



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
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ATLANTA, GEORGIA 30303-8960

*H. Neely*

4APT-ARB

AUG 4 2000

Howard L. Rhodes, Director  
Department of Environmental Protection  
Division of Air Resources Management  
Mail Station 5500  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

SUBJ: EPA's Review of Proposed Title V Permit No. 1230001-007-AV  
Buckeye Florida, Limited Partnership  
Foley Mill

Dear Mr. Rhodes:

The purpose of this letter is to notify the Florida Department of Environmental Protection (FDEP) that the U.S. Environmental Protection Agency (EPA) formally objects to the issuance of the above referenced proposed title V operating permit for the Buckeye Florida, Limited Partnership - Foley Mill, located in Perry, Florida, which was received by EPA, via e-mail notification and FDEP's web site, on June 23, 2000. This letter also provides our general comments on the proposed permit.

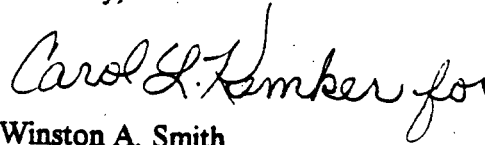
Based on EPA's review of the proposed permit and the supporting information received for this facility, EPA objects, under the authority of Section 505(b) of the Clean Air Act ("the Act") and 40 C.F.R. § 70.8(c) (see also Florida Regulation 62-213.450), to the issuance of the proposed title V permit for this facility. The basis for EPA's objection is that the permit does not fully meet the periodic monitoring requirements of 40 C.F.R. § 70.6(a)(3)(i), does not contain conditions that assure compliance with all applicable requirements, as required by 40 C.F.R. § 70.6(a), fails to incorporate all applicable requirements from previous permits, as defined in 40 C.F.R. § 70.2, and does not provide the regulatory basis for all requirements in the permit, as required by 40 C.F.R. § 70.6(a)(1)(i). Pursuant to 40 C.F.R. § 70.8(c), this letter and its enclosure contain a detailed explanation of the objection issues and the changes necessary to make the permit consistent with the requirements of 40 C.F.R. Part 70 and assure compliance with applicable requirements of the Clean Air Act. The enclosure also contains general comments applicable to the permit.

Section 70.8(c) requires EPA to object to the issuance of a proposed permit in writing within 45 days of receipt of the proposed permit (and all necessary supporting information) if EPA determines that the permit is not in compliance with the applicable requirements under the Act or the requirements of 40 C.F.R. Part 70. Section 70.8(c)(4) of the title V regulations and Section 505(c) of the Act further provide that if the State fails to revise and resubmit a proposed

permit within 90 days to satisfy the objection, the authority to issue or deny the permit passes to EPA, and EPA will act accordingly. Because the objection issues must be fully addressed within the 90 days, we suggest that the revised permit be submitted in advance in order that any outstanding issues may be resolved prior to the expiration of the 90-day period.

If you have any questions or wish to discuss this further, please contact Mr. Gregg Worley, Chief of the Operating Source Section, at (404) 562-9141. Should your staff need additional information, they may contact Ms. Gracy R. Danois, Florida Title V Contact, at (404) 562-9119 or Ms. Lynda Crum, Associate Regional Counsel, at (404) 562-9524.

Sincerely,



Winston A. Smith

Director

Air, Pesticides and Toxics  
Management Division

Enclosure

cc: Mr. J. B. Crowe, Buckeye Florida, Limited Partnership  
Mr. Scott Sheplak, P.E., FDEP (via e-mail)  
Mr. Christopher L. Kirts, P.E., FDEP-NE District (via e:mail)

Enclosure

U.S. EPA Region 4 Objection  
Proposed Part 70 Operating Permit  
Buckeye Florida, Limited Partnership  
Foley Mill  
Permit no. 1230001-007-AV

