

Facility Name: **Anchor Glass Container Corporation**
 City: Warner Robins
 County: Houston
 AIRS #: 04-13-153-00014

Application #: TV-9184
 Date Application Received: October 22, 1996
 Date Application Deemed
 Administratively Complete: December 22, 1996
 Date of Draft Permit:
 Permit No: 3221-153-0014-V-02-0

Program	Review Engineers	Review Managers
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Toxics	N/A	N/A

Introduction

This narrative is being provided to assist the reader in understanding the content of the attached operating permit amendment. Complex issues and unusual items are explained herein simpler terms and/or greater detail than is sometimes possible in the actual permit. This permit is being issued pursuant to: (1) Georgia Air Quality Act, O.C.G.A § 12-9-1, et seq. and (2) Georgia Rules for Air Quality Control, Chapter 391-3-1. Section 391-3-1-.03(10) of the Georgia Rules for Air Quality Control incorporates requirements of Part 70 of Chapter I of Title 40 of the Code of Federal Regulations promulgated pursuant to the Federal Clean Air Act. The following narrative is designed to accompany the draft permit and is presented in the same general order as the permit. The purpose of this narrative is to provide information only. Any revisions made to the permit in response to comments received during the public participation and EPA review process will be described in an addendum to this narrative.

I. Facility Description**A. Facility Identification**

1. Facility Name: Anchor Glass Container Corporation
2. Parent/Holding Company Name: Anchor Glass Container Corporation
3. Previous and/or Other Name(s): None
4. Facility Location:

1044 Booth Road
Warner Robins, GA 31088 (Houston County)
5. Attainment or Non-attainment Area Location:

The facility is located in Middle Georgia Region and is in an attainment area.
6. Class I Area Impacts:

This facility is not located within 100 km of a Class I area.

B. Site Determination

There are no other facilities which could possibly be contiguous or adjacent and under common control.

C. Existing Permits**Table 1: List of Current Permits as Amended**

Permit Number and/or Purpose of Issuance	Date of Issuance and Date of Amendments (if any)	Comments	
		Yes	No
3221-076-10739	April 12, 1991	x	
3221-076-10739 (amendment)	July 19, 1991	x	
3221-076-12376	February 20, 1997	x	
3221-153-0014-E-01-0	December 2, 1997	x	

Table 2: Comments on Specific Permits

Permit Number	Comments
3221-076-10739	Issuance of the operating permit - Revoked
3221-076-10739	Amendment to the operating permit - Revoked
3221-076-12376	Name change to the existing permit - Revoked
3221-153-0014-E-01-0	New permit issued

D. Process Description

1. SIC Code(s):

Major- 3221

Other- None

2. Description of Product(s):

Glass Containers for food and beverages.

3. Overall Facility Process Description:

Anchor Glass Container Corporation manufactures various types and colors of container glass primarily used for the packaging of food and beverages.

4. Overall Process Flow Diagram:

See Title V Application.

E. Regulatory Status

1. PSD/NSR

Anchor Glass was originally constructed prior to the implementation of the PSD regulations and is considered to be an existing major source.

2. Title V Major Source Status by Pollutant

Table 3: Title V Major Source Status

Pollutant	Is the Pollutant Emitted?	If emitted, what is the facility's Title V status for the pollutant?		
		Major Source Status	Major Source Requesting SM Status	Non-Major Source Status
PM	Yes	✓		
PM ₁₀	Yes	✓		
SO ₂	Yes	✓		
VOC	Yes			✓
NO _x	Yes	✓		
CO	Yes			✓
TRS	Yes			✓
H ₂ S	Yes			✓
Individual HAP	Yes			✓

Pollutant	Is the Pollutant Emitted?	If emitted, what is the facility's Title V status for the pollutant?		
		Major Source Status	Major Source Requesting SM Status	Non-Major Source Status
Total HAPs	Yes			✓

3. MACT Standards

Anchor Glass is not currently subject to any MACT standards.

