

**Summary of Comments Submitted Into the Formal  
Hearing Record on the FDS Coke Plant Draft  
Air Pollution Permit-to-install  
and the Ohio EPA/TDES Staff Responses**

**June 2004**

Hearing Conducted: May 13, 2004

Hearing Record Closed: June 3, 2004

## Preface

The purpose of this document is to provide, for informational purposes only, a brief statement as to the response of the Ohio EPA, Division of Air Pollution Control staff to certain statements that were presented into the public hearing record identified on the title page. Any associated recommended changes to the proposed rules are also included. 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.

This document will be made available on the Internet at:

[http://www.epa.state.oh.us/pic/citizen/response/uscoke\\_air\\_june04.pdf](http://www.epa.state.oh.us/pic/citizen/response/uscoke_air_june04.pdf)

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## **Interested Party Comments and Ohio EPA/Toledo DES Response to Comments for the FDS Coke Air Pollution Permit-to-install Number 04-01360**

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### **Introduction**

On May 13, 2004, the Ohio Environmental Protection Agency (“Ohio EPA”) and the Toledo Division of Environmental Services (TDES) conducted a public hearing concerning the proposed air pollution permit-to-install (PTI) number 04-01360 for the construction of four non-recovery coke oven batteries at the FDS Coke plant facility to be located in Oregon, Ohio (Lucas County). This PTI would allow the installation of four non-recovery coke batteries consisting of 240 coke ovens which would produce 1.34 million tons of furnace coke, 57,000 tons of nut coke and 43,000 tons of coke breeze per year. The purpose of the public hearing was to collect comments concerning the proposal. This document contains a listing of each comment received, Ohio EPA/TDES response to the comment, and a listing of all of the individuals who submitted comments to the public record,.

Throughout this document the names U.S. Coke, U.S. Coking Group, U.S. Coking Group, L.L.C., USCG and FDS Coke are used interchangeably. U.S. Coking Group is the name of the parent company and FDS Coke is the name U.S. Coking Group has given for their proposed plant in Oregon, Ohio.

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**Cross Reference to All Comments and Responses to Comments**

The following table contains a listing of all major topics discussed in this document. For each topic discussed, the comment numbers associated with that topic are listed. In order to review the comments and response to comments for a particular topic, please first find the topic you want to read about, then search through the document for the topic number(s) listed. Please note that some relatively minor topics may not be listed in the below table.

<b>Topic</b>	<b>Comment Number(s)</b>
Large Mercury Emissions From the Plant	1,21,22,26,27,35,40,41,43,49,62,129
Mercury Contamination into Lake Erie	2,3,62,102, 241
Emissions of Acid Gasses (Hydrogen Chloride and Hydrogen Flouride)	4,139,140,141
Emissions of Dioxin/Furans	148
Bypassing the Heat Recovery Steam Generators (HRSG)	5,151,169,171,175,176,188
The Toledo Area No Longer Meets the Ozone Standard	6,19,20
If the Permit Was Delayed, What Would They Have to Do?	12,20,121-124
Rushing the Permit	10,30,74,75,89,115,116
Why Not Apply the New PM 2.5 and Ozone Standards?	8,11,26,31,59,60,108,153-166
Wetlands / Wastewater Issues	79,80,81,92,93,95,105,108,118, 241
Best Controls / Technical Issues	32,61,68,69,78,131,137,138,143,144,147,167,168,170-176,180-187,220-222
Why Can't We Install Air Monitoring Devices Downwind?	17,18
Coal Sampling	42,70,107,130,133
How Is the Permit Protective of Public Health?	7,25,31,38,44,45,49,58,76,132,136

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<b>Topic</b>	<b>Comment Number(s)</b>
Procedural Issues	9,33,34,51-55,84-89,91,111,112,114, 119,125-128,219
Was the Application Complete?	9,83,90,111,142
What Did the Computer Modeling Take into Account?	8,94,96-100,178-179
Did Ohio EPA Meet the Great Lakes Agreements?	14-16,103,134,135,177
Plant Operational Concerns	149,150,151,152
Environmental Justice Issues	81,82,101
Mercury Limits, Emission Testing, Monitoring and Reporting	1,39,40,41,107,117,129,130,133,223
Why Wasn't Computer Modeling Done for PM 2.5 and Ozone?	8
General Opposition Comments	28,29,36,37,46,56,65,71,76,77,113,120, 238, 239, 240
Multi Pathway Review Issues	43
General Support Comments	66
Testing Issues	145
Term and Conditions Miscellaneous Issues	189-210,227-237
Other Issues	13-16, 48,57,58,63,64,67,72,73,79,104,106, 109,110,113,146,211-218,224,225,226

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### **Comments and Response to Comments**

The below comments are organized by first listing the comment number, then Ohio EPA/TDES response.

#### **Comment #1.**

I have heard that this plant will emit 680 pounds of mercury. It is my understanding that mercury is a toxic compound. How can the Ohio EPA allow this much mercury to be emitted from this facility?