I EPA Objection Issues

1. Applicable Requirements - Subpart A: The applicable requirements of 40 C.F.R. Part 60, Subpart A, *General Provisions*, do not appear to be included in the permit. The facility has one unit subject to Part 60 requirements (unit 024), therefore, the requirements from subpart A must be included in the permit. If the Department has streamlined the requirements from subpart A into other requirements in the permit, the rule citations must also include the appropriate subpart A citations.
2. Federally Enforceable Requirements: Section II, condition 6 and 7 are identified as "not Federally enforceable." However, these conditions are Federally enforceable because they are part of the Federally approved portion of the Florida SIP. Furthermore, the requirements of condition 7 are part of construction permit AC62-107858, which appears to be Federally enforceable. Therefore, the permit must be changed to reflect that conditions 6 and 7 are Federally enforceable.
3. Regulatory Citations: Section II, conditions 11, 12 and 13 fail to contain regulatory citations. As described in 40 C.F.R. § 70.6(a)(1)(i), the permit shall specify and reference the origin of and authority for each term and condition. The Department must include the appropriate regulatory citations for these condition in the permit.
4. Applicable Requirements - Excess Emissions: The second condition under the *Operating Parameters* title for each subsection in Section III contains language that allows excess emissions due to start-up, shutdown or malfunctions for up to 8 hours in any 24-hour period. However, this language is inconsistent with the language contained in Rule 62-210.700, F.A.C., which states the following:

*Excess emissions resulting from startup, shutdown or malfunction of any source shall be permitted provided (1) best operational practices to minimize emissions are adhered to and (2) the duration of excess emissions shall be minimized but in no case exceed two hours in any 24 hour period unless specifically authorized by the Department for longer duration.*

The language in the permit refers to these excess emissions as being conditionally allowed but does not contain the criteria from the rule that the source must meet in order for the excess emissions to be allowed. Therefore, the language in the permit must be modified to make in consistent with the contents of the rule.

5. Applicable Requirements - Visible Emissions: Conditions A.6, B.6, I.6, J.6 and L.5 establish that "visible emissions limits for kraft pulp mills units equipped with wet scrubbers shall be effective only if the visible emission measurement can be made without being substantially affected by moisture condensation" and cite Rule 62-296.404(2)(b), F.A.C. as basis for the permit condition. However, that same rule also establishes that the Department may require the source to conduct testing if it is determined that visible emissions exceed 20 percent. This portion of the requirement must be added to the permit to preserve the right of the Department to require additional testing if necessary.
6. Periodic Monitoring - Particulate Matter and Sulfur Dioxide: Conditions A.4, A.5, B.4 and B.5 establish pounds per hour and tons per year emission limitations for PM and SO<sub>2</sub>. Also, condition G.5 establishes a pounds per hour limit for SO<sub>2</sub>. In order to assure compliance with the PM and SO<sub>2</sub> emission limits, conditions A.7 B.7 and G.8 of the permit only require that "acceptable fuel analysis be maintained in lieu of stack testing for these parameters." The permit is silent as to how the source will demonstrate compliance with the pounds per hour and tons per year limitations for these units. Therefore, periodic monitoring requirements must be incorporated in the permit to adequately assure compliance with the emission limitations for PM and SO<sub>2</sub> or supporting information must be incorporated in the statement of basis to validate the approach being used to assure compliance with these limits.

Additionally, the permit does not contain any monitoring or recordkeeping requirements for the SO<sub>2</sub> emission limit in condition K.5 and the PM emission limit in condition O.4. All Title V permits must contain monitoring that is sufficient to assure compliance with the applicable permit requirements. In particular, 40 C.F.R. Part 70.6 (a)(3)(B) requires that permits include periodic monitoring that is sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the applicable emission limits. Therefore, periodic monitoring requirements must be included in the permit or a technical demonstration must be included in the statement of basis explaining why the Department has chosen not to require emissions testing for these units. Moreover, since the SO<sub>2</sub> limit in condition K.5 is based on the tons of CaO produced, the permit must contain a condition that requires the source to maintain records of the lime produced.

The emission limits for particulate matter contained in conditions D.4, E.4 and F.4 are based on the amount of black liquor solids (BLS) fired. However, the permit does not require the source to maintain records of the BLS throughput for each of these units. In order to make these limits enforceable as a practical matter, the permit must contain a requirement to maintain records of the amount of BLS processed by each recovery boiler.

7. Periodic Monitoring - TRS: Conditions H.10, I.10, J.10 and M.6 state surrogate parameters and the range of operation to demonstrate compliance with the TRS emissions. The statement of basis does not provide any information about the correlation developed between the surrogate parameters and TRS. In accordance with rule 62-296.404(5)(d), F.A.C., the source must provide an adequate demonstration (historical data, performance test, etc.) to support the use of the parameter selected to assure compliance with the TRS emission limit. Such information needs to be included in the statement of basis for the permit. Also, the permit must include a condition establishing the frequency for re-evaluating the parameter and requiring a performance test to be conducted if an emission unit operates outside of the acceptable range for a specified percentage of the normal operating time. The Department must set the appropriate percentage of the operating time that would serve as trigger for this testing requirement.

