October 21, 2015

Control Officer/Permitting Division Manager
MCAQD
1001 N. Central, Suite 125,
Phoenix, AZ, 85004

Re: Comments Opposing Permit Revisions to Air Quality Permit 040136 Rev. 2.0.2.0, Hickman's Egg Ranch, 32425 W Salome Hwy Arlington, AZ

Don't Waste Arizona, Inc. (DWAZ) is a non-profit, state-wide environmental organization dedicated to the protection and preservation of the environment in Arizona. DWAZ is especially concerned about environmental justice, toxic and hazardous air pollutant emissions in communities, and related air pollution issues. DWAZ is also very concerned about corrupt environmental regulatory agencies like MCAQD. DWAZ is headquartered at 2934 West Northview Avenue, Phoenix, AZ 85051, and may be reached at (602) 881-3305. DWAZ has members in the affected area.

This permit must be denied for a number of reasons:

- The application is incomplete and should have not been processed. In fact, all of the applications for air permits submitted by Hickman's at both locations have been incomplete and should never have been processed.

- The permit and hearing notices are incomplete and legally insufficient.

- The equipment list for the proposed permit is not on the county website, and even when the equipment list is obtained, it is incomplete.

- There is not sufficient analysis of the emissions from certain equipment and processes or any review to determine the adequacy of the proposed limitations of operation.

- Not all potential and actual emissions are provided or analyzed.

- There is no attempt to update the permit condition for odors, despite numerous complaints to the agency about the illegal stench emanating from the facility and offensive for miles, which violates Rule 320 and its Section 302. **Section 302 clearly lists fertilizer and manure as things that shall be regulated to prevent odors from escaping. By refusing to require the equal application of this to people unfortunate enough to live within smelling distance of Hickman's facilities is a violation of the Equal Protection Clause of the US Constitution, and is per se evidence of agency fraud and racketeering.**

ED_001509B_00010935-00001

- The facility is masquerading as a non-Title V facility, with the obvious collusion of the poorly trained agency staff. The permit needs to be rescinded, New Source Review conducted, and a Title V permit applied for. In fact, the two Hickman's facilities are so interconnected, that per regulation, they should be considered one facility.

- The facility has both agriculture and manufacturing/processing, by its own admissions, but the MCAQD is hiding the facts about that and perpetrating a fraud that Hickman's is just agriculture, claiming it is regulated under agricultural BMPs. Even those agricultural BMPs don't fit the facility, but the agency ignores this and creates a fiction.

- MCAQD violates its own rules under the federally enforceable SIP in all permits issued to Hickman's.

- Plans to deregulate the on-site feed mill and grain silos are inappropriate and illegal, as these are part of on-site industrial processes.

The SIC/NAICS codes have not been filled in on the application, or on any of the Hickman's air pollution permit applications, which is necessary for the agency to determine what type of operations are actually occurring at the facility. In over 20 years of reviewing permit applications, DWAZ has not seen this before, and it appears to indicate collusion between the regulatory agency and Hickman's to perpetrate a fraud that the facilities are not industrial but agriculture, part of a scheme to avoid proper regulation and illegally allow the stenches emanating from the facility. Yet the proper, primary SIC codes would be 2015 and 2875, because the primary revenue sources for Hickman's are not agriculture, they are selling processed foods and manufactured manure/dead chicken pellets. Attached is Hickman's own submission to the Maricopa County Planning and Development Department which states, "This application is submitted to and the existing Rural Residential land use designation on the subject property to an industrial land use designation in order to preserve and protect the existing land uses: 1) chicken egg production **and processing** and 2) **related feed and fertilizer manufacturing**." This is an admission by Hickman's that these processes are industrial in nature, not agriculture.

The equipment list is very incomplete.

Attached is the report by Kathy Martin, professional engineer, which speaks to the missing information that should be on the equipment list, as well as calculations showing the inadequacy of the emissions projected. DWAZ includes and incorporates her comments by reference and attachment.

The application for permit modification date stamped received July 20, 2015 does not acknowledge the steam and dust generated during the drying of poultry manure in the rotary dryer. Online videos of similar types of rotary dryers show both steam exhaust

ED_001509B_00010935-00002

(from the removal of moisture in the poultry manure) and dust exhaust from the onloading of poultry manure into the equipment and off-loading of dried manure after treatment.

