BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

| | | |
|---|---|---|
| IN THE MATTER OF: | ) | |
| OPERATING PERMIT<br>PVC PLANT<br>SHINTECH INC. AND ITS AFFILIATES<br>ADDIS<br>WEST BATON ROUGE PARISH<br>LOUISIANA | ) | PETITION NO. 6-03-1<br><br>ORDER RESPONDING TO PETITIONERS' REQUEST THAT THE ADMINISTRATOR OBJECT TO THE ISSUANCE OF A STATE OPERATING PERMIT |
| PERMIT NO. 2639-VO | ) | |

**ORDER DENYING PETITION FOR OBJECTION TO PERMIT**

## I. INTRODUCTION

On August 31, 1999, Ms. Marylee Orr, on behalf of the Alliance Against Waste and Action to Restore the Environment and the Louisiana Environmental Action Network (collectively "Petitioners"), petitioned the United States Environmental Protection Agency ("EPA") to object to the issuance of a permit to Shintech Inc. and its Affiliates ("Shintech") for a new polyvinyl chloride ("PVC") plant in West Baton Rouge Parish, Louisiana. The Louisiana Department of Environmental Quality ("LDEQ") issued Shintech a permit on October 15, 1999. The permit constitutes both a preconstruction permit and a State operating permit issued pursuant to Title V of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. §§ 7661-7661f, CAA §§ 501-507.

The Petitioners requested that EPA object to the issuance of the Shintech Permit pursuant to section 505(b) of the Act and 40

C.F.R. § 70.8(d). For the reasons set forth below, I deny the Petitioners' request.

## II. STATUTORY AND REGULATORY FRAMEWORK

Section 502(d)(1) of the Act requires each State to develop and submit to EPA an operating permit program which meets the requirements of Title V. The State of Louisiana submitted a Title V program governing the issuance of operating permits on November 15, 1993, and subsequently revised this program on November 10, 1994. 40 C.F.R. Part 70, Appendix A. In September of 1995, EPA granted full approval to the Louisiana Title V operating permits program. 60 Fed. Reg. 47296 (Sept. 12, 1995); 40 C.F.R. Part 70, Appendix A.[1] Major stationary sources of air pollution and other sources covered by Title V are required to obtain an operating permit that includes emission limitations and such other conditions necessary to assure compliance with all applicable requirements of the Act. CAA §§ 502(a), 504(a).

The Title V operating permit program does not generally impose new substantive air quality control requirements (which are referred to as "applicable requirements"), but does require permits to contain monitoring, recordkeeping, reporting, and other requirements to assure compliance by sources with existing applicable requirements. 57 Fed. Reg. 32250, 32251 (July 21,

[1]This program, which became effective on October 12, 1995, is codified in Louisiana Administrative Code (L.A.C.), Title 33, Part III, Chapter 5.

1992). One purpose of the Title V program is to "enable the source, States, EPA, and the public to better understand the requirements to which the source is subject, and whether the source is meeting those requirements." *Id.* Thus, the Title V operating permits program is a vehicle for ensuring that existing air quality control requirements are appropriately applied to facility emission units in a single document, and that compliance with these requirements is assured. *Id.*

Under section 505(b) of the Act, the Administrator is authorized to review state operating permits issued pursuant to Title V, and to object to permits that fail to comply with the applicable requirements of the Act, including the requirements of an applicable implementation plan. In this case, the applicable requirements include relevant Louisiana Air Quality regulations, the New Source Performance Standards (NSPS), and the National Emission Standards for Hazardous Air Pollutants (NESHAPs). *See* Operating Permit, PVC Plant, Shintech, Inc. and its Affiliates, Table 2 (October 15, 1999) (Shintech Permit)[2]

---

[2]Under 40 C.F.R. § 70.1(b), "all sources subject to [Title V must] have a permit to operate that assures compliance by the source with all applicable requirements." Applicable requirements are defined in 40 C.F.R. § 70.2 to include "(1) any standard or other requirement provided for in the applicable implementation plan approved or promulgated by EPA through rulemaking under Title I of the [Clean Air] Act that implements the relevant requirements of the Act, including any revisions to that plan promulgated in [40 C.F.R.] Part 52." The definition of applicable requirements also includes any standard or other

(continued...)