Conditions H.5, I.9 and J.9 state that the emission of total reduced sulfur from each smelt dissolving tank shall not exceed 0.048 pounds per 3000 pounds of black liquor solids as hydrogen sulfide. However, the permit does not require the source to keep records of the black liquor solids throughput for each smelt dissolving tank. In order to determine compliance with the TRS limit, the amount of black liquor solids processed will be required. Therefore, the permit must contain a condition that requires the source to keep records of the amount of black liquor solids sent through each smelt dissolving tank.

8. Applicable Requirements: The following applicable requirements from previous permits issued to Buckeye were not incorporated in the title V permit:
- a. Note 1, specific condition 7 of permits AO62-230933 and AO62-230934, which specifies that the boilers shall be tested without interference from the bark boilers.
  - b. Note 7, revised specific condition 1 of permits AO62-191214 and AO62-208309, and note 6, revised specific condition 1 of permit AO62-187788, which limit the usage of #2 fuel oil to 50,000 gallons per year, unless otherwise requested for recovery boilers 2, 3 and 4.

- c. Note 7, special condition 4 of permit AO62-202123, which specifies that records (rate and hours) must be maintained when firing no. 6 fuel oil for the no. 2 bark boiler.
- d. Specific condition 3 of permit PSD-FL-232 (1230001-04-AC), which establishes the fuel burning rate for natural gas and no. 6 fuel oil in the no. 4 lime kiln.
- e. Specific condition 6 of permit PSD-FL-232 (1230001-04-AC), which establishes the maximum PM/PM<sub>10</sub> emissions from the two causticizing lime bins.

These requirements must be included in the permit or an explanation in the statement of basis must be provided supporting the Department's decision to not include these conditions in the permit. For permit conditions that originate from construction permits issued pursuant to the State Implementation Plan, Prevention of Significant Deterioration, or the New Source Performance Standards rules, the Department must modify the construction permit before or at the same time that it is including the modified condition in the title V permit. For permit conditions that are being streamlined into other requirements in the title V permit, the regulatory citations for the condition in the title V permit must contain all the relevant citations. In order to satisfy EPA's concerns, the Department must identify the origin of the conditions listed above (i.e., whether the underlying permits are Federally enforceable) and incorporate the conditions that are Federally enforceable in the permit. Also, an explanation of any streamlining taking place in the permit must be included in the statement of basis.

## II General Comments

1. General Comment: Please note that our opportunity for review and comment on this permit does not prevent EPA from taking enforcement action for issues that have not been raised in these comments. After final issuance, this permit shall be reopened if EPA or the permitting authority determines that it must be revised or revoked to assure compliance with applicable requirements.
2. Compliance Certification: Section II of the permit does not contain a condition requiring that the source submit an annual compliance certification. Although condition 51 of Appendix TV-3, contains the requirement to submit the compliance certification annually and outlines the compliance certification requirements of 40 C.F.R. §70.6(c)(5)(iii), the requirements should also be included in Section II of the permit to ensure that complete certification information is submitted to the Department and EPA.

