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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY
Protecting Texas by Reducing and Preventing Pollution

December 6, 2010

MR CARL E EDLUND PE
DIRECTOR MULTIMEDIA PLANNING AND PERMITTING DIVISION
US ENVIRONMENTAL PROTECTION AGENCY
REGION 6
1445 ROSS AVE STE 1200
DALLAS TX 75202-5766

Re: Executive Director's Response to EPA Objection
Renewal
Permit Number: O2282
Lanxess Corporation
LiBR Flex Unit
Orange, Orange County
Regulated Entity Number: RN100825363
Customer Reference Number: CN602665556

Dear Mr. Edlund:

On February 5, 2010, the U.S. Environmental Protection Agency (EPA) Region 6 Office signed a letter identifying objections to the issuance of the proposed federal operating permit for the above-referenced site. In accordance with Title 30 Texas Administrative Code § 122.350 (30 TAC § 122.350), the Texas Commission on Environmental Quality (TCEQ) may not issue the permit until the objections are resolved. In addition, the letter identifies certain additional concerns. The TCEQ understands that the additional concerns are provided for information only and do not need to be resolved in order to issue the permit.

The TCEQ has completed the technical review of your objections and offers the enclosed responses to facilitate resolution of the objections. In addition, the attached responses to the objections describe the changes, if applicable, that have been made to the revised proposed permit and supporting statement of basis (SOB). The revised proposed permit and SOB are attached for your review.

Mr. Carl E. Edlund, P.E.

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Consistent with 30 TAC § 122.350, please provide an indication of your acceptance or assessment of the responses and resolutions to the objections as soon as possible. After receipt of your acceptance to the responses and resolutions to the objections, TCEQ will issue the proposed permit. Thank you for your cooperation in this matter. Please contact Mr. Chuck Lowary, P.E., at (512) 239-1263 if you have any questions concerning this matter.

Sincerely,



Steve Hagle, P.E., Director
Air Permits Division
Office of Permitting and Registration
Texas Commission on Environmental Quality

SH/ECL/ssl

cc: Mr. Mark Matson, Senior Environmental Engineer, Lanxess Corporation, Orange
Mr. Bryan Hug, Head PBR, Lanxess Corporation, Orange
Mr. Dan Parrish, Air Quality Manager, Wolf Environmental, LLC, Friendswood
Air Section Manager, Region 10 - Beaumont

Enclosures: TCEQ Executive Director's Response to EPA Objection
Proposed Permit
Statement of Basis
Qualified Facilities Review Documentation
Permit Numbers 22508 and PSDTX874

Project Number: 11570

EXECUTIVE DIRECTOR'S RESPONSE TO EPA OBJECTION

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The Texas Commission on Environmental Quality (TCEQ) Executive Director (ED) provides this Response to EPA's Objection to the renewal of the Federal Operating Permit (FOP) for Lanxess Corporation, Lanxess Orange Plant, Permit Number O2282, Orange County, Texas.

BACKGROUND

Procedural Background

The Texas Operating Permit Program requires that owners and operators of sites subject to Title 30 Texas Administrative Code Chapter 122 (30 TAC Chapter 122) obtain a FOP that contains all applicable requirements to facilitate compliance and improve enforcement. The FOP does not authorize construction or modifications to facilities, and it does not authorize emission increases. To construct or modify a facility, the responsible party must have the appropriate new source review authorization. If the site is subject to 30 TAC Chapter 122, the owner or operator must submit a timely FOP application for the site and ultimately must obtain the FOP to operate. Lanxess Corporation applied to the TCEQ for a renewal of the FOP for the Lanxess Orange Plant located in Orange, Orange County on January 30, 2008, and notice was published on December 15, 2009 date in *Orange Leader*. The public comment period ended on January 15, 2010. During the concurrent EPA review period, TCEQ received an objection to the permit from EPA on February 5, 2010.

In accordance with state and federal rules, the permit renewal may not be issued until TCEQ resolves EPA's objections.

Description of Site

Lanxess Corporation owns and operates the Lanxess Orange Plant, located at 4647 Farm-to-Market Road 1006 in Orange, Orange Texas 77630.

The Lanxess Corporation, Orange Plant is a lithium butadiene rubber and solution styrene butadiene rubber manufacturing facility. The lithium butadiene rubber (LiBR) Flex Unit (maintains internal production flexibility to produce different grades of rubber from the continuous polymerization of 1,3 butadiene). Polymerization is the chemical reaction in which a compound is made into a polymer by the addition or condensation of smaller molecules. Lithium is added as a catalyst in the production of LiBR and solution styrene butadiene rubber (SSBR) manufacturing to accelerate the chemical reactions for tire grades as well as for plastics manufacturing. SSBR is made from the copolymerization (chemical joining) of butadiene and styrene. Neodymium butadiene rubber (NdBR) is made from the polymerizing of butadiene by a Neodymium catalyst. This rubber is primarily used for tire manufacturing. All of these reactions are completed in a solvent system (multiple substances dissolving together to form a uniformly dispersed mixture). The polymerization mixture is called cement. The cement is converted into a crumb-water slurry by a steam coagulation and stripping process

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(polymerization mixture is 'clotted', and unreacted volatile organic compounds (VOC) are removed by steam). Wet crumb is dewatered and dried. The drying completes dewatering and the finished product is sent to packaging.

EPA OBJECTION: Objection to the incorporation by reference of PSD Permit. The *New Source Review Authorization References* table of the draft Title V permit incorporates PSDTX874, revised on April 23, 1998, by reference. EPA has discussed the issue of incorporation by reference in *White Paper Number 2 for Improved Implementation of the Part 70 Operating Permits Program* (March 5, 1996)(*White Paper 2*). As EPA explained in *White Paper 2*, incorporation by reference may be useful in many instances, though it is important to exercise care to balance the use of incorporation by reference with the obligation to issue permits that are clear and meaningful to all affected parties, including those who must comply with or enforce their conditions. *Id.* at 34-38. See also *In the Matter of Tesoro Refining and Marketing*, Petition Number IX-2004-6 at 8 (March 15, 2005)(*Tesoro Order*). As EPA noted in the *Tesoro Order*, EPA's expectations for what requirements may be referenced and for the necessary level of detail are guided by Sections 504(a) and (c) of the CAA and corresponding provisions at 40 CFR § 70.6(a)(1) and (3). *Id.* Generally, EPA expects that Title V permits will explicitly state all emission limitations and operational requirements for all applicable emission units at a facility. *Id.* We note that TCEQ's use of incorporation by reference for emissions limitations from minor NSR permits and Permits by Rule is currently acceptable. See 66 Fed. Reg. 63318, 6324 (Dec. 6, 2001); see also, *Public Citizen v. EPA*, 343 F.3d 449, at 460-61 (5th Cir. 2003) (upholding EPA's approval of TCEQ's use of incorporation by reference for emissions limitations from minor NSR permits and Permits by Rule). In approving Texas' limited use of incorporation by reference of emissions limitations from minor NSR permits and Permits by Rule, EPA balanced the streamlining benefits of incorporation by reference against the value of a more detailed Title V permit and found Texas' approach for minor NSR permits and Permits by Rule acceptable, See *Public Citizen*, 343 F.3d at 460-61. EPA's decision approving this use of IBR in Texas' program was limited to, and specific to, minor NSR permits and Permits by Rule in Texas. EPA noted the unique challenge Texas faced in integrating requirements from these permits into Title V permits. See 66 Fed. Reg. at 63,326; 60 Fed. Reg. at 30,039; 59 Fed. Reg. 44572 and 44574. EPA did not approve (and does not approve of) TCEQ's use of incorporation by reference of emissions limitations for other requirements. See *In the Matter of Premcor Refining Group, Inc.*, Petition No. VI-2007-02 at 5 and *In the Matter of CITGO Refining and Chemical Co.*, Petition No. VI-2007-01 at 11. Pursuant to 40 CFR § 70.8(c)(1), EPA objects to the issuance of the Title V permit because it incorporates by reference the major New Source Review permit PSDTX874 and fails to include emission limitations and standards as necessary to assure compliance with all applicable requirements. See 40 CFR § 70.6(a)(1). In response to this objection, TCEQ must include (as conditions of the Title V permit) all the emission limitations and standards of PSDTX874 necessary to ensure compliance with all applicable requirements. Alternatively, TCEQ could include a specific condition for each emissions unit to reference the exact provisions of PSDTX874 that contain the emission limitations and standards reflecting the applicable requirements for that unit and then physically attach a copy of PSDTX874 to the Title V permit. Thus, the Title V permit would

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contain all the emission limitations (including the MAERT) and standards of the PSD permit with a special condition for each emissions unit directing -the reader -to the specific location in the attached PSD permit containing the applicable requirements for that unit.

TCEQ RESPONSE: In response to EPA's objection, the ED has revised FOP Number O2282 to include, in a new Appendix B of the permit, a copy of NSR Permit Numbers 22508 and PSDTX874 and its corresponding terms and conditions, and emission limitations. With regard to IBR of major NSR, the ED respectfully disagrees with EPA's interpretation of its approval of Texas's operating permit program on this issue. The ED recognizes that respective agency staff are actively involved in continuing, extensive discussions on how to resolve this issue; namely, how much detail of the underlying major NSR authorization should be reiterated in the face of the Title V permit. The federally approved operating permit program for Texas has allowed for applicable requirements to be incorporated by reference into the FOP since 1996. *See* Final Interim Approval, 61 Fed. Reg. 32693, June 25, 1996; Final Full Approval, 66 Fed. Reg. 63318, December 6, 2001; and Final Approval of Resolution of Deficiency, 70 Fed. Reg. 16134, March 30, 2005. Title 30 TAC §122.142 states that the operating permit shall contain the specific regulatory citations in each applicable requirement identifying the emission limitations and standards. Additionally, EPA discussed the use of incorporation by reference in the preamble to the final Part 70 rule, discussing the requirements of § 70.6, Permit Content, stating:

Section 70.6(a)(1)(i) requires that the permit reference the authority for each term and condition of the permit. Including in the permit legal citations to provisions of the Act is critical in defining the scope of the permit shield, since the permit shield, if granted, extends to the provisions of the Act included in the permit. Including the legal citations in the permit will also ensure that the permittee, the permitting authority, EPA, and the public all have a common understanding of the applicable requirements included in the permit. *This requirement is satisfied by citation to the State regulations or statutes which make up the SIP or implement a delegated program. See 57 Fed. Reg. 32250, 32275 July 21, 1992, emphasis added.*

In comments on the proposed final interim approval of the operating permit program, in 1995, the commission (then-TNRCC) proposed to include a standardized permit provision that incorporated by reference all preconstruction authorizations, both major and minor, to resolve the EPA identified deficiency of Texas' failure to include minor NSR as an applicable requirement. In the June 25, 1996 Final Interim Approval, EPA directed, "the State must be quite clear in any standardized permit provision that all of its *major 'preconstruction authorizations* including permits, standard permits, flexible permit, special permits, or special exemptions' are incorporated by reference into the operating permit *as if fully set forth therein* and therefore enforceable under regulation XII (the Texas Operating Permit Regulation) as well as regulation VI (the Texas preconstruction permit regulation)." (61 Fed. Reg. at 32695, emphasis

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added.) Given this explicit direction in EPA's 1996 final interim approval of the Texas program, TCEQ understood that the standardized permit provision for preconstruction authorizations incorporated all NSR authorizations by reference, including major NSR.

As a result of Texas' initial exclusion of minor NSR as an applicable requirement of the Texas Operating Permit program, and EPA's final interim approval of a program that provided for a phase-in of minor NSR requirements using incorporation by reference, EPA was sued by various environmental groups. See *Public Citizen, Inc. v. U.S. E.P.A.*, 343 F.3d 449 (5th Cir. 2003). The petitioner's brief raised several issues, including the use of incorporation by reference of minor NSR, because the exclusion of minor NSR as an applicable requirement was a program deficiency identified by EPA. The petitioner's brief acknowledges that Texas' Operating Permit program incorporates all preconstruction authorizations by reference, through use of a table entitled "Preconstruction Authorization References". The Petitioner's brief includes an example of this table, which clearly contains sections for Prevention of Significant Deterioration (PSD), nonattainment (NA), 30 TAC Chapter 116 Permits, Special Permits and Other Authorizations, and Permits by Rule under 30 TAC Chapter 106. See Brief of Petitioners, p. 30. The brief goes on to discuss the sample permit, Permit Number O108, which documents "six different minor NSR authorizations and one PSD permit" requiring one to look at each of the underlying permits in addition to the Title V permit. The Department of Justice (DOJ), in its reply brief for EPA, responded to this allegation of improper use of IBR in the context of the specific allegation – whether "EPA reasonably determined that Texas corrected the interim deficiency related to minor new source review", answering unequivocally "yes". "Nothing in the statute or regulations prohibits incorporation of applicable requirements by reference. The Title V and Part 70 provisions addressing the content of Title V permits specify what Title V permits 'shall include,' but do not speak to how the enumerated items must be included." See, Brief of Respondents, pp. 25-26. The Court did not distinguish between minor and major NSR when concluding that IBR is permissible under both the CAA and Part 70.

Thus, it is the ED's position that incorporation by reference of both major and minor NSR permits is acceptable and was fully approved by EPA. However, given EPA's differing opinion, as reflected in the Premcor and CITGO orders, this objection, and the June 10, 2010 letter from EPA Region VI regarding this issue, the ED has revised FOP Number O2282 to include, in a new Appendix B of the permit, a copy of NSR Permit Numbers 22508 and PSDTX874 and its corresponding terms and conditions, and emission limitations, which was initially suggested by EPA as adequate to resolve this objection. Inclusion of the major NSR permits as an appendix should address EPA's objection and ensure that the Title V permit is clear and meaningful to all affected parties. The ED will continue efforts with EPA on how to resolve IBR of major NSR on a broader, programmatic basis.

