

Facility Name: **Arrowhead Fiberglass Industries**  
 City: Fort Valley  
 County: Peach  
 AIRS #: 04-13-225-00019

Application #: TV-11773  
 Date Application Received: October 28, 1999  
 Date Application Deemed  
 Administratively Complete: December 27, 1999  
 Date of Draft Permit: July 3, 2001  
 Permit No: 3089-225-0019-V-02-0

<b>Program</b>	<b>Review Engineers</b>	<b>Review Managers</b>
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<b>SSCP/ASU</b>	N/A	N/A
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## 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**

The Facility Description may be presented in outline or narrative form. It must contain the information contained in each of the following subsections, preferably in a similar order.

**A. Facility Identification:**

## 1. Facility Name:

Arrowhead Fiberglass Industries

## 2. Parent/Holding Company Name:

Arrowhead Fiberglass Industries

## 3. Previous and/or Other Name(s):

Fiberglass Industries, Inc.

This facility was originally issued a construction and operating permit under the name of "Fiberglass Industries, Inc." on October 29, 1993. This permit was revoked on April 14, 1998, when a new synthetic minor permit, No. 3089-225-0019-S-01-0, was issued under the new name of "Arrowhead Fiberglass Industries."

## 4. Facility Location:

45 South Park Road  
Fort Valley, Georgia  
Peach County

## 5. Attainment or Non-attainment Area Location:

This facility is located in an area currently designated as attainment for all criteria pollutants.

## 6. Class I Area Impacts:

This facility is not located within 100 kilometers of any Class I areas.

**B. Site Determination:**

This facility comprises one Title V site; there are no other facilities which could possibly be contiguous or adjacent and under common control.

## C. Existing Permits:

Table 1 below lists all current permits (including Part 71 permits), as amended, issued to the facility. Based on a comparative review of Item 19 in Section 1.10 of the Title V application and the Permit files on the facility found in the Air Branch office, comments are listed in Table 2 below.

**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
3089-225-0019-S-01-0	April 14, 1998	✓	
3089-225-0019-S-01-1	October 29, 1998	✓	

**Table 2: Comments on Specific Permits**

Permit Number	Comments
3089-225-0019-S-01-0	This permit was issued to impose synthetic minor emission limits for styrene emissions; the facility can no longer continue to operate under these emission limits.
3089-225-0019-S-01-1	This permit amendment was issued to authorize the construction and operation of Chop Booth # 3 (Emission Unit ID # CB3).

## D. Process Description:

## 1. SIC Code(s):

3089

## 2. Description of Product(s):

This facility manufactures fiberglass-reinforced plastic components, consisting of a polyester resin blended with chopped fiberglass strands, for buses, trucks, trailers, and motor homes.

## 3. Overall Facility Process Description:

Arrowhead Fiberglass Industries manufactures fiberglass-reinforced plastic accessories for buses, motor homes, trailers, trucks and other transportation equipment. The primary pollutant emitted by the facility is styrene, which is both a volatile organic compound (VOC) and a hazardous air pollutant (HAP). Other VOCs and HAPs are emitted by the surface coating and assembly operations, and particulate matter is emitted from the grinding, cutting, sanding and trimming operations.

## 4. Overall Process Flow Diagram:

Process flow diagrams were submitted as attachments to the Title V application.

## E. Regulatory Status:

## 1. PSD/NSR:

The facility is not subject to PSD requirements; the potential emissions of all criteria pollutants are below the PSD major source thresholds. This permit imposes an annual limit of 99 tons on emissions on volatile organic compounds. This limit was imposed to reduce the annual permit fees for the facility.

## 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	✓			✓
PM <sub>10</sub>	✓			✓
SO <sub>2</sub>	N/A			
VOC	✓		✓	
NO <sub>x</sub>	N/A			
CO	N/A			
TRS	N/A			
H <sub>2</sub> S	N/A			
Individual HAP	✓	✓		
Total HAPs	✓	✓		

Arrowhead Fiberglass Industries has requested an annual limit on emissions of VOCs in order to reduce annual permit fees. This limit appears as Condition No. 2.1.1 in the Permit.

## 3. MACT Standards:

This facility will become subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Reinforced Plastics Composites Production, which will be codified as 40 CFR Part 63, Subpart WWWW. This NESHAP was proposed by U.S. EPA in June 2001 and will likely be promulgated in June 2002, with a compliance date of June 2005.

## 4. Program Applicability:

Program Code	Applicable (y/n)
Program Code 6 - PSD	N
Program Code 8 – Part 61 NESHAP	N
Program Code 9 - NSPS	N
Program Code M – Part 63 NESHAP	N
Program Code V – Title V	Y

**Regulatory Analysis****II. Facility Wide Requirements**

## A. Emission and Operating Caps:

This facility will be subject to a federally enforceable, annual limit on emissions of VOCs of 99 tons. This limit appears as Condition No. 2.1.1 in the Permit and is being imposed at the request of Arrowhead Fiberglass Industries in order to reduce their annual permit fees.

## B. Applicable Rules and Regulations:

None applicable.

## C. Compliance Status:

Arrowhead Fiberglass cannot maintain production levels and comply with the synthetic minor emission limits on hazardous air pollutants contained in their current operating permit. This situation is the result of a significant increase in the emission factors for styrene from their resin and gel coat lamination operations, rather than from a modification or other increase in their production rate. The issuance of this Title V operating permit will resolve this non-compliance issue.

