

**Summary of Comments Submitted Into the Formal
Hearing Record on the Sunoco Draft
Air Pollution Permit-to-install 04-01447
and Ohio EPA Staff Responses
October 2006**

The purpose of this document is to provide, for informational purposes only, a brief statement as to the response of Ohio EPA, Division of Air Pollution Control staff to certain statements presented at the public hearing on August 29, 2006. The staff's response to a particular comment or issue should not be considered as a completely definitive statement as to the disposition of any comment or issue nor be viewed as an absolute statement of the Agency through its director.

Comment # 1:

Some commentors expressed concern that increased emissions of particulate matter, carbon monoxide and volatile organics may impact human health and the environment.

Response #1:

Ohio EPA is required by law to review proposed sources and to determine whether the proposed sources would comply with all applicable air pollution rules and policies. We then detail what the proposed source must do in order to comply with these rules and policies in the permit. The rules and policies are designed to protect the environment and human health by ensuring compliance with environmental laws. Dispersion modeling of the allowable emissions was performed and the results indicate that emissions are within what is allowed by National Ambient Air Quality Standards (NAAQS) and Ohio EPA's Air Toxics Policy. Therefore, if the company operates the source in compliance with all of the terms and conditions of their permit, then we believe the amount of air pollution emitted from the source will not cause adverse health and/or environmental effects.

Comment # 2:

Some commentors expressed a concern regarding noise and odors from the facility.

Response #2:

Under Ohio's rules and laws, noise cannot be considered in Ohio EPA's air permit review process. If you have concerns about noise levels at this facility, please contact your local officials. Ohio EPA does have limited authority to address odors at this site. If odors become a nuisance, please call Toledo Division of Environmental services at (419) 936-3015. Odors that become a nuisance are addressed in OAC rule 3745-15-07. References to this rule are in Part I, section A.16. of the permit.

Comment # 3:

Some commentors expressed a concern regarding emissions due to increased local and expressway traffic.

Response #3:

Motor vehicle and locomotive exhaust emissions are not regulated under Ohio's air permit program. Emissions from these sources are regulated under U.S. EPA's mobile source program. If emissions are increased, Ohio will need to address this pollution in the State Implementation Plan. For more information on the state Implementation Plan, please visit <http://www.epa.gov/region5/air/sips/index.html>. For current air quality in your area, please visit <http://airohio.epa.state.oh.us>.

Comment # 4:

One commentor also expressed concern that no monitors are located downwind from the flares.

Response #4:

Ohio EPA follows a complex procedure following U.S. EPA guidance and rules to decide where monitors must be placed in order to determine the ambient (outdoor) concentrations of criteria pollutants (particulate matter, sulfur dioxide, nitrogen oxides, ozone, carbon monoxide and lead). These procedures and rules were followed before deciding where existing monitors would be located. Siting additional monitors is possible, but many factors must be considered prior to actually siting a monitor including: (1) the type of pollutant desired to be monitored (each monitor only measures one pollutant); (2) the possible locations of the monitor (siting criteria must be met); (3) who will operate and maintain the monitor; and (4) who will pay to operate and maintain and any sample analysis that must be done. Based on our review of this permit application and experience with these types of sources, the Sunoco, Inc. expansion will not interfere with the maintenance of the NAAQS.

Comments from Sunoco, Inc.

The following written comments were submitted by Sunoco, Inc.- Toledo Refinery.

Comment # 5:

Sunoco has a general concern that most of the emission limitations listed in the draft PTI are based on AP-42 emission factors.

Response #5:

Ohio EPA uses AP-42 emission factors when other more pertinent data is not available. Generally, it is stated under the testing requirements, that the AP-42 emission factors will be used until the emissions unit is tested. From that point on, the most current emission factor based on emissions testing is used. Not all units are required to perform a stack test to verify emissions, so in this case, the AP-42 emission factors are used to demonstrate compliance with an emission limitation. If Sunoco has emission factor data that is more relevant (i.e., emissions data from the manufacturer or other verified stack test data), then the permit can be modified per Sunoco's request, however, it may require testing to verify that data.