At a later date, the company may investigate, along with TCEQ and EPA Region 6, the possibility of rescinding PSDTX874 as no longer needed.

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EPA OBJECTION: Objection to the Incorporation of Permit Number 22508 into the Title V permit. The *New Source Review (NSR) Authorization References* table in the draft Title V permit incorporates by reference Permit Number 22508. Available information indicates that LANXESS forwarded a Form PI-E to TCEQ (Notification of Changes to Qualified Facilities). Based upon TCEQ's review of the information, TCEQ had no objection to the proposed change and approved the request on May 13, 1999. This change affects Permit Number 22508, which is a minor NSR Permit, under the Texas Qualified Facilities Program. This program authorizes facilities to become "qualified" to net out of NSR SIP permitting requirements under 30 TAC § 116.118 (pre-change qualification); To date EPA has not approved the Texas Qualified Facilities Program revisions into the Texas SIP, pursuant to Section 110 of the federal Clean Air Act (CAA), 42 U.S.C. § 7410. Therefore, pursuant to 40 CFR § 70.8(c)(1), EPA must object to the issuance of this Title V permit because physical or operational changes made under the Qualified Facility rule cannot be determined to be in compliance with the applicable requirements of the Texas SIP. The failure to have submitted information necessary to make this determination constitutes an additional basis for this objection, pursuant to 40 CFR § 70.8(c)(3)(ii). In response to this objection, TCEQ must revise the draft Title V permit to include a condition that specifically requires the source to prepare and submit to TCEQ a written analysis of any future change/modification to ensure that minor and/or major new source review requirements under the federally-approved Texas SIP have not been triggered.

TCEQ RESPONSE: As a preliminary matter, the resolution of EPA concerns regarding qualified facility changes is a common objective for both TCEQ and the EPA. The EPA concerns discussed below regarding the use of the Title V permitting process to challenge qualified facility changes on a case-by-case basis does not diminish the importance of reaching an expeditious resolution to this NSR issue. The ED recognizes that the Qualified Facility rules, located in 30 TAC Chapter 116, §§ 116.116(e), 116.117, and 116.118 and submitted to EPA initially in 1996 and after re-adoption in 1998, have not been approved into the Texas SIP, and were specifically disapproved by EPA effective May 14, 2010. *See* 75 Fed. Reg. 19468 (April 14, 2010).¹ The commission proposed rule changes to address concerns noted by EPA regarding the approvability of the Qualified Facilities program. *See* 35 Tex. Reg. 2978 (April 16, 2010). However, the Texas federal operating permit (FOP) program is EPA-approved. TCEQ reviews applications and issues FOPs according to EPA-approved program rules found in 30 TAC Chapter 122. The Texas Operating Permit Program was granted full approval on December 6, 2001 (66 FR 63318), and subsequent rule changes were approved on March 30, 2005 (70 FR 161634). The application procedures, found in 30 TAC § 122.132(a)

¹ The TCEQ has filed a Petition for Review of EPA's final action with the U.S. Court of Appeals for the 5th Circuit. As noted in the TCEQ's April 16, 2010 proposed rulemaking, "[t]he commission has always administered the qualified facility program as a minor NSR program and has not allowed its applicability for changes requiring major NSR. This is consistent with the requirements of the enabling statute in THSC, § 382.0512 which states that 'nothing in this section shall be construed to limit the application of otherwise enforceable state or federal requirements, nor shall this section be construed to limit the commission's powers of enforcement under this chapter.' The program does not, and has not, superseded or negated federal requirements." *See* 35 Tex. Reg. 2979, April 16, 2010.

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require an applicant to provide any information required by the ED to determine applicability of, or to codify any "applicable requirement." In order for the ED to issue an FOP, the permit must contain all applicable requirements for each emission unit (30 TAC § 122.142). "Applicable requirement" is specifically defined in 30 TAC § 122.10(2)(h) to include all requirements of 30 TAC Chapter 116 and any term and condition of any preconstruction permit. As a Chapter 116 authorization mechanism, Qualified Facility changes are applicable requirements, and shall be included in applications and Texas issued FOPs, in compliance with Texas' approved program. According to the EPA review procedures in 30 TAC § 122.350(c), EPA may only object to issuance of any proposed permit which is not in compliance with the applicable requirements or requirements of Chapter 122. Therefore, this objection is not valid under the program EPA has approved in Texas because the applicant provided information as to the applicable Chapter 116 requirements, including Qualified Facility changes, and the ED has included these requirements in the draft FOP. EPA objections to individual permits issued under an EPA approved operating permit program are not appropriate for concerns that relate to approved program elements.

EPA's objection notes that the Qualified Facility rules allow facilities to become "qualified" to net out of NSR SIP Permitting requirements under 30 TAC § 116.118 (pre-change qualification). However, any change made at a qualified facility must comply with PSD and nonattainment NSR, [§ 116.117(a)(4)], must be reported annually to the commission, [§ 116.117(b)], and may be incorporated into the minor NSR permit at amendment or renewal [§ 116.117(c)]. The Qualified Facilities rules in Chapter 116 provide that changes may be made to existing facilities without triggering the statutory definition of modification of existing facility found in Texas Clean Air Act (TCAA), Texas Health and Safety Code (THSC), § 382.003(9) if either of the following conditions are met: the facility has received a preconstruction permit or permit amendment no earlier than 120 months before the change will occur, or regardless of whether the facility has received a preconstruction permit or permit amendment, uses control technology that is at least as effective as the BACT that the commission required or would have required for a facility of the same class or type as a condition of issuing a permit or permit amendment 120 months before the change will occur. Facilities that meet these requirements are designated as "qualified facilities." The rules do not allow construction of a new facility, nor can the change result in a net increase in allowable emissions of any air contaminant, or allow the emissions of an air contaminant category that did not previously exist at the facility undergoing the change. The use of the terminology in the phrase "net increase in allowable emissions of any air contaminant" in § 116.116(e), Changes to Qualified Facilities, should not be confused with federal terminology, where "net increase" has specific meaning as it relates to federal (major) NSR applicability involving comparison of actual emissions. The qualified facility program compares allowable emissions at one facility to allowable emissions of the same type at another facility at a single site. Prior to making this comparison, the owner or operator must determine if a project requires federal nonattainment (NA) or prevention of significant deterioration (PSD) review. This is accomplished by comparing a facility's baseline actual emission rate to the planned emission rate resulting from the change using either proposed actual emissions or the facility's potential to emit (PTE), to a significance level for the pollutant involved. If the

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projected emissions increase equals or exceeds the significance level, the facility owner or operator must compute the result of all emissions increases and decreases at the facility according to the definition of contemporaneous period as defined in §116.12, Nonattainment and Prevention of Significant Deterioration Review Definitions, to determine the net emission increase. If this net increase equals or exceeds a major modification threshold, then federal major NSR is triggered, and the proposed change cannot be authorized using a qualified facility claim. The federal major NSR permitting program contemplates increases in both actual and allowable emissions through the approval of new permits. The qualified facilities program explicitly excludes the inclusion of new facilities or any increases in allowable emissions. Such changes must be accomplished through the use of another approved permitting program. The qualified facilities program is designed to allow minor changes at individual facilities within a single site by trading allowable emissions between facilities. A qualified facilities change results in no change to total allowable emissions that are authorized at a single site. Additionally, any change that moves emissions closer to a site boundary is carefully evaluated to ensure no adverse effects.

The ED disagrees with the allegation that the failure of the applicant to have submitted information necessary to make a determination of whether they were in compliance with the SIP constitutes an additional basis for this objection, pursuant to 40 CFR § 70.8(c)(3)(ii). Section 70.8(c)(3)(ii) is premised on the *permitting authority* not "submitting any information necessary [for EPA] to review adequately the proposed permit." The ED has provided all information requested by EPA, when asked, including NSR permits and other supporting information. Additionally, the Qualified Facility rules, and subsequent authorizations, which may be incorporated into SIP approved minor NSR permits at amendment or renewal, pursuant to 30 TAC § 116.117(c) clearly do not allow sources to utilize the Qualified Facility authorization mechanism to circumvent major NSR permitting requirements. Specifically, 30 TAC Chapter 116 requires that all new major sources or major modifications be authorized through nonattainment or PSD permitting under Subchapter B, Divisions 5 and 6, and reiterates that documentation must be kept for changes at Qualified Facilities that demonstrates that the change meets the requirements of Subchapter B, Divisions 5 and 6. The commission has made this position clear since proposing and adopting rules to implement the legislative changes resulting in the flexibility available to qualified facilities. *See* the adoption of the qualified facility rules, 21 Tex Reg. 1569, February 27, 1996; TNRCC Guidance Document "Modification of Existing Facilities Under Senate Bill 1126" dated April 1996, RG-223; and comments submitted by the TCEQ regarding EPA's proposed disapproval of the qualified facility rules, Docket ID No. EPA-R06-OAR-2005-TX-0025. EPA's delay in acting on the Qualified Facility rules, the approval of the state's federal operating permit program and confusion regarding whether the approved federal operating permit program provided federal enforceability for Qualified Facility changes, resulted in a very long period of detrimental reliance on this permit mechanism by regulated entities and TCEQ.

It is not appropriate, necessary or legally required under either 40 CFR Part 70 or the EPA approved federal operating permit program in Texas to require a condition in the operating

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permit to require a source to prepare and submit a written analysis of any future change/modification to ensure that minor and/or major NSR requirements under the SIP have not been triggered. The federally approved SIP already requires this analysis as part of any future NSR review. See 30 TAC Chapter 116, Subchapter B, Divisions 5 and 6. Minor NSR applicability requirements are adequately specified in the permit and commission rules governing NSR permits; thus, the applicant is currently subject to the requirements to demonstrate, upon any future change, when minor or major NSR requirements will apply. Again, with regard to qualified facilities, the TCEQ will continue its dialogue with EPA to achieve the goal of a SIP-approved minor NSR program that includes the flexibility provided for qualified facilities by the Texas Legislature.

In order to provide clarity regarding the particular qualified facility changes made by the applicant under NSR Permit Number [22508], the applicant and TCEQ have reviewed the permitting history. The TCEQ approved three qualified facility changes on July 5, 1996, January 8, 1998, and May 13, 1999 respectively, each of which underwent a then current BACT review and a major NSR review as required by 30 TAC §§ 116.116 – 118. Since May 13, 1999, four other qualified facility changes were requested for NSR Permit Number [22508], but were either voided, denied, or withdrawn by the applicant as not meeting the qualified facility criteria outlined in 30 TAC § 116.116 [see enclosure *Qualified Facilities Review Documentation*].

EPA OBJECTION: Objection to Special Permit Condition 3. Under *the Special Terms and Conditions* provisions of the draft Title V permit, Condition 3 requires stationary vents with certain flow rates comply with identified provisions of 30 TAC Chapter 111 of the Texas SIP. However, there is no identification of the specific stationary vents that are subject to those requirements. As such, this condition fails to meet the requirement of 40 CFR § 70.6(a)(1), in that the condition lacks the specificity to ensure the compliance with the applicable requirements associated with those unidentified emission units. In addition, the Statement of Basis document for the draft Title V permit does not provide the legal and factual basis for Condition 3, as required by 40 CFR § 70.7(a)(5). Pursuant to 40 CFR § 70.8(c)(1), EPA objects to the issuance of the Title V permit since Condition 3 is not in compliance with the requirements of 40 CFR § 70.6(a)(1) and 70.7(a)(5). In response to this objection, TCEQ must revise Condition 3 of the draft Title V permit to list the specific stationary vents that are subject to the specified requirements of 30 TAC Chapter 111 and provide an explanation in the Statement of Basis for the legal and factual basis for Condition 3.

TCEQ RESPONSE: The EPA has supported the practice of not listing emission units in the permit that only have site-wide or “generic” requirements. See *White Paper for Streamlined Development of Part 70 Permit Applications*, July 10, 1995. The ED documented in the draft FOP that the Chapter 111 visible emission requirements for stationary vents were site-wide requirements - applying uniformly to the units or activities at the site. Because the applicant indicated in its application that only the Chapter 111 site-wide requirements apply to these stationary vents and other sources, the applicant is not required to list these smaller units

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individually in the unit summary, and therefore, these emission units did not appear in the applicable requirements summary table in the draft FOP.

With regard to stationary vents, there are three basic opacity requirements in 30 TAC § 111.111 that may apply, depending upon specific applicability criteria. Stationary vents constructed on or before January 31, 1972 must meet the requirements of 30 TAC § 111.111(a)(1)(A), which states that opacity shall not exceed 30% averaged over a six-minute period. Stationary vents constructed after January 31, 1972 must meet the requirements of 30 TAC § 111.111(a)(1)(B), which states that opacity shall not exceed 20% averaged over a six-minute period. Lastly, stationary vents where a total flow rate is greater than or equal to 100,000 actual cubic feet per minute (acfm) may not exceed 15% opacity averaged over a six minute period, unless that source has an installed optical instrument capable of measuring opacity that meets specified requirements, specified in 30 TAC § 111.111(a)(1)(C). Subsection 111.111(b) merely states that any of the emission units subject to section 111.111 (for this permit area, this would include all stationary vents and gas flares) shall not include contributions from uncombined water in determining compliance with this section.