## D. Operational Flexibility:

No operational flexibility was requested by Arrowhead Fiberglass Industries.

## E. Permit Conditions:

Condition 2.1.1 Limits VOC emissions from the entire facility to less than 99 tons per any twelve consecutive month period. This limit is being imposed at the facility's request in order to reduce their annual permit fees.

### III. Regulated Equipment Requirements

#### A. Brief Process Description:

Component production begins with the application of a mold release agent to the mold prior to any gel coat or resin lamination. The molds are transported to the gel coat booth (GCB1), where a layer of gel coat resin is spray applied. Once the gel coat layer has cured, the parts are moved to one of three resin lamination or "chop" booths (CB1, CB2, or CB3), where additional layers of polyester resin blended with chopped fiberglass strands are applied. The primary emissions from the gel coat and resin lamination operations are in the form of unreacted styrene monomer, which escapes from the gel coat or resin before polymerization occurs. These emissions are released uncontrolled into the atmosphere. Particulate matter resulting from gel coat and resin overspray is controlled with fabric filters.

After the resin has cured, the parts are released from the molds and touched up in one of two trim booths (TB1 or TB2) through various cutting, grinding, and sanding operations. The only emissions from these operations is particulate matter, which is controlled by fabric filters.

Final assembly takes place after trimming in the bonding and finishing area (ABFA). Small amounts of VOC and HAP are emitted from the application of cleaning solvents and adhesives. Some of the parts are painted prior to assembly and bonding in paint booth PB1. The primary emissions from the painting operation are VOC and HAP from the paints. Particulate matter from the paint overspray is captured by fabric filters.

A small portion of the parts manufactured by Arrowhead Fiberglass are produced through a closed-molding, low-pressure resin transfer operation (LRTM). This operation results only in emissions of unreacted styrene, which are released uncontrolled into the atmosphere.

Molds are cleaned, repaired and prepared for use in the mold cleaning and waxing area MCWA.

## B. Equipment List for the Process:

**Table 4: Equipment/Process List for Arrowhead Fiberglass Industries**

Emission Units		Specific Limitations/Requirements		Air Pollution Control Devices	
ID No.	Description	Applicable Requirements/Standards	Corresponding Permit Conditions	ID No.	Description
GCB1	Gel Coat Booth	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	2.1.1, 3.4.1, 3.4.2, 3.5.1, 3.5.2, 5.2.1, 5.2.2, 5.3.1, 6.2.1, 6.2.2, 6.2.3, 6.2.4	GCBF	Fabric Filters
CB1	Chop Booth #1	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	2.1.1, 3.4.1, 3.4.2, 3.5.1, 3.5.2, 5.2.1, 5.2.2, 5.3.1, 6.2.1, 6.2.2, 6.2.3, 6.2.4	CBF1	Fabric Filters
CB2	Chop Booth #2	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	2.1.1, 3.4.1, 3.4.2, 3.5.1, 3.5.2, 5.2.1, 5.2.2, 5.3.1, 6.2.1, 6.2.2, 6.2.3, 6.2.4	CBF2	Fabric Filters
CB3	Chop Booth #3	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	2.1.1, 3.4.1, 3.4.2, 3.5.1, 3.5.2, 5.2.1, 5.2.2, 5.3.1, 6.2.1, 6.2.2, 6.2.3, 6.2.4	CBF3	Fabric Filters
PB1	Paint Booth #1	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	2.1.1, 3.4.1, 3.4.2, 3.5.1, 3.5.2, 5.2.1, 5.2.2, 5.3.1, 6.2.1, 6.2.2, 6.2.3, 6.2.4	PB1F	Fabric Filters
LRTM	Low-Pressure Transfer Molding	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	2.1.1, 3.4.1, 3.4.2, 3.5.1, 5.2.1, 5.3.1, 6.2.1, 6.2.2, 6.2.3	N/A	None
MCWA	Mold Cleaning & Waxing	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	2.1.1, 3.4.1, 3.4.2, 3.5.1, 5.2.1, 5.3.1, 6.2.1, 6.2.2, 6.2.3	N/A	None
ABFA	Assembly, Bonding & Finishing Area	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	2.1.1, 3.4.1, 3.4.2, 3.5.1, 5.2.1, 5.3.1, 6.2.1, 6.2.2, 6.2.3	N/A	None
TB1	Trim Booth #1	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	3.4.1, 3.4.2, 3.5.2, 5.2.1, 5.3.1, 6.2.4	TB1F	Fabric Filters
TB2	Trim Booth #2	391-3-1-.02(2)(b) 391-3-1-.02(2)(e)	3.4.1, 3.4.2, 3.5.2, 5.2.1, 5.3.1, 6.2.4	TB2F	Fabric Filters

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

State Rules (b) and (e), pertaining to visible emissions and particulate matter emissions, respectively, are the only two emission standards that apply to operations at Arrowhead Fiberglass Industries. Both of these emission standards are federally enforceable.

## C. Equipment &amp; Rule Applicability:

**Emission and Operating Caps :**

None applicable.