When EPA declines to object to a Title V permit on its own initiative, section 505(b)(2) of the Act, provides that any person may petition the Administrator to object to the issuance of a permit by demonstrating that the permit is not in compliance with all applicable requirements. *See also* 40 C.F.R. § 70.8(d). These petitions "shall be based only on objections that were raised with reasonable specificity during the public comment period provided by the permitting agency (unless the petitioner demonstrates in the petition to the Administrator that it was impracticable to raise such objections within such period or unless the grounds for such objection arose after such period)." CAA § 505(b)(2).

**III. BACKGROUND**

Shintech proposed to build a new PVC plant on a site traversing the West Baton Rouge and Iberville Parish boundaries. The process equipment was to be constructed on the West Baton

---

[2](...continued)
requirement required under sections 111 and 112 of the Act. 40 C.F.R. § 70.2.

Louisiana defines "federally applicable requirement" in relevant part to include "any standard or other requirement provided for in the Louisiana State Implementation Plan approved or promulgated by EPA through rulemaking under title I of the Clean Air Act that implements the relevant provisions of the Clean Air Act, including any revisions to that plan promulgated in 40 C.F.R. part 52, subpart T."

Louisiana also defines "federally applicable requirement" to include New Source Performance Standards (NSPS) promulgated pursuant to section 111 of the Act and standards for Hazardous Air Pollutants promulgated pursuant to section 112 of the Act. L.A.C. 33:III.502.

Rouge Parish part of the site. Shintech submitted a permit application to LDEQ dated March 12, 1999 for a Part 70 Operating Permit (Title V Permit). Shintech later submitted supplemental information dated May 17, 1999.[3]

A notice requesting public comment and notifying the public of a public hearing on the proposed Shintech Permit was published in *Post/South,* Plaquemine, Iberville Parish, on May 20, 1999; in *The Advocate*, Baton Rouge, Louisiana, on May 21, 1999; and in *The Westside Journal*, Port Allen, West Baton Rouge Parish, on May 27, 1999. LDEQ submitted the proposed Shintech Permit[4] to EPA Region 6 for review on May 18, 1999. The public hearing was held on June 29, 1999, at the VFW Hall, 4453 Myhand Street, Addis, Louisiana. Written and oral comments were received at the hearing, and the deadline to submit written comments was extended through July 30, 1999. EPA's 45-day review period expired July 2, 1999. On August 31, 1999, the Petitioners petitioned EPA pursuant to section 505(b) of the Act and 40 C.F.R. § 70.8(d) to

[3]Basis for Decision, PVC Plant, Shintech, Inc. and its Affiliates at 3 (October 15, 1999) (Basis for Decision).

[4]Even though the permit was marked "draft", it meets the definition of "proposed permit" in L.A.C. 33:III.502. "Proposed permit" is defined as "the version of the permit for which the permitting authority (DEQ) offers public participation, affected state review, or *EPA review*." L.A.C. 33:III.502(emphasis added).

object to the issuance of the Shintech Permit. On October 15, 1999, LDEQ issued the final permit to Shintech.[5]

In the new PVC plant, vinyl chloride monomer (VCM) will be charged into a stirred autoclave reactor with water, catalyst, and suspending agents. Approximately 80 to 90% of the VCM will polymerize to PVC, a powder polymer product, in a batch process. Unreacted VCM will be steam stripped, purified, and recycled. The PVC is then stripped of residual VCM, dewatered, dried, and pneumatically transferred to delivery storage silos for loading or packaging.[6]

Estimated emissions from the facility in tons per year are as follows:

| Pollutant | Emissions |
|---|---|
| $PM/PM_{10}$ | 67.0 |
| $SO_2$ | 1.1 |
| $NO_X$ | 59.6 |
| CO | 49.6 |
| VOC | 47.8 |
| Ammonia | 1.0 |
| HCl | 0.4 |
| Chlorine | 0.9[7] |

Because the Shintech Plant is a new stationary source and at the time of permit issuance was located in a serious

---

[5]Section 505(b)(3) of the Act and 40 C.F.R. § 70.8(d) allow a State to issue a permit after a petition has been received if EPA has not objected prior to permit issuance. Shintech has now completed construction of the facility.

