

**MONTANA DEPARTMENT OF ENVIRONMENTAL QUALITY  
OPERATING PERMIT TECHNICAL REVIEW DOCUMENT**

**Permitting and Compliance Division  
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United States Dept. of Health and Human Services  
National Institute of Health  
Rocky Mountains Laboratories (RML)  
Northeast ¼ of Section 36, Township 6 North, Range 21 West, Ravalli County  
903 South 4<sup>th</sup> Street  
Hamilton, MT 59840

The following table summarizes the air quality programs testing, monitoring, and reporting requirements applicable to this facility.

<b>Facility Compliance Requirements</b>	Yes	No	Comments
Source Tests Required	X		
Ambient Monitoring Required		X	
COMS Required		X	
CEMS Required	X		Incinerator CEMS 40 CFR 60.57c
Schedule of Compliance Required		X	
Annual Compliance Certification and Semiannual Reporting Required	X		As applicable
Monthly Reporting Required		X	
Quarterly Reporting Required		X	
<b>Applicable Air Quality Programs</b>			
ARM Subchapter 7 Preconstruction Permitting	X		#2991-04
New Source Performance Standards (NSPS)	X		Subpart Ce, Subpart Dc
National Emission Standards for Hazardous Air Pollutants (NESHAPS)		X	
Maximum Achievable Control Technology (MACT)		X	
Major New Source Review (NSR)		X	
Prevention of Significant Deterioration (PSD)		X	
Risk Management Plan Required (RMP)		X	
Acid Rain Title IV		X	
Compliance Assurance Monitoring (CAM)		X	
State Implementation Plan (SIP)	X		General SIP

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## SECTION I. GENERAL INFORMATION

### A. Purpose

This document establishes the basis for the decisions made regarding the applicable requirements, monitoring plan, and compliance status of emission units affected by the operating permit proposed for this facility. The document is intended for reference during review of the proposed permit by the EPA and the public. It is also intended to provide background information not included in the operating permit and to document issues that may become important during modifications or renewals of the permit. Conclusions in this document are based on information provided in the original application submitted complete by Rocky Mountain Laboratories (RML) on February 6, 2003.

### B. Facility Location

The RML facility is located in the Northeast ¼ of Section 36, Township 6 North, Range 21 West, Ravalli County. The physical address is 903 South 4<sup>th</sup> Street, Hamilton, MT 59840. The Selway Bitterroot Wilderness (Class I area) is located approximately 10 miles west of the site.

### C. Facility Background Information

In 1985, and then again in 1987, the Montana Department of Health and Environmental Sciences (predecessor to the Montana Department of Environmental Quality (Department)) determined that the RML facility did not need to obtain an air quality preconstruction permit prior to installing the above-mentioned emission sources. However, the air quality rules changed and the Department determined that it was no longer permissible for facilities to determine their potential to emit using controlled emissions. Therefore, since RML does have potential emissions exceeding 25 tons per year (tpy), RML was required to obtain an air quality preconstruction permit. RML was not required to demonstrate compliance with the additional permitting requirements contained in Montana Code Annotated (MCA) 75-2-215 because their incinerators were existing sources of emissions. Consequently, on October 22, 1997, RML submitted a complete permit application for their facility. Permit #2991-00 was issued final on January 2, 1998.

On March 17, 2000, RML was issued Permit #2991-01 to expand the boiler plant at their facility. The expansion involved the installation of two new 66-MMBtu/hr boilers fired primarily on natural gas, with No. 2 fuel oil used as back-up fuel. As part of this project, RML also installed a 300-kW emergency generator fired on diesel fuel and a 20,000-gallon above-ground storage tank. The emissions increase resulting from this boiler plant expansion was greater than 15 tpy; therefore, RML was required to submit an application to alter their air quality permit. However, a limitation on the amount of natural gas consumption was placed on the facility to keep the total emissions below the Title V threshold.