**Applicable Rules and Regulations**

Rules and Regulations Assessment:

Equipment at the facility is subject to the following Georgia rules:

391-3-1-.02(2)(b)	Visible Emissions
391-3-1-.02(2)(e)	Particulate Emissions from Manufacturing Processes

**Emission and Operating Standards:**

The process groups listed in Table 4 above are subject to Georgia Rule 391-3-1-.02(2)(b), "Visible Emissions," because this rule applies to all sources of emissions that are subject to at least one other emission limitation and are not subject to any other, more stringent opacity standard. Rule (b) limits the opacity of the subject process groups to no more than forty (40) percent.

The process groups listed in Table 4 above are subject to the following emission standard under Georgia Rule 391-3-1-.02(e), "Particulate Emissions from Manufacturing Processes," because these operations meet the definition of "new equipment," constructed after July 2, 1968, and because the process input weight rate for the affected processes is less than 30 tons per hour:

$$E = 4.1 * (P)^{0.67}$$

Where E represents the allowable particulate emission rate, expressed in pounds per hour, and P represents the process input weight rate, expressed in tons per hour.

**D. Compliance Status:**

Arrowhead Fiberglass Industries reports in Section 11.10 of the permit application that cannot operate within the emission limits contained in their current synthetic minor operating permit. This situation is primarily the result of a significant increase in the emission factors for styrene from spray application of gel coat and polyester resin, which took effect in 1998. This non-compliance situation will be resolved with the issuance of this Title V operating permit.

**E. Operational Flexibility:**

No operational flexibility was requested by Arrowhead Fiberglass Industries in the permit application.

**F. Permit Conditions:**

1. Condition 3.4.1 subjects the process groups listed in Table 4 to Rule (b). Opacity of emissions from operations in these process groups is limited to forty (40) percent.
2. Condition 3.4.2 subjects the process groups listed in Table 4 to Rule (e). Particulate matter emissions from operations in these process groups is limited by the equation,  $E = 4.1(P)^{0.67}$ .
3. Condition 3.5.1 is a work practices provision that requires Arrowhead Fiberglass Industries to cover all containers of volatile materials when not in use so as to minimize evaporative losses of VOCs and HAPs to the atmosphere.

4. Condition 3.5.2 requires that particulate matter emissions from process groups GCB1, CB1, CB2, CB3, PB1, TB1, and TB2 be routed through fabric filters before being released to the atmosphere. This condition requires that the fabric filters be operated and maintained according to the manufacturers' specifications and that the fabric filters themselves be replaced whenever the static pressure drop across the filters exceeds parameter ranges specified in the permit.

#### **IV. Testing Requirements (with Associated Record Keeping and Reporting)**

##### **A. General Testing Requirements:**

None of the applicable regulations requires performance testing; therefore, this permit does not contain any conditions to require specific testing for any sources. The permit specifies that a performance test may be required to determine compliance with the emission limits in Part 3.0, and the test methods to be used to determine compliance are listed. A general condition to require notification of any test and for the submission of a test plan is also included.

##### **B. Specific Testing Requirements:**

None applicable.

#### **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, repairs, and quality assurance activities. Any repairs or maintenance should be completed in an expeditious manner so that downtime is minimized. All data should also be recorded during any calibration activity to help verify that the calibration was performed and completed properly.

##### **B. Specific Monitoring Requirements:**

Conditions 5.2.2 and 5.3.1 require Arrowhead Fiberglass Industries to conduct weekly inspections of gel coat, resin, painting, mold cleaning and assembly operations to ensure that all containers of volatile materials are kept covered when not in use and to record the results of these inspections.

Periodic monitoring for booths GCB1, CB1, CB2, CB3, PB1, TB1 and TB2 to demonstrate compliance with Georgia Rules (b) and (e) will consist of monitoring and recording the static pressure drop across of each of the fabric filters for these booths on a daily basis and maintaining records of the filter replacements, as required by Condition Nos. 5.2.1, 5.3.1, and 6.2.4. Because there is little likelihood of low-pressure transfer molding, mold cleaning and waxing, and assembly, bonding and finishing area operations (Source Codes LRTM,

MCWA and ABFA) exceeding the standards of Rules (b) and (e), no periodic monitoring for these operations is being imposed in this Title V permit.

## **VI. Other Record Keeping and Reporting Requirements**

### **A. General Record Keeping and Reporting Requirements:**

The standard requirements for the maintenance of all records for a period of five years and for the prompt reporting of excess emissions from process malfunctions or improper maintenance or operation are included as Conditions 6.1.1, 6.1.2, and 6.1.3.

The Permittee is required by Condition 6.1.4 to submit a semiannual report. This report should contain information on deviations which occurred during the reporting period. The required information is enumerated in the Condition itself. Condition 6.1.5 requires any analysis or sampling records to be maintained. All such records should be retained for a period of at least five years, pursuant to Condition 6.1.6.

Condition 6.1.7 details deviations that are to be included in the semiannual report required by Condition 6.1.4. Exceedances would occur if the facility exceeds the VOC limit specified in Condition 2.1.1 for any twelve consecutive month period. Excursions would occur if the Permittee fails to perform the filter replacements required by Condition 3.5.2 or fails to comply with the work practice provisions of Condition 3.5.1. Additionally, the Permittee is required to report any twelve consecutive month period during which the total VOC emissions from the entire facility exceed 85 percent (85 tons) of the annual VOC limit specified in Condition 2.1.1.

