

**RESPONSE TO COMMENTS
REGARDING
THE MODIFIED FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
PERMIT
TO BE ISSUED TO ARISTECH CHEMICAL CORPORATION (OWNER) AND
SUNOCO, INC. R&M (OPERATOR)
FOR
SUNOCO CHEMICALS - HAVERHILL PLANT
HAVERHILL, OHIO**

INTRODUCTION

This response is issued pursuant to Title 40 of the Code of Federal Regulations (40 CFR) Section 124.17, which requires that any changes of draft permit conditions be specified along with the reason for the change; that all significant comments be described and responded to; and that any documents cited in the response be included in the administrative record. Comments were requested regarding the United States Environmental Protection Agency's (U.S. EPA) tentative determination to issue a modified RCRA permit to the Permittees.

The 45-day public comment period commenced on May 8, 2006, with a public notice in The Portsmouth Daily Times and a radio announcement on a local radio station, WNXT AM/FM. The termination date of this comment period was June 19, 2006. Written comments on the draft modified Federal permit were received from the Permittees.

Additionally, the modified permit and permit modification request were available at the Portsmouth Public Library, located at 1220 Gallia Street, Portsmouth, OH 45662.

RESPONSE TO COMMENTS

- (1) Page 10 of 32, the Permittees requested the addition of the following paragraph to Condition I.K:

"All changes to the facility that are required to comply with CAA MACT limits will be considered Class 1 modification to this permit, with the Regional Administrator's prior approval, in accordance with 40 CFR 270(j) and item L(9) of Appendix I to 270.42."

U.S. EPA's Response:

The Permittees' request is in accordance with the modification requirements specified under 40 CFR § 270.42. Therefore, the request is granted. Since the permit modification is delegated to the Director, the "Regional Administrator" is replaced with the "Director" in the modified permit.

- (2) Page 13 of 32 Section IV - Air Emission Standards (40 CFR Part 264, Subparts BB and CC). The Permittees requested that the following paragraphs be inserted after the heading SECTION IV - AIR EMISSION STANDARDS (40 CFR Part 264, Subpart BB and CC).

"In accordance with 264.1064(m), if equipment is subject to Subpart BB and to regulations at 40 CFR part 60, part 61, or part 63, the Permittee may elect to determine compliance with Subpart BB either by documentation pursuant to § 264.1064 of this subpart, or by documentation of compliance with the regulations at 40 CFR part 60, part 61, or part 63 pursuant to the relevant provisions of the regulations at 40 CFR part 60, part 61, or part 63. The documentation of compliance under regulations at 40 CFR part 60, part 61, or part 63 shall be kept with or made readily available with the facility operating record.

If the Permittee elects to determine compliance by documentation pursuant to § 264.1064 of this subpart, sections IV.A.2 through IV.A.14 apply. If the Permittee elects to determine compliance with the regulations at 40 CFR part 60, part 61, or part 63 pursuant to the relevant provisions of the regulations at 40 CFR part 60, part 61, or part 63, sections IV.A.2 through IV.A.14 do not apply."

U.S. EPA's Response:

The request is consistent with the regulatory intent and accepted by the U.S. EPA. The actual wording in the modified permit is slightly modified.

- (3) Page 17 of 32. The Permittees requested to add the following paragraphs following the first paragraph under IV.B.1 General:

"In accordance with 40 CFR 264.1084(b), you must control air pollutant emissions from the tanks listed below. For tanks that meet the requirements of (b)(1)(iii), you may select either Level 1 or Level 2 controls. For tanks that do not meet the requirements of (b)(1)(iii), you must use level 2 controls. Level 1 controls are defined in 40 CFR 264.1084(c); Level 2 controls are defined in 40 CFR 264.1084(d).

Requirements listed in Section IV.B.2 through IV.B.3 apply only when the tanks must be controlled using Level 2 controls."

U.S. EPA's Response:

On September 27, 2005, U.S. EPA received vapor test results for the heavy hydrocarbon (HHC) fuel, which indicated that the vapor pressure is below 5.2 kPa at 300 degree F. Therefore, the HHC storage tanks qualify for Level 1 control under such conditions. The original permit conditions require HHC storage tanks to meet Tank Level 2 control standards. The Permittees' request, therefore, is reasonable

and accepted by the U.S. EPA. The final modified permit allows HHC storage tanks to meet Tank Level 1 control standards if the specified HHC temperature and vapor pressure condition are met.

Condition IV.B.2.a was modified to read:

"The HHC tanks must use Tank Level 1 controls in accordance with 40 CFR § 264.1084(c)(3) if (1) the maximum vapor pressure of HHC is equal or less than 5.2 kPa at 300 ° F, (2) the maximum vapor pressure is determined in accordance with the waste determination procedures specified in 40 CFR § 264.1083, and (3) the maximum HHC temperature in the tanks does not exceed 300 ° F and so recorded."

