Message

From: Cox, John [cox.john@epa.gov]
Sent: 2/1/2018 4:54:30 PM
To: Mia, Marcia [Mia.Marcia@epa.gov]
Subject: OIAI Reversal - FW: Part 70 Permit Requirement

Hi Marcia,

Deliberative Process / Ex. 5

John

John Cox
Office of Compliance/Air Branch
Office of Enforcement and Compliance Assurance
U.S. Environmental Protection Agency
202-564-1395

From: Andy Rusnak [mailto:arusnak@derenzo.com]
Sent: Friday, January 26, 2018 4:05 PM
To: Throwe, Scott <Throwe.Scott@epa.gov>
Cc: DeVriesK1@michigan.gov; Cox, John <cox.john@epa.gov>
Subject: RE: Part 70 Permit Requirement

Hi Scott,

I wanted to follow up with you on a question you had answered for me regarding the EPA's policy regarding major sources of HAPs. I saw today that the "Once in Always in Policy" had been reversed.

https://www.epa.gov/newsreleases/reducing-regulatory-burdens-epa-withdraws-once-always-policy-major-sources-under-clean

The facility I deal with no longer uses the chemical that contained the HAP that caused them to become a major source. Since that time the facility has greatly reduced their overall HAP emissions, such that annual emissions of all HAPs are far less than major source thresholds (and would be less than 5 tons per year without the control device that was installed). In this case would the facility now be allowed to apply for a state issued air permit which limits the

source HAP emissions below major source thresholds, terminate their existing Title V permit and become an area source of HAPs (i.e., no longer subject to Subpart PPPP)?

Thank you for your help,

Andy Rusnak, QSTI
Technical Manager
Derenzo Environmental Services
(517) 268-0043
arusnak@derenzo.com

From: Throwe, Scott [mailto:Throwe.Scott@epa.gov]
Sent: Tuesday, February 7, 2017 1:47 PM
To: arusnak@derenzo.com
Cc: DeVriesK1@michigan.gov; Cox, John <cox.john@epa.gov>
Subject: RE: Part 70 Permit Requirement

Mr. Ruznak: As I understand the situation, the facility in question had a state operating permit with operating limits below the 10/25 major source thresholds. In 2016, the facility exceeded the limits of the permit for a period of 3 months and became a major source. The facility added controls to comply with the MACT PPPP and reduced their emissions back below major source levels. However, because the facility triggered the major source levels after the compliance date for Subpart PPPP, they remain subject to the regulation and cannot receive another minor source permit to avoid applicability of Subpart PPPP. This is consistent with EPA's 1995 "Potential to Emit for MACT Standards – Guidance on Timing Issues", also known as the "Once is Always in Policy." (See link below)

https://www.epa.gov/sites/production/files/2015-08/documents/pteguid.pdf

Because the facility is now subject to a MACT Standard (Subpart PPPP), they would be required to have a Title V permit as specified in Part 70. (See below)

§70.3 Applicability.

(a) *Part 70 sources.* A State program with whole or partial approval under this part must provide for permitting of the following sources:

(1) Any major source;

(2) Any source, including an area source, subject to a standard, limitation, or other requirement under section 111 of the Act;

(3**) Any source, including an area source, subject to a standard or other requirement under section 112** of the Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under section 112(r) of this Act;

(4) Any affected source; and

(5) Any source in a source category designated by the Administrator pursuant to this section.

I hope this answers your question.

Regards,

Scott Throwe
U.S. EPA
Office of Enforcement and Compliance Assurance
Office of Compliance
Phone: 202-564-7013

From: Andy Rusnak [mailto:arusnak@derenzo.com]
Sent: Tuesday, February 07, 2017 1:11 PM
To: Throwe, Scott <Throwe.Scott@epa.gov>
Subject: Part 70 Permit Requirement

Hi Mr. Throwe,

I have been working with Ms. Kaitlyn DeVries of the MDEQ regarding a facility in Michigan that is subject to Subpart PPPP. The facility exceeded 10 tons of an individual HAP for 3 months early in 2016 and therefore became a major source of HAPs. The facility installed a thermal oxidizer and now annual emissions of HAPs are well below major source thresholds. I understand that once they are subject to the Subpart they are always subject to the Subpart. The facility operates under a state issued permit that limits all of their emissions, HAPs included, to below major source thresholds. I was under the assumption that this source, while they must continue to comply with Subpart PPPP, did not need to apply for a Part 70 permit because they operate under a permit that limits their emissions below the major source threshold. Ms. DeVries provided me your contact information and stated that you provided her the guidance that this facility would need to apply for a Part 70 permit. Could you point me to the rule that requires this as I have been looking and unable to find it? I want to make sure I am giving my client the correct advice and be able to show them the actual requirement.

Thank you for your help, I appreciate it.