[6]Basis for Decision at 3.

[7]Basis for Decision at 4.

nonattainment area for ozone,[8] an increase of fifty (50) or more tons per year of volatile organic compounds (VOCs) would require emission offsets before issuance of a permit. However, because the estimated VOC emissions are less than 50 tons per year, Shintech is not a major source of VOC emissions and no offsets are required. L.A.C. 33:III.504.D.5 and Table 1.

**IV. ISSUES RAISED BY PETITIONERS**

The Petition raises six objections to the Shintech Permit: (1) the permit will inhibit reasonable further progress (RFP) in the Baton Rouge ozone nonattainment area, and as such, is not in accordance with the Act; (2) the most recent state implementation plan (SIP) dated January 2, 1997, fails to meet the requirements of section 182(c)(2)(A) of the Act in that it fails to provide for attainment of the ozone standard by the applicable attainment date; (3) although the proposed plant is a minor source, it will become a major source when the area is reclassified to severe, and thus the facility should be required to meet prevention of significant deterioration (PSD) and reasonably available control technology (RACT) requirements now because it is easier to apply these requirements prior to construction than after operation begins; (4) certain emission calculations in the permit

[8]In 1999, the Baton Rouge area was designated as a serious nonattainment area for ozone. 40 C.F.R. § 81.319 (1999). EPA recently promulgated a rule reclassifying the area to severe nonattainment for ozone. *See infra* Section IV.B.

application are incorrect; (5) the proposed permit does not meet the appropriate maximum achievable control technology (MACT) standards; and (6) alleged EPA Region 6 management failures.

### A. REASONABLE FURTHER PROGRESS TOWARDS ATTAINMENT AND LOUISIANA'S STATE IMPLEMENTATION PLAN

The Petitioners have requested that Shintech's Title V Permit be denied on the grounds that permitting a new facility will inhibit RFP towards achieving the ozone standard in the Baton Rouge area. In support of their arguments, the Petitioners note that the Baton Rouge area did not attain the ambient ozone standard by the statutory date of November 15, 1999, and broadly argue that air quality in Baton Rouge is actually getting worse, not better. In particular, the Petitioners claim that "even though LDEQ calculated for new emissions in its reasonable further progress demonstration," the addition of new emission sources will hinder attainment. Therefore, the Petitioners have requested that EPA object to the issuance of the Shintech Permit. Petition at 1-2.

The Petitioners have also requested the EPA object to the issuance of the Shintech Permit on the grounds that the most recent SIP dated January 2, 1997, fails to meet the requirements of section 182(c)(2)(A) of the Act. The Petitioners assert that the SIP fails to provide for attainment of the ozone standard by the applicable attainment date, as confirmed by the attainment demonstration plan submitted in the SIP. The Petitioners argue

that granting the Shintech Permit will only make the situation worse, further inhibiting progress towards attainment. The Petitioners request that the SIP be declared invalid and inadequate because it will not provide for attainment of the ozone standard by the applicable date, that sanctions for failing to reach attainment be imposed, and that EPA immediate classify the Baton Rouge nonattainment area as a severe ozone nonattainment area. Petition at 2-3.

To justify exercise of an objection by EPA to a Title V permit pursuant to section 505(b)(2) of the Act, the Petitioners must demonstrate that the permit is not in compliance with the requirements of the Act, including the requirements of the Louisiana SIP. The issue of whether the Shintech Permit should be denied because the Baton Rouge ozone nonattainment area is not making RFP or that the attainment demonstration is inadequate are not applicable requirements of the Act for purposes of this Title V operating permit.