### **B. Specific Record Keeping and Reporting Requirements:**

1. Condition 6.2.1 requires the Permittee to maintain monthly usage records of all VOC containing compounds utilized at the facility.
2. Condition 6.2.2 requires the Permittee to calculate the VOC emissions from the entire facility for each calendar month. The Permittee must notify the Division in writing if VOC emissions during any calendar month exceed one twelfth of the annual VOC emission limit. This condition specifies how the Permittee is to calculate emissions of VOC from materials utilized at the facility, including using the procedures of Appendix H of the Division's Procedures for Testing and Monitoring Sources of Air Pollutants to calculate emissions of styrene from the gel coat and resin application operations.
3. Condition 6.2.3 requires the Permittee to notify the Division in writing if total VOC emissions from the entire facility equal or exceed 85 tons during any twelve consecutive month period.

These conditions are incorporated in this Title V permit in order to make the annual

VOC emission cap of 99 tons in Condition No. 2.1.1 practically enforceable.

4. Condition 6.2.4 requires the Permittee to maintain a log indicating the time and date of each filter replacement for the fabric filter systems that control particulate matter emissions from process groups GCB1, CB1, CB2, CB3, PB1, TB1, and TB2, as well as records of the daily static pressure drop readings across these filter systems. This condition is incorporated in this Title V permit as periodic monitoring to demonstrate compliance with Georgia Rules (b) and (e).

## **VII. Specific Requirements**

- A. Operational Flexibility:

Not applicable.

- B. Alternative Requirements:

Not applicable.

- C. Insignificant Activities:

The insignificant activities are listed in Appendix B of the Title V operating permit. This list was created from Section 4.10 of the permit application submitted by Arrowhead Fiberglass Industries.

- 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.

## Addendum to Narrative

### A. Comments from the Georgia Chapter of the Sierra Club

The Georgia Chapter of the Sierra Club submitted eight comments on the first draft permit, which was proposed on November 21, 2001. These comments were received in electronic form on December 21, 2001, with a hard copy received by mail on December 27, 2001. These comments and EPD's responses are provided in the enumerated paragraphs that follow. No comments were received during the second comment period held for the revised draft permit, which ended on February 8, 2002. The comments from the Sierra Club are presented verbatim below, with EPD's response following each comment.

#### 1. Issues regarding EPD's Public Notice Procedures

Comment: EPD's public notice procedures are not adequate.

As explained below in detail, the Environmental Protection Division (EPD) did not undertake the required public participation activities for this draft permit. Therefore, EPD may not issue the final permit. 40 CFR § 70.7(a)(1)(ii). Rather, EPD must re-notice the draft permit for a new public comment period that follows, at a minimum, the public participation processes specified in the law.

For example, 40 CFR § 70.7(h)(2) states that the public notice will explain where the public can review all relevant supporting documents. EPD's public notice states that all relevant information is available at the Air Protection Branch in Suite 120 and at EPD's internet site <http://www.air.dnr.state.georgia.us/sspp>. This may not be accurate. For example, relevant information may be located in an EPD regional office. In addition, information relevant to accidental releases under Clean Air Act § 112(r) may be located at other agencies. Most importantly, much of the monitoring data from this facility is available at the facility, rather than at EPD's office. The public notice needs to explain this fact in order to be adequate.

EXAMPLE: Arrowhead HAP and VOC emissions are based on calculations from material usage, rather than measurements of emissions, and reports of excess releases are required under the current permit. Excess releases were NOT reported and only an unannounced on-site inspection by EPD revealed both the excess releases and the failure to report those releases.

Furthermore, the public notice states that "[a]fter the comment period has expired, the EPD will consider all comments, make any necessary changes, and issue the Title V Operating Permits." This statement is inaccurate. Specifically, the statement suggests that, while changes may be made, in the end, the permit *will* be issued. However, under certain circumstances, EPD is required to refuse to issue a Title V permit. 40 CFR § 70.7(a). As such, the aforementioned statement could be interpreted as an indication of EPD's predisposition to issue Title V permits regardless of whether the permit complies with the law. See *American Wildlands v. Forest Service*, CV 97-160-M-DWM (D.Mont. Apr. 16, 1999)(Denying government

deference because of evidence of predisposition towards a predetermined outcome). Therefore, we suggest that EPD include in the public notice an additional statement that it will make a determination of whether to issue or deny the permit.

EXAMPLE: This comment is particularly relevant in light of a letter sent from EPD to Arrowhead Fiberglass and received by them on October 3, 2001 which dealt with payment of permit fees and referenced permit violations discovered during an unannounced on-site inspection and specifically stated "In consideration of the above-mentioned factors and that the Title V Permit will be issued to Arrowhead in the next couple of months, we have decided not to take further enforcement action provided that Arrowhead pays owed permit fees for 1999 and 2000."

Response: 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 carefully reviewed its Title V public participation process and has determined that it fully conforms to the Part 70 requirements for public participation.

All information used in the development of the draft Title V permit is located at the Air Protection Branch as indicated in the public notice. This issue was also raised in a petition to USEPA filed by the commenter, regarding EPD's Title V Program. EPA determined that no deficiency exists. The commenter's attention is directed to item eight of the letter addressed to Mr. Robert Ukeiley, Counsel for the Sierra Club, dated March 29, 2002 and signed by Winston Smith of USEPA. Contrary to assertions made by the commenter, this facility is not subject to the accidental release reporting requirements of Section 112(r) of the Clean Air Act; this fact is clearly indicated in the permit application, the application summary sheet, and the permit narrative.