*Response: This plant is not expected to emit 680 pounds of mercury per year. The 680 pounds of mercury number came from the applicant's application assuming no credit for controls. This number was used for air pollution modeling as a maximum worst case limit assuming the control devices did not control any mercury. Based on this modeling, if the plant emitted 680 pounds of mercury per year, it would pass Ohio EPA's Air Toxic Policy. The applicant used the 680 pounds figure as a conservative number to show they passed the Air Toxic Policy.*

*In reality, the emissions of mercury are expected to be less than 680 pounds per year because (1) some of the mercury is expected to remain trapped in the coke, (2) the sulfur dioxide scrubber and baghouse air pollution control devices are expected to capture some of the mercury and (3) the plant is not normally expected to operate at its maximum capacity all year. Exactly how much mercury will be emitted will not be known until additional testing is completed at other similar facilities and at this facility.*

*Ohio EPA/TDES decided to establish best available technology (BAT) limits for mercury. The final permit contains a limit of 36 pounds of mercury per year. In addition to setting these limits, Ohio EPA/TDES decided to require FDS Coke to have mercury testing done at another similar facility prior to beginning construction of the FDS Coke facility. Based on the results of this testing, the BAT limits we have established for FDS Coke may be adjusted downward. The reason we required this testing to be done is because there is virtually no data available concerning the expected emissions of mercury from coke plants.*

*In addition to the preconstruction testing, Ohio EPA/TDES is requiring FDS Coke to do the following concerning mercury:*

- 1. Conduct initial and periodic emissions testing for mercury following precise U.S. EPA approved methods.*
- 2. On an ongoing basis, analyze the coal that is used in the process for mercury and chlorine content. (Some data suggests that the chlorine content may affect the resulting mercury emissions.)*

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3. *Install, calibrate and operate a continuous emissions monitor for mercury. This device will measure the amount of mercury in the exhaust stack on a continuous basis.*

*Based on all of the above mercury requirements, Ohio EPA/TDES believes that the permit will:*

1. *Protect public health and welfare by limiting the allowed mercury emissions to insignificant levels.*
2. *Put in place mechanisms to better quantify expected emissions of mercury from coke facilities.*
3. *Meet the expectations of the 1988 Great Lakes States Air Permitting Agreement concerning mercury emissions (see the response to comment number 178 for more details on this issue).*

**Comment #2.**

I am concerned about mercury contamination in Lake Erie. Is this plant going to discharge mercury containing wastewaters into the waters of the state?

*Response: Information supplied by the applicant indicates that the FDS Coke plant will be a net user of water. That means they do not plan on having any discharge of wastewater into the waters of the state. Since no wastewater will be discharged into state waters, no mercury from wastewaters will be discharged into Lake Erie.*

**Comment #3.**

My understanding is that the FDS Coke plant will emit mercury pollution into the air. Is that mercury going to end up in Lake Erie?

*Response: The final permit allows up to 36 pounds of mercury to be emitted into the air per year. Some of that mercury could drop out of the atmosphere and end up in Lake Erie. However, Ohio EPA/TDES believes that the amount that actually gets into Lake Erie will be less than emitted and will not significantly affect the overall mercury loading in Lake Erie.*

**Comment #4.**

I also heard that hydrogen chloride (H-Cl) acid gasses, hydrogen fluoride (HF) acid gasses, and dioxin/furans will be emitted from this facility. Is that true? And are they significant?

*Response: Based on what information we have today, the process conditions are not likely to produce significant quantities of H-Cl and HF acid gasses or dioxin/furans. In order to confirm that significant quantities are not produced, Ohio EPA/TDES has required initial emissions testing for those pollutants.*

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### **Comment #5.**

I have heard that FDS Coke will be allowed to bypass their control equipment under this permit. Is this true? If so, how can Ohio EPA allow the bypassing?

*Response: The draft permit was written such that bypassing was allowed for times when certain equipment (the heat recovery steam generators {HRSG} - a type of boiler) must be down for maintenance. Ohio EPA/TDES has reviewed this issue in detail and has decided that allowing bypassing during maintenance did not meet our expectations for best available control technology (BACT). As such, the final permit does not allow bypassing for maintenance purposes.*

*Bypass stacks are expected to be installed, however, but will only be used during emergency situations in order to keep the operation safe. Note, that even when the bypass stacks are used, computer modeling shows that the emissions associated with bypass operation meet all of our air quality standards.*

### **Comment #6.**

How can the Ohio EPA issue an air pollution permit for this company when the area no longer meets the federal ozone standard?

*Response: Under current existing rules, Lucas County is an attainment area for ozone. Ohio EPA/TDES cannot legally consider it as a non attainment area until it is redesignated on June 15, 2004. Any permits issued prior to June 15, 2004 must be treated as attainment area permits for ozone.*

### **Comment #7.**

Since they don't have to meet the more stringent rules for ozone non attainment areas, will this permit be protective of public health?

