

**BEFORE THE ADMINISTRATOR  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of the Final Title V	)	
Operating Permit Issued to	)	
	)	
Hercules, Incorporated--Brunswick	)	Facility Permit # TV – 9244
To operate a chemical production	)	
facility in Brunswick, Georgia.	)	
	)	
Issued by the Georgia Environmental	)	
Protection Division, Georgia Department	)	
of Natural Resources	)	

**PETITION REQUESTING THAT THE ADMINISTRATOR OF THE  
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
OBJECT TO ISSUANCE OF THE TITLE V OPERATING PERMIT FOR  
HERCULES, INCORPORATED – BRUNSWICK**

Pursuant to section 505(b)(2) of the Clean Air Act (the “Act”), 42 U.S.C. § 7661d(b)(2), and 40 C.F.R. § 70.8(d), the Glynn Environmental Coalition (“GEC”) and the Center for a Sustainable Coast (“Sustainable Coast”) hereby petition the Administrator (“the Administrator”) of the United States Environmental Protection Agency (“U.S. EPA”) to object to the issuance of the Title V Operating Permit for Hercules, Incorporated—Brunswick. The permit was proposed to the U.S. EPA by the Georgia Environmental Protection Division of the Georgia Department of Natural Resources (“EPD”) for EPA review on or about October 10, 2002. On November 23, 2002, the U.S. EPA approved the Title V Operating Permit without objection. Pursuant to section 505(b)(2), 42 U.S.C. § 7661d(b)(2) and 40 C.F.R. § 70.8(d), this Petition is filed within sixty days following the expiration of U.S. EPA’s 45-day review period and is based upon those objections raised with reasonable specificity by GEC during the public comment period provided

by EPD and oral comments made by Sustainable Coast during the public hearing held on September 3, 2002. See Comments on Draft Permit, attached as Exhibit A for reference only.<sup>1</sup>

GEC is an organization dedicated to assuring a clean environment and a healthy economy for the citizens of Coastal Georgia. GEC has members who live, work, recreate and breathe air in close proximity to the Hercules, Inc. facility, and GEC is active in issues concerning the air quality of Glynn County. In addition, GEC filed comments on July 24, 2002, on the Hercules, Inc. proposed Title V Operating Permit.

The Center for a Sustainable Coast works to protect, preserve, and sustain coastal Georgia's vital natural, cultural, and economic resources. Sustainable Coast has members who live, work, recreate and breathe air in close proximity to the Hercules Inc. facility and Sustainable Coast is active in issues concerning the air quality of Glynn County.

GEC and Sustainable Coast request that the Administrator object to the final Title V Operating Permit for Hercules, Inc. because it does not comply with Subchapter V of the Clean Air Act, 42 U.S.C. § 7661 *et seq.*, and 40 C.F.R. Part 70, as well as the federally enforceable provisions of the Georgia State Implementation Plan, including Georgia Air Quality Control Rule 391-3-1-.02(2)(a)1. In particular, the proposed Title V Operating Permit violates section 504 of the Clean Air Act, 42 U.S.C. § 7661(c)(a) and 40 C.F.R. § 70.6(a) in that the permit does not include all enforceable emission limitations and standards as set forth in the federally enforceable provisions of the Georgia Air Quality Control Rules, including Rule 391-3-1-.02(2)(a)1.

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<sup>1</sup> The original comments on the draft permit are attached to this petition for reference only. This petition does not raise all of the issues in the original comments on the draft permit.

**I. The Permit Does Not Include an Emission Limitation and Standard For the Federally Enforceable Georgia Rule 391-3-1-.02(2)(a)1.**

On July 24, 2002, GEC filed comments on the Hercules, Inc. proposed Title V Operating Permit, stating, *inter alia*, that the proposed permit failed to address Georgia Air Quality Control Rule 391-3-1.02(2)(a)1, which states that:

(2) Emission Limitations and Standards.

(a) General Provisions.

1. No person owning, leasing or controlling the operation of any air contaminant sources shall willfully, negligently or through failure to provide necessary equipment or facilities or to take necessary precautions, cause, permit, or allow the emission from said air contamination source or sources of such quantities of air contaminants as will cause, or tend to cause, by themselves or in conjunction with other air contaminants a condition of air pollution in quantities or characteristics of a duration which is injurious or which unreasonably interferes with the enjoyment of life or use of property in such area of the State as is affected thereby. Complying with any of the other sections of these rules and regulations or any subdivisions thereof, shall in no way exempt a person from this provision.
2. In cases where more than one section of these regulations applies, the section allowing the least emission of air contaminants to the atmosphere shall prevail.

