

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

AIR QUALITY OPERATING PERMIT

RESPONSE TO COMMENTS

Permit Number: Minor General Permits 3 & 9
Public Comment Closing Date: March 3, 2017

Prepared by Adam Reed on March 10, 2017

The public comment period for the Minor General Permit 3 (MG3) for Asphalt Plants and Minor General Permit 9 (MG9) for Rock Crushers closed March 3, 2017. Comments were received from the Associated General Contractors of Alaska (AGC) and Colaska Inc., some comments appear paraphrased in order to shorten the comment to specific issues. This paper provides the Alaska Department of Environmental Conservation's (Department's) responses to these comments for both permit actions in one document.

Commenter: Alaska Association of General Contractors (AGC)

AGC Comments Pertaining to Both MG3 and MG9 Permits:

1. Relocating Sources (Permit Condition 2) – AGC related general satisfaction with the changes made to the Relocation Reporting Requirements. The 10 day notice was reduced to 5 days and provision for Pre-Approved site locations were added to both the MG3 and MG9 in Conditions 2.1 – 2.2. [comment paraphrased]

Response: The Department appreciates that these suggested changes will make compliance with the MG asphalt and rock crushing permits more accessible for permittees in their operations while maintaining compliance with 18 AAC 50. Additionally, the Department made improvements to Table B in both permits to add additional clarity on the pre-approved locations that differentiates between operating locations subject to the set-back and siting requirements, and what is termed the normal storage or maintenance location (if the permittee uses one). The storage or maintenance location may not be an approved operating location, but allows the permittee to re-locate the source for maintenance or storage with a much-reduced reporting requirement.

2. Unexpected Breakdown and Repair (Permit Condition 2.3) – The language of this condition is different from that in the earlier re-draft of the permit used for our January discussion. We are uncertain what the Department is additionally seeking to accomplish with this version that was absent from the previous language. Please clarify the intended objective. We also wish to better understand what is reportable under this condition. For instance, is it only a reportable event if the entire plant or

crusher is moved off-site? We have no objection to the language used in the January re-draft and would endorse the use of that language. [comment verbatim]

Response: The Department acknowledges that the language of Condition 2.3 was expanded from previous drafts.

Drafts of Condition 2.3 had previously read “Provide notice to the Department within 24 hours if the; [Asphalt Plant (MG3), Rock Crusher (MG9)], is relocated from its approved location for unexpected maintenance or repair.”

This language was changed to read “If the; [Asphalt Plant (MG3), Rock Crusher (MG9)], requires unexpected maintenance or repair, provide notice to the Department within 24 hours of relocating the Plant to its pre-approved storage location listed in the first row of Table B. Note that relocating using this Condition doesn’t allow for production.

The Department made the changes to the language of this condition to ensure that Condition 2.3 is not used to circumvent the relocation reporting requirements of Conditions 2.1 or 2.2, and for this reason has retained the modified language in the final permits.

Regarding what the Department considers to be reportable relocations, notification should be provided to the Department before an Asphalt Plant or Rock Crusher are moved to a new site location according to Conditions 2.1 or 2.2, unless removed for repair and reported under Condition 2.3. Individual equipment changes to conveyors, screens or non-road engines should be reported with the seasonal Facility Operating Report (FOR) on Form 9 (Equipment Operated Report Form).

3. Co-located Equipment (Condition 1.6 in the MG3 and 6.1 in both MG Permits) – AGC commented with satisfaction to the changes the Department made to allow for the co-location of multiple MG sources at the same site. [comment paraphrased]

Response: The Department believes that Condition 1.6 in the MG3 and Condition 6.1 in both permits will protect ambient air quality while preventing co-located sources from inadvertently triggering Title V thresholds. Co-location of an asphalt plant with a rock crushing operation was previously authorized under the Title V General Permit 3 (GP3). Condition 1.6 in the MG3 ensures that co-located asphalt plants will not exceed the Potential to Emit (PTE) of the single largest Asphalt Plant because only one is permitted to operate at any time.

4. Visible Emission Monitoring (Permit Condition 6.1) – The proposed changes harmonize monitoring and reporting requirements under these permits and reduces

the complexity of identifying when Method 9 Visible Emission observations are required. [comment paraphrased]

Response: The Department agrees that these changes will simplify the monitoring scheme and improve permittee compliance with both MG permits while maintaining the Departments goal of ensuring compliance with Visible Emission standards by requiring Method 9 observations within two days that a source operates each month.

5. Stored Equipment (Permit Condition 13 (MG3) and 12 (MG9)) – The addition of the Condition to allow for storage of permitted equipment alongside other MG permitted operating sources at a site will reduce cost to industry. [comment paraphrased]

Response: The Department appreciates the suggestion of this condition and the clarification it will provide for facility operators.