4. Program Applicability

Program Code	Applicable (y/n)
Program Code 6 - PSD	No
Program Code 8 – Part 61 NESHAP	No
Program Code 9 - NSPS	No
Program Code M – Part 63 NESHAP	No
Program Code V – Title V	Yes

Regulatory Analysis**II. Facility Wide Requirements**

A. Emission and Operating Caps:

Not Applicable.

B. Applicable Rules and Regulations

Not Applicable.

C. Compliance Status

The facility did not submit a Section 11.10 form with the initial Title V application or application update. This indicates that the source believes itself to be in compliance with all Air Quality Rules as of the application date.

D. Operational Flexibility

There were no operational flexibility requests in the Title V application.

E. Permit Conditions

Not Applicable.

III. Regulated Equipment Requirements

A. Brief Process Description

Raw materials are received by railcar in the batch house. The materials are mixed with cullet, weighed and conveyed to one of two glass furnaces. Molten glass from each furnace goes to its own refiner where the proper glass chemistry is established. Following the refiners are forehearths, bottle-forming machines, surface treatment lines, Lehrs (for the controlled cooling of the glass), bottle coding devices, carton gluing devices and warehousing operations.

B. Equipment List for the Process

Emission Units		Specific Limitations/Requirements		Air Pollution Control Devices	
ID No.	Description	Applicable Requirements/Standards	Corresponding Permit Conditions	ID No.	Description
EU01	Glass Melting Furnace No.1	391-3-1-.02(2)(b) 391-3-1-.02(2)(e) 391-3-1-.02(2)(g)	3.4.1 3.4.3, 3.4.4, 3.4.2, 4.2.1, 5.2.1	None	None
EU02	Glass Melting Furnace No.2	391-3-1-.02(2)(b) 391-3-1-.02(2)(e) 391-3-1-.02(2)(g)	3.4.1 3.4.3, 3.4.4, 3.4.2, 4.2.1, 5.2.1	None	None

* Generally applicable requirements contained in this permit may also apply to emission units listed above.

C. Equipment & Rule Applicability

Emission and Operating Caps –

None Applicable.

Applicable Rules and Regulations –

Following is an overview of the Specific Rules and Regulations that apply to this facility.

Georgia Rule (b) “Visible Emissions” applies to all sources that are subject to at least one other emission limitation and are not subject to any other, more stringent, opacity standard. Rule (b) limits visible emissions to 40 percent opacity.

Georgia Rule (e) “Particulate Emission from Manufacturing Processes” applies to all processes that emit particulate matter and are not covered by a more specific rule or regulation. Emissions are limited by the equation:

$$E = 4.1P^{0.67}, \text{ where } E \text{ equals the allowable particulate matter emission rate in pounds per hour, and } P \text{ equals the process input rate in tons per hour.}$$

This equation is contained in condition 3.4.3 of the permit.

Georgia Rule (g) " Sulphur Dioxide" applies to all fuel burning sources capable of burning fossil fuel. However, part 1 of the Rule is not applicable since there are no fuel burning sources at this facility with heat inputs of greater than 250 million BTU's per hour. Part 2 of this Rule limits fuel oil sulfur content to 2.5 percent sulfur or less.

D. Compliance Status

According to the Title V application, the facility is currently operating in compliance.

E. Operational Flexibility

Not Applicable.

F. Permit Conditions

Condition 3.4.1 - Although Anchor Glass has always been subject to the Rule (b) 40% opacity limit, it had not been included as a condition in earlier permits. The affected equipment is expected to easily meet this limit without the use of any emissions controls.

Condition 3.4.2 - Although Anchor Glass has always been subject to Rule (g), it had not been included as a condition in earlier permits. This condition limits the sulfur content of fuel burned to 2.5% sulfur, by weight.

Condition 3.4.3 - Limits the particulate matter emissions from the two furnaces according to Rule (e). Condition 3 of the existing permit is carried over without change. The permit contains both the allowable emissions equation as well as the calculated maximum allowable emission rates for each of the two furnaces. The maximum allowables were calculated for a previous permit based upon maximum production numbers contained in an earlier SIP application. For a performance test, the allowable emission rate would be calculated according to the formula but could be no higher than the maximum allowable rate for that furnace.