This Rule became a state enforceable rule on January 9, 1991. See 40 C.F.R. § 52.570(c). This Rule was approved by EPA, and therefore became federally enforceable, on January 26, 1993. See 40 C.F.R. § 52.570(c). In addition, during the public hearing on September 3, 2002, David Kyler, representing the Center for a Sustainable Coast made public comments concerning the EPD's failure to consider the cumulative impact of the emissions of Hercules, Inc. and those of other facilities, including Georgia-Pacific Corporation, Brunswick Operations.

In response to the comments filed during the public comment period and those made orally during the public hearing, including those of GEC and Sustainable Coast, EPD issued an Addendum to the Narrative of the proposed permit addressing the filed comments. See Addendum to Narrative, attached as Exhibit B. EPD paraphrased the comments of GEC and included the following in the Addendum:

**Comment: The draft permit does not contain evidence that the location of the facility in relation to several schools was considered in the permitting decision.** (Emphasis original).

EPD Response: The Title V Permit is designed to consolidate existing air quality permits and provide adequate monitoring and reporting to ensure compliance with existing rules and limits. The Division feels the Permit as finalized adequately addresses the requirements of the Title V Program. **This request is not within the scope of the Title V Permit.** (Emphasis added).

**Comment: The draft permit does not contain evidence that the location of other nearby facilities (such as Georgia Pacific) was considered in the permitting decision.** (Emphasis original).

EPD Response: The Title V Permit is designed to consolidate existing air quality permits and provide adequate monitoring and reporting to ensure compliance with existing rules and limits. The Division feels the Permit as finalized adequately addresses the requirements of the Title V Program. **This request is not within the scope of the Title V Permit.** (Emphasis added).

See Addendum to Narrative, p. 1-2.

Under the Clean Air Act, any provision of a State Implementation Plan (SIP) that is approved by EPA becomes federally enforceable by EPA and must be included in all Title V operating permits. Section 7661c(a) of the Clean Air Act, 42 U.S.C. § 504(a) states that:

Conditions.

Each permit issued under this subchapter shall include enforceable emission limitations and standards, a schedule of compliance, a requirement that the permittee submit to the permitting authority, no less often than every 6 months, the results of any required monitoring, and such other conditions as are necessary to assure compliance with applicable requirements of this chapter, including requirements of the applicable implementation plan.

40 C.F.R. § 70.2 also defines “emissions allowable under the permit” as a “federally enforceable permit term or condition determined at issuance to be required by an applicable requirement that establishes an emissions limit (including a work practice standard) or a federally enforceable emissions cap that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject.”

40 C.F.R. § 70.2 defines “applicable requirement” as

[A]ll of the following as they apply to emissions units in a part 70 source (including...rulemaking at the time of issuance but have future-effective compliance dates):

- (1) Any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under title I of the Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in part 52 of this chapter.

Furthermore, 40 C.F.R. § 70.6 mandates the required permit content for all Title V Operating Permits and states that:

(a) Standard permit requirements. Each permit issued under this part shall include the following elements:

- (1) Emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance.
  - (i) The permit shall specify and reference the origin of and authority for each term or condition, and identify any difference in form as compared to the applicable requirement upon which the term or condition is based.

Therefore, all portions of the Georgia State Implementation Plan that have been approved by EPA are applicable requirements that must be included and have enforceable emission limitations and standards in the Title V operating permit.

Georgia Air Quality Control Rule 391-3-1-.01(v) defines “Emission Limitation” and “Emission Standard” as a “requirement established which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis including any requirement relating to the equipment or operation or maintenance of a source to assure continuous emission reduction.”

Because Georgia Air Quality Control Rule 391-3-1-.02(2)(a)1 prohibits the quantity, rate or concentration of air contaminants that will cause, or tend to cause, by themselves, or in conjunction with other air contaminants, air pollution in quantities or characteristics of a duration which is unjurious or which unreasonably interferes with the enjoyment of life or use of property, this Rule is an emission limitation or standard as defined and categorized under the Georgia State Implementation Plan. As EPA has approved this Rule, it is an applicable requirement of the Hercules, Inc. Title V Operating Permit as defined by 40 C.F.R. § 70.2 and, pursuant to 40 C.F.R. § 70.6, must be included in this permit. In addition, pursuant to 40 C.F.R. § 70.6(a)(1)(i), EPD must make a specific reference to those portions of the permit that provide compliance with this Rule.