The Act defines RFP as "such annual incremental reductions in emissions of the relevant air pollutant as are required by this part or may reasonably be required by the Administrator for the purpose of ensuring attainment of the applicable national ambient air quality standard [NAAQS] by the applicable date." CAA § 171(1). Thus, RFP relates to attainment of a NAAQS for a nonattainment area. In this particular case, RFP would relate to

the attainment of the ozone NAAQS for the Baton Rouge nonattainment area.

Under the Act, States are required to develop SIPs for nonattainment areas that provide a pathway for achieving the NAAQS. The SIP generally will include planning documents, such as an RFP demonstration or an attainment demonstration for the State. The SIP will also include control requirements that are directly applicable to sources. CAA §§ 172(c)(1) &(2), 182(c)(2)(A)-(B). Although such control requirements may be adopted by the State to satisfy the State's planning obligation to achieve RFP, this does not change the general rule that planning obligations such as the RFP provisions of sections 172 and 182 are requirements applicable to States. These requirements do not have any direct application to sources even where the RFP plan or attainment plan relies on specific control requirements that are applicable to the source and that are adopted into the SIP. Therefore, in general, it is only the underlying control requirements, if any, not the general obligation of the State to achieve a certain level of reduction, that can be reflected in (and are, therefore enforceable under) a source-specific operating permit issued under Title V. As the planning obligations of the State, such as the requirements of sections 172 and 182, cannot be directly implemented by a specific source through a Title V permit, they are not applicable

requirements under Title V of the Act. 57 *Fed. Reg*. 32250, 32276 (July 21, 1992).

The one partial exception to this general rule is the nonattainment NSR offset requirement in section 173(a)(1)(A) of the Act that every major new or modified source obtain sufficient offsets so as to represent, when considered together with other SIP requirements, RFP. This exception is not applicable here, however, as Shintech is a minor new source. As to such sources, the Act only requires that SIPs contain a minor NSR program to ensure that minor new sources will not interfere with attainment planning needs. *See* CAA § 110(a)(2)(C); 40 C.F.R. § 51.160-164. LDEQ met that requirement by providing for new source growth in its SIP.

The conclusion that the State's planning obligations to achieve RFP is not an applicable requirement for the Shintech facility is consistent with the Agency's long-standing explanation of the relationship between Title V and SIPs. For example, in the preamble to the final rule promulgating 40 C.F.R. Part 70 (State Operating Permit Programs), EPA stated that to require an attainment demonstration "as on every permitted source would be unduly burdensome." 57 *Fed. Reg.* at 32276. EPA further noted that "[u]nder the Act, NAAQS implementation is a requirement imposed on States in the SIP; it is not imposed

directly on a source." *Id.*; *see also* 40 C.F.R. § 70.2 (definition of applicable requirement).

In sum, the Petitioners' request that EPA object to the Shintech Permit on the grounds that the Baton Rouge ozone nonattainment area as a whole is not making RFP toward attainment in accordance with sections 172 or 182 of the Act, or because of an alleged inadequate attainment demonstration plan, is denied. Although section 110(a)(2)(C) of the Act requires a showing that minor new sources will not interfere with attainment of the NAAQS, LDEQ met that requirement by providing for new source growth in its SIP. The issues raised by Petitioners are SIP obligations applicable to the State and are not an "applicable requirement" for a source receiving an operating permit under a Title V program. The petition to object on this issue is denied.