Comment # 6:

Record of Instantaneous (one-minute) Continuous Emissions Monitoring System (CEMS) Emissions Data - Plant 4 Flare, Fluid Catalytic Cracking Unit (FCCU), Existing Sulfur Recovery Unit (SRU);, and New SRU. The extensive federal rules do not require one-minute averages and neither should Ohio EPA.

Conditions P009 – A.III.5.b.i, P011 – A.III.2.a, P011 – A.III.4.a, P011 – A.III.12.a, P012 – A.III.2.a, and P041 – A.III.3.a currently state: "The permittee shall maintain records of data obtained by the continuous [hydrogen sulfide, sulfur dioxide, nitrogen oxides, or carbon monoxide] monitoring system including, but not limited to: emissions of [hydrogen sulfide, sulfur dioxide, nitrogen oxides, or carbon monoxide] in parts per million on an instantaneous (one-minute) basis;"

The New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP) General Provisions 40 CFR 60 Subpart A and 40 CFR 63 Subpart A, respectively, requires that all CEMS for measuring emissions (other than opacity) complete a minimum of one cycle of operations (sampling, analyzing, and data recording) for each successive 15-minute period (40 CFR 60.13 (e)(2) and 40 CFR 63.8(c)(4)(ii)). The current language of the conditions listed above does not provide exemptions for periods within a particular hour that the CEMS is not collecting a sample, e.g., during calibrations (either scheduled calibration or calibrations that are prompted by the process logic controller (PLC) in the monitoring system), periods of back-flow line purging to prevent sample line plugging and other maintenance events. Ohio EPA has expressed that the reason for the recording of instantaneous (one-minute) data is to prevent sources from extracting only certain data points for use in calculating emissions averages. Sunoco believes that the regulations already provide for the recording of all CEMS data, and that all data points and data reduction methods are available for agency review through the normal inspection process of the data acquisition system.

Ohio EPA has already included 40 CFR 63.1572(d)(1) and (d)(2) in the PTI for sources P011, P012 and P041. These sections of the MACT II regulations clearly state that all collected data must be included in the assessment of the control device and control system operation. While the MACT II requirements do not apply to P009 (the Plant 4 flare), the NSPS also has requirements for maintaining data. Although Ohio EPA did not cite the requirement in the PTI, 40 CFR 60.7 clearly indicates that all measurements are to be maintained for at least two years. Ohio EPA could, in lieu of the language currently in the PTI, include Section 60.7(f)(3). This allows Ohio EPA to order Sunoco specifically to maintain all the collected data. Sunoco would prefer this language be used in the PTI instead of the terms and conditions currently listed.

Separately, Sunoco wishes to comment that there is a typographical error in the terms for P012 regarding this topic. The citations for 40 CFR 63.1572(a) and (a)(1) are missing, although they have been included in P011 and P041. These terms should appear as P012 – A.III.5.a and A.III.5.a.i.

Response #6:

Ohio EPA addressed the problems the downtime of the CEM's due to scheduled maintenance by revising the term as follows:

“Valid minute-by-minute CEMS data shall not be required during periods in which scheduled CEMS system maintenance events (such as system blow-backs) occur. Minute-by-minute data recorded during a scheduled maintenance event shall be flagged as invalid due to the scheduled maintenance event, and not used in future compliance determination calculations.”

Missing citations 63.1572(a) and (a)(1), were added to section A.III.5. of P012.

Comment # 7:

Submittal of Proposed CEM Sampling Sites Prior to CEM Installation - Plant 4 Flare, FCCU, Existing SRU, and New SRU. This is not required by any federal rule. The requirement is burdensome and unnecessary.

Conditions P009 – A.IV.4, P011 – A.III.1, P011 – A.III.3, P011 – A.III.11 and P041 – A.III.2 currently state: ".....Prior to the installation of the continuous [hydrogen sulfide, sulfur dioxide, nitrogen oxides, or carbon monoxide] monitoring system, the permittee shall submit information to the Toledo Division of Environmental Services and to the Ohio EPA, Central Office, detailing the proposed location of the sampling site in accordance with the siting requirements in 40 CFR 60, Appendix B, Performance Specification [2, 7, 4 or 4a] as

appropriate, for approval by the Ohio EPA, Central Office."