Because EPD admitted that it did not consider Georgia Air Quality Rule 391-3-1-.02(2)(a)1 during evaluation of the proposed Title V operating permit process, EPD has not included all applicable emission standards and limitations, and has not made any specific finding of compliance with this Rule. Furthermore, current EPD guidelines and standards contain no analysis of the impact of multiple air contaminants emitted from that source or other sources. See Guideline for Ambient Impact Assessment of Toxic Air Pollutant Emissions, Revised June 21, 1998, attached as Exhibit C. Such analysis of the cumulative impact of multiple air contaminants emitted from one source or multiple sources which may have cumulative impacts

is required to satisfy the emission standards and limitations contained in Rule 391-3-1-.02(2)(a)1. As stated in Rule 391-3-1-.02(2)(a)1, compliance with any other section of the State Implementation Plan does not in any way exempt a facility from this rule. Thus, the analysis is a separate and distinct emission standard or limitation, and there must be findings that this Rule has been satisfied before a permit can be issued.

Because all applicable requirements are not contained in the proposed Hercules, Inc. Title V Operating Permit, the Administrator must object to the permit. See 40 C.F.R. § 70.8(c)(1). (“The Administrator will object to the issuance of any proposed permit determined by the Administrator not to be in compliance with applicable requirements or requirements under this part.”).

**II. The Hercules, Inc. Title V Operating Permit Violates Georgia Air Quality Control Rule 391-3-1.02(2)(a)1.**

Not only has EPD failed to include Rule 391-3-1.02(2)(a)1 as an emission standard and limitation and failed to make any specific findings concerning this provision, the record shows that the proposed Hercules, Inc. Title V Operating Permit does not satisfy Rule 391-3-1-.02(2)(a)1.

The Hercules, Inc., facility at issue is located in Brunswick, Georgia<sup>2</sup> and is a major facility with the potential to emit the following:

<b>Pollutant</b>	<b>Potential (TPY)</b>
PM	600
SO <sub>2</sub>	300
NO <sub>x</sub>	450
CO	>250

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<sup>2</sup> LRT latitude 31.1647; LRT longitude –81.4805.

VOC	2000
Total HAPs	600

See Hercules, Inc., State of Georgia Part 70 Air Quality Permit Application Summary, attached as Exhibit D. According to the U.S. EPA’s Toxic Release Inventory Facility Report for Hercules, Inc., the facility released 655,230 pounds of Hazardous Air Pollutants in 2000. See Report, attached as Exhibit E. The 1999 criteria air pollutants report shows the facility emitted more than 3,693 tons of criteria air pollutants that year. See Report, attached as Exhibit F.

Less than 5 miles away operates another major facility, Georgia-Pacific Corporation, Brunswick Operations (“Georgia-Pacific”).<sup>3</sup> Georgia-Pacific has the potential to emit more than 250 tons of each criteria air pollutant and more than 250 tons of total hazardous air pollutants. See State of Georgia Part 70 Air Quality Permit Application Summary, attached as Exhibit G. According to the U.S. EPA’s Toxic Release Inventory Facility Report for Georgia-Pacific, this facility emitted 1,824,859 pounds of Hazardous Air Pollutants in 2000. See Report, attached as Exhibit H. The 1999 criteria air pollutant report shows that this facility emitted more than 28,121 tons of criteria air pollutants that year. See Report, attached as Exhibit I.

Combined, the Hercules, Inc. facility and the Georgia-Pacific facility emitted more than 63,600,000 pounds of criteria air pollutants in 1999 and more than 2,480,000 pounds of Hazardous Air Pollutants in 2000. Approximately 20,000 persons reside between these facilities, see the U.S. EPA Enforcement and Compliance History On-line Database (ECHO), located at <http://www.epa.gov/cgi-bin/getlcrReport.cgi?tool=echo&IDNumber=1312700003>, and seven public primary and secondary schools are within 5 miles of both facilities.<sup>4</sup>

<sup>3</sup> LRT latitude 31.1725; longitude -81.5197.