Condition 21 states: "The Permittee shall burn no more than 341,120 gallons of propane in the rotary dryer per twelve consecutive month period."

The Technical Support Document states on page 3 of 7: "Conditions 21-22 regulate the manure dryer and were included to keep the facility from exceeding any applicable threshold, such as BACT."

In the Emissions Calculations table provided on page 5 of the permit application, the propane tank is described as capable of holding 15,000 lbs or 63,600 gallons of propane. The information in the table states that the 15 MMBtu/hr dryer can operate for 388 hours per tank of propane.

Using the permit limit of 341,120 gallons, the capacity of the propane tank, and the hours of use per tank, the following can be calculated:

(341,120 gallons/12 cons mo)/63,600 gal/tank = 5.4 tanks of propane/12 cons mo
5.4 tanks/12 cons mo x 388 hours of operation/tank = 2,081 hrs of op/12 cons mo

The permit application claims a limit of 2,080 hours of operation assuming a 5 day work week, 8 hours per day, and 52 weeks per year. The potential to emit assuming 24 hrs per day and 7 days per week would be based on 8,760 hours per 12 cons mo or four times the permitted operating time (8,760/2,080 = 4.2).

What is not explained is whether 2,081 hours of operation is sufficient to dry the poultry manure generated at both the Arlington and Tonopah egg laying facilities. The permit application fails to explain how this limited time is sufficient to process the combined poultry manure. The missing information includes the throughput (tons per hour) of the rotary dryer and the total tons of poultry manure intended to be processed through the dryer in any twelve consecutive month period (12 cons mo).

For example, if the rotary dryer throughput was 20 tons per hour and is limited to 2,081 hours then the facility could only process 41,620 tons per 12 cons mo.

Table 6 of Midwest Plan Services MWPS-18 Waste Characteristics includes a design factor of 0.15 lbs manure per bird per day for layers. The Arlington facility has 8 million layers and 4 million pullets. The Tonopah facility has 4.3 million layers and a maximum capacity planned at 10-12 million layers. The tons of manure produced by 16.3 million layers can be calculated as follows:

16.3 million layers x 0.15 lbs/hd/day x 365 days/yr = 892,425,000 lbs
or 446,212 tons of manure
219,000 tons/41,620 tons = 10.7 times more manure generated than can be

ED_001509B_00010935-00003

treated with one rotary dryer.

Using the limiting factors of the proposed permit, the single rotary dryer can only treat nine percent (9%) of the poultry manure generated by 16.3 million layers in any twelve consecutive month period.

The permit application does not state how much poultry manure will be processed using the rotary dryer nor does it make any attempt to identify and quantify the air pollution generated from the process. On page 2 of 4 of the permit application, the applicant claims a control efficiency of 99.5% for the baghouse but does not provide information such as manufacturer's model and specifications. No mention is made on acceptable pressure drop across the baghouse filter materials. The permit application does not describe the quantity of emissions expected to be controlled by the baghouse.

Besides being vastly incomplete, this is reminiscent of the scandalous permitting and handling by MCAQD of the Fisher Sand and Gravel asphalt plant that operated in South Phoenix. It was a synthetic minor by reason of limiting its production of asphalt, but the agency never asked for any records to show compliance despite hundreds of complaints from inundated local ethnic minority citizens. When the records were finally requested by the agency and produced for public inspection, it led to an assessed $1 million fine, which was negotiated down from a potential $6.7 million fine. (If there had been no public inquiry and appeals to EPA, the agency would have done nothing in its oversight role. There was no penalty for the agency in its negligence in the matter, but a civil rights complaint with the EPA Office of Civil Rights is still open and pending.) There needs to be a federal level investigation of the current agency regarding Hickman's need for a Title V permit. The last time EPA audited the county air agency, when it was the MCESD, it found criminal activity, issued a rare Notice of Deficiency, and forced a change in staff and even required a new agency be created. DWAZ assisted in the research that led to calss to the EPA to conduct the audit. It seems that this sort of EPA audit and response is now called for again. Given the history of the county air agency and its propensity to issue permits without intending to conduct due diligence and issue sham or fake permits, along with its consistent failure to train its employees, it appears a deliberate activity is involved. The baghouse at Fisher was also not the proper type to prevent PM emissions, and it took an outside independent expert contracted by MCAQD to inform the agency of its error.