Sunoco believes the siting of the CEMS is already provided for in the permit in conditions P009 – A.V.3, and P011 – A.V.3, A.V.4, and A.V.6, and P041 – A.VI.1 which states that certification of the continuous monitoring systems shall be granted upon determination by Ohio EPA, Central Office that the system meets the requirements of 40 CFR Part 60, Appendix B, Performance Specifications [2, 7, 4 or 4a]; and ORC section 3704.03(i).

Sunoco requests that the second sentence be deleted from each of the following conditions: P009 – A.IV.4; P011 – A.III.1; P011 – A.III.3; P011 – A.III.11; and P041 – A.III.2.

Response #7:

Ohio EPA agrees that siting the CEMS is provided in the permit terms and conditions stated in P009 – A.V.3, and P011 – A.V.3, A.V.4, and A.V.6, and P041 – A.VI.1. Therefore, we will delete the second sentence from terms P009 – A.IV.4 P011 – A.III.1; P011 – A.III.3; P011 – A.III.11; and P041 – A.III.2 as suggested.

Comment # 8:

Quarterly reporting for CEMS - Plant 4 Flare, FCCU, Existing SRU, and New SRU. The federal rules only require semiannual reporting. Quarterly reporting is burdensome and unnecessary.

Conditions P009 – A.IV.5, P011 - A.IV.2, P011 - A.IV.3, P011 – A.IV.4, P011 - A.IV.5, P011 – A.IV.6, P012 - A.IV.1, P041 – A.IV.2 require quarterly reporting for the continuous emission and scrubber parameter monitoring systems.

Sunoco believes that these conditions should require reporting on a semi-annual basis instead of quarterly basis. The NESHAP and NSPS both allow a semiannual report. Sunoco requests that the quarterly reporting be replaced with semi-annual reporting as required by 40 CFR 60 Subpart J and 40 CFR 63 Subpart UUU. In addition, the quarterly report for P009 would be a duplicate report since the flare monitoring is already being reported along with other refinery sources requiring a separate MACT report.

Response #8:

Ohio EPA requires quarterly monitoring for all facilities with CEMS. Its authority comes from 40 CFR 60.7(c), "Each owner or operator required to install a

continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and/or summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source.” Therefore, quarterly reporting will remain in the permit terms and conditions.

Comment # 9:

Malfunction Reporting for Plant 4 Flare, FCCU, Existing SRU, and New SRU. Federal rules limit malfunction reporting to only those events causing excess emissions above a permitted level. This additional reporting is burdensome and unnecessary.

Conditions P009 – A.IV.5.b.xi, P011 - A.IV.2.b.xi, P011 - A.IV.3.b.xi, P011 - A.IV.5.b.xi, P011 – A.IV.6.b.xi, P012 - A.IV.1.b.xi, and P041 – A.IV.2.b.xi indicate that the quarterly CEM reports described in Comment 3 must include among other information, the date, time and duration of any/each malfunction of the continuous monitoring system, emissions unit, and/or control equipment regardless if there is an exceedance of any applicable limit.

Sunoco believes that the permit should specify that only malfunctions that cause the source to exceed an applicable emission limitation in the relevant standard would be reportable, consistent with the Compliance with Standards and Maintenance Requirements of 40 CFR 63.6(e).

Response #9:

The terms and conditions for the above sources are from Ohio EPA's standard terms and conditions for continuous emission monitors and will remain in the permit as stated. The term comes in part from 40 CFR Part 60.7(d) which states that, “The summary report form shall contain the information and be in the format shown in figure 1 unless otherwise specified by the Administrator.” The Administrator (Ohio EPA), in this case, has the option of requesting additional information.

Comment # 10:

Quarterly Emission Summary Reporting for Plant 4 Flare, FCCU, Existing SRU, and New SRU is unnecessary and burdensome.

Conditions P009 – A.IV.5.b.v, P011 - A.IV.2.b.v, P011 - A.IV.3.b.v, P011 -

A.IV.5.b.v, P011 – A.IV.6.b.v, P012 - A.IV.1.b.v, and P041 – A.IV.2.b.v indicate that the quarterly CEM reports described in Comment 3 must include among other information, the total emissions for the calendar quarter. This is not a regulatory requirement and in fact, no quarterly emissions limits have been imposed for these sources. The information is already submitted annually as part of the Fee Statement. This requirement should be deleted.