*Response: The rules that apply to new sources in either attainment areas or non attainment areas are both designed to be protective of public health. Ohio EPA/TDES believes that if FDS Coke complies with all of the requirements detailed in the final permit, the amount of pollution from the facility will not be sufficient to cause adverse health effects.*

### **Comment #8.**

I heard that there are some new standards coming out for ozone and particulate matter less than 2.5 microns in size. Why wasn't computer modeling done to determine ambient impacts on these new standards? Why didn't Ohio EPA evaluate the FDS Coke facility under the Prevention of Significant Deterioration (PSD) rules for these new pollutants?

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*Response: Guidance has not yet been developed by U.S. EPA as to how ambient analyses will be performed under new source review for the revised ozone and particulate standards. As is currently the case with the 1-hour standard, the pollutant is not directly emitted, for the most part, but is the product of chemical reactions of pollutants that were emitted as gasses in the case of PM 2.5 and were emitted as precursors to ozone rather than ozone itself.*

*The nature of these pollutants is such that one cannot evaluate the impact of a particular source without the inclusion of all other regional sources and atmospheric chemistry specific to that area in a photochemical grid model. As a result of this, there is currently no ambient analysis required under new source review for the 1-hour ozone standard. It is not anticipated that there will be an ambient analysis required for the 8-hour ozone standard. It is also not yet clear what if any ambient analysis may be required for new source review of sources of precursors to PM 2.5.*

*In addition, there is no PSD increment for 8-hour ozone, and there is not yet a PSD increment for PM 2.5. This means that there is no goal to which one could evaluate the impact of new facilities along with other new sources. This was also the case with the 1-hour ozone standard.*

### **Comment #9.**

I heard that the applicant did not submit a complete application and that the permit did not follow the procedure requirements per the rules. Is this true, and how can Ohio EPA issue this permit if it is true?

*Response: The application was reviewed for completeness and determined to be complete on March 30, 2004. Ohio EPA/TDES has reviewed all of the procedure requirements and believes this permit has met all of those requirements.*

### **Comment #10.**

I have heard that the permit was rushed through. How is it possible that the permit that would usually take many months was hurried through in 3 weeks? Does that mean it does not meet all of the requirements?

*Response: Other less time sensitive projects were put on hold and multiple people were assigned to work on the permit. The project consumed the same number of man hours, but was done so in a compressed schedule by having multiple staff work simultaneously on the permit review. If the permit is not issued prior to Lucas County being redesignated non attainment, the applicant would need to comply with non attainment new source review provisions which include: coming up with offsets for NOx emissions from other companies and demonstrate that NOx emissions meet Lowest Achievable Emission Rate standards. Ohio EPA/TDES is concerned with the safety*

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*of the public. Ohio EPA/TDES would not issue the permit if it was determined that the emissions from the proposed operation did not meet standards that are designed to be protective of the public. 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 and Ohio EPA's Air Toxics Policy.*

### **Comment #11.**

This coke plant fails to meet the new air regulations that take effect June 15. This is the minimum that the coke plant should be required to do. This coke plant does not exhibit use of the best available technology, but instead uses the cheapest technology to get by. Best available technology should be required. 8 million pounds of pollutants is too much. And 680 pounds of mercury is too much. Ohio EPA has failed to meet the requirements for a completed application and the public participation process must start over. Ohio EPA should forward the application to USEPA for their review and recommendations.

*Response: The coke plant will be required to meet all regulations that are in effect at time of issuance of the permit. The FDS Coke Plant will be required to install control equipment meeting the requirements of Best Available Control Technology which takes into consideration a combination of technical and economic feasibility of different types of air pollution controls. Modeling results of potential emissions from the facility indicate that the emissions from the proposed coke facility will be within National Ambient Air Quality Standards and Ohio's Air Toxics Policy. A permit application has been previously forwarded to U.S. EPA for their review and consideration.*

### **Comment #12.**

If this permit is not issued before the area is listed as non attainment what would happen?

*Response: If the permit is not issued prior to Lucas County being redesignated non attainment, the applicant would need to comply with non attainment new source review provisions which include: coming up with offsets for NOx emissions from other companies and demonstrating that NOx emissions meet Lowest Achievable Emission Rate standards.*

### **Comment #13.**

How do the power plants in Iowa and Montana relate to this permit?

*Response: We are not aware of any relation of the power plants in Iowa and Montana to this permit.*

### **Comment #14.**

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I did not see anything in the permit process that Canada has commented on the proposal. What is the Interstate Air Quality Rule?