As a result of EPA's objection, TCEQ communicated with the applicant stating that although it is the agency's position, based on EPA's guidance, that listing the individual vents subject to a generic Chapter 111 opacity limit is not required, the applicant can choose to list the units in the permit. Lanxess Corporation has provided the list of units and the draft Title V permit has been revised to include all stationary vents subject to the requirements of 30 TAC Chapter 111 in the Applicable Requirements Summary Table. Special Condition 3 was revised to take out the site wide requirements for vents. Furthermore, the legal and factual basis is included in the Statement of Basis for each stationary vent in the Determination of Applicable Requirements table.

EPA OBJECTION: Objection to General Recordkeeping Provision. Under the *General Terms and Conditions* provision of the draft Title V permit, reference is made to 30 TAC § 122.144 of the Texas FOP program which requires records be kept for 5 years; however, Special Condition Nos. 5 and 8(D) of PSD Permit Number PSDTX874 (revised April 23, 1998) and NSR Permit Number 22508 (renewed December 2, 2004) only requires records be kept for two years. This condition is inconsistent with the 5-year recordkeeping requirements of 40 CFR § 70.6(a)(3)(ii)(B) and cannot be carried forward into the Title V permit. Pursuant to 40 CFR § 70.8(c)(1), EPA objects to the issuance of the Title V permit since the recordkeeping requirements of PSD Permit Number PSDTX874 and NSR Permit Number 22508 are not in compliance with the requirements of 40 CFR § 70.6(a)(3)(ii)(B). In response to this objection, TCEQ must revise the Title V permit to include a condition that states that records of monitoring data and supporting information must be maintained for a minimum of five years from the date of monitoring, notwithstanding the requirements of any other permit conditions or applicable requirements.

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TCEQ RESPONSE: The TCEQ requires five-year recordkeeping for all FOPs. Pursuant to 30 TAC § 122.144(1), all records of required monitoring data and other permit support information must be kept for a period of five years from the date of the monitoring report, sample, or application unless a longer data retention period is specified in an applicable requirement. This is consistent with the recordkeeping requirements of 40 CFR § 70.6(a)(3)(ii)(B). The requirements of 30 TAC § 122.144(1) have been and will continue to be incorporated for all FOPs through the general terms and conditions of the FOP, which specifically require "The permit holder shall comply with all terms and conditions contained in 30 TAC § 122.143 (General Terms and Conditions), 30 TAC § 122.144 (Recordkeeping Terms and Conditions), and 30 TAC § 122.146(Compliance Certification Terms and Conditions)." These requirements were and will continue to be reiterated on the cover page of the FOP.

As all terms and conditions of preconstruction authorizations issued under 30 TAC Chapter 106, Permits by Rule (PBR) and 30 TAC Chapter 116, New Source Review (NSR) are applicable requirements and enforceable under the FOP, the five-year record retention requirement of 30 TAC § 122.144(1) supersedes any less stringent data retention schedule that may be specified in a particular PBR or NSR permit. To further clarify the five-year recordkeeping retention schedule for the FOP, the following text will be added to the General Terms and Conditions of the FOP:

"In accordance with 30 TAC § 122.144(1), records of required monitoring data and support information required by this permit, or any applicable requirement codified in this permit, are required to be maintained for a period of five years from the date of the monitoring report, sample, or application unless a longer data retention period is specified in an applicable requirement. The five-year record retention period supersedes any less stringent retention requirement that may be specified in a condition of a permit identified in the New Source Review Authorization attachment.

EPA OBJECTION: Objection to Special Condition 14 for Failing to Meet Compliance Certification Requirements. Special Condition 14 of the draft Title V permit states that the permit holder shall certify compliance with all terms and conditions. The compliance certification requirements for Title V permits are stated in 40 CFR § 70.6(c)(5). Pursuant to 40 CFR § 70.8(c)(1), EPA objects to the issuance of the Title V permit because Special Condition 14 of the draft Title V permit does not meet the regulatory requirements. In response to this objection, TCEQ must amend Special Condition 14 to include the all the requirements for compliance certifications, as set forth in 40 CFR § 70.6(c)(5), including the identification of the methods or other means for determining the compliance status with each term and condition of the permit.

TCEQ RESPONSE: The ED does not agree that Special Condition 14 of the draft permit needs to be revised in order to meet regulatory requirements. Special Condition 14 of the draft permit is in compliance with the specific requirements of the EPA approved Federal Operating Permit program, as found in 30 TAC Chapter 122. Specifically, § 122.146(5), requires the annual

EXECUTIVE DIRECTOR'S RESPONSE TO EPA OBJECTION

Permit Number O2282

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compliance certification to include or reference the specified elements, including: the identification of each term or condition of the permit for which the permit holder is certifying compliance, the method used for determining the compliance status of each emission unit, and whether such method provides continuous or intermittent data; for emission units addressed in the permit for which no deviations have occurred over the certification period, a statement that the emission units were in continuous compliance over the certification period; for any emission unit addressed in the permit for which one or more deviations occurred over the certification period, specific information indicating the potentially intermittent compliance status of the emission unit; and the identification of all other terms and conditions of the permit for which compliance was not achieved. All permit holders are required to comply with the requirements of 30 TAC § 122.146, as well as all other rules and requirements of the commission.

In addition, in 2006, EPA's Title V Task Force endorsed the 'short-form' approach used by TCEQ, as an option for compliance certification. (*See* Title V Task Force, Final Report to the Clean Air Act Advisory Committee, page 108 [April 2006]).

However, in order to help clarify any confusion, the term has been revised to read as follows:

The permit holder shall certify compliance in accordance with 30 TAC § 122.146. The permit holder shall comply with 30 TAC § 122.146 using at a minimum, but not limited to, the continuous or intermittent compliance method data from monitoring, recordkeeping, reporting, or testing required by the permit and any other credible evidence or information. The certification period may not exceed 12 months and the certification must be submitted within 30 days after the end of the period being certified.

EPA OBJECTION: Objection to the Permit Shield. Special Condition 20 of the draft Title V permit references a "Permit Shield" attachment which identifies emission units, groups and processes TCEQ has determined are exempt from specifically identified potentially applicable requirements. The statement of basis (SOB) does not fully discuss the factual or legal basis for TCEQ's determinations. EPA has previously objected to negative applicability determinations based on blanket statements claiming a "grandfathered" status (*See, e.g.*, letter from Kerrigan G. Clough, Assistant Regional Administrator, EPA, Region 8 to the Colorado Department of Public Health and Environment, Re: EPA Review of Proposed Title V Operating Permit for TriGen-Colorado Energy Corporation, dated September 13, 2000 ("TriGen Objection"). Similar blanket statements such as those contained in the draft Title V permit and the accompanying SOB do not meet the permit shield requirements of 40 CFR § 70.6(f). Pursuant to 40 CER § 70.8(c)(1) and (3), EPA objects to the issuance of the Title V permit because the permit shield provisions in draft Title V permit are only supported by conclusory statements in the SOB. The SOB fails to provide an adequate discussion of the legal and factual basis for the determinations made under 40 CFR § 70.6(f) used to support the nonapplicability of those requirements identified in the "Permit Shield" attachment to the Title V permit. In response to this objection, the Title V permit renewal application must be revised to include all potentially relevant facts

EXECUTIVE DIRECTOR'S RESPONSE TO EPA OBJECTION

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supporting a request for a determination of nonapplicability, and the SOB must be revised to provide an adequate discussion TCEQ's legal and factual basis for all determinations of nonapplicability for those requirements identified in the "Permit Shield" attachment to the Title V permit. Alternatively, Special Condition 30 and the "Permit Shield" attachment must be deleted from the Title V permit.

TCEQ RESPONSE: The ED disagrees that the permit shield does not meet the requirements of 40 CFR § 70.6(f). Special Condition 20 was drafted in compliance with the requirements of the EPA approved federal operating permit program for the State of Texas, 30 TAC Chapter 122. Title 30 TAC § 122.142(f), Permit Content Requirements, clearly allows the ED discretion to grant a permit shield for specific emission units at the request of an applicant. Additionally, § 122.148, Permit Shield, provides the requirements for the exercise of discretion by the ED, including that specific information be submitted by the applicant, in addition to other requirements. The ED determined that the application information submitted by Lanxess Corporation and certified by a responsible official was sufficient to grant the permit shield.

Furthermore, the permit shield as listed in FOP O2282 provides a "concise summary" of the negative applicability determination for each regulation that may potentially apply to emission units listed in the Permit Shield table as required by 40 CFR § 70.6(f)(1)(ii). This concise summary contains both the determination and the relevant facts upon which the determination was based, as supported by a certification by the responsible official as to the truth, accuracy and completeness of the facts for which the responsible official is liable both civilly and criminally. The SOB also notes that a permit shield was requested and granted and contains the complete table of permit shields from the permit. The ED has thus exercised his discretion, as allowed under the EPA approved operating permit program for the State of Texas, and the permit shield thus is not an unsupportable or unenforceable "blanket statement." The ED is aware of no provision in 40 CFR Part 70 stating that a permit shield cannot be granted based on certified representations regarding construction, modification, or reconstruction date information.

EPA's reliance on the TriGen-Colorado Energy Corporation objection to support an objection to the permit shields for Lanxess Corporation is misplaced. In the TriGen objection, EPA Region 8 stated the state permitting authority must remove the permit shields for PSD and NSPS nonapplicability based on a statement of no modification subsequent to initial construction. However, EPA also concluded the permit authority "may retain the permit shield for original NSPS applicability based on the date of construction of the boilers."

In response to EPA's objection comments, the applicant chose to clarify the basis of determinations for all permit shields requested. As a result of those clarifications, four permit shield requests were subsequently denied as requiring a low-level regulatory permit shield, which Texas chooses not to provide and two were denied as having an invalid proposed basis of determination. The SOB was revised to add the basis of determination for each permit shield granted in the permit. Thirty four permit shields remain; of these 34, one is construction date related, and the basis for the permit shields is listed in the permit shield table and the SOB.

EXECUTIVE DIRECTOR'S RESPONSE TO EPA OBJECTION

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ADDITIONAL CONCERNS: TCEQ acknowledges the additional concerns EPA has with the Lanxess Orange Plant FOP and will address these issues as appropriate.

Projects Listing

Air Permitting Actions for
 Project Status: ALL Permit Status: ALL
 Permit Number: 22508
 Order By: proj_id Sort Direction: desc
 of 30 Records

Row Record	Permit Num	Permit Type	Project Num	Project Type	Company Name	TCEQ Recvd Date	TechStaff	Permit Status	Project Status	Project Complete Date	Tech Name	Near City	County	Regul:
1	22508	CONSTOPPMT	142821	REVISION	LANXESS CORPORATION	12/03/2008	HTRUONG	ISSUED	COMPLETE	03/03/2010	REMOVAL OF FLARE EMISSION SPECIAL CONDITION 8 ALTERATION	WEST ORANGE	ORANGE	RN100
2	22508	CONSTOPPMT	142589	REVISION	LANXESS CORPORATION	11/21/2008		ISSUED	VOID	12/01/2008	REMOVAL OF FLARE EMISSION SPECIAL CONDITION 8 ALTERATION	WEST ORANGE	ORANGE	RN100
3	22508	CONSTRUCT	104533	AMEND	LANXESS CORPORATION	03/01/2004	HTRUONG	ISSUED	COMPLETE	12/02/2004	INSTALL PIPING COMPONENTS, PRODUCE COBR IN THE LIBR UNIT AND SSBR ON COBR C-LINE AND ROLL IN PERMIT	WEST ORANGE	ORANGE	RN100
4	22508	CONSTRUCT	100908	RENEWAL	LANXESS CORPORATION	09/03/2003	HTRUONG	ISSUED	COMPLETE	12/02/2004	LITHIUM BUTADIENE RUBBER UNIT	WEST ORANGE	ORANGE	RN100
5	22508	CONSTRUCT	97523	NAMECHANGE	BAYER POLYMERS LLC	02/17/2003		ISSUED	COMPLETE	04/28/2003		WEST ORANGE	ORANGE	RN100
6	22508	CONSTRUCT	96463	REVISION	BAYER POLYMERS LLC	03/26/2003	KKIND	ISSUED	COMPLETE	05/20/2003	CHANGE IN MAERT FLARE LIMITS	WEST ORANGE	ORANGE	RN100
7	22508	CONSTRUCT	77610	SB1126	BAYER CORPORATION	12/04/2000	CIONESCU	ISSUED	DENIED	01/31/2002	PRECHANGE NOTIFICATION	WEST ORANGE	ORANGE	RN100
8	22508	CONSTRUCT	74711	SB1126	BAYER CORPORATION	08/07/2000	CIONESCU	ISSUED	DENIED	12/29/2000	MOONEY ADJUSTMENT TANK-LIBR UNIT	WEST ORANGE	ORANGE	RN100
9	22508	CONSTRUCT	74710	SB1126	BAYER CORPORATION	08/07/2000	CIONESCU	ISSUED	WITHDRAWN	01/31/2002	LIBR FLEX UNIT	WEST ORANGE	ORANGE	RN100
10	22508	CONSTRUCT	73609	SB1126	BAYER CORPORATION	06/12/2000	CIONESCU	ISSUED	VOID	07/31/2000	COBR/LIBR FLEX UNITS	WEST ORANGE	ORANGE	RN100
11	22508	CONSTRUCT	73078	REVISION	BAYER CORPORATION	05/16/2000	LMALARCH	ISSUED	COMPLETE	06/06/2000	REVISE SPECIAL CONDITION 3	WEST ORANGE	ORANGE	RN100
12	22508	CONSTRUCT	71636	REVISION	BAYER CORPORATION	03/03/2000	KHILL	ISSUED	COMPLETE	03/24/2000	LITHIUM BITADIENE RUBBER	WEST ORANGE	ORANGE	RN100
13	22508	CONSTRUCT	65169	SB1126	BAYER CORPORATION	03/29/1999		ISSUED	COMPLETE	05/13/1999	POST CHANGE NOTIFICATION	WEST ORANGE	ORANGE	RN100
14	22508	CONSTRUCT	58383	REVISION	BAYER CORPORATION	04/23/1998	KKIND	ISSUED	COMPLETE	05/14/1998	LIBR UNIT	WEST ORANGE	ORANGE	RN100
15	22508	CONSTRUCT	55952	SB1126	BAYER CORPORATION	12/19/1997	KKIND	ISSUED	COMPLETE	01/08/1998	LITHIUM BUTADIENE RUBBER UNIT	WEST ORANGE	ORANGE	RN100
16	22508	CONSTRUCT	55676	REVISION	BAYER CORPORATION	12/05/1997	KKIND	ISSUED	COMPLETE	12/30/1997	REVISE SPECIAL CONDITION 3	WEST ORANGE	ORANGE	RN100
17	22508	CONSTRUCT	53582	AMEND	BAYER CORPORATION	09/03/1997	KKIND	ISSUED	COMPLETE	11/17/1997	SPECIAL CONDITION 11 C	WEST ORANGE	ORANGE	RN100
18	22508	CONSTOPPMT	51843	REVISION	BAYER CORPORATION	06/04/1997	KKIND	ISSUED	COMPLETE	06/23/1997	LIBR UNIT COOLING TOWER	WEST ORANGE	ORANGE	RN100
19	22508	CONSTRUCT	50225	AMEND	BAYER CORPORATION (ORANGE SITE)	03/21/1997	KKIND	ISSUED	COMPLETE	04/25/1997	LIBR-SYNTHETIC RUBBER	WEST ORANGE	ORANGE	RN100
20	22508	CONSTRUCT	45957	AMEND	BAYER CORPORATION (ORANGE SITE)	08/30/1996	KKIND	ISSUED	COMPLETE	04/24/1997	LITHIUM BUTADIENE RUBBER UNIT	WEST ORANGE	ORANGE	RN100
21	22508	CONSTOPPMT	45539	REVISION	BAYER CORPORATION	08/08/1996	KHAUER	ISSUED	COMPLETE	09/10/1996	LBR SOLVENT UNIT	WEST ORANGE	ORANGE	RN100

