



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
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November 8, 1996

4APT-ARB

Mr. Dwight K. Wylie, Chief
Air Division Office of Pollution Control
Mississippi Department of Environmental Quality
P.O. Box 10385
Jackson, Mississippi 39289-0385

SUBJ: EPA's Review of the Proposed Title V Operating Permit for Tri-C Wood Products, Inc.

Dear Mr. Wylie:

We have reviewed the proposed Title V operating permit for Tri-C Wood Products that was originally submitted to us by your office on September 27, 1996 and revised and resubmitted to us on October 17, 1996. Many of the comments and questions that we had resulting from our review were resolved through discussions between your staff and mine. Two of our comments, however, remain unresolved: (1) the inclusion of language relative to the applicable Title VI requirements, and (2) the lack of specific monitoring and recordkeeping requirements in order to verify compliance for all emission units and their associated emission limits as written in the permit.

(1) Title VI Requirements in Title V Operating Permits

As indicated in 40 CFR 70.6, Title V permits need to assure compliance with all applicable requirements at the time of permit issuance. Part 70 defines as an applicable requirement, "Any standard or other requirement of the regulations promulgated to protect stratospheric ozone under Title VI of the Act, unless the Administrator has determined that such requirements need not be contained in a Title V permit." (40 CFR 70.2(11).) At this time the Administrator has not determined that any Title VI requirements need not be contained in Title V permits. However, as is noted in the attached draft memorandum entitled, "Title V-Title VI Interface Guidance for States," the proposed revisions to Part 70 published at 59 44460 (August 29, 1994) would narrow the definition of the applicable requirements so that no Title VI requirements except those promulgated pursuant to sections 608 and 609 of the Act would have to be contained in the permit.

Options for incorporating the Title VI applicable requirements into Mississippi's Title V operating permits have been discussed between my staff and your staff. The draft memorandum indicated above may provide additional guidance for incorporating Title VI applicable requirements into Mississippi's Title V permits. For your information, this draft guidance has been provided to your office in the past.

(2) Specific Monitoring and Recordkeeping Requirements

The proposed Title V operating permit for Tri-C Wood Products, Inc., contains a section entitled, "Monitoring, Recordkeeping & Reporting Requirements." However, specific monitoring is not indicated for all the emission units listed in the permit. Specific monitoring and recordkeeping requirements are indicated for three (AA-001, AA-002, AA-003) of the eight emission points listed in the permit. These three emission units were identified to be affected by the National Emissions Standards for the Wood Manufacturing Operations (40 CFR Part 63, Subpart JJ), and the specified recordkeeping and monitoring requirements for these units appear to be consistent with the applicable requirements of 40 CFR Part 63, Subpart JJ. Although the three above indicated emission units are the emission units by which the facility's potential to emit hazardous air pollutants is over the major source threshold, the applicable requirements for all emission units listed in the permit should be delineated so as to provide consistency to the permit and the conditions contained therein. Please see our January 24, 1996, letter from Jewell A. Harper to you which discusses similar concerns with other Mississippi draft Title V permits.

It should be noted that regardless as to whether or not an applicable requirement in a Title V permit requires periodic monitoring (i.e., instrumental or noninstrumental monitoring, or recordkeeping designed to serve as monitoring), a Title V permit must contain "periodic monitoring sufficient to yield reliable data that are representative of the source's compliance with the permit" (see 40 CFR 70.6(a)(i)(3)(B)). The Environmental Protection Agency (EPA) is obligated under 40 CFR Part 70 to ensure that adequate periodic monitoring is incorporated into Part 70 permits.

In addition, in order for the permit to be practically enforceable, the monitoring and recordkeeping requirements for each emission limit in the permit should be clearly delineated in the permit to provide the permittee, the Administrator and the public adequate information as to what recordkeeping and monitoring requirements the permittee is required to perform in order to demonstrate compliance with the emission limits contained in their Title V operating permit. By associating specific recordkeeping and monitoring requirements with a particular emission limit referenced in the Title V permit and clearly indicating these requirements within the content of the permit, it will help to fulfill the requirement that terms and conditions in the Part 70 permit are "enforceable by the Administrator and citizens under the Act" (see 40 CFR 70.6 (b)(1)).

Based on the above concerns, the EPA must object to the Title V operating permit for Tri-C Wood Products, Inc. as proposed and to any proposed Title V permit which does not include Title VI applicable requirements and is not considered by the Administrator to contain adequate information to allow the permit and its contents to be practically enforceable (see 40 CFR 70.8(c)). We regret that we were unable to resolve these issues with your staff in a timely manner prior to the expiration of the 45-day review period. However, we are fully confident that the State will act to respond to these concerns. If you have any questions, please do not hesitate to contact me at (404) 562-9097 or you may contact Carla Pierce of my staff at (404)562-9099.

Sincerely yours,

/s/

R. Douglas Neeley, Chief
Air and Radiation Technology Branch