*Response: Ohio EPA/TDES did not receive any comments from Canadian officials during the official comment period. Ohio EPA did hold a conference call with Environment Canada officials on June 10, 2004 to discuss the proposed project and Environment Canada's comments.*

*The Interstate Air Quality rule is a rule that U.S. EPA proposed in the January 30, 2004 Federal Register that is designed to reduce emissions of sulfur dioxide (SO<sub>2</sub>) and nitrogen oxides (NO<sub>x</sub>). U.S. EPA proposed the Interstate Air Quality Rule which focuses on states whose SO<sub>2</sub> and NO<sub>x</sub> emissions are significantly contributing to fine particle and ozone pollution problems in other downwind states. The proposed Interstate Air Quality Rule would cover 29 states in the Eastern United States and the District of Columbia. This rule is expected to be implemented through a cap and trade program and is mostly focused on utility emissions. The FDS Coke facility is not likely to be affected by the Interstate Air Quality rule.*

### **Comment #15.**

Does the permitting of this facility fall under this agreement (between Canada and the United States)?

*Response: It is unclear which agreement between Canada and the United States the commentor is referring to. Like other interested parties, Canadian officials are welcome to comment on the proposed permit.*

### **Comment #16.**

If yes, What is Canada's response?

*Response: Ohio EPA/TDES did not receive any comments on the draft permit from Canada during the comment period.*

### **Comment #17.**

At present, there are only 3 air monitoring locations in the Toledo area (600 Collins Park, 2930 131 St, and 348 S Erie Street). I would like to ask for air monitoring devices to be located downwind and in the prevailing winds of the coke plant, First Energy Bay Shore power plant, and BP refinery. A suggested location is the Lake Erie Research Center.

*Response: Ohio EPA/TDES follows a complex procedure following U.S. EPA guidance and rules to decide where monitors must be placed in order to determine the ambient concentrations of criteria pollutants (particulate matter, sulfur dioxide, nitrogen oxides, ozone, carbon monoxide and lead). These procedures and rules were followed before deciding the current locations of*

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*the existing monitors. The siting of 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 is going to operate and maintain the monitor, and (4) who is going to pay for the work of operating and maintaining the monitor and for any sample analysis that needs to be done.*

*Ohio EPA/TDES has one of the most extensive monitoring networks of any state in the country.*

### **Comment #18.**

What steps are necessary to get an air-monitoring device located to the east of the Bay Shore Power Plant, BP Oil Refinery, and, should it be built, the FDS Coke Plant?

*Response: See the response to comment 11.*

### **Comment #19.**

Will the permitting of this plant help the Lucas County area to become compliant for particulate matter and/or ground level ozone?

*Response: No. The emissions associated with this plant will add to the particulate and ozone precursor (volatile organic compounds and nitrogen oxides) loading in Lucas County. It is unknown at this time if the amounts added from this plant will significantly effect the attainment status of the county. Based on past history of other large plants, it is unlikely that the amount of emission from this plant will significantly affect the attainment status of the county. However, the significance of the emissions from this plant will not be known until a complete emissions inventory is done for Lucas County. Once that inventory is completed, then various control options will be evaluated to determine what is needed to bring the county into attainment. Control options chosen may or may not result in the imposition of additional controls for this facility.*

### **Comment #20.**

Assuming all other sources of pollution remain constant within Lucas County, can the permitting of this plant push us further away from compliance?

*Response: The actual effect on the countywide air monitoring system utilized to determine compliance status is unknown. See the response to comment 21.*

### **Comment #21.**

Does the permit allow the plant to emit 680 pounds of mercury?

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*Response: No. The final permit now has a limit of 36 pounds of mercury per year. In addition, this permit may be adjusted downward based on the results of emissions testing.*

*The 680 pounds of mercury number came from the applicant's application. This number was used for air pollution modeling as a maximum worst case limit assuming the control devices did not control any mercury. Modeling was conducted using this high number. Based on this modeling, if the plant emitted 680 pounds of mercury per year, it would pass Ohio EPA's Air Toxic Policy. The applicant used the 680 number as a conservative number to show they passed the Air Toxic Policy. Please see the response to comment #1 for more information.*

### **Comment #22.**

By the permit application, does the USCG Toledo Coke Plant expect to emit 680 pounds of mercury per year?

*Response: No, as stated above, the 680 number was used as a conservative estimate of maximum emissions in order to show the plant would pass air toxics modeling. In reality, the emissions of mercury are expected to be less than 680 pounds per year because (1) some of the mercury is expected to remain trapped in the coke, (2) the sulfur dioxide scrubber and baghouse air pollution control devices are expected to capture some of the mercury and (3) the plant is not normally expected to operate at its maximum capacity all year. Exactly how much mercury will be emitted will not be known until additional testing is completed at other similar facilities and at this facility. Please see the response to comment #1.*

### **Comment #23.**

Does the application indicate the new Oregon Coke Plant will emit more toxic chemicals, with the exception of VOC, than the Toledo Coke Plant?

*Response: It is difficult to compare the old Toledo Coke Plant with the proposed FDS Coke plant because (1) the Toledo Coke Plant used older technology that resulted in more emissions per ton of coke produced (including toxics), and (2) the FDS Coke plant is a much larger plant than the old Toledo Coke Plant. The FDS Coke plant uses a new coke plant technology that destroys a large portion of the pollution that would be emitted if the old technology was used. It is possible that for some pollutants the emissions will be higher for the proposed new coke plant versus the old coke plant, due to the proposed new coke plant having a much higher capacity than the old coke plant.*

### **Comment #24.**

Is the table correct?