3. Section II, Condition 9: Please replace "Operating Permits Section" with "Air Enforcement Section" and add the following phone and fax numbers: 404/562-9155, Fax 404/562-9163 or 404/562-9164.
4. Subpart S Requirements: Items 10.a.1. and 10.c. of Section II appear to be contradictory. The first condition states that the April 16, 2001, control strategy report shall not address the equipment specified in 40 CFR 63.443(a)(1)(ii) through 63.443(a)(1)(v). However, condition 10.c. requires that the same equipment be addressed in the April 16, 2001, control strategy report. Please verify the correct applicability of the requirements.
- Also, the Department should try to incorporate as many applicable standards and monitoring, reporting and recordkeeping requirements from Subpart S as possible. For example, the requirements for LVHC systems can be included in the permit, as well as any other requirements for which the facility has already decided upon a compliance option to follow, even if the requirements will become effective at some point after permit issuance. The permit should establish when the source is expected to begin demonstrating continuous compliance with the requirements. Any changes to specific parameters listed under a compliance option may be incorporated by minor permit modification.
5. CEMs - TRS: The TRS requirements for units 006, 007 and 011 do not include stack testing. Since the source is relying solely on CEMs to assure compliance with the TRS emission limitations, a Relative Accuracy Test Audit (RATA) should be performed annually to ensure proper operation of the monitors.
6. Appendixes AR and NAR: These appendixes need to be identified in the cover page of the permit as part of the permit.
7. Section III, Subsection H, Conditions H.4 and H.5: The pound per hour and tons per year limits for PM and the tons per year limit for TRS in these conditions are different from the limits in specific condition 4 of permit AO62-191214. We were unable to find whether the limits were changed by a permit modification. Please verify which limits should be included in the permit for the no. 2 smelt dissolving tank.
8. Subsections O, R, S and T: These subsections contain a direct copy of the regulations regarding excess emissions, testing requirements, kraft (sulfate) pulp mills and required title V permit content. While the permit must contain requirements that meet these regulations, it is not necessary to repeat these regulations. The specific requirements, such as unit-specific emissions limits, excess emission provisions and periodic monitoring requirements, are supposed to be present in the main body of the permit, and standard condition requirements are

provided in Appendix TV-3. Only the relevant portions of these regulations, not addressed anywhere else in the permit, should be included.

9. Periodic Monitoring: As you are aware, on April 14, 2000, the U.S. Court of Appeals for the D.C. Circuit issued an opinion addressing industry's challenge to the validity of portions of EPA's periodic monitoring guidance. See, Appalachian Power Co. v. EPA, No. 98-1512 (D.C. Cir., April 14, 2000). The Court found that "State permitting authorities [ ] may not, on the basis of EPA's guidance or 40 C.F.R. 70.6(a)(3)(i)(B), require in permits that the regulated source conducts more frequent monitoring of its emissions than that provided in the applicable State or Federal standard, unless that standard requires no periodic testing, specifies no frequency, or requires only a one-time test." While the permit contains testing from "time to time," as discussed in the court opinion, EPA does not consider these conditions sufficient to ensure compliance. In light of the court case, EPA is withholding formal objection regarding the adequacy of the periodic monitoring included in the permit for the following pollutants: Particulate Matter (PM), Visible Emissions (VE) and Sulfur Dioxide (SO<sub>2</sub>). EPA's concerns are outlined below:

The permit does not contain adequate periodic monitoring for PM (conditions C.4, D.4, E.4, F.4, G.4, K.4 and J.4), VE (conditions A.6, B.6, C.7, D.6, E.6, F.6, G.6, H.6, I.6, J.6, K.8, K.9, L.5 and O.5), and SO<sub>2</sub> (condition C.5). Although the permit requires either annual or once every five years testing for all of these pollutants, this infrequent testing is not sufficient to provide a reasonable assurance of compliance with emission limits. All Title V permits must contain monitoring that is sufficient to assure compliance with the applicable permit requirements. In particular, 40 C.F.R. Part 70.6 (a)(3)(B) requires that permits include periodic monitoring that is sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the applicable emission limits. In addition to assuring compliance, a system of periodic monitoring will also provide the source with an indication of their emission unit's performance, so that periods of excess emissions and violations of the emission limits can be minimized or avoided. Therefore, the permit should include a periodic monitoring scheme that will provide data which is representative of the source's actual performance.

Since some of the emission units are equipped with control devices, the best approach to address the periodic monitoring requirements for these units is to utilize parametric monitoring of the control equipment. In order to do this, a correlation needs to be developed between the control equipment parameter(s) to be monitored and the pollutant emission levels. The source needs to provide an adequate demonstration (historical data, performance test, etc.) to support the approach used. In addition, an acceptable performance range for each parameter

that is to be monitored should be established. The range, or the procedure used to establish the parametric ranges that are representative of proper operation of the control equipment, and the frequency for re-evaluating the range should be specified in the permit. Also, the permit should include a condition requiring a performance test to be conducted if an emission unit operates outside of the acceptable range for a specified percentage of the normal operating time. The Department should set the appropriate percentage of the operating time that would serve as trigger for this testing requirement.

As an alternative to the approaches described above, a technical demonstration can be included in the statement of basis explaining why the State has chosen not to require any additional testing to assure compliance with the PM, VE and SO<sub>2</sub> emission limitations for these units. The demonstration needs to identify the rationale for basing the compliance certification on data from a short-term test performed once a year.