The Hickman operations exceed allowable VOC emission thresholds in the 8-hour ozone nonattainment area and should be required to have a Title V permit.

The facility is actually a Title V major source, and the current permit should be rescinded, and a new, Title V permit should be applied for. There should also be a New Source Review before any permit is issued.

ED_001509B_00010935-00004

Stated below are the reasons why the Non-Title V Air Quality Permit to Operate and/or Construct should be revoked for both the Tonopah and Arlington sites and a Title V permit be required.

The operations are both located in an 8-hour Non-Attainment Area for Ozone. In 2008, the EPA revised the eight-hour ozone standard to 0.075 parts per million (ppm). More recently, on October 1, 2015, the Agency lowered the standard to 0.070 ppm. On May 21, 2012, EPA published a final rule to designate the Maricopa nonattainment area as a Marginal Area with a December 31, 2015 attainment date. Because both Hickman's facilities are located in the non-attainment area, the major source permit threshold for Volatile Organic Compound (VOC) emissions from each facility is 100 tons per year (tpy) and it will soon be lower when the new federal standard for ozone is required to be implemented in Arizona.

The EPA released a report on emissions data from two manure belt layer houses in Indiana on July 31, 2010 as part of the National Air Emissions Monitoring Study[1] (NAEMS). The findings of that report showed that there was 0.0000596 kg/day[1] per bird of VOCs emitted from the Indiana facility, which housed 500,000 birds at the time of the study. Both Hickman facilities consist of manure belt caged layer hen houses. Each house is 60,000ft^2 and is ventilated by approximately 48 52-inch tunnel fans, which will move 28,000 cfm (cubic feet minute) under general operating conditions. Currently, Hickman's Egg Ranch, Inc. in Tonopah, Arizona houses approximately 4.3 million birds. The similarity of this operation to the Indiana study indicates that expected VOC emissions from this facility are approximately 256 kg/day or 103 tpy.

Representatives of Hickman Family Farms have indicated that full animal capacity of this site will eventually be 10-12 million birds. At the volume of animals planned for this facility, expected VOC emissions could reach 715 kg/day or 288 tpy. Our analysis shows that this facility has already reached the number to exceed emission 100 tpy of VOCs in a non-attainment area. The evaluation and analysis of the Indiana NAEMS data showed that the Number to Exceed Emissions Threshold (NEET) would be met at 4.6 million birds. Either way, this facility is expanding to potentially house 12 million birds. Our estimations are as follows:

a. Annual VOCs at Tonopah facility: (Currently – 4.3 million birds) ~ (59.6mg/day/hen)
0.0000596 kg/day/hen x 4.3 million birds = 256.28 kg/day[1] x 365 days = 93,542kg/year x 2.20462 lbs = 206,225 lb/yr = 103tpy (tons per year)

b. Max. Annual VOCs at Tonopah facility: (12 million birds) ~ (59.6 mg/day/hen)
0.0000596 kg/day/hen x 12 million birds = 715 kg/day[1] x 365 days = 261,048 kg/year x 2.20462 lbs = 575,512 lbs/yr = 288 tpy

Also, the analysis of Hickman's Egg Ranch in Arlington shows that the 12 million birds currently housed at this site produce VOC emissions of 715 kg/day[1] or 288 tpy.

ED_001509B_00010935-00005

The above referenced calculations are from the horizontal ventilation systems of each laying house and therefore are non-fugitive and count towards the major source threshold.

These calculations are only for the buildings that the birds are housed in. **No emissions calculations were estimated for the manure sheds at the Tonopah site or the manure stacks at the Arlington facility. This must be done. Additionally, the calculations do not include emissions from emergency diesel generators or process wastewater evaporation ponds at both facilities. This also must be done.**

Furthermore, eggs are washed, broken and further processed into liquid, hard-boiled and made into dehydrated products at the Arlington facility, so this is not an agricultural site, but in fact is an industrial food processing facility as well as an industrial fertilizer and manure pellet processing and manufacturing facility. Calculations of VOCs from the egg processing facility at Arlington need to be quantified, as well as from the fertilizer and pellet manufacturing and processing, as well as particulate matter and odor emissions.