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. General Enforcement Issues

Comment: The permit impermissibly limits enforcement to "citizens of the United States."

Section 8.2.1. of the draft permit claims to limit enforcement to citizens of the United States. However, the Clean Air Act states that any person can take an enforcement action. 42 U.S.C. § 7604(a). Therefore, the permit must be changed to state that any person can enforce this permit. Furthermore, the permit is misleading by including mention of the public's right to sue under a section entitled "EPA Authority." We recommend that EPD create a separate section, which discusses the public's right to sue under a heading such as "Public's Enforcement Authority."

Sierra Club has raised this issue in prior comments on other Title V draft permits. Nevertheless, no changes have been made to the permit template. EPD has also told EPA that EPD would correct this provision in future permits. Continually ignoring comments and then providing misleading information to the EPA is an indication that

EPD needs to establish or improve a system to capture and implement lessons learned. It also is an indication that EPD does not have the ability to maintain a fully delegated Title V program.

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." The language in Condition 8.2.1 of the permit had read, in part, "all terms and conditions contained herein shall be enforceable by the EPA and citizens of the United States." The phrase "of the United States" has been deleted from Condition 8.2.1 to reflect the exact language in the Act contained in the phrase, "are enforceable by the Administrator and citizens under the Act."

### 3. Credible Evidence

Comment: The permit cannot limit credible evidence from being used in an enforcement action.

As emphasized by the United States Environmental Protection Agency's (EPA) Credible Evidence Rule, 62 FR 8314 (Feb. 24, 1997), the Clean Air Act (CAA) allows the public, EPD, EPA, and the regulated facility to rely upon any credible evidence to demonstrate violations of, or compliance with, the terms and conditions of a Title V operating permit. Specifically, EPA revised 40 CFR § 51.212, 51.12.52.30, 60.11 and 61.12 to "make clear that enforcement authorities can prosecute actions based exclusively on any credible evidence, without the need to rely on any data from a particular reference test." 62 FR at 8316. EPD must ensure that no permit purports to limit the use of credible evidence. Moreover, the permit should include standard language stating that all credible evidence may be used.

#### A. EPD Must Remove Language that Purports to Limit Credible Evidence

EPD must ensure that its Title V permits contain no language that could be interpreted to limit credible evidence. For example, condition 4.1.3. in the Facility's permit states that "[t]he methods for the determination of compliance with emissions limits listed under Sections 3.2.,3.3, 3.4 and 3.5 which pertains to the emission units listed in Section 3.1 are as follows:" One could read this provision to stand for the proposition that when a government agency or member of the public takes an enforcement action for a permittee violating its permit, the enforcer can only rely on information from the methods of determination listed in the permit. This position is directly contrary to the Clean Air Act requirements in CAA Sections 113(a), 113(e)(1) and 40 CFR Sections 51.212, 51.12, 52.30, 60.11 and 61.12 which allow anyone taking an enforcement action to rely on any credible evidence. Therefore, the aforementioned sentence in Section 4.1.3 should be stricken.

Similarly, Condition 6.1.3 of the permit, which states that "failures shall be determined through observation, data from any monitoring protocol, or by any other monitoring which is required by this permit," could be considered to limit the use of credible evidence. To correct the problem, this Condition should include an additional clause requiring reporting of any failure based on any credible evidence, as

well as observation, data from monitoring protocols and other monitoring required by the permit.

B. EPD Should Include Standard Language in the Permit that Explicitly States that Anyone Can Use Any Credible Evidence

The permit does not affirmatively state that any credible evidence may be used in an enforcement action. EPA supports the inclusion of credible evidence language in all Title V permits. As explained by the Acting Chief of US EPA's Air Programs branch:

"It is the United States Environmental Protection Agency's position that the general language addressing the use of credible evidence is necessary to make it clear that despite any other language contained in the permit, credible evidence can be used to show compliance or noncompliance with applicable requirements. . . . [A] regulated entity could construe the language to mean that the methods for demonstrating compliance specified in the permit are the only methods admissible to demonstrate violation of the permit terms. It is important that Title V permits not lend themselves to this improper construction."

Letter from Cheryl L. Newton, Acting Chief, Air Programs Branch, EPA, to Robert F. Hodanbosi, Chief, Division of Air Pollution Control, Ohio Environmental Protection Agency, dated October 30, 1998. In fact, EPA apparently sent a letter in May 1998 specifically directing EPD to amend its SIP to include language clarifying that any credible evidence may be used. Nevertheless, while three years have elapsed since EPA's request, the permit does not contain the necessary language.

While anyone may rely on all credible evidence regardless of whether this condition appears in the permit, EPD should include credible evidence language in the permits and permit template to make the point clear. Specifically, EPA has recommended that the following language be included in all Title V permits:

"Notwithstanding the conditions of this permit that state specific methods that may be used to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance."

Letter from Stephen Rothblatt, Acting Director, Air and Radiation Division, US EPA, to Paul Deubenetzky, Indiana Department of Environmental Management, dated July 28, 1998. We request that EPD include this provision in the permit to clarify the availability of any credible evidence to demonstrate noncompliance with permit requirements.