Condition 3.4.4 - Limits the daily glass production rate from each furnace in accordance with existing Condition No. 4. Increases in daily glass production rates would subject furnace EU01 to the New Source Performance Standard for Glass Manufacturing Plants, 40 CFR, Part 60, Subpart CC. [Note: increases in the rate for either furnace may be subject it to PSD permitting.]

IV. Testing Requirements (with Associated Record Keeping and Reporting)**A. General Testing Requirements:**

Provisions are made in the permit for any future performance test which may be required to demonstrate compliance with an emission limit in Part 3.0. The test methods to be used to determine compliance are listed and a general condition requiring notification of any test and submission of a test plan are also provided.

B. Specific Testing Requirements:

The permit requires that performance tests for Particulate Matter (PM) emissions be conducted on Glass Melting Furnaces with EU01 and EU02 within 120 days of the date this permit is issued to determine whether the furnaces are in compliance with the emissions limitations in Part 3.0. During the testing, the Permittee shall measure and record the bridgewall temperature on each furnace. The measurement will be used to establish the maximum bridgewall temperature at which compliance is assured. Following the initial performance tests, testing for PM emissions is required to be conducted at sixty (60) month intervals.

V. Monitoring Requirements (with Associated Record Keeping and Reporting)**A. General Monitoring Requirements:**

Condition 5.1.1 requires that all monitors be operated continuously except during breakdowns and repairs. Any repairs or maintenance should be completed in an expeditious manner so downtime is minimized. All data should be recorded during any calibration activity to help verify that the calibration was performed and completed properly.

B. Specific Monitoring Requirements:

Furnaces EU01 and EU02 are subject to the emission limitations in Georgia Rules 391-3-1-.02(2)(b), (e) and (g). The furnaces are fired with natural gas and Number 2 fuel oil.

Emissions of Particulate Matter (PM) are governed by Rule (e) and Opacity by Rule (b). Compliance with the Rule (e) PM limitation can be achieved through proper operation of each furnace. A good indicator of proper furnace operation, which indicates that PM emissions are being minimized, is the furnace bridgewall temperature (ref. *Use of Electric Boost to Reduce Glass Furnace Emissions*, R.J. Ryder of Brockway Glass Company, 1978). To assure compliance with Rule (e), the bridgewall temperature is required to be measured once per day that a furnace is operated and the trigger values for reporting excursions must be based upon the bridgewall temperatures measured during the most recent PM emissions test done to comply with the permit. Monitoring bridgewall temperature will also serve to assure that the Opacity limit of 40 percent is not exceeded.

C. Associated Record Keeping and Reporting

Records of all data collected in accordance with the required monitoring protocols discussed in Section 5.2 shall be maintained by Permittee and shall be submitted semi-annually.

VI. Other Record Keeping and Reporting Requirements**A. General Record Keeping and Reporting Requirements**

Section 6.1 of the Permit contains general requirements for the maintenance of all records for a period of five years following the date of entry and the prompt reporting of all related information regards to deviations from applicable requirements. The submission of written reports (semiannually) of any failure to meet an applicable emission and/or any failure to comply with or complete any work practice or standard contained in this permit is also required. Condition 6.1.7 requires the Permittee to report any departure from an indicator range or value established for monitoring consistent with any averaging period specified for averaging the results of monitoring.

B. Specific Record Keeping and Reporting Requirements

Condition 3.4.4 limits the production capacity of each furnace. Hourly production records are required to assure compliance with the production limits for each furnace. From these records, a total production for each day is required to be calculated and recorded for each furnace. Any daily total greater than the allowed production limit is required to be reported as an exceedance in the semiannual report.

Compliance with the fuel sulfur limit is determined using fuel supplier certifications for Number 2 fuel oil. The sulfur content of natural gas is negligible and therefore, no certification is required for this fuel.

VII. Specific Requirements

A. Operational Flexibility

Not Applicable.

B. Alternative Requirements

Not Applicable.

C. Insignificant Activities

Insignificant activities are listed in Attachment B of the permit and in section 4.10 and section 4.50 of the Title V permit application.

