6/11/2020

EPA Comments

International Imaging Materials, LLC

Draft title V permit significant modification
Region 9, NYSDEC

I. Comments on Draft Permit

Applicability of Federal Regulations - As specified at CAA §§504(a) and (c), 40 CFR §70.6, and 6 NYCRR 201-6.4, each title V permit must include all emission limitations and standards, as well as operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance. The permit must also include all necessary testing, monitoring, recordkeeping, and reporting requirements to demonstrate compliance with the emission limitations. The applicable requirements should not be cited broadly by using high-level citations (for instance "40 CFR 64") as the authority for the title V permit conditions. Each title V permit conditions should cite to its specific underlying authority. Based on the EPA's review, the draft permit should be revised to include all applicable federal requirements as discussed below.

A. 40 CFR § 63 Subpart JJJJ "Paper and Other Web Coating" (NESHAP 4J)

The International Imaging Materials (IIM)'s current title V permit does not contain any NESHAP 4J requirements, even though the compliance date for existing affected sources, such as the web coating lines at IMM, was December 5, 2005. However, as described in the application and title V draft permit for the significant modification (draft permit), the NYSDEC, through this permitting action, which involves the addition of new web coating line, MSC-6 to the facility's five existing web coating lines, has also added the NESHAP 4J requirements to the permit. We found that the majority of the NESHAP 4J requirements that apply to the 6 web coating lines, the affected source at IIM, are missing from the permit. Also, as discussed below, those permit conditions that were just added to the draft permit and cite to NESHAP 4J include language that are not consistent with NESHAP 4J.

1. NESHAP 4J Requirements for IIM

Based on our review, following is a list of the NESHAP 4J requirements that we determined apply to the affected source (6 web coating lines of emission unit (EU):X-OXDZR) at IIM but are not included in the draft permit. Since we compiled the list based on the information found in the permitting record, we recommend that NSYDEC verify the list based on all of the specifics of the affected source at IIM that may not be available from the record.

Emission Standards
§ 60.3320(b)(1)
Affected Source
§ 60.3300
Operating Limits
§ 60.3321(a)
Compliance Date
§ 60.3330(a)
General Requirements
§ 60.3340
Control Devices and Monitoring Requirements
§ 60.3350(a)(2), (3), and (4)
§ 60.3350(b)
§ 60.3350(d)(1)
§ 60.3350(e)(1) through (8) and (e)(9)(i) and (ii)
§ 60.3350(f)
Performance Tests
§ 60.3360(a)(2)
§ 60.3360(e)(1) and (2), and (e)(3)(i)
§ 60.3360(f)
Compliance Options
§ 60.3370(a)(5)(i)
§ 60.3370(e)(1)
§ 63.3370(p)(2)
§ 63.3370(i)(2)(i) through (iv)
§ 63.3370 (k)(1)(i) through (iii), (k)(2)(i) and (k)(3)
Notifications and Reports
§ 60.3400 (a) through (g)
Recordkeeping
§ 60.3410(a)
40 CFR 63, Subpart A, General Provisions Applicable to NESHAP 4J
See Table 2 to NESHAP 4J for which Subpart A sections apply to IIM.

2. Draft Permit Conditions with NESHAP 4J Citations

We have the following comments on the draft permit conditions that cite to NESHAP 4J:

a. Condition 2-7 of the draft permit cites to § 63.3320 (b)(1) which briefly discusses that at an existing HAP source the capture system and control devices must provide for an overall reduction in organic HAP emissions of at least 95% each month. It also includes an extensive description of the capture system, control devices at IIM and the previous performance testing done at the facility, but it fails to establish a limit on organic HAP emissions. This condition, as currently written is inconsistent with § 63.3320 (b)(1), which establishes a limit on organic HAP emissions of "[n]o more than 5 percent of the organic HAP applied for each month 95 percent reduction at existing affected sources." Please address this issue.