RML also included a de minimis project as part of this permit action. RML proposed to upgrade the wet scrubber controlling the incinerator system. The upgrade ensured that the incinerators would be able to meet the emission limitations contained in the Hospital/Medical/Infectious Waste (HMIW) Incinerator New Source Performance Standards 40 Code of Federal Regulations Part 60 (40 CFR 60), Subpart Ce. These emission standards were not applicable to RML's facility at the time of this permitting action because a limitation on the amount of waste defined as Hospital/Medical/Infectious Waste was placed in the air quality permit. The installation of the wet scrubber did not require a permit because it qualified as a de minimis project, as defined in the Administrative Rules of Montana (ARM) 17.8.705(1)(r) (predecessor to current rule under ARM 17.8.745(1)). However, the scrubber was listed to avoid future confusion that could result from the installation of the wet scrubber. Permit #2991-01 replaced Permit #2991-00.

RML's air quality Permit #2991-01 limited the amount of HMIW, as defined under 40 CFR 60, Subpart Ce, to an amount less than 10% of the total waste stream incinerated at the facility. The condition was included in the permit for the purpose of allowing RML to operate as a co-fired combustor meeting the definition of an exempt source under 40 CFR 60, Subpart Ce. On February 15, 2002, the Department received a request from RML to review this determination. The request centered on questions regarding the interpretation and definition of HMIW as applicable to RML. Specifically, RML posed the question as to whether or not the disposable plastic lab-ware used at the facility was considered HMIW.

Based on subsequent information submitted by RML, the Department determined that the plastic lab-ware meets the definition of "...culture dishes and devices used to transfer, inoculate, and mix cultures" (40 CFR 60.51(c) *medical/infectious waste*(1)) and is therefore, by this definition, considered HMIW. When plastic lab-ware, as described above, was included with the waste stream as HMIW, RML exceeded the 10% HMIW threshold for the co-combustor exemption and was thus determined to be subject to all applicable requirements of 40 CFR 60, Subpart Ce.

On June 17, 2002, the Department received a request from RML to modify air quality Permit #2991-01 to include all applicable requirements of 40 CFR 60, Subpart Ce. The permit action removed the condition in Section II.A.3 of Permit #2991-01, which limited the allowable amount of HMIW incinerated at the facility. The permit action also incorporated all applicable requirements of 40 CFR 60, Subpart Ce. Further, with the new determination of HMIW applicability and in accordance with 40 CFR 60.32(i), RML was required to obtain and operate pursuant to a Title V operating permit. Permit #2991-02 was issued final on August 9, 2002, and replaced Permit #2991-01.

On October 1, 2002, the Department received a request from RML to modify air quality Permit #2991-02 to include federally enforceable permit limits for the HMIW incinerators at the facility. The purpose of the proposed limits was to ensure that the incinerators meet the definition of medium HMIW incinerators as defined in 40 CFR 60, Subpart Ce.

In addition, on August 5, 2002, the Department received information from RML regarding equipment changes at the facility. The equipment changes included an increase in the number of fume hoods at the facility, the removal of an 18,000-gallon fuel storage tank (FST), the replacement of a 120-gallon FST with a 300-gallon FST, the replacement of a 550-gallon FST with a 300-gallon FST, the addition of an 8000-gallon FST, and the addition of a 1500-kilowatt (kW) emergency generator. After correspondence with RML, the Department determined that because the potential to emit (PTE) for all previously listed and previously un-permitted equipment is less than 15 tons per year (tpy), the equipment could be added to the list of permitted equipment in accordance with ARM 17.8.705(1)(r). Permit #2991-03 was issued final on November 8, 2002, and replaced Permit #2991-02.

On February 6, 2003, the Department received a complete permit application from RML for proposed changes to the existing permitted facility. Specifically, the permit application indicated that RML would be removing three natural gas fired boilers of 20 million British thermal unit per hour (MMBtu/hr) heat input capacity, 14.7 MMBtu/hr capacity, and 14.7 MMBtu/hr capacity, respectively; removing 2 existing and permitted emergency/back-up status generators of 400 kilowatts (kW) and 600 kW, respectively; and removing one 2500-gallon above ground number 2 fuel-oil FST. In addition, the application indicated the RML would be adding one 64.5-MMBtu/hr natural gas fired boiler; adding two emergency/back-up status diesel-fired generators of 1250 kW and 2000 kW, respectively; adding one 10,000-gallon number 2 fuel oil FST; and adding various laboratory fume hoods to the permitted facility.