There is also evidence of processing and production codependency between the Tonopah and Arlington sites, which means they should be considered one source.

According to data from the 2007 Maricopa 8-hour Ozone Plan Appendices vol.1, and calculations based upon the results of the NAEMS study, both Hickman sites together are currently the top VOC stationary source in Maricopa County. Failure to regulate and control these VOC emissions can and will cause the eventual loss of a billion dollars/year in federal highway funds as the area fails to achieve compliance with NAAQS. That would make Hickman's eggs the most expensive on earth.

On page 2 of 7 of the Technical Support Document, Item C includes this statement:

"Rotary Dryer Baghouse (1) Controls particulate emissions from the rotary dryer.
It is regulated under agricultural BMPs rather than the Control Officer."

There are no AgBMPs that specifically address the use of baghouses, rotary dryers, or any type of poultry manure drying for that matter. In fact, the AgBMPs suggest increasing the moisture of stored manure as a control for particulate emissions. The July 24, 2015 Notice of Final Exempt Rulemaking related to AgBMPs does not list rotary dryers, baghouses, or manure drying systems under R18-2-611.01(D) for commercial poultry facilities as follows:

(D)(2) Animal waste (and Feed) Handling and Transporting:
(a) Remove spilled feed,
(b) Store feed,
I Add oil and/or moisture to the feed,
(d) Use enclosed feed distribution system,
I Use flexible discharge spout,

(f) Minimize drop distance,
(g) Enclose transfer points,
(h) Clean floors and walls in a commercial poultry facility,
(i) Clean aisles between cage rows,
(j) Stack separated manure solids, or
(k) Maintain moisture in manure solids.

Illegally relies on agricultural BMPs:

On page 2 of 7 of the Technical Support Document, Item C also includes:

"Corn Grinder (1) The grinder is self-contained to reduce particulate emissions. It is regulated by ADEQ under agricultural BMPs rather than the Control Officer."

"Feed Mixer (1) The feed mixer is self-contained to reduce particulate emissions. It is regulated by ADEQ under agricultural BMPs rather than the Control Officer."

As shown in the list of (D)(2) AgBMPs, it is clear that the BMPs were not written envisioning the application to a large-scale feed manufacturing facility but rather focuses on the distribution of the feed within the animal feeding operation itself. The reliance upon AgBMPs to limit particulate emissions from the rotary dryer and the feed mill processes appears to be crafted to ignore the agency's responsibilities under the Maricopa County SIP. In this case, the Control Officer has abdicated responsibility for emission controls to a system (AgBMPs) that has no readily identifiable method of identifying, quantifying, or controlling those emissions, including particulates and volatile organic compounds.

This unequal treatment of Hickman's also constitutes an unfair business practice in that other permittees were required to complete their air permit applications, and, in most cases, actually obey the air quality regulations.

The permit has been improperly noticed, with not all of the documents required posted on the MCAQD website, and even what has been provided is inconsistent and incomplete. Similarly, despite repeated records requests, the MCAQD persists in not supplying all records.

MCAQD has been consistently misleading the public about the odor issues involving Hickman's facilities. This includes MCAQD staff making claims to have been in meetings with ADEQ and Hickman's to resolve the issues, when these meetings indeed never occurred.

ARS 49-457 (O), a state law, is superseded by the federally recognized SIP for Maricopa County. Until and unless EPA Region 9 allows changes in the SIP for Maricopa County, the SIP is the controlling document.

ED_001509B_00010935-00007

In the SIP's definitions, we find odors listed as a separate thing than other air contaminants.

200.9
AIR CONTAMINANT
:
Includes smoke, vapors, charred paper, dust, soot, grime, carbon, fumes, gases, sulfuric acid mist aerosols, aerosol droplets, **odors**, particulate matter, windborne matter, radioactive materials, noxious chemicals, or any other material in the outdoor atmosphere.