Row Record	Permit Num	Permit Type	Project Num	Project Type	Company Name	TCEQ Recvd Date	TechStaff	Permit Status	Project Status	Project Complete Date	Tech Name	Near City	County	Regul
22	22508	CONSTRUCT	43671 SB1426		BAYER CORPORATION	05/20/1996	KHAUER	ISSUED COMPLETE		07/05/1996	CHANGES IN HOURLY PROD RATES	WEST ORANGE	ORANGE	RN100
23	22508	CONSTOPPMT	42010	REVISION	BAYER CORPORATION	03/04/1996	KKIND	ISSUED DENIED		03/15/1996	SLURRY SURGE TANK	WEST ORANGE	ORANGE	RN100
24	22508	CONSTOPPMT	40902	AMEND	BAYER CORPORATION	01/10/1996	DPOPPA	ISSUED COMPLETE		01/12/1996	REPLACE SLURRY SURGE TANK	WEST ORANGE	ORANGE	RN100
25	22508	CONSTRUCT	33639	REVISION	MILES INC	01/31/1995	KKIND	ISSUED WITHDRAWN		03/14/1995		WEST ORANGE	ORANGE	RN100
26	22508	CONSTOPPMT	30813	REVISION	MILES INC	09/27/1994	JGOTT	ISSUED COMPLETE		11/09/1994	DELETE NSPS SUBPART VV APPL	WEST ORANGE	ORANGE	RN100
27	22508	CONSTOPPMT	30374	REVISION	MILES INC	09/22/1994	JGOTT	ISSUED COMPLETE		11/09/1994	MODIFY TESTING REQ.	WEST ORANGE	ORANGE	RN100
28	22508	CONSTRUCT	30167	REQLTR	MILES INC.	09/12/1994	JGOTT	ISSUED COMPLETE		09/19/1994	SYNTHETIC RUBBER MANUFACTURING	WEST ORANGE	ORANGE	RN100
29	22508	CONSTOPPMT	29273	REVISION	MILES INC	07/28/1994	JGOTT	ISSUED WITHDRAWN		09/27/1994	MODIFY SPECIAL PROVISION 2	WEST ORANGE	ORANGE	RN100
30	22508	CONSTRUCT	21802	INITIAL	MILES INCORPORATED	04/22/1993	MAGARZA	ISSUED COMPLETE		10/06/1993	LBR SOLVENT CHANGE UNIT	WEST ORANGE	ORANGE	RN100

**SB 1126 ALTERATION
TECHNICAL REVIEW**

Permit No: 22508
 Project Type: SB 1126
 Permit Expires: 10/13/03
 Record No: 4367L
 Account No: OC-0004-P

Company: Bayer
 Facility Name: Lithium Butadiene Rubber (LiBR) Unit
 City: Orange
 County: Orange

AUTHORIZATION CHECKLIST (any "Yes" requires signature by Executive Director):

Will a new policy/precedent be established? **No**
 Was at least one public hearing request received? **No**
 If yes, was/were all the request(s) withdrawn? **No**
 Is a state or local official opposed to the permit? **No**
 If yes, please provide name and title of official.
 Is waste or tire derived fuel involved? **No**
 Are waste management facilities involved? **No**

PROJECT OVERVIEW

Bayer of Orange County applied for a SB 1126 alteration on May 20, 1996. Bayer is requesting an increase in hourly production rates from 13000 lbs/hr to 14250 lbs/hr and an increase in annual production from 74.9 million pounds to 110.5 million pounds. The modifications which were authorized under permit amendment 22508 and Standard Exemption 118 (registration number 29624) have resulted in better VOC stripping efficiencies than were originally estimated, thereby making it possible to run at higher operating rates without exceeding the current permit level of emissions.

The air contaminants that will be affected are hexane isomers (solvent for LiBR) and 1,3-butadiene. The calculated emissions from these vents are based on actual stack testing data in the current LiBR solvent system.

EPN	Permit		1995 Actual		Proposed Emissions	
	Lbs/Hr	Ton/Yr	Lbs/Hr	Ton/Yr	Lbs/Hr	Ton/Yr
33324-2V	9.66	27.84	6.48	20.89	3.23	12.5
F-ScreenV	1.30	3.75	1.02	3.28	0.46	1.77
F-CycloneV	3.12	8.99	2.75	8.88	2.08	8.08
F-Dry	13.49	38.89	12.06	38.89	8.07	31.3
Strainer SV	1.53	2.53	1.53	1.19	1.53	2.05
Waste Water	33.58	100.9	2.28	7.36	2.28	8.85

REQUEST FOR COMMENTS

REGION:10 OK

Reviewed by: Anthony McLaughlin

Katy Hauer 7/2/96 Kimberly Hasselmark 07/02/96
 Permit Engineer Date Team Leader/Section Manager/Backup Date

**PERMIT AMENDMENT/PERMIT
SOURCE ANALYSIS & TECHNICAL REVIEW**

Permit No: 22508, 34948, P874 Record No: 45957, 49780, 48954 Account No: **OC-0004-P**
 Project Type: CAMD, CRVW Company: **Bayer Corporation** County: **Orange**
 Permit Expires: 10/13/03 Facility Name: **Lithium Butadiene Rubber Unit** City: **Orange**

AUTHORIZATION CHECKLIST (any "Yes" requires signature by Executive Director):

Will a new policy/precedent be established? **No**
 Was at least one public hearing request received? **No**
 If yes, was/were all the request(s) withdrawn? **N/A**
 Is a state or local official opposed to the permit? **No**
 If yes, please provide name and title of official. **N/A**
 Is waste or tire derived fuel involved? **No**
 Are waste management facilities involved? **No**

PROJECT OVERVIEW

Bayer is proposing to modify their existing LIBR (butadiene rubber produced using a lithium catalyst) line and adding a new finishing line. This will allow for an increase in rubber production and a new product, styrene-butadiene copolymer. Bayer identified a need for a new boiler to support the expansion (plans to purchase steam had fallen through) in late February just prior to approving the amendment, which resulted in the need for a PSD permit for CO and NOx. They requested that the boiler be placed in a separate permit (34948) but both state permits are part of the same federal permit (P874) because there was also an increase in CO and NOx from the flare in state permit 22508.

Bayer also came in with additional changes to the permit amendment request in early March. Most of the changes were made but 2 (allowing for a second catalyst and adding ammonia as a possible coolant) will be put in a separate amendment request because the review for each of these could not be adequately performed while ensuring that the permit actions would be approved by May (per Bayer's request) and that the amendment action would not go backlog.

Standard exemption 29624 (allowed for an increase in production through exemptions 106 and 118) will be incorporated into permit 22508 with this amendment. This exemption allowed increased emissions at EPNs 33324-2V, F-SCREENV, F-CYCLONEV, F-DRYV, LBRFUG-4, and LBRFUG-5.

REGULATION VI RULES

PUBLIC NOTICE INFORMATION

116.130-137 Was public notification required? **yes**
 If no, give reason:
 A. Date application received: **8/30/96** Date application complete: **3/11/97**
 B. Preliminary determination **approve/issue**
 C. Public notice mailed: **11/6/96**
 D. Pollutants: **particulate matter, nitrogen oxides, ammonia, and carbon compounds including (but not limited to) hexane, butadiene, styrene, and carbon monoxide.**
 E. Published: **12/10/96 & 12/11/96 in Orange Leader - original**
 3/14/97 & 3/15/97 in Orange Leader - PSD & 34948
 F. Bilingual public notification required? **no**
 Language:
 Published: & in

- G. No. of public comments? . . . 0 Technical Issues? 0
 - Meeting requested? . . . no Meeting held? no
 - Hearing requested? . . . no Hearing held? no
- Comments:
- H. Certification of sign posting according to 116.133? yes
- I. Final action: Letters enclosed? n/a

EMISSION CONTROLS

- 116.111(3) Will the facility utilize BACT? yes
- 116.111(6) Is the facility expected to perform as represented in the application? yes
- 116.140 Permit Fee: \$75,000.00 Fee certification provided? yes

SAMPLING AND TESTING

- 116.111(1) Are the emissions expected to comply with all TNRCC air quality rules and regulations, and the intent of the Texas Clean Air Act? yes
- 116.111(2) Will emissions be measured? yes
 - Method: **by stack sampling and calculation**

FEDERAL PROGRAM APPLICABILITY

- 116.111(4) Compliance with applicable NSPS expected? yes
 - Subparts A, Db & Kb
- 116.111(5) Compliance with applicable NESHAPS expected? n/a
- 116.111(7) Is nonattainment review required? no
 - A. Is the facility located in a nonattainment area? yes
 - If no, skip to 116.111(8). If yes, continue.
 - B. Federal major source for nonattainment pollutant? yes
 - C. Federal major modification for nonattainment pollutant? no
 - 1. Did project emission increases for nonattainment pollutant minus the two-year average actual emissions trigger netting? yes
 - If yes, attach Table 1N & 9N.
 - If no, explain:
 - 2. Is contemporaneous increase of nonattainment pollutant significant? no
 - If yes, nonattainment review is required.
- 116.111(8) Is PSD applicable? yes
 - A. Is facility a federal major source (100/250 tons/yr)? yes
 - B. Is the project a federal major modification? **yes, for NOx and CO**
 - 1. Did project emission increases, without decreases, for pollutant of concern, minus the two-year average actual emissions trigger netting? **yes, for NOx and CO**
 - 2. Was contemporaneous increase significant? **yes, for NOx and CO**
 - 3. Change excluded by 40 CFR 52.21(b)(2)(iii)? no
 - If yes to B.2 or B.3 above, explain:

REQUEST FOR COMMENTS

REGION 10: 3/7/97	Reviewed by: Mike Freer by phone
TARA: 3/11/97	Reviewed by: Mike Honeycutt
COMP: 9/25/96	Reviewed by: Tel Croston

REVIEW SUMMARY

PROCESS DESCRIPTION

The monomers, butadiene and styrene (if copolymer is to be produced), are polymerized in a hexane solvent to yield a rubber cement. Water is added to coagulate the rubber and form a rubber-water slurry referred to as crumb. Any unreacted solvent is steam stripped and recovered; the rubber crumb is dewatered, dried, and packaged. The steps in the process after the addition of water can take place in finishing line F or G, which are functionally equivalent. The boiler will supply steam for the process.

SOURCES, CONTROLS AND BACT

The amendment will impact all emission points and these are discussed below:

storage tanks - are vented to the flare for control with the exception of the butyllithium tank. The butyllithium tank is a pressure tank which stores butyllithium in a hexane solution. The butyllithium pressure is negligible (<0.001 mm Hg) and the hexane vapor pressure is 4.4 psia. The tank may vent to the butyllithium relief header when filled but these emissions are 0.3 TPY.

flare - it is used to control most tank emissions and the noncondensable process vents upstream of the finishing section of the process. It will meet thermal and flow requirements of 40 CFR 60.18. These emissions have increased significantly because a light vent stream must be routed to the flare when producing the styrene rubber (recycled when only butadiene rubber is made). It was previously shown as EUO but that designation was incorrect.

fugitives - All components (including those <2") will be monitored with a 28VHP program. All pumps will have double seals by 3/99. All new relief valves are routed to the flare.

wastewater - a steam stripper will be used to control VOC in wastewater. Permit to require weekly sampling.

cooling water - will be sampled monthly. They have requested the same permit condition they have in permit 9794.

process vents - emissions from the finishing lines (include slurry tanks) are controlled by steam stripping the polymer crumb performed upstream of the vents. These emissions are decreased 16% from the previously approved levels (permit issued in 1993) and are comparable to those from similar units in the state. Bayer costed additional stripping and after control last year for a similar process (butadiene rubber facility in permit 9794) and found the control cost to be in excess of \$10,000/ton. These emissions, in terms of lb/MMlb product are estimated to be higher than those shown in an 1126 registration claimed earlier this year but this is due in part to the additional production from the facility, as monomer recovery would be expected to suffer as production is increased.

