

RESPONSE TO COMMENTS

Per SIP Regulation 2-6-423.3, the District provided an initial 30-day public comment period from July 15, 2016 to August 15, 2016. At the request of the public and the EPA, this period was later extended an additional 30 days to September 15, 2016. At the request of the public, a second public comment period was held from December 6, 2016 to January 19, 2017 and the District held a community meeting in the City of Berkeley on December 14, 2016 to accept public comments in person. In total, the District provided 105 days of notice to the public for public participation.

This document summarizes the comments that District staff received on the draft evaluation report and permit conditions for Application 14029 Revised Synthetic Minor Operating Permit for Pacific Steel Casting.

The District received comments regarding the draft evaluation report and SMOP conditions from 45 individuals, one online publication (Berkeley Citizen), two organized groups (West Berkeley Alliance for Clean Air and Safe Jobs; Golden Gate University School of Law, Environmental Law and Justice Clinic (ELJC)), and one public agency: the United States Environmental Protection Agency (EPA). The District also received a comment from one commenter that wished to remain confidential.

District staff have considered all comments received and have revised the draft evaluation report and made significant changes to the proposed SMOP conditions, as reflected in the final version of the evaluation report and conditions. Staff have also prepared specific responses to comments received. These responses are set forth below.

A. List of Comments Received in Response to Posting

The following is a list of comments received via e-mail, letter, or in person during the community meeting.

1. L A Wood, August 3, 2016
2. Janice Schroeder, West Berkeley Alliance for Clean Air and Safe Jobs, August 10, 2016
3. Alejandro Soto-Vigil, August 10, 2016
4. L A Wood, Berkeley Citizen, August 15, 2016
5. Meryl Siegal, August 15, 2016
6. Rhiannon, August 15, 2016
7. L A Wood, August 30, 2016
8. U.S. EPA, August 30, 2016
9. Matt Haber, September 9, 2016
10. Golden Gate University School of Law, Environmental Law and Justice Clinic, September 15, 2016
11. Golden Gate University School of Law, Environmental Law and Justice Clinic, September 19, 2016
12. Janice Schroeder, West Berkeley Alliance for Clean Air and Safe Jobs, December 14, 2016
13. Steve Martino, December 14, 2016
14. Steve Castleman, ELJC, December 14, 2016
15. L A Wood, December 14, 2016
16. Colin McCarthy, ELJC, December 14, 2016
17. Linda Listrom, December 14, 2016
18. Meryl Siegal, December 14, 2016
19. Helen Kang, ELJC, December 14, 2016
20. Breen Fulton, December 14, 2016
21. Amanda Silas, December 14, 2016
22. Confidential, December 14, 2016
23. Elisabeth Lamoureaux, January 14, 2017
24. Pam Tellev, January 14, 2017
25. Tom Molyneaux, January 14, 2017
26. Will Rachelson, January 14, 2017
27. Nancy Bartell, January 15, 2017
28. Andrew Berna-Hicks, January 15, 2017
29. Cathy Duenas, Julian Duenas, and David Rink, January 15, 2017

30. Charlene Woodcock, January 15, 2017
31. John Hitchen, January 15, 2017
32. Jeannie Choe, January 15, 2017
33. Thianh Lu, January 16, 2017
34. Bob Harlow, January 16, 2017
35. Maureen Perez Lu, January 16, 2017
36. Keith Skinner, January 16, 2017
37. Alice Chen, January 17, 2017
38. David Lerman, January 17, 2017
39. Jason Gardner, January 17, 2017
40. Karyn Lynn Newman, January 17, 2017
41. Alicia Moore, January 18, 2017
42. Kirsten Lindquist, January 18, 2017
43. EPA, January 19, 2017
44. Golden Gate University, ELJC, January 19, 2017
45. Ariela Ronay-Jinich, January 19, 2017
46. Ash Berman, January 19, 2017
47. Chadd Wolfe, January 19, 2017
48. Corey Block, January 19, 2017
49. Hilary Curtis, January 19, 2017
50. Jen Stern, January 19, 2017
51. Jhos J Singer, January 19, 2017
52. Judith Katz, January 19, 2017
53. Mike Perlmutter, January 19, 2017
54. Rachel Hurwitz and Martha Westland, January 19, 2017
55. Sharon Bernstein, January 19, 2017
56. Shirley Dean, January 19, 2017
57. Rachel Binstock, January 20, 2017

B. Comments and Responses

Comments have been categorized and identified by commenter using the list above [comment #] with responses following the comment. Where the District received multiple, slightly variable comments for the same topic, a summary of the comment is provided in lieu of listing the various comment permutations.

AB 2588 Notification

Comment:

"P.11 shows that excess cancer risk from the plant is 31 in a million and that any exceedance of 10 in a million requires public noticing. Apparently the definition of public noticing did not include notification to those most impacted, the members of the community living in closest proximity. A map of the plant should be included in the report with isopleths showing where the 10, 20, and 30 in a million risk isopleths are located. The [sic] plant should be required to notify those residences or businesses of the excess risk." [28]

Response:

The regulation under which the Synthetic Minor Operating Permit is issued does not apply to AB2588 nor does AB2588 apply to the Synthetic Minor Operating Permit. However, the comment will be forwarded to the District personnel charged with the responsibility of enforcing AB2588 and required notifications.

Comment:

"Has Pacific Steel provided notification required under the Air Toxics Hot Spots Program?" [10]

Response:

Yes, Pacific Steel Casting has and continues to provide notification required under the Air Toxics Hot Spots Program.

AbatementComment:

"...they should be installing top-of-the-line scrubbers, not just monitors..." [32]

Response:

The regulation under which the proposed permit is being issued - Regulation 2, Rule 6 - does not grant the District the authority to mandate the facility install abatement devices. If there were no enforceable conditions that could be imposed to limit emissions to below major source levels, the facility could decide to install scrubbers if the facility wanted a SMOP.

Although the regulation under which the Synthetic Minor Operating Permit (Regulation 2, Rule 6) does not pertain to health risk, the District recently adopted Regulation 11, Rule 18 that requires facilities with significant potential health impacts to conduct new facility-wide health risk assessments (HRA). If these new HRAs indicate significant health impacts, including cancer risk, then facilities would be required to implement measures such as installing new control technologies to reduce such risk. Regulation 11, Rule 18 applies to all facilities within the District including Pacific Steel Casting.

Comment:

"In order to prevent noxious odors, the District should require 'the permanent venting of all emissions to existing carbon adsorption units,' as contemplated by the PTO, paragraph 9." [44]

Response:

The District believes the comment is referring to Part 9 of Condition 14767:

"9. Should the operation of Source 2049 and any or all associated equipment (Sources 2044-2048) be determined by the District to cause nuisance odors, the permit holder shall immediately cease operation of the entire sand recycling system (Sources 2044-2049). In the event that this occurs, the operation of the sources shall be prohibited until all odor problems are resolved by the permit holder. Resolution of any odor problems may require the permanent shut down of sources 2044-2048 or the permanent venting of all emissions to existing carbon adsorption units located at Pacific Steel Casting. (Regulation 7)."

As noted in the condition, the basis for the cited requirement is District Regulation 7, which limits odorous substances. The regulation under which the proposed permit, District Regulation 2, Rule 6, requires limiting facility-wide emissions. Although some emissions limits should reduce some odors, it will not eliminate all odors. If in the future, the facility is determined to be a nuisance facility per District Regulation 1 and Regulation 7, similar requirements as the one cited by the comment may be imposed. However, the District's authority to impose conditions within the SMOP is limited to that which is granted by District Regulation 2, Rule 6.

AccountabilityComment:

"And please hold Pacific Steel to the standards needed to protect the community." [45, 46, 48, 50, 51, 52, 53, 57]

Response:

The intent of the proposed conditions is to ensure the facility complies with facility-wide emissions limits. Limiting such emissions will limit impacts to the community.

Alarm Systems/ViolationsComment:

"Please require an alarm system for these monitors so that air quality violations are known, reported, and responded to instantly by Pacific Steel and the District" [53]

Comment:

"...with alarm systems in the case of air quality violations..." [55]

Response:

Pacific Steel Casting will be required to install alarms on the pollutant abatement devices to alert the facility to potential problems before an air quality violation occurs. Pacific Steel Casting will be required to fix any problems before there is an air quality violation. Pacific Steel Casting will be required to keep records of any such alarms and of any corrective actions taken.

BackslidingComment:

"...I'm concerned they are backsliding, when they still need to improve." [24]

Response:

The proposed SMOP conditions contain rigorous conditions for estimating, controlling, monitoring, recording, and reporting of facility-wide emissions. Such conditions are more rigorous than previous SMOP conditions and represent an improvement.

Baghouse Pressure Drop RangesComment:

"In part 50 of condition 20207, the pressure drop ranges do not appear to be tailored for the baghouse control device, but rather appear to be the entire range (minimum and maximum). This is inadequate."

"Please specify in part 50 more specific pressure drop ranges, or testing requirements to obtain the appropriate pressure drop ranges, that ensure proper operation of the baghouses." [8]

Response:

The facility has confirmed that the pressure drop ranges are specific to each baghouse and not the entire range of the gauge.

Broken Bag Detectors AlternativeComment:

"In addition, baghouses associated with carbon or electric arc furnaces are required to be equipped with broken bag detectors or "APCO pre-approved alternative" (page 27). ... cannot determine what those alternatives are and when they are required to be installed. Broken baghouse detection is important as the community has repeatedly expressed concerns about heavy metals, and monitoring requirements should be determined in the final permit rather than in the future." [9]

Response:

The proposed conditional language would require Pacific Steel Casting to install broken bag detectors. "APCO pre-approved alternatives" would only be installed if broken bag detectors could not be installed. Such alternatives would only be approved if the alternatives function as well as or better than broken bag detectors. A definition of "APCO approved" has been added to the conditions.

Black SootComment:

"We have black soot that covers our house regularly. We often smell horrible, toxic smells in the air. I fear for having my children play outside, not only because of presumably toxic air, but also because of contact with black soot. I cannot keep the house or outdoor surfaces in our yard clean, as the soot is a constant problem." [49]

Response:

Emissions of particulate matter such as black soot is limited by District Regulation 6, Rule 1. Impacts from odors are limited by District Regulation 1 and Regulation 7. Members of the public affected by such impacts should submit a complaint to the District's Compliance & Enforcement Division so that an investigation can occur. To file a complaint, members of the public should call our 24-hour toll-free hotline at 1-800-334-ODOR (6367) or submit a complaint online at

<https://permits.baaqmd.gov/PublicForms/ComplaintWizardSelection>

Capture Efficiency

Comment:

"The permit requires capture efficiency of 90-100 percent for many emission units in conditions 24466 (Plant #1), 24547 (Plant #2), and 24548 (Plant #3), but does not clearly require venting of emissions to a control device or provide for enforceable monitoring or testing."

"Please specify in the SMOP appropriate conditions to ensure that capture efficiency will be achieved as required." [8]

Response:

The conditions have been revised to include requirements for capture efficiency demonstrations.

Comment:

Multiple commenters stated that a minimum capture efficiency of 99 percent should be required rather than 90 percent. [27, 34, 37, 41, 49]

Response:

There are dozens of individual sources at Pacific Steel Casting that have associated capture efficiencies. Many of these sources will be required to have capture efficiencies greater than 90 percent.

Comment:

"Other sources, such as Source 1014 (arc-electric air booth) may not be totally enclosed. For non-totally enclosed emissions units, 90% capture efficiency is a very high capture efficiency, and usually not possible without advanced engineering design. It is not reasonable for the District to assume 90%. If other than a default capture efficiency (60%?) is assumed, the District should require demonstration of capture efficiency with a known protocol. For example, SCAQMD published one for use for certain VOC sources. ...In other words, much more must be fundamentally explained before we can assume that the selected capture efficiencies are justified." [9]

Response:

The conditions have been revised to include more requirements for capture efficiency demonstrations.

Comment:

"The 'required capture efficiencies' are intended to be enforceable and are ... an integral part of the emissions limit. If capture efficiencies are unrealistically high (i.e. they assume a higher capture than is actually possible), the permit will assume that more pollution is abated than is in fact abated through control devices." "Without a sound basis in fact, overly optimistic capture efficiencies fail to ensure that the facility will operate as a synthetic minor. The required capture efficiencies do not have a basis." [10]

Comment:

"The Engineering Evaluation Report does not provide a basis for the required capture efficiencies. No explanation is provided for the capture efficiencies selected. Most, although not all, capture efficiencies that are associated with these limits are either in the 99-100% or 86.5-90% ranges." [9]

Comment:

"For capture efficiencies in the 99/100% range, a reasonable assumption is that the sources are totally enclosed and under negative pressure. For example, Source 1018 (heat treating furnaces) is required to have a 100% capture efficiency and so it could be that it is totally enclosed and under negative pressure. From the Engineering Evaluation, however, it is difficult to tell that it is totally enclosed under negative pressure." [9]

Response:

The Engineering Evaluation report has been amended to include a basis for the capture efficiencies used in the analysis.

Comment:

"...how the District intends to enforce capture efficiencies is not explained in detail, but only with a brief comment in the Evaluation that 'the facility will be required to conduct source tests at the inlets and outlets of abatement devices'." [10]

Response:

The conditions have been revised to include requirements for capture efficiency demonstrations.

Continuous Emissions Monitors (CEMs)Comment:

Multiple commenters requested that CEMs be required. [2, 3, 4, 5, 12, 13, 14, 15, 24, 26, 29, 42, 44, 45, 46, 48, 50, 51, 52, 53, 55, 57]

Response:

The proposed SMOP conditions already include requirements to install flame ionization devices (FIDs) to continuously monitor organic compounds, which constitute the majority of odorous compounds.

However, the conditions have been revised to include further requirements to install CEMs for pollutants other than organic compounds if the emission factors determined by periodic source testing demonstrate a necessity for a CEM rather than periodic source tests.

Comment:

"The carbon adsorption systems in the three plants are the primary mechanism for controlling the noxious odors PSC's neighbors have complained about. CEM is the best way to assure the adsorption systems are functioning adequately and insure compliance with the SMOP. It may be that odors impacting neighbors could be correlated with the efficiency (or lack thereof) of the carbon adsorption system. FIDs can provide the continuous monitoring data necessary to establish a correlation or, in the alternative, demonstrate there is no correlation." [44]

Response:

The proposed conditions include a requirement for continuous monitoring by FID for the carbon absorption systems for Plant 1 and 2 if the actual or projected actual throughput at Plant 1 or 2 exceeds 65 percent of the proposed throughput limit.

At the proposed throughput limits, the carbon absorption systems could have zero abatement and estimated VOC emissions would still remain below the major source threshold. Therefore, the proposed conditions are adequate to meeting the criteria specified in District Regulation 2-6-423.2.3 ("Permit conditions requiring monitoring, recordkeeping, and reporting sufficient to determine compliance with the emissions limits set forth in subsection 423.2.1 or 423.2.2.")

Fence Line MonitoringComment:

Multiple commenters requested that fence line monitoring around the facility be required as a condition. [2, 3, 4, 5, 12, 13, 14, 15, 24, 26, 29, 42, 44, 45, 46, 48, 50, 51, 52, 53, 55, 57]

Response:

The District's authority regarding the SMOP is limited in that the District can only consider conditions to ensure total emissions remain below major source thresholds. Depending on meteorological conditions, fence line monitors may not adequately quantify facility emissions. However, data from fence line monitors may be useful for determining potential health-related emissions impact on the local community. The District recently adopted a health-related emissions rule (Regulation 11, Rule 18) that requires facilities to conduct a facility-wide health risk analysis (HRA) and implement emissions reducing measures if HRA results indicate a significant impact. Depending on HRA results, fence line monitors may be installed.

Comment:

"PSC's Odor Management Plan refers to 'alleged offsite odors,' and flatly denies 'that the Company has, at any time created, or is creating, offsite odors that have or may have impacted the community any respect'

"People who live downwind of PSC don't smell 'alleged' odors, they smell real ones. Horrible ones. In some cases, sickening ones." [44]

"Continuous fence-line monitoring of emissions is the best way to demonstrate that complaints about PSC's odors are deniable or frivolous; they have a real negative impact. Fence-line monitoring can provide data to bridge the gap between what the community smells and what PSC disputes. And, if PSC is correct in its blanket denial, fence-line monitoring may be able to clear PSC of responsibility for some odors, providing the District an opportunity to investigate others' responsibility." [44]

"Fence-line monitoring should be an added condition of the SMOP" [44]

Response:

Over the course of the years, the District has confirmed several odor complaints to Pacific Steel Casting and therefore, does not agree with the assertion that Pacific Steel Casting has never caused an offsite odor impact.

However, depending on meteorology, fence-line monitoring may or may not detect offsite impacts as to be able to detect any potential offsite impact.

Before the District can mandate expensive equipment such as fence line monitoring, the District is required to make a health-based demonstration justifying the requirement. In 2008, the District conducted community-monitoring as well as a Health Risk Analysis where both did not result in such a justification. In addition to justifying fence line monitoring, there has to be equipment that can detect compounds that cause odors. The human sense of smell is far more sensitive than today's instruments. In addition, because the sense of smell is so sensitive, it may be able to detect odors at thresholds that are much lower than levels that impact human health, depending upon the specific compounds.

However, the District recently adopted a new rule (Regulation 11, Rule 18) that would require high risk facilities such as Pacific Steel Casting to conduct new Health Risk Analyses and impose risk reduction measures that may include fence line monitoring.

The District is also in the process of revising Regulation 7 (Odors) and the District's Meteorology and Measurements Section is identifying instruments that can detect odorous compounds. Regulation 7 may be able to leverage new technology and require monitoring of odorous compounds.

Chemicals

Comment:

"...what PSC is doing to monitor what those additional chemicals [in scrap metal] are and the fugitive fumes?" [13]

Response:

Pacific Steel Casting has a scrap metal inspection and management plan required by the Odor Management Plan as well as the facility's Emissions Minimization Plan required by District Regulation 12, Rule 13. The Emissions Minimization Plan has been attached to the evaluation report as an appendix but may also be viewed at the following link:

http://www.baaqmd.gov/~media/files/compliance-and-enforcement/metal-facilities/psc-llc-reg-12_13-emp-jan-2015-final-public.pdf

Clarity

Comment:

"And it also says within 30 days of the collection, every six months, one year and three years of FID data from the day of issuance of this permit condition the owner will submit an application. It isn't clear what the owner is submitting an application for. Is an application for an FID?" [14]

Response:

The preceding section of that requirement states: "Breakthrough definition will be determined within applications required to be submitted as specified in this part below.