### B. MAJOR SOURCE REQUIREMENTS CANNOT BE REQUIRED FOR A MINOR SOURCE BASED SOLELY ON AN EXPECTED RECLASSIFICATION OF THE NONATTAINMENT AREA

The Petitioners state that the Baton Rouge ozone nonattainment area will be reclassified from serious to severe by the time the Shintech Plant begins to operate. The Petitioners further claim that the facility would be classified as a major source, based on the plant's expected emissions, if the Baton Rouge area were to be reclassified. The Petitioners acknowledge that at the time LDEQ issued the Shintech Permit, the facility was classified as a minor source, but state that if the

reclassification of the Baton Rouge area were to occur, the facility would be subject to more stringent requirements. Thus, the Petitioners request that EPA make a determination that the requirements of section 173 of the Act will apply when the facility begins operation as a major source. In addition, the Petitioners request that the more stringent requirements be applied to the Shintech Permit now, based on an argument that it is easier to apply the more stringent requirements prior to construction than after operation begins. Petition at 3.

Although EPA has now promulgated a final rule, the effect of which was to reclassify the Baton Rouge area to severe one-hour ozone nonattainment as of June 23, 2003, 68 *Fed. Reg.* 20077 (Apr. 24, 2003), at the time the Shintech Permit was issued, the Baton Rouge ozone nonattainment area was classified as "serious."[9] The Act does not require permitting authorities to subject a permit applicant to requirements that are not in effect at the time of permit issuance based on possible future changes to the area's classification. The Shintech facility may become subject to additional requirements now that the Baton Rouge area has been reclassified, but Shintech cannot be required to comply with requirements that are not currently applicable. The request to object on this ground is accordingly denied.

[9]40 C.F.R. § 81.319 (1999).

### C. INCORRECT EMISSION CALCULATIONS

The Petitioners contend that "some of the emissions calculations in the application, including the fugitive emissions and reactor opening losses, appear to be incorrect or too low." Petition at 3. Specifically, the Petitioners assert that:

> the reactor losses in this permit application are 20% of the reactor opening losses in the permit for a similar Shintech facility dated July, 1996. The fugitive emissions in the current Shintech application are the same as the fugitive emissions for the similar facility, permit application dated 1996, despite the fact that there are seven new emissions sources included in the new permit application. These emissions sources include three large boilers, two thermal oxidizers and a storage tank.

*Id.* at 4.

Because the Shintech Plant has estimated VOC emissions of 47.8 tons per year, the Petitioners claim that the facility's emissions are "precariously close" to the 50 ton per year major source threshold for sources in serious ozone nonattainment areas, and that there are a variety of scenarios that could require the facility to operate as a major source. Thus, the Petitioners request that the facility be permitted as a major source. *Id.* at 3.

The Petitioners' assertions concerning fugitive emissions and reactor opening losses are not correct. The company has represented fugitive equipment leak emissions from this facility in the same manner as the application for the Polyvinyl Chloride manufacturing facility that was to have been located in St. James

Parish, Louisiana. The source did represent that all valves and flanges were accounted for in the overall fugitive calculations, which are in the application. The emission sources the Petitioners list as being new to this facility would not be expected to have a significant number of components prone to fugitive leaks of VOCs.[10] Any additional components added due to this equipment would be subject to the same leak detection and repair program as all other components and would not be expected to add more than 0.1 ton per year of VOC emissions.[11] As to the reactor opening losses issue, Shintech has proposed the use of "clean wall reactor" technology and limiting reactor openings to an average of once every fifty batches. The regulation at 40 C.F.R. § 61.64(a)(2) limits the reactor opening loss to 0.02 grams vinyl chloride monomer for every kilogram of dry polyvinyl chloride (PVC) produced; however, Shintech is required here to maintain reactor opening losses to under 0.0004 grams of vinyl chloride for each kilogram of PVC produced. Shintech Permit, Table 2, Emission Point No. 15a, Reactor Opening. The average opening losses of 0.0004 grams of vinyl chloride per kilogram is calculated by dividing the 0.02 gram performance standard by 50

[10]It should be noted that each of the sources mentioned by the Petitioners, and their associated emissions, have been accounted for in the application and permit.

