

Elizabeth Terranova

From: Watson, Marion <Watson.Marion@epa.gov>
Sent: Monday, December 4, 2023 10:47 AM
To: Elizabeth Terranova; Carpenter, Jacob (he/him/his)
Cc: Taylor, Kevin; Ferrando, Emily (she/her/hers)
Subject: [EXTERNAL] RE: Dynamic Recycling, LLC, 40 CFR 60 NNN Baseline Temperature

Follow Up Flag: Follow up
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Elizabeth,

Based on Dynamic's intention in 2019 to obtain an alternative operating temperature limit, I had no reason to suspect any intended application of an exemption from the rule for the subject vent by Dynamic, especially when reports were submitted by Dynamic which presented information related to compliance with an operating temperature limit. Sometimes engineering judgements, in addition to results obtained from performance testing, at the discretion of the source's judgment and associated regulating agency review and acceptance, come into play which verifies/validates the condition (exempted/non-exempted) of a vent. It is Dynamic's responsibility to identify and declare exemptions for it regulated sources.

In my opinion, Dynamic is offering what appears to be a 2023 retroactive opinion based on reconsideration that is different than the intention/consideration rendered by the request of 2019, and the associated conduct of semi-annual monitoring, recordkeeping, and reporting afterward related to the vent.

The applicability analysis Dynamic developed appears to misrepresent the facts concerning why my opinion was issued, and furthermore relates its applicability analysis as a counter opinion to the opinion. I wasn't asked if the vent could be exempted, but rather if a retest was necessary based on Dynamic's failure to monitor temperature. They are different circumstances.

We'll get back with you on this for a recommended path forward.

Thank you,

Tracy

Mr. Marion "Tracy" Watson, P.E. | Environmental Engineer |
Mail Code: 9T25
Air and Radiation Division
Air Analysis and Support Branch
Regulatory and Communities Air Toxics Section
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Voice: 404-562-8998 | Fax: 404-562-9059 | Email: watson.marion@epa.gov

From: Elizabeth Terranova <Elizabeth.Terranova@tn.gov>
Sent: Wednesday, November 29, 2023 2:33 PM
To: Carpenter, Jacob (he/him/his) <Carpenter.Jacob@epa.gov>
Cc: Watson, Marion <Watson.Marion@epa.gov>; Taylor, Kevin <Taylor.Kevin@epa.gov>; Ferrando, Emily (she/her/hers) <Ferrando.Emily@epa.gov>
Subject: RE: Dynamic Recycling, LLC, 40 CFR 60 NNN Baseline Temperature

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Good afternoon and thank you for your patience.

Below, I have my answers to the following questions in red.

In addition to my response, I have a question about the federal regulation assessment for NNN that the facility has sent to the Division. Dynamic Recycling used the flowchart provided by the Texas Commission on Environmental Quality (TCEQ) for NNN and the TRE value from the April 2018 source test to compare with the facility's NNN regulations under their current conditional major permit (478102) and their draft true minor permit (981211). Since the TRE value measures 3600 which is greater than the 8.0 listed in the regulations, the facility states that they are exempt from all provisions in the subpart except for §§ 60.662; 60.664 (e), (f), and (g); and 60.665 (h) and (i). (40 CFR §60.660(c)(4)).

However, since the TRE value was from the source test that was not conducted correctly with missing the baseline temperature, would the facility still need to retest? Or is the facility clear from the retest due to the exemption?

Let me know if you have any other questions or comments on this situation. Again, thank you for your patience in waiting for my response and the time you have put in for helping the Division.

Sincerely,



Elizabeth Terranova | Environmental Protection Specialist 2
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Hours: M-F 7:30 am – 4 pm EST

We value your opinion. Please take a few minutes to [complete our customer service survey](#).

From: Carpenter, Jacob (he/him/his) <Carpenter.Jacob@epa.gov>

Sent: Monday, November 13, 2023 12:19 PM

To: Elizabeth Terranova <Elizabeth.Terranova@tn.gov>

Cc: Watson, Marion <Watson.Marion@epa.gov>; Taylor, Kevin <Taylor.Kevin@epa.gov>; Ferrando, Emily (she/her/hers) <Ferrando.Emily@epa.gov>

Subject: [EXTERNAL] RE: Dynamic Recycling, LLC, 40 CFR 60 NNN Baseline Temperature

Hi Elizabeth,

I wanted to provide a bit more information:

We're currently thinking of this as an informal inquiry from TDEC. EPA can provide formal review, but will need a detailed request letter and rationale – the questions below could be answered in such a request.