Response: EPD believes this issue has been previously addressed and resolved. Condition 8.23.1 has been added to this permit in response to these issues. However, in order to review a partial history of this issue, an excerpt from the US EPA's formal response to this topic is included here:

“For clarification purposes, Condition 4.1.3 identifies the required reference methods to be used to satisfy any testing requirements; it is not intended, in any way, to limit the use of credible evidence. In fact, Condition 4.1.3 allows the use of all credible evidence and information. Georgia Rule 391-3-1-.02(3)(a), which serves as the underlying authority for Condition 4.1.3, references EPD’s *Procedures for Testing and Monitoring Sources of Air Pollutants*, which permits the use of all credible evidence. Section 1.3(g) of this document states that “nothing. . . shall preclude the use, including the exclusive use, of any credible evidence or information.” Both the rule and referenced procedures are approved parts of Georgia’s State Implementation Plan (SIP). Although the language in Condition 6.1.3 may appear to limit the use of credible evidence, EPA believes that this was not the intention of EPD and that such language does not ultimately limit the use of credible evidence because the Georgia SIP expressly prohibits such an exclusion.

Nonetheless, for further clarification, EPD has added a general condition to the permit template which expressly states that nothing shall preclude the use of any credible evidence. This will ensure that such language will be included in the title V permits issued or renewed in the future by EPD.”

[Letter from Winston A. Smith, Director, Air Pesticide and Toxics Management Division, US EPA, to Robert Ukeily, Counsel for the Sierra Club, dated March 29, 2002]

#### 4. Reporting Issues

Comment: The permit must require prompt reporting of deviations from permit requirements.

40 CFR § 70.6(a)(3)(iii)(B) requires “prompt reporting of deviations from permit requirements[.]” Id. (emphasis added). EPD attempts to meet this requirement through Conditions 6.1.2 and 6.1.3. Condition 6.1.2 required reporting within seven days of violations associated with any malfunction or breakdown of process, fuel burning, or emissions control equipment for a period of four hours. Condition 6.1.3 requires reporting of any other deviations in semi-annual reports. While it is true that the regulations do allow the agency discretion in defining “prompt,” it is hard to imagine the six months allowed for reporting deviations not caused by malfunctions or breakdowns as being considered a rational definition of “prompt” by any objective fact finder. In 60 Fed. Reg. 36083 (July 13, 1995) EPA stated: “The EPA believes that prompt should generally be defined as requiring reporting within two to ten days of the deviation. Two to ten days is sufficient time in most cases to protect public health and safety as well as to provide a forewarning of potential problems. For sources with a low level of excess emissions, a longer time period may be acceptable. However, prompt reporting must be more frequent than the semiannual reporting requirement, given this is a distance [sic] reporting obligation under Sec. 70.6(a)(3)(iii)(A).” Therefore, EPA should require EPD to merge these two provisions to require the permittee to report all deviations within seven days.

Response: Any failure on the part of this source to comply with the applicable emission standards indicated in Section 3 of the proposed permit for a period equal to or exceeding four hours in duration would have to be reported within seven days. Thus, Condition 6.1.2 requires prompt reporting, within seven days, of any excess emissions that would result in a threat to public safety and welfare. Furthermore, Arrowhead must provide notification, within fifteen days, whenever the VOC emissions from the entire facility during any twelve consecutive month period equal or exceed 85 percent of the annual limit.

Furthermore, this issue has already been reviewed by USEPA in a petition filed by the commenter regarding EPD's Title V program, and EPA determined that no deficiencies exist. The commenter's attention is directed to the March 29, 2002, letter from Winston Smith to Mr. Robert Ukeiley, Counsel for the Sierra Club.

## **5. Permit Renewal Issues**

Comment: The permit should require a timely submittal of the renewal application.

Condition 8.5.3 states that if the permittee submits its application for a permit renewal, it can continue operating after its initial permit has expired. However, the permittee should only enjoy this privilege if it submits its renewal application in a timely manner, that is at least six months but no more than 18 months prior to the expiration date of the Permit.

Response: Condition 8.5.1, which appears on the same page as Condition No. 8.5.3, explains the renewal application process in detail and contains the appropriate renewal application deadlines. Furthermore, Condition 8.5.3 refers to the requirements of Condition 8.5.1. For the sake of clarification, Condition 8.5.3 has been revised to require a "timely application."

## **6. State-Only Enforceability Issues**

Comment: Condition 8.15.1 is not only enforceable by the state.

Condition 8.15.1 is labeled as enforceable only by the state. However, this is actually a federal requirement contained in 42 U.S.C. § 7423. Therefore, this Condition should not be labeled as state only enforceable condition.

Response: 42 U.S.C. § 7423, titled "Stack Heights," does not relate to the circumvention of applicable standards, which is the topic of Condition 8.15.1. Regardless, Condition 8.15.1 is directly from the Georgia Air Quality Rules. It is not part of Georgia's SIP nor is it an applicable federal regulation. Therefore, it has been appropriately classified as a State Only Enforceable condition..

## 7. Issues Pertaining to Emission Limits and Applicable Standards

Comment: Emission Limits.