After submittal of the application for the above listed proposed permit changes, RML informed the Department that the previously listed equipment to be removed from the permitted facility would not

be removed for a period of time. Therefore, the Department suggested, and RML agreed, that the facility should maintain a permit for this equipment as long as the equipment physically remained on the site and only remove each respective piece of equipment from the permitted facility when and if RML begins preparations for the physical removal of the equipment from the site. The current permit action includes the equipment listed above as additions to the permitted facility but does not remove any of the above listed equipment at this time.

Further, in accordance with 40 CFR Part 60, Subpart Ce, RML submitted a permit application for a major source Title V operating permit concurrently with the previously discussed application for changes to the existing preconstruction permit. Permit #2991-04 replaced Permit #2991-03.

#### **D. Taking and Damaging Analysis**

HB 311, the Montana Private Property Assessment Act, requires analysis of every proposed state agency administrative rule, policy, permit condition or permit denial, pertaining to an environmental matter, to determine whether the state action constitutes a taking or damaging of private real property that requires compensation under the Montana or U.S. Constitution. As part of issuing an operating permit, the Department is required to complete a Taking and Damaging Checklist. As required by 2-10-101 through 105, MCA, the Department has conducted a private property taking and damaging assessment and has determined there are no taking or damaging implications. The checklist was completed on October 24, 2003.

#### **E. Compliance Designation**

RML was last inspected on August 13, 2003, and was found to be in compliance with all applicable requirements. A copy of the inspection report is on file with the Department.

## SECTION II. SUMMARY OF EMISSION UNITS

### A. Facility Process Description

RML operates a biomedical research facility conducting basic and applied research in immunological, allergic, and infectious diseases for the National Institute of Allergy and Infectious Disease, National Institutes of Health, Department of Health and Human Services. Processes and equipment at the facility include waste incineration, boilers, emergency generators, fuel storage tanks, and laboratory fume hoods.

### B. Emission Units and Pollution Control Device Identification

The following table indicates all significant (PTE > 5 TPY) permitted sources of emissions or sources with applicable requirements and emission controls/practices utilized for each emitting unit at the RML facility:

<b>Emitting Unit/Process</b>	<b>Control Device/Practice</b>
EU001 - Facility-Wide Fuel Consumption and Use (Natural Gas and Number 2 Fuel Oil)	Natural gas fuel use limitation and maximum fuel oil sulfur concentration of 0.5%
EU002 – 66-MMBtu/hr Natural Gas-Fired Boiler	Natural gas fuel use limitation
EU003 – 66-MMBtu/hr Natural Gas-Fired Boiler	Natural gas fuel use limitation
EU004 – 66-MMBtu/hr Natural Gas-Fired Boiler	Natural gas fuel use limitation
EU005 – 6.5-MMBtu/hr Natural Gas-Fired Consumat Model C-325PA Pathological Furnace (Incinerator)	Limited incineration content (material type), maximum charge rate of 500 lb/hr, 3504 ton/yr pathological and general refuse incineration.
EU006 – 3.5-MMBtu/hr Natural Gas-Fired Consumat Model C-225P Pathological Furnace (Incinerator)	Limited incineration content (material type), maximum charge rate of 500 lb/hr, 3504 ton/yr pathological and general refuse incineration.
EU007 – Emergency Generators (Diesel-Fired)	Emergency/back-up operation only. Maximum of 500 hours of operation/unit/year
EU008 – 20-MMBtu/hr Natural Gas-Fired Boiler (1965)	Natural gas fuel use limitation
EU009 – 14.7-MMBtu/hr Natural Gas-Fired Boiler (1969)	Natural gas fuel use limitation
EU010 – 14.7-MMBtu/hr Natural Gas-Fired Boiler (1976)	Natural gas fuel use limitation

### C. Categorically Insignificant Sources/Activities

The Administrative Rules of Montana (ARM) 17.8.1201(22)(a) defines an insignificant emissions unit as one that emits less than 5 tons per year of any regulated pollutant, has the potential to emit less than 500 pounds per year of lead or any hazardous air pollutant, and is not regulated by an applicable requirement other than a generally applicable requirement. The following table lists the insignificant emissions units at RML.