<sup>4</sup> Altama Elementary, 5505 Altma Ave., Brunswick, GA 31525 is located approximately 4 miles from Hercules, Inc., and 4 miles from Georgia-Pacific. Burroughs Molette Elementary, 1900 Lee St., Brunswick, GA 31520, is



The only air monitoring data published by EPD in the vicinity of these two facilities is at Brunswick College. See Composite Exhibit 1. The data from this monitoring station shows levels of hazardous air pollutants that individually are injurious or unreasonably interfere with the enjoyment of life or use of property in violation of Rule 391-3-1-.02(2)(a)1. In particular, such data shows that the levels of acetaldehyde, acrolein, formaldehyde, chromium and benzene in the area between these facilities pose significant health risks, including elevated cancer risks.<sup>5</sup>

EPD itself has recognized the importance of analyzing toxicity reports when evaluating toxic air pollutant emissions. The Georgia Guideline for Ambient Impact Assessment of Toxic Air Pollutant Emissions, Revised June 21, 1998, states that, as part of the impact assessment, pollutant toxicity data necessary for derivation of acceptable ambient concentrations include, *inter alia*, the U.S. EPA Integrated Risk Information System (“IRIS”) and other documented sources of toxicity data. See Guidelines, p. 3-4, attached as Exhibit C.

Out of 30 observations in 2000, the last year for which monitoring data is available, the mean level of acetaldehyde at the monitoring station was 1.38 ug/m<sup>3</sup>, with a maximum observation level of 11.57 ug/m<sup>3</sup> and a second maximum observation level of 9.17 ug/m<sup>3</sup>. See Environmental Protection Division, Air Protection Branch, Toxic Network Report, attached as Composite Exhibit 1. Out of 9 observations in 1999, the mean level of acetaldehyde at the monitoring station was 7.012 ug/m<sup>3</sup>, with a maximum observation level of 111.82 ug/m<sup>3</sup> and a

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located less 0.7 miles from Hercules, Inc., and 4 miles from Georgia-Pacific. The Coastal Academy, 2 Ross Rd., Brunswick, GA 31520, is located approximately 3 miles from Hercules, Inc., and 0.5 miles from Georgia-Pacific. The Glynn Academy, 1001 Mansfield St., Brunswick, GA 31520, is located approximately 1.5 miles from Hercules, Inc., and 3 miles from Georgia-Pacific. Glynn Middle School, 901 George St., Brunswick, GA 31520, is located approximately 2 miles from Hercules, Inc., and 3 miles from Georgia-Pacific. Goodyear Elementary School, 3000 Roxboro Rd., Brunswick, GA 31520, is located approximately 1 mile from Hercules, Inc., and 3.5 miles from Georgia-Pacific. Risley Middle School, 2900 Albany St., Brunswick, GA 31520 is located approximately 1.5 miles from Hercules, Inc., and 2 miles from Georgia-Pacific.

<sup>5</sup> In addition, there is no monitoring data for several of the major hazardous air pollutants that Hercules, Inc. and Georgia-Pacific emit. For example, no monitoring data exists to examine the ambient levels that may result from the 212,000 pounds of ammonia, 14,000 pounds of cresol, 36,000 pounds of hydrochloric acid, 1,357,465 pounds of methanol and 98,000 pounds of sulfuric acid emitted by Georgia-Pacific and the 650,000 pounds of methyl isobutyl ketone emitted by Hercules, Inc. in 2000. See TRI Reports, attached as Exhibits E-I.

second maximum observation level of 52.71 ug/m<sup>3</sup>. See Composite Exhibit 1. Out of 5 observations in 1998, the mean level of acetaldehyde at the monitoring station was 55.4 ug/m<sup>3</sup>, with a maximum observation level of 306.7 ug/m<sup>3</sup> and a second maximum observation level of 127.6 ug/m<sup>3</sup>. See Composite Exhibit 1. The quantitative estimate of carcinogenic risk from inhalation exposure to acetaldehyde is as follows:

<u>Risk Level</u>	<u>Concentration</u>
E-4 (1 in 10,000)	5E+1 ug/m <sup>3</sup> (50 ug/m <sup>3</sup> )
E-5 (1 in 100,000)	5E+0 ug/m <sup>3</sup> (5 ug/m <sup>3</sup> )
E-6 (1 in 1,000,000)	5E-1 ug/m <sup>3</sup> (.5 ug/m <sup>3</sup> )

See IRIS Summaries, attached as Composite Exhibit 2.

