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To: [Brunner, Julie \(EGLE\)](#)
Cc: [Lamb, Jonathan \(EGLE\)](#); [Wendling, April \(EGLE\)](#); [Myott, Brad \(EGLE\)](#); [Orent, Kelly \(EGLE\)](#); [Blathras, Constantine](#); [Blanchard, Brian](#); [Damico, Genevieve \(she/her/hers\)](#)
Subject: US Ecology - M4782 - Comments
Date: Wednesday, October 11, 2023 6:10:45 PM

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Hi Julie and all,

I have finished reviewing the draft ROP renewal permit for EQ – A US Ecology Company – Michigan Disposal Waste Treatment Plant and Wayne Disposal, Inc., draft ROP permit number MI-ROP-M4782-20XX. Based on my review, I have the following comments.

1. The draft ROP incorporates several requirements which cite 40 C.F.R. Part 63 Subpart DD (MACT DD) as the underlying applicable authority. However, it is unclear from the permit which specific requirements from MACT DD are being incorporated or cited to establish the authority for each permit condition. 40 C.F.R. 70.6(a)(1)(i) requires, in relevant part, for part 70 permits to specify and reference the origin of and authority for each term or condition in the permit. In order to clearly identify the authority for each condition, we request that you evaluate the following permit conditions to determine which MACT DD requirement apply and, as necessary, revise the citation to origin and authority to specifically identify the underlying applicable requirement.
 - a. FGEAST SC III.1, IV.1, IV.2, IV.3, IV.4, IV.5, IV.7, V.1, V.2, VI.1, VI.2, and VI.4
 - b. FGWEST SC VI.9, VI.10
 - c. FGLIQWASTETKS SC II.1, VI.5, VI.6
2. FGEAST SC IV.5 requires the permittee to determine the negative pressure in the waste treatment building using smoke tubes (or alternative method as approved by AQD) and by visual observation of the air movement and direction. Although this condition does not specify the frequency for conducting this visual observation, we understand that FGEAST SC V.2 is intended to apply to this determination and will occur annually. We request that you clarify for the record whether FGEAST SC V.2 and its observation frequency applies to the visual observation required in FGEAST SC IV.5. We further request that you clarify whether the notification requirement specified in FGEAST SC V.7 applies to this visual observation. We note that SC V.2 is a testing/sampling requirement applicable to FGEAST, but the condition is unclear regarding the requirement to submit a notification before conducting this annual visual observation. If the notification requirement is intended to apply to the annual visual observation, we request that you revise the permit as appropriate to more clearly specify that the permittee must submit a notification to EGLE prior to the annual visual observation.
3. FGEAST SC VI.8 and VI.9 requires the permittee to maintain the caustic scrubber flow rate between 225 gpm and 350 gpm and the caustic scrubber pH at 7.3 or higher. However, the September 20, 2016 Preventative Maintenance and Malfunction Abatement Program for US

Ecology Company, Michigan (MAP) specifies different levels. FGEAST SC III.2 requires the permittee to implement the MAP. In particular, the MAP in section 5.3.4 states that the caustic scrubber flow rate will be maintained between 225 gpm and 300 gpm. This provision of the MAP also specifies that the caustic scrubber pH is tracked “to ensure the pH remains above a Low-Low pH level of 7.2”. Since the values differ, it is unclear which flow rate range and minimum pH applies to the permittee. To resolve potential confusion and to ensure compliance with both the permit and the MAP, we request that you verify which parameter range the permittee must maintain and either revise the permit to be consistent with the MAP, revise the MAP to be consistent with the permit, or provide justification explaining why the values specified in the permit may differ from those within the MAP.

4. FGEAST SC VI.21 defines an excursion for CAM purposes. As written, FGEAST SC VI.21 specifies the level at which an excursion will be deemed to occur but does not specify the averaging period associated with an exceedance. 40 C.F.R. 64.6(c)(2) requires the permit to specify the level at which an excursion will be deemed to occur, including the appropriate averaging period associated with each excursion. To ensure that a CAM excursion is defined consistent with 40 C.F.R. 64.6(c)(2), we request that you revise the permit condition to specify an appropriate averaging period for each specified indicator level. We note that the permit currently requires the permittee to measure baghouse pressure drop every five minutes (FGEAST SC VI.14), monitor combustion temperature every five minutes (FGEAST SC VI.15), and record air flow at least once daily (FGEAST SC VI.16). For the purpose of defining an excursion, we recommend using the specified frequencies to define the averaging period associated with each level.
5. We request that you verify the in-permit references to monitoring for the VOC, HAP, and particulate limits included in FGWEST Section I. In particular, the VOC and HAP limits reference FGWEST SC VI.5 for monitoring, but the monitoring in SC VI.5 applies to particulates. On the other hand, the particulate limits do not reference SC VI.5. Specific conditions are included below.
 - a. VOC limits : FGWEST SC I.1, I.2, I.3 – I.8.
 - b. Particulate limits: FGWEST SC I.10 – I.12.
6. FGWEST SC VI.12 allows the permittee to change the frequency of observations with the written approval of the AQD district supervisor. As written, it is unclear which changes the permittee is allowed to make to the monitoring frequency without requiring a significant modification to the ROP. Particularly, 40 CFR 70.7(e)(4) specifies that a significant modification if a permit modification does not qualify as a minor permit modification or an administrative amendment. 40 CFR 70.7(e)(2)(i)(A)(2) specifies revisions to monitoring may only be considered a minor permit modification if there are no significant changes to monitoring. Significant changes to monitoring includes, but is not limited to, reducing the frequency of required monitoring. As written, it appears that the permittee may request less frequent monitoring and be granted approval to do so without modifying the ROP. In order to ensure that changes to monitoring allowed by FGWEST SC VI.12 would not also require a significant modification to the ROP, we request that EGLE specify what kind of changes to the frequency are allowed and revise FGWEST SC VI.12 as necessary to ensure a significant change to monitoring would not occur.
7. The draft ROP incorporates several requirements which cite 40 CFR Part 61 Subpart FF as the