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*Response: We cannot confirm the validity of the information identified for the old Toledo Coke Plant since this company ceased operation in 1993. The data for the new US Coking Plant is a correct representation of the emissions identified in the draft permit for the FDS Coke plant. Please review the final permit to see the expected maximum emissions allowed under the final permit.*

### **Comment #25.**

We feel that this plant is being pushed into being by selfishness and greed under the pretense of creating new job opportunities. Are 150 jobs worth the pain and suffering of the residents who will suffer with cancer and other ailments?

*Response: Ohio EPA/TDES is required by law to review proposed sources and to determine if 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 ensure the emissions associated with a proposed new source would not cause adverse health and welfare effects to citizens near the source. 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 welfare effects.*

### **Comment #26.**

This coke plant fails to meet the new air regulations that take effect June 15. This is the minimum that the coke plant should be required to do. This coke plant does not exhibit use of the best available technology, but instead uses the cheapest technology to get by. Best available technology should be required.

8 million pounds of pollutants is too much. And 680 pounds of mercury is too much. Ohio EPA has failed to meet the requirements for a completed application and the public participation process must start over. Ohio EPA should forward the application to USEPA for their review and recommendations.

*Response: The coke plant will be required to meet all regulations that are in effect at time of issuance of the permit. The FDS Coke Plant will be required to install control equipment meeting the requirements of Best Available Control Technology which takes into consideration a combination of technical and economic feasibility of different types of air pollution controls. Modeling results of potential emissions from the facility indicate that the emissions from the proposed coke facility will be within National Ambient Air Quality Standards and Ohio's Air Toxics Policy. A permit application has been previously forwarded to U.S. EPA for their review and consideration.*

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**Comment #27.**

I am appalled that the State of Ohio would allow emissions of mercury at the level proposed for US Coking Group in Toledo. If the applicant cannot provide better controls, this plant should not be built at all. Various HAPS manifesting mostly as PAH or VOC need to be addressed and MACT standards applied. Already Toledo's air is saturated with levels of pollution that should no longer be tolerated by a society that considers itself civilized.

*Response: The proposed level of mercury and other hazardous air pollutant emissions were modeled and the emissions of these pollutants meet the requirements of Ohio EPA's Air Toxics Policy. The final permit establishes stringent restrictions on mercury and other hazardous air pollutants. In addition, please see the response for comments number 1, 21, 22, 26, 27, 35, 40, 41, 43, 49, 62, and 129.*

**Comment #28.**

The following have signed the below letter.

Brian Pollack, 532 Snowy Egret, Huron, OH 44839  
Debra Gedert, 601 Stadium Dr, Oregon, OH 43616  
Patricia Brzuehaldi, 3615 Revere Dr, Toledo 43612  
Rodney Clevenger, 2056 Loughrae Dr, Oregon 43618  
Nancy Clevenger, 2056 Loughrae Dr, Oregon 43618  
Judy Z., 935 Mallard Dr, Oregon, OH 43616  
Mary M Welsh, 5348 Bayshore Rd, Oregon OH 43618  
Robert F. Welsh, 5348 Bayshore Rd, Oregon 43618  
Janet Reed, 4353 Pickle Rd, Oregon 43618  
Mary S., 11268 Eckel Jct., Perrysburg 43551  
James M Donley, 5344 Bayshore, Oregon 43618  
Pauline M Donley, 5344 Bayshore Rd, Oregon, OH 43618  
Denise Joyce, 2052 Lakeview Ave, Oregon 43618  
Nancy Storer, 314 Easthampton, Oregon 43616  
Joy Cowling, 2509 Randall Dr, Oregon 43616  
Sharon Hightower, 6418 Lakeway Dr, Oregon 43618  
William Manning, 3111 Maryland Pl, Northwood, OH 43619  
Kathryn Manning, 2069 Grange St. Oregon 43618  
James Manning, 2069 Grange St, Oregon, 43618  
Jean Hardy, 3118 Teresa Dr, Oregon, 43416  
Robert F Pompos, 1430 Forester Dr, Oregon 43616  
Barbara Pompos, 1430 Forester Dr, Oregon 43616  
Larry Brown, 2105 Nevada, Toledo, OH 43605  
Betty Gillespie, 2105 Nevada, Toledo 43605  
William E Besgrove, 1418 Sierra Dr, Oregon 43616