In order to establish the initial and subsequent carbon breakthrough-related parameters, the owner/operator shall submit applications to the District within 30 days of collection of 6 months, one year, and two years of FID data ..."

Accordingly, the permit applications will be to set the definition of when breakthrough of the carbon adsorption unit occurs.

Since breakthrough definition cannot be determined until after a FID has been installed, it is not possible to determine breakthrough definition beforehand. However, until such time that an FID is installed, the facility will conduct daily hydrocarbon sampling at the inlet and outlet of the carbon abatement device to determine if breakthrough has occurred.

Comment:

"What is the basis of stating that the FID at Plants 1 and 2 are not required until 4500 tons per year of steel have been produced, or are about to be produced? The engineering evaluation report, Page 13, says the FID will be installed in Plants 1 and 2 when there's production or there's a contract for more than fifty percent of the maximum allowable production. But as I read Appendix A of the engineering report, the production is going to be 6,950 tons per year. 50 percent of that is 3,475 tons per year. So why isn't the FID triggered by 3,500 tons as opposed to ...4,500 tons? There is no rational reason given in the permit to delay ... until there's 4,500 tons per year." [14]

Response:

The 50 percent statement in the permit evaluation is incorrect. At the threshold proposed, the carbon adsorption unit, for which a FID would be used to determine if operating properly, is not needed to remain below the major source threshold. Therefore, requiring a FID is not warranted at such low throughputs. The evaluation report will be revised to provide more clarity.

Comment:

"Pacific Steel Casting's monitoring history of emissions contained within the proposed permit summary provides very little information of what has actually transpired. It's unclear how much additional emissions monitoring has been done, if any, beyond the normal, annual test requirements for Pacific Steel Casting's permits." [4]

Response:

The evaluation report has been revised to include more information regarding what additional monitoring was done.

Community Monitoring

Comment:

"I sincerely hope you will take this opportunity to require they clean up their act...by requiring ongoing monitoring at multiple sites proximal to their operations." [41]

Response:

The District's authority regarding the SMOP is limited in that the District can only consider conditions to ensure total emissions remain below major source thresholds.

However, as a routine practice, the District reviews and assesses the appropriate placement of the limited ambient air quality monitors available to the District. In the future, the District may consider moving existing or placing more ambient air quality monitors within the City of Berkeley. Such decisions are made by the District's Meteorological and Measurement Division.

Community Protection

Comment:

"...I am pleading to the BAAQMD to issue a permit that protects the community..." [33, 35]

Response:

The proposed limits on criteria pollutants and hazardous air pollutants will limit total facility-wide emissions. Such limitations should limit associated air pollution-based health impacts on the surrounding community.

Community Update

Comment:

"I sincerely hope that, at the very least, the resolution of the proposal can be sent to those who took the time to express their comments, and those in the 94702 area code and other area codes that are affected will be sent letters knowing of the change." [5]

Response:

All public comments and the District's responses as well as any and all revisions to the proposed permit evaluation report and Synthetic Minor Operating Permit will be posted online and made available to the public including to those who took the time to express their comments.

Complaint ProcessComment:

"From the community's perspective, BAAQMD's odor-complaint system is broken. Less than positive interactions with BAAQMD's complaint hotline dispatchers and inspectors, as well as the lack of changes in PSC's noxious odors, result in complainants deciding to stop making odor complaints, as it seems useless.

An ongoing problem is that while PSC can operate around the clock, BAAQMD inspectors don't. It's rare for an inspector to respond to odor complaints before or after regular business hours, or on weekends and holidays. In our experience, after-hour complaints are met by an answering service; an inspector almost never comes out to investigate. Or an inspector will come out the next business day but the odor will have long since dissipated. Complainants give up in frustration and anger." [44]

Response:

The District has received feedback from the community regarding improving the District's complaint response procedure and is in the process of updating the procedure with input from the community. The District anticipates this to occur within the year and will conduct outreach to ensure community concerns are considered.

Comment:

"...BAAQMD needs to streamline its complaint process to restore public faith in plant oversight. Any decrease in the volume of calls and written complaints since PSC's last permit application is the result of frustration and disillusionment - not a sign that PSC issues have gone away." [54]

Response:

See response to comment above.

Comment:

"BAAQMD's complaint line should be staffed 24 hours a day, seven days a week. Inspectors should be able to respond, in a timely manner, to odor complaints 24 hours a day every day of the year." [44]

Response:

The District contracts with a company to receive and log complaints during non-business hours. At least one District Compliance & Enforcement supervisor is always on-call to respond to potential incidents and call out District inspectors to respond to public complaints if needed. However, the District currently does not have the resources to maintain staff 24 hours a day.

Comment:

"On numerous times I've reported air quality violations to the District's complaint line, though the District has never been able to follow-up on these reports in real time - but at best hours later, often after the odor is gone." [53]

Response:

The District has received feedback from the community regarding improving the District's complaint response procedure and is in the process of updating the procedure with input from the community. The District anticipates this to occur within the year and will conduct outreach to ensure community concerns are considered.

Comment:

"...I am pleading to the BAAQMD to issue a permit that ...requires appropriate responses to odor complaints..." [33, 35]

Response:

See response to comment above.

ComplianceComment:

"...new owner; to bring all of its local plants up to the highest standards of compliance." [31]

Response:

The District has noticed a marked difference in the ownership change with a commitment by the new owner to comply with all applicable requirements. The District expects the facility to comply with all such requirements and will conduct announced inspections, review all facility records and monitoring data, as well require the facility to report all instances of an air quality violation.

Comment:

"...how will members of the public be able to determine if these Synthetic Minor Operating Permit conditions have been exceeded?" [16]

Response:

Pacific Steel Casting will be required to submit a notification to the District within 10 days of the discovery of a violation. Pacific Steel Casting will be required to report to the District, on a quarterly basis, the facility-wide emissions totals and compliance with the SMOP limits. If members of the public are interested, they may submit a request to review such notifications and reports.

Per Regulation 2-6-419 (Availability of Information), "[t]he contents of permit applications, compliance plans, emissions or compliance monitoring reports, and compliance certification reports shall be made available to the public, subject to the restrictions of the District's Administrative Code, Section 11. The contents of the permit shall be available to the public and shall not be subject to the above restrictions."

Consent DecreeComment:

"The following actions are requested of BAAQMD:"

"Provide evidence that PSC's SMOP actually complied with the requirement to reduce emissions by 2 tons of Allowed Reductions as stated in Case No.: C 06 4184 BZ, Communities for a Better Environment V Pacific Steel Casting 2007 Consent Decree. The 2007 settlement agreement applies to the proposed SMOP permit. The new owners of Pacific Steel Casting are not exempt from this court-ordered settlement requirement. I believe there is a legal requirement for inclusion of this provision in the proposed SMOP for the implementation of emissions reductions." [7]

Response:

The District was not a party to the referenced consent decree. The District has no authority to enforce its provisions, nor does it have obligations imposed upon it through the consent decree. Further, it is unclear whether the consent decree remains in effect.

Comment:

"Pacific Steel and its successors are subject to a binding Consent Decree resulting from a lawsuit brought by Communities for a Better Environment, which is federally enforceable. The Consent Decree provisions relating to scrap metal selection and inspection impose more stringent requirements than the NESHAP provisions at 40 C.F.R. Part 63 subpart ZZZZZ. ... request that the SMOP at least acknowledge the existence of the Consent Decree, or explicitly make as SMOP conditions the relevant provisions of the Decree." [10]

Response:

See response to the comment above.

Consequences

Comment:

"There must be real consequences, not just repeated fines, but a limit to repeated infractions that lead to closure." [32]

Response:

If a facility is found to repeatedly be in violation of a requirement, per Section 42451 of the California Health & Safety Code, the District may request from the District's Hearing Board an Order for Abatement where, if granted, a facility operating out of compliance will be required to take specific actions to curtail or shut down its operations.

Contiguous Letter

Comment:

"We note that although this document is referenced in the Engineering Evaluation Report (see bottom of p. 4), it was not included with the SMOP documents. It would be helpful to include this document in the permit record since it is the basis for including all three PSC plants in the SMOP." [8]

Response:

This letter has been included within the permit application file and will be included within the permit record.

Control Efficiency

Comment:

"1) Page 12 indicates that the minimum Control Efficiency Requirement for VOCs is 90%. As a result the plant is allowed to emit 90 tons of pollutants into the surrounding atmosphere every year. In view of the fact that the control efficiency requirement for hazardous waste incinerators is 99.99%, why is Pacific Casting held to such a pitifully low standard?" [28]

Response:

The regulation under which the Synthetic Minor Operating Permit is issued requires the facility to accept enforceable conditions to demonstrate emissions would not exceed 90 tons per year. At 90 percent abatement, maximum VOC emissions from the facility are estimated to be 47 tons per year. Therefore, requiring an abatement efficiency greater than 90 percent is not required. The control efficiency requirement for hazardous waste incinerators is a source-specific emission reduction requirement. The regulation under which the SMOP is issued is a facility-wide emissions reduction requirement. Therefore, the District does not have the authority to impose more stringent source-specific requirements than are necessary for the facility to meet the SMOP limits.

Comment:

"What is the legal basis for this Control Efficiency?" [28]

Response:

See response to comment above.

Comment:

"In view of the fact that this plant operates upwind from a high density residential community, there is ample need to impose a higher control efficiency on the plants emissions control systems." [28]

Response:

See response to comment above.

Cumulative Impacts

Comment:

"Are the cumulative impacts of the surrounding polluting activities accounted for in the permit conditions, including impact on sensitive receptors like children and the elderly?" [17]

Response:

Although cumulative impacts may be considered within environmental impact reports per the California Environmental Quality Act, the regulation that applies to Synthetic Minor Operating Permits (District Regulation 2, Rule 6) does not grant such authority to the District. However, the District recently adopted a regulation (Regulation 11, Rule 18) to address community health impacts that would apply to Pacific Steel Casting.

Data AvailabilityComment:

Multiple comments were received regarding providing real time emissions data accessible to the public. [2, 3, 5, 12, 15, 24, 29, 33, 35, 44, 45, 50, 51, 52, 53, 54, 55, 57]

Response:

The regulation under which the proposed permit is being issued - Regulation 2, Rule 6 - does not grant the District the authority to mandate the facility to provide real-time access to facility data. The current examples of data access from certain facilities (petroleum refineries) were the result of either a settlement agreement, federal or District regulation pertaining specifically to refineries, or a mitigation measure listed within an environmental impact report.

The District may explore requiring real-time data availability from high risk facilities in future rule making though such effort would be led by the District's Rule Development Section.

However, emissions data for any facility, including Pacific Steel Casting, may be requested and obtained through a public records request. Such a request may be made at the following web address:

<https://cwp-baaqmd.secureprtportal.com/>

The District also publishes an interactive facility data map that lists facilities and facility details (number of sources, emissions, etc.) at the following web address:

<http://www.baaqmd.gov/research-and-data/interactive-data-maps>

Comment:

"Withholding critical emissions-related documents is contrary to both state and federal law; it is also contrary to the Air District's acknowledgement that all information used in permit applications is a matter of public record. Under California law, all information that discloses the "nature, extent, quantity, or degree of air contaminants or other pollution" are public records and thus subject to disclosure. Such information includes all air pollution emission data, including those emission data which would constitute trade secrets. The federal Clean Air Act follows the same approach, requiring all records, reports or information relating to a facility's emissions be publicly available. As EPA has stated, emission data, including "[i]nformation necessary to determine the identity, amount, frequency, concentration, or other characteristics...of any emission which has been emitted by the source," are not confidential. As section 6254.7 of the Government Code provides, 'all air pollution emission data, including those emission data which constitute trade secrets ..., are public records.'" [10]

Response:

The District has provided access to the detailed calculations used to estimate both the facility's potential to emit as well as limited emissions under the proposed SMOP conditions.

Comment:

"The Air District has illegally withheld emissions information and has failed to provide information that is referenced in the Evaluation."

"As established in other sections of this comment, having access to the documents that supply the basis of the permitting decision is critical for meaningful evaluation of the terms of the SMOP permit; yet the Evaluation references documents that are not publicly available. First, the proposed SMOP describes the HRA that the Air District approved on November 5, 2008. As noted in the Health Risk Assessment section, the HRA is the basis on which the District updated emissions estimates for both hazardous air pollutants and criteria pollutants for all three plants, which presumably formed the basis for

many of the SMOP conditions. Significantly, however, the full text of the HRA is not publicly available. Although the appendices to the HRA Report are listed on the BAAQMD website, none of the hyperlinks are live. Similarly, as already discussed, the Odor Management Plan and Appendix A to the evaluation are not publicly available." [10]

Response:

The District has made available the referenced documents to members of the public who have submitted public records request. The Health Risk Assessment was made publicly available at the time it was created and the District received input from members of the Berkeley community.

The Odor Management Plan was previously made public and is stored at the City of Berkeley's website at the following address:

https://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/2010/03Mar/2010-03-23_Item_42_Settlement_of_Litigation.pdf

A copy of the detailed emissions calculation is attached to the SMOP evaluation report.

Comment:

"...request that the Air District make these documents available to allow the public an opportunity to meaningfully evaluate the proposed SMOP." [10]

Response:

The District has made available the referenced documents to members of the public who have submitted public records request. The Health Risk Assessment was made publicly available at the time it was created and the District received input from members of the Berkeley community. The Odor Management Plan was previously made public and is stored at the City of Berkeley's website. A copy of the Appendix A is attached to the SMOP evaluation report.

Delay

Comment:

Multiple comments were received asking why there was a delay in issuing the revised SMOP. [2, 5, 12, 17, 18]

Response:

The District cannot mandate that a facility with the potential to emit large quantities of emissions must obtain a Synthetic Minor Operating Permit. Rather, such a facility may choose to apply for and accept a SMOP or must obtain a Title V Operating Permit. The intent of a Title V permit is to identify and list all local, state, and federal requirements applicable to significant sources of emissions. If emissions of a certain pollutant are not limited by an existing rule, a Title V permit does not give the District the authority to mandate new limits. For foundries, the majority of the existing rules pertain to particulate matter. With a SMOP, the District can impose new and/or more stringent emissions limits and monitoring requirements than would otherwise be available with a Title V permit. The proposed SMOP will limit facility emissions hundreds of tons of per year lower than with a Title V permit.

However, such conditions must be accepted by the facility. A facility may choose not to accept the more stringent emissions limits and monitoring requirements. The District believes the community is better served with a SMOP and therefore, spent years gathering data, reviewing emissions estimation bases, and negotiating with the facility to find permit conditions that would be both practically enforceable as well as acceptable to the facility. During negotiations, the facility went bankrupt and the District had to discuss the proposed SMOP with the new management. A timeline of events is included as an appendix to the evaluation report.

For these reasons, issuance of the revised SMOP has been delayed.

Comment:

"1. Since 2005 when the District ruled that plant # 1as 'adjacent' to plants # 2 and 3, and that the three of them together would be regarded as one, why did it take about ten years for the District to conclude in 2015 that the plant was

"potentially" emitting carbon monoxide, and in 2017 to come to the conclusion that a revised SMOP was necessary? It is important for all stakeholders in this situation understand fully how the regulatory bodies operate, so my request is to be specific in your response. Knowing what happened in the past will help us understand what needs to be done now to ensure more timely responses to concerns of the public?" [56]

Response:

The District was aware much sooner of the need for a revised SMOP. We spent a lot of time in testing to determine emissions so that we could impose meaningful limits. We became aware of additional carbon monoxide emissions from six sources in 2017 and further revised the proposed SMOP to include limits on these emissions and applicable monitoring and record keeping requirements.

Description of Regulatory Requirements

Comment:

"A clear description of the full scope of regulatory requirements applicable to PSC, including NSR determinations, is paramount for the public's understanding of all applicable regulatory requirements and the ability to hold PSC accountable. Further, given the immense complexity of the regulatory landscape, with both EPA and BAAQMD responsible for regulation at times, attempting to piece together an understanding of all applicable regulatory requirements is hopeless for the general public. In an effort to better inform the public's understanding of BAAQMD's regulation of PSC, the permit documents should detail the full scope of applicable legal requirements, including all mandated emission controls under federal, state, and Air District law." [44]

Response:

The regulation under which the proposed Synthetic Minor Operating Permit will be issued does not require a listing of all applicable regulations and requirements to which Pacific Steel Casting sources are subject. That is the intent and requirement of a Title V operating permit.

Deterioration

Comment:

"...clearly the air quality the last 10 years has deteriorated [sic]" [48]

Response:

The District does not know the basis for the commenter's statement as data from the District's ambient air quality monitoring network indicate that air quality has improved over the last 10 years.

Discretion

Comment:

"There are some instances in the proposed permit where the meaning of a requirement is subject to decisions by the District at a subsequent date. It is therefore not possible to tell whether that particular requirement is adequate for practical enforceability. Notably, Conditions 2 and 3, critical to demonstrating that Pacific Steel is in fact a synthetic minor, are dependent on calculation methods that are not contained in the permit." [9]

Response:

The proposed conditions have been revised to explicitly state an approved method rather than indirectly through the separate conditions applicable to each plant.

Comment:

"Several conditions in the proposed SMOP rely on future decisions by the District. It is therefore not possible to tell whether that particular requirement is adequate for practical enforceability. Notably... Conditions 2 and 3, critical to demonstrating that Pacific Steel is in fact a synthetic minor, are dependent on calculation methods that are not contained in the permit." [10]

Response:

See response to comment above.

District ResponseComment:

"Truly, in our current political climate, can the BAAQMD side with the people? ... Please do not allow this company to save a buck on the backs of innocent children." [32]

Response:

The proposed permit will limit total facility-wide criteria air pollutants as well as hazardous air pollutants. This should reduce air quality-related impacts on the surround community

To further reduce health impacts, the District has adopted a new regulation, Regulation 11, Rule 18, that will require high risk facilities to conduct new health risk assessments and implement risk reduction measures if results indicate a high impact on the surrounding community.

Comment:

"Please let us know what you are doing about the situation." [37]

Response:

See response to comment above.