D. Temporary Sources

Not Applicable.

E. Short-Term Activities

Not Applicable.

F. Compliance Schedule/Progress Reports

Not Applicable.

G. Emissions Trading

Not Applicable.

H. Acid Rain Requirements

Not Applicable.

I. Prevention of Accidental Releases

Not Applicable.

J. Stratospheric Ozone Protection Requirements

Not Applicable.

K. Pollution Prevention

Not Applicable.

L. Specific Conditions

Not Applicable.

VIII. General Provisions

Generic provisions have been included in this permit to address the requirements in 40 CFR Part 70 that apply to all Title V sources, and the requirements in Chapter 391-3-1 of the Georgia Rules for Air Quality Control that apply to all stationary sources of air pollution.

Draft Permit Review		
Reviewing Program	Comments Received (y/n)?	Comments Taken into Consideration in Draft Permit (y/n)?
ISMP	Yes	Yes
SSCP	Yes	Yes

SSPP Unit Manager: _____
//SSPP Unit Manager// Date

SSPP Program Manager: _____
//SSPP Program Manager// Date

Addendum to Narrative

The comment deadline for the draft permit was March 24, 2001.

Written comments were received on March 6, 2001 from Consumer's Glass (part of Consumer's Packaging, Inc.) that owns Anchor Glass. A summary of each comment and EPD's response can be found below.

Company Comment No. 1

The company commented on Draft Permit Condition 3.4.4 which states that "Any increase in the permitted production rate for Glass Melting Furnace with source code EU01 shall make it subject to New Source Performance Standard for Glass Manufacturing Plants, 40 CFR, Part 60, Subpart CC." They state that this condition is inappropriate, claiming that "glass furnace re-bricking operations do not qualify as either reconstruction or modifications under 40 CFR §60.15 or 40 CFR §60.14" and request that the last sentence be deleted.

Division Response

EPD notes that the permit condition referred to has been in its state permit for some time and that this state permit condition was not objected to by the company when it was put in the permit.

With regard to the substance of the condition, EPD acknowledges that Subpart CC clearly states that re-bricking is not "reconstruction" under 40 CFR §60.15. However, EPD asserts that re-bricking is a "modification" under 40 CFR §60.14 if re-bricking allows an increase in production capacity accompanied by an increase in PM emissions. One way to determine if a modification has occurred by re-bricking is to test PM emissions from the furnace before and after a re-bricking. Absent a demonstration that there has not been an increase in PM emissions, EPD makes the presumption that an increase in production causes an increase in PM emissions that would make the line subject to Subpart CC.

The furnace referred to as source code EU01 was re-bricked a few years ago. When the air quality permit review was done, it was noted that the size of the new furnace was to be larger than the furnace it replaced. It was hoped that PM emissions testing could be done prior to the re-bricking and after the re-bricking to ascertain whether the re-bricking caused an increase in emissions. However, the company maintained that a representative pre-test was not possible with the furnace so near the end of its life. Therefore, on the assumption that PM emissions increase linearly with glass production, in order to assure that the re-bricked furnace did not have a higher PM emission rate than the furnace it was replacing, EPD made the operation of the furnace conditional upon keeping the existing production limit of the furnace prior to re-bricking. To assure there could be no NSPS violation, the permit condition had stated that if the production limit for EU01 was ever raised, the line would automatically become subject to Subpart CC.

Therefore, the permit condition remains as proposed. [Note: During a meeting with the Company on June 8, 2001, a company representative stated that they no longer objected to the condition as proposed.]

Company Comment No. 2

The company commented that “the use of the bridge-wall temperature as a periodic monitoring parameter for indicating an excursion is inappropriate” and suggested that the PM emission rate is more closely related to glass production; therefore, glass production should be used as a surrogate parameter for verifying compliance with the particulate matter limitation. [Note: During a meeting with the company on June 8, 2001, a company representative stated that the PM emission rate is also closely related to the percent cullet.]

