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

June 30, 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  
Initial Issuance  
Permit Number: O3010  
The Goodyear Tire & Rubber Company  
Bayport Chemical Plant  
Pasadena, Harris County  
Regulated Entity Number: RN102608932  
Customer Reference Number: CN600616049

Dear Mr. Edlund:

On November 13, 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 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 Ms. Julie Guthrie at (512) 239-1517 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/JG/aw

cc: Mr. Brad Loerger, Manufacturing Director Chemical Operations, The Goodyear  
Tire & Rubber Company, Houston  
Ms. Bonnie Bainter, EHS Coordinator, The Goodyear Tire & Rubber Company, Pasadena  
Mr. James L. Blank, Acting Plant Manager, The Goodyear Tire & Rubber Company,  
Pasadena  
Director, Environmental Public Health Division, Harris County Public Health and  
Environmental Services, Pasadena  
Air Section Manager, Region 12 - Houston

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

Project Number: 11439

## EXECUTIVE DIRECTOR'S RESPONSE TO EPA OBJECTION

### Permit Number O3010

The Texas Commission on Environmental Quality (TCEQ) Executive Director (ED) provides this Response to EPA's Objection to the initial issuance of the Federal Operating Permit (FOP) for The Goodyear Tire & Rubber Company, Bayport Chemical Plant, Permit No. O3010, Pasadena, Harris 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 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. The Goodyear Tire & Rubber Company applied to the TCEQ for a initial issuance of the FOP for the Bayport Chemical Plant located in Pasadena, Harris County on December 27, 2007, and notice was published on September 23, 2009 in *Bayshore Sun* and on September 30, 2009 in *La Voz*. The public comment period ended on October 30, 2009. During the concurrent EPA review period, TCEQ received an objection to the permit from EPA on November 16, 2009.

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

#### Description of Site

The Goodyear Tire & Rubber Company owns and operates the Bayport Chemical Plant, located at 13441 Bay Area Blvd. in Pasadena, Harris County, Texas. The site is divided into six units, each with a specific function in the manufacturing process: the Alkylation Unit, the Oxidaton Unit, the Recovery Unit, the Specialty Chemicals Unit, the Utilities Unit, the Tank Farm, and the Wastewater Treatment Unit. The Alkylation Unit uses various feed stocks to manufacture para-diisopropylbenzene (P-DIPD). P-DIPD is a raw material for the Oxidaton Unit and is also sold for off-site use. P-DIPD is used in the manufacturing of p-diisopropylbenzene dihydroperoxide (DIX). DIX and acetone are used by the Recovery Unit for the production and recovery of hydroquinone. Acetone is produced as a by-product. The Specialty Chemicals Unit produces an antioxidant material. These processes include reactors, distillation units, intermediate storage vessels, and associated pumps. The site includes the Utilities Unit which produces heat for the process equipment, the Tank Farm for storage of raw material, intermediate and product, and the Wastewater Treatment Unit. Title V Permit No. O3010 contains applicable requirements for the emission units and processes. It also includes site wide applicable requirements for cut back asphalt use, wastewater streams, benzene waste, leak detection associated with chemical manufacturing processes and liquid streams in chemical manufacturing processes.

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

**EPA OBJECTION:** 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 17 of NSR Permit No. 9582 (revised January 19, 2006) 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 objected to the issuance of the Title V permit since the recordkeeping requirements of NSR Permit No. 9582 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.

**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 still are) also 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."

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**EPA OBJECTION:** Under 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 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 § 70.8(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 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.

However, the ED does agree that the FOP could be revised to more clearly group stationary vents according to which opacity limit applies. The site has vents that are subject to the 30% opacity requirement of 30 TAC § 111.111(a)(1)(A) and are identified by emission point identification number (EPN) in Special Condition 3.A. All other vents at the site are subject to 20% opacity, as noted in the revised Special Condition 3.B., which is a site-wide term and

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condition, as allowed in the *White Paper for Streamlined Development of Part 70 Permit Applications*, July 10, 1995.

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 Bayport Chemical Plant, FOP and will address these issues as appropriate.