



west virginia department of environmental protection

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Response to Public Comment

Class II General Permit G50-C

For the Prevention and Control of Air Pollution in regard to the
Construction, Modification, Relocation, Administrative Update
and Operation of Concrete Batch Plants

Date: July 18, 2018

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BACKGROUND INFORMATION

During the week of March 19, 2018, pursuant to §45-13-8, the West Virginia Division of Air Quality (DAQ) provided notice to the public of a preliminary determination to issue General Permit G50-C for the Prevention and Control of Air Pollution in regard to the Construction, Modification, Relocation, Administrative Update and Operation of Concrete Batch Plants. At that time, the draft permit and Engineering Evaluation/Fact Sheet were made available to the public for review.

The public notice was followed by a public comment period (required to be a minimum of 30 days under §45-13-8) scheduled to end at 5:00 P.M. on April 23, 2018. During the public comment period, the DAQ accepted comments on our preliminary determination to issue General Permit G50-C and on all documents related thereto.

OVERVIEW OF COMMENTS RECEIVED

The DAQ received written comments during the public comment period. Comments were received by and/or on behalf of the following individuals, groups, and organizations: Builder's Supply Association (BSA). Based on the comments received from BSA on April 23, 2018, the DAQ met with BSA on May 10, 2018 to gain clarification on comments submitted. As a result of this meeting, subsequent comments were received from BSA on June 15. Pursuant to §45-13-8.8, all submitted comments received during the public comment period have been reviewed and are appropriately addressed in this document.

ORGANIZATION OF COMMENT RESPONSE

The specific responses summarize each relevant comment that falls within the purview of the DAQ and provides a response to it. This document may not reproduce all the comments here (they are available for review in the G50-C file). Instead, each comment is summarized, and key points are listed. The DAQ makes no claim that the summaries are complete; they are provided only to place the responses in a proper context. For a complete understanding of submitted comments, please see the original documents in the file. The DAQ responses, however, are directed to the entire comments and not just to what is summarized. Comments that are not directly identified and responded to in the specific response section of this document are assumed to be answered under the general response section.

GENERAL RESPONSE TO COMMENTS

Statutory Authority of the DAQ

The statutory authority of the DAQ is given under the Air Pollution Control Act (APCA) - West Virginia Code §22-5-1, *et. seq.* - which states, under §22-5-1 (“Declaration of policy and purpose”), that:

It is hereby declared the public policy of this state and the purpose of this article to achieve and maintain such levels of air quality as will protect human health and safety, and to the greatest degree practicable, prevent injury to plant and animal life and property, foster the comfort and convenience of the people, promote the economic and social development of this state and facilitate the enjoyment of the natural attractions of this state.

DAQ Permitting Process in Context

It is important to note that the DAQ permitting process is but one part of a system that works to meet the intent of the APCA in WV. The DAQ maintains a Compliance/Enforcement (C/E) Section, an Air Monitoring Section, a Planning Section, *etc.* to effect this. Most pertinent to the permitting process, the C/E Section regularly inspects permitted sources to determine the compliance status of the facility including compliance with all testing, monitoring, record-keeping, and reporting requirements.

General Response Conclusion

In conclusion, in response to any substantive non-air quality issues, the APCA and 45CSR13 does not grant the DAQ the authority to take into consideration such issues in determining to issue or deny the permit. Further, the requirements of 45CSR13 require the DAQ to, when denying a permit, explicitly state the reason pursuant to §45-13-5.7. Additionally, the permit is but the beginning of the involvement of the DAQ with a source. After issuance, the facility will receive regular inspections to determine compliance with the requirements as outlined in the applicable permit.

RESPONSES TO COMMENTS

Comment #1

Section 2.3.1. needs to be corrected to cover the source intended. This section appears to have a copy paste error that refers to natural gas operations.

DAQ Response

The permit condition contained a typographical error and will be updated to reflect accordingly.

Comment #2

Section 4.1.2. includes a list of regulations under the title of Applicability of State and Federal Regulations.

This section excludes the applicability of:

45CSR2, To Prevent and control Air Pollution from combustion of Fuel in Indirect Heat Exchanges,

45CSR10, To Prevent and Control Air Pollution from Emissions of Sulfur Oxides, and 40CFR63, Subpart JJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.

These rules have applicability to combustion of fuels in the hot water heaters in which the main fuels for the industry are diesel fuel (fuel oil) and natural gas. Other fuels, such as recycled or used oil, may also be used and should be considered in the permit.

This section includes 45CSR17, To Prevent and Control Particulate Matter Air Pollution from Materials Handling, Preparation, Storage, and Other Sources of Fugitive Particulate Matter. We believe concrete plants are not subject to this rule since they are subject to 45CSR7. 45CSR7, To Prevent and Control Particulate Matter Air Pollution from Manufacturing Process and Associated Operations, lists requirements for stockpiling and materials handling. 45CSR17 contains an exemptions section and in Section 45-17-6.1. states that "Sources that are subject to the fugitive particulate matter emissions requirements of 45CSR2, 45CSR3, 45CSR5 and 45CSR7 shall be exempt from the provisions of this rule, ...". 45CSR7, Section 10.2. also includes an exemption statement from 45CSR17.