Division Comment

The purpose of periodic monitoring is to provide a reasonable assurance that a pollutant emissions limitation is not being exceeded and to provide the facility with information/ data that can be used as a basis for certifying compliance. EPD does not believe that glass production rate is a furnace operating parameter that correlates with the furnace Particulate Matter (PM) emission rate (lbs/hour) in a way that would indicate that the PM emission rate is less than the allowable limitation; therefore, EPD will not accept the monitoring of glass production rate as an acceptable or valid periodic monitoring strategy for the purpose of providing reasonable assurance that the applicable PM emissions limitation is not exceeded. On the other hand, EPD finds that it has been established that a correlation exists between PM emissions and furnace bridge-wall temperature (i.e., as temperature increases, PM emissions increase; Ref: *Use of Electric Boost to Reduce Glass Furnace Emissions, R.J. Ryder*). Therefore, bridge-wall temperature is an appropriate and legitimate operating parameter for monitoring PM emissions and has been prescribed for this and other glass furnaces.

No changes have been made to the draft Permit conditions related to the use of bridge-wall temperature for monitoring.

Company Comment No. 3

The company requested that conditions 4.2.2 and 5.2.1a be changed to remove references to “bridge-wall temperature” and replace them with “glass production.”

Division Comment

For the reasons noted in EPD’s response to Comment No. 2, no changes have been made to the permit conditions.

Company Comment No. 4

The company requested that condition 6.1.7c.i remove the requirement to report high bridge-wall temperatures as an excursion.

Division Comment

For the reasons noted in EPD's response to Comment No. 2, no changes have been made to the permit conditions.

Written comments were received on March 23, 2001 from the Georgia Center for Law in the Public Interest. The initial paragraph of their submittal states that the comments were submitted **A**On behalf to the Georgia Chapter of the Sierra Club...**@**

Comment 1: A comment was made that **A**EPD'S PUBLIC NOTICE PROCEDURES FAIL TO COMPLY WITH APPLICABLE FEDERAL REGULATIONS.**@**The commenter writes that the draft permit procedure for this source should have allowed, **A**at a minimum, the public participation processes specified by the law.**@**This implies that EPD's public participation efforts were inadequate; the commenter concludes that **A**EPD must re-notice the draft permit..**@**

General Response to this comment: For this draft Title V permit, EPD carried out its standard procedure for public participation that it has used for draft Title V permits for the past few years. EPD has recently reviewed its Title V public participation process and has determined that it conforms to the Part 70 requirements, except as may be noted below. However, EPD is currently considering incorporating some of the changes suggested by the commenter in order to improve the public participation process.

A comment was made that EPD has not yet developed a mailing list, as required by 40 CFR 70.7(h)(1), **A**that includes people that have requested to be on that mailing list.**@**

Response: The commenter is correct and EPD has created such a mailing list. Its use went into effect in early June 2001.

A comment was made that **A**the Implementation Agreement between EPD and US EPA Region 4 for the Title V Operating Permit Program (IA) provides that EPD will put the end date for EPA's review period in addition to the end date for the public comment period in the public notice. [IA at 16]. The public notice for this draft permit does not contain the end date for either EPA or the public review period.**@**

The commenter continues: **A**We are aware that EPD has recently started to provide the end date for the public comment period on its web page. This is a step in the right direction and we

appreciate the effort. However, this alone is not adequate. Not all people have access to the Internet. Therefore, equality (as well as the IA) requires that the end date of the public comment period be provided in the hard copy of the public notice as well as on the web.@

Response: EPD disagrees with the commenter regarding the necessity of dating the public notice announcements. Official public notices for draft Title V operating permits are published in the legal organ of the county in which the Title V source is located and on EPD's web page. The notice that is published in the legal organ is dated, since each edition of a newspaper is dated and carries the date of publication on each and every page. The public notice clearly states that Acomments must be received by the EPD no later than 30 days after the date on which this notice is published in the newspaper.@Since the newspaper itself is dated, the reader can clearly deduce the comment period deadline. The Public Notice that is published on EPD's web site is an exact copy of the one published in the legal organ. Although this version of the Public Notice is not dated in the manner that the print version is dated, the web site does clearly indicate the deadline by which all comments from the public must be submitted to EPD. EPD takes care to ensure that the posting of a public notice on the web site coincides with or precedes the publication of the printed notice in the legal organ. Concerning the language in the IA, it must be pointed out that the IA is intended to facilitate EPA review; EPA uses our website for that purpose, so EPD considers that requirement to be met. Finally, it must also be pointed out that EPD has always put the end date on our web site.

