

Blue Ridge Environmental Defense League

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July 25, 2018

Department of Health and Environmental Control (DHEC)
Bureau of Air Quality (BAQ)
2600 Bull Street
Columbia, SC 29201

RE: Public Notice #18-030-GSM
Draft General Synthetic Minor Construction Permit for Asphalt Permits

On behalf of the Blue Ridge Environmental Defense League and our members in South Carolina, I write to comment on the General Synthetic Minor Construction Permit for Asphalt Permits (GSM). In brief, the general permit as drafted would be unenforceable and contrary to federal and state law.

As stated in the public notice of June 26, the general permit is intended to regulate the following criteria pollutants and hazardous air pollutants:

Emissions generated by this facility as a result of the proposed project will include: Particulate Matter (PM); Particulate Matter less than 10 micrometers in diameter (PM10); Particulate Matter less than 2.5 micrometers in diameter (PM2.5); Sulfur Dioxide (SO₂); Nitrogen Oxides (NO_x); Carbon Monoxide (CO); Volatile Organic Compounds (VOCs), and Hazardous Air Pollutants (HAPs).

Under the federal Clean Air Act and the approved State Implementation Plan (SIP) for South Carolina, the state must comply with section 110 of the Clean Air Act, 42 U.S.C. 7401-7671q and 40 CFR part 51 to meet national ambient air quality standards. However, the information published by DHEC which would apply to the draft GSM permit states:

If approved, federally enforceable facility-wide limits of less than 250.0 tons per year (TPY) of PM, PM10, and PM2.5, and less than 100.0 TPY of PM10, PM2.5, SO₂, NO_x, VOC and CO will be established; and any single HAP will have a limit of less than 10.0 TPY, and any combination of HAP's will have a limit of less than 25.0 TPY, thereby enabling general synthetic minor asphalt plants covered under this permit to be below Title V, 112, and Prevention of Significant Deterioration (PSD) major source thresholds.

As a practical matter, the permit regime stated above would be unenforceable. Industrial operations such as asphalt plants permitted as synthetic minors do not monitor air pollutant emissions. No continuous emission monitoring is required. PSD limits are determined by a facility's impact on Class I areas, which is determined with regard to distance from the pollution source and other factors.

A commonly practiced method for ensuring an asphalt plant is in compliance with applicable laws is production limits, set on an annual basis of total tons and an hourly basis in tons per hour. Monitoring, recordkeeping and reporting on production tonnage to DHEC as a permit requirement provides an effective means of demonstrating compliance and would form a reliable basis for permit renewal. Most important, the method allows the pollution control agency to effectively monitor a plant, ensure compliance and protect air quality and public health.

The setting of overall tonnage limits as contemplated in the draft GSM is wholly inadequate. It should be abandoned. A practical, enforceable method as outlined above would be a better approach for the permittees, the Department of Health and Environmental Control and the people of South Carolina.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Louis A. Zeller", followed by a horizontal line extending to the right.

Louis A. Zeller
Executive Director