup>16</sup> rather than from Article XXI, § 2103.12.a.2.D,<sup>17</sup> which is cited throughout Section V.A as the authority for such terms and conditions. The final permit should cite section 2103.12.a.2.C rather than section 2103.12.a.2.D.

The remaining terms and conditions in section V.A of the Permit (including the terms and conditions in sections V.A.1.b, V.A.1.c, V.A.1.d, V.A.6, and V.A.7) also are not based on Article XXI's BACT requirement for new sources, both because Liberty Pultrusions is not a new source and because the terms and conditions require work practices rather than control technologies. Accordingly, the Permit should not identify section 2103.12.a.2.D as the origin or authority for those terms and conditions.<sup>18</sup>

Sections V.A.2, V.A.3, and V.B.3 of the Permit cites Article XXI, § 2102.04.e as authority for certain testing and monitoring requirements. Section 2102.04.e gives ACHD the authority to include in installation permits such terms and conditions as are necessary to comply with applicable law, and thus cannot be authority for a term or condition in an operating permit. Accordingly, section 2103.12.a.2.A or section 2103.12.h.1 of Article XXI should be cited as authority for section V.A.2 of the Permit, and section 2103.12.i should be cited as authority for sections V.A.3 and V.B.3 of the Permit.

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<sup>16</sup> Article XXI, § 21 provides that operating permits must require compliance with all applicable National Emissions Standards for Hazardous Air Pollutants (“NESHAPs”),

<sup>17</sup> Section 2103.12.a.2.D provides that operating permits for new sources must require sources to operate Best Available Control Technology (“BACT”).

<sup>18</sup> For example, if a term or condition is required by one of Liberty Pultrusions' installation permits, the Permit should cite Article XXI, § 2103.12.a.2.A as the origin and authority for the term or condition, rather than Article XXI, § 2103.12.a.2.D.

### **III. The Draft Permit Omits Citations To Authority For Several Terms And Conditions**

The Permit includes a number of terms and conditions that are required by subpart WWWW, but does not cite to those provisions as authority, including the following:

<b>Permit Provision</b>	<b>Subpart WWWW Authority</b>
V.A.2.a	40 C.F.R. § 63.5845
V.A.3	40 C.F.R. § 63.5895(c)
V.A.4	40 C.F.R. § 5915
V.A.4.a.5	40 C.F.R. § 5985(e)
V.A.5	40 C.F.R. § 5910(a) and Table 14 to Subpart WWWW

The applicable authority for each such Permit provision should be included in the Permit.

Finally, the Permit fails to identify the authority for its section V.B.1.b; a citation to the applicable authority for that term should be included in the final permit.