underlying applicable authority. However, it is unclear from the permit which specified requirements from Subpart FF are being incorporated or used to establish the authority for each permit condition. 40 C.F.R. 70.6(a)(1)(i) requires, in relevant part, for part 70 permits to specify and reference the origin of and authority for each term or condition in the permit. In order to clearly identify the authority for each condition, we request that you evaluate the following permit conditions to determine which Subpart FF requirement applies and, as necessary, revise the citation to origin and authority to specifically identify the underlying applicable requirement.

a. FGLIQWASTETKS SC II.2, VI.7

8. FGLIQWASTETKS SC VI.8 and VI.9 cite 40 CFR 60.115(c) and 60.116(b), respectively, as the underlying requirement. However, the citation to origin and authority should instead refer to 40 CFR 60.115b(c) and 60.116b(b). We request that you correct the citation to origin and authority.
9. FGTMTFACILITY SC III.2 requires the permittee to develop and submit a written startup, shutdown, and malfunction plan pursuant to MACT DD. However, SSM plans are no longer required by MACT DD since those provisions have been removed in more recent rulemakings. In particular, 80 FR 14248, Section IV.C, FR page 14260, explains that SSM exemptions are no longer allowed under MACT DD (see <https://www.federalregister.gov/documents/2015/03/18/2015-05463/national-emission-standards-for-hazardous-air-pollutants-off-site-waste-and-recovery-operations>). To ensure consistency with MACT DD, we request that you remove the SSM plan requirement.
10. FGTMTFACILITY SC IV.1 and IV.2 requires the flexible group to generally meet applicable requirements within MACT DD and 40 CFR Part 61 Subpart FF, respectively. However, it is unclear which specific requirements the permittee must meet within each standard for emissions units included in the flexible group. 40 CFR 70.6(a)(1) requires the permit to incorporate emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance. While these requirements are incorporated into the permit generally, the lack of specificity makes it difficult to identify the applicable emission limitations and the evaluate whether the source is meeting those requirements. To ensure that all applicable requirements are incorporated into the permit, we request that you identify which specific requirements within MACT DD and 40 CFR Part 61 Subpart FF apply and, as necessary, revise the citation to origin and authority to more specifically identify the applicable requirements within the permit.
11. FGTMTFACILITY SC V.1 and V.2 require the permittee to conduct applicable testing as required in 40 CFR 63.694 and 40 CFR 61.355, respectively. Although incorporated into the permit, we note that the testing requirement referenced in each permit condition specifies different testing requirements. To ensure that the permit incorporates applicable testing requirements and to better ensure permit clarity, we request that you revise the citation to origin and authority to specifically identify which testing the permittee must perform within MACT DD and Part 61 Subpart FF, respectively.
12. FGMACTDD SC IV.1(a)(i) allows the permittee to use a closed vent system with no detectable organic emissions using the procedure in 40 CFR 63.694(k). It is unclear from the permit record

whether the permittee operates this kind of closed vent system. We request that you verify whether the permittee operates a closed vent system with no detectable organic emissions. If you determine that the permittee does operate this kind of closed vent system, then we request that you incorporate applicable procedures specified in 40 CFR 63.694(k) and applicable monitoring requirements specified at 40 CFR 63.695(c)(1).

13. FGMACTDD SC VII.4(b) incorporates applicable reporting requirements specified at 40 CFR 63.697. However, the requirement to submit a Notification of Performance Test at 40 CFR 63.697(b)(1) is not included in the permit. We request that you evaluate whether 40 CFR 63.697(b)(1) should be included in the permit. We note that FGMACTDD SC V.4 requires the permittee to submit a testing notification at least 30 days ahead of testing, but the underlying applicable requirement for SC V.4 only refers to R 336.1213(3). If SC V.4 is intended to meet the requirement of 40 CFR 63.697(b)(1), then we recommend that you revise the citation to origin and authority to also reference 40 CFR 63.697(b)(1).

Please let me know if you have any questions.

Thanks,
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