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Judith A Besgrove, 1418 Sierrea Dr, Oregon 43616  
Bill Meyers, 6310 Cedar Point Rd, Oregon, 43618  
Saletta Myers, 6310 Cedar Point Rd, Oregon 43618  
Tyler Vermett, 649 N Decant  
Katerina Utratidakiv, 1961 Lagundovie  
Hanna Novak, 2080 Woodcrest  
Abbey Ledzinski (not signed), 5137 Bayshore  
Bo Lavelle, 4538 Corduroy Rd  
Kenny Ewing, 1056 Schmidler  
Gail Shiple, 2705 Eastmoreland, Oregon 43616  
Unreadable signature, 11430 Rachel Rd  
Thomas Switzer, 570 Temple Rd, Curtice, OH 43412  
Scott Allred, 1722 N Stadium  
Brian Hopkins, 6539 Bayshore Rd  
Chris Wilber, 2021 Liliat Dr  
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Nick Staerker, 8040 Jerusalem Rd  
Kevin Kiasa, 5120 Starr ext, Oregon, OH  
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Vincent Fernandez, 856 Main St, Toledo OH  
John Gibbons, 8850 Arguette Rd, Oregon, OH 43618  
Sarah Cuthbertson, 1846 Lagundovie, Oregon, OH  
Tara Reynolds, 2047 Arkansas St, Oregon, OH 43616  
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Cynthia M Manship, 7730 Blackshear Dr, Huber Heights, OH 45424  
Margie C Myers, 6810 Cedar Point Rd, Oregon, OH 43618

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Chelsea Hinojosa, 1153 Grant St, Martin OH 43445  
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Myers, 6810 Cedar Point Rd, Oregon, OH 43618  
Kimberly Hofbauer, 1146 Patchen Rd, Oregon, OH 43616  
Clarita C Meyers, 6310 Cedar Point Rd, Oregon 43618  
Kelly Manning, 8720 Cedar Point Rd, Oregon OH 43618  
Josh Mentor, 405 West Ave, Oregon, OH  
George & Isla Johns, 933 Patchen Rd, Oregon OH 43616  
E.J. Coss, 1893 Whispering Way, Perrysburg, OH 43551  
Cindy Berlincourt, 96 LaFrance St, Oregon, OH 43616  
Shirley Reynolds, 2176 Arkansas St, Oregon, OH 43616  
Todd reynolds, 4516 Bayshore Rd, Oregon, OH 43616  
Pamela S Reynolds, 1213 Westgate Rd, Toledo, OH 43615  
Frank L Reynolds, 2176 Arkansas St, Oregon, OH 43616  
Kathryn Mannin, 2069 Grange, Oregon, OH 43618  
Elsie Kockstein, 3425 Worden Rd, Oregon, OH 43616  
Geraldine Buck, 3435 Worden Rd, Oregon OH 43616  
Marcelle M Davis, 3443 Worden, Oregon OH 43616  
Norma J Tulley, 2620 Fremont St, Toledo, OH 43605-1107  
Gerald E Lonsway, 5447 Bayshore Rd, Oregon, OH 43618  
Celina H. Reynolds, 2060 Grange St., Oregon, OH 43618-1042  
Marsha Fisher, 2042 Lakeview, Oregon, OH 43618-1044  
Howard A. Show, 2042 Lakeview Ave., Oregon, OH 43618  
Linda Szilagy, 155 Maple St., Rossford, OH 43460  
Tracy and Don Rust, 2058 Verdun St., Oregon, OH 43618  
Virginia Edwards, 2063 Verdun st., Oregon, OH 43618  
Randal Morlock, 20636 Carter Rd., Bowling Green, OH 43402  
John F. Gill, 4460 Rohr Dr., Toledo OH  
Joe Syacsure, 78337 Brookside Lane, Millbury, OH 43447  
James A. McCarthy, 2082 N. Kennison Dr., Toledo, OH 43609  
Kenneth Carmaz, 527 Shasta Dr., Toledo, OH 43609  
Cos Zablocki, 125 Chesapeake Lane, Northwood, OH 43619  
Rigoberto Garcia, 2739 Portland, Oregon OH 43616  
Micheal A. Macleod, 5210 Riviera Dr., Toledo, OH 43611  
Steve A. Biany, 2120 Dana St., Toledo OH 43609  
Gary Asmus, 446 Madison Ct., Bowling Green, OH