Out of 31 observations in 2000, the mean level of formaldehyde at the monitoring station was 8.22 ug/m<sup>3</sup>, with a maximum observation level of 53.21 ug/m<sup>3</sup> and a second maximum observation level of 22.83 ug/m<sup>3</sup>. See Composite Exhibit 1. Out of 18 observations in 1999, the mean level of formaldehyde was 29.38 ug/m<sup>3</sup>, with a maximum observation level of 463.79 ug/m<sup>3</sup> and a second maximum observation level of 107.61 ug/m<sup>3</sup>. See Composite Exhibit 1. Out of 4 observations in 1998, the mean level of formaldehyde was 37.4 ug/m<sup>3</sup>, with a maximum observation level of 220.2 ug/m<sup>3</sup> and a second maximum observation level of 75.00 ug/m<sup>3</sup>. See Composite Exhibit 1. The quantitative estimate of carcinogenic risk from inhalation exposure to formaldehyde is as follows:

<u>Risk Level</u>	<u>Concentration</u>
E-4 (1 in 10,000)	8E+0 ug/m <sup>3</sup> (8.0 ug/m <sup>3</sup> )
E-5 (1 in 100,000)	8E-1 ug/m <sup>3</sup> (.8 ug/m <sup>3</sup> )
E-6 (1 in 1,000,000)	8E-2 ug/m <sup>3</sup> (.08 ug/m <sup>3</sup> )

See IRIS Summaries, attached as Composite Exhibit 2.

Out of 27 observations in 2000, the last year for which monitoring data has been published by EPD, the mean level of benzene at the monitoring station was 0.43 ug/m<sup>3</sup>, with a maximum observation of 2.53 ug/m<sup>3</sup> and a second maximum observation of 1.62 ug/m<sup>3</sup>. See Composite Exhibit 1. There are no published 1999 monitoring data for benzene. Out of the 4 observations in 1998, EPD reported that the mean level of benzene at the monitoring station was 0.6 ug/m<sup>3</sup> <sup>6</sup>, with two maximum observations of 2.6 ug/m<sup>3</sup>. See Composite Exhibit 1. The quantitative estimate of carcinogenic risk from inhalation exposure to benzene is as follows:

<u>Risk Level</u>	<u>Concentration</u>
E-4 (1 in 10,000)	13.0 to 45.0 ug/m <sup>3</sup>
E-5 (1 in 100,000)	1.3 to 4.5 ug/m <sup>3</sup>
E-6 (1 in 1,000,000)	.13 to .45 ug/m <sup>3</sup>

See IRIS Summaries, attached as Composite Exhibit 2.

Out of 26 observations in 2000, the last year for which monitoring data is available, the mean level of chromium at the monitoring station was 0.0004 ug/m<sup>3</sup>, with a maximum observation of 0.01 ug/m<sup>3</sup>. See Composite Exhibit 1. Only 1 observation was conducted in 1999, with a reported chromium level of .0116 ug/m<sup>3</sup>. See Composite Exhibit 1. Only 3 observations were conducted in 1998, with the two highest observation levels of chromium reported at 0.001 ug/m<sup>3</sup> and 0.0003 ug/m<sup>3</sup>. See Composite Exhibit 1. The quantitative estimate of carcinogenic risk from inhalation exposure to chromium is as follows:

<u>Risk Level</u>	<u>Concentration</u>
E-4 (1 in 10,000)	8E-3 ug/m <sup>3</sup> (0.008 ug/m <sup>3</sup> )

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<sup>6</sup> It is unclear how EPD calculated the mean to be 0.6 ug/m<sup>3</sup> considering that there were only 4 observations and two of these observations were 2.6 ug/m<sup>3</sup>.

E-5 (1 in 100,000)	8E-4 ug/m <sup>3</sup> (0.0008 ug/m <sup>3</sup> )
E-6 (1 in 1,000,000)	8E-5 ug/m <sup>3</sup> (0.00008 ug/m <sup>3</sup> )

See IRIS Summaries, attached as Composite Exhibit 2.