[11]Assuming an additional 14 valves and 70 flanges, calculated using emission factors from the Protocol for Equipment Leaks Emission Estimates, EPA-453/R-93-026, November 1995.

batches. The Permit further requires the company to follow the accepted methods of 40 C.F.R. § 61.67(g)(5) to determine the vinyl chloride emissions from each reactor opening over each 90-day period and report those emissions to the LDEQ. Shintech Permit, Special Condition 10. Thus, the Petitioners are not correct in assuming the reactor opening losses are understated, and therefore, the request to object on this ground is denied.

**D. APPROPRIATE MACT STANDARDS**

The Petitioners also assert that the proposed permit does not include the appropriate maximum achievable control technology (MACT) standards required by section 112(d)(3) of the Act and L.A.C. 33:III.5103. Specifically, the Petitioners allege that: (1) the MACT standards in the permit are not the most stringent emissions level achieved in practice by the best controlled similar source in the same category or subcategory because the determination was based on an analysis of regional standards; (2) even based on a regional analysis, the 27 ppmv quarterly average for the stripper is not sufficiently stringent; and (3) the permit and the permit application failed to identify the control technology and/or the operating procedures that will be used to meet the standard for reactor opening losses. Petition at 4.

**1. Determination of case-by-case MACT standards**

Because MACT standards have not yet been promulgated for this source category, section 112(g) of the Act requires a case-

by-case determination of MACT. The regulations implementing section 112(g) of the Act are found at 40 C.F.R. §§ 63.40-63.44. The regulations requires the applicant to make a case-by-case MACT determination based upon "available information". 40 C.F.R. § 63.43(d)(2). "Available information," in turn, is defined in 40 C.F.R. § 63.41 as:

> (1) A relevant proposed regulation, including all supporting information;
>
> (2) Background information documents for a draft or proposed regulation;
>
> (3) Data and information available from the Control Technology Center developed pursuant to section 113 of the Clean Air Act;
>
> (4) Data and information contained in the Aerometric Informational Retrieval System including information in the MACT data base;
>
> (5) Any additional information that can be expeditiously provided by the Administrator; and
>
> (6) For the purpose of determinations by the permitting authority, any additional information provided by the applicant or others, and any additional information considered available by the permitting authority.

The applicant did provide a proposed MACT determination based on the definition of available information. This process addressed each of the six components listed above. *See* Shintech Permit Application, Appendix F "MACT Determination", at 8-15. These components, by their very nature, are national in scope.

Petitioners allege that Shintech performed a MACT analysis "based on regional sources only." However, the data searches

conducted by Shintech, which included: source categories for which NSPS, NESHAPS, MACT standards exist or are proposed; the EPA Technology Transfer Network (TNN) databases; State regulatory files; nationwide electronic searches; and, additional inquiries by EPA, indicated that the sources identified were the better controlled similar sources in the nation. Thus, the Petitioners are not correct in asserting that Shintech performed a limited, regional review to determine MACT emission limitations.

**2. Residual vinyl chloride monomer (RVCM) concentration from the Strippers**

Shintech proposed construction of a PVC production facility that will produce varying “grades” of PVC through a batch suspension process. Each production run via this batch process can be expected to produce resins containing differing concentrations of unreacted vinyl chloride monomer. The batch suspension process is inherently variable in this respect. Residual vinyl chloride monomer (RVCM) content in the PVC resin will change over time. To control emissions that may result from the process, stream stripping is used to reduce the RVCM entering the dryer train. The RVCM limitations cited in the application and the permit, 27 ppm quarterly average, and 125 ppm daily average, are lower than the most stringent emission control

levels, for quarterly and daily averages, found during the MACT review process.[12]