These vents have been combined and will exit one stack. This was done as part of Bayer's last submittal and will also facilitate stack sampling.

Particulate emissions are <0.01 grain/scf.

These emissions will be measured by annual VOC stack testing. The permit allows for sampling the crumb and performing a vent space test to determine the VOC emissions per pound of product after the initial stack test should Bayer desire.

The boiler permit includes a 246 Btu/hr natural gas fired boiler. It will have NOx emissions <0.06 lb/MMBtu and a CO concentration in the exhaust <100 ppmv. A CEMS is required for NOx. The natural gas supply will be sampled and the unit stack tested for NOx and CO.

The above controls are BACT. The emissions are summarized below (in TPY VOC unless noted):

emission points	amended/new MAERT	previous MAERT
storage tanks	0.6	0
flare - VOC NOx CO	30.2 1.9 9.9	EUO
fugitive	47	57.9
wastewater	2.6	not shown
cooling water	3.4	in permit 9794
process vents - VOC PM	238.0 11.5	80.2 2.0
boiler - CO NOx PM SO2 VOC	97.3 64.8 5.4 7.7 1.5	n/a

IMPACTS EVALUATION

1. Was modeling done? **yes** Type? **screen**
2. Will GLC of any air contaminant cause violation of NAAQS? **no**
3. Is this a sensitive location with respect to nuisance? **no**
4. Is the site within 3000 feet of any school? **no**
5. Toxics Evaluation: **see attached flow sheet**

Summary: hexane - screen modeled site emissions and approved by TARA
 styrene and other C6's passed ratio test
 butadiene and other C4 - net increase in emissions < 10% of ESL, cumulative 1%

COMPLIANCE HISTORY

1. Was a NOV issued for construction without a permit? **no**
2. Was the NOV resolved by issuance of permit? **n/a**

MISCELLANEOUS

1. Is applicant in agreement with special conditions? **yes**
 Company representative? **Starla Eiselstein**
 Contacted via? **phone, comments incorporated.**
 Date of contact? **3/1/97**
2. Did the franchise tax verify the applicant to be in good standing? **yes**
 verified per comptroller on 3/10/97
3. Emissions reductions resulting from the application of BACT required by state rules, avoidance of potential impacts problems, and voluntary reductions.

The following are VOC reductions were required by BACT review of the proposed changes (this process is not covered by Reg 5):

fugitives (some voluntary - <2" components)	79
vents (steam scrubbers already in place)	0
cooling water	28
wastewater	<u>48</u>
	155 TPY

These reductions may be required by upcoming federal regulation (MACT/HON) and are also needed to net out of nonattainment review.

NOx reductions based on any new boiler meeting at least 0.12 lb NOx/MMBtu. Then reductions are 64.8 TPY. *Difference between 0.12 & 0.06 lb NOx/MMBtu = Reduction*

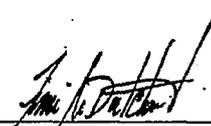
4. Notify Paul Henry (PHENRY) if any criteria pollutant emission levels were previously underestimated **n/a, not significant**



 Permit Engineer

4/26/97

 Date



 Team Leader/Section Manager/Backup

4.29.97

 Date

**PERMIT AMENDMENT
SOURCE ANALYSIS & TECHNICAL REVIEW**

Permit No: 22508/PSD-TX-874 Record No: 50225/50403 Account No: **OC-0004-P**
 Project Type: CAMD/PAMD Company: Bayer Corporation County: **Orange**
 Permit Expires: 10/13/03 Facility Name: Lithium Butadiene Rubber Unit City: **Orange**

AUTHORIZATION CHECKLIST (any "Yes" requires signature by Executive Director):

Will a new policy/precedent be established? **No**
 Was at least one public hearing request received? **No**
 If yes, was/were all the request(s) withdrawn? **N/A**
 Is a state or local official opposed to the permit? **No**
 If yes, please provide name and title of official. **N/A**
 Is waste or tire derived fuel involved? **No**
 Are waste management facilities involved? **No**

PROJECT OVERVIEW

Bayer is proposing to modify their existing LIBR (butadiene rubber produced using a lithium catalyst) process to allow for the use of another catalyst and the use of anhydrous ammonia for cooling (rather than ethylene glycol). This amendment will incorporate changes to the major PSD amendment recently approved. These changes do not affect the PSD pollutants - NOx and CO.

REGULATION VI RULES

PUBLIC NOTICE INFORMATION

116.130-137 Was public notification required? **no**
 If no, give reason: **emission increase < 25 TPY**
 A. Date application received: **3/21/97** Date application complete: **4/7/97**
 B. Preliminary determination **approve**
 C. Public notice mailed:
 D. Pollutants:
 E. Published:
 F. Bilingual public notification required?
 Language:
 Published: & in
 G. No. of public comments? . . . Technical Issues?
 Meeting requested? . . . Meeting held?
 Hearing requested? . . . Hearing held?
 Comments:
 H. Certification of sign posting according to 116.133?
 I. Final action: Letters enclosed? **n/a**

EMISSION CONTROLS

116.111(3) Will the facility utilize BACT? **yes**
 116.111(6) Is the facility expected to perform as represented in the application? **yes**
 116.140 Permit Fee: **\$450.00** Fee certification provided? **yes**

SAMPLING AND TESTING

116.111(1) Are the emissions expected to comply with all TNRCC air quality rules and regulations, and the intent of the Texas Clean Air Act? **yes**
 116.111(2) Will emissions be measured? **yes**
 Method: **by stack sampling and calculation**

FEDERAL PROGRAM APPLICABILITY

- 116.111(4) Compliance with applicable NSPS expected? **yes**
 Subparts A & Kb
- 116.111(5) Compliance with applicable NESHAPS expected? **n/a**
- 116.111(7) Is nonattainment review required? **no**
 - A. Is the facility located in a nonattainment area? **yes**
 If no, skip to 116.111(8). If yes, continue.
 - B. Federal major source for nonattainment pollutant? **yes**
 - C. Federal major modification for nonattainment pollutant? **no**
 - 1. Did project emission increases for nonattainment pollutant minus the two-year average actual emissions trigger netting? **no**
 If yes, attach Table 1N & 9N. Netting was performed for previous amendment. These changes do not affect NNSR applicability
 If no, explain:
 - 2. Is contemporaneous increase of nonattainment pollutant significant? **no**
 If yes, nonattainment review is required.
- 116.111(8) Is PSD applicable? **no**
 - A. Is facility a federal major source (100/250 tons/yr)? **yes**
 - B. Is the project a federal major modification? **no**
 - 1. Did project emission increases, without decreases, for pollutant of concern, minus the two-year average actual emissions trigger netting? **no**
 - 2. Was contemporaneous increase significant? **n/a**
 - 3. Change excluded by 40 CFR 52.21(b)(2)(iii)? **n/a**
 If yes to B.2 or B.3 above, explain:

REQUEST FOR COMMENTS

REGION 10: 4/9/97	Reviewed by: Mike Freer
TARA: 11/22/96	Reviewed by: Mike Honeycutt
COMP: 9/25/96	Reviewed by: Tel Croston

REVIEW SUMMARY

PROCESS DESCRIPTION

The monomers, butadiene and styrene (if copolymer is to be produced), are polymerized in a hexane solvent to yield a rubber cement. Water is added to coagulate the rubber and form a rubber-water slurry referred to as crumb. Any unreacted solvent is steam stripped and recovered; the rubber crumb is dewatered, dried, and packaged. The steps in the process after the addition of water can take place in finishing line F or G, which are functionally equivalent.

SOURCES, CONTROLS AND BACT

The amendment will impact all emission points discussed below:

storage tank - a small (<20,000 gal) pressure tank will be added to store the new catalyst. Emissions of the hexane solvent will occur only when filling the tank (through the DEAC relief header emission point). Emissions from this tank can not occur at the same time as

emissions from the butyllithium knockout pot. The emissions from the butyllithium knockout pot have been corrected (lowered) from those shown in the last permit amendment.

fugitives - All components containing ammonia will be monitored with an AVO program.

process vents - there will be no change in emissions from these vents because the new catalyst is not expected to affect the residual VOC in the crumb rubber (these emission points were reviewed for BACT in the amendment processed less than a week ago). The permit now requires stack sampling when the new catalyst is used to verify these emissions.

Ammonia (anhydrous) may be used as a refrigerant for the process (not produced at the site - the only emissions are fugitive). A quantity of 10,000 pounds could be used in the system which is interlocked and has a system design pressure such no large releases are possible during operations. There are other, similar units at the site which have had no releases during a 30 year operating history. This system will meet the appropriate ASME, ANSI, and company refrigeration construction codes and will be inspected under the Bayer Orange site process safety plan (in addition to the fugitive monitoring inspections). It is located in a no traffic area and any overhead lifting requires a critical lift plan and safety review. Bayer is a member of the local emergency planning commission and the unit is located 1500 feet from the nearest residence (about 1 mile to the nearest concentrated residential area).

The above controls are BACT. The net increase in emissions from the unit are summarized below:

emission points	TPY
storage tanks - VOC	0.2
fugitive - NH3	0.3

IMPACTS EVALUATION

1. Was modeling done? **yes** Type? **screen**
2. Will GLC of any air contaminant cause violation of NAAQS? **no**
3. Is this a sensitive location with respect to nuisance? **no**
4. Is the site within 3000 feet of any school? **no**
5. Toxics Evaluation: **see attached flow sheet**

Summary: hexane - screen modeled site emissions and approved by TARA
 ammonia - net increase in emissions screen modeled < 10% of ESL,
 cumulative - 15%

COMPLIANCE HISTORY

1. Was a NOV issued for construction without a permit? **no**
2. Was the NOV resolved by issuance of permit? **n/a**

MISCELLANEOUS

1. Is applicant in agreement with special conditions? **yes**
Company representative? **C. Child**
Contacted via? final by fax, comment incorporated
Date of contact? **4/7/97**
2. Did the franchise tax verify the applicant to be in good standing? **n/a**
3. Emissions reductions resulting from the application of BACT required by state rules, avoidance of potential impacts problems, and voluntary reductions. **none**
4. Notify Paul Henry (PHENRY) if any criteria pollutant emission levels were previously underestimated **n/a**

[Signature]
Permit Engineer

4/25/97
Date

[Signature]
Team Leader/Section Manager/Backup

4.25.97
Date

PERMIT ALTERATION
SOURCE ANALYSIS & TECHNICAL REVIEW

Permit No: 22508 Record No: 51843 Account No: **OC-0004-P**
Project Type: RRVN Company: **Bayer Corporation** County: **Orange**
Permit Expires: 10/13/03 Facility Name: **LIBR UNIT COOLING TOWER** City: **Orange**

AUTHORIZATION CHECKLIST (any "Yes" requires signature by Executive Director):

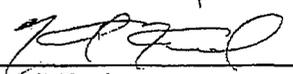
Will a new policy/precedent be established? **No**
Was at least one public hearing request received? **No**
If yes, was/were all the request(s) withdrawn? **N/A**
Is a state or local official opposed to the permit? **No**
If yes, please provide name and title of official. **N/A**
Is waste or tire derived fuel involved? **No**
Are waste management facilities involved? **No**

REQUEST FOR COMMENTS

REGION 10: 6/19/97 Reviewed by: **Mike Freer**

REVIEW SUMMARY

Bayer identified a need for an additional cooling tower fan to provide for more flexibility at the unit. They requested that the number of cooling tower fans represented be changed from 2 to 3 and that the cooling tower be shown on the MAERT as one EPN rather than be split up by each fan. This is consistent with current practice where the whole cooling tower is shown as the emission point. The number of fans on a cooling tower is not usually represented in permit applications because emissions are assumed to only be a function of the cooling water flow rate (which will not change in this case). The action will result in cooling water emissions shown in a manner consistent with other TNRCC permits and does not change the actual or allowable emissions from the unit.



Permit Engineer

6/23/97

Date



Team Leader/Section Manager/Backup

6.23.97

Date

**PERMIT AMENDMENT
SOURCE ANALYSIS & TECHNICAL REVIEW**

Permit No: 22508
Project Type: CRVN
Permit Expires: 10/13/03

Record No: 53582
Company: Bayer Corporation
Facility Name: LIBR Unit

Account No: OC-0004-P
County: Orange
City: Orange

AUTHORIZATION CHECKLIST (any "Yes" requires signature by Executive Director):

Will a new policy/precedent be established? **No**
Was at least one public hearing request received? **No**
If yes, was/were all the request(s) withdrawn? **N/A**
Is a state or local official opposed to the permit? **No**
If yes, please provide name and title of official. **N/A**
Is waste or tire derived fuel involved? **No**
Are waste management facilities involved? **No**

PROJECT OVERVIEW

Bayer submitted an alteration request to better define the plant operating conditions during construction of an additional production line to this permit. A permit amendment was required because they had not previously defined BACT for wastewater emissions after production had been increased at the existing line but prior to operation of the new line. Permit conditions were revised to clarify stack sampling requirements with just one line and BACT reviewed for wastewater emissions from one line. Emission point 35398-V was added to the MAERT because it had been inadvertently dropped during the last amendment action.

