Hi John, December 19, 1996

Here is my draft. Let me know if I can help, or if you have any questions.

I think are best strategy is to use the public comment letter to set up the following:

1. Sue the state over the PVC plant if DEQ refuses to apply real MACT standards for P-1 and P-2.

2. Sue the EPA over failing to classify M-13 as a process vent. This would only occur if the EPA failed to take appropriate action during the EPA review period or during the public petition phase.

I'm not saying we're actually going to sue anyone, but that we need to prepare the groundwork with the public comment letter. I know you have other things you want to accomplish in the public comment letter too, so go get 'em.

I am having some trouble with my web browser today, but I will try to e-mail this to Lisa. This is so you can download the e-mailed file and not have to retype any of it.

Happy Holidays,

Gary

1) General Comments.

These comments concern the Part 70 Operating Permit Applications submitted by Shintech Inc. and Its Affiliates for its proposed polyvinyl chloride facility and the draft operating permit for this facility that was issued by the Louisiana Department of Environmental Quality (DEQ).

Shintech didn't have a fugitive emissions plan or an ambient air modeling program approved by DEQ. This is inconsistent with the treatment of other major sources which had to submit fugitive emissions plans and ambient air modeling plans for DEQ approval.

Shintech submitted a revision to the Part 70 permits on November 6, 1996. The public notices were published on November 7, 1996. This means that the DEQ didn't have time to study the changes before including them in the draft permits.

St. James Parish was given ozone attainment status by the EPA on September 12, 1995. Section 175A of the Clean Air Act requires that a maintenance plan include contingency provisions, as necessary, to promptly correct any violation of the NAAQS that occurs after redesignation of the area to attainment. The contingency plan should clearly identify the measures to be adopted, a schedule and procedure for adoption and implementation, and a specific time limit for action by the State. Before the DEQ issues air permits to Shintech Inc. and Its Affiliates we feel that the DEQ should make public a new maintenance, plan including contingency provisions, based on the addition of Shintech's proposed emissions to the St. James emission inventory.

2) The VCM Plant.

These comments concern the Part 70 Operating Permit Application submitted by Shintech Inc. and Its Affiliates for its VCM plant and the draft operating permit for Shintech's VCM plant that was issued by the Louisiana Department of Environmental Quality (DEQ). The Shintech VCM Plant is a Major Source as defined in LAC 33:III.502. and LAC 33:III.5103.

The draft permit incorrectly states that chlorine and hydrochloric acid don't have to meet Maximum Achievable Control Technology Standards (MACT). Chlorine and hydrochloric acid are required to meet MACT standards in the VCM facility. Any emission point of chlorine or hydrochloric acid will have to meet the requirements of 40 CFR 63 Subparts F, G, H and I, which are commonly refereed to as the HON. The draft permit, and Shintech's Part 70 Operating Permit Application, are incorrect when they state that most emission points in the VCM plant will not have to meet the HON, 40 CFR 63 Subparts F, G, H and I. As a major source any emission point that emits 1,2-dichloroethane, carbon tetrachloride, chloroform, ethyl chloride, chlorine, hydrochloric acid or vinyl chloride is required to meet the MACT standards in the HON. This critical error in the DEQ draft permit must be rectified and Shintech must submit a new Part 70 operating permit to meet these MACT requirements.

Shintech's Part 70 Permit application did not include all of the information required in LAC 33:III Chapter 5, Section 517.D. Specifically they did not provide sufficient calculations or an adequate description for emissions sources M-4 and M-5. This is required in LAC 33:III..517.D.3.a, 517.D.3.f, 517.D.6, 517.D.9 and 517.D.13. M-4 and M-5 are described as thermal oxidizers with scrubbers. Sufficient calculations need to be provided to show what the efficiency of the scrubbers will be. Shintech stated

what the efficiency of the scrubbers will be, but did not include sufficient calculations to demonstrate this. Sufficient calculations must include what is entering the scrubber and what is leaving the scrubber. Shintech provided only what was entering the incinerator and what was leaving the scrubber.

More importantly, the permit application doesn't meet the MACT requirements of the HON in Subpart G 63.113 (c)(1)(i), which requires that chlorine be reduced by 99% or be reduced to 0.45 kilograms per hour, whichever is less stringent. Shintech must resubmit the Part 70 Permit application and provide technology that will reduce chlorine by 99% or to 0.45 kilograms per hour. This new application should give the calculations for the old scrubber system and provide complete calculations for the new scrubber system.

The VCM application doesn't meet MACT for source M-13, which is described as an analyzer vent. This stream is actually the combined vent for five different streams with the majority coming from the "reactor recycle gas stream analyzer". Shintech incorrectly stated that this vent isn't a process vent and doesn't need to be controlled. This vent does meet the definition of a process vent in 63.101 of Subpart F, and correspondingly should have been controlled under Subpart G 63.113. The DEQ draft permit correctly states that M-12, M-13 and M-14 are required to meet 40 CFR 63 Subparts G and H in Table I, page 6. However, the rest of the draft permit is inconsistent with this statement and no control technology was required for M-12, M-13 and M-14 in the draft permit. In reference to M-12, M-13 and M-14, page 9 of the draft permit states "Vinyl chloride and 1,2-dichloroethane are controlled by MACT", when no controls were actually required. The lack of any control for M-12, M-13 and M-14 is a gross error and adequate MACT control will be required as stated in the draft permit.

