dhec

Healthy People. Healthy Communities.

September 17, 2021

VIA Electronic Mail

Randolph R. Lowell
Willoughby & Hoefer, P.A.

RE: New-Indy Stripper Maintenance

Dear Mr. Lowell:

This acknowledges receipt of New-Indy's letter dated September 15, 2021, and your letter and email to Myra Reece sent today, September 17, 2021, regarding routine maintenance and repair of the facility's steam stripper. The condition of the steam stripper and maintenance needs should have been disclosed to DHEC well in advance of these letters.

This will serve to acknowledge that maintenance and repair will be conducted as set forth in the referenced submittals. The company must ensure that activities related to stripper maintenance and optimization do not result in increased undesirable levels addressed in DHEC's May 7 Order, or in fence line H2S exceedances, while the work in being conducted or after, as occurred with the recent process upset on August 24th that impacted fence line on September 2nd. During maintenance and thereafter, all permit and regulatory requirements must be met. This acknowledgement does not alleviate New-Indy's responsibility to comply fully with the EPA's 303 Order and requirements.

Letters dated September 17, include New-Indy's commitment to decrease production when the stripper is taken out of operation. There must be no increase in production after the stripper is taken out of operation until all maintenance and repairs are completed and DHEC gives approval for incremental increases. Production may need to be decreased or cease during the maintenance activities or in the future to address emission or odor issues.

The 30-minute average H2S concentrations reports for the three onsite fence line monitors must be provided daily to include weekends for the period of the stripper maintenance though any optimization trials, as well as for 7 days past the return of systems to typical operation.

As previously discussed, notification of this activity to the public is a requirement of the Order. The late timing of this required notice is a concern.

Failure to comply with these directives, violation of permit or regulatory requirements, or violation of the DHEC Order may subject New-Indy to further action to the full extent of the Department's authority. The Department reserves all authority to take administrative, civil, emergency, or other action, including imposition of penalties, related to the operation of the Facility, including, but not limited to, matters addressed herein.

Very truly yours,

Jacquelyn S. Dickman

Jacquelyn S. Dickman

Deputy General Counsel

Cc: Dr Simmer, Agency Director

Myra Reece, Director, Environmental Affairs