A comment was made that "the end date placed on the web is inaccurate. EPD states on its web page that the public comment period ends March 24, 2001. However, March 24, 2001 is a Saturday. Under Georgia law, if the end date of a public comment period is a weekend or holiday, the public comment period is extended to the next working day. [O.C.G.A. § 1-3-1(d)(3).] Therefore EPD should have listed the end of the public comment period as March 26, 2001.

Response: EPD agrees that the comment the correct in the interpretation of state law. Therefore, because March 24 was a Saturday, comments were received up until Monday, March 26. In order to assure that any person desiring to comment understands that there is extra time to comment, future Title V public notices will state that if the comment period ends on a Saturday, Sunday, or Holiday, comments are accepted until the following business day.

A comment was made that, regarding the end of EPA's comment period, it is not sufficient for the Division to merely state that it ends 45 days after the comment period begins, since the actual date varies from permit to permit. The commenter advocated that EPD publish the date on which EPA's comment period ends because this starts the 60-day period during which the public can petition EPA to object to the Permit. The commenter recommended that the date of the end of the EPA comment period should be published on the web page, initially posting the probable end of the EPA review period (45 days after comment period begins); the actual end should be inserted after that has occurred. The commenter further wrote that information regarding whether EPA

has decided to object to each permit should be published on EPD web page, indicating yes, no or undecided.

Response: EPD maintains that its policy and procedures reflect the Clean Air Act requirements. Further, EPD does not believe that the possible benefits derived from putting these dates on the web page justify the added web maintenance burden that would require updating the dates in a timely manner. However, in order to satisfy the concerns of the commenter, EPD has initiated a practice of notifying members of the public who comment on the draft permit, as to whether or not EPD intends to re-propose, as soon as possible after the end of the 30-day public comment period. Those individuals are then notified when the permit is re-proposed to EPA which starts EPA's 45 day comment period. The Georgia Center for Law in the Public Interest was notified as such for this permit.

The commenter implies that the date of the end of the EPA comment period is ill defined. That is not the case, as indicated below.

1. For a draft Title V permit for which there have been no comments received, and when EPD does not need to modify the permit and so does not need to re-propose the permit, the public petitioning deadline is 135 days from the date of publication of the public notice. That is the 30-day public notice period plus the 45-day EPA review plus the 60-day petition period. The period is 135 days even if the permit undergoes parallel review by EPA.

2. If a draft Title V permit must be modified after the draft is issued, that Title V permit must be re-proposed to EPA. At that point, EPA's 45 day review period is started. This is done nearly every time EPD receives comments from the company or the public. Shortly after the end of the comment period of each draft permit, EPD determines whether the permit must be modified, in response to comments, and thus will be re-proposed to EPA. EPD has initiated a process to inform any member of the public who comments on a permit, shortly after the end of the comment period, whether EPD is likely to re-propose the permit. Upon re-proposal, the public petition deadline will occur 105 days afterwards, which includes 45 days for the second EPA review plus 60 days. The commenter is then notified of the date that the permit is re-proposed, thus allowing that individual to determine precisely when the petition deadline occurs. As indicated above, the Georgia Center for Law in the Public Interest was notified as described above for this permit.

A comment was made regarding the requirement of 40 CFR 70.7(h)(2) that the public notice "will explain where the public can review all relevant supporting documents." The commenter writes that, while "EPD's public notice states that all relevant information is available at the Air Protection Branch in Suite 120," this "may not be accurate." This is because information "may be located in an EPD regional office" and "information relevant to accidental releases under Clear Air § 112(r) may be located at other agencies."

Response: As stated in the public notice, all information used in the development of the draft Title V permit (the “relevant supporting documents”) is located at the Air Protection Branch.