b. Condition 2-9 of the draft permit that cites to **§** 63.3360(e) and establishes a VOC emissions overall removal efficiency rate of 95%, and requires compliance demonstrated via performance testing. However, **§** 63.3360 (e) "Control device efficiency" requires performance testing to verify compliance with the emission standards in § 63.3320 (for organic HAP emissions and not for VOC emissions). Condition 2-9 should be revised to be consistent with **§** 63.3360 (e) provisions that apply to the control devices at IIM. This condition should also reference HAP instead of VOC emissions.

c. While Conditions 2-10 through 2-12 of the draft permit all cite to § 63.3350 (e), these conditions contain only some of the provisions of § 63.335(e) which extends over 10 subsections detailing the specific requirements a "Continuous Parameter Monitoring System" (CPMS) must meet. These conditions should be revised to include only requirements from § 63.3350 (e) that are applicable to the affected source at IIM.

d. Condition 2-15 of the draft permit cites to §63.3350(d)(1) of NESHAP 4J. While §63.3350(d)(1) lists the specific requirements for CEMS that measures the control efficiency of a solvent recovery unit (SRU) (the Toluene Recovery System (TRS) used by IIM), Condition 2-15 includes requirements from the CAM Plan related to the TRS instead. Condition 2-15 should be revised to cite the CAM Plan as the underlying authority or include the applicable requirements from §63.3350(d)(1).

3. NESHAP 4J – Affected Source Determination

As indicated in Section II.B of the preamble to the final rule at 67 FR 72332[1], certain affiliated operations performed at web-coating lines "are part of the paper and other web source category". These affiliated operations include: (1) mixing or dissolving of coating ingredients prior to application; (2) coating mixing for viscosity adjustment, color tint or additive blending, or pH adjustment; (3) cleaning of coating lines and coating line parts; (4) handling and storage of coatings and solvents; and (5) conveyance and treatment of wastewater.

Based on the draft permit and application, the affected source to which NESHAP 4J applies is limited to emission unit EU: X-OXDZR. Further, as indicated in its June 3, 2020 email response to the EPA, the NYSDEC determined that there are no "affiliated operations" performed at the facility. However, the activities described for EU: 1-CBS01 (storage of coatings and solvents) and EU: 1-WEIGH (mixing of solid pigment resins and waxes) seem to be "affiliated operations" as defined in the preamble to the final rule. Please explain in the PRR why the activities performed in these emissions units are not considered "affiliated operations" or update the draft permit by adding any affiliated operations, as necessary.

[1] 67 FR 72332, could be find at https://www.govinfo.gov/content/pkg/FR-2002-12-04/pdf/02-29074.pdf

B. 40 CFR § 64 (CAM Rule or Part 64)

This title V permit significant modification includes also revisions to those permit conditions that address the CAM Rule requirements. We found that certain required CAM Rule permit content elements are missing from the draft permit and some permit conditions which are meant to address the CAM Rule requirements lack the specificity needed to make them enforceable and clear.

Also, while it might be appropriate to use certain NESHAP 4J monitoring requirements to satisfy some of the CAM Rule (§ 64.6 (c)) permit monitoring requirements, the NYSDEC must ensure that those respective NESHAP 4J permit conditions should reference the respective low-level citations from both NESHAP 4J and 40 CFR § 64.

1. CAM Rule – Approved Monitoring Approach

The minimum monitoring requirements of Part 64 that need to be included in title V permits are specified at § 64.6(c)(1) through (c)(4) and are discussed in detail below:

a. As required by §64.6(c)(1)(i) through (iii),the approved monitoring approach including (1) the indicators to be monitored (such as temperature, pressure drop, emissions, or similar parameter); (2) the method of measuring the indicators (such as temperature measuring device, visual observation, and CEMS); and (3) the performance criteria established to satisfy § 64.3 (b) or (d), as applicable, must be included in the permit. The performance criteria at § 64.3(b)(1) through (4)[2] applies to IIM and includes Data Representativeness, Verification of Operational Status, Quality Assurance and Quality Control (QA/QC) procedures, and Frequency of Monitoring.

b. Pursuant to § 64.6(c)(2), a title V permit shall specify, at a minimum, the means of defining exceedances or excursions, the level which constitutes an exceedance or excursion, or the means by which that level will be defined; the averaging period that are associated with exceedances or excursions; and the procedures for notifying the permitting authority of the establishment or reestablishment of any exceedance or excursion level.