The Petitioners contend that the 27 ppm quarterly average limitation on the RVCM concentration in the slurry exiting the steam strippers cited by Shintech is less stringent than the 25 ppm annual average found during the MACT review and, therefore, does not represent "the most stringent emissions level achieved in practice by the best controlled similar source in the same category or subcategory." Petition at 4. While it is possible that the 27 ppm quarterly average may result in higher annual emissions than would imposition of a 25 ppm annual average standard, this would happen only if the source were to average 26 ppm RVCM, or more, for four consecutive quarters. An annual limit of 25 ppm would not ensure that quarterly average emissions would be less than 27 ppm; nor would such a limit prove protection against "spiking" of emissions on a quarterly basis. The longer averaging time would provide a greater range of emissions levels over the months. Using quarterly (and daily) limits on RVCM content in the slurry, as used in this Permit, will provide protection against peaking of VCM/VOC emissions from the dryers during the year's production at the facility. Therefore, using an annual limit of 25 ppm annual average, rather

[12]*See* Public Comments Response Summary, PVC Plant, Shintech, Inc. and its Affiliates at 18-19.

than 27 ppm quarterly, would not provide for greater stringency. The request to object on this ground is denied.

**3. Reactor opening losses**

As Petitioners have noted, the MACT determination resulted in reactor opening losses for the Shintech Plant that are substantially less than for similar facilities. The relative stringency of this limitation is borne out by the MACT review performed by Shintech. The Petitioners assert, however, that the applicant has not provided the permitting authority with adequate information on the type of controls or method of operation that will be used to achieve these low reactor opening losses. Petitioner states that without such information, a MACT determination cannot be made. Petition at 4.

The regulations require an application for a MACT determination to specify a control technology that, if properly operated and maintained, will meet the MACT emission limitation or standard. 40 C.F.R. § 63.43(e)(1). In addition to identifying the selected control technique, the applicant must provide technical information on the design, operation, size and estimated control efficiency. 40 C.F.R. § 63.43(e)(2)(xi). The application provided all of the above information. Shintech Permit Application, Appendix F, “Mact Determination”, Section VII, at 16-25. In particular, in the permit application, Shintech proposed the use of “clean wall reactor” technology and a

limitation on reactor openings to an average of once every fifty batches to meet the MACT emission limitation. Thus, Shintech met the requirements for specifying the control technology that will be used to meet the MACT emission limitation for the reactor opening losses. Therefore, the request to object on this ground is denied.

**E. REGION 6 MANAGEMENT**

The Petitioners state that, in the several years they have been working with the EPA Region 6 Air Planning Section, they have found the Section staff competent to perform their duties, but they contend that the Section management "fails to implement the applicable laws and regulations always coming down on the side of poorer air quality and on the side of the state." Petition at 5. Petitioners request that a new Section Chief for Region 6's Air Planning Section be appointed.

Petitioners have not requested that EPA object to the issuance of the Shintech permit because of the alleged Region 6 management failures. Moreover, such allegations of a general failure on Region 6's part to effectively manage the air program in Louisiana would not provide a basis for objecting to the issuance of a Title V permit for a specific facility. Petitioners' allegations accordingly do not provide a basis for objecting to the issuance of the Shintech permit.

Although I have not objected to the issuance of the Shintech permit on these grounds, I note that the Office of the Inspector General ("OIG") recently issued a report assessing the Region's oversight of three of Louisiana's programs, including the Title V program. "EPA Region 6 Needs to Improve Oversight of Louisiana's Environmental Programs," EPA OIG, Report No. 2003-P-00005 (Feb. 3, 2003). The audit by OIG, which was undertaken at the Region's request, found that "the working relationship between the Region and Louisiana was not cohesive, and the Region was unable to fully assure the public that Louisiana was operating programs in a way that effectively protects human health and the environment." As a result of the OIC's audit, as well as requests by Petitioner to withdraw approval of LDEQ's Title V program, Region 6 has undertaken an evaluation of Louisiana's operating permits program and is working to insure that LDEQ's air permitting program effectively protects human health and the environment.

## V. CONCLUSION

For the reasons set forth above, I deny the petition of Alliance Against Waste and Action to Restore the Environment and

the Louisiana Environmental Action Network requesting the Administrator to object to the issuance of the Shintech Permit pursuant to section 505(b) of the Act.

Date: July 3, 2003 /s/

Linda J. Fisher
Acting Administrator