Document ReleaseComment:

"Documents should also be released well in advance of public-comment periods so that commenters have sufficient time to review and analyze them." [44]

Response:

SIP Regulation 2, Rule 6, Section 423.3 lists the requirements for public noticing as well as the public comment period given. If the public requires more than 30 days to review documents, an extension may be requested. In the case of Pacific Steel Casting, multiple extension requests were made and granted by the District such that the public had more than 100 days to review and provide comments.

Economic Recovery/FeesComment:

"Pacific Steel is currently a Title V source and has been since the inception of the Title V program. ... request that the economic benefits of noncompliance be recovered and designated to a supplemental environmental project to benefit the community by reducing emissions. The MOP [District Manual of Procedures] also provides that back permit fees be recovered. " [10]

Response:

Pacific Steel Casting has never been officially designated a major stationary source and therefore, has not been found in violation of Title V requirements. If a violation has occurred, the District's Legal Division will pursue fines and/or cost recovery at such time. However, such discussions are outside of the scope of whether the proposed SMOP conditions are adequate to ensuring emissions from Pacific Steel Casting remain below major source thresholds.

Editorial CorrectionComment:

"Correction to condition 20207 – It appears that the following correction should be made in part 4 in permit condition 20207: change “Parts 1a and 1c” to 'Parts 1b and 1c'." [8]

Response:

The commenter is correct. This was an error that has been corrected in the revised conditions.

Emissions Calculations

Comment:

"Parts 3 and 4 of condition 20207 refer to "District-approved calculation methods," and part 56 of condition 20207 refers to a 'District-approved quarterly throughput and emission report.'

"Please specify in the SMOP how emissions will be calculated for determining compliance with the emission limits in parts 1 and 2 of condition 20207. Calculation methods used to demonstrate compliance with the emission caps must be specified in the permit. The District may include a statement in parts 3 and 4 of condition 20207 that PSC shall use the compliance equations in conditions 24466 (Plant #1), 24547 (Plant #2), and 24548 (Plant #3), and emission factors from periodic source tests for each pollutant." [8]

Response:

The commenter's suggested language has been addition to Parts 3 and 4 of Condition 20207.

Comment:

Multiple commenters requested providing a publicly available version of the detailed emission calculations that were initially marked as "Confidential" in the posting. [7, 8, 10, 28, 43]

Response:

Detailed emission calculations have been attached to the revised evaluation report.

Emission FactorsComment:

"The Evaluation states that the emission factors used to estimate emissions will become enforceable limits; however, the Evaluation states that the basis for calculating the emission factors is set forth in the missing Appendix. In other words, the Evaluation fails to disclose the basis for the emission factors, which is an integral component of the equation used for determining a facility's captured and fugitive emissions, and in turn the total emissions used for assessing compliance with permit limitations. The public would have no means of determining the facility's compliance with enforceable limits." [8]

Response:

The emission factors used to estimate emissions are included as enforceable limits within Conditions 24466, 24547, and 24548. The detailed calculations are included as an appendix to the evaluation report. The conditions have also been revised to explicitly state how emission factors should be derived and used in calculating emissions for demonstrating compliance with the emissions limits.

Emission LimitsComment:

"Part 1 of condition 20207 includes facility-wide emission limits. Part 2 of condition 20207 requires that PSC remain below throughputs, emission factors, emissions, and all data and assumptions in conditions 24466 (Plant #1), 24547 (Plant #2), and 24548 (Plant #3). These conditions do not clearly provide that all actual facility emissions should be considered in determining compliance with the emission limits in parts 1 and 2 of condition 20207, including emissions during startup periods, shutdown periods, and during periods of malfunction or upset." [8]

Response:

Parts 1 and 2 of Condition 20207 have been revised to include language stating that the facility-wide emissions limits apply to all emissions including during startup, shutdown, or malfunction periods.

Comment:

"To effectively limit PSC's facility-wide emissions limits, please specify in the SMOP that all actual emissions be considered in determining compliance with the respective limits. The District may include a statement in parts 1 and 2 stating that the compliance demonstration for the emission limits shall include emissions from all equipment covered by the permit, including emissions during startup periods, shutdown periods, and during periods of malfunction or upset." [8]

Response:

Parts 1 and 2 of Condition 20207 have been revised to include language stating that the facility-wide emissions limits apply to all emissions including during startup, shutdown, or malfunction periods.

Emissions Comparisons

Comment:

"Even USS-POSCO which employs 1,000 workers and produces over 1,000,000 tons per year has total particulate emissions one tenth those of PSC (See Table 10). " [6]

Response:

The referenced table is from a preliminary staff report for Regulation 12, Rule 13. In the final staff report is a note stating that the referenced emissions for Pacific Steel Casting were an error. Therefore, the emissions listed in the commenter's letter are not correct.

The USS-POSCO facility is a steel finishing plant that manufactures cold rolled, galvanized and tin mill products from hot rolled steel whereas Pacific Steel Casting is a secondary steel foundry. Therefore, an emissions comparison is not appropriate.

Emissions Guarantee

Comment:

"...they should ... guarantee that they are not spewing pollutants and particulates...ever." [32]

Response:

The District regulates the facility's emissions to ensure that emissions comply with all applicable regulatory limits. The District's authority is limited to ensuring that the region meets federal and state ambient air quality standards by pursuing source specific measures.

Emissions Increase

Comment:

"In the proposed summary of PSC's 2008-2013 activities, there is no mention of the huge rise in the foundry's emissions during that timeframe (or after). The rise in emissions would have become apparent if more attention had been paid to the total impact of PSC's emissions instead of the historic, piecemeal approach to Pacific Steel Casting's SMOP(s) and their enforcement. The District's regulatory oversight has been negligently out of touch with the foundry's ramped-up emissions during the last decade." [4]

Response:

The apparent increase in emissions during the referenced time frame is primarily due to the District updating the emission estimation methodologies for several sources to include emissions that were previously not included within the emissions inventory. The District was following a standard practice of updating and revising the emissions inventory to account for improvements in measurement technology, emission estimation methodologies, and emissions knowledge.

Emissions/All Sources

Comment:

"Please specify in the SMOP that the facility shall demonstrate compliance by compiling emissions data each month for all emission sources and determine emissions for each consecutive 12-month period every month for the criteria pollutant and HAP emission limits in parts 1 and 2 of condition 20207." [8]

Response:

Part 56 (quarterly report) has been revised to specify reporting total facility emissions of each pollutant on a tons per month basis as well as a tons per consecutive 12-month basis for each month covered by the quarterly report.

Enforcement

Comment:

"...if there's noncompliance, PSC has to report it every 10 days. But reporting it every 10 days, what does that imply for enforcement? What kind of enforcement and how rapidly does enforcement of recompliance occur under this SMOP?" [13]

Response:

The 10-day self-reporting requirement improves compliance. The facility must report noncompliance to the District's Compliance & Enforcement Division within 10 calendar days of discovering the noncompliance. This requirement notifies the District of potential non-compliance sooner than we may otherwise detect it. The District's Compliance & Enforcement Division is required to investigate all indications of a potential violation. The District conducts routine unannounced compliance inspections of facilities throughout the District. However, such inspections do not occur more than every 10 days for a given facility. Therefore, by self-reporting violations, the District will be alerted to potential violations sooner than if discovered by the District at a later date. As such, noncomplying situations will be resolved quicker than if left to be discovered by the District during our routine inspections.

Comment:

"...I am pleading to the BAAQMD to issue a permit that ...guarantees that the Air District will strictly enforce PSC's permit conditions." [33, 35]

Response:

The District's Compliance & Enforcement Division is charged with enforcing all requirements whether they are District, State, or Federal regulations or District permit conditions. The District's Compliance & Enforcement Division conducts unannounced inspections of all facilities located within the Air District including Pacific Steel Casting and will continue to do so with the revised permit. The proposed conditions require the facility to report any violation within 10 days of discovering the violation. In addition to conducting unannounced inspections, the District will investigate all such notifications.

Comment:

"Regular unannounced inspections and timely responding to community complaints are simple measures that the District can take to begin regaining the trust of the communities it serves, and to fulfill its duty to provide clean air for all Bay Area residents to breathe." [12]

Response:

The District's Compliance & Enforcement Division conducts unannounced inspections of all facilities located within the Air District including Pacific Steel Casting. As most of these inspections are not publicized in any way (e.g. incident notifications, updates, etc.), the public is not aware of all the District's Compliance & Enforcement activities that occur. However, the District is exploring ways to be more transparent and highlight the efforts undertaken by District staff.

The District has received feedback from the community regarding improving the District's complaint response procedure and is in the process of updating the procedure with input from the community. The District anticipates this to occur within the year and will conduct outreach to ensure community concerns are considered.

Engineering Evaluation Report

Comment:

"In the engineering report provided, the early portions provided tons per year limits, and then later portions provide annual throughput limits without, kind of, clearly demonstrating how these conditions are connected." [16]

Response:

The conditions and report have been revised to clearly demonstrate how the conditions are connected.

Environmental Justice

Comment:

"West Berkeley is a CARE area and has many homes still in the industrial districts, historically very low income people of color. The census tract that houses PSC has over 50% of the children under the age of 17 living in poverty. They and we deserve to breathe." [6]

Response:

With the proposed limits on hazardous air pollutants and toxic air contaminants, health impacts on the surrounding community should be reduced. Further, the District recently adopted Regulation 11, Rule 18 which requires existing facilities with significant potential health impacts on surrounding communities to conduct a facility-wide health risk assessment and reduce any significant health risks by installing new control technologies and other mitigation measures to reduce health risk on the surrounding community. Pacific Steel Casting is subject to this regulation.

Epidemiology ReportComment:

"I also request that BAAQMD and EPA do an epidemiology report on the 94702 area in West Berkeley, especially focusing on women and children." [5]

Response:

Previously, the District limits health risk to the community under two regulations: AB 2588 and District Regulation 2, Rule 5. AB 2588 required Pacific Steel Casting to complete a one-time facility-wide cancer risk analysis while Regulation 2, Rule 5 requires a health risk assessment for an individual new or modified source whose emissions exceed certain thresholds.

The regulation under which the Synthetic Minor Operating Permit (Regulation 2, Rule 6) does not pertain to health risk and does not provide the District the authority to require a new health risk assessment or conduct an epidemiology study. However, the District recently adopted Regulation 11, Rule 18 that requires facilities with significant potential health impacts to conduct new facility-wide health risk assessments (HRA). If these new HRAs indicate significant health impacts, including cancer risk, then facilities would be required to implement measures such as installing new control technologies to reduce such risk. Regulation 11, Rule 18 will apply to all facilities within the District including Pacific Steel Casting.

Exemption BasisComment:

"The bases for exemptions are not stated." [10]

Response:

The bases for permit exemptions are listed within the respective NSR permit applications in which the facility applied for the exemption. Unlike a Title V permit, Regulation 2, Rule 6 does not require Synthetic Minor Operating Permits to list the bases for permit exemptions.

Extension RequestComment:

"The following actions are requested of BAAQMD:"

"Extend the comment period until such time as the public has the opportunity to review all the documents under consideration. A couple of months delay to get this right is a relatively short time given that we have waited ten years for PSC's permit to come into compliance with its SMOP." [7]

Response:

In response to the extension requests, the District extended the initial public comment period an additional 30 days, opened a second public comment period, and held a community meeting in the City of Berkeley in evening hours to allow community members to attend after work and present public comments in person. In total, the public had 105 days of comment period to review the documents under consideration and provide comments.

Comment:

"...do not believe the permit comment period is adequate..." "We ...request that the permit comment period be further extended to allow for a community meeting and review of information that the Bay Area Air Quality Management District ... has so far withheld from the public..." [10]

Response:

See response to comment above.

Extreme MeasuresComment:

"Hopefully the additional restrictions and increased monitoring will reduce the problem to a more acceptable level. If not, BAAQMD must consider taking more extreme measures." [36]

Response:

If a facility is found to repeatedly be in violation of a requirement, per Section 42451 of the California Health & Safety Code, the District may request from the District's Hearing Board an Order for Abatement where, if granted, a facility operating out of compliance will be required to take specific actions to curtail or shut down its operations.

Facility StatusComment:

"...what was the status of the three plants for the past 10 years? Was it a major facility or a SMOP? Was it somehow both?" [17]

Response:

The facility has a Synthetic Minor Operating Permit and is considered a synthetic minor facility.

Federal StandardsComment:

"Page 15 of the Engineering Evaluation Report discusses applicability of certain National Emission Standards for Hazardous Air Pollutants (NESHAP). Although NESHAP Subpart YYYYYY (NESHAP for Area Sources: Electric Arc Furnace Steelmaking Facilities) is included in the list identified, the Engineering Evaluation Report does not contain an applicability analysis for this NESHAP. We note that if this rule applies to PSC, 40 CFR 63.10680(d) would require the facility to obtain a title V operating permit."

"Please specify in the Engineering Evaluation Report whether NESHAP Subpart YYYYYY applies to sources S-1001, S-2027, S-3001 (electric arc furnaces) at the PSC facility." [8]

Response:

The evaluation report has been revised to include a detailed discussion of NESHAP Subpart YYYYYY. The District believes that the facility may be subject to NESHAP Subpart YYYYYY. However, the District has not been delegated authority by the EPA to make any applicability determinations nor for enforcing compliance with the rule. If the EPA determines that the facility is subject to NESHAP Subpart YYYYYY and that the facility is therefore required to obtain a Part 70 or Part 71 permit, the District will work with the facility to obtain a Title V operating permit.

Comment:

"I am curious as to why this application doesn't use the NESHAPS standards currently in effect for new and existing ferro alloy casting facilities, including revisions to particulate matter standards for electric arc furnaces (0.1 lbs/ton); metal oxygen refining processes; crushing and screening operations; as well as expanded and revised requirements to control process fugitive emissions from furnace operations, tapping, casting, and other processes. They also require opacity monitoring with digital camera opacity technique (DCOT) and enhanced reporting. The updated regulations include emissions standards for four previously unregulated hazardous air pollutants: Formaldehyde, hydrogen chloride (HCl), mercury (Hg) and polycyclic aromatic hydrocarbons (PAH). Facilities must install, operate, and maintain a process fugitives capture system that is designed to capture 95 percent or more of the combined process and fugitive emissions. Ducting must be installed to capture process fugitive emissions using full building enclosure with negative pressure and the captured emissions rerouted to a control device. Revisions to the opacity standards (8% max) were made to reflect effective capture and control of process fugitive emissions. This would ensure that no fugitive particulates leave the plant. For existing sources, required MACT standards cannot be less stringent than the average emission limitation achieved by the best-performing 12 percent of existing sources in the category or subcategory. These standards have been in effect since 2015 for new sources. Existing sources must be brought into compliance by next year, 20175 [sic]." [6]

Response:

The commenter does not cite the referenced NESHAP. However, it appears the commenter is referring to 40 CFR Part 63 Subpart YYYYYY (Ferroalloys Production Facilities) that was amended in the Federal Register on June 30, 2015 and reconsidered on January 18, 2017.

Pacific Steel Casting is not a ferroalloy production facility but rather a steel foundry and is not subject to the referenced NESHAP. Therefore, the facility is not required to comply with the referenced requirements.

Comment:

"The Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before August 17, 1983 (NSPS Subpart AA), and the Standards of Performance for Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 17, 1983 (NSPS Subpart AAa) apply to certain electric arc furnaces. Plant 2 and Plant 3 were constructed after October 1974."

"Please specify in the Engineering Evaluation Report whether NSPS Subpart AA or AAa applies to sources S-1001, S-2027, S-3001 (electric arc furnaces) at the PSC facility." [8]

Response:

The Engineering Evaluation report has been revised to include an applicability analysis for NSPS Subpart AA and AAa.

Flame Ionization Device (FID)Comment:

"Parts 6 through 17 of condition 20207 concerns installation of an automatic monitoring and recording flame ionization detector (FID) system."

"Please clarify in the SMOP whether parts 7 through 9, and parts 16 and 17 of condition 20207 apply to all three PSC plants." [8]

Response:

The District believes that the preamble language to Parts 6 through 17 of Condition 20207 provides clarity in that it states "...Parts 6 through 17...for each carbon adsorption system in Plants 1, 2, and 3...".

Further, the specific language within Parts 7 through 9 and Parts 16 and 17 state the requirements apply to "each FID system". In the absence of limiting language such as "at Plant 1 or Plant 2", these requirements by default apply to all FID systems at the facility. Therefore, further clarifying language is unnecessary.

Comment:

"The preamble to Part 6 of the proposed SMOP conditions states, 'The following Parts 6 through 17 require the installation and operation of an organic vapor-analyzer-flame ionization detector (FID) system for each carbon adsorption system in Plants 1, 2 and 3 as the parametric monitoring and recording system to demonstrate compliance with the Synthetic Minor Operating Permit'

"Why then does the SMOP delay installation of FID systems in Plants 1 and 2 until after the plants exceed an output of 4500 tons of steel each 'or an indication' thereof? The truth is the FIDS are not required, as the preamble claims, until and unless the 4500 ton threshold is met. Neither the SMOP nor any of its supporting documents even attempts to justify this FID-installation trigger-level" [44]

Response:

The evaluation report has been revised to clarify that conditions 6 through 17 apply to FIDs, where installed, and that a FID will be required at Plant 1 or 2 if throughput exceeds a certain threshold.

At the threshold proposed, the carbon adsorption unit, for which a FID would be used to determine if operating properly, is not needed to remain below the major source threshold. Therefore, requiring a FID is not warranted at such low throughputs. The evaluation report has been revised to provide more clarity.

Comment:

"... the permit contemplates situations where the FID breaks down, but does not seem to have a procedure for what happens to data during the period that the FID is not functioning. Again, if emissions during breakthrough are significant, and breakthrough is not detected because of a broken FID, it could be an important issue for the community. Again, without an engineering analysis, it is difficult to say whether this issue is significant. " [44]

Response:

The condition has been revised to include a data substitution methodology for periods where an FID has malfunctioned.

Comment:

"There is no explanation, for example, for why the trigger output should be 4500 tons, versus 4000 or 3500. The Engineering Evaluation Report states that the FIDs will be required at Plants 1 and 2 'once production or a contract for production exceeds 50 percent of the maximum allowable production.' If it is the intention to trigger FID installation upon reaching 50% of total output capacity, why? Furthermore, Appendix A to the Engineering Evaluation Report Indicates that the SMOP will limit total steel output in Plants 1 and 2 to 6950 tons a piece. Even if there was a rational basis for requiring FIDs on reaching 50% of maximum output, the arithmetic is wrong: 50% of 6950 tons is not 4500 tons; it is 3475. Why don't the FID requirements kick in at that level of production?" [44]

Response:

The 50 percent statement in the permit evaluation is incorrect. At the threshold proposed, the carbon adsorption unit, for which a FID would be used to determine if operating properly, is not needed to remain below the major source threshold. Therefore, requiring a FID is not warranted at such low throughputs. The evaluation report has been revised to provide more clarity.