Also, air pollution is defined broadly:

200.10
AIR POLLUTION
:
The presence in the outdoor atmosphere of one or more air contaminants, or combinations thereof, in sufficient quantities, which either alone or in connection with other substances, by reason of their concentration and duration, are or tend to be injurious to human, plant, or animal life, or causes damage to property, or unreasonably interferes with the comfortable enjoyment of life or property of a substantial part of a community, or obscures visibility, or which in any way degrades the quality of the ambient air below the standards established by the Board of Supervisors.

The MCAQD rule regarding odors, which incidentally none of the agency's staff have been trained about, is promulgated in light of the SIP definitions.

REGULATION III – CONTROL OF AIR CONTAMINANTS
RULE 320
ODORS AND GASEOUS AIR CONTAMINANTS

SECTION 100 – GENERAL
101 PURPOSE:
To limit the emissions of odors and other gaseous air contaminants into the atmosphere.

SECTION 200 – DEFINITIONS:
For the purpose of this rule, the following definitions shall apply:
.
203 ODORS –
Smells, aromas or stenches commonly recognized as offensive, obnoxious or objectionable to a substantial part of a community.

SECTION 300 – STANDARDS:
No person shall emit gaseous or odorous air contaminants from equipment, operations or premises under his control in such quantities or concentrations as to cause air pollution.

ED_001509B_00010935-00008

What is notable here is that there is no footnote about H2S. Yet somehow, MCAQD's untrained staff and the agency have been incorrectly asserting that all odors are regulated by an H2S standard. Since the staff has not been trained about the odor rule, it is obvious that someone has been telling them to say this.

301 ANIMAL AND VEGETABLE MATTER REDUCTION:
No person shall operate or use any machine, equipment or other contrivance for the reduction of animal or vegetable matter, separately or in combination, unless all gases, vapors and gas-entrained effluents have been incinerated to destruction at a temperature of not less than 1,300 degrees Fahrenheit or processed in a manner determined by the Control Officer to be equally or more effective for the control of air pollution.

Despite the rule, MCAQD has ignored this when applying it to Hickman's permits.

302 MATERIAL CONTAINMENT REQUIRED:
Materials including, but not limited to, solvents or other volatile compounds, paints, acids, alkalies, pesticides, **fertilizer and manure <u>shall</u> be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged in to the ambient air so as to cause or contribute to air pollution.** Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices or equipment shall be mandatory.

Section 302 clearly lists fertilizer and manure as things that shall be regulated to prevent odors from escaping. By refusing to require the equal application of this to people unfortunate enough to live within smelling distance of Hickman's facilities is a violation of the Equal Protection Clause of the US Constitution, and is evidence of agency fraud and racketeering. MCAQD even issued permits to the Hickman's facilities that mention the rule and controlling odors, yet claims the limitations on H2S, Hydrogen Sulfide, in the ambient air are the only way to measure and determine compliance. This is scientifically challenged, as **not all odors are caused by H2S. And there is a separate and distinct section of the rule under the SIP that deals with H2S, which would not be needed if H2S were the only thing that causes odors that are regulated under the SIP.**

The other intense odors emanating from the Hickman's facilities from poultry manure also include aliphatic (fatty acids, amines, ammonia, aromatics, and inorganic and organic sulfur. When anaerobic conditions occur methane, carbon dioxide, ammonia, acetic, propionic and butyric are produced. The decomposition of amino acids by bacteria produces amines, such as cadaverine and putresine. The very offensive smelling compound methyl mercaptan is a product of amino acid decomposition, and can be oxidized to the unpleasant smelling compounds dimethyl disulfide or dimethyl sulfide. Nitrous oxide, mono-methane volatile organic carbon, dust, and microbial and endotoxin aerosols will be produced. And other chemicals causing odors are Dimethyl sulfide, Butyric, isobutryic acid, Valeric acid, lsovaleric acid, Skatole and Indole.

ED_001509B_00010935-00009

By not requiring monitoring for or controlling these odors other than hydrogen sulfide from Hickman's, the MCAQD is negligent, and has been. If any injury or death occurs as a result, this will become gross negligence. Loss of life or health or quality of life, property devaluation, stress caused by the agency's refusal to enforce the law, all are actionable due to the MCAQD's negligence.