Response #10:

Ohio EPA concurs with the applicant. Accordingly, we have removed the requirement to report the quarterly TPY emissions for the stated pollutant.

Comment # 11:

Plant 4 Flare Nitrogen Oxides Emission Limitation

Condition P009 - V.1.d indicates that the NO_x emission limit of 19.34 pounds per hour may be determined by multiplying the emission factor of 0.04 pound of NO_x emissions per million Btu by the maximum heat input capacity of 197.29 mmBtu per hour. Please revise 0.04 pound of NO_x per million Btu to 0.098 pound of NO_x per million Btu, as submitted in the application. (See paragraph above regarding appropriate use of emission factors.)

Response #11:

Ohio EPA concurs with the applicant. Accordingly, we have changed the emission factor to 0.098 pound of NO_x per million Btu.

Comment # 12:

Reference to Coke Burn Equation - FCCU

Condition P011 – A.III.14 references the coke burn equation in 40 CFR 60 Subpart J. Sunoco requests that the coke burn equation in 40 CFR 63 Subpart UUU be used to calculate the coke burn rate. US EPA has acknowledged that the equation in 60.106(b)(3) is wrong and a proposal is out to fix it. Sunoco requests that Ohio EPA delete the reference to that equation or at least acknowledge it to be incorrect.

Response #12:

We acknowledged that the coke burn-off equation in 40 CFR Part 60, subpart J is incorrect after discussing the issue with Bob Lucas, U.S. EPA (the refinery MACT contact). Therefore, the term in P011, section A.III.14., will be changed to the recently published equation in the Federal Register amended on Sept. 21, 2006,

Comment # 13:

10 percent Opacity Limitation – New Cooling Tower and New SRU

Conditions P040 - A.I.1, P040 – A.V.1.e, P041 – A.I.1, and P041 – A.V.1.a indicate that visible emissions shall not exceed 10 percent opacity as a six-minute average. Sunoco believes the 10% opacity limit does not have any regulatory basis. The visible emission standard in OAC rule 3745-17-07 (A) is 20 percent opacity as a six-minute average. Sunoco requests that the opacity limitation of 20 percent in 3745-17-07(A) be used for the new cooling tower and new SRU.

Response #13:

It is Ohio EPA's policy to regulate those sources with less than five pounds per hour of particulate emissions to have less than 20 percent opacity, therefore the 10 percent opacity as a six-minute average will remain. The regulatory basis is OAC rule 3745-3745-31-05(A)(3).

Comment # 14:

FCCU Wet Gas Scrubber and Cooling Tower Opacity Compliance Method

Conditions P011 - A.V.1.a and P040 – A.V.1.e indicates that compliance shall be demonstrated based on visible particulate emission observations performed in accordance with the procedures specified in 40 CFR 60, Appendix A, Method 9 to determine compliance with the opacity limitation. Sunoco believes that Method 9 readings will give unrepresentative results due to the large amount of water vapor. Sunoco requests that the words "or other method acceptable to the TDES" be added to P011 - A.V.1.a and P040 – A.V.1.e.

Response #14:

Ohio EPA concurs with the applicant. Accordingly, we will add the following statement to terms and conditions P011, section A.V.1.a. and P040, section A.V.1.e. - "Alternative U.S. EPA-approved test methods may be used with prior approval from Ohio EPA."

Comment # 15:

References to Consent Decree Requirements in the Plant 4 Flare, Wastewater, and LDAR Conditions. Consent Decree requirements do not belong in these terms and conditions.

Sunoco's Consent Decree requires Sunoco to request the incorporation of all "emission limits and standards" into the refinery Title V permit. The enhanced LDAR and BWON programs listed in the CD neither emission limits nor standards. Rather, they are work practices and should not be listed in the PTI. The flaring protocol in the CD is simply an enhanced reporting tool for the US EPA to obtain copies of root cause analysis reports and also does not belong in the PTI. Sunoco requests that the Consent Decree terms listed in the Plant 4 Flare, Wastewater, and LDAR be removed. Also, the Consent Decree has termination clauses for some of the terms. However, items added to the PTI and Title V permit will not be cancelled by any Consent Decree termination.