<b>Emissions Unit ID</b>	<b>Description</b>
IEU01	20,000 Gallon Fuel Oil Storage Tank
IEU02	8,000 Gallon Fuel Oil Storage Tank
IEU03	5,000 Gallon Fuel Oil Storage Tank
IEU04	2,500 Gallon Fuel Oil Storage Tank
IEU05	500 Gallon Fuel Oil Storage Tank
IEU06	10,000 Gallon Fuel Oil Storage Tank
IEU07	300 Gallon Motor Fuel Oil Storage Tank
IEU08	300 Gallon Motor Fuel Oil Storage Tank
IEU09	Miscellaneous Laboratory Fume Hoods

## SECTION III. PERMIT CONDITIONS

### D. Emission Limits and Standards

Emission limits, operating conditions, and applicable standards in the Title V operating permit are based on, and were established from, applicable conditions/limits in RML's Montana Air Quality Permit(s) and applicable NSPS requirements. In addition to Title V Operating Permit #OP2991-00, RML currently operates under Montana Air Quality Permit #2991-04.

### E. Monitoring Requirements

ARM 17.8.1212(1) requires that all monitoring and analysis procedures or test methods required under applicable requirements are contained in operating permits. In addition, when the applicable requirement does not require periodic testing or monitoring, periodic monitoring must be prescribed that is sufficient to yield reliable data from the relevant time period that is representative of the source's compliance with the permit.

The requirements for testing, monitoring, recordkeeping, reporting, and compliance certification sufficient to assure compliance does not require the permit to impose the same level of rigor for all emission units. Furthermore, it does not require extensive testing or monitoring to assure compliance with the applicable requirements for emission units that do not have significant potential to violate emission limitations or other requirements under normal operating conditions. When compliance with the underlying applicable requirement for an insignificant emission unit is not threatened by lack of regular monitoring and when periodic testing or monitoring is not otherwise required by the applicable requirement, the status quo (**i.e., no monitoring**) will meet the requirements of ARM 17.8.1212(1). Therefore, the permit does not include monitoring for insignificant emission units.

The permit includes periodic monitoring or recordkeeping for each applicable requirement. The information obtained from the monitoring and recordkeeping will be used by the permittee to periodically certify compliance with the emission limits and standards. However, the Department may request additional testing to determine compliance with the emission limits and standards.

### F. Test Methods and Procedures

The operating permit may not require testing for all sources if routine monitoring is used to determine compliance, but the Department has the authority to require testing if deemed necessary to determine compliance with an emission limit or standard. In addition, the permittee may elect to voluntarily conduct compliance testing to confirm its compliance status.

### G. Recordkeeping Requirements

The permittee is required to keep all records listed in the operating permit as a permanent business record for at least five years following the date of the generation of the record.

### H. Reporting Requirements

Reporting requirements are included in the permit for each emissions unit and Section V of the operating permit "General Conditions" explains the reporting requirements. However, the permittee is required to submit semi-annual and annual monitoring reports to the Department and to annually certify compliance with the applicable requirements contained in the permit. The reports must include a list of all emission limit and monitoring deviations, the reason for any deviation, and the corrective action taken as a result of any deviation.

## I. Public Notice

In accordance with ARM 17.8.1232, a public notice was published in the *Ravalli Republic* newspaper on or before May 27, 2004. The Department provided a public comment period on the draft operating permit from May 27, 2004, through June 28, 2004. ARM 17.8.1232 requires the Department to keep a record of both comments and issues raised during the public participation process. The comments and issues received by June 28, 2004, are summarized, along with the Department's responses, in the following table. All comments received during the public comment period have been forwarded to RML for the purpose of providing RML with an opportunity to respond to these comments as well.

