

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

1828 Brandon Ave. SW
Roanoke, VA 24015

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Registration Number: 21279

Permit Number: BRRO-21279

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Comments Regarding Title V Federal Operating Permit Dynax America Corporation, 568 East Park Drive, Roanoke, VA 24019

I am submitting comments on behalf of the Blue Ridge Environmental Defense League (BREDL) based in Glendale Springs, NC. BREDL is a regional, community-based, non-profit environmental organization founded in March 1984. Our founding principles are earth stewardship, environmental democracy, social justice, and community empowerment. BREDL has chapters and members throughout the Southeast including in the Roanoke Valley.

Hydrochloric Acid – Risk Management Plan

Section 112(r) of the Clean Air Act, commonly known as the General Duty Clause, administered as 40 CFR Part 68 Chemical Accident Prevention Provisions includes hydrochloric acid as a regulated substance, if the concentration is 37% or greater. Meeting the threshold would require a risk management plan. In its application, Dynax indicates that this regulation does not apply since the hydrochloric acid they use does not meet the threshold.¹

The Title V permit must include a condition for a hydrochloric acid concentration limit of less than 37%. The permit also must include recordkeeping and reporting requirements to show compliance with this condition.

¹ Title V Renewal Application, Dynax America, Trinity Consultants, March 2019, p.2-7

MACT Subpart JJJJ - Paper and Other Web Coating National Emission Standards for Hazardous Air Pollutants (40 CFR 63 Subpart JJJJ)

At the same time that this Title V Permit is out for public comment, the U.S. EPA is also accepting comments on proposed amendments to the 2002 Paper and Other Web Coating National Emission Standards for Hazardous Air Pollutants during its Risk and Technology Reviews. Both public commenting periods conclude on Nov. 4, 2019. We will be submitting comments to EPA regarding the proposed amendments.

In general, EPA is proposing to:

- Eliminate the startup, shutdown and malfunction exemption;
- Require periodic air emissions performance testing once every 5 years for facilities using non-recovery add-on controls to demonstrate compliance with the standards;
- Require facilities to submit electronic copies of compliance reports, including performance tests;
- Clarify regulatory requirements; and
- Provide more flexibility for monitoring requirements.

VA DEQ must either hold this permit open to incorporate changes to MACT Subpart JJJJ or reopen the Title V Permit once EPA has finalized changes.

Startup, Shutdown and Malfunction Exemption

Per *Sierra Club v. EPA*, 551 F.3d 1019 (D.C. Cir. 2008) and subsequent EPA Rulemaking of May 22, 2015, we question the inclusion of the Startup, Shutdown and Malfunction Exemptions in Conditions: 33, 34, and 62. The courts have ruled against such exemptions.

Condition 74

The Emissions for Hydrochloric Acid (HCl) for treatment line #4 lists:

Hydrochloric Acid (HCl)	0.25 lbs/hr	1.1 tons/hr
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We believe this to be a mistake from the most recent SOP revision and that the last column should be 1.1 tons/yr instead of 1.1 tons/hr. Note: This is also the case in the State Operating Permit – Condition 38.

Hydrogen chloride

Hydrogen chloride (HCl) or hydrochloric acid is an acid gas that is irritating and corrosive to any tissue it contacts. Short-term exposure to low levels can cause throat irritation. Long-term exposure to low levels can cause respiratory problems, eye and skin irritation, and discoloration of the teeth. Exposure to higher levels can result in rapid breathing, narrowing of the bronchioles, blue coloring of the skin, severe burns of the eyes and skin, accumulation of fluid in the lungs, and even death. Some people may develop reactive airways dysfunction syndrome (RADS), a type of asthma caused by some irritating or corrosive substances. Children may be more vulnerable than adults to corrosive agents, such as HCl, because of their relatively narrower airways, relatively greater exposure due to greater breathing volume per pound of body weight and relatively longer potential exposure durations.²

Notice of Violations

The Dynax facility has been issued at least three violations within the decade. We applaud VA DEQ for inspections and enforcement so that Dynax adheres to permit conditions. However, to better protect public health and welfare, VA DEQ should strengthen permitting requirements instead of allowing emission increases – once a problem has been discovered.

- ❖ On January 30, 2018, VA DEQ issued a Notice of Violation to Dynax America located in Botetourt County, Virginia. The NOV was for exceedance of Hydrochloric acid emissions from Surface Treatment Line 4 (STE 4). At the time, the State Operating Permit included an emissions limit of 0.08 lb/hr for STE 4. Stack test results from Dec. 8, 2017 indicated emissions were exceeding the limit by 5.6 times (0.45 lb/hr). Subsequent test results from July 24, 2018 showed a higher exceedance over 6.6 times the limit (0.53 lb/hr). As a result of this NOV, on June 14, 2019 Dynax agreed to pay a fine of \$168,204. Instead of continuing to enforce the HCl standard as permitted, on Sept. 4, 2019, VA DEQ changed the State Operating Permit to increase STE 4 HCl emissions by 3 times at 0.25 lb/hr.
- ❖ On June 29, 2017, Dynax agreed to a fine of \$3300 for construction on roll coaters without obtaining a permit to do so for another Notice of Violation.
- ❖ Prior to that, VA DEQ stated that Dynax was not meeting MACT subpart JJJJ capturing data requirements for Adhesive Line 1. Dynax agreed to a \$14,040 fine on June 17, 2011 for that violation.

Respectfully submitted,



Mark E. Barker

² Agency for Toxic Substances and Disease Registry (“ATSDR”), ToxFAQs for Hydrogen Chloride, <http://www.atsdr.cdc.gov/toxfaqs/TF.asp?id=759&tid=147> ; Cal. Office of Env'tl. Health Hazard Assessment, Hydrogen Chloride, <https://oehha.ca.gov/chemicals/hydrogen-chloride> .

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