Comment:

"FIDs should be required for Plants 1 and 2 immediately, regardless of the level of steel output, to assure PSC is doing everything possible to prevent noxious odors from being emitted." [44]

Response:

The District's authority regarding the SMOP is limited in that the District can only consider conditions to ensure total emissions remain below major source thresholds. The District's ability to mandate mitigation of odors is subject to the District's Regulation 7 and the District's complaint and Odor Abatement process.

Comment:

"It's unclear when FID will be required in Plants 1 and 2. We suggest that it needs to be required immediately. First of all, the engineering report says that conditions 6 through 17, which are about the FID, required the installation for FID for each carbon adsorption system. However, later it says that that will be delayed until 90 days after 4,500 tons per year of steel are being produced." [14]

Response:

The evaluation report has been revised to clarify that conditions 6 through 17 apply to FIDs, where installed, and that a FID will be required at Plants 1 or 2 if throughput exceed a certain threshold. Until a FID is installed, the facility will be required to conduct periodic monitoring using handheld devices.

Comment:

"The proposed SMOP fails to require FID installation at Plant 3, perhaps because an FID is already installed. The District should clearly state an FID system is required at Plant 3 so that a FID is part of an enforceable condition of the permit." [10]

Response:

District Permit Condition 23147 Part 1 already requires the installation of a FID at Plant 3. The permit will be revised to reference this condition.

Financial Justification

Comment:

"The financial success of Pacific Steel Casting removes any further justification for allowing the company to emit toxic pollution well beyond what is possible to clean up." [30]

Response:

The District's regulations do not allow for considering the finances of a company when imposing requirements. However, the District recently adopted Regulation 11, Rule 18, which requires facility to conduct a new facility-wide health risk assessment for potentially significant health impacts as well as require that facilities reduce significant health risks by installing control technologies and mitigation measures. Such technologies and mitigation measures will reduce toxic emissions.

Fugitive Emissions

Comment:

"After 40 years of living downwind of PSC, it's become clear that their emission reduction is not working. Their fugitive emissions are far higher than their process emissions, and are an order of magnitude above those of every other foundry in the Bay Area" [6]

Response:

Each of the three secondary steel foundries within the Air District use different equipment types (e.g. electric arc furnaces, cupola furnaces, etc.), number of equipment, and processes (e.g. sand molds, fixed molds, etc.). Therefore, emissions from each facility cannot be compared on the same basis.

Comment:

"BAAQMD needs to start calculating the total facility emissions, and not simply report the numbers coming off of the stacks." [6]

Response:

In its evaluation, the District estimated emissions from fugitive sources as well as from emission points. Emission estimates from both were used to develop the proposed permit conditions. Further, the facility will be required to calculate and report fugitive emissions to demonstrate compliance with emissions limits.

Comment:

"That has been a problem with other heavy industry in the neighborhood also, even where there are AP-42 standards for calculating total facility emissions, the stack is all that's reported to CalARB or noted by the District." [6]

Response:

Emissions will be required by the conditions to be estimated and reported for both process and fugitive sources. Total emissions (process and fugitive) will be recorded in the District's emissions inventory as well reported to the California Air Resources Board.

Funding

Comment:

"But furthermore, because my health is at stake, I ask that BAAQMD and PSC fund a non-partisan CBO to meet with the community yearly to review the data." [5]

Response:

Emissions data for any facility, including Pacific Steel Casting, may be requested and obtained through a public records request. Such a request may be made at the following web address:

<https://cwp-baaqmd.secureprtportal.com/>

As a requirement of the proposed conditions, Pacific Steel Casting will submit quarterly reports detailing the estimated emissions from each source and the facility as a whole. Therefore, there is no need to fund a separate entity to review emissions data.

General Statement

Comment:

"The rules should never be waived or altered to afford any company special consideration at the expense of an entire community. The Air District does not possess that particular regulatory discretion. However, in the case of Pacific Steel Casting, BAAQMD continues to support historic environmental injustice in west Berkeley with little regulatory accountability and no significant community input. This issue should not have to be settled by a court of law." [4]

Response:

No rules have been waived or altered to benefit Pacific Steel Casting.

Comment:

"It is the obligation of the Bay Area Air Quality Management District to see that our air is cleaned up, and yet everyday we see a pall of polluted air heavy in the air around the Bay. Much more forceful action is necessary, as I think most residents of the Bay Area would agree." [30]

Response:

The District does not know if the commenter is making a generalized statement to the existing conditions or making a statement to the proposed conditions. If to the existing conditions, the District believes the proposed conditions are much more stringent and address the comment made. If to the proposed conditions, the District does not know the basis for why the proposed conditions are not adequate and therefore, cannot address the comment made. District-wide ambient air monitoring data indicate a decrease in emissions over the years.

Comment:

"The nature and extent of pollutants emitted by PSC, together with the long-term odor problems experienced by the community, call for the best available mechanisms to ensure PSC is doing everything in its power to prevent pollution from emanating from its three plants and preventing noxious odors from negatively impacting the community." [44]

Response:

The proposed SMOP conditions contain rigorous conditions for estimating, controlling, monitoring, recording, and reporting of facility-wide emissions. Such conditions are more rigorous than previous SMOP conditions.

Comment:

"A better system and better quantified and continuous data is needed for Pacific Steel to reduce air pollution..." [45, 46, 48, 53, 57]

Response:

The proposed conditions include requirements to conduct periodic source tests, install continuous monitoring (e.g. FID, baghouse leak detection, etc.), as well as require reporting of air quality violations and emission reports. These measures should reduce air pollution within the community.

Comment:

"...do whatever you can to curb this irresponsible urban industrial activity." [25]

Response:

See response to comment above.

Comment:

"Please keep us in mind during PSC's Synthetic Minor Operating Permit renewal process." [26, 42]

"Please help us! Please do all you can to end the pollution of the only air available to breathe by so many people." [40]

Response:

The Air District aims to create a healthy breathing environment for every Bay Area resident while protecting and improving public health, air quality, and the global climate.

Greenhouse Gas Emissions

Comment:

"The wider effects, including the issue of global warming due to increased greenhouse gases, are important as well." [34]

Response:

Although the regulation (Regulation 2, Rule 6) under which the District has authority to issue this permit does not address greenhouse gases, the Air District is committed to addressing greenhouse gas emissions. The Air District has a goal to reduce greenhouse gas emissions to 40 percent below 1990 levels by 2030 and to 80 percent below 1990 levels by 2050.

Hazardous Air Pollutants

Comment:

"The Evaluation also fails to explain the connection between HAPs and the limits for the various sources. Thus, the proposed SMOP is practically unenforceable as to emissions of those pollutants." [10]

Response:

The District estimated the facility's potential to emit - maximum ability to emit - hazardous air pollutants and determined that estimated maximum emissions did not exceed the major source thresholds for HAPs. The SMOP includes enforceable permit conditions limiting HAPs and requiring source testing, emissions calculations, and reporting.

Comment:

"The Evaluation is silent as to how hazardous air pollutants ("HAPs") are being limited to below the major threshold other than to prohibit generally that Pacific Steel is not allowed to exceed, in a 12-month period, 9 tons of any single HAP and 23 tons of any combination of HAPs." [10]

Response:

See response to previous comment.

Comment:

"While the Evaluation states that the District's "estimates show that at the maximum or permit limit levels, no individual HAP is emitted in amounts greater than [the thresholds]," that showing is not made to the public." [10]

Response:

The evaluation report has been revised to include the detailed calculations for hazardous air pollutants.

Health Impacts

Comment:

"The pollution Pacific Steel has blown over Berkeley has bothered me nearly as long." [23]

"We have installed air-tight windows and I have stopped opening them to air out the house after coming home from work in the evening to avoid not just the odor but also health risks. I have developed allergies and cannot sleep without medication." [23]

Response:

The District urges any member of the public that has a complaint about an air quality-related impact to file a complaint either online (<https://permits.baaqmd.gov/PublicForms/ComplaintWizardSelection>) or call the District's 24-hour toll free

hotline at 1-800-334-ODOR (6367). A member of the District will investigate all complaints received by the District and can address questions from members of the public.

Comment:

"Why is this plant allowed to impose such a high cancer risk on the public?" [28]

Response:

Previously, the District limits cancer risk to the community under two regulations: AB 2588 and District Regulation 2, Rule 5.

AB 2588 required Pacific Steel Casting to complete a one-time facility-wide cancer risk analysis while Regulation 2, Rule 5 requires a health risk assessment for an individual new or modified source whose emissions exceed certain thresholds. The regulation under which the Synthetic Minor Operating Permit (Regulation 2, Rule 6) does not pertain to cancer risk.

However, the District recently adopted Regulation 11, Rule 18 that requires facilities with significant potential health impacts to conduct new facility-wide health risk assessments (HRA). If these new HRAs indicate significant health impacts, including cancer risk, then facilities will be required to implement measures such as installing new control technologies to reduce such risk. Regulation 11, Rule 18 applies to all facilities within the Air District including Pacific Steel Casting.

Comment:

"I work nearby to Pacific Steel and am concerned with air pollution emitted from the plant. I am concerned about the negative air quality impacts of the plant on public health such as respiratory impacts and higher levels of cancer in the area." [52]

Response:

The District urges any member of the public that has a complaint about an air quality-related impact should file a complaint either online (<https://permits.baaqmd.gov/PublicForms/ComplaintWizardSelection>) or call the District's 24-hour toll free hotline at 1-800-334-ODOR (6367). A member of the District will investigate all complaints received by the District and can address questions from members of the public.

Comment:

"...we have been regularly impacted by PSC emissions..." [54]

Response:

See response to comment above.

Comment:

"This is an incredibly dense populated area with a lot of children. Toxins typically harm children more than adults, since the concentration can be so much higher for small bodies and they are still developing." [37]

Response:

The District's mission is to alleviate air pollution-related health impacts on all community members throughout the District.

Although the regulation under which the Synthetic Minor Operating Permit is being issued does not grant the District the authority to revise the previously conducted health risk assessment, the proposed permit does limit hazardous air pollutants/toxic air contaminant emissions. Such limitation should reduce health impacts on the community.

The District is committed to reducing toxic air contaminant-related impacts on the community. For this reason, the District has recently adopted Regulation 11, Rule 18 that requires facilities, such as Pacific Steel Casting, to update facility-wide health risk assessments. Depending on the results of the health risk assessment, Regulation 11, Rule 18 will require high risk facilities to implement risk reduction measures that will reduce health impacts on the surrounding community.

Comment:

"Add to that the harmful effects on the health and development of our citizens, including large numbers of children, and it is very difficult to understand why this type of pollution is allowed to continue." [39]

Response:

See response to comment above.

Comment:

"I frequently smell acrid odors from the plants operation and am concerned for myself, my family, my coworkers, our family visitors and my neighbors, about the negative air quality impacts of the plant on public health such as respiratory impacts and higher levels of cancer in the area." [47]

Response:

See response to comment above.

Comment:

"The smell made me sick daily, especially when there is a low cloud cover." [25]

Response:

See response to comment above.

Comment:

"We also attempted to raise awareness of potential PSC-related health risks, by volunteering the roof of our home for air bag testing by a third party. The results of those tests were of particular concern to us, as our daughter was diagnosed with a rare childhood cancer during a peak period of PSC operations...several of our neighbors also developed cancers around that time." [54]

Response:

See response to comment above.

Health Risk Assessment

Comment:

Multiple comments were received stating that the facility's health risk assessment is outdated and that a new one should be conducted. [4, 18, 28, 56]

Response:

Previously, the District limits health risk to the community under two regulations: AB 2588 and District Regulation 2, Rule 5. AB 2588 required Pacific Steel Casting to complete a one-time facility-wide cancer risk analysis while Regulation 2, Rule 5 requires a health risk assessment for an individual new or modified source whose emissions exceed certain thresholds.

The regulation under which the Synthetic Minor Operating Permit (Regulation 2, Rule 6) does not pertain specifically to health risk and does not provide the District the authority to require a new health risk assessment. However, the District recently adopted Regulation 11, Rule 18, which requires facilities with significant potential health impacts to conduct new facility-wide health risk assessments (HRA). If these new HRAs indicate significant health impacts, including cancer risk, then facilities will be required to implement measures such as installing new control technologies to reduce such risk. Regulation 11, Rule 18 applies to all facilities within the District including Pacific Steel Casting.

Comment:

Several comments were received requesting that the facility's health risk assessment be made available. [19, 28]

Response:

The health risk assessment is a public document and may be requested via a public records request. Such a request may be made at the following web address:

<https://cwp-baaqmd.secureprtportal.com/>

Comment:

"The proposed permit summary reads that the District has undertaken a 'comprehensive review of emissions estimation methodologies, assumptions, and emission factors.' So, why has the wind rose issue not been rectified yet, even after a decade or more of public and written comments to the issue? There is no specific need to use the District's monitor in Richmond like they did in the '90s." [4]

Response:

The regulation under which the proposed permit is being issued - Regulation 2, Rule 6 - does not grant the District the authority to review, revise, and update the previously approved facility health risk assessment. The regulation only grants the authority to impose enforceable permit conditions to limit those pollutants for which the facility's potential to emit exceed the major source thresholds.

However, the District recently adopted a new regulation - Regulation 11, Rule 18 – that requires high priority facilities, such as Pacific Steel Casting, to conduct new or updated facility-wide health risk assessments. Such assessments will use the best data available.

Comment:

"It is requested that this proposed permit include a statement that only a local Berkeley air monitoring station should be used for ALL permit modeling and issues of regulatory compliance and health." [4]

Response:

See response to comment above.

Comment:

"There is more than sufficient anecdotal evidence pointing to potentially serious health exposures of downwind residents well beyond the fence line of Pacific Steel Casting. The most focused evidence on PSC emissions in the last decade comes from the West Berkeley Community Air Monitoring Project. It was funded in part by a grant from the District. This pilot project conducted during 2007 was the first offsite monitoring of airborne metals from PSC.

The project measured levels of six metals, all of which are found in the emissions inventory of PSC. Two metals, manganese and nickel, that are nearly exclusive to PSC's emissions inventory, were found at high levels. These elevated levels of toxic metals in the neighborhood downwind from the company directly challenge the evaluations and assumptions put forth by PSC and BAAQMD to their permit and HRA. These questions of offsite exposure and health risks have not been resolved since they were raised in 2007. A Continuous Emissions Monitoring network would clarify actual offsite exposure and would demonstrate if the permit is in compliance." [4]

Response:

In 2008 and 2009, the District reviewed the referenced study results and discovered serious technical deficiencies (e.g. failing to perform proper quality control, failing to monitor at fixed monitoring locations, mathematical errors, etc.) and that the results were not technically valid. Some of these deficiencies were discussed with the study author prior to conducting the study. Therefore, the District does not agree with basis for the commenter's request for a continuous emissions monitoring network.

Hydrocarbon Sampling

Comment:

"While constructing and testing FID systems, PSC should be required to do daily hydrocarbon sampling at the inlet and outlet of each carbon bed, and analyze those samples. Results should be reported to BAAQMD and be made available to the public." [44]

Response:

A requirement to conduct a hydrocarbon analysis to determine an appropriate FID response factor has been added to the proposed conditions though this is limited to the inlet of the carbon unit.

Impacts on Children

Comments:

"My concern for the chemical and heavy metal pollution is not just for myself, but for the many children in the west- and north-Berkeley area that are playing outside at school yards and pre-schools as well in their home yard. Have playground and soil samples ever been tested? We know the public health hazard for children especially, i.e. lead has an irreversibly damaging effect, and I don't even know what the long term effect of the other metals and chemicals are." [23]

Response:

The District is not aware of soil sampling having been conducted.

Previously, the District limited health risk to the community under only two regulations: AB 2588 and District Regulation 2, Rule 5. AB 2588 required Pacific Steel Casting to complete a one-time facility-wide cancer risk analysis while Regulation 2, Rule 5 requires a health risk assessment for an individual new or modified source whose emissions exceed certain thresholds.

The regulation under which the Synthetic Minor Operating Permit (Regulation 2, Rule 6) does not pertain to health risk and does not provide the District the authority to require a new health risk assessment. However, the District recently adopted Regulation 11, Rule 18 that requires facilities with significant potential health impacts to conduct new facility-wide health risk assessments (HRA). If these new HRAs indicate significant health impacts, including cancer risk, then facilities will be required to implement measures such as installing new control technologies to reduce such risk. Regulation 11, Rule 18 applies all facilities within the District including Pacific Steel Casting.

Lead Emissions

Comment:

"Page 8 of the Engineering Evaluation Report states that "PSC sources emit criteria pollutants (NOx, VOC, PM10, CO, SO2, lead) as well as HAPs and toxic air contaminants (TACs)". However, Tables 4 and 5 of the Engineering Evaluation Report, which contain the PTE and proposed emissions, does not provide the emission levels for lead."

"Please specify in the Engineering Evaluation Report, and, if needed in the SMOP also, the PTE and proposed emission information for lead as provided in Tables 4 and 5 of the Engineering Evaluation Report for the other pollutants." [8]

Response:

Tables 4 and 5 have been revised to include lead. Table 6 has been revised to include emissions of hazardous air pollutants at potential to emit as well as the proposed limits.

Limits

Comment:

"We demand that the Air District do everything possible to limit the pollution emitted by PSC and put a stop, once and for all, to the odors impacting the community and workers alike." [33, 35]

Response:

The intent of the proposed conditions is to ensure the facility complies with facility-wide emissions limits. Limiting such emissions will limit impacts to the community.

Comment:

"I believe that the most strict limits on air borne pollutants should be implemented to protect our health and safety." [51]

Response:

The District's authority to limit emissions within this SMOP is limited by our regulations. However, with the proposed emissions limits, maximum facility emission will be reduced considerably (approximately 80 percent). Beyond that,

Regulation 11, Rule 18 will require a new health risk assessment for Pacific Steel Casting. Based on those results, the District may impose additional emissions reductions.