### Summary of Public Comments on Draft Operating Permit #OP2991-00

Person/Group Commenting	Comment	Department Response
<b>Women's Voices for the Earth</b>	Both Section II (Summary of Emission Units) and Section III.E. (EU 007 – Emergency Generators) omit any list of the individual emergency generators permitted at the facility. It appears from the permit, as written, that the facility may operate any number (and any size) of emergency generator as long as its operation is limited to under 500hrs/yr. Listing the individual permitted generators would clear up this confusion. This addition would also help remind the facility to notify DEQ before installing a new emergency generator, rather than after the fact, as occurred in August 2002. It would also help the DEQ identify any new unpermitted equipment during inspections. We ask that a list of the current permitted emergency generators be included in both sections II and III.E.	The Department believes that the recordkeeping and reporting requirements for all emergency/back-up generators at the facility provide adequate check on the existence and operational limitations of emergency generators at the RML facility. As permitted, RML may in fact operate any number and size of emergency generator, so long as the facility maintains compliance with the emergency status requirements, maintains the appropriate records, and complies with all reporting requirements as outlined in Section III.E of the permit. The Department believes that the existing permit includes all necessary and appropriate information regarding the operation of emergency generators at the facility; therefore, the draft operating permit will not be modified as requested.
<b>Women's Voices for the Earth</b>	Sections III A.9 and III D.1 refer to the permissible incineration of "refuse" and/or "general refuse." It is of great concern to WVE that unnecessary toxic emissions created by the incineration of inappropriate materials be avoided at all costs. A clarifying definition of "refuse" and "general refuse" added to the Appendix will help reassure that inappropriate materials are not incinerated. One concern for example is the high levels of heavy metals in electronic equipment. A single computer monitor can contain several pounds of lead, which presumably could cause an exceedance of the emissions limits associated with this incinerator on the day it is incinerated. Is electronic equipment considered within the definition of "refuse" or "general refuse"? We would appreciate a clarification of this term to be included in the Definitions section in Appendix B.	The Department has defined the term "General Refuse" in Appendix B of the proposed version of RML's operating permit #OP2991-00.  The following definition of "General Refuse", as applicable to allowable incineration content, was proposed by Rocky Mountain Labs and modified by the Department to include a specific incineration exclusion for plastics containing poly vinyl chloride (PVC). The exclusion was based on additional comments received from Women's Voices for the Earth.  <i>General refuse</i> means household type garbage including, but not limited to, foodstuffs, lunchroom wastes, and drink containers; office refuse such as discarded paper, plastic and cardboard containers, and packaging and shipping materials from incoming shipments of laboratory supplies and equipment. Such refuse shall not include electronic equipment such as computer monitors, hazardous chemicals, spent batteries, spent fluorescent bulbs, mercury

		containing thermostats, switches, bulbs, pesticides, and plastics containing poly vinyl chloride (PVC).
<b>Women's Voices for the Earth</b>	The preconstruction permit for this facility (2991-04) indicates that "good operational practices" was designated as BACT for the emergency generators. However, there is no mention of proper maintenance, design or operation as requirements in III.E. We ask that the requirement to use "good operational practices" be added to section III.E. of this permit with a requirement that documentation outlining those practices be kept on site and available to operators and regulators at all times.	As stated in the permit analysis to Montana Air Quality Permit (MAQP) #2991-04, good operational practices does constitute BACT for the emergency generators at the RML facility. However, the Department did not include this condition as an applicable requirement in MAQP #2991-04; rather, an operational limit of 500 hours/year has been incorporated to establish emergency operational status for these generators. The Department does not believe that the addition of a condition requiring good operational practices for all emergency generators would serve as an effective and practically enforceable condition; therefore, the Department will not incorporate this condition into the proposed operating permit as requested.
<b>Women's Voices for the Earth</b>	In the table in Section III.D (Incinerators), the method of compliance demonstration is listed as 40 CFR 50.56(c ). This citation should be 40 CFR 60.56 (c ).	The Department will modify the affected condition to reflect the proper reference under the proposed operating permit.
<b>Women's Voices for the Earth</b>	40 CFR 60.56 (c) (a) states <i>"Sec. 60.56c Compliance and performance testing.</i>  The emission limits under this subpart apply at all times except during periods of startup, shutdown, or malfunction, provided that no hospital waste or medical/infectious waste is charged to the affected facility during startup, shutdown, or malfunction."  We ask that a permit term be added to section III. D to reflect this part of the law. This is needed to ensure (particularly) that no waste is charged to the incinerator during a malfunction. If waste is charged during this time, it should be clear that the facility may incur a violation of its emission limits.	RML is subject to the requirements of 40 CFR 60, Subpart Ce. Department permitting practice dictates that applicable requirements contained in 40 CFR 60 need not be re-stated in the affected facility operating permit. Therefore, the Department will not include the requested information in the operating permit.
<b>Women's Voices for the Earth</b>	40 CFR 60.56 contains specific requirements for incinerators operating wet scrubbers. As there is a wet scrubber on the incinerator at RML, these requirements must be included as permit terms in Section III.D. Specifically:  40 CFR 60.56 (c )(f) states: (d) The owner or operator of an affected facility equipped with a dry scrubber followed by a fabric filter, <u>a wet scrubber</u> , or a dry scrubber followed by a fabric filter and wet scrubber shall: <i>(1) Establish the appropriate maximum and minimum operating parameters, indicated in Table 3 of this subpart for each control system, as site specific operating parameters during the initial performance test to determine compliance with the emission limits; and</i> <i>(2) Following the date on which the initial</i>	RML is subject to the requirements of 40 CFR 60, Subpart Ce. Department permitting practice dictates that applicable requirements contained in 40 CFR 60 need not be re-stated in the affected facility operating permit. Therefore, the Department will not include the requested information in the operating permit.