Sunoco recognizes that Ohio EPA has tried to address this situation by adding a termination clause to the draft PTI. However, not all terms in the PTI are clearly shown as from the CD and not all sections have the termination clause. For example, several conditions in P009 reference requirements of the Consent Decree and do not indicate that they are requirements of the Consent Decree and the termination language contained in other sections of the PTI should be added to P009 and P017.

Sunoco requests the following changes in P009:

A.II.3 1st paragraph – change "Paragraph 64," to "Paragraph 64 of the Consent Decree."

A.II.3 2nd paragraph – add "As defined in the Consent Decree..." to the beginning of the first sentence.

A.III.4, A.III.6, and A.IV.3 – add "as defined in the Consent Decree or per the Consent Decree" as appropriate.

Add a condition referencing the termination of the Consent Decree similar to P801 – A.VI.2.

Sunoco requests the following change in P017:

Add a condition referencing the termination of the Consent Decree similar to P801 – A.VI.2.

Response #15:

One of the requirements of the Consent Decree was to incorporate the Consent Decree into enforceable permit. It is our position that the terms should be in this

permit. In the future, if a Consent Decree term is terminated, the PTI and Title V permit can go through an Administrative modification to remove those terms that are no longer applicable.

The following changes were made to the terms and conditions:

Source P009, section A.II.3. - a reference above the first paragraph referring to the consent decree (i.e., [CD, section L.64.] CONTROL of HYDROCARBON FLARING INCIDENTS).

Source P009, section A.II.3., second paragraph - add "As defined in the Consent Decree..." to the beginning of the first sentence.

Source P009, section A.III.4. - add above the first paragraph, "[...CD, section J.49.] HYDROCARBON FLARING DEVICES..."

Source P009, section A.III.6. - add above the first paragraph "[...CD, section K.] ACID GAS FLARING INCIDENTS. Other references to the CD will be added above sections A.III.6.a., b., and c. to identify the source of the term and condition.

Source P009, section A.IV.3. - add above the first paragraph, "[CD, section K.53.] CONTROL of HYDROCARBON FLARING INCIDENTS..."

NEW TERMS ADDED:

P009, section A.VI.1. - same term as that in source P801, section A.VI.2. for termination of the Consent Decree.

P017, section A.VI.1. - same term as that in source P801, section A.VI.2. for termination of the Consent Decree.

Comment # 16:

References to Consent Decree Date of Lodging

Please change the references to the date of the Consent Decree Lodging from March 20th to March 14th in conditions P012 – A.I.2.a, P012 – A.II.1.b, P012 - A.II.1.c, P012 - A.II.3, P012 - A.II.4, and P041 – A.II.3.

Response #16:

Ohio EPA concurs with the applicant. Accordingly, we have revised the references to the Consent Decree Lodging to March 14, 2006.

Comment # 17:

New Cooling Tower Location Description

Sunoco requests a change to the description in P040 to "west of Plant 2" (P040 - A.I.1 and B.I.1) reflecting the revised cooling tower location submitted on July 25, 2006.

Response #17:

Ohio EPA concurs with the applicant. Accordingly, we have revised the description as requested

Comment # 18:

New Cooling Tower Reporting

Sunoco requests that the equation in A.III.2 be changed to allow Sunoco to take credit for circulating the cooling tower at a lower circulation rate than the maximum. This would allow Sunoco to maintain a slightly higher TDS content while not triggering the corrective action requirements in that term.

Sunoco requests reporting of deviations on a semi-annual rather than quarterly basis as indicated in P040 – A.IV.1. Quarterly reporting is not necessary for this source as it is inherently a "clean" unit.

Response #18:

It was agreed to use the manufacturer's 75 percent reduction of particulate matter as a performance guarantee for the drift elimination package on the cooling tower as a restriction for this emissions unit. This restriction will be used as best available control technology (BACT) for PM₁₀ instead of the 2,360 ppm for total dissolved solids (TDS). The monitoring, record-keeping and testing requirements will be changed to reflect this change. This change allows for variability in the TDS content and in the cooling water circulation rate.

It is Ohio EPA's policy to use quarterly reporting for deviation reports according to the General Terms and Conditions of PART I of the permit, therefore, the term for quarterly reporting will remain as stated.

Comment # 19:

Staff Determination Section

Sunoco requests the following changes to the Staff Determination Section of the PTI.