And obviously, if the odor rule did not apply to agriculture in any way, there would and could not be any mention of manure in the rules and SIP definitions. This is more evidence of the pattern of behavior at MCAQD in asserting that Hickman's is exempt.

Further, if an arbitrary and capricious "agricultural exemption" equates to no pollution limits, what would prevent any industrial facility from putting sheep or cattle on the back lot and claiming the same?

304 LIMITATION – HYDROGEN SULFIDE:

No person shall emit hydrogen sulfide from any location in such a manner or amount that the concentration of such emissions into the ambient air at any occupied place beyond the premises on which the source is located exceeds 0.03 parts per million by volume for any averaging period of 30 minutes or more.

Maricopa County Air Quality Department issued an Air Quality Permit to Operate and/or Construct without the proper application, without a proper New Source Review, and without an adequate understanding of the volume, types and sources of air pollutants to be emitted from either facility.

10) Many more errors of omission:

1. Page 2, Section 1

   There is reference to "Also, please see attachments". There are not any attachments that refer to Section 1. Either there is an error or the application is incomplete.

2. Page 2, Section 2

   The "Assigned Equipment Number" is blank making the application incomplete. It is important at equipment numbers be assigned so the permittee can be properly inspected.

3. Page 2, Section 2

   Elsewhere in the application the propane tank is identified as 63,600 gallons and 15,000 lbs. To represent it as 15,000 gallons in this section is very misleading. Because of this and other errors the application must be denied.

ED_001509B_00010935-00010

4. Page 2, Section 2

   A rating of "15MMBTU" seems to be an error. Propane may be rated in BTU, but not a tank. This should be corrected before the application is approved.

5. Page 2, Section 2

   Clarify if the propane tank has an exhaust vent to a baghouse as indicated in this section. Literature supports that the rotary dryer vents to the baghouse. The application must be denied until this is clarified.

6. Page,2, Section 2

   The rotary dryer and baghouse are not listed on the "list of equipment and emission control devices, which will be installed or modified", making the application incomplete. The application must be denied until it is complete.

   Note that the air pollutant emissions are included in Section Z-M and the Equipment List, so the rotary dryer and baghouse must additions to the permit and the reason for the modification.

7. Page 2, Section 3

   The application is incomplete because the "Equipment Number in Which Used" for the Propane HD-5 is blank.

8. Page 2, Section 3

   The application is incomplete because the MSDS for propane HD-5 is not attached. The application must be denied until it is provided. Without the proper MSDS provided, on-line MSDS shows that the chemical composition is 90-95%, not 96.7%.

9. Page 2, Section 3

   The application is incomplete because the baghouse "Name/ID" is not identified and the flow rate through the baghouse is not identified ("Gas Flow Rate SCFW")

10. Page 3, Section Z-M, Pollutant Table

    Columns (i) & (iii) record "negligible" for Oxides of Sulfur, Particulates of 10 Microns, and Total Suspended Particulates, which are an opinions, rather than quantifiable values that are on the Emissions Calculations attachment.

11. Page 3, Section Z-M Table

ED_001509B_00010935-00011

No documentation or calculations were provided to account for the baghouse efficiency, so with this incomplete application, no credit should be awarded to reduction for Particulates of 10 Microns or Smaller and Total Suspended Particulates and the value of "0.12 tpy" should be entered for both pollutants.

The application does not provide a process drawing to understand the location of the baghouse. It probably is on the output of the rotary dryer and not on the propane burner discharge (Vulcan Systems paperwork identifies it as a "15 MMBtu/hr Fired Boiler- which implies indirect heating). This makes a difference when calculating emissions.

12. Page 3, Section Z-M, Pollutant Table

    Column (ii) is blatantly left blank rather than providing the regulated pollutant emissions from the regulated equipment on the Permit's Equipment List. Which also falsifies the entire site's emissions in Column (iii). The permit application must be denied until accurate pollutant emissions information is provided.

13. Attachment: Emissions Calculations, Item 4

    The PTE has an error. (24/7/265) does not equal 8,760 hours. If the intent is to estimate the maximum hours it would be (24/7/365) or 61,320 hours. Note that the operational days for "5 days week" is 260 days.