We're tracking a number of related but distinct issues here and have the following questions:

1. Does the facility now have a temperature monitoring device installed per the rule at [40 CFR 60.663\(e\)\(2\)\(i\)](#)? If not, how is the facility collecting temperature data that is reporting?

I believe the facility does have a temperature monitoring device. It is how the facility complies with the semi-annual reporting required by 40 CFR §60.665(l).

- We are curious about how ongoing compliance with NSPS NNN is being demonstrated at this time.

2. Is the source now monitoring temperature during performance tests?

The most recent source test one in our Division's database is dated April 10, 2018, which has the missing baseline temperature. I am unsure of any additional performance testing the facility has conducted afterwards.

- The NSPS General Provisions require that all continuous monitoring systems shall be installed prior to conducting performance test – see [40 CFR 60.13\(b\)](#)
- NSPS NNN requires that temperature is measured during performance tests at [40 CFR 60.665\(b\)\(4\)\(ii\)](#).

3. Was there any formal documentation from TDEC indicating acceptance / approval of the "baseline" temperature proposed in the source's 2019 letter that you shared with us?

On the Division's database, I did not find any formal acceptance of the baseline temperature the facility had provided, neither through letter or email.

- Please note that, as you described it, this appears to represent an approval of alternatives to both recordkeeping and monitoring requirements of NSPS NNN by TDEC.
- Alternative requirements approvals for 111 (NSPS / Part 60), 112 (NESHAP / Parts 61 or 63), and 129 rules are not all delegated to state and local air agencies, but some are.
- Alternative requirements approvals should be detailed in a formal letter that:
 - Indicates the delegated authority for approval
 - References and summarizes the specific rule requirements and the reasoning for the alternative request(s)
 - Clearly lays out approved alternative requirements and means of compliance demonstration, including a rationale for approval
 - A copy of any applicability determination or alternative approval letters should be shared with R4
- Approved alternative requirements and means of compliance demonstration should be clearly incorporated into source permits and references the formal approval letter
- In case you don't have a copy, you may want to review EPA's [Process Manual for Responding to Requests Concerning Applicability and Compliance Requirements of Certain Clean Air Act Stationary Source Programs](#).

With this information, I will make sure that any further alternate proposals will go through R4 and will pass this along in the Division.

Happy to discuss!

Cheers,

Jake Carpenter

Jacob D. (Jake) Carpenter

Environmental Engineer | Air Toxics Coordinator | Air and Radiation Division

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Voice: 404-562-9039 | Fax: 404-562-9066 | Email: carpenter.jacob@epa.gov

From: Elizabeth Terranova <Elizabeth.Terranova@tn.gov>
Sent: Friday, November 3, 2023 8:40 AM
To: Watson, Marion <Watson.Marion@epa.gov>
Cc: Carpenter, Jacob (he/him/his) <Carpenter.Jacob@epa.gov>
Subject: RE: Dynamic Recycling, LLC, 40 CFR 60 NNN Baseline Temperature

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Dear Ms. Watson/Tracy,

Thank you so much for your help with this situation. I will make sure the Division and the Dynamic Recycling, LLC receive this recommendation.

I do have one small question. When I do forward this information to the facility, may I please include your and Mr. Carpenter's contact information so the facility's Responsible Official and Consultant can ask any questions that they may have (either with 40 CFR 60 NNN and possibly VVa)? That way there's no delays in the exchanges between everyone.

Again, I really appreciate the help and I hope you have a wonderful weekend!

Sincerely,



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From: Watson, Marion <Watson.Marion@epa.gov>
Sent: Thursday, November 2, 2023 1:14 PM
To: Elizabeth Terranova <Elizabeth.Terranova@tn.gov>
Cc: Carpenter, Jacob (he/him/his) <Carpenter.Jacob@epa.gov>
Subject: [EXTERNAL] FW: Dynamic Recycling, LLC, 40 CFR 60 NNN Baseline Temperature

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Hi Ms. Terranova/Elizabeth,

My unofficial opinion:

I reviewed the information and confirm, according to information contained in the test report, the facility did not record the average exit (product side) temperature of the final recovery device (condenser) every 15 minutes and determine hourly averages, and an associated 3-hr average to determine an associated condenser temperature operating limit.