Increment Section, CO Predicted Concentration – Change 133.32 ug/m³ to 133.23 ug/m³.

Hazardous Air Pollutant Section, Ammonia Predicted Concentration – Change 1.92 ug/m³ to 1.93 ug/m³ to match the revised model output.

Netting Determination Section – Change date to March 14, 2006.

Response #19:

Ohio EPA concurs with the applicant. We made the changes accordingly.

Comment # 20:

Miscellaneous Comments – B046 and B047 (Identical Terms)

Term A.IV.2 appears to be a requirement for the bypass stack. This stack would only be used when the CO boilers are operating without the FCC Unit in service. Sunoco requests that Ohio EPA clearly state the report is for the bypass stack.

Response #20:

Ohio EPA concurs with the applicant. We have revised the first sentence of term A.IV.2. for sources B046 and B047 accordingly to indicate that the emissions are for the bypass stack.

Comment # 21:

Miscellaneous Comments – J006

In Term A.I.2.b, the "1.58" should be changed to "1.60" to match Table A.I.1.

Response #21:

Ohio EPA concurs with the applicant. We have made the change accordingly.

Comment # 22:

Miscellaneous Comments – P009

In addition to the comments supplied earlier, in Term A.V.3, Ohio EPA has only given Sunoco 60 days to conduct the performance testing for any new analyzer that could be installed. In 40 CFR 60, the actual rule allows 60 days after reaching maximum production rate, up to a maximum of 180 days. Sunoco requests that Ohio EPA cite the entire reference and give the additional time allowed under NSPS.

Response #22:

Based on 40 CFR Part 60.8, source P009, term A.V.3., the first sentence, shall begin with the following: "Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, the permittee shall conduct certification tests...."

Comment # 23:

Miscellaneous Comments – P011

In Table A.I.1, under applicable requirement "OAC rule 3745-31-10 through 20," the word "and" between "exceed" and "500" should be deleted.

The emission limitation specified by OAC rule 3745-18-54(O)(3) is less stringent than the requirements for NSPS. Sunoco believes that it is unnecessary for Ohio EPA to develop terms and conditions demonstrating compliance with this limit and terms A.III.8, 9, and 10 should be deleted.

In Term A.I.2.t, insert "with the" between "comply" and "continuous" in the second sentence.

In Term A.III.16, change "15 percent O₂" to "0 percent O₂." Since the rest of the calculations in the PTI are corrected to 0 percent, Sunoco would prefer to perform all the calculations the same way. Also change "385.5" to "379." Typically Sunoco's calculations are performed at 60°F, not 68°F. These changes to the equation do not change the compliance demonstration, but rather simplify the reporting for Sunoco to make these calculations consistent with other refinery calculation techniques.

Sunoco believes that terms A.V.3, 4, and 6 are redundant with A.V.2 and should be deleted. If Ohio EPA leaves A.V.3, 4, and 6 in the PTI, Sunoco requests that "within 60 days" be changed to "within 60 days of achieving the maximum production rate after initial startup after the FCCU expansion, but no later than 180 after initial startup..." to match the NSPS requirements as listed in term A.V.2.

Response #23:

As suggested, we have removed the word "and" between "exceed" and "500" of Table A.I.1, under applicable requirement OAC rule 3745-31-10 through 20.

OAC rule 3745-18-54(O)(3) is applicable to the FCC unit. The terms in source P012, section A.III.8., 9. and 10., regarding the monitoring and recordkeeping for the SIP limit will remain in the permit. However, the way the emission limit is calculated can change after the SO₂ continuous emission monitor (CEM) is installed based on the CEM data and processing data. The following language was added to term A.III.8., "After the installation of the SO₂ CEM, the permittee shall calculate the emission limit in pound(s) of SO₂ per 1000 pounds of the FCC fresh feed using the process operating data from the FCCU and the daily emissions in pounds of SO₂ calculated from the SO₂ CEM data."

We have revised term A.I.2.t by inserting "with the" between "comply" and "continuous" in the second sentence.

As suggested, we also have revised the term A.III.16 by changing "15 percent O₂" to "0 percent O₂" and changed the number from "385.5" to "379 at 60° F."