In addition to the contaminant concentrations that create high cancer risk levels according to IRIS data, the monitoring data also shows that contaminant concentrations are higher than other risk levels recognized by both EPD and EPA. These contaminants include acetaldehyde, acrolein, benzene and formaldehyde. The 2000 mean for acetaldehyde of 1.38 ug/m<sup>3</sup>, 1999 mean of 7.012 ug/m<sup>3</sup> and 1998 mean of 55.4 ug/m<sup>3</sup> are all above the EPA Region 6 screening level of 0.870 ug/m<sup>3</sup>, below which no health effects are thought to occur. See Composite Exhibit 3. The 2000 mean for acrolein of .015 ug/m<sup>3</sup>, 1999 mean of 1.16 ug/m<sup>3</sup> and 1998 mean of 1.1 ug/m<sup>3</sup>, see Composite Exhibit 1, are all above the EPA Region 6 screening level of 0.0210 ug/m<sup>3</sup>, and the Agency for Toxic Substances and Disease Registry (“ATSDR”) Intermediate Minimal Risk Level of 0.0107 ug/m<sup>3</sup>. The above means, as well as the 2000 maximum observations for acrolein of 4.16 ug/m<sup>3</sup>, 1999 maximum observation of 34.17 ug/m<sup>3</sup> and 1998 maximum observation of 7.3 ug/m<sup>3</sup> are all above the ATSDR Acute Minimal Risk Level of 0.0599 ug/m<sup>3</sup>. See Composite Exhibit 4.

The 2000 mean level for formaldehyde of 8.22 ug/m<sup>3</sup>, 1999 mean level of 29.38 ug/m<sup>3</sup> and 1998 mean level of 37.4 ug/m<sup>3</sup> are all above the EPA Region 6 screening level of 0.15 ug/m<sup>3</sup>. In addition, the 2000 observations of 53.21 ug/m<sup>3</sup> and 22.83 ug/m<sup>3</sup>, 1999 observations of 463.79 ug/m<sup>3</sup> and 107.61 ug/m<sup>3</sup> and the 1998 observations of 220.2 ug/m<sup>3</sup> and 75.00 ug/m<sup>3</sup> are above the ATSDR Acute Minimal Risk Level of 47.9 ug/m<sup>3</sup> and ATSDR Intermediate Risk Level of 35.9 ug/m<sup>3</sup>.

Finally, the 2000 mean level for benzene of 0.43 ug/m<sup>3</sup> and two 1998 observations of 2.6 ug/m<sup>3</sup> (there are no reported monitoring data for 1999) are both above the EPA Region 6 screening level of 0.250 ug/m<sup>3</sup>.

Of these contaminants that by themselves pose significant health risks, Hercules, Inc. emits 4,300 pounds of formaldehyde per year and 2820 pounds of acrolein. See Hercules, Inc., Title V Operating Permit Application. Meanwhile, Georgia-Pacific emits more than 58,000 pounds of acetaldehyde and nearly 30,000 pounds of formaldehyde. See 2000 TRI Reports, attached as Exhibits E-I. Thus, the evidence shows that these facilities are major sources of the ambient concentration levels for these contaminants.

Not only do these contaminant levels individually pose significant health risks in violation of Rule 391-3-1-.02(2)(a)1, there has been no evaluation performed by EPD of the cumulative impacts of both the contaminants emitted by Hercules, Inc., and Georgia-Pacific, and the other contaminants that the monitoring data show are at levels that pose increased health and cancer risks. Rule 391-3-1-.02(2)(a)1 states that a facility cannot emit contaminants that by themselves **or in conjunction with other air contaminants** are injurious or unreasonably interfere with the enjoyment of life or use of property. Therefore, Rule 391-3-1-.02(2)(a)1 requires the regulating agency to perform an analysis and set emission standards so that individual air contaminants or a combination of air contaminants do not pose such threats. EPD has admitted that it has not considered this Rule, and the evidence shows that EPD should be required to do so in order to ensure compliance with all applicable requirements. In particular, as shown in the risk analysis calculated using IRIS inhalation unit risk factors, the evidence shows that the additive risk factor for the air contaminants discussed above was 115 in 1,000,000 (or 1.15 in 10,000) in 2000 and 536 in 1,000,000 (or 5.36 in 10,000) in 1999. See Exhibit J.

### **Conclusion**

Because the proposed Title V Operating Permit does not contain an emission standard or limitation for Georgia Air Quality Control Rule 391-3-1-.02(2)(a)1, the proposed permit does not include all applicable emission standards and limitations. Furthermore, the evidence shows that the emission standard or limitation set forth by such Rule has not been met at this time. Therefore, the Administrator must object to the proposed Title V operating permit and require that the permit include an emission standard or limitation which would meet the requirements of Rule 391-3-1-.02(2)(a)1.

Respectfully submitted this 22<sup>nd</sup> day of January 2003.

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**CERTIFICATE OF SERVICE**

I hereby certify that I have sent a copy of the foregoing by certified mail, return receipt requested to the following recipients this 22<sup>nd</sup> day of January 2003:

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