

Appendix A

**MCAQ Response to Comments
Charlotte Pipe & Foundry Company, Inc.
Title V Permit Renewal
Draft Permit No. 19-01V-626**

June 21, 2019

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Introduction

On February 11, 2019, Mecklenburg County Air Quality (MCAQ) published the required 30-day public notice for proposed issuance of the Charlotte Pipe & Foundry (CP&F) renewal Title V permit. The notice was placed in The Charlotte Observer and on the MCAQ website. MCAQ received one comment letter with a request for public hearing during the subsequent comment period. The Director of MCAQ determined that a public hearing was in the best interest of the public and scheduled the hearing.

At the May 8, 2019 hearing, eight (8) people gave oral comments. Six (6) of those people provided additional information in written form. Two (2) speakers were representing Clean Air Carolina, one (1) speaker represented The Trademark Condominiums, three (3) speakers were from the Wilmore neighborhood, one (1) speaker represented Charlotte Pipe and Foundry, and one (1) speaker represented the NAACP. Following the hearing, six (6) additional people submitted written comments via email. All six (6) individuals were from the Wilmore neighborhood.

This document contains MCAQ's responses to each comment received as part of the hearing record.

Response to Comments

Response to Hearing Requestor

MCAQ would like to thank you for your interest and participation in the public comment process. CP&F is classified as a major source under Title V of the Clean Air Act and is subject to federal, state, and local air quality regulations. These regulations are incorporated into the permit and are meant to minimize air pollutant emissions including volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) so that public health will not be adversely impacted. MCAQ verifies compliance with the permit through unannounced inspections, emissions testing, computer modeling of emissions, and review of required reports. MCAQ is aware of the surrounding community's concerns regarding environmental justice, public health, and the foundry emissions as referenced in your letter. These concerns were taken into consideration by the Director when providing public notice of this renewal permit and in making the decision to hold a public hearing. The public hearing, held on May 8, 2019, provided a forum for residents to express their concerns and will result in several additional actions being taken by MCAQ as a result of the process.

Response to Comments Related to Odor

Eleven (11) commenters mentioned odor, the foundry's history of odor complaints, and/or ongoing odor complaints. Several stated that the odor controls currently installed are not enough to stop the odors.

When nuisance or objectionable odors occur at a regulated industrial source of air pollution, MCAQ notifies the facility of the violation. If the odor persists, MCAQ may require the facility to implement Maximum Feasible Controls under the authority granted in MCAPCO Regulation 1.5110 – “Control and Prohibition of Odorous Emissions” and according to the procedures prescribed in MCAPCO Regulation 1.5113 – “Determination of Maximum Feasible Controls for Odorous Emissions.”

Over the last five years, MCAQ has issued seven odor violation letters to CP&F, required the facility to submit a Maximum Feasible Control Technology Analysis (MFCTA), and required implementation of the most stringent odor controls allowed under the local ordinance. The MFCTA included a review of all available odor control technologies for the industry type. These odor control technologies were ranked by control effectiveness with considerations for economic and technical feasibility as prescribed in the rule. MCAQ incorporated required controls from the MFCTA into the facility's Permit. CP&F's permit also requires ongoing monitoring, recordkeeping, and testing, and evaluation of less odorous raw materials. Additionally, the facility must assess odor management techniques when planning any new construction or modification of emission sources. MCAQ conducts unannounced odor control system inspections on a regular basis. Recent inspections have shown compliance with all conditions and limitations in the permit. The facility is required to submit an Odor Control Systems Status Report (OCSSR) any time an odor complaint is received. All OCSSRs are then reviewed for compliance. CP&F is operating in compliance with the Maximum Feasible Odor Control requirements for the facility.

Response to Comments Related to Large Source of Emissions:

Eight (8) commenters were concerned about emissions from the foundry including two (2) who stated that Charlotte Pipe and Foundry is one of the largest emitters in the County/City. Several mentioned the need for emissions testing to determine what is being released and concerns about toxic emissions. One (1) commenter requested the facility eliminate all “nitrous oxide” emissions.

CP&F is classified as a Title V facility and is required to operate under a Title V Operating Permit. Title V Operating Permits include all the air pollution control regulations which apply to major sources (large emitters) of air pollution and are required by the Clean Air Act (CAA). The CAA states that it was established “to protect and enhance the quality of the Nation's air resources so

as to promote the public health and welfare and the productive capacity of its population.” The US Environmental Protection Agency (EPA) has developed its air regulations based on science and technology in order to control emissions from facility operations for the protection of public health and welfare. CP&F uses pollution control equipment to reduce emissions including an afterburner, scrubbers, and multiple baghouses and fume collectors. Emission sources and associated control devices are tested on a regular basis. For example, as part of the current Title V permit renewal application, emissions testing was conducted and demonstrated compliance with applicable emission standards and air regulations listed in the Title V Permit. The permit also contains monthly, quarterly, and annual emission reporting requirements. MCAQ reviews all emission reports and has found CP&F to be in compliance with all permit conditions and limitations.