Ohio EPA does not concur with the applicant that terms A.V.3., 4., and 6. are redundant with term A.V.2. However, the request to add the additional language to terms A.V.3., 4., and 6. has been made to the first sentence of each term.

Comment # 24: Miscellaneous Comments – P012

Table A.I.1 lists 0.07 pounds of sulfur dioxide per pound of sulfur processed as an applicable requirement. This limit is much less stringent than the NSPS limit of 250 ppm of sulfur dioxide and was never intended to be an applicable limit to a SRU with a tail gas unit. Sunoco believes that it is not necessary to include terms and conditions demonstrating compliance with this limit and terms A.III.3 and A.V.1.b should be deleted.

Sunoco's Consent Decree only requires Sunoco to incorporate emission limits and standards into the Title V permit. Terms A.II.1, 2, 4 and 5 are neither emission limits nor standards and therefore do not belong in the Permit to Install. In fact, terms A.II.1 and 2 are only interim activities to improve SRU performance for the existing configuration and will no longer be effective once the new SRU is installed and the NSPS limit of 250 ppm becomes applicable. These terms should be deleted. A.II.4 and 5 are the requirement to prepare a Preventive Maintenance and Operation Plan (PMOP). Again, this requirement is neither an emission limit nor standard and should be deleted. If Ohio EPA leaves A.II.4 and 5 in the PTI, these terms need to be clearly referenced as coming from the Consent Decree and a termination clause needs to be provided. Also, if A.II.4 and 5 remain, "PMMAP" needs to be replaced with "PMOP", to match the CD.

Add a condition referencing the termination of the Consent Decree similar to P801 – A.VI.2.

Response #24:

Ohio EPA does not concur with the applicant that the SIP limit is much less stringent than the NSPS limit for SO₂. For example, if the FCC unit has a malfunction and bypasses the control equipment, then the NSPS emission limit may not be less stringent than SIP emission limit as stated in OAC rule 3745-18-54(O)(9). Therefore, the record-keeping and testing terms will remain in the permit.

The Consent Decree, effective March 14, 2006, requires that the emission limits and standards from the Consent Decree shall be made enforceable through minor or major new source review permits or other permits (see section O.93 and 94 of the Consent Decree). Ohio EPA's permitting policy requires that Consent Decree terms be incorporated into the PTI to ensure enforceability. It is acknowledged that certain terms from the Consent Decree will have a termination date. When this occurs, Sunoco can request an administrative modification of the permits to remove the terms that are no longer applicable. Permit terms A.II.1., 2., 4. and 5. will remain in the PTI. The terms will have a reference above the term to indicate they are from the Consent Decree. As requested, the "PMMAP" will be replaced with "PMOP" in terms A.II.4. and 5. to match the Consent Decree terminology.

As requested, the termination term from the Consent Decree will be added to section A.VI.2. of the PTI.

Comment # 25:

Miscellaneous Comments – P041

Terms A.II.2, 3 and 4 are from the Consent Decree and need to be referenced as such. Also, A.II.2 needs to be reworded so that it would be effective upon date of startup of the new SRU.

Sunoco's Consent Decree only requires Sunoco to incorporate emission limits and standards into the Title V permit. Terms A.II.3 and 4 are the requirement to prepare of Preventive maintenance and Operations Plan (PMOP). These terms are neither emission limits nor standards and therefore do not belong in the Permit to Install. These terms should be deleted. In addition, no PMOP will be prepared specifically for the new SRU alone. Any needed changes will be incorporated into the existing PMOP after this project is installed. A.II.3 needs to be rewritten to reflect that P041 is new equipment. If Ohio EPA leaves A.II.3 is left in the PTI, "PMMAP" needs to be replaced with "PMOP," to match the CD.

Add a condition referencing the termination of the Consent Decree similar to P801 – A.VI.2.

Response #25:

As requested, Terms A.II.2., 3., and 4. will be referenced as from the Consent Decree and A.II.2. will indicated that its effective date is upon startup of the new SRU.

See the response to comment #19 regarding the incorporation of the Consent Decree terms into the permit. The terms will not be deleted. In terms A.II.3. and 4., "PMMAP" will be replaced with "PMOP" to match the Consent Decree terminology.

As requested, the termination term from the Consent Decree will be added to section A.VI.2. of the PTI.