Malfunctions

Comment:

"To the extent that malfunction conditions and the frequency of the breakthrough conditions are not accounted for in the facility emissions, the synthetic minor cap may be illusory. In addition, optimistic assumptions about conditions after breakthrough may also underestimate facility emissions. For example, stopping emissions from ongoing processes will be impossible during malfunction and breakthrough conditions; but it is difficult to tell whether the PTE accounted for emissions during these periods." [10]

Response:

All emissions whether they occur during normal operation, malfunction, or startup or shutdown periods are subject to the emissions caps and the facility will be required to estimate and account for emissions that may occur during those periods.

The Part 1 and Part 2 of Condition 20207 have been modified to explicitly state this:

"The emissions limits listed above apply to emissions from all equipment covered by the permit, including emissions during startup periods, shutdown periods, and during periods of malfunction or upset."

Monitoring

Comment:

"... at Plants 1 and 2, the proposed SMOP would require in the near term, not an FID, but daily manual tests; an automated FID device will be required, but only once Pacific Steel has either exceeded or there is "an indication" that production will exceed 4,500 tons of steel. This two step monitoring structure contemplates action once breakthrough is detected. Since we were not provided an engineering analysis, we don't know how large excess emissions between breakthrough and carbon replacement are. ... don't know how frequently breakthrough might occur. For example, if the emissions are significant, and carbon has to be replaced monthly, the excess emissions could cause emissions limits in the SMOP to be exceeded, potentially causing Pacific Steel Castings to again be a major source. In addition, those emissions may impact the community significantly, especially since the emissions, if they are unabated, can cause a nuisance, as they historically have. It is also unclear whether these excess emissions are being accounted for in fugitive emissions for the total emissions. Some of the remaining questions I have include how the adsorption systems are monitored currently and how they will be monitored until the SMOP becomes effective." [44]

Response:

At the proposed threshold of 4,500 tons of steel, the carbon absorption systems could not be operating (i.e. zero abatement efficiency) and estimated facility-wide organic emissions would still remain below 90 tons per year. Therefore, the emissions that occur at breakthrough would not contribute to the facility exceeding 90 tons per year (the SMOP emissions limit).

Comment:

"Similarly, Conditions 11 and 12, which relate to operation of carbon adsorption systems, provide that initial carbon-breakthrough parameters for plants 1 and 2 will be established after collection of six months of FID data. The conditions further state that, upon application, '[t]he APCO shall determine enforceable parameters ... following similar FID data analysis used to determine carbon breakthrough-related parameters for Plant 3 in Part 10.' Given that the analysis for defining breakthrough parameters was conducted in Plant 3, it is unclear why an initial determination for plants 1 and 2 would be deferred for six months, and not included as permit conditions." [10]

Response:

The three plants use different processes (e.g. greensand, shell-mould, phenolic binders) and have different emissions profiles. Therefore, the emissions data that was used to develop the breakthrough criteria at Plant 3 is expected to be different for Plants 1 and 2. As such, emissions data gathering will be required if and when a FID is required to be installed at either Plant 1 or Plant 2.

Comment:

"A better system and better quantified and continuous data is needed for Pacific Steel to...monitor emissions..." [39, 45, 46, 48, 53, 57]

Response:

The proposed conditions include requirements to conduct periodic source tests, install continuous monitoring (e.g. FID, baghouse leak detection, etc.), as well as require reporting of air quality violations and emission reports. These measures should reduce air pollution within the community.

Comment:

"Please require an alarm system for these monitors so that air quality violations are known, reported, and responded to instantly by Pacific Steel and the District" [45, 46, 48, 50, 51, 52, 57]

Response:

The proposed conditions already include requirements for audible and visual alarms to be triggered at carbon breakthrough of the carbon abatement devices (abating organic compounds) as well as audible alarms for when baghouses (abating particulate matter emissions) are not functioning properly.

The proposed conditions also include requirements for the facility to respond to these alarms as well as to notify the District of potential air quality violations.

Comment:

"Please use monitoring data to supplement public air quality complaint information in real time." [45, 46, 48, 50, 51, 52, 57]

Response:

This is currently the practice of the District's Compliance & Enforcement. When investigating a complaint, the District's Compliance & Enforcement Division will review facility, District, and other monitoring data available to determine the source and potential impacts of air quality complaints.

Negative Pressure

Comment:

"Negative pressure may be essential to compliance with the emissions caps in part 1 of condition 20207; however, but the permit does not require monitoring of negative pressure."

"Please specify in the SMOP monitoring conditions to ensure that the negative pressure will be maintained in the buildings housing the emissions sources at all three plants." [8]

Response:

Requirements for negative pressure monitoring have been added to the proposed conditions.

Comment:

"...Pacific Steel still appears to operate regularly with the plant doors open and the roof vents unclosed." "The Air District should therefore require Pacific Steel to provide a study documenting pressure measurements throughout the building or pressure modeling to support the assumption in the proposed SMOP that negative pressure is a condition that Pacific Steel is maintaining." [10]

Response:

As evidence that Pacific Steel Casting continues to operate with its doors and vents open, the commenter points to a website containing photos of the facility. However, the referenced photos are from 2011, prior to the change in ownership and prior to the proposed SMOP evaluation. However, the conditions have been revised to include more requirements for negative pressure and monitoring within the buildings as well as requiring that certain vents be kept closed.

Comment:

"The District should also supply the basis for the assumption in the draft SMOP that negative pressure will be maintained for certain sources. Without ensuring that negative pressure is in fact being achieved - especially since negative pressure appears to be a critical assumption for achieving emissions control (and possibly the high capture efficiencies), the SMOP will in fact be a sham permit." [10]

Response:

Requirements for negative pressure monitoring have been added to the proposed conditions.

Negligence

Comment:

It is our right to participate, especially given the gross negligence in the management of the permit(s) for the last 10 years by BAAQMD and Pacific Steel Casting. Had the public been allowed to participate in the permitting processes over the last decade, this breach of regulatory oversight would not have occurred....Please remember: the breach in BAAQMD's oversight was brought forward by a Berkeley citizen and NOT by the District's engineers or PSC." [4]

Response:

The District has been working on the permit since the application was received as shown in the timeline that has been attached as an appendix to the evaluation report. The current permit engineer has been working on the application since he was assigned the application and since facility ownership was changed as shown by correspondence between the District and Pacific Steel Casting in years 2015 and 2016. The District received a call in 2015 from a Berkeley citizen enquiring of the status of the SMOP at which the District stated that a SMOP application was being evaluated but could not go further into details until the evaluation was completed. The District does not disclose preliminary drafts or notes.

It appears that the citizen mistook a lack of information for a lack of action on the part of the District. Therefore, the assertion that the current SMOP evaluation is the result of the actions of a Berkeley citizen and not the District is false.

New Source Review

Comment:

"The evaluation process for the draft SMOP does not ensure compliance with federally enforceable requirements."

"The Evaluation states that Pacific Steel began operations in 1981, after Prevention of Significant Deterioration and new source review requirements began to apply. The District must determine whether these requirements should be made applicable by calculating the PTE at the time Plant 3 was proposed to be constructed. If indeed these requirements should have applied at that time, Best Available Control Technology should be mandated as applicable." [10]

Response:

The regulation (Regulation 2, Rule 6) under which the revised SMOP is being evaluated and issued does not allow the District to impose New Source Review requirements that are imposed under Regulation 2, Rule 2. A separate application is required. However, the Evaluation report has been revised to address this issue. A new permit condition has been added to require the facility to submit a permit application to allow the District to conduct a New Source Review analysis of the affected sources.

Comment:

"Page 4 of the Engineering Evaluation Report notes that PSC's Plant 3 began operations in 1981, some four years after the adoption of the 1977 Clean Air Act Amendments and the revised New Source Review ('NSR') program. With regard to NSR requirements the Evaluation states, in the section titled Statement of Compliance, that '[n]one of PSC sources is considered new or modified with this application.

Therefore, Regulation 2, Rule 2 does not apply.' Importantly, however, the Evaluation Report includes no discussion whatsoever as to whether Plant 3 was ever subject to NSR for past permits, or whether required emissions controls (i.e., Lowest Achievable Emissions Rate/Best Available Control Technology ['LAER/BACT']) have been incorporated in the facility's permit conditions." [44]

Response:

Plant 3 has numerous permits to operate for individual pieces of equipment some of which were subject to New Source Review requirements. In addition, although Plant 1 and Plant 2 were originally constructed prior to 1981, there have been new and/or modified sources at both plants that have been subject to New Source Review requirements.

A SMOP is not the mechanism for enforcing New Source Review requirements (Regulation 2, Rule 2) that apply to individual equipment deemed new or modified. A SMOP is a mechanism for enforcing Regulation 2, Rule 6 requirements that apply to the entire facility. If the facility were installing new or modifying existing sources, then a pre-construction review permit application would be required and would be analyzed to determine if subject to New Source Review requirements. Such a permitting action cannot occur within a SMOP permit application.

Comment:

"Emissions of carbon monoxide ('CO'), one of the federal criteria pollutants, are of particular concern at the PSC facility. The Evaluation shows that the PTE for CO surpasses the NSR major facility threshold of 100 tons per year, and when Plant 3 came on-line in 1981 the Bay Area was designated as a nonattainment area for CO. Although BAAQMD concedes it only recently discovered PSC's operations may be a large source of CO, if the PTE CO was in fact the same in 1981 - the Engineering Report includes no discussion of major modifications - Plant 3 should have been subject to LAER for CO since operations began. Conversely, if PSC's operations only recently began emitting large quantities of CO, an appropriate modification analysis should be included." [44]

Response:

The Evaluation report has been revised to address this issue. A new permit condition has been added to require the facility to submit a permit application to allow the District to conduct a New Source Review analysis of the affected sources.

Comment:

"The Engineering Evaluation Report states that the District became aware that Pacific Steel's operations could potentially be large sources of CO emissions, which the Report says "were previously unknown" (page 5). Did the emissions increase at some point in time after 1977? If so, were Prevention of Significant Deterioration requirements triggered, requiring application of Best Available Control Technology? Or were CO emissions always such that Pacific Steel Casting was a major source? In any case, Pacific Steel Casting currently is a major source, and has been for at least some time, and will be until a practically enforceable SMOP permit is issued. The District should determine if past production increases may have triggered PSD requirements, requiring, in part, application of BACT." [9]

Response:

The Evaluation report has been revised to address this issue. A new permit condition has been added to require the facility to submit a permit application to allow the District to conduct a New Source Review analysis of the affected sources.

Non-Compliance

Comment:

"Finally, I want to know precisely what the BAAQMD will do when the emissions are out of compliance. Don't forget the permits have been lousy for over 10 years and the community has suffered." [5]

Response:

If a facility is in violation of a requirement, the facility will be issued a Notice of Violation.

If a facility is found to repeatedly be in violation of a requirement, per Section 42451 of the California Health & Safety Code, the District may request from the District's Hearing Board an Order for Abatement where, if granted, a facility operating out of compliance will be required to take specific actions or shut down its operations.

If a facility knowingly violates a requirement, the District can forward the matter to the local District Attorney to pursue criminal charges for negligent behavior.

Comment:

"The explanation included that if PSC emitted an over-abundance of various items that they would, quote, unquote, 'Get a ticket'. So those of us who have lived downwind from PSC would like to know what that means because, you know, no ticket can help bring back a baby's lungs or reverse someone's cancer system, you know?" [18]

Response:

If a facility is in violation of a requirement, the facility will be issued a Notice of Violation.

If a facility is found to repeatedly be in violation of a requirement, per Section 42451 of the California Health & Safety Code, the District may request from the District's Hearing Board an Order for Abatement where, if granted, a facility operating out of compliance will be required to take specific actions to curtail or shut down its operations.

If a facility knowingly violates a requirement, the District can forward the matter to the local District Attorney to pursue criminal charges for negligent behavior.

Comment:

"A better system and better quantified and continuous data is needed for Pacific Steel ...and respond to and be held accountable for air quality violations" [45, 46, 48, 53, 57]

Response:

The comments do not specify how the proposed conditions are inadequate to address air quality violations. The conditions require the facility to report any indication of an air quality violation to the District's Compliance & Enforcement Division within 10 calendar days. The District's Enforcement Division will investigate any such notifications as well as continue to conduct unannounced compliance inspections to review throughput and monitoring data records.

Noticing

Comment:

"The Air District has not provided notice calculated to reach the concerned public."

"While appreciative of the extension already granted, ...the extension is insufficient because the notice of the proposed SMOP has likely failed to reach Berkeley and Albany residents who are concerned about Pacific Steel's emissions. For example, even though the District represented that it had notified the public of the proposed SMOP through the Oakland Tribune, that newspaper is no longer published..." [10]

"...the representatives of the Alliance and Berkeley Citizen, who had long appeared before the District to address Pacific Steel's emissions, only learned of the proposed SMOP because Berkeley Citizen had been in contact with EPA about the facility, and EPA itself notified ... of the issuance of the draft SMOP." [10]

"The groups ... request that the proposed SMOP be noticed in a manner calculated to reach concerned residents. The groups also reiterate the request made ... that the District hold a public meeting in Berkeley concerning the proposed SMOP." [10]

Response:

In response to the comments made, the District has updated its public noticing procedures. The District also extended the initial public comment period an additional 30 days, opened a second public comment period, and held a community meeting in the City of Berkeley in evening hours to allow community members to attend after work and present public comments in person.

Comment:

"...Berkeley Citizen asked the District for a copy of the ad in the Oakland Tribune and has not received such a copy." [10]

Response:

A copy of the ad is attached to these comments.

Comment:

"In closing, I want to express my surprise about the way the information regarding the comment period was communicated. Here is the news of the Tribune's demise: <http://www.sfchronicle.com/business/article/As-Oakland-Tribune-disappears-a-city-mourns-its-7223729.p>. As someone who has experienced the fumes of PSC for a long time, the city council members who wrote a report on PSC know how to reach me as does BAAQMD. Also, I am on several Berkeley commission listservs regarding health and environmental concerns. Perhaps they could have been notified? Asking the 94702 councilperson to send out an email would have been easy. Why wasn't a more efficient way to reach the 94702 community created? I am shocked that we, as a community, were not officially notified in a more respectful manner." [5]

Response:

Although the letter to EPA stated the public notice would be published in the Oakland Tribune, the public notice was issued in the East Bay Times - West County Times on July 15, 2016. The publisher of the "East Bay Times - West County Times" has requested that the District continue to reference the Oakland Tribune for public notices as it helps the publisher understand where to list the public notice within the Cities of Alameda, Berkeley, El Cerrito, and Oakland circulation area rather than in the Cities of Antioch, Brentwood, and Concord circulation area.

The publisher of East Bay Times - West County Times still issues a newspaper under the title "Oakland Times" on Fridays. The public notice was issued in this paper on July 15, 2016.

However, because of public feedback, the District extended the initial public comment period an additional 30 days, held a second comment period as well as community meeting within the City of Berkeley in the evening hours.

Comment:

"Regarding public comment and public participation, according to the letter written by Director of Engineering Division Jaimie Williams, dated July 7, 2016 to US EPA Director Deborah Jordan, public notice regarding the SMOP for the PSC facilities would be published in the Oakland Tribune, a defunct newspaper."

"The BAAQMD appears to be out of touch regarding appropriate media for notice of public comment. This greatly impacts public participation. " [2]

Response:

Although the letter to EPA stated the public notice would be published in the Oakland Tribune, the public notice was issued in the East Bay Times - West County Times on July 15, 2016. The publisher of the "East Bay Times - West County Times" has requested that the District continue to reference the Oakland Tribune for public notices as it helps the publisher understand where to list the public notice within the Cities of Alameda, Berkeley, El Cerrito, and Oakland circulation area rather than in the Cities of Antioch, Brentwood, and Concord circulation area.

The publisher of East Bay Times - West County Times still issues a newspaper under the title "Oakland Times" on Fridays. The public notice was issued in this paper on July 15, 2016.

However, because of public feedback, the District extended the initial public comment period an additional 30 days, held a second comment period as well as community meeting within the City of Berkeley in the evening hours.

Comment:

"Why wasn't this meeting noted in the public notice?: How was this meeting noticed?" [28]

Response:

The District's procedures for noticing are listed in SIP Regulation 2, Rule 6, Section 423.3:

"423.3 Public Participation: Prior to any determination by the APCO that a facility may be issued a synthetic minor operating permit, the APCO shall notify the public in accordance with the following procedures:

- 3.1 The APCO shall publish a notice in a major newspaper in the area where the facility is located.
- 3.2 The notice shall provide at least 30 days for public comment.

3.3 The notice shall state that permit conditions for the facility will be modified to provide a facility wide emission limit in accordance with Section 2-6-310 and shall include information as to how the public may obtain copies of the permit conditions associated with the limit, any information regarding the modification submitted by the owner or operator of the facility, the APCO's analysis of this information, and of the effect, if any, of the modification on air quality.

The above requirement applies to an initial synthetic minor operating permit, not to a revised permit like the one under consideration. However, to allow for public participation, the District decided to hold a public comment period and published an initial public notice within a major newspaper of the area. The District subsequently granted multiple extension requests, held a second public comment period with additional extension requests granted. Because of public input from the first public comment period, the District decided to hold a public meeting and notified the non-profits working in the area as well as the community members that had provided previous input.

Comment:

Several commenters stated that they were not notified of the public comment period. [2, 4]

Response:

In response to the comments made, the District has updated its public noticing procedures. The District also extended the initial public comment period an additional 30 days, opened a second public comment period, and held a community meeting in the City of Berkeley in evening hours to allow community members to attend after work and present public comments in person.

Comment:

"As I understand it, future regulatory activities involving Pacific Steel Casting's SMOP do not legally provide any opportunity for formal citizen participation. The District needs to put a special condition in PSC's new permit that requires adequate noticing of the City of Berkeley and its citizens regarding any changes in the company's permit as well as the opportunity to submit legal, written comments." [4]

Response:

Conditions that may be imposed within a Synthetic Minor Operating Permit are limited by District Regulation 2, Rule 6 to conditions that limit the facility's potential to emit to no greater than 90 percent of the threshold for the requirement to be avoided. District Regulation 2, Rule 6 does not permit the District to impose a public noticing requirement like Title V permits.