Nitrous Oxide (mentioned in one comment) is a constituent of Nitrogen Oxide (NO_x), which is a regulated pollutant. CP&F complies with an emission limit for NO_x and is classified as a minor source (small facility) for NO_x. Sources at the facility that emit NO_x are tested on a regular basis and CP&F is required to submit quarterly and annual NO_x emission reports. MCAQ reviews all testing and emission reports and has found CP&F to be in compliance with their NO_x emission limit. MCAQ has no regulatory authority to require the facility to eliminate NO_x emissions completely.

Response to Comments Related to Public Health

Eight (8) of the commenters expressed concern about public health and possible health effects of exposure from living in the vicinity of the foundry.

The applicable rules and regulations incorporated into this permit are set forth to minimize air pollution for the protection of public health. The EPA has developed science and technology-based regulations to protect public health and welfare. According to the Clean Air Act (CAA), a facility must comply with all applicable air regulations, or include a plan to achieve compliance, prior to a Title V permit being issued. Based on recent inspections, computer modeling of emissions, emissions testing, and review of required reports, CP&F is in compliance with all applicable regulations including the technology-based federal Hazardous Air Pollutant program and the health-based North Carolina Air Toxics program. To ensure continued compliance, this permit includes emission limitations, monitoring, recordkeeping, and reporting requirements. MCAQ routinely conducts unannounced inspections to determine compliance as well. In addition, MCAQ’s air quality monitoring network shows that the surrounding area meets all the National Ambient Air Quality Standards for clean air.

There is no demonstrated reason that compliance with all applicable air regulations is not sufficient to protect public health. MCAQ has no regulatory framework to deny or revoke a Title V permit to a facility which has met all requirements for that permit to be issued.

Response to Comments Related to Particulate Matter Emissions and Offsite Deposition

Seven (7) commenters expressed concerns about particulate matter being released into the air; five (5) of which mentioned sediment and soot landing on cars and property, or particulates from the foundry stripping the paint off cars. Three (3) commenters discussed the use of citizen air sensors and purple air monitors in and around the neighborhood. One (1) commenter cited MCAPCO Regulation 2.0540 – “Particulates from Fugitive Dust Emission Sources.”

Based on emission reports, stack testing per federal methods, and inspections, CP&F is currently in compliance with all federal, state, and local air quality rules for particulate matter. To reduce particulate matter emissions, CP&F operates multiple control devices throughout the facility including baghouses and fume collectors. They also use wet suppression in their scrap handling area to reduce fugitive dust. Federal regulations require the facility to conduct visible emissions (VE) testing every six months. These tests are observed and final reports are submitted and reviewed by MCAQ. Recent VE testing has demonstrated compliance with visible emissions standards.

MCAPCO Regulation 2.0540 – “Particulates from Fugitive Dust Emission Sources” states that facilities “shall not cause or allow fugitive dust emissions to cause or contribute to substantive complaints, or visible emissions in excess of that allowed under Paragraph (e) of this Regulation.” To date, MCAQ has not observed fugitive dust leaving the facility property or visible emissions in excess of an applicable standard. Residents may call (704) 336-5430 to report observations of dust or particulate matter leaving the facility property.

MCAQ supports the research and development of personal air sensors such as the Purple Air, which measures fine particulate matter. Until reliability improves, this emerging technology cannot be used to drive regulatory decisions or infer health consequences. However, MCAQ encourages residents who have collected data using the sensors to work with us and our partners at the University of North Carolina, Charlotte and Davidson College to properly interpret the data.

MCAQ operates a local network of particulate monitors that measure compliance with national ambient air quality standards. The MCAQ network includes three monitoring stations within 6.0 miles of the facility and one of those, the Remount Road site, is within 0.5 miles of the facility. A Particulate Matter Analysis was conducted by MCAQ in 2018 using data from the three monitoring stations. At those three stations, particulate matter concentrations were found to be 28-73% below the respective federal health-based standards. MCAQ found no evidence of an exceedance of the National Ambient Air Quality Standards for particulate matter.

Response to Comments Related to a Community Benefits Agreement (CBA)

Four (4) commenters suggested that the foundry enter into a CBA with the surrounding community to improve relationships and promote the wellbeing of the neighborhood.