Under 40 CFR 60.663(e)(2)(i), the facility is required to install a temperature monitoring device, at the condenser exit (product side)], equipped with a continuous recorder and having an accuracy of ± 1 percent of the temperature being monitored expressed in degrees Celsius or ± 0.5 °C.

If the facility installed the temperature monitoring device before the testing, there may be record of the data in the facility's process parameter monitoring/recording database, even though the data was not included in the report. The facility should be able to confirm if the device was installed during the performance test. If it was installed, data was most likely recorded but inadvertently not placed in the report (operational data). If so, they could submit the data to TDEC.

Under 40 CFR 60.665(b)(4)(ii), where a condenser is the final recovery device in the recovery system, the facility is required to monitor the average exit (product side) temperature measured at least every 15 minutes and averaged over the same time period of the performance testing while the vent stream is routed.

Based on the rule's requirements, in my unofficial opinion, I recommend TDEC require the facility to retest to establish the condenser operating temperature limit.

TDEC is delegated the authority to establish the operating temperature limit based on the performance testing results, but it appears TDEC was not delegated the authority to issue an alternative for the standard.

I have copied Jake Carpenter on this response and he may provide an unofficial opinion to you as well 😊

I would be happy to discuss this on the phone with you.

If you have any questions, or would like to discuss, please let me know.

Thank you,

Tracy

Marion "Tracy" Watson, P.E. | Environmental Engineer |
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From: Watson, Marion

Sent: Thursday, November 2, 2023 10:17 AM

To: Elizabeth.Terranova@tn.gov

Cc: Ferrando, Emily (she/her/hers) <Ferrando.Emily@epa.gov>
Subject: FW: Dynamic Recycling, LLC, 40 CFR 60 NNN Baseline Temperature

Hi Ms. Terranova/Elizabeth,

I will review the information and the rule and get back with you soon. 😊

Thank you,

Tracy

Marion “Tracy” Watson, P.E. | Environmental Engineer |
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From: Ferrando, Emily (she/her/hers) <Ferrando.Emily@epa.gov>
Sent: Wednesday, November 1, 2023 11:41 AM
To: Watson, Marion <Watson.Marion@epa.gov>
Subject: FW: Dynamic Recycling, LLC, 40 CFR 60 NNN Baseline Temperature

Hi Tracy,

I hope you're doing well! I received a question from one of TDEC's permit writers regarding getting EPA's approval for the baseline temperature of a unit subject to 40 CFR Part 60 Subpart NNN. I'm not familiar with the process for that and was wondering if you may be able to help provide some guidance for TDEC or point me in the right direction if you aren't the correct contact for this.

Thank you!
Emily

From: Elizabeth Terranova <Elizabeth.Terranova@tn.gov>
Sent: Wednesday, November 1, 2023 7:35 AM
To: Ferrando, Emily (she/her/hers) <Ferrando.Emily@epa.gov>
Subject: Dynamic Recycling, LLC, 40 CFR 60 NNN Baseline Temperature

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Dear Ms. Ferrando,

I am Elizabeth Terranova, a permit writer from Tennessee's Department of Environment & Conservation under the Division of Air Pollution Control. I am reaching out to you with a situation regarding 40 CFR 60 Subpart NNN: Standards of Performance for Volatile Organic Compound (VOC) Emissions from Synthetic Organic Chemical Manufacturing Industry (SOCMI) Distillation Operations.

The situation in question is an ethanol recycling facility, Dynamic Recycling, LLC, who had a distillation column that was source tested under the federal regulation back in 2018. However, when they did the source testing, the baseline temperature of the vent condenser was overlooked. A letter was later sent to the Division on August 26, 2019, with

Dynamic Recycling stating the baseline temperature was 130 F based on calculations from the source test. This was accepted by the Division as a reasonable measurement at the time.

However, with how the EPA is becoming more stringent on the federal regulations, the facility adding a new source (a Wiped Film Evaporator - WFE), and the facility recording temperatures above the 130 F baseline temperature in the past two reports, the Division asked for either EPA approval of the baseline temperature or have the distillation columns retested under 40 CFR 60 Subpart NNN around the time the WFE is tested.

The facility chose to get the EPA's approval for the baseline temperature, and I wanted to reach out first to get some guidance on how the process works. I would appreciate any help on this matter.

I did attach the facility's 2018 Source Test for the distillation columns and the August 2019 letter that was sent to the Division. Let me know if there's any documentation from myself or from the facility that is needed in addition to those sent.

Thank you for your help!

Sincerely,



Elizabeth Terranova | Environmental Protection Specialist 2

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