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

April 21, 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: O1899  
E. I. Du Pont de Nemours and Company  
Sabine General Site  
Orange, Orange County  
Regulated Entity Number: RN100542711  
Customer Reference Number: CN600128284

Dear Mr. Edlund:

On November 6, 2009, 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 any, that have been made to the revised proposed permit and supporting statement of basis. The revised proposed permit and statement of basis 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. Thomas Wauhob at (512) 239-1029 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/TW/pg

cc: Mr. Gary Long, SHE Senior Consultant, E. I. Du Pont de Nemours and Company, Orange  
Mr. Michael Sanchez, Site Manager, E. I. Du Pont de Nemours and Company, Orange  
Air Section Manager, Region 10 - Beaumont

Enclosures: TCEQ Executive Director's Response to EPA Objection  
Proposed Permit  
Statement of Basis

Project Number: 13742

**EXECUTIVE DIRECTOR'S RESPONSE TO EPA OBJECTION**  
**Permit No. O1899**

The Texas Commission on Environmental Quality (TCEQ) Executive Director provides this Response to EPA's Objection to the renewal of the Federal Operating Permit (FOP) for E. I. Du Pont de Nemours and Company, Sabine General Site, Permit No. O1899, Orange County, Texas.

**BACKGROUND**

Procedural Background

The Texas Operating Permit Program requires that owners and operators of sites subject to 30 Tex. Admin. Code (TAC) Chapter 122 obtain a Federal Operating Permit (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 in compliance, 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. E. I. Du Pont de Nemours and Company applied to the TCEQ for a renewal of the FOP for the Sabine General Site located in Orange, Orange County on May 12, 2009, and notice was published on September 9, 2009 in *The Orange Leader*. The public comment period ended on October 9, 2009. TCEQ received an objection to the permit from EPA on November 6, 2009.

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

Description of Site

E. I. Du Pont de Nemours and Company owns and operates the Sabine General Site, located at 3055 Farm-to-Market Road 1006 in Orange, Orange County, Texas 77630. The Sabine General Site is part of Sabine River Works Plant, which has a total of nine Title V permits. The principal manufacturing process at the Sabine River Works Plant is low density polyethylene and other ethylene copolymer based resins in the D and G units. The Sabine General Site Title V Permit No. O1899 contains requirements for all non-production unit sources at the site. It also includes requirements for site wide maintenance of chlorofluorocarbon equipment, the site gasoline and diesel storage tanks, site abrasive blasting, bench scale lab equipment, food preparation, site vacuum cleaning systems, laundering, sewage treatment, etc.

The following responses follow the references used in EPA's objection letter.

**EPA OBJECTION:** EPA objected to the *Special Terms and Conditions* provisions of the draft Title V permit, Condition 3, requiring stationary vents with certain flow rates to comply with identified provisions of 30 TAC Chapter 111 (EPA-approved rules in Texas' SIP) without identification of the specific stationary vents that are subject to those requirements. As such, EPA objected to this condition as failing to meet the requirement of 40 CFR § 70.6(a)(1), since the condition lacks the specificity to ensure the compliance with the applicable requirements

associated with those unidentified emission units. In addition, EPA noted that 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 objected to the issuance of the Title V permit since Condition 3 was not in compliance with the requirements of 40 CFR § 70.8(c)(1) and 70.7(a)(5).

**TCEQ RESPONSE:** The objection refers to Special Condition 3, for opacity standards for stationary vents that have a flow rate less than 100,000 actual cubic feet per minute 30 TAC §§ 111.111(a)(1)(A) & (B). The TCEQ designated in the FOP that the Chapter 111 visible emission requirements for these units as 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 individually in the unit summary, and therefore, these emission units do not appear in the applicable requirements summary table. The EPA has previously 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. Stationary vents constructed on or before January 31, 1972, meet 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 meet requirements of 30 TAC § 111.111(a)(1)(B) which states that opacity shall not exceed 20% averaged over a six-minute period. 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.

A determination of the legal and factual basis for Condition 3 was added to the Statement of Basis document for the draft Title V permit and is enclosed.

#### **ADDITIONAL CONCERNS**

TCEQ acknowledges the additional concerns EPA has with the Sabine General Site FOP and will address these issues as appropriate.