REGULATION VI RULES

PUBLIC NOTICE INFORMATION

116.130-137 Was public notification required? **no**
If no, give reason: **emission increase < 25 TPY**
A. Date application received: 9/3/97 Date application complete: 11/5/97
B. Preliminary determination **approve**
C. Public notice mailed:
D. Pollutants:
E. Published: & in
F. Bilingual public notification required?
Language:
Published: & in
G. No. of public comments? .. Technical Issues?
Meeting requested? ... Meeting held?
Hearing requested? ... Hearing held?
Comments:
H. Certification of sign posting according to 116.133?
I. Final action: Letters enclosed?

EMISSION CONTROLS

116.111(3) Will the facility utilize BACT? **yes**
116.111(6) Is the facility expected to perform as represented in the application? **yes**
116.140 Permit Fee: \$450.00 Fee certification provided? **yes**

SAMPLING AND TESTING

116.111(1) Are the emissions expected to comply with all TNRCC air quality rules and regulations, and the intent of the Texas Clean Air Act? **yes**

116.111(2) Will emissions be measured? **yes**
Method: **sampling and calculation**
Comments:

FEDERAL PROGRAM APPLICABILITY

- 116.111(4) Compliance with applicable NSPS expected? **n/a**
- 116.111(5) Compliance with applicable NESHAPS expected? **n/a**
- 116.111(7) Is nonattainment review required? **no**
 - A. Is the facility located in a nonattainment area? **yes**
If no, skip to 116.111(8). If yes, continue.
 - B. Federal major source for nonattainment pollutant? **yes**
 - C. Federal major modification for nonattainment pollutant?
 - 1. Did project emission increases for nonattainment pollutant minus the two-year average actual emissions trigger netting? : **reviewed for previous amendment**
If yes, attach Table 1N & 9N.
If no, explain:
 - 2. Is contemporaneous increase of nonattainment pollutant significant? **n/a**
If yes, nonattainment review is required.
- 116.111(8) Is PSD applicable? **no**
 - A. Is facility a federal major source (100/250 tons/yr)? **yes**
 - B. Is the project a federal major modification? **no**
 - 1. Did project emission increases, without decreases, minus the two-year average actual emissions trigger netting? **reviewed for previous amendment**
This action only identifies an interim operating condition in place until the final modification has been completed.
 - 2. Was contemporaneous increase significant? **n/a**
 - 3. Change excluded by 40 CFR 52.21(b)(2)(iii)? **n/a**
If yes to B.2 or B.3 above, explain:

REQUEST FOR COMMENTS

REGION 10: **10/21/97** Reviewed by: **D. Van Pelt**
COMP: **7/30/97** Reviewed by: **T. Croston**

REVIEW SUMMARY

PROCESS DESCRIPTION

The monomers, butadiene and styrene (if copolymer is to be produced), are polymerized in a hexane solvent to yield a rubber cement. Water is added to coagulate the rubber and form a rubber-water slurry referred to as crumb. Any unreacted solvent is steam stripped and recovered; the rubber crumb is dewatered, dried, and packaged. The steps in the process after the addition of water can take place in finishing line F or G, which are functionally equivalent.

SOURCES, CONTROLS AND BACT

The only emission points affected by the permit amendment are F finishing line (EPNs F-DRYV, F-CYCLONEV, F-SCREENV, and 33324-2V) and wastewater (EPN L-WWV). There is no change to approved emissions from the finishing line but the MAERT and permit conditions have been revised to show operations with only the increase in production from F-line (rather than only F and G combined). Operation with only F

line is expected for the next 2 years while G line is constructed. After G line is completed, all emissions will be through 1 emission point, G-STACK. Annual sampling is still required.

The wastewater emissions had not been shown in the permit prior to the last amendment. A wastewater stripper is to be installed as part of the construction approved in the last permit amendment. BACT had not been reviewed for operation with only the increase in emissions from F line. Bayer proposed an emission estimate for wastewater that was less than their previous actual emissions and agreed to move up the wastewater stripper operation date to June 30, 1997 (about a year before G line will be operating). This is a reasonable proposal and allows for lower wastewater emissions than would have been allowed under the current permit.

Tank 35398 is a small fixed roof tank.

The above controls are BACT. The allowable wastewater emissions between now and 6/30/98 are 23 TPY.

IMPACTS EVALUATION

- 1. Was modeling done? **no**
- 2. Will GLC of any air contaminant cause violation of NAAQS? **no**
- 3. Is this a sensitive location with respect to nuisance? **no**
- 4. Is the site within 3000 feet of any school? **no**
- 5. Toxics Evaluation: **satisfactory, see attached**

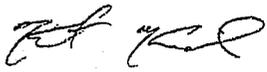
Summary - wastewater actual emissions decrease, lower total site emissions than reviewed in last permit amendment

COMPLIANCE HISTORY

- 1. Was a NOV issued for construction without a permit? **no**
- 2. Was the NOV resolved by issuance of permit? **n/a**

MISCELLANEOUS

- 1. Is applicant in agreement with special conditions? **yes**
 Company representative? **S. Eiselstein**
 Contacted via? **letter**
 Date of contact? **11/5/97**
- 2. Did the franchise tax verify the applicant to be in good standing? **n/a**
- 3. Emissions reductions resulting from the application of BACT required by state rules, avoidance of potential impacts problems, and voluntary reductions **n/a**
- 4. Notify Paul Henry if any criteria pollutant emission levels were previously underestimated .. **n/a**



Permit Engineer

6/12/97
Date



Team Leader/Section Manager/Backup

11/17/97
Date

PERMIT ALTERATION
SOURCE ANALYSIS & TECHNICAL REVIEW

Permit No: 22508/PSD-TX-874 Record No: 55676 Account No: OC-0004-P
Project Type: CRVN Company: Bayer Corporation County: Orange
Permit Expires: 10/13/03 Facility Name: LIBR Unit City: Orange

AUTHORIZATION CHECKLIST (any "Yes" requires signature by Executive Director):

Will a new policy/precedent be established?	No
Was at least one public hearing request received?	No
If yes, was/were all the request(s) withdrawn?	N/A
Is a state or local official opposed to the permit?	No
If yes, please provide name and title of official.	N/A
Is waste or tire derived fuel involved?	No
Are waste management facilities involved?	No

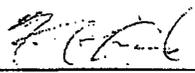
REQUEST FOR COMMENTS

REGION 10: 12/17/97 Reviewed by: D. VanPelt by phone

REVIEW SUMMARY

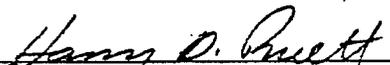
Bayer requested that the recordkeeping requirements for hourly production be clarified in permits 22508 and 9794/PSD-TX-874. The regional inspector had noted that they track hourly production by counting the number of bales of rubber produced over a 12 hour period and divide by 12 to get the hourly production. Although the process does not change over the 12 hour period (as measured by parameters such as reactant inputs), the resulting hourly production is an average, not the actual rate over a given hour. Tracking production over each hour would add to the recordkeeping burden and also lead to some inaccuracies as the rubber is produced in discrete bales and the number can vary from hour to hour.

Special Condition 3 has been revised to allow this method of routine recordkeeping to show compliance with the hourly production limit. There will be no change in actual operations or emissions from the unit. Bayer agreed to the draft condition (S. Eiselstein by phone on 12/17/97).



Permit Engineer

12/20/97
Date



Team Leader/Section Manager/Backup

12-30-97
Date

SB 1126 NOTIFICATION
SOURCE ANALYSIS & TECHNICAL REVIEW

Permit No: 22508
Project Type: SB26
Permit Expires: 10/13/03

Record No: 55952
Company: Bayer Corporation
Facility Name: LIBR Unit

Account No: OC-0004-P
County: Orange
City: Orange

AUTHORIZATION CHECKLIST (any "Yes" requires signature by Executive Director):

Will a new policy/precedent be established?	No
Was at least one public hearing request received?	No
If yes, was/were all the request(s) withdrawn?	N/A
Is a state or local official opposed to the permit?	No
If yes, please provide name and title of official.	N/A
Is waste or tire derived fuel involved?	No
Are waste management facilities involved?	No

REVIEW SUMMARY

Bayer sampled their LiBR finishing stacks in early December and found that the slurry tank emission point emitted VOC at greater than the allowable rate while the other 3 emission points emitted less than their allowable rates. They have claimed authorization under SB 1126 for the increased emissions from the slurry tank and submitted the required post change notification.

These emission points were reviewed for BACT earlier this year and emit the same VOCs from the same process line (VOC from rubber finishing). The points are essentially equidistant from the nearest property line (1350 to 1361 feet) so there is not a concern with the impacts test. Bayer will lower the allowable emissions from 3 points by 15 TPY (3.75 lb/hr) and increase that for the slurry tank by the same amount.

These emission points will ultimately be combined into one stack (required by current permit) so the permit will ultimately prevent this type of change with each annual stack sampling on the finishing line. The change is not subject to federal review because it is only a correction of the preconstruction emission estimates and does not result in a net change in emissions or a new process modification.



Permit Engineer

1/7/98

Date



Team Leader/Section Manager/Backup

1.7.98

Date

PERMIT ALTERATION
SOURCE ANALYSIS & TECHNICAL REVIEW

Permit No: 22508/PSD-TX-874 Record No: 58383 Account No: **OC-0004-P**
Project Type: CRVN Company: **Bayer Corporation** County: **Orange**
Permit Expires: **10/13/03** Facility Name: **LIBR Unit** City: **Orange**

AUTHORIZATION CHECKLIST (any "Yes" requires signature by Executive Director):

Will a new policy/precedent be established?	No
Was at least one public hearing request received?	No
If yes, was/were all the request(s) withdrawn?	N/A
Is a state or local official opposed to the permit?	No
If yes, please provide name and title of official.	N/A
Is waste or tire derived fuel involved?	No
Are waste management facilities involved?	No

REQUEST FOR COMMENTS

REGION 10: **5/8/98** Reviewed by: **J. Boothe**

REVIEW SUMMARY

Bayer requested that the wastewater stripper installation date be moved back from June 30 to October due to construction delays at the LIBR unit. They have agreed that the stripper should be on line prior to any operation of the new G-line at the unit (this construction triggered the wastewater review that prompted the need for the stripper). Notes 9 and 10 to the MAERT have been revised to incorporate this change.



Permit Engineer

5/14/98
Date



Team Leader/Section Manager/Backup

5.14.98
Date

S. B. 1126 Notification
SOURCE ANALYSIS & TECHNICAL REVIEW

Permit No: 22508
Project Type: SB26
Record No: 65169
Account No: OC-0004-P

Company: **Bayer Corporation**
Facility Name: **Lithium Butadiene Rubber (LiBR) Unit**
City: **Orange**
County: **Orange**

AUTHORIZATION CHECKLIST (any "Yes" requires signature by Executive Director):

- | | |
|-----------------------------------------------------|-----------|
| Will a new policy/precedent be established? | No |
| Was at least one public hearing request received? | No |
| If yes, was/were all the request(s) withdrawn? | |
| Is a state or local official opposed to the permit? | No |
| If yes, please provide name and title of official. | |
| Is waste or tire derived fuel involved? | No |
| Are waste management facilities involved? | No |

REVIEW SUMMARY

PROJECT OVERVIEW

Bayer Corporation submitted an application as a pre-change notification to the company's LiBR Unit. The company proposes the following changes:

1. The maximum production rate on G-Line will increase from 16,500 lbs/hr to 22,500 lbs/hr in March, 1999. Process capacity at the unit will allow this production increase. There are no net increase in emissions.
2. Bayer will shutdown the F-Line in April, 1999 to repair front-end processing equipment. A permanent change will be made to route all the process emissions (EPNs F-DRY, F-CYCLONE, F-SREEN, and 33324V) associated with the F-Line to the G-Line emission point (EPN G-STACK). The four F-Line emission points will be removed from the permit.
3. In July or August Bayer will restart the F-Line. After the modification, the total production capacity of the unit will be 40,000 lbs/hr. The production rates in the F- & G-Lines could be varied to achieve this maximum capacity. Therefore, the production limits of 16,500 lbs/hr for F- and G-Lines each in the existing permit need to be changed to 40,000 lbs/hr of combined production.

These emission points were reviewed for BACT in 1998 and emit the same VOCs. Impact evaluation is not necessary because the F-STACK and G-STACK are essentially equidistant from the nearest property line. Upstream and downstream of G-Line will have enough capacity to accommodate the production increase. The existing pipeline from F-Line to G-Line will have a slight negative pressure on the overhead system to keep fugitive emissions to a minimum. Netting analysis was done and the contemporaneous period ranges from 11/15/92 through July, 1999. The net contemporaneous change is determined on a unit-by-unit, emission point-by-emission point basis for all units at the Orange facility which have undergone a physical change or change in the method of operation during the contemporaneous period. The net emissions are calculated by adding the allowable and subtracting the pre-change actual emissions averaged over a two-year period prior to the modification. The proposed change does not trigger netting.