Andy Rusnak, QSTI
Technical Manager
Derenzo Environmental Services
(517) 268-0043
arusnak@derenzo.com

From: DeVries, Kaitlyn (DEQ) [mailto:DeVriesK1@michigan.gov]
Sent: Tuesday, February 7, 2017 12:22 PM
To: arusnak@derenzo.com
Cc: 'Chuck Czarnecki' <Chuck.Czarnecki@plasancarbon.com>
Subject: RE: ROP Requirement

Hi Andy,

I understand the confusion about 4P not explicitly stating that requirements of Part 70 in the MACT itself. I apologize for not clearly explaining it. EPA's once-in-always-in policy states that all major sources must obtain a Part 70 operating permit, and that all sources that are major under Section 112 will also be major under Title V. It then follows that a source that is major for the purposes of any MACT standard will be subject to the Title V as a major source. Since the compliance deadline for 4P had already passed when Plasan exceeded the individual HAP major source threshold, they became subject to the MACT and subsequently Title V. I will be sure to make this more clear in my staff report for the ROP. We had help in determining the exact compliance date from Mr. Scott Throwe (EPA's office of Enforcement and Compliance Assurance – throwe.scott@epa.gov, 202-564-7013) as we weren't initially sure if they needed to comply

with the date for new or existing sources, but we determined they needed to comply with the existing source requirements based on 40 CFR Part 63.4483 (c)(2).

Hopefully this helps. Please let me know if you have any additional questions.

Kind Regards,
Kaitlyn

Kaitlyn DeVries, MPH
MDEQ – AQD
Grand Rapids District
P: 616-356-0003
E: devriesk1@michigan.gov

From: Andy Rusnak [mailto:arusnak@derenzo.com]
Sent: Tuesday, February 07, 2017 11:34 AM
To: DeVries, Kaitlyn (DEQ)
Cc: 'Chuck Czarnecki'
Subject: ROP Requirement

Hi Kaitlyn,

Thank you for speaking with me on the telephone today and I was hoping you could provide me some more clarification as to where in the federal NESHAP Subpart PPPP it says an affected source is required to obtain at Part 70 (ROP) Permit. When I look through the rule I only come across two instances where it mentions Part 70 permits and those are in the submission of semi annual reports it talks about if you have a Part 70 permit, your semi annual deviation report can be considered to be your semi annual monitoring report, which seems to imply that a Part 70 permit is not required for this subpart. I know other subparts specifically mention you must obtain a Part 70 permit and I do not see that language in this subpart.

With the installation of their oxidizer they are now well below the thresholds that would require them to obtain a Part 70 permit so I don't want to advise them to get one unless it is absolutely necessary or required by rule. If you could provide me the citation or EPA contact information so I can get further clarification I would appreciate it.

Again, thank you for helping us on this issue,

Andy Rusnak, QSTI
Technical Manager
Derenzo Environmental Services
(517) 268-0043
arusnak@derenzo.com

From: Chuck Czarnecki [mailto:Chuck.Czarnecki@plasancarbon.com]
Sent: Tuesday, February 7, 2017 10:02 AM
To: DeVries, Kaitlyn (DEQ) <DeVriesK1@michigan.gov>
Cc: arusnak@derenzo.com
Subject: RE: Change in environmental consulting services

Hi Kaitlyn,

The direct contact person at Derenzo would be:

Andy Rusnak, QSTI
Technical Manager
Derenzo Environmental Service
4180 Keller Road, Suite B
Holt, MI 48842
Phone: (517) 268-0043
Fax: (517) 268-0089
Email: arusnak@derenzo.com

Thanks for making the change.

From: DeVries, Kaitlyn (DEQ) [mailto:DeVriesK1@michigan.gov]
Sent: Tuesday, February 07, 2017 9:40 AM
To: Chuck Czarnecki <Chuck.Czarnecki@plasancarbon.com>
Subject: RE: Change in environmental consulting services

Hi Chuck,

Thank you for letting me know about the change in consultants. I will use the note below as official authorization to discuss Plasan with Derenzo Environmental Services. Do you have a direct contact person you would like me to have on file for you?

Upon acceptance of PTI No. 130-12D, I will roll that PTI into your drafted ROP. However, you will need to fill out the attached form in order for me to do so. Instructions for the form can be found here: http://www.deq.state.mi.us/aps/downloads/rop/LifeAfterROP/life_after_rop.shtml. That form needs to be sent to our Cadillac District Office, the address is located on the website listed above.

Then, we should be able to smoothly move forward with the ROP. I will give you time to look at the ROP before it proceeds on to the next step of the process, which is the 30 day public comment period.

Feel free to contact me if you have any questions.

Thank you!

Kind Regards,
Kaitlyn

Kaitlyn DeVries, MPH
MDEQ – AQD
Grand Rapids District
P: 616-356-0003
E: devriesk1@michigan.gov

From: Chuck Czarnecki [mailto:Chuck.Czarnecki@plasancarbon.com]
Sent: Tuesday, February 07, 2017 8:18 AM
To: DeVries, Kaitlyn (DEQ)
Subject: Change in environmental consulting services

Good Morning Kaitlyn,

I just wanted to let you know that we will no longer be contracting consulting services from Environmental Partners, Inc.

We had such a positive experience with Derenzo Environmental Services during the recent stack test, that we decided to contract their environmental consulting services. We are looking forward to working with their many professionals with a wealth of environmental regulatory experience.

I did talk with Daniel Schwanik and requested a 10 day extension for Permit 130-12D. He was very kind and granted the extension.

Chuck Czarnecki, PE
Paint Engineer / TS Lead
Plasan Carbon Composites
Phone: (616) 965-3410 x2310
Cell: (810) 441-8001
E-mail: Chuck.Czarnecki@plasancarbon.com
Website: www.plasancarbon.com