Odor Management Plan

Comment:

"...the Odor Management Plan...has not been provided in full to the public. It is not possible for the public to evaluate the permit terms, and it is not possible for the public to enforce the permit terms when the permit terms are secret." [19]

Response:

The District is prohibited by Government Code 6254 from disclosing material deemed to be a trade secret. Some of the material included within the Odor Management Plan has been deemed to meet the criteria specified in Government Code 6254. Therefore, the entire Odor Management Plan cannot be disclosed by the District.

However, the District has provided a public copy where trade secret material has been redacted.

Comment:

"The Odor Management Plan should be a part of the SMOP. The conditions of the Odor Management Plan should be the conditions of the permit, and there is no reason why that Odor Management Plan should not be an ongoing document. It should not sunset, it should not close, and it certainly should be in effect after 2009." [19]

Response:

The District is not sure of the basis for the comment that the Odor Management Plan would not be in effect after 2009 or that the Odor Management Plan is not an ongoing document. Per the Section 1.0 (Introduction) of the Odor Management

Plan, "[t]he OMP is an ongoing document that will be updated or modified by the Company as Company odor abatement measures, District permit conditions or any plant operations at Plants 1, 2, and 3 are added, modified or deleted reflecting a Company goal to continually reduce alleged offsite odors."

The comment may be referencing Section 7.0 (Complaint Response Procedures) that states "[t]he Complaint Response Procedures are effective until the Company ceases receiving complaint notifications from BAAQMD or April 1, 2009, whichever occurs first."

However, the Complaint Response Procedures only involve the facility recording odor complaints received by the company and attempts by the facility to identify the source of odors, if applicable. The sunset date does not apply to any other provisions of the OMP such as use of control equipment, monitoring devices, or any other measures to reduce offsite odors.

Comment:

"Condition 22 requires Pacific Steel to 'maintain a negative pressure at each of the plant's exterior doors, windows, and other openings as identified and required within Appendix D of the facility's Odor Management Plan'. The Odor Management Plan was not provided with the Evaluation." [10]

Response:

A copy of the redacted Odor Management Plan was made available as part of a Public Records Act request by the commenter.

Comment:

"While Condition 22 (page 26) requires Pacific Steel to "maintain a negative pressure at each of the plant's exterior doors, windows, and other openings as identified and required within Appendix D of the facility's Odor Management Plan," ... unable to review that plan. It has not been provided to the public with this proposed SMOP. In any event, the negative pressure that Pacific Steel is required to maintain does not appear to be for specific sources within the plants and therefore it is difficult ... to evaluate whether sources such as Source 1018 will in fact be operating under negative pressure." [9]

Response:

This condition has been revised to reference the facility's publicly available Regulation 12, Rule 13 (Foundry and Forging Operations) Emissions Minimization Plan.

Comment:

"Engineering Evaluation Report Attachments - The following attachments identified in the Engineering Evaluation Report were not available online for the public during the public comment period. We also note that EPA did not receive a full package of these materials. We request that these materials be made readily available to the public with the other SMOP documents.

a. Odor Management Plan - Parts 22 and 23 of condition 20207 refer to Appendices D and F of the facility's Odor Management Plan, though these were not available on BAAQMD's website. It appears that these documents relate to how the facility will maintain negative pressure at all exterior doors, windows and other openings. Negative pressure may be essential to compliance with the emission caps in part 1 of condition 20207. After discussing with the District that it provide a public version of the facility's Odor Management Plan, the District provided a link to a public version of the Odor Management Plan dated October 3, 2008 found here:

http://www.cityofberkeley.info/uploadedFiles/Clerk/Level_3_-_City_Council/2010/03Mar/2010-03-23_Item_42_Settlement_of_Litigation.pdf" [8]

Response:

The proposed SMOP conditions no longer refer to the Odor Management Plan (OMP) but rather to the facility's publicly available Regulation 12, Rule 13 (Foundry and Forging Operations) Emissions Minimization Plan. The Emissions Minimization Plan is a more recent document than the previously referenced Odor Management Plan and is publicly available at the following link:

http://www.baaqmd.gov/~media/files/compliance-and-enforcement/metal-facilities/psc-llc-reg-12_13-emp-jan-2015-final-public.pdf

Comment:

Paragraph 54 of the SMOP conditions requires that PSC comply with Sections 1-6 of its October 3, 2008 OMP. Without explanation, however, Section 7 of the OMP ("Complaint Response Procedures"), detailing the actions to be taken when odor complaints are made, is excluded from this requirement. The Complaint Response Procedures ought not to be mere suggestions; BAAQMD should require PSC to comply with Section 7 so as to ensure odor complaints are investigated properly and thoroughly." [44]

Response:

The proposed SMOP conditions no longer refer to the Odor Management Plan (OMP) but rather to the facility's publicly available Regulation 12, Rule 13 (Foundry and Forging Operations) Emissions Minimization Plan. The OMP was developed separately from the SMOP and has a different purpose than the SMOP. The purpose of the OMP was "prepared to address and prevent alleged odorous emissions". The purpose of the SMOP is to limit criteria pollutants to below major source thresholds and not necessarily odors, although some organic compounds are odorous.

The OMP resulted as part of a "Settlement Agreement" between the District and the facility prior to submittal of the SMOP application. Therefore, the District has no authority to require revising the OMP as a condition of obtaining the SMOP. Section 7 does not address limiting emissions but rather responding to complaints. Therefore, the District does not have the authority to include Section 7 within the SMOP.

Comment:

"The OMP requires investigation of odors if 'found immediately outside the facility buildings.' PSC personnel should be required to respond to a complainant's location in the community, not just in the areas 'immediately outside' of PSC. They should also be required to inquire whether complainants have any negative reactions to noxious odors, including listing symptoms, if any. These deficiencies in the OMP should be rectified." [44]

Response:

The proposed SMOP conditions no longer refer to the Odor Management Plan (OMP) but rather to the facility's publicly available Regulation 12, Rule 13 (Foundry and Forging Operations) Emissions Minimization Plan. The District does not and cannot advocate for any facility personnel to know or respond to a complainant's location. The District keeps complainant information confidential. This is for the safety of both the complainant and facility personnel.

The OMP resulted as part of a "Settlement Agreement" between the District and the facility prior to submittal of the SMOP application. Therefore, the District has no authority to require revising the OMP as a condition of obtaining the SMOP.

Comment:

"The SMOP should also require PSC to affirmatively report the results of odor-complaint investigations to BAAQMD and those reports should be available to the public." [44]

Response:

The proposed SMOP conditions no longer refer to the Odor Management Plan (OMP) but rather to the facility's publicly available Regulation 12, Rule 13 (Foundry and Forging Operations) Emissions Minimization Plan. The OMP was developed separately from the Synthetic Minor Operating Permit (SMOP) and has a different purpose than the SMOP. The purpose of the OMP was "prepared to address and prevent alleged odorous emissions". The purpose of the SMOP is to limit criteria pollutants to below major source thresholds and not necessarily odors, although some organic compounds are odorous.

The OMP resulted as part of a "Settlement Agreement" between the District and the facility prior to submittal of the SMOP application. Therefore, the District has no authority to require revising the OMP as a condition of obtaining the SMOP.

Comment:

"The OMP calls for identified personnel (though their names are redacted) to investigate odor complaints. There is no justification for keeping these names confidential. Names and contact information should be a matter of public record so residents who are affected by odors know how to contact responsible PSC personnel in addition to filing complaints with BAAQMD. The names and contact information should also be up-to-date, not from 2008, as is now the case. " [44]

Response:

The proposed SMOP conditions no longer refer to the Odor Management Plan (OMP) but rather to the facility's publicly available Regulation 12, Rule 13 (Foundry and Forging Operations) Emissions Minimization Plan. The OMP was developed separately from the Synthetic Minor Operating Permit (SMOP) and has a different purpose than the SMOP. The purpose of the OMP was "prepared to address and prevent alleged odorous emissions". The purpose of the SMOP is to limit criteria pollutants to below major source thresholds and not necessarily odors, although some organic compounds are odorous.

The OMP resulted as part of a "Settlement Agreement" between the District and the facility prior to submittal of the SMOP application. Therefore, the District has no authority to require revising the OMP as a condition of obtaining the SMOP.

Comment:

"In response to #12.a. and #12.b. of our August 30, 2016 comment letter, the District provided to EPA, by electronic mail, a public version of the facility's OMP and emissions calculations. First, rather than cross-referencing certain sections of the OMP in the permit, the District may consider adding the relevant, specific language from the OMP directly into the permit, or include the OMP as an attachment to the permit." [43]

Response:

The proposed SMOP conditions no longer refer to the Odor Management Plan (OMP) but rather to the facility's publicly available Regulation 12, Rule 13 (Foundry and Forging Operations) Emissions Minimization Plan. The OMP was developed separately from the Synthetic Minor Operating Permit (SMOP) and has a different purpose than the SMOP.

Comment:

"...the Odor Management Plan is not an enforceable document ... the facility has stated in the past that it is a voluntary plan." "...strongly support the District's effort to ensure that pollution control measures in the Odor Management Plan, to the extent they indeed reduce pollution, become enforceable. Nevertheless, the approach reflected in the Evaluation is insufficient to ensure enforceability."

"First, the proposed SMOP simply refers to Appendix D of the Management Plan without including the requirements in the permit. Whether the conditions in Appendix D are written in a fashion that ensures practical enforceability thus cannot be determined. In addition, the permit must include the conditions from Appendix D so that they can become enforceable. To the extent that the assumption of negative pressure underlies Pacific Steel's ability to achieve a minor source status, the proposed SMOP also does not ensure that Pacific Steel will operate as a synthetic minor. [10]

Response:

The proposed SMOP conditions no longer refer to the Odor Management Plan (OMP) but rather to the facility's publicly available Regulation 12, Rule 13 (Foundry and Forging Operations) Emissions Minimization Plan. Appendix D of the Odor Management Plan contains physical layouts of all three Pacific Steel Casting Plants with the locations of exhaust and intake fans and exterior openings identified. These layouts have been determined to be trade secret under Government Code Section 6254.7(d).

However, additional requirements relating to negative pressure monitoring have been added to the proposed conditions. The District believes these new requirements address the commenter's concerns.

Comment:

"... the OMP should describe the minimum training required for any PSC personnel to be tasked with investigating odor complaints." [44]

Response:

The Odor Management Plan (OMP) was developed separately than the Synthetic Minor Operating Permit (SMOP) and has a different purpose than the SMOP. The purpose of the OMP was "prepared to address and prevent alleged odorous emissions". The purpose of the SMOP is to limit criteria pollutants to below major source thresholds and not necessarily odors, although some organic compounds are odorous.

The OMP resulted as part of a "Settlement Agreement" between the District and the facility prior to submittal of the SMOP application. Therefore, the District has no authority to require revising the OMP as a condition of obtaining the SMOP.

Comment:

"...the 2008 OMP referred to in SMOP condition 54 is outdated. PSC should be required to make and keep the OMP current by requiring annual updates" [44]

Response:

See response to comment above.

Comment:

"...the Complaint Response Procedures are in effect only until either PSC stops receiving from BAAQMD or April 1, 2009, 'whichever occurs first.' It is self-evident that a provision that sunsets on April Fools' Day 2009 does not apply to the present time, six-plus years later, rendering the Complaint Response Procedures meaningless. It is irrational and indefensible for an odor-complaint procedure to terminate years before it even starts. It is equally indefensible that the Complaint Response Procedures ever expire; as long as steel castings are being manufactured, there is the potential for noxious odors to be created and for complaints to be forthcoming. Thus, there is no justification for the Complaint Response Procedures to expire when 'the Company ceases receiving complaint notifications from BAAQMD.'" [44]

Response:

See response to comment above.

Comment:

"The OMP's Complaint Response Procedures should be mandatory, not meaningless, and they should never expire under any circumstances." [44]

Response:

See response to comment above.

OdorsComment:

Multiple commenters stated that they regularly smell odors from the facility and are affected by them. [21, 23, 24, 26, 29, 33, 35, 37, 39, 40, 41, 42, 45, 46, 47, 48, 50, 53, 57]

Response:

The District urges any member of the public that has a complaint about an odor impact should file a complaint either online (<https://permits.baaqmd.gov/PublicForms/ComplaintWizardSelection>) or call the District's 24-hour toll free hotline at 1-800-334-ODOR (6367). A member of the District will investigate all odor complaints received by the District and can address questions from members of the public.

Comment:

"I have reported noxious odors countless times to the BAAQMD, and on several occasions have met with one of your reps who have informed me that, more or less, this company does what it wants without real consequence. This is unethical and wrong." [32]

Response:

The District does not agree with any assertion that any company may impact any community without consequences. The District's Regulation 1 prohibits a public nuisance defined to be:

"No person shall discharge from any source whatsoever such quantities of air contaminants or other material which cause injury, detriment, nuisance or annoyance to any considerable number of persons or the public; or which endangers the comfort, repose, health or safety of any such persons or the public, or which causes, or has a natural tendency to cause, injury or damage to business or property."

Comment:

"For many years, we call BAAQMD every time we smelled the recognizable odors associated with PSC plants. However, the BAAQMD complaint process proved so cumbersome that, like many of our neighbors, we eventually abandoned these efforts." [54]

Response:

The District has received feedback from the community regarding improving the District's complaint response procedure and is in the process of updating the procedure with input from the community. The District anticipates this to occur within the year and will conduct outreach to ensure community concerns are considered.

Comment:

"Nauseating odors emanating from the facility ...are the most frequent causes for complaints against Pacific Steel. The current permit includes at least one provision relating to the operation of the sand recycling system which requires Pacific Steel to immediately cease operations in the event that nuisance odors occur, and to resolve the problem. Why are there no similar requirements to shut down operations in the proposed SMOP? Has the Air District identified the source of the burnt plastic odor, and is so what permit requirements address this issue?" [18]

Response:

The District's authority regarding the SMOP is limited by District Regulation 2, Rule 6 in that conditions imposed are to ensure emissions remain below major source thresholds. If the facility can demonstrate that emissions remain below major source thresholds, the facility can continue to operate per the SMOP. However, the District's Regulation 1 prohibits the facility from being a public nuisance. If the facility is deemed to be a public nuisance from odor complaints, the District may pursue an order of abatement to require the facility to curtail or shutdown operations.

Comment:

"I smell burnt plastic all the time. I call the 1-800 number to the Air Quality Management District, leave a message and never really hear anything or know what happens to those comments. What happens ... to Pacific Steel; why it's being caused; what's being done about it? One time out of probably 30, 40 times someone who came to my door and asked about it. That's the only thing that's ever happened in the course of two, three years making these calls when I smell it." [20]

Response:

The District is committed to responding to every odor complaint received by the District within a timely manner. However, the District does not have the resources to have staff employed on a continually, 24-hour basis, and thus is limited in responding after hours.

The District has received feedback from the community regarding improving the District's complaint response procedure and is in the process of updating the procedure with input from the community. The District anticipates this to occur within the year and will conduct outreach to ensure community concerns are considered.

Online Access

Comment:

"In an August 3, 2016 letter to LA Wood from Gerardo Rios, US EPA Chief, Permits Office, Air Division reference is made to BAAQMD's webpage for information on a synthetic minor operating permit for the PSC facilities. However, the Alliance has been unable to access this information by going to the footnoted BAAQMD website below." [2]

Response:

The District reviewed EPA's letter and found that the web address was listed correctly and worked when entered manually. However, the hyperlink did not function correctly. The District does not know why the hyperlink did not work.

Outdated Information

Comment:

"The Evaluation itself does not ensure that the most recently available information is used for setting the permit conditions, raising the possibility that the proposed SMOP may be based on conditions that do not fully reflect the conditions under which the facility will operate. Most prominently, ...the proposed SMOP is based on an application from 2005..." [10]

Response:

Although the application was submitted in 2005, data used in the evaluation derived from source tests and monitoring and other information gathering activities that occurred from 2006 until 2015.

Comment:

"According to the information the Air District provided, the permit application was first submitted in late 2005. The engineering report further mentions that the District and Pacific Steel conducted extensive monitoring, source testing and a comprehensive review of emission calculations during the 2008, 2013 period, and required a health risk assessment in 2008 before the change in ownership.

Given Pacific Steel's emission levels have changed drastically from year to year in the past, how do you know the information provided years ago remains consistent with the current operating conditions of the facility?" [18]

Response:

The proposed conditions memorialize emission factors used in determining the facility's potential to emit as well as require the facility to conduct source testing to verify compliance with those limits. If source test results indicate emissions from a source are greater than permitted, the facility will be in violation of those conditions and will be required to implement measures to either reduce emissions and/or apply for a Title V permit.

Comment:

"The District must ensure itself and the public that the information it has collected is based on complete information that is attested to by Pacific Steel's responsible official who can be held accountable for the accuracy of the information." [10]

"Furthermore, if processes, materials, or throughput have changed since the source tests, emissions factors may have changed as well as the PTE." [10]

Response:

See response to comment above.

Permit Examples

Comment:

Examples of enforceable emission limits and compliance demonstration methods can be found in the following synthetic minor permits:

Warm Springs Forest Products Industries

(See https://www3.epa.gov/region10/pdf/permits/air/warm_springs_titlev_permit_2014.pdf)

- Silgan Containers Manufacturing Corporation, Toppenish Plant

(See <https://www3.epa.gov/region10/pdf/permits/air/silgan-nt5-permit-final-06082015.pdf>)

- Washington Beef, LLC

(See

https://www3.epa.gov/region10/pdf/permits/air/wa_beef/wa_beef_nontitleVpermit_final_integrated_permit_document_2015_01_23.pdf) [8]

Response:

The District has reviewed the examples provided and revised the proposed permit to account for best practices.

Permit IssuanceComment:

"So it's a foregone conclusion that a permit is going to be issued, no matter what the community says?" [17]

Response:

The issuance of a SMOP is not a "foregone conclusion" irrespective of public input. Depending on the input received, changes to the SMOP conditions may be required. If a facility does not agree to the proposed changes, the facility may elect to apply for a Title V Operating Permit. Depending on input from the public, a facility may not be eligible for a SMOP. Therefore, the issuance of a SMOP permit is not foregone. However, per federal and District requirements, the issuance of either a SMOP or a Title V permit is required. Based on public input, the District has made many changes to improve permit conditions for this SMOP.