MCAQ supports the consideration of a CBA and encourages CP&F to engage in discussions about a CBA with community leaders. This suggestion is outside the scope of renewal of the Title V permit.

Response to Comments Related to Environmental Justice

Three (3) commenters expressed environmental justice concerns for Charlotte's historic west end community, and communities of color and minority and low-income communities being disproportionately affected.

EPA defines Environmental Justice as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” Per the EPA website, the EPA believes this goal can be achieved when everyone enjoys:

- the same degree of protection from environmental and health hazards, and
- equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

CP&F's Title V Operating Permit includes all applicable federal, state, and local air regulations. These regulations are meant to minimize pollutants so that public health will not be adversely impacted. CP&F has demonstrated compliance with these federal, state, and local air regulations through site-specific computer modeling, emissions testing, and compliance monitoring reports.

For this renewal application, MCAQ also adopted an enhanced communication plan to notify the public and surrounding community. The public comment notice was published in The Charlotte Observer newspaper on February 11, 2019, and posted on the MCAQ website along with draft documents for review. MCAQ also used email listservs and the local Air Quality Commission to communicate with the public about the pending comment and hearing periods.

MCAQ will complete an environmental justice analysis for the area surrounding the foundry. The final study will be available at the end of that process.

Response to Comment Regarding Mecklenburg County Air Pollution Control Ordinance (MCAPCO) Regulation 1.5109 – “Nuisance”:

One (1) commenter stated that the foundry represents an actionable nuisance to the community at large and cited MCAPCO Regulation 1.5109.

MCAPCO Regulation 1.5109 states that no person shall emit “quantities of air contaminants or other material which cause injury, detriment, nuisance, or annoyance to any number of persons or to the public or which endanger the comfort, repose, health, or safety of any such persons or the public or which cause or have a natural tendency to cause injury or damage to business or property.” CP&F’s compliance with health and technology based federal and state emission standards has previously been discussed. Enforcement tools for odor and dust, which make up other nuisance elements mentioned by the commenter, are addressed through regulations such as: MCAPCO 1.5110 – “Control and Prohibition of Odorous Emissions”, 1.5113 – Determination of Maximum Feasible Controls for Odorous Emissions,” and 2.0540 – “Particulates from Fugitive Dust Emission Sources.” For odor, MCAQ has incorporated maximum feasible control requirements into the permit. For dust and particulate matter emissions, MCAQ has not observed dust leaving the facility property or visible emissions in excess of an applicable standard. Residents may call (704) 336-5430 to report any observations of excessive dust leaving the facility property.

Revocation or Modification of Permit for Changing Land Use and Affected Population

One (1) commenter cited MCAPCO Regulation 1.5232 as grounds for revoking or modifying the air permit.

The comment references MCAPCO Regulation 1.5232 – “Issuance, Revocation, and Enforcement of Permits”. This particular regulation is not applicable to facilities that are classified as Title V and therefore does not apply to this permit action. However, Title V facilities are subject to a similar rule, MCAPCO Regulation 1.5519 – “Termination, Modification, Revocation of Permits”, which lists several reasons for which a permit may be modified or revoked. These reasons include: inaccurate application, conditions under which the permit was granted have changed, permit conditions have been violated, or if a facility refused to allow regulator access to property or records. Information provided in the renewal application was found to be complete and accurate, permit conditions have not been violated, and MCAQ accesses the facility unannounced to review compliance with the permit and facility records. The facility is currently in compliance with all federal, state and local regulations.

The comment references revoking or modifying a permit if conditions under which the permit or renewal thereof have changed such as changes in surrounding land use or affected population. Examples of changes in surrounding land use that would impact the issuance of a permit include

land use assumptions used in emissions modeling or placement of modeling receptors. For example, either rural or urban topography must be specified in the computer model. If surrounding land use changed so significantly that the topography setting needed to be modified, MCAQ has the authority to require additional modeling under the aforementioned rules. If a facility could not demonstrate compliance, this could lead to revocation of the permit.

CP&F has submitted a compliant site-specific dispersion model using parameters consistent with the surrounding land use. The resulting emission limitations have been entered into the new permit.

Thus, MCAQ has no regulatory authority to revoke or modify the permit based on the surrounding land use.

Response to Assertion of Complete Application and Demonstrated Compliance

One (1) commenter briefly discussed the application process and noted that the foundry's application was deemed complete and complies with federal and local AQ statutes and regulations.

MCAQ affirms that the application was complete, and the facility has demonstrated compliance with all applicable federal, state, and local requirements.