6. Excess Emissions and Permit Deviations (Permit Conditions 10 (MG3) and 9 (MG9)) – The third item listed in the reporting group addresses excess emissions from co-located source operations. All of the other items in this section specify when the information is to be reported. Absent in this clause is a specified time to report. In keeping with the same format, we suggest it is reasonable and timely to report “within 60 days of the end of the month in which the incident occurs”. Sixty days is reasonable because such an event may not be immediately discovered as it may be the middle or towards the end of the first month before all the production related data is entered in the calculation spreadsheet. [comment truncated]

Response: The Department modified the language of the third bullet point in the reporting section of Condition 10 of the MG3 and Condition 9 of the MG9 to read:

*“Report excess emissions for a site operated with co-located sources for any month in which the 12-month rolling actual emissions from combined sources exceeds 100 tons of a criteria air pollutant, **within 30 days of the end of the month in which the exceedance was discovered.**”*

The Department believes that 30 days of the end of the month of discovery is a sufficient period for a permittee to calculate and double check rolling emission totals for co-located sources. This time period matches the schedule of other excess emission reporting requirements in the condition.

7. Technical Clarifications – AGC appreciates the changes made to the MG3 and MG9 which clarify reporting requirements for permittees including the changes to reporting bulk tank usage, like-kind equipment replacement and the use of alternative reporting forms. [comment paraphrased]

Response: The Department appreciates AGC's suggestions during the drafting of the MG Revisions regarding these technical clarifications, and that these changes will help to simplify permittee compliance requirements with the MG3 and MG9 permits.

AGC Comments Pertaining to the MG3

8. Limit for On-Site Time (MG3 Permit Condition 1.2) – AGC welcomes the change from “two construction seasons” to “24 months from initial startup” in the site location limitation of Condition 1.2 of the MG3 permit for Asphalt Plant locations. [comment paraphrased]

Response: The Department agrees that this change will clarify the site location limits of the Asphalt Plant for permittees.

9. Emission Testing Frequency (MG3 Permit Condition 7) – The change in source testing from “every five years” to “during the fifth year” provides needed flexibility for permittees to accomplish a source test at the highest production rate possible during the construction season. [comment paraphrased]

Response: The Department appreciates that this minor change will provide needed flexibility to permittees while still achieving a particulate matter emission compliance demonstration once every five years.

10. Proposed Change (Operational Flexibility for MG3 Permit Condition 7) – On behalf of several AGC member companies, we request that the MG3 permit be modified to include an alternative operating scenario for when an asphalt plant is source tested below its maximum capacity but the owner needs to operate the plant at a higher capacity in subsequent production.

It is not always possible to coordinate construction plans, weather and the source testing company's schedules to align with conditions required to source test at the highest possible production rate. When an asphalt plant is source tested below the maximum production rate, permittees are limited to the test rate which the facility demonstrated compliance with the grain loading standard. This limits the operator to a reduced production rate unless a new source test is conducted and places an economic burden on the permittee.

AGC proposes a new condition to allow a source which has demonstrated compliance below 50 percent of the grain loading standard to be allowed to operate at an asphalt production rate 115 percent above the demonstrated source test production rate.

A new subsection (to Condition 7.2) would be added and read:

7.2 Alternative Source Operating Limit. If a PM source test is not conducted at the maximum operating capacity as set out in Condition 20.2b, the Permittee may operate the asphalt plant at a production level up to 115 percent of the average throughput during the most recent PM source test provided:

- a. The measured emission rate during the test is less than 0.025 gr/dscf for plants constructed before June 11, 1973 or less than 0.020 gr/dscf for plants constructed after June 11, 1973.
- b. The increased production rate may not exceed the capacity authorized in Table A of the Permit.

[comment paraphrased]

Response: The Department included draft language for this condition in preliminary workgroup documents with AGC in January 2017 while the topic of alternative operating scenarios was being developed and discussed in earnest.

During its review, the Department collected fifty test records from its files for asphalt plant source tests conducted across Alaska in an attempt to develop a scientific justification for allowing a plant to operate above its demonstrated compliant production rate. These sources included both batch and drum mix plants operated with both baghouse and wet scrubber controls. No clear correlation between the collected data and grain loading (PM) emissions against the asphalt production rate were discovered during this work. The grain/dscf was highly variable even when the source test emission rates were separated by plant configurations (drum with baghouse, batch with wet scrubber, etc.).

The Department has not included this proposed condition in the current MG3 Revision 3 because no clear scientific basis was established. This change was proposed very late during the workgroup discussions, January 10, 2017, and was outside the scope of the Tier 1 and Tier 2 agendas for this permit revision.

The Department found the reference in AGC's comments to EPA AP-42 and the guidance document titled "Emission Factor Documentation for AP-42, Section 11.1, Hot Mix Asphalt Plants, Final Report, February 2004" unrelated to the issue of operating an Asphalt Plant above the demonstrated capacity of the most recent source test.

This is in part because AP-42 does not contain emission factors for grain loading rates, rather it contains emission factors for criteria and hazardous air pollutants. While the PM emission factors presented in AP-42 section 11.1 are linear, this does not necessarily show that grain loading per standard cubic foot (grain/dscf) varies linearly with production because it does not account for volumetric flow through the control device.

The Department is willing to explore this issue in more detail for future revisions to the MG3 permit but decided against the inclusion of an alternative operating scenario condition in this revision.