All emissions points in this facility must meet the requirements of the HON. This was not stated in the permit application as required in LAC 33:III.517.E.1, nor was it stated in the draft permit. A new permit application must be submitted to reflect that Shintech Inc. and Its Affiliates will apply the MACT requirements in the HON for all emissions points.

3) PVC Plant.

These comments concern the Part 70 Operating Permit Application submitted by Shintech Inc. and Its Affiliates for its PVC plant and the draft operating permit for Shintech's PVC plant that was issued by the Louisiana Department of Environmental Quality (DEQ). The Shintech PVC Plant is a Major Source as defined in LAC 33:III.502. and LAC 33:III.5103.

The PVC plant will have federal MACT standards in the near future. Despite this, Shintech's application did not meet the requirements of LAC 33:III.517.E.3. Shintech Inc. and Its Affiliates must resubmit their Part 70 Operating Permit Application and include the appropriate statements required by LAC 33:III.517.E.3.

Under state law, LAC 33:III 5111.B.4, the PVC plant will still have to meet MACT standards to get a permit. Emission points P-1, P-2, P-15 and P-16 emit Class I and Class II Toxic Air Pollutants (TAP's) and are required to meet MACT under LAC 33:III 5111.B.4. The use of MACT standards for these emission points was not included in the permit application nor was it included in the draft permit. The draft permit proposes the use of 40 CFR 61, Subpart F, which is the NESHAP for vinyl chloride

emissions, as MACT for emission points P-1, P-2 and P-15. The permit application proposes that the similar rule LAC 33:III.5121 be used as MACT. LAC 33:III.5121 is Louisiana's Emission Standard For Vinyl Chloride and is derived from 40 CFR 61.

40 CFR 61 is not a MACT standard. It was first promulgated in 1976 and last amended in 1988. The first MACT standards weren't proposed until the 1990's. Until the EPA produces MACT standards for polyvinyl chloride manufacturing, one of the other closely related MACT standards already approved by the EPA must be used. These would include the HON, 40 CFR 63 Subparts F, G, H and I; the NESHAP for Resins and Polymers I; or the NESHAP for Resins and Polymers IV. The MACT standards for emission points P-1, P-2 and P-15 are almost identical in each of these approved MACT standards and the MACT standards for polyvinyl chloride manufacturing will contain these same control standards for these emissions points. These are the current MACT standards for Shintech's PVC plant. We will accept any of the above NESHAPs, the HON, Resins and Polymers I or Resins and Polymers IV, as an appropriate MACT standard. Shintech Inc. and Its Affiliates must resubmit their application and include one of these NESHAPs as MACT for emission points P-1, P-2, P-15.

The MACT standards proposed in the permit application and in the draft permit for emission source P-16 are not acceptable. P-16 covers fugitive emissions. The permit application proposed the use of 40 CFR 61 Subpart V and LAC 33:III.5121 as MACT. The draft permit is almost unintelligible but seems to be saying Shintech can "Comply with Non-HON Equipment Leak" as MACT. MACT for P-16 must come from one of the three NESHAPs already approved by the EPA for closely related facilities. These would include the HON, Resins and Polymers I or Resins and Polymers IV. Shintech Inc. and Its Affiliates must resubmit their application and include one of these NESHAPs as MACT for emission points P-1, P-2, P-15.

Emission Points P-1 and P-2 are described as scrubber vents, but are really process vents as defined in 40 CFR 63 Subpart F. Shintech asked for, and the DEQ's draft permit gave approval for, the emission of over 112 tons of hazardous air pollutants per year per vent. This is the approval of over 450,000 pounds per year of hazardous air pollutants from uncontrolled process vents. These would be the two largest process vents emitting HAPs from a chemical plant or refinery in the state of Louisiana. The next largest process vent of this type is only 39 tons per year and the EPA recently stated that this vent won't meet the EPA's MACT requirements. Putting these extremely large process vents in Louisiana is unconscionable and can't be allowed. P-1 and P-2 must meet the MACT requirements in one of the EPA's NESHAPs that was approved as a MACT standard. This would require that the vent streams from P-1 and P-2 be incinerated instead of being dumped into the air.

3) Chlor-Alkali Plant.

These comments concern the Part 70 Operating Permit Application submitted by Shintech Inc. and Its Affiliates for its Chlor-Alkali plant and the draft operating permit for Shintech's Chlor-Alkali plant that was issued by the Louisiana Department of Environmental Quality (DEQ). The Shintech Chlor-Alkali Plant is a Major Source as defined in LAC 33:III.502. and LAC 33:III.5103.

The Chlor-Alkali plant will have federal MACT standards in the near future. Despite this, Shintech's application did not meet the requirements of LAC 33:III.517.E.3.

Shintech Inc. and Its Affiliates must resubmit their Part 70 Operating Permit Application and include the appropriate statements required by LAC 33:III.517.E.3.