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Marsha and Mike Clere, 4625 Brown Rd., Oregon, OH 43618  
James M. Dudley, 2212 Farm View Ct., Toledo, OH 43615  
Randolph A. Ball, 19970 Poe Rd., Weston OH 43569  
John Ludlow, 2643 Boxwood Rd., Toledo, OH 43613  
Stanley A. Hernacker, 8210 Co. Rd. 3, Swanton, OH 43558  
Johnny Rose, 6255 Telegraph Rd., Erie, MI 48133  
R. Gill, 5138 Ancil Rd., Toledo, OH 43615  
Jeff Conley, 9370 Dover Dr., Wauseon, OH 43567  
Jim Kaminski, 16 Hidden Meadow Dr., Holland, OH  
Micheal A. Smothers, 9984 Bishopswood Ln., Perrysburg, OH 34551  
Robert Gzechewiak, 325 Kenmore Ave., Toledo, OH 43609  
Edmond Browns, 5415 Fenwick, Toledo, OH 43623  
Steve Samsel, 11172 Brix Hwy, Brooklyn, MI 49230  
Robert Pakusi, 5878 Live Oak, Toledo, OH  
Douglas Hers, 4306 Waterville-Swanton Rd., Swanton, OH 43558  
Ralph Wiczyski, 3954 Eisenhower Dr., Northwood, OH 43619  
Roy Brooks, 600 Meadow Spring Rd., Maumee, Oh  
St John, 517, N.Main St., Walbridge, OH 43465  
Stephanie Rodgers, 2120 Dana, Toledo, OH 43609  
Darleen Woods, Kingwood Trail, Toledo, OH 43615  
Steve Clare, 4625 Brown Rd., Oregon, OH 43618  
Patricia K. Prico, 4261 Pickle Rd., Oregon, OH 43618  
Larry Will, Rossford, OH 43460  
John W. Schultz, 140 Bromwich Ln., Toledo, OH 43615  
Douglas J. Grochowski Sr., 6149 Holiday Dr., Toledo, Ohio 43611  
Jeff Widen, 11701 Roache Ln, Perrysburg, OH 43551  
Michele Young, 6 951 W. Bancroft, Toledo, OH 43615  
Robert Clere, 4830 Walbridge Rd., Northwood, OH 43619  
Tom Leyman, 5208 Bonwood, Toledo, OH 43623  
Dave Hathaway, 2032 DeLence St., Toledo, OH 43605  
Gary Groff, 7206 Dunbar, Temperance, MI

Public health is important, therefore I oppose the draft permit for the US Coking Group FDS Coke Plant. This coke plant permit fails to meet the new air regulations that take effect June 15. This is the minimum that the coke plant should be required to do. Also this coke plant permit does not exhibit the use of best available technology, but instead frequently uses the cheapest technology to get by. Best available technology should be required.

Eight million more pounds of pollution in our air is too much. And 680 pounds of allowable mercury in our air and to enter Lake Erie is too much. The western basin of Lake Erie is already

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under fish consumption advisories because of mercury. It is unfortunate that the State of Ohio has not established mercury emission standards to protect the lake from further mercury problems.

Residents in this area care about each other. The people of Harborview and nearby Oregon should be provided with the resources to defend themselves. Ohio EPA was willing to pay \$29,000 in overtime for the coke plant - they should be forced to provide the same resources to the Harborview area.

Ohio EPA has failed to meet the requirements for a completed application and the public participation process must start over. Furthermore, since Ohio EPA has publicly stated that they are an advocate for US Coking, the agency should forward the application to USEPA for their review and considerations.

*Response: Ohio EPA/TDES believes that if the facility complies with all requirements detailed in their permit, then public health will be protected. Please also see response to comments one through 13 for more information on the restrictions imposed in the permit to help protect public health.*

**Comment #29.**

Village of Harborview

Emergency City Council Resolution

5 yeas, 0 Nays, 0 Absent

An emergency resolution was passed by the Village of Harborview expressing opposition to the new coke plant.

*Response: Thank you for submitting the resolution.*

**Comment #30.**

Kerry Berlincourt

5295 W Rauch Rd

Petersburg, MI 49270

If US Coke is not going to be a polluting industry for this area, why did they need to press so hard to get their permit through before the summer's safer air regulations?

*Response: If installed, there will be air pollutants released from the new coke plant. There are a number of reasons why FDS Coke may want to get their permit prior to the new air regulations. One of those reasons is that the applicant would need to comply with non attainment new source review provisions which include: coming up with offsets for NOx emissions from other companies and demonstrate that NOx emissions meet Lowest Achievable Emission Rate*

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*standards. Although the new standards would require FDS Coke to meet additional requirements, the existing and new standards are both designed to be protective of public health and welfare. Therefore, if FDS Coke complies with the final permit, Ohio EPA/TDES believes that public health will be protected.*

### **Comment #31.**

If Oregon Council is really so concerned as you have said tonight, wouldn't you want the strictest air pollution regulations to be followed to insure your citizens health?

*Response: Ohio EPA/TDES requires that all existing air pollution regulations be followed. These regulations require the installation of "best" air pollution controls.*

### **Comment #32.**

Are they really using the best technology available?

*Response: The final permit-to-install requires FDS Coke to install Best Available Control Technology (BACT) to control air pollution. Ohio EPA/TDES has analyzed the control options available and as defined in the permit what must be done in order to comply with BACT.*

### **Comment #33.**

Why do the business community and council speak first?

*Response: During Ohio EPA public hearings, the Hearing Officer first extends the courtesy of submitting testimony to any elected officials. Elected officials are allowed to speak first at public hearings because they often have very tight schedules and a limited time with which they can participate. All others are asked to speak in the order the blue cards are received.*

### **Comment #34.**

Why do the common citizens get to speak last when the majority of this gathering has gone home? I ask the EPA to allow us first in the next meeting so we can be heard. Also, a timer would be helpful.