A comment was made with regard to a statement in the Public Notice that “[t]his permit will be enforceable by the Georgia EPD and the U.S. Environmental Protection Agency.” The commenter described this as “inaccurate” because 42 U.S.C. 7604(a) makes it clear that the permit will be enforceable by any person. The commenter writes that the word **A person** includes **An individual, corporation, partnership, association, state, municipality, and a political subdivision of a state.** The commenter writes that EPD should clear up this “misstatement for at least two reasons.” Firstly, “it is inherently important for the government to always provide the public with accurate information regarding implementation of air pollution laws.” Secondly “EPD has recognized that public involvement in the Operating Permit program has been limited.” The writer concludes that “In order to involve the public in the Operating Permit program, an important first step is to convince the public that this program is a legitimate means by which the public can participate to achieve the goal of attaining clean air. If the public is aware of their right to enforce a permit, they are more likely to put effort into ensuring that the permit is adequately protective of the environment.”

Response: The commenter correctly noted that the permit, when issued, is enforceable by the public. However, EPD believes that the current, standardized public notice is correct as published and fulfills all the requirements for such notices as set forth by the Act and the U.S. EPA. However, EPD is examining the wording of the public notice in light of this comment to determine if any changes or possible improvements are warranted in order to properly encourage the participation of all persons.

A comment was made objecting to the sentence in the public notice that states “[a]fter the comment period has expired, the EPD will consider all comments, make any necessary changes and issue the Title V operating permit.” The commenter counters that, “under certain circumstances, EPD is required to refuse to issue a Title V” as per 40 CFR 70.7(a). The commenter complains that our public notice “could be interpreted as an indication of EPD's predisposition to issue Title V permits regardless of whether the permit complies with the law.” The commenter concludes “Therefore, we suggest that EPD include an additional statement that it will make a determination of whether to issue the permit.”

Response: EPD has determined that the language in the public notice meets the Public Notification requirements of 40 CFR 70.7(h)(2). EPD has not received any information to indicate that a Part 70 operating permit should be denied for this facility.

2. A comment was made that **THE PERMIT IMPERMISSIBLY LIMITS ENFORCEMENT TO ACITIZENS OF THE UNITED STATES** by the language in Condition 8.2.1.

Response: The language of Condition 8.2.1 was derived from 40 CFR 70.6(b)(1), which states that Part 70 permits are enforceable by the Administrator and citizens under the Act. Neither the public notice nor the language in Condition 8.2.1 of the permit affects the fact that any person, as authorized by the Act, can enforce the permit. Thus the statement in Condition 8.2.1, indicating that “citizens.” can enforce the permit, is not an incorrect statement, nor is the statement in the public notice incorrect. The permit has therefore not been modified in response to this comment.

3. A comment was made that **THE PERMIT MATERIALS SHOULD BE MADE AVAILABLE IN THE AFFECTED COMMUNITY AS WELL AS AT EPD'S OFFICE.**

Response: Availability of all permit materials in the affected community is not required by 40 CFR Part 70 or by the Georgia Rules for Air Quality Control. EPD's policy regarding dissemination of permit materials is to post all relevant materials pertaining to Title V permits being proposed, including the Title V application, the permit narrative, the draft permit, and a copy of the public notice, on EPD's Title V web site. These electronic documents can be accessed by any citizen, from their home, if he or she has a computer and an Internet account, or at county, municipal and college libraries. In addition these documents are always available at the Air Protection Branch office in Atlanta.

In cases when electronic copies of the application forms are not available, paper copies of the permit application, permit narrative and draft permit are provided at the Air Protection Branch main offices in Atlanta for sources located within the Atlanta metropolitan area, or at the local courthouse or EPD regional office (if the regional office is in the same county as the source in question) for sources located outside the Atlanta area.

In cases where historical permit files are requested, EPD allows members of the public to review these materials at the Air Protection Branch main offices, during office hours (8:30 AM to 4:00 PM, Monday through Friday). EPD's policy on this matter is applied consistently and is fully compliant with the requirements of 40 CFR 70.7(h).