[2] These requirements are as follows: (1) "Data Representativeness", such as the detector location, installation specifications to provide for obtaining representative data and minimum acceptable accuracy. § 64.3(b) (1); (2) "Verification of Operational Status" addresses verification procedures, including procedures for installation, calibration, and operation of the monitoring equipment in accordance with the manufacturer's recommendations, to confirm the operational status of the monitoring prior to the commencement of required monitoring. § 64.3(b)(2); (3) "Quality Assurance/Quality Control (QA/QC) Procedures", which are meant to ensure continuing validity of data. The monitoring approach must identify the minimum QA/QC activities that will be used to assure the continuing validity of the data for the purposes of indicating potential adverse changes in control performance. § 64.3(b)(3); and (4) "Frequency of Monitoring" addresses monitoring frequency, data collection, and averaging period consistent with the characteristics and typical variability of the emissions unit and commensurate with the time period over which an exceedance or excursion is likely to occur. Emissions units with post control PTE greater or equal to 100 percent of the amount classifying the source as a major source must collect four or more values per hour to be averaged. Other emissions units must collect data at least once per 24-hour period. § 64.3(b)(4).

c. § 64.6(c)(3) addresses the obligation to conduct monitoring and satisfy the requirements of §§ 64.7 through 64.9.

d. § 64.6(c)(4) requires that "the permit shall specify if appropriate, the minimum data availability requirement for valid data collection for each averaging period and if appropriate, for the averaging periods in a reporting period".

The NYSDEC should ensure that all monitoring requirements at § 64.6(c)(1) through (c)(4) that apply to the 3 thermal oxidizers (one regenerative thermal oxidizer and 2 recuperative thermal oxidizers) and the carbon adsorption system of the Toluene Recovery System (TRS) are included in the permit. Each permit condition should cite to the specific low-level provision of the CAM Rule which is the underlying authority for these applicable monitoring requirements.

2. CAM Rule - General Reporting and Recordkeeping Requirements

As required at § 64.9 (a) and (b), the permit should be revised to include all specific reporting and recordkeeping requirements for the temperature of the 3 thermal oxidizers and the VOC emission limit at the outlet of the TRS.

3. CAM Rule & Part 70 - Required Compliance Certification Language

40 CFR Part 70 was revised to be consistent with the CAM Rule. § 70.6(c)(5)(iii) now requires that annual compliance certifications "identify as possible exceptions to compliance any periods during which compliance is required and in which an excursion or exceedance as defined under Part 64 of this chapter occurred." The draft permit should be revised to include this requirement in the annual compliance certification.

4. Draft Permit Conditions with CAM Plan Language

The EPA has the following comments on those draft permit conditions which contain language from the CAM Plan:

a. Condition 2-8 of the draft permit cites to "40 CFR 64" as its underlying authority. This condition includes a description as to why 40 CFR 64 "CAM Rule" applies to IIM, a "summary of the approved CAM Plans" and some CAM Rule-related recordkeeping and reporting requirements. However, this condition should be revised to include the monitoring requirements in § 64.6(c)(1) through (c)(4) in an enforceable manner so it would be easily understood by the facility its obligations under the CAM Rule. Also, all low-level § 64.6(c)(1) through (c)(4) citations, as applicable, should be specified as the underlying authority for Condition 2-8.