DAQ Response

This permit condition was intended to be a summary of all rules that may apply to these types of operations but was not entirely inclusive. The permit condition will be updated to include all applicable rules. Furthermore, 45CSR17 does not apply to these operations and all references and regulatory requirements will be removed from this permit.

Comment #3

Sections 5.1.3.f. and g. are referenced to 45CSR17. Per the above comments on the regulatory applicability, this reference should be changed. We believe that 5.1.3.b. and c. appropriately cover opacity requirements at these sources and f. and g. can be removed.

DAQ Response

45CSR17 does not apply to these operations and all references and regulatory requirements will be removed from this permit.

Comment #4

Sections 5.1.5.d., e. and f. are referenced to 45CSR17. Are these sources subject to 45CSR17?

DAQ Response

This permit condition will be updated to reflect the correct regulatory citation.

Comment #5

Section 5.1.5.d. Can the control requirements be modified? For example, Section 5.1.5.d.vii. requires all open stockpiles to be equipped with water sprays, or partial enclosure, or fully enclosed. Stockpiles at concrete plants are based on the grade of material. Some of the aggregate has little ability to produce dust. We do not see the reason to continue to require all stockpiles to have one of these control methods. We would like to review each control requirement in the permit in more detail with you and determine which can be modified but continue to control emissions from the sources. Additionally, can the regulatory requirements (i.e., 20 percent opacity) be listed in the permit but not specify the method of compliance? The method would be at the discretion of the site.

DAQ Response

Based on the meeting with the BSA on May 10 and subsequent comments received on June 15 and attached to this document, the permit condition will be updated to reflect the specific types of control devices that are utilized at these facilities.

Comment #6

Section 5.1.6.b. To avoid confusion between requirements in the same section (5.1.6.b.i. through iv.) we request that the timeframes be set the same in all the sections. We believe that a three month inspection frequency for each item is sufficient to determine proper working conditions. Operational issues that do arise would be caught with the visible emissions checks in Section 5.2.1. which is conducted on a monthly basis.

DAQ Response

Based on the meeting with the BSA on May 10 and subsequent comments received on June 15 and attached to this document, the permit condition will be updated to reflect the updated inspection frequencies.

Comment #7

Section 5.1.7. Are the only storage tanks that need to be listed in the application the fuel tanks? Are additive/admixture tanks required in the application and covered in the permit? We would like this clarified.

DAQ Response

The permit condition will be updated to reflect that all tanks including (fuel, admixture, additive, or other tanks (excluding water tanks)) shall be included.

Comment #8

Section 5.1.8.b. we suggest the following change: “The use of any new cement supplements, additives, or admixtures shall be in accordance with the following:”

Section 5.1.8.b.i. and ii should be state “supplements, additives and admixtures”

DAQ Response

These permit conditions have been removed from the permit.

Comment #9

Section 5.2.1. We would like to see the sources that are subject to an opacity standard listed in this section or specifically listed elsewhere so there is no confusion on what is subject to a standard and what the standard is for each piece of equipment. We would also like to see an allowance to fix an issue instead of immediately triggering a Method 9. Possibly add language that if visible emissions are noticed on three (3) consecutive months that a Method 9 is required. This would allow the issue to be fixed prior to triggering a Method 9 opacity test.

DAQ Response

This permit condition will be updated to reflect the correct regulatory citation and establish a timeline for requiring a Method 9 evaluation.

Comment #10

Section 5.3. We would like to clarify what type of recordkeeping will meet the requirements in the permit. This includes our comment below as to the draft permit including the recordkeeping sheets so that everyone is aware of what is required and in what manner the records can be maintained.

DAQ Response

The forms will be made available on our website.

Comment #11

Does this just include diesel for vehicles or would it include liquid fuels for heaters?

DAQ Response

This permit condition has been removed from the permit.

Comment #12

Section 5.3.4. Should this include “supplements, additives and admixtures”?

DAQ Response

This permit condition has been removed from the permit.

Comment #13

Section 6.0. Should be clarified to state that the requirements of 6.1.1. through 6.1.7., 6.2. (entire section), 6.3. (entire section excluding 6.3.6.), and 6.4. (entire section) and 6.5 (entire section) do not apply to nonroad engines in 6.1.8.

DAQ Response

Section 6.0 will be updated to reflect that this section does not apply to non-road engines. Non-Road Engines will be moved to Section 7.0, and Section 7.0 which pertains to small heaters and boilers will be moved to Section 8.0.

Comment #14

Section 7.0. should be updated to reflect the use of diesel fuel (fuel oil), recycled oil and used oil as potential fuels in the hot water heaters (boilers). There are numerous concrete plants which utilize fuel oil as the heat input to the hot water heaters. The use of fuel oil is typically based on the location of the plant in relationship to available natural gas. If natural gas is not available at the site, then fuel oils are used. The regulatory basis for this section would need updated to reflect the alternate fuels. Additional regulatory applicability is discussed above.

DAQ Response

Permit condition 8.1.2 will be added to this permit that states that the allowable fuels for the small heaters and boilers are natural gas, diesel fuel, and other distillate fuel oils. Recycled or used oils are not allowable fuels for small heaters and boilers. Additionally, permit condition 8.1.4 has been added to allow registration of area source boilers that are subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) for Industrial, Commercial, and Institutional Boiler Area Sources specified in 40 CFR Part 63, Subpart JJJJJ.