New Source Analysis & Technical Review

Permit No. 21053

Account No. BL-0369-R

MISCELLANEOUS

- 1. Is applicant in agreement with special conditions? Yes
 Company representative? **Arun Gokhale**
 Contacted via? **Phone/Fax**
 Date of contact? **5/10/99**
- 2. Did the franchise tax verify the applicant to be in good standing? N/A
- 3. Emissions reductions resulting from the application of BACT required by state rules, avoidance of potential impacts problems, and voluntary reductions N/A

	5/12/99		5.13.99
Permit Engineer	Date	Team Leader/Section Manager/Backup	Date

C:\NSR\FORMS\FM\CONSTECH.FM

Revised 02-10-97

**PERMIT ALTERATION
TECHNICAL REVIEW**

Permit No: 22508
 Project Type: CRVN
 Record No: 71636
 Account No: OC-0004-P

Company: **Bayer Corporation**
 Facility Name: **Lithium Bitadiene Rubber**
 City: **Orange**
 County: **Orange**

012-021-V

011-128-V

PROJECT OVERVIEW

In a letter received March 3, 2000 Bayer requested an alteration to the aforementioned permit. Bayer wishes to change the maximum allowable emission rates table (MAERT). This change would separate out the North Slurry Tank (EPN 33324-1V) and South Slurry Tank (33324-2V) from the vent (EPN G-STACK). This change does not authorize any emission increases of any air contaminant, any change in method of control or any change in character of emissions. Modeling was conducted and it was shown that there would be no change in impacts as a result of this change. This change is being implemented in order to correct potential safety hazards by a large accumulation of rubber in the ductwork leading from the Slurry Tanks to the G-Line Stack (EPN G-STACK). Special Condition No. 11 was also changed to reflect the stack re-routing. The MAERT was updated to reflect footnotes and EPN's that were affected by the startup of G-Line in the process.

EPN's 35395-V, 35059-V, 35398-V changed names also.

REQUEST FOR COMMENTS

REGION: 10 Reviewed by: **Brant Graham** No Objections

MISCELLANEOUS

1. Is applicant in agreement with special conditions? YES
2. Company representative? **ARUN GOKHALE**
3. Contacted via? FAX
4. Date of contact? 03/14/00
5. Other permit(s) affected by this action? N/A

[Signature] 03/24/00
 Reviewer Date
 Karen K. Hill, E.I.T.

[Signature] 3/24/00
 Team Leader/Section Manager/Backup Date
 John Barrientez, P.E.

Permit Renewal & Amendment Source Analysis & Technical Review

Company:	Lanxess Corporation	Permit No.:	<u>22508</u>
City:	Orange	Projects Nos.:	<u>100908 and 104533</u>
County:	Orange	Account No.:	OC-0004-P
Project Type:	<u>RNEW/CAMD</u>	Regulated Entity No.:	RN100825363
Project Reviewer:	Mr. Hai Truong	Customer Reference No.:	CN60266556
Facility Name:	LiBR and CoBR Units		

Authorization Checklist

Will a new policy/precedent be established? (ED signature required if yes)..... No

Is a state or local official opposed to the permit?(ED signature required if yes)..... No

If yes, please provide name and title of official:

Is waste or tire derived fuel involved? (ED signature required if yes)..... No

Are waste management facilities involved?(ED signature required if yes)No

Will action on this application be posted on the Executive Director's agenda?..... Yes

Have any changes to the application or subsequent proposals been required to increase protection of public health and the environment during the review?.....No

Project Overview

Bayer Polymers LLC (before Lanxess Corporation took over the ownership of this plant on July 1, 2004) submitted a letter dated August 29, 2003 to renew Permit No. 22508 and PSD-TX-874 for the Lithium Butadiene Rubber LiBR Unit.

Company submitted a permit amendment request letter dated February 25, 2004, proposing to combine Permit No. 9794 that was already renewed on July 17, 2003 into Permit No. 22508 and to void it after the transfer of its facilities into Permit No. 22508 is complete.

Company also requested to incorporate the following Permits by Rules and their authorized VOC fugitive emissions rates into Permit No. 22508:

1. PBR No. 43897 which was registered on 6/15/2000 for two catalyst feed cylinders and knockout pots (EPNs 010-445 V and 010-468-V) in the LiBR Unit. The authorized emission rates are 3.09 lb/hr and 0.175 TPY.
2. PBR No. 51866 which was registered on 8/9/2002 for the installation of a hexane condenser to recover and reuse it in the LiBR Unit's process. The authorized emission rates are 0.086 lb/hr and 0.379 TPY.
3. PBR No. 52530 which was registered on 10/3/2002 for the installation of a jumper line to add multiple feed locations to the B2 Reactor of the LiBR Unit. The authorized emission rates are 0.057 lb/hr and 0.249 TPY.
4. PBR No. 52580 which was registered on 10/3/2002 for the rerouting of the recycled CoBR solvent line to the reactors of the LiBR Unit. The authorized rates are 0.01 lb/hr and 0.04 TPY.
5. PBR No. 52958 which was registered on 11/17/2002 for the fugitive emissions from the rerouting of process piping at the LiBR Unit. The authorized VOC emission rates are 0.056 lb/hr and 0.249 TPY.
6. PBR No. 53818 which was registered on 1/22/2003 to replace the Mooney Viscosity adjustment Tank at the LiBR Unit with a larger tank to increase retention time for the blending in the tank. The authorized emission rates are 0.155 lb/hr and 0.678 TPY.
7. PBR No. 53819 which was registered on 1/22/2003 for the installation of a knockout pot to collect materials from seven existing styrene PSVs in the LiBR Unit. The authorized VOC fugitive emission rates are 0.254 lb/hr and 1.113 TPY.
8. PBR no. 55829 which was registered on 8/5/2003 for the addition of hexane flush lines to two pumps in the LiBR Unit. The authorized emission rates are 0.01 lb/hr and 0.0124 TPY.

The above PBRs will be voided when this permit is issued.

Under this permit amendment request, company proposes three (3) modifications that will allow greater flexibility for the LiBR Unit to produce multiple polybutadiene rubber products: lithium butadiene rubber (LiBR), neodymium butadiene rubber (NdBR), and solution styrene butadiene rubber (SSBR); and for the CoBR Unit to produce only one type of polybutadiene rubber product: cobalt butadiene rubber (CoBR). Both butadiene units have similar processes and technologies but use different solvents.

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The first modification involves installation of piping components and necessary equipment to begin producing SSBR and NdBR on both LiBR Unit's F and G reactor lines. Currently, one line is dedicated to LiBR production and the other line can be used for LiBR, NdBR or SSBR production. This modification will allow NdBR and SSBR to be produced at the same time (one on each reactor line) and will better accommodate sales demands. All products can be finished on either of the LiBR finishing lines (G-Line and F-Line).

The second modification involves installation of piping components to route the polymerized products from the CoBR Unit reactor line to one of the LiBR Unit finishing lines. The jumper will be routed to both finishing lines in the LiBR Unit to allow greater flexibility, but CoBR product will be finished on only one line at any given time. The other LiBR finishing line will continue routine production from its reactor line. This will allow company to utilize the idle finishing line of the LiBR Unit to produce a CoBR polymer that will be polymerized in the idle CoBR Unit reactor line. This crossover production was permitted on October 2000 for the using of the CoBR Unit's A finishing line in the production of SSBR to incorporate carbon black into the rubber. This process requires crossing from the LiBR Unit to the CoBR Unit after polymerization.

The third modification does not include new piping. Company requests flexibility to produce SSBR pigmented polymer on either of CoBR Unit's A and C finishing lines. This crossover production is currently permitted only on CoBR A-Line. The SSBR pigmented polymer will be produced on only one CoBR line at any given time.

The combination of the above two units with additional installation of new piping components results in increasing VOC emissions for the process area fugitives at EPN BRFUG-3 which incorporates EPN LBRFUG-4 emissions. The net VOC emissions for the contemporaneous period from November 15, 1992 through October 1, 2004 (company assumes that the modifications begin in August 2004 and normal operation will start on October 1, 2004) is -343.88 tpy. Therefore, the proposed modifications in this permit amendment application will not have a net increase in VOC emissions.

The special conditions of Permits Nos. 22508 and 9794 are combined into Permit No. 22508. The same combination has been done for their "maximum allowable emission rate" tables. In the amended and renewed MAERT, the fugitive emission rates of EPN LBRFUG-4 and EPN LBRFUG-5 are combined into EPN BRFUG-3 and EPN BRFUG-6, respectively.

Compliance History

In compliance with 30 TAC Chapter 60, a compliance history report was prepared on:..... 11/11/2004
The compliance period was from 09/01/1999 to 08/31/2004
Was an evaluation for Federal Orders conducted on this company?..... Yes
Was the application received after September 1, 2002? Yes
If yes, what was the site rating? 0.36 (Average) Company rating? 0.22 (Average)
Is the permit recommended to be denied or has the permit changed on the basis of compliance history or rating?..... No

Public Notice Information

§ 39.403 Public notification required? Yes
A. Date application received: 09/05/2003 Date Administrative Complete: 10/22/2003
B. Small Business source? No
§ 39.418 C. Date 1st Public Notice /Admin Complete/Legislators letters mailed: 10/22/2003
§ 39.603 D. Pollutants: VOC, Nox, CO, NH₃, and PM
E. Date Published: 11/19/2003 in Orange Leader
Date Affidavits/Copies received: 12/08/2003
F. Bilingual notice required? No
§ 39.604 G. Certification of Sign Posting / Application availability Yes
H. Public Comments Received? No
§ 39.419 2nd Public Notification required? No
If no, give reason: No comment received on 1st Public Notice

30 TAC Chapter 116 Rules

§ 116.315(b) Date of expiration of permit?..... 10/13/2003

Renewal/Amendment Technical Review

Permit No. 22508

Regulated Entity No. RN100825363

- § 116.310 Date written notice of review was mailed 3/31/2003
§ 116.310 Date application for Renewal (PI-1R) received?..... 09/05/2003
§116.311(a)(1) Do dockside vessel emissions associated with the facility comply with all regulations? N/A
§ 116.311(a)(2) Is the facility being operated in accordance with all requirements and representations specified in the current permit and do the emissions from the facility comply with all TCEQ air quality rules and regulations, and with the intent of the Texas Clean Air Act ?..... Yes
§ 116.311(a)(3) Compliance with applicable NSPS? Yes
Subpart A and Kb
§ 116.311(a)(4) Compliance with applicable NESHAPS? N/A
§ 116.311(a)(5) Compliance with applicable NESHAPS(MACT) for source categories?..... Yes
Subparts G and H
§ 116.311(a)(6) Compliance with applicable hazardous air pollutant requirements in §116.180 - 116.183? Yes
112(g) Review?N/A
§ 116.311(b)(1) Is additional information regarding emissions from the facility and their impacts on the surrounding area required? No
§ 116.311(b)(2) Does the facility use appropriate control technology, considering costs, age and impact of emissions? Yes
§ 116.314(a) The facility meets all permit renewal requirements? Yes
§ 116.313 Permit Renewal Fee: \$ 6,317.00 Paid? Yes

30 TAC Chapter 116 Rules - Amendment Requirements

Public Notice Information

- § 39.403 Public notification required? Yes
A. Date application received: 03/01/2004 Date Administrative Complete:..... 09/14/2004
B. Small Business source? No
§ 39.418C. Date 1st Public Notice /Admin Complete/Legislators letters mailed: 09/14/2004
§ 39.603D. Pollutants: Organic Compounds
E. Date Published: 10/01/2004 in Orange Leader
Date Affidavits/Copies received: 10/22/2004
F. Bilingual notice required? No
§ 39.604G. Certification of Sign Posting / Application availability Yes
H. Public Comments Received? No
§ 39.4192nd Public Notification required? No
If no, give reason: No comments received.

Emission Controls

- § 116.111(2)(C) Will the facility utilize BACT? Yes
§ 116.111(2)(G) Is the facility expected to perform as represented in the application? Yes
§ 116.140 Permit Fee: \$ 13,671.06 Fee certification provided?..... Yes

Sampling And Testing

- § 116.111(2)(A)(i) Are the emissions expected to comply with all TCEQ air quality Rules & Regs, and the intent of the Texas Clean Air Act?..... Yes
§ 116.111(2)(B) Will emissions be measured? Yes
Method: Through monitoring, sampling, testing, reporting and record keeping requirements.

Federal Program Applicability

- § 116.111(2)(H) Is nonattainment review required? No
A. Is the site located in a nonattainment area? Yes
B. Is the site a federal major source for a nonattainment pollutant? Yes
C. Is the project a federal major source for a nonattainment pollutant by itself?..... No
D. Is the project a federal major modification for a nonattainment pollutant? No
1. Did the project emission increases for nonattainment pollutant minus the two-year average actual emissions trigger netting? Yes

Renewal/Amendment Technical Review

Permit No. 22508

Regulated Entity No. RN100825363

If yes, attach Table 1N & 9N

- 2. Is the contemporaneous increase significant?No
- § 116.111(2)(I) Is PSD applicable? No
- A. Is the site a federal major source (100/250 tons/yr)? Yes
- B. Is the project a federal major source by itself?..... No
- C. Is the project a federal major modification? No
 - 1. Did project emission increases, without decreases, for pollutant of concern, minus the two-year average actual emissions trigger netting? No
 - 2. Was contemporaneous increase significant?..... No
 - 3. Change excluded by 40 CFR 52.21(b)(2)(iii)? No

Mass Cap and Trade Applicability

§ 116.111(a)(2)(L) Is Mass Cap and Trade applicable?No

Title V Applicability

- § 122.10(8)(A) Is facility a major source under FCAA Section 112(b)? Yes
 - A. Facility emits 10 tons or more of any single HAP?..... Yes
 - B. Facility emits 25 tons or more of a combination Yes
- § 122.10(8)(C) Does the facility emit 100 tons or more of any air Yes
- § 122.10(8)(D) Is the facility a non-attainment major source?..... Yes

Request for Comments

Region: 10

Reviewed By: Rody White - No objections

Process Description

The Lithium Butadiene Rubber (LiBR) unit produces three types of polybutadiene rubber. A Lithium catalyst is used in the production of lithium butadiene rubber (LiBR) and solution styrene butadiene rubber (SSBR) which is made from the copolymerization of butadiene and styrene for both tire grades as well as for plastic manufacturing. Neodymium butadiene rubber (NdBR) is made from the polymerizing of butadiene by a Neodymium catalyst.