b. As discussed elsewhere in this document, Condition 2-15 of the draft permit cites to § 63.3350(d)(1) of NESHAP 4J but contains language from the CAM Plan. If the NYSDEC wishes to preserve the CAM related language in this condition, instead of removing it and include it in another permit condition, we suggest the following revisions:

i. Revise the condition to ensure that it's written in an enforceable manner so that it would be clear which CAM permitting requirements are contained by the condition and what is required from the facility to do.

ii. Add, within the condition, next to each paragraph that addresses a certain CAM provision, the appropriate citation from the CAM Rule. For instance, based on our review the following citations should be added: § 64.3(b)(2), (b)(3) and (b)(4) and § 64.9 (b).

iii. Add all of the above-mentioned citations as the origin of authority for Condition 2-15;

C. VOC Emissions Limit for the New Proposed Web Coating Line

Although, in the application IIM proposed a limit of 39 tpy of VOC for the newly proposed web coating line, MSC-6, of EU:X-OXDZR, to avoid the applicability of 6 NYCRR Part 231-2 (Nonattainment NSR), this VOC limit was not included in the draft permit. The new web coating line is part of EU: X-OXDZR which comprises of a total of 6 web coating lines. In an email dated June 3, 2020, the NYSDEC stated that the VOC limit proposed by IIM was not included in the draft permit because the NYSDEC determined that it was not necessary. NYSDEC explained that if the potential to emit (PTE) of EU: X-OXDZR, is determined based on the uncontrolled emission rate potential (ERP)[3] of VOC of 105 pounds per hour (lb/hr), which is not a limit in the draft permit, and a 95% VOC destruction efficiency of the control devices employed for EU: X-OXDZR, which is a requirement in the draft permit, the VOC PTE would be only 23 tpy (less than 40 tpy NNSR threshold). The EPA agrees that there would be no need to establish a tpy limit on the VOC emissions from the new proposed web coating line, as long as the 105 lb/hr uncontrolled ERP of VOC of EU: X-OXDZR is included as a limit in the permit. Otherwise, we recommend that NYSDEC include in the draft permit for MSC-6, the emission limit of 39 tpy of VOC as proposed in the application, inline with the emissions caps established for MSC-4 and MSC-5 in the existing permit.

[3] 6 NYCRR Part 200.1 (u) Emission rate potential "The maximum rate at which a specified air contaminant from an emission source would be emitted to the outdoor atmosphere in the absence of any control equipment. The emission rate potential of a specified air contaminant from an emission source is calculated by dividing the weight of such contaminant (expressed in pounds) that would be emitted to the outdoor atmosphere during maximum emission conditions in the absence of any control equipment, by the duration (expressed in hours) of such emissions. When an air contaminant is emitted for a period equal to or less than one hour, the emission rate potential is the weight of the contaminant emitted in the absence of any control equipment, divided by one hour, except that for any toxic air contaminant specified by the commissioner, the duration of emissions used in calculating the emission rate potential may be less than one hour. The maximum emission rate used for calculating the emission rate potential is not the emission rate during catastrophic or malfunction conditions."

II. Comments on Permit Review Report (PRR)

A. Facility Specific Requirements Section of PRR

In order to conform with the NYSDEC PRR Guidance and EPA regulations and guidance, the Facility Specific Requirements section of the PRR should be updated as follows:

1. NESHAP 4J

Please address the following:

a. Identify the affected source (s) (emission unit, processes and emission sources) at IIM to which NESHAP 4J applies.

b. Include a description of why NESHAP 4J applies to the respective affected source, address how the NESHAP 4J applies and how applicability was determined.

2. CAM Rule

Please address the following:

a. Identify the emission unit to which CAM Rule applies.

b. Include a description of why the CAM Rule applies to the respective emission unit, address how the requirement applies and how applicability was determined.

B. Facility Emission Summary Section of PRR

Please ensure that the PTE of VOC of the facility listed on page 5 of 24 under the "Title V/Major Source Status" section of the PRR is consistent with that which is listed on page 8 of 24 under "Facility Emission Summary" section of the PRR.