AGC Technical and Grammatical Comments

11. - MG3 Condition 1.2(b) the word “drier” should be changed to “dryer”.
 - In MG3 Condition 1.6 and on Form 4 the term “collocated” should be changed to “co-located”
 - MG3 Condition 6.2 requires observations for diesel engines every 30 operating days when monitoring using Method 9 observations, while Condition 6.2 of the MG9 requires observations once every 14 operating days. We believe both should be set to observations once every 30 operating days to harmonize both permits.
 - MG3 Condition 13 uses the language “non-operational” while the equivalent MG9 Condition 12 uses “out of operation”. AGC requests the term “out of operation” be incorporated into both MG permits.
 - AGC requests that MG3 Condition 17 and MG9 Condition 16 be reformatted with a table outlining the Monitoring, Recording and Reporting requirements for the condition similar to the tables used in Conditions 6 through 12.

[comments paraphrased]

Response: *The Department made these requested changes to the MG3 and MG9 permits.*

Commenter: Colaska Inc. All Colaska comments are shown verbatim.

Colaska comments on the TAR for both permits

1. Need to be consistent: collocated vs co-located vs colocated.

Response: *The Department corrected all references in the MG3, MG9 and TAR to “co-located” site locations.*

2. Inconsistent in reference to permit conditions between standard and roman numerals. (Occasionally use roman numerals instead. IX, XI, and XII).

Response: The Department retained the use of Roman Numerals in the TAR when referring to the States Standard Permit Conditions because this is how they are listed in 18 AAC 50.346(c).

Colaska comments on the MG9 Tar

1. Page 4 Sulfur Compound Emissions omits the fact that the reporting requirement also changed.

Response: The Department expanded the TAR's Revision table to reflect the changes in the MG9 Permit Condition 7 regarding reporting requirements for fuel use adding the following language:

“Reporting requirement changed to require the permittee certify only ULSD or LSD was consumed in fuel burning equipment with each FOR”

This changes the previous permits requirement of obtaining a certified statement from the fuel supplier that only ULSD or LSD was provided. Permittees are still required to maintain records of fuel deliveries for Five years and make records available to the Department upon request.

2. Page 4 Excess Emissions, Reports – Says no change. Actually, it did change. It appears that this wasn't presented in the tracked changes in the January almost-final version, so it was overlooked when compiling the table in the TAR.

Response: The Department made changes in the MG9 TAR to reflect changes to Condition 9 to show the reporting requirement changes for co-located source reporting requirements.

3. Excluded Facilities – last statement refers to the MG9 permit as “this MG3 Permit”.

Response: The Department corrected the MG9 TAR to correct this error.

4. Page 10, 5th paragraph should read “The condition requires VE readings within the first two days....”

*Response: The Department has revised the MG9 Tar from “within two days each month of operation” to “within **the first** two days each month of operation” as requested.*

Colaska comments on the MG3 Tar

1. Page 4 description “Rental Agreements” should be “Temporary Changes” to tie to the correct permit section.

Response: The Department retained the language “Rental Agreements” for Condition 4.1 in the table on page 4 because that is the language in the MG3 public notice permit.

2. Page 5 Sulfur Compound Emission – omits the fact that the reporting requirement also changed.

Response: The Department expanded the TAR’s Revision table to reflect the changes in the MG3 Permit Condition 7 regarding reporting requirements for fuel use adding the following language:

“Reporting requirement changed to require the permittee certify only ULSD or LSD was consumed in fuel burning equipment with each FOR”

This changes the previous permits requirement of obtaining a certified statement from the fuel supplier that only ULSD or LSD was provided. Permittees are still required to maintain records of fuel deliveries for five years and make records available to the Department upon request.

3. Page 5 Excess Emissions...Reports – Says no change. Actually, it did change. It appears that this wasn’t presented in tracked changes in the January almost-final version, so the change was overlooked when compiling the table in the TAR.

Response: The Department made changes in the MG3 TAR to reflect changes to Condition 10 to show the reporting requirement changes for co-located source reporting requirements.

4. Page 6 Item 5 – TV Major Source should probably be Title V.

Response: The Department changed the original language to read:

“A stationary source is excluded from using this general minor permit if the following applies...

*5. The stationary source emits more than 100 tons per year (tpy) of a regulated air pollutant or is co-located at a **Clean Air Act Title V Major Source**, i.e. is subject to Title V permitting requirements.”*

5. Page 11 last full para(graph) – Discusses crushers rather than asphalt plants. Was that intentional or a cut and paste issue?

Response: The Department changed references to “rock crushers” to “asphalt plants” in this MG3 TAR paragraph to correct the error.

6. Page 13 1st para(graph) – latter should be later.

Response: The Department corrected the spelling error in the MG3 TAR.

7. Page 18 the third paragraph was expanded from the prior TAR with an example.
Was this for clarity or to demonstrate application to address an issue?

Response: The Department expanded the section on Assessable Emissions & Emission Fees from previous MG3 TARs for clarity that both criteria and hazardous air pollutants are subject to emission fees.