14. Attachment: Emissions Calculations, Item 5, bullet

    The applicant claims that "Emissions are negligible after calculating baghouse efficiency and are reported as such on Section Z-M of the Minor Permit Modification Form." However, there is no calculation to support this opinion. The permit application in SECTION Z-M states: "**If supporting calculations are not included with the application, the application will be deemed incomplete.**" By Maricopa County Air Quality Department's own requirements, this application must be deemed incomplete.

15. Attachment: Emissions Calculations, Item 9

    Item 9 is a statement of the applicant's <u>opinion</u> and should be removed from the permit application. Arizona Department of Environmental Quality (ADEQ) does not regulate the rotary dryer. Maricopa County Air Quality Department regulates the rotary dryer as evidenced by MCSIP, Maricopa County Air Quality Department rules, inclusion in this permit with permit conditions, and included on the associated Equipment List. There is no exemption or shield for rotary dryers in the revised Arizona Administrative Code agricultural best management practices and associated regulations.

ED_001509B_00010935-00012

Maricopa County Air Quality Department Rule 323 exempts kilns per § 103.2 and although the rotary kiln may be considered an indirect-fired process heater with a heat input greater than 10 MMBtu/hr in § 102.4, it is excluded by definition in § 214: "… A process heater is not an oven or kiln used for drying, curing, baking, cooking, calcining, or vitrifying."

16. SPECIFIC CONDITIONS 4. Compliance Demonstration

The Compliance Demonstration is too limiting to effectively demonstrate compliance with the odor control standards. The permit needs to be modified to include comprehensive demonstration of odor control to protect the environment and public health. Currently the permittee frequently violates this permit condition and Maricopa County State Implementation Plan Regulation 1 – General Provisions, Rule 3 Air Pollution Prohibited and Regulation 3 – Control of Air Contaminants Rule 32 Odors and Gaseous Emissions.

Maricopa County Air Quality Department is required to enforce its federally mandated State Implementation Plan. The Department can only do this by establishing a comprehensive Compliance Demonstration requirements for "air pollutants, smells, aromas or stenches commonly recognized as offensive, obnoxious, or objectionable" in this permit so they can be enforced.

17. SPECIFIC CONDITIONS 4. Compliance Demonstration

Sampling for hydrogen sulfide within any 12-month period after the receipt of three odor complaints is inadequate and does not protect the environment or public health. First, the permittee can continue to violate the odor control standards at will. Second, the permittee can choose to conduct the testing within 90 days during favorable conditions and falsely demonstrate compliance. Third, it does not compel the permittee to take immediate corrective action to cease generation of the stench. Fourth, the compliance demonstration allows the permittee to continue to pollute and in a way encourages it. This Compliance Demonstation violates Maricopa County State Implementation Plan Regulation 8 – Validity and Operation, Rule 81 Operation because this Compliance Demonstration creates and maintains a nuisance. Additonally, this Compliance Demonstation violates Maricopa County State Implementation Plan Regulation 7 – Ambient Air Quality Standards, Rule 71 by allowing degradation of air quality that is preventable.

18. SPECIFIC CONDITIONS 5. Compliance Plan

There is a Compliance Plan for the hydrogen sulfide limitation, but not for "air pollutants, smells, aromas or stenches commonly recognized as offensive, obnoxious, or objectionable". Consequently, the permit is insufficient and must be modified to include a Compliance Plan for the event of "air pollutants, smells, aromas or stenches commonly recognized as offensive, obnoxious, or objectionable" exceedances.

19. FUEL BURNING EQUIPMENT

ED_001509B_00010935-00014

The baghouse has the potential to exceed the opacity limit, so the compliance requirements in Maricopa County State Implementation Plan Regulation 1 – General Provisions, Rule 3 Air Pollution Prohibited and Regulation 3 – Control of Air Contaminants, Rule 300 – Visible and Maricopa County Rule 300 – Visible Emissions should be added to the permit section for Fuel Burning Equipment. The baghouse is connected to an industrial process. There is no exemption or shield for rotary dryers and baghouse in the revised Arizona Administrative Code agricultural best management practices and associated regulations.