Permit to OperateComment:

"...the current PTO identifies both Sources 44-49 (the Sand Thermal Recycling system) and Sources 22 and 23 (Shell Molding machines) in Plant 2 as sources which can cause odorous emissions. ... PSC may be required to shut down operation of the Sand Thermal Recycling system in the event of repeated odors. However, no similar provision applies to the Shell Molding machines. All sources known to be associated with emission of noxious odors should be subject to the same permit condition as Sources 44-49, that is, containing provisions for ceasing operations until odor complaints are resolved." [44]

Response:

The "PTO" is a collection of New Source Review permits that have previously been issued, including conditions that were imposed at the time of permitting. The PTO is not the SMOP or SMOP conditions. Under the SMOP, the District's authority is limited to imposing conditions to keep emissions below major facility thresholds. The District does have a Compliance and Enforcement mechanism through Regulation 7 to require abatement or curtailment for sources with respect to odors.

Comment:

"The PTO also calls for emissions from Sources 22 and 23 to 'be collected, to the maximum extent possible' and vented to the carbon adsorption system. However, the permit does not define 'to the maximum extent possible.' Such vagueness renders this provision practically unenforceable and should be corrected." [44]

Response:

The "PTO" is a collection of New Source Review permits that have previously been issued, including conditions that were imposed at the time of permitting. The PTO is not the SMOP or SMOP conditions. However, the SMOP Condition 24548 do impose minimum capture efficiencies for Sources 2022 and 2023 (formerly Sources 22 and 23).

Comment:

"Although PSC's current Permit to Operate ('PTO') requires odor testing of the carbon adsorption systems, the OMP is silent about odor testing in the areas 'immediately outside' PSC or at the locations complainants perceive noxious odors. The OMP should include provisions for odor testing in response to complaints. It should also specify the threshold, expressed in odor units, beyond which PSC is required to take action to abate the odors, such as ceasing operations, as called for in PSC's existing permit." [44]

Response:

The "PTO" is a collection of New Source Review permits that have previously been issued, including conditions that were imposed at the time of permitting. The PTO is not the SMOP or SMOP conditions. Under the SMOP, the District's authority is limited to imposing conditions to keep emissions below major facility thresholds. The District does have a Compliance and Enforcement mechanism through Regulation 7 to require abatement or curtailment for sources with respect to odors.

Comment:

"Additionally, we request that the District make the updated PTO available to the public on its website." [8]

Response:

The District will make an updated PTO available to the public on its website.

PM Emissions

Comment:

"Since 2005, PM emissions at Pacific Steel have increased significantly, at least according to the data available from ... the California Air Resources Board ("CARB"). In 2005, PM emissions reported for all three plants were 14 tons; in 2014, which is the year for which the latest information is available from CARB, the PM emissions were 71 tons." [10]

Response:

The apparent increase in emissions during the referenced time frame is primarily due to the District updating the emission estimation methodologies for several sources to include emissions that were previously not included within the emissions inventory. The District was following a standard practice of updating and revising the emissions inventory to account for improvements in measurement technology, emission estimation methodologies, and emissions knowledge.

Potential to Emit

Comment:

"(PTE) based not on any actual readings, but apparently on the maximum emissions the plant could produce if it had no pollution controls whatsoever. With a permit renewal, there are actual readings from previous years on which to base any change in emissions, up or down. The EPA requires that permit renewal emissions must be based on actual readings before permitting, not on unrealistically estimated potential" [6]

Response:

EPA requires the use of actual emissions rather than the potential to emit when determining whether New Source Review standards apply to existing sources undergoing a permit review for a potential modification. The proposed Synthetic Minor Operating Permit is not a construction review permit to allow a modification to an existing source. Rather, it is a permit to limit facility-wide emissions to less than 90 tons per year.

When determining whether a facility is a major stationary source, the potential to emit is used because the maximum emissions are higher than actual emissions and thus more likely to exceed major source thresholds.

Practically Enforceable Conditions

Comment:

"Source tests are critical to determining (1) the basis for the emissions limits and the assumptions underlying them, (2) actual emissions, and (3) PTE. Source tests are thus important for establishing enforceable permit conditions and Pacific Steel's eligibility as a synthetic minor source. The Evaluation does not provide sufficient information to determine whether the source tests provide information necessary for practical enforceability." [10]

Response:

The District does not understand the commenter's concerns regarding source testing and to practical enforceability. The facility will be required to demonstrate compliance with a rate-based emission limit through a representative source test. If a source test indicates higher emissions than expected, the facility will be required to reduce throughput to meet the individual source and facility-wide emission limits. All source test results, throughput records, and mass emission calculations will be required to be maintained and reported to the District on a frequent basis. Source testing and emission factors derived from source testing are integral components to the enforceability of these proposed SMOP conditions.

Comment:

"Permit conditions based on estimates of emissions factors added together from a multitude of small individual sources; allowing the industry to conduct its own annual stack tests and keep its own records and reports; and depending upon them to determine when there might be a problem, or if they feel they're no longer in compliance; hardly creates legally enforceable permit conditions with any teeth. The fact that PSC was allowed to recalculate its own PTE by eliminating any

existing reductions from already permitted emissions controls proves, by your own definition (2-6-218), that this permit is not federally, legally, or practicably enforceable. With no consequence there is little demand for compliance." [6]

Response:

The proposed SMOP conditions limit emissions and assumptions (maximum throughput, control efficiencies, capture efficiency, and emission factor) for each individual source. The facility will be required to demonstrate compliance with these limits through recordkeeping, source tests, continuous monitors, and compliance reports. In addition to facility-conducted source tests, the District conducts its own source tests. In addition to facility-recorded/reported information, the District conducts unannounced, surprise inspections to verify compliance with all applicable requirements including the SMOP conditions.

"Potential to Emit" is defined in District Regulation 2-6-218 as "[t]he maximum capacity of a facility to emit a pollutant based on its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, processed, shall be treated as a part of its design only if the limitation, or the effect it would have on emissions, is federally enforceable or legally and practicably enforceable by the District." By this definition, if a facility installs emissions controls that are legally required to be installed and operated per District permit conditions, then emission reductions from the use of emissions control equipment is allowed when calculating the PTE.

Comment:

"...Air District regulations require synthetic minor permit conditions to be practically enforceable. And this generally, means that the permit must clearly specify how emissions will be measured for purposes of demonstrating compliance, and provide sufficient monitoring for -- monitoring and reporting to enable both citizens and regulators alike to determine whether the permit limits have been exceeded and to pursue enforcement measures where appropriate.

So I would pose the question of how will members of the public be able to determine if these Synthetic Minor Operating Permit conditions have been exceeded? In the engineering report provided, the early portions provided tons per year limit, and then later portions provide annual throughput limits without, kind of, clearly demonstrating how these conditions are connected." [16]

Response:

The proposed conditions have been revised for clarity to clearly specify how compliance with the permit will be demonstrated.

Comment:

"...throughout the engineering report, the permit conditions are made to referencing District approved calculations and limits to be determined at a later date. In some instances, these are related to critical features such as demonstrating compliance with emission limits. If this information isn't included, how is the permit practically enforceable for members of the community?" [16]

Response:

The proposed conditions have been revised to explicitly state an approved method rather than indirectly through the separate conditions application to each plant. The conditions have been revised to include all critical features to demonstrating compliance with the permit.

Comment:

"As the U.S. Environmental Protection Agency recently reiterated, '[o]ne of the key concepts in evaluating the enforceability of PTE limits is whether the limit is enforceable as a practical matter.' In the Matter of Yuhuang Chemical, Inc., Order on Petition No. VI-2015-03 (Aug. 31, 2016), at page 14."

"To the extent that this section purports to be the synthetic minor portion of the permit, it fails completely. It only contains blanket TPY limits, which are not practically enforceable...To the extent that this section relies on the rest of the permit, there is no demonstration as to how the conditions that follow operate together to limit PTE. It is possible that some combination of these conditions could effectively and enforceably limit PTE, but the District has not made that

demonstration. The District cannot state that all of the conditions operate to limit PTE, as many are not enforceable as a practical matter." [9]

Response:

The proposed conditions have been revised for clarity to clearly specify how compliance with the permit will be demonstrated and to meet the enforceability criteria specified in In the Matter of Yuhuang Chemical, Inc., Order on Petition No. VI_2015-03 as well as In the Matter of Hu Honua Bioenergy Facility, Order on Petition No. IX-2011-1

Comment:

"... the draft SMOP does not ensure that Pacific Steel will in fact operate as a minor facility." [10]

"... the draft SMOP does not ensure that the proposed conditions are practically enforceable. Practical enforceability in plain terms means that an inspector visiting the facility can make the determination, based on records required to be kept, that the facility is in compliance with a limit; and that a citizen looking at the permit and available records can do the same. The proposal fails this basis test." [10]

"...practical enforceability requires that the SMOP be justified on conditions that will exist at the facility and clearly articulate how the limitations will be used to determine compliance. Practical enforceability further requires that the SMOP include all relevant and necessary information to enable both the regulators and citizens to determine the facility's compliance." [10]

Response:

See response to comment above.

Public Hearing

Comment:

"I understand that public hearing was held regarding this permit on December 14, 2016. Is a list of comments and BAAQMD's responses available?" [28]

Response:

The District did not hold a "public hearing" as that has a legally defined purpose. Rather, the District held a public meeting to accept public comments in person. This Responses to Comments document includes comments made during the meeting as well as written comments received, and the District's responses to those comments.

Comment:

"I request that the public comment period be extended and that another public hearing be held regarding this permit because the last hearing and public notice were inadequately noticed. Notices of the public hearing should be sent to the homes of all residents and businesses and schools in the vicinity who potential could be impacted by this plant (5 mile radius minimum) and to all historical commenters." [28]

Response:

The District did not hold a "public hearing" as that has a legally defined purpose. Rather, the District held a public meeting to accept public comments in person. The District has held two public comment periods with multiple extensions requests granted as well as held a public meeting. Therefore, the District believes sufficient time has been allotted to the public for input.

Public Inspection

Comment:

"The following actions are requested of BAAQMD:"

"Provide all communications, including emails and other written documents between Pacific Steel Casting and BAAQMD regarding the current revision of the SMOP from January 1, 2014 to August 30th, 2016 for public inspection." [7]

Provide the current Pacific Steel Casting SMOP application for public inspection."

Response:

The commenter may make such a request through a public records act request. Such a request may be made at the following web address:

<https://cwp-baaqmd.secureprtportal.com/>

Public Records Act RequestsComment:

"The following actions are requested of BAAQMD:"

"Provide some accounting for the unfulfilled PRA requests and why the legacy permit's applications, so relevant to understanding the history of this SMOP revision, were not available." [7]

Response:

The District has worked with requesters to fulfill PRA requests and believes the District has since provided all information available.

Comment:

"On April 14, 2016, the Environmental Law and Justice Clinic at the Golden Gate University School of Law (ELJC) made a Public Records request to the Bay Area Air Quality Management District (BAAQMD) on my behalf for documents relating specifically to PSC, including permit applications from 2006 to the present. The ELJC has indicated that they did not receive any documents, not even the current permit application. (See attached PRA request & Summary report dated April 14, 2016.)"

"Note: A look at the PRA gives the reader some idea of the fragmented record keeping and the SMOP history of the PSC process. Record keeping for this permit needs to be seriously addressed. The scattered and "unavailable" records dilute informed citizen participation as demonstrated by the unfulfilled PRA request above. This certainly doesn't meet the demand of the law today and is major failing of the District." [7]

Response:

The District has completed all public records requests and responded with available records.

Comment:

"BAAQMD has a history of late disclosure of documents sought under California's PRA. In PSC's case, ELJC made PRA requests for PSC's PTOs and permit applications in April 2016. Those requests were repeated in August. Yet the documents weren't produced until November. No sufficient explanation for the delay was offered. This delay negatively impacted ELJC's ability to review the highly-technical documents prior to the public-comment meeting in mid-December." [44]

Response:

The District is aware of an e-mail request made by the ELJC to a District Engineering Manager on April 18, 2016. Unfortunately, this request did not follow the District's Public Records Acts procedures nor was it made through the District's Public Records office. However, although not requested through the proper channels, the District did provide responses to the April request on May 9th with some of the requested PTOs as well as statements that some could not be located.

Comment:

"The law requires BAAQMD to respond within ten (10) calendar days to an information request. BAAQMD needs to take its obligation to produce public records more seriously, so that it complies with the law." [44]

Response:

The law requires that the District respond with either the requested information or whether the requested records are available and with a schedule for providing the requested records. The District has completed all public records requests and responded with available records.

Comment:

"The Air District has illegally withheld information requested that would have aided meaningful review of the proposed SMOP."

"Beginning in April 2016 ... requested that the Air District provide documents relating to permit applications....again requests the Air District to furnish the requested documents." [10]

Response:

The District believes it has completed the referenced public records requests and provided all available information.

Comment:

"BAAQMD withheld certain documents sought under the PRA on the ground that they were 'trade secrets,' and thus confidential. BAAQMD's procedures suggest the District plays only a ministerial-messenger role in disputes over trade secrets. The District's procedures should call for BAAQMD to actively protect the public-disclosure rights of interested information seekers, not simply acquiesce when a regulated party asserts trade secret confidentiality. A mere assertion of confidentiality is insufficient. It must be backed up by convincing evidence that the documents in question qualify as trade secrets under the law. All documents concerning the 'nature, extent, quantity, or degree of air contaminants or other pollution' are public records subject to disclosure. The community has a right to these documents; BAAQMD should actively litigate if necessary to defend that right." [44]

Response:

The District has worked with both members of the public who have made public records act requests and Pacific Steel Casting to address records request. The District will consider the comment made regarding the District's records request procedure and all applicable legal requirements. However, the District's public records request procedures are outside the purview of the proposed action under consideration relating to the revised Synthetic Minor Operating Permit.

ReportingComment:

"Please include in the SMOP reporting forms that will be used to determine compliance." [8]

Response:

Due to the limitations of the District's database that stores conditions, it is not possible to include reporting forms within the SMOP conditions.

Comment:

"Reporting should be public."

"When the facility reports noncompliance, such information must be shared publicly. Given the difficulty that the public has had in obtaining information about this facility from the District, compliance information should be posted on the web." [10]

Response:

The District is exploring ways to become more transparent with all District's activities and findings including monitoring data, compliance results, and complaint investigative efforts. However, this effort involves multiple divisions at the District (Engineering, Compliance & Enforcement, Information Technology, etc.) and will not be accomplished prior to the issuance of this revised SMOP permit. As the facility has no control over posting of information by the District, the District does not believe such a requirement should be imposed as a condition within the revised Synthetic Minor Operating Permit.

However, per District Regulation 2-6-419 (Availability of Information), "[t]he contents of permit applications, compliance plans, emissions or compliance monitoring reports, and compliance certification reports shall be made available to the public, subject to the restrictions of the District's Administrative Code, Section 11. The contents of the permit shall be available to the public and shall not be subject to the above restrictions." Members of the public may submit a public records act request to view these documents. Such a request may be made at the following web address:

<https://cwp-baaqmd.secureprtportal.com/>

Comment:

Several comments were received stating concerns about the transparency of emissions reporting. [29, 54, 56]

Response:

Emissions data and compliance reports for any facility, including Pacific Steel Casting, may be requested and obtained through a public records request. Such a request may be made at the following web address:

<https://cwp-baaqmd.secureprtportal.com/>

Members of the public may request such data and reports for review.

Comment:

"...from the second engineer, Nicholas Maiden. Your comments about monitoring the reporting that would be required of PSC or maybe is required by PSC sounds really tough, but self-monitoring is just - ..it's a joke... that can't be taken seriously." [17]

Response:

The facility will have to report any noncompliance to the District's Compliance & Enforcement Division within 10 calendar days of discovering the noncompliance. The District's Compliance & Enforcement Division is required to investigate all indications of a potential violation. The District conducts routine unannounced compliance inspections of facilities throughout the District. However, such inspections do not occur more than every 10 days for a given facility. Therefore, by self-reporting violations, the District will be alerted to potential violations sooner than if discovered by the District at a later date. As such, noncomplying situations would be resolved quicker than if left to be discovered by the District.

If the District determines that a violation was not self-reported, the facility would receive a Notice of Violation both for the noncomplying activity as well as for not self-reporting the noncomplying activity, in effect two Notices of Violation.

For these reasons, the District believes that self-reporting in conjunction with unannounced District inspections and monitoring data is more stringent than simply unannounced inspections.

Source TestsComment:

"The source testing conditions in parts 33 through 47 include testing for POC, PM10, CO, as well as various other HAPs, but do not include requirements for testing for SO2 emissions."

"Please specify the method for determining compliance with the facility-wide SO2 emissions limit in part 1 of condition 20207." [8]

Response:

Approximately 80 percent of estimated SO₂ emissions occur from one stack associated with sources S-2006 through S-2012. The District will impose an annual SO₂ source test for these sources to determine an average emission factor and verify compliance with the Part 1 of Condition 20207.

Comment:

"Parts 33 through 47 in condition 20207 require the source testing requirements in Table 1 below. After the initial source test for sources of metal HAPs, filterable PM, polycyclic aromatic hydrocarbons (PAHs), benzene, formaldehyde, and non-methane hydrocarbon (NMHC) in parts 37 through 41, there is no requirement for another source test. Also, the deadline for CO test of the shakeout/pouring/cooling operations is 3 years in parts 42 through 44."

"Please consider more frequent source testing (i.e., earlier than 3 years) for determining and accurately calculating CO emissions in parts 42 through 44." [8]

Response:

The condition will be revised to require more source tests dependent upon the results of the initial source tests.

The deadline for the initial source test will be revised from three years to one year.

Comment:

"Part 47 of condition 20207 contains source testing frequencies for PM10 source tests, and does not contain the frequencies for source testing the other pollutants."

"Please specify the source testing frequencies for the other pollutants (i.e., NO_x, POC, CO, SO₂, and HAPs). Please consider either putting Table 7 of the Engineering Evaluation Report in part 47 of permit condition 20207, or adding the organization and comprehensive information contained within Table 7 to part 47 of permit condition 20207." [8]

Response:

The estimated potential to emit for NO_x and HAP emissions are well below the major source threshold. Therefore, the District does not believe requiring the facility to conduct multiple or recurring sources tests for these pollutants is warranted.

The condition has been revised to include the source test frequency for all recurring source tests.

Comment:

"The permit does not specify test methods for each pollutant"

"Please specify in the SMOP the source test methods for each pollutant that will be used for determining compliance and identify whether any of these methods deviate from the federal EPA testing and monitoring methods (we note that the permit includes the source test frequency in part 47 of condition 20207, but not the actual source test methods)." [8]

Response:

Source test methodologies have been included within Condition 20207 as Part 4.31.