	<p><i>performance test is completed or is required to be completed under Sec. 60.8, whichever date comes first, ensure that the affected facility does not operate above any of the applicable maximum operating parameters or below any of the applicable minimum operating parameters listed in Table 3 of this subpart and measured as 3-hour rolling averages (calculated each hour as the average of the previous 3 operating hours) at all times except during periods of startup, shutdown and malfunction. Operating parameter limits do not apply during performance tests. Operation above the established maximum or below the established minimum operating parameter(s) shall constitute a violation of established operating parameter(s).</i></p> <p>40 CFR 60.56 (c)(f) states:  (f) Except as provided in paragraph (h) of this section, for affected facilities equipped with a wet scrubber:</p> <p>(1) Operation of the affected facility above the maximum charge rate and below the minimum pressure drop across the wet scrubber or below the minimum horsepower or amperage to the system (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the PM emission limit.</p> <p>(2) Operation of the affected facility above the maximum charge rate and below the minimum secondary chamber temperature (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the CO emission limit.</p> <p>(3) Operation of the affected facility above the maximum charge rate, below the minimum secondary chamber temperature, and below the minimum scrubber liquor flow rate (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the dioxin/furan emission limit.</p> <p>(4) Operation of the affected facility above the maximum charge rate and below the minimum scrubber liquor pH (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the HCl emission limit.</p> <p>(5) Operation of the affected facility above the maximum flue gas temperature and above the maximum charge rate (each measured on a 3-hour rolling average) simultaneously shall constitute a violation of the Hg emission limit.</p> <p>(6) Use of the bypass stack (except during startup, shutdown, or malfunction) shall constitute a violation of the PM, dioxin/furan, HCl, Pb, Cd and Hg emission limits</p>	
<p><b>Women’s Voices for the Earth</b></p>	<p>In March 2004, the Ravalli Republic reported that DEQ fined RML \$15,000 for noncompliance with reporting requirements associated with the incinerator. Although the</p>	<p>RML is subject to the requirements of 40 CFR 60, Subpart Ce. The CEMS requirement (including monitoring frequency) is a requirement contained in</p>

