VIA FACSIMILE TO 202-501-1450, MAIL, AND EMAIL

December 10, 2007

Mr. Stephen L. Johnson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: Appeal of Title V Permit No. V97008, Honeywell Engines, Systems and Services Biologically Enhanced Soil Vapor Extraction System, 111 South 34th Street, Phoenix, AZ 85034

Don't Waste Arizona, Inc. (DWAZ) is a non-profit environmental organization dedicated to the protection and preservation of the Arizona environment. DWAZ is especially concerned about environmental justice issues, air pollution, and toxics issues. DWAZ is headquartered at 6205 South 12th Street, Phoenix, AZ 85042, and may be reached at (602) 268-6110. DWAZ has members in the affected area by the air pollution from the subject facility.

DWAZ had appealed this permit before, but then it was withdrawn, making the appeal moot. But now it is about to be issued again, and EPA has begun its review before the final permit has been issued. This leaves DWAZ no choice but to appeal the permit before the final version is released to the public and the affected community.

The Maricopa County (Arizona) Air Quality Department (MCAQD) will be issuing a Title V permit to the Honeywell Engines, Systems and Services Biologically Enhanced Soil Vapor Extraction System, a Title V Permit, V97-021.

So DWAZ appeals this Honeywell Title V permit administratively to the Administrator, for all of the reasons mentioned in DWAZ's comments filed in that matter. DWAZ will email these comments in a file titled "honeywell public hearing comments" separately to you to save on paper and fax time, and incorporates them by reference in this letter.

These reasons for the appeal include an intentional violation of the civil rights of people in the affected area; excessive HAPs emissions allowed; the MCAQD's illegally preventing testimony and comment at the May 31, 2007 public hearing for the permit, which is also a civil rights matter; flawed emission limits and operating requirements; lack of practical enforceability; improper monitoring, recordkeeping and reporting requirements; unclear triggers for alternative operating scenarios; and additional permit deficiencies.

DWAZ filed comments on the proposed permit, and the basis for the appeal arises from DWAZ's comments made during the public comment period for this permit. DWAZ's comments may also be referenced for more details about the basis for the appeal.

In a sham effort to conceal its Title VI violations, the MCAQD has stated in its Responsiveness Summary that the MCAQD has an Environmental Justice policy, but this turns out to be **a complete fraud, and evidence of the intent to discriminate by MCAQD**.

The Environmental Justice contact person for the MCAQD is [redacted], the same person who proposes this permit, and the same person who tried illegally to prevent testimony and comment at the May 31, 2007 public hearing, a civil rights matter. During the public hearing, which had an agenda that clearly stated a public comment period from 6:30PM to 7:30PM, Mary Moore, representing the Lindon Park Neighborhood Association, which is the predominantly ethnic minority organization awarded the Superfund Technical Assistance Grant for the Superfund Site in the area, walked to the microphone and attempted to make public comments on this proposed Title V permit, which is a specific legal right set forth in the federal Clean Air Act for the public.

[redacted], the hearing officer for the hearing, **along with** [redacted], **Director of the MCAQD**, tried to prevent Ms. Moore from speaking. When [redacted] was asked about limiting public comment during a Title V hearing, and whether EPA knew that he was doing this, he said it was entirely his option on how to conduct Title V public hearings. This deliberate intimidation and harassment by [redacted] and [redacted] speaks volumes about the MCAQD's attitudes towards the statutory rights of the public to participate in public hearings under the Clean Air Act's Title V, and deserves investigation and enforcement.

Also, the purported fact sheets regarding the MCAQD Environmental Justice Policies that MCAQD purportedly distributes to environmental justice communities do not exist.

There have been no "special air monitoring conducted" by MCAQD in the environmental justice community of South Phoenix from 2004 to present, as purported by MCAQD.

There are no records of meetings with "stakeholders" from the environmental justice community of South Phoenix where input was provided to prioritize field inspections to address facilities that "may have significant localized impacts" in the environmental justice community of South Phoenix from 2004 to present. And there are no records of any meetings held in the environmental justice community of South Phoenix communities affected by the MCAQD Environmental Justice Policy regarding "enhanced complaint resolution process for environmental justice issues" from 2004 to present.

DWAZ also appeals the proposed Title V permit to the EPA Administrator because the permit does not comply with the Clean Air Act and applicable requirements. In particular:

A). The emission limits and substantive operating requirements set out in the revisions are flawed and inconsistent with applicable law.

B). The revisions create conditions that are not practically enforceable, and thus violate federal law and county regulation.

C). Numerous monitoring and record keeping requirements are deficient, concerns about insufficient frequency of compliance and inspection, monitoring, recording, record retention, reporting, and procedural deficiencies, lack of presentation of the worst case scenario and worst case scenario calculations, and level of oversight concerns and thus fail to yield reliable data regarding the facility's compliance with the permit terms.

D). The triggers for implementing the Alternative Operating Scenarios are vague, and fail to adequately protect air quality and public health.

E). Procedural Deficiencies: Additional permit deficiencies are delineated including problems with the Project Description/Statement of Basis, Environmental Justice concerns, equipment operating specification concerns, and lack of a detailed O&M plan procedures.

F). Emission Calculations: A concern exists over the lack of adequate site characterization: one of the main concerns is that the Light Non-Aqueous Phase Liquids (LNAPL) site has not been fully characterized and that the concentrations of the Hazardous Air Pollutants (HAPs) used for the modeling may not be the worst case scenario.

G). Applicable Requirements: Concerns about the applicable requirements to address the treatment of the identified CVOCs.

H). Oversight and Enforcement: Additional concerns from the community are presented including concerns over authority to regulate air emissions, length of exposure to air emissions, inconsistency with the Second Five Year Review of the Operable Unit 2, concerns over Honeywell's compliance record, lack of institutional responsiveness to community concerns, and concerns over the effects in Phoenix from greenhouse gases that are presently unregulated but will be emitted.

Further, DWAZ points out that the MCAQD does not have the jurisdiction in this matter to issue this air permit. The 2007-2008 EPA-ADEQ Superfund Multi-Site Support Agency Cooperative Agreement states that the **"USEPA is the lead agency"** for the OU2 Interim Remedy. Because the proposed BSVE will address the CVOCs commingled with the jet fuel, these cleanup activities must be dealt under the EPA Superfund program and not by the State Underground Storage Tanks program or the MCAQD.

Sincerely,

Stephen M. Brittle
President
Don't Waste Arizona, Inc.
6205 South 12th Street
Phoenix, AZ 85042
602-268-6110

Attachments sent via email only