Comment:

"Under the proposed SMOP, source tests for both criteria and hazardous air pollutants (or "full set of metals") are to be conducted as late as 120 days, one year, and three years from the final issuance of the SMOP. Yet these source tests appear to be necessary for setting the SMOP conditions, if indeed the existing source tests are not current. If so, these source tests should be conducted before the permit is issued to ensure that Pacific Steel can qualify as a synthetic minor source. The source tests may further show that conditions need to be further tightened to ensure the facility's status as a synthetic minor." [10]

Response:

Emissions may be estimated using default emission factors or source-specific emissions data. The District provided the facility the option to either use a default emission factor or a source-specific emissions data. For most of the sources, emissions were estimated using source-specific emission factors. Due to cost and resource considerations, it is not practical to require all sources to be source tested immediately prior to issuing a Synthetic Minor Operating Permit. However, it is practical to require source tests to demonstrate compliance with emission factors used in the District's emissions estimates.

Comment:

"...source tests should be done under stress at full capacity or well-justified representative conditions...applicable to future source tests." [10]

Response:

Source tests conducted under non-representative conditions are not accepted by the District's Source Test Section. As such, results from such tests would not be District-approved and would not comply with the proposed conditions.

Comment:

"...the conditions under which the source tests were performed can vary significantly for a source like Pacific Steel because...the foundry's production is highly varied." "Thus, source tests must be performed under either the worst case scenario or, at least the District and the public must have information to ensure that the source tests are performed under

"representative" scenarios' that said, the "representative" scenario would be difficult to justify given the high degree of variability in the facility's production." [10]

Response:

Source tests conducted under non-representative conditions are not accepted by the District's Source Test Section. As such, results from such tests would not be District-approved and would not comply with the proposed conditions.

Comment:

"Paragraphs 33 through 44 of the proposed SMOP conditions impose source testing requirements for: 1) each baghouse abating an Electric Arc Furnace; 2) shakeout stations; and 3) pouring and cooling areas at each of PSC's three plants. As stated in the Engineering Report, this source testing is intended 'to determine initial compliance' with PM, CO, and HAP limits contained in the permit, and to 'characterize' emissions from pouring, cooling, and shakeout operations. Without basis, however, Paragraphs 33 through 44 allow anywhere from 120 days to three years from the time of permit issuance for such source testing to occur." [44]

Response:

The evaluation report has been revised to include a basis for selecting the source test frequency.

Comment:

"Although the Evaluation states that "[t]hrough 2008 and 2013, the District and Pacific Steel Casting conducted extensive ambient air quality monitoring, source stack testing," etc., it is difficult to discern (1) which source testing informed which limitations, and (2) the conditions under which the source tests were performed - i.e. whether such source testing reflects the conditions now existing at the facility or conditions that are representative." [10]

Response:

The Engineering Evaluation report has been amended to include a basis for emission factors and the source test conditions for those factors for which a source test was used as the basis.

Comment:

"...delayed source testing requirements, several of the proposed permit conditions impose source testing requirements which are required to be performed at a future date. Some source tests must be performed within 120 days of permit issuance, while others must be performed within three years. Those are fairly long delay times. If source tests show operating conditions at the facility, what is the basis for the delay?...shouldn't these tests be performed before a permit is issued, particularly since the source test mentioned in the engineering report occurred several years ago?" [13]

Response:

Emissions may be estimated using default emission factors or source-specific emissions data. The District provided the facility the option to either use a default emission factor or a source-specific emissions data. For most of the sources, emissions were estimated using source-specific emission factors. Due to cost and resource considerations, it is not practical to require all sources to be source tested immediately prior to issuing a Synthetic Minor Operating Permit. However, it is practical to require source tests to demonstrate compliance with emission factors used in the District's emissions estimates.

Comment:

"...delaying source testing for 120 days to three years is inconsistent with BAAQMD's own permitting guidance document. BAAQMD's Permit Handbook recommends that permit conditions require District approved source testing to occur 'not later than 60 days' from the date of startup." [44]

Response:

If the facility were installing new or modifying existing equipment, the District would follow the permitting handbook. However, the facility is not installing new or modifying existing equipment. When setting the source test requirements, the District made several considerations including whether the source would be operating within 60 days of permit issuance, the complexity involved in source testing a source, the resources needed for source testing within a given time frame, etc.

Comment:

"Source tests are too infrequently required during the permit term for some of the pollutants, including for CO and metals. For some sources, tests are limited to a one-time initial source test. In addition, source tests for HAPs (with the exceptions specifically listed in Table 7) appear not to be required. The District should provide a basis for selecting the source test frequency and should require source tests at least once a year. Source tests must be done to ensure the District's estimates and assumptions remain justified." [10]

Response:

The evaluation report has been revised to include a basis for selecting the source test frequency.

Comment:

"Source testing is the most accurate method for determining actual source emissions at the facility and as a result is critical for establishing permit conditions that ensure PSC operates as a synthetic minor source. BAAQMD should follow the guidance set forth in its permitting handbook and, at minimum, require source testing for all sources to occur no later than 60 days from the date of permit issuance." [44]

Response:

If the facility were installing new or modifying existing equipment, the District would follow the permitting handbook. However, the facility is not installing new or modifying existing equipment. When setting the source test requirements, the District made several considerations including whether the source would be operating within 60 days of permit issuance, the complexity involved in source testing a source, the resources needed for source testing within a given time frame, etc.

Comment:

"It is difficult to conclude that the emissions calculations are correct (and that the facility will remain as a synthetic minor) because the District has not identified when the source tests were done, the conditions under which they were done, and the specific relationship between the source test and the emission factor for each source." [10]

Response:

The Engineering Evaluation report has been revised to include the basis for source emission factors including the source test conditions for those emission factors based on source test results.

Comment:

"2) Page 5, 3rd paragraph discusses carbon monoxide as a newly discovered pollutant however at p.13 Table 7 shows that is only required to be monitored every 2 to 5 years; shouldn't some baseline testing be conducted for this newly discovered source?" [28]

Response:

Carbon monoxide emissions from pouring, cooling, and shakeout operations were newly identified. Carbon monoxide emissions from the furnaces were always identified and included within baseline testing performed. Carbon monoxide emissions from pouring, cooling, and shakeout operations were conservatively estimated using an emission factor based on research on similar operations. Carbon monoxide emissions from the facility's pouring, cooling, and shakeout operations are expected to be lower. The District has some baseline data for some of the operations showing agreement with the emission factor used. Further, the deadline for the source test requirement has been revised from three years to one year and the evaluation report has been revised to include an explanation for the necessity for the delay.

Comment:

"...the Evaluation provides no basis for the tests being required so far out into the future. Nor is there any explanation of why certain source tests are years away from being performed. For example, Condition 42 provides source tests are required for CO no later than three years from the issuance of the SMOP. We cannot determine from this condition why the time period of three years was selected. It is possible that a CO source test was recently performed and thus the District has made the determination that a source test would only be required three years from now. In that case, the three-year interval is not frequent enough for practical enforceability." [10]

Response:

The deadline for the source test requirement has been revised from three years to one year and the evaluation report has been revised to include an explanation for the necessity for the delay.

Comment:

"...Paragraphs 42-44 require source testing for carbon monoxide within three years of permit issuance to 'characterize carbon monoxide emissions from pouring, cooling, and shakeout operations at ...' Plants 1, 2, and 3. That is, PSC is given up to three years to fulfill carbon monoxide source testing requirements despite the fact that, in the District's own words, 'In 2015, the District became aware that PSC's pouring, cooling, and shake out operations could potentially be large sources of carbon monoxide emissions, which were previously unknown.' It is unreasonable to allow three years to perform source testing for carbon monoxide, when emissions levels from pouring, cooling, and shakeout are unknown to the District, especially when the proposed CO emissions are so close to exceeding the synthetic minor threshold. In the absence of up-to-date source test data the District cannot conclusively state current emissions levels at the facilities, nor that the proposed permit conditions are adequate for ensuring compliance with synthetic minor limits." [44]

Response:

The proposed permit conditions have been revised to change the requirement from three years to one year. Due to the nature of the operation and difficulty involved in source testing the operations, a deadline sooner than one year is not practical.

When estimating CO emissions from pouring, cooling, and shakeout operations; the District used a conservatively high emission factor based on research on similar operations.

Comment:

"Conditions 42-44 appear to be data gathering requirements, rather than compliance assurance requirements. If the District is unsure about the total PTE of CO, it should have required testing prior to proposing a SMOP permit." [44]

Response:

Emissions may be estimated using default emission factors or source-specific emissions data. The District provided the facility the option to either use a conservative default emission factor or source-specific emissions data. The District and facility spent considerable effort in discussing this option. Ultimately, the facility decided to use a conservatively high default emission factor rather than source specific data. Therefore, the CO source testing requirement is to demonstrate compliance with the default emission factor.

Separate Permit DocumentComment:

"Complete Permit - The SMOP action consists of an Engineering Evaluation Report containing the draft permit conditions. It is unclear whether or how the permit conditions in the Engineering Evaluation Report will be integrated into existing BAAQMD permits for the facility. We also note that an actual "draft permit document" was not issued, separate from the engineering evaluation, for public comment. Based on discussions with the District, it is our understanding that there is no separate "draft permit document" that is issued separate from the Engineering Evaluation Report. Also, based on these discussions, we understand the District will incorporate the final SMOP conditions (20207, 24466, 24547, and 24548) into the facility's locally-issued PTO which must be renewed annually."

"We request that the District clarify the above process in writing for the public. " [8]

Response:

The District will provide a statement to this effect on the District's website.

Comment:

"It is unclear that the Air District has in fact proposed a SMOP. Although the District's notice inviting written public comment states that it has made a decision to issue a revision to the existing SMOP for Pacific Steel, and while the Evaluation refers to conditions, the District has not provided any document that constitutes a revised proposed SMOP. If the Evaluation starting at page 18 constitutes the proposed permit, then the permit is confusing. It does not have general

provisions or definitions. The lack of a proposed permit is a fundamental deficiency that must be corrected, and the public should be provided with an opportunity to comment on that proposed permit." [10]

Response:

The District does not issue a separate permit document like Title V or New Source Review Permits for Synthetic Minor Operating Permits. The District creates a Synthetic Minor Operating Permit within a District Permit Condition that is assigned to the facility. This SMOP condition is issued to the facility with a cover letter and then re-issued whenever the facility's permits to operate are renewed and issued.

Smoke Plume

Comment:

Two comments stated that they see a smoke plume from the facility. [30, 31]

Response:

There are several stacks at the facility that release plumes of steam. These plumes appear as white, billowing puffs that dissipate at a given distance from the stack exit. Steam is not subject to the District's visible emission regulation, Regulation 6, Rule 1.

However, if there are non-steam plumes with an opacity greater than allowed by District Regulation 6, Rule 1; the District encourages members of the community to call in a complaint so that a District inspector may investigate and determine if a violation has occurred.

Complaints may be made either online (<https://permits.baaqmd.gov/PublicForms/ComplaintWizardSelection>) or by calling the District's 24-hour toll free hotline at 1-800-334-ODOR (6367). A member of the District will investigate all complaints received by the District and can address questions from members of the public.

Timely Application

Comment:

"If in fact the Air District is relying on this 2005 application, the proposed SMOP does not comply with the requirements of BAAQMD Regulations for a timely and complete application." "Without a current application, emissions calculations - even where the District has spent years to study them - may not be based on incomplete information since the District cannot verify the completeness of the information without a submission from the responsible official. In addition, without a current application, the District cannot be assured that it has complied with its own procedures governing trade secrets and may incorrectly rely on the facility's claim of confidentiality without an attestation." [10]

Response:

The District is relying on the 2005 application as well as information subsequently provided by the applicant up to 2017. The District believes the application and application materials reflect the current configuration/operation of the facility.

Title V Permit

Comment:

"The Alliance strongly urges that PSC be subject to title V as soon as possible." [2]

"PSC be subject to title V as soon as possible" [3]

"In light of the cozy relationship, I concur with the West Berkeley Alliance that "PSC be subject to title V as soon as possible. " [5]

Response:

The purpose of a Title V operating permit is to document all applicable regulations at a facility for "significant sources", those with the potential to emit more than 2.5 tons per year. A Title V permit does not, by itself, limit emissions. The purpose of a Synthetic Minor Operating Permit is to limit facility-wide emissions. With a Title V permit, the facility could conceivably emit hundreds of tons of pollutants more than under a Synthetic Minor Operating Permit. With a Synthetic Minor Operating Permit, the facility will be subject to more stringent monitoring and recordkeeping requirements than

under a Title V permit. For these reasons, the District believes a Synthetic Minor Operating Permit will be better for the community than a Title V permit.

Comment:

"Pacific Steel is a major stationary source and their Title V Permit must reflect that. They emit particulate matter (combined process and fugitive) of over 170 tons per year even with their capture mechanisms in place; nearly 10 times the amount of the next higher emitter which had twice their production rate. 40 CFR 51.166(b)(1)(iii) details 27 separate industries subject to combining fugitive and process emissions in determining major source. To the EPA, "an iron foundry is considered a "a secondary metal production plant, if it uses scrap metal to produce iron, even if the metal is poured into molds3[sic]" while BAAQMD reports: "Pacific Steel Casting (PSC) is a secondary steel foundry that operates in a mixed industrial area in West Berkeley4[sic]" "Secondary metal production" is number 19 on the 51.166(b)(1)(iii) list, and as such, PSC is subject to combining and mitigating both fugitive and process emissions." [6]

Response:

The District estimated both process and fugitive emissions and combined both in determining whether the facility's potential to emit exceeded major stationary source thresholds. The purpose of a Synthetic Minor Operating Permit is to limit the potential to emit to below major stationary source thresholds thus negating the requirement for a Title V permit.

The basis for the comment is an outdated District preliminary staff report for District Regulation 12, Rule 13, dated February 2013. However, in the final staff report, dated April 2013, the referenced table and emissions were corrected with a footnote stating the previously listed emissions totals were an error.

Toxic Emissions

Comment:

"The engineering report provided notes that Pacific Steel was required to prepare a health risk assessment in 2008 in connection with the Air Toxics Hot Spots Program. That report indicated an estimated cancer risk of thirty-one in a million. It's my understanding that Pacific Steel is the only facility in the Bay Area subject to the public notification requirements under the Hot Spots Program despite many refineries, power plants, and many other sources of toxic air contaminants in the region. What is being done to reduce the risks associated with the toxic air contaminants at the facility and health effects on the surrounding community? Does the permit include specific conditions for addressing these risks, such as risks stemming from magnesium and nickel?" [12]

Response:

Previously, the District limits health risk to the community under two regulations: AB 2588 and District Regulation 2, Rule 5. AB 2588 required Pacific Steel Casting to complete a one-time facility-wide cancer risk analysis while Regulation 2, Rule 5 requires a health risk assessment for an individual new or modified source whose emissions exceed certain thresholds.

The regulation under which the Synthetic Minor Operating Permit (Regulation 2, Rule 6) does not pertain to health risk and does not provide the District the authority to require a new health risk assessment. However, the District recently adopted Regulation 11, Rule 18 that requires facilities with significant potential health impacts to conduct new facility-wide health risk assessments (HRA). If these new HRAs indicate significant health impacts, including cancer risk, then facilities would be required to implement measures such as installing new control technologies to reduce such risk. Regulation 11, Rule 18 applies to all facilities within the District including Pacific Steel Casting.

Comment:

"...we often experience the noxious fumes that emit from the plant. I had been told that these had been proven to be non-toxic, but now understand that may not be the case, and that there is, in fact, no system for ensuring the safety of the air we and our children breathe." [55]

Response:

See response to comment above.

USA Today Article

Comment:

"3. 3. In December 2009, a USA Today newspaper printed an article indicating how residential and child-sensitive land uses (schools and child care facilities) were affected by PSC. This article highlighted that while nearby uses were most affected, air pollution problems from plant emissions reached and spread out over large areas of the City to the east. Other maps showed this same effect. This doesn't seem to be addressed in the District's material. The mapping should be carried out by an independent body - something in the nature of what would be done in the case of an independent audit." [56]

Response:

The District is aware of the USA Today 2009 article and has identified numerous deficiencies with the article. The District staff has determined that the USA Today risk figures for the Berkeley schools were in error based on incorrect emissions of manganese and nickel reported by PSC to the Toxics Release Inventory (TRI). PSC had indicated in 2009 that the correct emissions would be reported to the TRI for their next update due in 2009.

Previously, the District's limited health risk to the community only under two regulations: AB 2588 and District Regulation 2, Rule 5. AB 2588 required Pacific Steel Casting to complete a one-time facility-wide cancer risk analysis while Regulation 2, Rule 5 requires a health risk assessment for an individual new or modified source whose emissions exceed certain thresholds.

The regulation under which the Synthetic Minor Operating Permit (Regulation 2, Rule 6) does not pertain to health risk and does not provide the District the authority to require a new health risk assessment. However, the District recently adopted Regulation 11, Rule 18 that requires facilities with significant potential health impacts to conduct new facility-wide health risk assessments (HRA). If these new HRAs indicate significant health impacts, including cancer risk, then facilities would be required to implement measures such as installing new control technologies to reduce such risk. Regulation 11, Rule 18 applies to all facilities within the District including Pacific Steel Casting.

Comment:

"A USATODAY study found Pacific Steel to be a major source of dangerous air pollution at schools in Berkeley." [38]

Response:

See response to comment above.

ZoningComment:

"It is the city's responsibility to ensure it's residents will not be negatively impacted by activities permitted by the city." [42]

Response:

Although the City of Berkeley is located within the Air District, the District does not have jurisdiction over actions taken or not taken by the City of Berkeley.

Comment:

Multiple comments were received stating that the facility should not be allowed to continue operating in an densely populated area or urban area near residences. [21, 23, 25, 26, 32, 40 42, 47]

Response:

The District's authority extends only to limiting air quality impacts. The District does not have any authority regarding facility placement and/or land use.

Facility placement and/or land use is limited by the City of Berkeley Zoning Ordinance. Complaints regarding facility placement and/or land use should be directed to the City of Berkeley's Department of Planning & Development:

Department of Planning & Development
1947 Center Street, 3rd Floor
Berkeley, CA 94704

E-mail: planning@cityofberkeley.info

Telephone: (510) 981-7400 or (510) 981-CITY/2489