The following paragraph was inserted after the paragraph described above:

"The HHC tanks must meet the Tank Level 2 control requirements in accordance with 40 CFR § 264.1084(d) and the following, if the conditions described in IV.B.2.a cannot be met:"

- (4) Page 19 of 32. The Permittees requested to change the tank designation from Tank 2003-F to Tank 2003-FR1.

U.S. EPA's Response:

The modified final permit is based on the information submitted under the Class 3 permit modification request. Therefore, the Permittees' request is denied. However, the Permittees may submit a Class 1 permit modification request with revised drawings indicating a change in the tank designation.

- (5) Page 21 of 32. The Permittees requested that the following paragraph be inserted after the heading of IV.B.3.c Inspections.

"In accordance with 40 CFR 264.1088(b), you must develop and implement a written plan and schedule to perform the required inspection and monitoring defined below. You must incorporate this plan and schedule into the facility inspection plan."

U.S. EPA's Response:

The request is reasonable, because it provides more site specific requirements. The final modified permit includes the paragraph described above.

- (6) Page 23 of 32. The Permittees requested that the following paragraph be inserted in Condition V.A General.

"All Conditions of this permit Section are intended to ensure compliance with the requirements of 40 CFR Part 266 Subpart H. The Conditions in Section V.B through

V.C of this permit will no longer apply once you submit your certification of compliance under 40 CFR 63.1207(j) and 63.1210(d) to the Regional Administrator demonstrating compliance with the requirements of 40 CFR Part 63 Subpart EEE."

U.S. EPA's Response:

It is the U.S. EPA's intent to replace the Boiler and Industrial Furnaces Rule under 40 CFR Part 266 Subpart H with the Clean Air Act, MACT Rule under 40 CFR Part 63 Subpart EEE. The RCRA retains the authority to protect human health and the environment, not covered under the Clean Air Act regulations. Therefore, Conditions V.B through V.C.4, which are covered under 40 CFR Part 63 Subpart EEE, may be removed from the permit through permit modification request, once a certification of compliance under 40 CFR 63.1207(j) and 63.1210(b) to the Regional Administrator demonstrating compliance with the requirements of 40 CFR Part 63 Subpart EEE and approved.

The final modified permit reflects the described changes. The Permittees, however, must submit a Class 1 permit request for removal of Conditions V.B through V.C.4.

- (7) Page 25 of 32, Condition V.B.4.b Table. The Permittees requested that the maximum ash concentration for HHC and LHC under Operation Mode A be changed from 1.0 to 1.5.

U.S. EPA's Response:

The U.S. EPA denied the request, because the ash concentration in the hazardous wastes is a function of the amount of natural gas co-fired with the hazardous wastes so that the particulate matter in the flue gas would not exceed the regulatory limit of 0.08 grains per dry standard cubic foot corrected to 7 % oxygen.

When Permittees submit an acceptable justification for a higher ash limit under a permit modification request, U.S. EPA will, at that time, evaluate and make a determination on the requested change.

- (8) Page 29 of 32, Table V-2, Item 7 Maximum Total Heat Input firing with LHC in MM Btu/hr under Mode B for Boiler UE. NA (not application) is replaced with 174.

U.S. EPA's Response:

It is a typographical error in the draft modified permit. It was corrected as recommended.

- (9) Page 26 of 32, Condition V.B.4.c. Permittees requested that: (1) "and concentration" be removed from the first sentence and "in Table V-1" be inserted in the second sentence, and (2) "Basis Table" is added to the untitled table.

U.S. EPA's Response:

The request clarifies the intent without changing the substance of this condition. Therefore, the U.S. EPA approved the request and Condition V.B.4.c was modified accordingly in the final permit.

- (10) Page 27 of 32, Condition V.B.4.d. Permittees requested an editorial change to the condition.

U.S. EPA's Response:

The suggested wording does not change the substance of this condition and it makes the condition easier to understand. Therefore, U.S. EPA approved the suggested changes and Condition V.B.4.d was modified accordingly in the final permit.

- (11) Page 28 of 32, Condition V.C.1.d. Permittees request that: "...all Boilers with a maximum....." be replaced with ".....Boilers UA, UB, or UE with a maximum...."

U.S. EPA's Response:

The suggested change more accurately describes the regulated boilers, since there are other non-RCRA regulated boiler onsite. Therefore, U.S. EPA accepted the suggested change. The draft permit was modified accordingly.

DETERMINATION

Based on a full review of the Class 3 permit modification request by the Permittees and all relevant data provided to the U.S. EPA, the U.S. EPA has determined that the modified permit contains such terms and conditions necessary to protect human health and the environment.

Aristech Chemical Corporation/Sunoco, Inc. R&M
 Sunoco Chemicals Haverhill Plant, Haverhill, OH
 File: Aristech-Class 3 rtc
 Wen C. Huang October 11, 2006

WASTE MANAGEMENT BRANCH

SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY	SECRETARY
TYPIST/ AUTHOR	TECHNICAL SUPPORT & PERMITS SEC	CORRECTIVE ACTION SEC	POL.PREV.&SPE C.INTIV SEC. CHIEF	WMB BRANCH CHIEF	WPTD DIVISION DIRECTOR
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