Section 2.1 only lists limits for volatile organic compounds; however, Arrowhead is a major source of both individual HAP and Total HAP's (Para II.E. 2. "Title V Major Source Status by Pollutant" of the Title V Application Review). MACT standards need to be added to the permit as a case by case basis. (Section 112g of CAA). It is not sufficient to note in the Application Review, para II.E.3. that "This facility will become subject to the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Reinforced Plastics Composites Production, which will be codified as 40 CFR Part 63, Subpart WWWW [sic] {sic}. This NESHAP was proposed by U.S. EPA in June 2001 and will likely be promulgated in June 2002, with a compliance date of June 2005."

Note: The proposed regulation starts on page 40325 of the August 2, 2001 Federal Register. The Permit must establish MACT.

Section 3 of the draft permit lists no emission limits for either HAC [sic] or VOC from any emission unit. EPD needs to establish emission limits for styrene and other HPA's [sic] as required in CAA Sec. 112(g). A compliance plan and compliance schedule need to be developed for this facility.

The permit which is currently in place limits HAP emissions to 25 tons during any 12-month period. To reclassify these HAP's as VOC's and raise the limit from 25 tons per year to 99 tons per year rather than require control technology seems to fly in the face of the purpose of the Clean Air Act.

Response: These comments are without merit. EPD stipulates that this source is major for potential emissions of both VOCs and HAPs. In fact, the Title V permit application, the permit narrative, and the application summary sheet all identify this source as having potential emissions of VOCs and HAPs that exceed the respective major source thresholds for those pollutants. In this case, the primary pollutant emitted by the facility is styrene, which is both a VOC and a HAP.

As noted in the permit narrative and application summary sheet, the company has requested a limit on emissions of VOC below the major source threshold of 100 tons per year. Thus, this source is being required to obtain a Title V operating permit solely because emissions of a single HAP (styrene) exceed 10 tons per year. As the permit narrative explains, this limit on VOC emissions is a voluntary limit imposed at the request of the company in order to reduce their annual permit fees. This limit is not being imposed for purposes of any applicable state or federal emission standard.

No limits on styrene emissions, other than the 99 ton per year cap on facility-wide VOC emissions, are imposed on any operations at the facility in Section 3 of the draft permit. This is because there are currently no applicable state or federal emission standards under which these emissions are regulated. As the permit narrative notes,

this facility eventually will become subject to a federal emission standard to be promulgated under Section 112(d) of the Clean Air Act Amendments of 1990. This emission standard, the Reinforced Plastic Composites Production NESHAP, is a MACT standard that was posted on EPA's Air Toxics Website in June 2001 and proposed in the August 2, 2001, edition of the Federal Register. After the comment period for this proposed rule expires, it will be promulgated in Title 40 of the Code of Federal Regulations as Subpart WWWW of Part 63 (40 CFR 63 Subpart WWWW). The final rule for Subpart WWWW is not expected to be promulgated until the Fall of 2002 at the earliest; therefore the company's deadline for complying with this NESHAP will not occur until the Fall of 2005 at the earliest.

The particulate matter emissions from numerous operations at this source are subject to Georgia Rules (b) and (e), which regulate visible emissions and particulate matter emissions from manufacturing operations, respectively. The applicability of these emission standards is indicated in Section 3 of the proposed permit, and appropriate monitoring and record-keeping conditions to demonstrate compliance with these standards are included in Sections 5 and 6 of the proposed permit.

Contrary to the assertion of the commenter, this source is not subject to case-by-case MACT under Section 112(g) of the Clean Air Act Amendments of 1990 (40 CFR 63 Subpart B). As specified in 40 CFR 63.40(a), case-by-case MACT requirements under Section 112(g) apply to "any owner or operator who constructs or reconstructs a major source of hazardous air pollutants after the effective date of section 112(g)(2)(B) (as defined in Sec. 63.41) and the effective date of a title V permit program in the State or local jurisdiction in which the major source is (or would be) located unless the major source in question has been specifically regulated or exempted from regulation under a standard issued pursuant to section 112(d), section 112(h), or section 112(j) and incorporated in another subpart of part 63, or the owner or operator of such major source has received all necessary air quality permits for such construction or reconstruction project before the effective date of section 112(g)(2)(B)." The effective date of Section 112(g)(2)(B) for the State of Georgia is June 29, 1998, as specified in Georgia Rule 391-3-1-.02(9)(b)16(ii). As the Title V permit application and narrative clearly indicate, this facility was constructed prior to the effective date of June 29, 1998, and is therefore not subject to regulation under Section 112(g). Furthermore, the modification to this facility that occurred in October 1998 is likewise not subject to regulation under Section 112(g) because this modification did not constitute the reconstruction of this source or the construction of a new and independent process line. Thus, to impose case-by-case MACT requirements on this facility under authority of Section 112(g) as the commenter proposes would be an illegal application of a federal emission standard.

This facility is not operating in violation of any currently applicable state or federal emission standard. Therefore, no compliance plan and compliance schedule need to be developed for this facility and incorporated into this operating permit.