The Cobalt Butadiene Rubber (CoBR) unit produces high cis-polybutadiene. This product is used primarily in the manufacture of automobile tire tread stock.

The butadiene rubber (BR) manufacturing process consists of the following operations:

1. Raw materials unloading from pipeline and storing in tanks (both unit)
2. Feedstock preparation (both unit)
3. Polymerization, cement blending, and storage (both unit)
4. Carbon black storage and preparation
5. Coagulation and solvent stripping (both unit)
6. Product finishing (both unit)
7. Solvent recovery and purification (both unit)

The above BR processes are divided into two sections: processing and finishing. Each unit has two processing and finishing lines (G-Line and F-Line for LiBR. A-Line and C-Line for CoBR). In both units, the material produced in the reactor lines can be processed on either finishing line. One of the finishing lines in the CoBR unit is primarily used for pigmented (black) rubber production by adding carbon black to the rubber. The other finishing lines produce clear rubber.

SSBR polymerized in the LiBR unit is sometimes routed to the pigmented finishing section of the CoBR unit to incorporate carbon black. During such periods, the production of clear (unpigmented) CoBR product polymerized in the CoBR unit would be processed on ones of the LiBR finishing lines. This crossover production allows all four processing sections and finishing sections to be operated during the production of pigmented SSBR.

Renewal/Amendment Technical Review

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Sources, Controls and BACT

The sources of VOC air pollutant emissions are from the following facilities:

Storage Tanks

Current BACT guidelines require additional physical controls (floating roof or closed vent system) for tanks with a nominal capacity greater than 25,000 gallons that handle compounds with a maximum true vapor pressure greater than 0.5 psia. All tanks in the LiBR and CoBR units that fall into these guidelines are routed to the flare. Other tanks that have capacity less than 25,000 gallons and handle compounds with vapor pressure less than 0.5 psia are vented to the atmosphere.

Finishing Line Vents

The finishing lines in both BR units remove residual water from the polybutadiene polymers. The quantity and type of emissions that occurs from the finishing line vents are entirely dependent upon the upstream coagulations and stripping operations. Company has focused on pollution prevention strategies that reduce emissions at the source rather than to rely upon add-on control devices such as incinerators that are not economical. The rubber crumb particle size and the coagulation and stripping temperatures are the driving forces in maximizing the solvent removal in the primary solvent recovery. Therefore, coagulation conditions, temperature, pressure, steam, and water flow are closely monitored. Furthermore, secondary and tertiary solvent removal systems are used to maximize the solvent removal. The uncondensed vapors from the coagulation and stripping and other process vents (such as reactors) are routed through the vent gas system where they are compressed, condensed, and recycled. The uncondensed vapors from the vent gas stream are finally routed to a vent gas scrubbing unit to recover additional solvent before the remaining non-condensibles, which are mostly inert gases, are vented to the flare. The residual VOC in the rubber crumb is consistent with other recent crumb rubber BACT reviews.

Fugitive Emissions

- A. Process area fugitive emissions (EPN BRFUG-3). Company proposes to incorporate the fugitive emissions of EPN LBRFUG-4 to EPN BRFUG-3 to combine the process area fugitive components.
- B. Storage area fugitive emissions (EPN BRFUG-6). Company proposes to incorporate the fugitives emissions of EPN LBRFUG-5 to BRFUG-6 to combine the storage tank area fugitive components.

The new VOC fugitive emissions from the proposed modifications will be monitored under the 28MID Leak Detection and Repair (LDAR) Program. Currently, the LiBR unit follows 28VHP and the CoBR unit follows 28MID. Company proposes that the LiBR unit shall also comply with the 28MID for the consistency in the combined units. The 28MID program without exclusion of fugitives from valves smaller than 2 inches meets BACT.

Flare

The waste gas flare (EPN Flare1) is used primarily to control emissions during process upsets and maintenance, startup and shutdown operations. The flare also combusts a small amount of waste gas on a routine basis from various process and storage tank vents. In addition, all relief valves for lines containing VOC are also routed to the flare which is a steam-assisted John Zink Model No. ST-F-S-24C and is designed for a maximum waste gas flow rate of 385,500 lb/hr. This flare is operated in accordance with all requirements specified in 40 CFR 60.18 with 98% destruction efficiency and therefore meets BACT.

Wastewater Emissions

Wastewater generated from the process is routed to a steam-stripping system that achieves a 95% or greater VOC removal efficiency. The vapors containing VOC are condensed and recycled. The water can either be recycled or sent to the sewage trench. This steam-stripping system meets BACT requirement.

Renewal/Amendment Technical Review

Permit No. 22508

Regulated Entity No. RN100825363

The net increase in VOC allowable emissions is 28 tpy, 27.6 tpy is from the incorporation of PBRs.

Impacts Evaluation

- 1. Was modeling done? Yes Type? Screen
- 2. Will GLC of any air contaminant cause violation of NAAQS?.....No
- 3. Is this a sensitive location with respect to nuisance?No
- 4. Is the site within 3000 feet of any school?.....No
- 5. Toxics Evaluation: See attached MERA.

Miscellaneous

Is applicant in agreement with special conditions?..... Yes
Company representative(s) Ms. Joyce Williams, Environmental Superintendent
Contacted via? Email and phone
Date of contact?..... 11/15 /2004
Other permit(s) affected by this action? Yes
Standard Permit No. 9794. Permits by Rules Nos. 43897, 51866, 52530, 52580, 52958, 53818, 53819, and 55829 will be incorporated and voided.

Project Reviewer	Date	Team Leader/Section Manager/Backup	Date
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07/28/2010 -----NSR IMS - PROJECT RECORD -----

PROJECT#: 73609 PERMIT#: 22508 STATUS: VOID DISP CODE: _____
 RECEIVED: 06/12/2000 PROJTYPE: SB1126 AUTHTYPE: CONSTRUCT ISSUED DT: 07/31/2000
 RENEWAL: 10/13/2003
 PROJECT ADMIN NAME: COBR/LIBR FLEX UNITS
 PROJECT TECH NAME: COBR/LIBR FLEX UNITS
 STAFF ASSIGNED TO PROJECT:
 IONESCU, TONY - REVIEW ENG - CHEMICAL TEAM #2

CUSTOMER INFORMATION (OWNER/OPERATOR DATA)

ISSUED TO: BAYER CORPORATION
 COMPANY NAME: Bayer Corporation
 CUSTOMER REFERENCE NUMBER: CN600124440

REGULATED ENTITY/SITE INFORMATION

REGULATED ENTITY NUMBER: RN100825363 ACCOUNT: OC0004P
 PERMIT NAME: LANXESS ORANGE PLANT

REGULATED ENTITY LOCATION: 4647 FM 1006
 REGION 10 - BEAUMONT NEAR CITY: WEST ORANGE COUNTY: ORANGE

TRACKING ELEMENTS:

TE Name	Start Date	Complete Date
APIRT RECEIVED PROJECT (DATE)	06/12/2000	
APIRT TRANSFERRED PROJECT TO TECHNICAL STAFF (DATE)	06/19/2000	

PROJECT ATTRIBUTES:

Attributes	Value
OLD_PROJ_TYP_TXT	SB26
OLD_TE_CODE	SB1126 06/28/2000
OLD_TE_CODE	V 07/31/2000
OLD_TE_CODE	SB1126 06/19/2000

07/28/2010 -----NSR IMS - PROJECT RECORD -----

PROJECT#: ~~74710~~ PERMIT#: 22508 STATUS: WITHDRAWN DISP CODE: _____
 RECEIVED: 08/07/2000 PROJTYPE: ~~SB1126~~ AUTHTYPE: CONSTRUCT ISSUED DT: 02/08/2002
 RENEWAL: 10/13/2003

PROJECT ADMIN NAME: LIBR FLEX UNIT

PROJECT TECH NAME: LIBR FLEX UNIT

STAFF ASSIGNED TO PROJECT:

OYLER , TONI - REVIEWER1 - AP INITIAL REVIEW
 IONESCU , TONY - REVIEW ENG - CHEMICAL TEAM #2

CUSTOMER INFORMATION (OWNER/OPERATOR DATA)

ISSUED TO: BAYER CORPORATION

COMPANY NAME: Bayer Corporation

CUSTOMER REFERENCE NUMBER: CN600124440

REGULATED ENTITY/SITE INFORMATION

REGULATED ENTITY NUMBER: RN100825363

ACCOUNT: OC0004P

PERMIT NAME: LANXESS ORANGE PLANT

REGULATED ENTITY LOCATION: 4647 FM 1006

REGION 10 - BEAUMONT

NEAR CITY: WEST ORANGE

COUNTY: ORANGE

TRACKING ELEMENTS:

TE Name	Start Date	Complete Date
APIRT RECEIVED PROJECT (DATE)	08/07/2000	
APIRT TRANSFERRED PROJECT TO TECHNICAL STAFF (DATE)	08/09/2000	

PROJECT ATTRIBUTES:

Attributes	Value
OLD_PROJ_TYP_TXT	SB26
OLD_TE_CODE	TR - TECH DEF LTR SENT 11/10/2000
OLD_TE_CODE	TR - TECH DEF LTR REPLY 11/29/2000
OLD_TE_CODE	:SB 1126 08/09/2000
OLD_TE_CODE	FA - PROJECT ISSUED 02/08/2002

07/28/2010 -----NSR IMS - PROJECT RECORD -----

PROJECT#: 74741 PERMIT#: 22508 STATUS: DENIED DISP CODE: _____
 RECEIVED: 08/07/2000 PROJTYPE: SB1126 AUTHTYPE: CONSTRUCT ISSUED DT: 12/29/2000
 RENEWAL: 10/13/2003

PROJECT ADMIN NAME: MOONEY ADJUSTMENT TANK-LIBR UNIT
 PROJECT TECH NAME: MOONEY ADJUSTMENT TANK-LIBR UNIT

STAFF ASSIGNED TO PROJECT:

OYLER, TONI - REVIEWER1 - AP INITIAL REVIEW
 IONESCU, TONY - REVIEW ENG - CHEMICAL TEAM #2

CUSTOMER INFORMATION (OWNER/OPERATOR DATA)

ISSUED TO: BAYER CORPORATION
 COMPANY NAME: Bayer Corporation
 CUSTOMER REFERENCE NUMBER: CN600124440

REGULATED ENTITY/SITE INFORMATION

REGULATED ENTITY NUMBER: RN100825363 ACCOUNT: OC0004P
 PERMIT NAME: LANXESS ORANGE PLANT

REGULATED ENTITY LOCATION: 4647 FM 1006

REGION 10 - BEAUMONT NEAR CITY: WEST ORANGE COUNTY: ORANGE

TRACKING ELEMENTS:

TE Name	Start Date	Complete Date
APIRT RECEIVED PROJECT (DATE)	08/07/2000	
APIRT TRANSFERRED PROJECT TO TECHNICAL STAFF (DATE)	08/09/2000	

PROJECT ATTRIBUTES:

Attributes	Value
OLD_PROJ_TYP_TXT	SB26
OLD_TE_CODE	D 12/29/2000
OLD_TE_CODE	FA - PROJECT ISSUED 12/29/2000
OLD_TE_CODE	:SB 1126 08/09/2000

07/28/2010 -----NSR IMS - PROJECT RECORD -----

PROJECT#: 77510 PERMIT#: 22508 STATUS: DENIED DISP CODE: _____
 RECEIVED: 12/04/2000 PROJTYPE: SB1126 AUTHTYPE: CONSTRUCT ISSUED DT: 01/31/2002
 RENEWAL: 10/13/2003
 PROJECT ADMIN NAME: PRECHANGE NOTIFICATION
 PROJECT TECH NAME: PRECHANGE NOTIFICATION
STAFF ASSIGNED TO PROJECT:
 IONESCU, TONY - REVIEW ENG - CHEMICAL TEAM #2

CUSTOMER INFORMATION (OWNER/OPERATOR DATA)

ISSUED TO: BAYER CORPORATION
 COMPANY NAME: Bayer Corporation
 CUSTOMER REFERENCE NUMBER: CN600124440

REGULATED ENTITY/SITE INFORMATION

REGULATED ENTITY NUMBER: RN100825363 ACCOUNT: OC0004P
 PERMIT NAME: LANXESS ORANGE PLANT

REGULATED ENTITY LOCATION: 4647 FM 1006

REGION 10 - BEAUMONT NEAR CITY: WEST ORANGE COUNTY: ORANGE

TRACKING ELEMENTS:

TE Name	Start Date	Complete Date
APIRT RECEIVED PROJECT (DATE)	12/04/2000	
APIRT TRANSFERRED PROJECT TO TECHNICAL STAFF (DATE)	12/06/2000	
SITE REVIEW RFC SENT TO REGION (DATE)	12/06/2000	

PROJECT ATTRIBUTES:

Attributes	Value
OLD_PROJ_TYP_TXT	SB26
OLD_TE_CODE	TR - TECH DEF LTR SENT 06/05/2001
OLD_TE_CODE	TR - TECH DEF LTR REPLY 07/31/2001
OLD_TE_CODE	TR - TECH DEF LTR SENT 01/11/2002
OLD_TE_CODE	SB1126 12/06/2000
OLD_TE_CODE	TR - TECH DEF LTR REPLY 01/24/2002