4. A comment was made that **THE PERMIT MUST REQUIRE THE PERMITTEE TO SUBMIT ALL MONITORING INFORMATION TO EPD.** The comment goes on to indicate that this must be done to allow all persons access to that monitoring data.

Response: The section of the United States Code cited by the commenter requires that the Permittee submit, no less than every six months, the results of any required monitoring. 40 CFR 40 ' 70.6(a)(3)(iii) and Georgia Rule 391-3-1-.03(10)(d)1.(i), which incorporates this federal requirement, require the submittal, at least every six months, of reports of any required monitoring. These citations do not require the submittal of copies of all monitoring data recorded by the Permittee; rather, they require submittal of reports on the results of this monitoring. Condition 5.3.1 of the permit, for which these comments were submitted, requires such reports to be submitted semi-annually, by July 30 and January 30, for the preceding calendar semi-annual periods of each year. The permit has therefore not been modified in response to this comment.

5. A comment was made that THE PERMIT CANNOT LIMIT CREDIBLE EVIDENCE FROM BEING USED IN AN ENFORCEMENT ACTION.

Response: EPD believes that adequate provisions for consideration of credible evidence have been included in Condition 8.17.1, which states, in part, that A"Determination of whether acceptable operating and maintenance procedures are being used will be based on any information available to EPD which may include, but is not limited to, monitoring results, observations of the opacity or other characteristics of emissions, review of operating and maintenance procedures or records, and inspection or surveillance of the source.@

Furthermore, the prescribed performance test methods and procedures, which are incorporated in the Georgia Rules for Air Quality Control, contain clear provisions that, by prescribing such procedures, nothing would preclude the additional use of other credible evidence, either for compliance certifications or for establishing whether or not a source is in violation of any emissions limitation or standard. [See Rule 391-3-1.02(3)(a) and the referenced Procedures for Testing and Monitoring Sources of Air Pollutants at Section 1.3(g).] Even without this direct inclusion, the Rules themselves are cited in all permits issued by EPD.

EPD has elected not to include any additional language beyond the Rules cited above because it is our belief that any attempt to clarify the rule or define credible evidence will generally produce an impression of limiting of the scope of the rule. This we do not wish to do. EPD believes that any challenge to the authority of the U.S. EPA, State of Georgia, or any citizen with standing to use any credible evidence would easily be turned away. On the other hand, if limiting language such as that offered in the referenced EPA text were to be used, arguments to use such statements to Awhither away@at the general principle could and most probably would be made. For instance, petitioners might suggest that the statement was only meant to apply to stated test methods and not work practice or other parts of the applicable standards, including the general provisions to the rules. Therefore, for the benefit of the enforceability of the standards by using any credible evidence available, the permit need not and is not being modified.

6. This comment was entitled THE PERMIT MUST REQUIRE THE PERMITTEE TO REPORT ALL EXCEEDANCES, EXCURSIONS AND EXCESS EMISSIONS.

The commenter wrote that "Condition 6.1.7 limits the exceedances, excursions, and excess emissions" which the Permittee must report and writes that this contravenes 40 CFR § 70.6(a)(3)(i) which "requires that the permit require the Permittee to report all exceedances, excesses and excursions."

Response: EPD disagrees. Reporting of "any" deviation is required by 3 conditions (6.1.2, 6.1.3, and 6.1.4) of Title V permits. Condition 6.1.7 merely specifies some particular deviations that we know must be reported and EPD believes that this makes the permit more practically enforceable. These template conditions were developed as part of model kaolin permit (Dry Branch Kaolin). EPA Region 4 specifically

reviewed these conditions and agreed with this approach to deviation reporting as being adequate to meet Part 70 requirements. The permit has therefore not been modified in response to this comment.

7. A comment was made that THE PERMIT DOES NOT FULLY INCLUDE THE ACCIDENTAL RELEASE REQUIREMENTS.

As indicated in the text of the comment, EPD includes the 112(r) requirements in Condition 7.10.1 of Title V permits. EPD has reviewed language of condition 7.10.1 and has modified it in order to better reflect the requirements of 112(r).