EPD through this operating permit is not proposing to "reclassify" the styrene emissions of this facility from hazardous air pollutants to volatile organic compounds. VOCs are classified as such by the U.S. EPA, and EPA's definition of VOCs is

incorporated verbatim in the Georgia Rules for Air Quality Control as 391-3-1-.01(lIII). Styrene has been regulated as a VOC under this definition since it was initially promulgated into the State rules by EPD. Hazardous Air Pollutants were initially identified by EPA through an exhaustive scientific analysis and rulemaking process, which between 1970 and 1990 resulted in the promulgation of federal emission standards for only six such pollutants under 40 CFR Part 61: arsenic, asbestos, benzene, beryllium, mercury, and vinyl chloride. With the Clean Air Act Amendments of 1990, Congress identified a total of 189 elements, chemicals, and groups of chemicals, including styrene, as hazardous air pollutants. Since that time, EPA has through rulemaking deleted one chemical, caprolactam, from this list of HAPs and has added no new elements or chemicals. Styrene, therefore, has been regulated as a HAP since Congress amended the Clean Air Act in 1990. EPD does not determine which elements or chemicals are regulated as HAPs or VOCs and does not “reclassify” pollutants from one category, such as HAPs, to another, such as criteria pollutants. The draft Title V operating permit for this facility regulates its emissions of styrene both as a HAP and as a VOC. As a VOC, the styrene emissions are subject to the facility-wide emission cap on VOCs of 99 tons per year. As a HAP, these same styrene emissions eventually will become subject to regulation under the Reinforced Plastic Composites Production NESHAP, which will impose MACT-level control requirements on the emissions of styrene. Prior to the compliance deadline for this NESHAP, this facility’s operating permit will be re-opened or re-issued to include the appropriate emission standards and testing, monitoring, record-keeping and reporting requirements.

It should be noted that this facility’s original construction and operating permit contained a limit of 10 tons per year for any individual HAP and 25 tons per year for any combination of HAP emissions. Thus the facility was limited to 10 tons per year of styrene, not 25 tons per year as the commenter suggests. This limit was imposed at the request of the company, which preferred to be permitted as a synthetic minor source rather than as a major source under Title V. However, subsequent to the issuance of this source’s synthetic minor construction and operating permit in April 1998, EPA withdrew its emission factors for styrene from this industry category from AP-42 and issued new styrene emission factors in the form of a computer model, called the “FRP Model.” This FRP Model effectively doubled the emission factors for sources that utilize spray layup of styrene-based gel coats and resins. Consequently, the company’s emissions of styrene almost doubled overnight – not as the result of an increase in production or change in the method of operation but because of a change in the emission factor used to calculate emissions of styrene. As a result, Arrowhead Fiberglass could no longer maintain its synthetic minor status and was required to apply for a Title V operating permit.

It should also be noted that compliance with the proposed NESHAP is not expected to result in a significant reduction in emissions of styrene from this source. The proposed rule does not require the use of abatement devices. Instead, it relies on a combination of restrictions on the styrene content of the resins and gel coats used and the use of application techniques with improved transfer efficiency. For the most part, this facility is already utilizing resins, gel coats and application techniques that are compliant with the proposed rule.

## 8. Specific Compliance Issues

Comment: Compliance plan and compliance schedule.

Arrowhead Fiberglass is not in compliance with the current permit. It both exceeded the emission limits for styrene and other HAP's and VOC's and failed to report the excess releases as required. (Inspection Report dated July 23, 2001 from Nova Lance-Seghi to Karen Hays; Title V Application Review). Instead of rewriting and issuing a permit that increases the amount of material emitted, and simultaneously ignoring the fact that the materials are HAP's, there should be a compliance schedule to bring the facility into compliance with the existing permit limits.

Response: This comment is without merit. As noted above, Arrowhead's inability to comply with the emission limits in its current synthetic minor permit is primarily due to a significant increase in the EPA-approved emission factors for this industrial category; thus there was no actual increase in the amount of styrene being emitted from the facility – rather, the method used to calculate these emissions, based on material usage at the facility, changed. Arrowhead submitted an application for a Title V operating permit when it became apparent that they could not continue to operate as a synthetic minor source. Arrowhead did notify EPD when emissions of styrene exceeded the permit limits, but did not provide notifications on an on-going basis; it was their erroneous belief that their submission of a Title V application obviated this reporting requirement.

The permit limit on HAP emissions was entirely voluntary and was not imposed because of a state or federal emission standard. The limit's sole purpose was to restrict the facility's potential emissions of HAPs so that it would be regulated as a synthetic minor, rather than as a major, source. Because the issuance of this major source Title V operating permit, in and of itself, will resolve this issue, there is no need to include additional compliance plans and schedules in this permit.

It must be noted that many sources within Georgia and across the nation have accepted voluntary limits on criteria pollutants and HAPs in order to avoid becoming subject to the Title V operating permit program. All of these sources have the option of giving up their synthetic minor limits and becoming major sources that are regulated under the Title V permit program; there are no state or federal requirements to prevent these sources from changing their classification under the Title V program. Conversely, many Title V major sources may elect to reduce their emissions and be regulated as synthetic or true minor sources, as the case may be; the Title V operating permit program is not a once-in, always-in program. When faced with facility-wide styrene emissions in excess of 10 tons per year, as the result of a significant increase in EPA's emission factors, Arrowhead had to choose between curtailing production or installing control equipment in order to continue to operate under their existing synthetic minor permit limits, or else abandoning their synthetic minor status altogether and accept regulation under the Title V operating permit program. Arrowhead elected to become a major source.