	<p>article was vague about the exact parameters being monitored, it indicated that the violation occurred because RML was monitoring every half hour rather than every minute. Having looked through the Title V I am unable to identify the requirement which led to the violation and fine. My understanding from conversations with lab employees is that the incinerator is monitored with some form of continuous emission monitor. Clearly, these CEMS should be addressed in the Title V permit, with the appropriate permit terms and requirements. As an interested member of the public I was actually looking for these permit terms to better understand why RML had been fined (as it seems to be a rare occasion that enforcement goes that far.) The Title V permit should be the document where I can find that information. Permit terms, monitoring and recordkeeping requirements associated with CEMS on the incinerator must be included in the Title V permit.</p>	<p>the CFR. Department permitting practice dictates that applicable requirements contained in 40 CFR 60 need not be re-stated in the affected facility operating permit. Therefore, the Department will not include the requested information in the operating permit.</p>
<b>Women's Voices for the Earth</b>	<p>The chart on page 1 of the Technical Review Document has a "X" marked in the "No" column under "CEMS required". Could you clarify why this is – especially as it appears that RML was fined \$15,000 for not complying with reporting requirements for the CEMS?</p>	<p>The Department will modify the affected table to indicate RML's CEMS requirement for the incinerators.</p>
<b>Women's Voices for the Earth</b>	<p>40 CFR 60.53c outlines the operator training and qualification requirements. These requirements for annual certification and documentation must be included in Section III. D of the permit.</p>	<p>RML is subject to the requirements of 40 CFR 60, Subpart Ce. Department permitting practice dictates that applicable requirements contained in 40 CFR 60 need not be re-stated in the affected facility operating permit. Therefore, the Department will not include the requested information in the operating permit.</p>
<b>Women's Voices for the Earth</b>	<p>40 CFR 60.55c outlines the requirement for a waste management plan. This requirement is key to reducing and eliminating unnecessary toxic emissions (from unnecessary waste incineration) at any incinerator. The requirement for a waste management plan must be included in section III. D of the permit.</p>	<p>RML is subject to the requirements of 40 CFR 60, Subpart Ce. Department permitting practice dictates that applicable requirements contained in 40 CFR 60 need not be re-stated in the affected facility operating permit. Therefore, the Department will not include the requested information in the operating permit.</p>

## G. Draft Permit Comments

### Summary of Permittee Comments on Draft Operating Permit #OP2991-00

Permit Reference	Permittee Comment	Department Response
Section III.C of Draft #OP2991-00	<p>EU004 is listed as having a heat input capacity of 64.5 MMBtu/hr. This rating was also listed in the application for the operating permit. The actual heat input capacity value for EU004 is the same as EU002 and EU003 at 66 MMBtu/hr.</p>	<p>The Department considers this change in the heat input capacity of EU004 to be insignificant. The Department will update Section III.C with the appropriate heat input value for EU004. However, this change will not affect any applicable permit requirement.</p>
Section III.E of Draft #OP2991-00	<p>The list of emergency generators contained in the application for the operating permit</p>	<p>The requirements contained in Section III.E of the draft Operating Permit</p>

	#OP2991-00, inadvertently left two emergency diesel-fired generators off the list. These generators include a portable 500 kw Genset and a 600 kw Genset.	#OP2991-00 apply to all emergency status diesel-fired generators at the RML facility and do not include unit-specific limits. Therefore, these requirements are applicable to the unlisted units and no permit change to include these units is required.
Section II.C of Technical Review Document	The list of fuel storage tanks included in the application for operating permit #OP2991-00 was incomplete; therefore, various units were inadvertently not listed in Section II.C of the TRD for operating permit #OP2991-00.	In accordance with ARM 17.8, Subchapter 12, the list of insignificant emissions units for a given operation does not need to be updated or maintained with all units listed. Therefore, the Department will not modify the permit to incorporate any unlisted insignificant emitting units at this time.

### Summary of EPA Comments

Permit Reference	EPA Comment	Department Response
No Comments Received	NA	NA

#### **SECTION IV. NON-APPLICABLE REQUIREMENT ANALYSIS**

RML did not request a shield from any of the air quality Administrative Rules of Montana (ARM) or federal regulations (pursuant to ARM 17.8.1214). Therefore, no further analysis of non-applicable requirements is necessary.

## **SECTION V. FUTURE PERMIT CONSIDERATIONS**

### **A. MACT/NESHAPs Standards**

As of September 27, 2004, the Department is unaware of any currently applicable or future MACT or NESHAPs standards that may be promulgated that will affect this facility.

### **B. NSPS Standards**

As of September 27, 2004, the Department is unaware of any future NSPS Standards that may be promulgated that will affect this facility. The facility is currently subject to 40 CFR 60, Subparts Ce and Dc.

### **C. Risk Management Plan**

As of September 27, 2004, this facility does not exceed the minimum threshold quantities for any regulated substance listed in 40 CFR 68.115 for any facility process. Consequently, this facility is not required to submit a Risk Management Plan.

If a facility has more than a threshold quantity of a regulated substance in a process, the facility must comply with 40 CFR 68 requirements no later than June 21, 1999; three years after the date on which a regulated substance is first listed under 40 CFR 68.130; or the date on which a regulated substance is first present in more than a threshold quantity in a process, whichever is later.