- • Through public records requests, Maricopa County Air Quality Department has provided Equipment List (Date 12/23/2014 Revision 2.0.1.3) for current Air Quality Permit to Operate and/or Construct Permit #040136 and the Equipment List for the requested modification. The equipment on the two lists are inconsistent with the permit modification permit. The application must be denied until the Equipment Lists can be reconciled so the public can understand the entire scope of the modification and operation of the air pollution source.

  • Emergency Generator FM-1 has been added to the Equipment List and it is not recorded on the minor permit modification application or reflected in Section Z-M Air Pollution Emissions.

  • Emergency Generator G-39 has been added to the Equipment List and it is not recorded on the minor permit modification application or reflected in Section Z-M Air Pollution Emissions

20. Through public records requests, Maricopa County Air Quality Department has provided Equipment List (Date 12/23/2014 Revision 2.0.1.3) for current Air Quality Permit to Operate and/or Construct Permit #040136 and the Equipment List for the requested modification. The equipment on the two lists are inconsistent with the permit modification permit. The application must be denied until the Equipment Lists can be reconciled so the public can understand the entire scope of the modification and operation of the air pollution source.

21. "DRYER – PROPANE ROTARY DRYER WITH BAGHOUSE; INSTALLED 07/15" is clearly an error and misleads the public. Maricopa County Air Quality Department has multiple documents demonstrating that the rotary dryer was in operation prior to and since February 25, 2015.

    The original date of the rotary dryer installation must appear on the Equipment List and Maricopa County Air Quality Department should issue a Notice of Violation.

22. Emergency Generator G-3 has been removed from the Equipment List and it is not recorded on the minor permit modification application or reflected in Section Z-M Air Pollution Emissions.

23. Emergency Generator FM-1 has been added to the Equipment List and it is not recorded on the minor permit modification application or reflected in Section Z-M Air Pollution Emissions.

24. Emergency Generator G-39 has been added to the Equipment List and it is not recorded on the minor permit modification application or reflected in Section Z-M Air Pollution Emissions.

25. TANK ABOVEGROUND STORAGE – PROPANE has been added and the Rated Capacity appears to be incorrect. The applicant has provided conflicting information and 63,600 gallons is probably the correct value.

The facility has been illegally using the propane-fueled rotary dryer for manure processing for quite some time, and until and unless a proper permit is applied for with the application actually complete, the use of it must be prohibited immediately. Citizens filed numerous complaints about the illegal use of this equipment and the extraordinary emissions that violated opacity regulations from this unpermitted equipment, including video tapes of the activity, and yet this corrupt agency first tried to deny its existence, and still allows it even though the equipment is not permitted. That makes the agency culpable and complicit in violations of the Clean Air Act, which DWAZ believes is a crime. Obviously, a criminal investigation must be conducted by EPA and the Department of Justice.

The rotary dryer has been operating for quite some time, and is now the subject of this minor permit modification to allow its "installation." After ignoring numerous citizens' complaints about it and even denying its existence, the agency is now planning to permit it. But where is the NOV for operating it illegally? Where is the order of abatement? That the MCAQD is permitting it now while simply allowing it to operate is an admission that the rotary dryer requires a permit, as well as evidence of favoritism and collusion with Hickman's to allow violations of the Clean Air Act. So the MCAQD's failure to enforce is just another reason for EPA intervention. DWAZ requests EPA remove the delegation agreement with MCAQD and/or overfile and penalize the company, at a minimum.

It appears that many MCAQD staff and administrators are involved in the Hickman's scandal, and it is suggested that all seek their own legal counsel in these matters. It is DWAZ's understanding that to conspire to break air pollution laws that are part of the federally-approved SIP is criminal activity, and if agency staff is complicit, that makes the situation worse for all defendants, and opens the door for a racketeering and fraud case. This constitutes formal notice.

ED_001509B_00010935-00016

Sincerely,

Stephen M. Brittle
President
Don't Waste Arizona
2934 West Northview Avenue
Phoenix, AZ 85051
602-881-3305

cc: EPA Region 9

ED_001509B_00010935-00017