*Response: See the above response.*

### **Comment #35.**

National Wildlife Federation

We are very concerned about the lack of any specific limits on mercury emissions from the Oregon coking facility as well as the expedited process by which the draft permit was developed. It is not clear that adoption of particulate matter emission limits and work practice standards for fugitive emissions will be sufficient to substantially reduce mercury emissions from the plant. A

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much more thorough analysis should be done to determine the potential for these measures to affect mercury releases. NWF believes the city should request that Ohio EPA take time to develop a more thorough analysis of the proposed plant and potential emissions, ensuring that both the potential for elevated releases of both mercury and numerous other chemicals are addressed in a more systematic manner. We urge further extension of the comment period for this project.

*Response: In response to these concerns, specific emission limitations for mercury have been added to the permit with appropriate monitoring to demonstrate compliance with the limitations. Ohio EPA/TDES granted two extensions to the comment period for this permit.*

### **Comment #36.**

Comment: Expresses opposition to the coke plant

*Response: Thank you for your comment.*

### **Comment #37.**

Expresses disappointment with Ohio EPA and suggests the Ohio EPA reread both of the OEPA Vision and Mission Statements on the website and see if OEPA's actions are in accord with these statements. Expresses opposition to the coke plant.

*Response: Ohio EPA understands our Vision and Mission Statements and believes the resulting final permit reflects those statements.*

### **Comment #38.**

Requests a public hearing to be held in regards to the many changes of the permit for the coke plant. This is not fair to the public to give out the information at a meeting and expect the general public to respond. According to the law you must give us a 30 day notice and then have a meeting and a public hearing for those changes, and that has not been done.

*Response: Ohio EPA/TDES has reviewed all of the procedural requirements and believes they have been met.*

### **Comment #39.**

Why isn't there anything in the proposed permit that provides a specific legally enforceable limitation on the amount of mercury that will be emitted?

*Response: Specific emission limitations for mercury have been added to the permit with appropriate monitoring to demonstrate compliance with the limitations.*

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### **Comment #40.**

I would like to see something from Ohio EPA that they are going to put into effect some rules and regulations to protect us from this emission (mercury). Is this going to be done?

*Response: Specific emission limitations for mercury have been added to the permit with appropriate monitoring to demonstrate compliance with the limitations. The development of rules to limit mercury emissions is something Ohio EPA/TDES will consider for future rule making.*

### **Comment #41.**

There has been no Ohio Best Available Technology Demonstration that the project mercury emission meets the required Ohio EPA rule requirements for technological controls available for this pollutant. Such a failure violates established Great Lakes Protocols for controlling persistent and bioaccumulative airborne toxicants in the Great Lakes Basin States. I also want this in writing as to what you are going to do to prevent this from happening.

*Response: Ohio EPA/TDES has established BAT mercury limits and has required testing, monitoring and record keeping for mercury. We believe we have met the Great Lakes Protocols.*

### **Comment #42.**

The proposed permit does not require coal sampling. Only an initial emissions test is required. Any variations of mercury emissions from use of different coal supplies than were used in the first stack test will not be detected under the proposed permit.

*Response: Specific testing (coal sampling and continuous emissions monitoring) requirements have been added to the permit to demonstrate compliance with the mercury limitations.*

### **Comment #43.**

Neither OEPA or Toledo environmental services, nor applicant have conducted a multipathway human health and ecological risk assessment that is necessary to determine the human health and environmental impact of such a large quantity of mercury emissions source. In this kind of review, both wet and dry deposition of mercury from the proposed facility would be modeled, build-up of mercury in aquatic systems, wetlands areas, fish spawning, and wildlife areas and their related watersheds would be determined. Yet Michigan Department of Environmental Quality recently required this kind of multipathway review for a proposed source emitting as little as 80 pounds of mercury per year.

*Response: Ohio EPA/TDES has restricted the mercury emissions to no more than 36 pounds per year in the final permit. We have also met all of the other regulatory requirements for permitting this type of facility. Our rules do not currently allow us to do a multi pathway review of air pollution sources.*

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**Comment #44.**

The high rate of cancer in Lucas County is alarming to say the least. Why would you want to further risk the health of our Oregon residents?

*Response: Ohio EPA/TDES does not want to risk the health of Oregon residents. Modeling results of potential emissions from the facility indicate that the emissions from the proposed coke facility will be within National Ambient Air Quality Standards and Ohio's Air Toxics Policy. These standards are set to be protective of public health. In addition, we have established restrictive emissions limits for the pollutants this facility will emit. We believe that if the FDS Coke plant complies with the final permit, public health will be protected.*

**Comment #45.**

Can you put a price or tax dollar on your health?

*Response: Ohio EPA/TDES believes that if FDS Coke complies with the final permit, the permit will protect public health.*

**Comment #46.**

Expresses opposition to the PTI for FDS Coking.

*Response: Thank you for your comment.*

**Comment #47.**

I would ask those in support of this project, economic gain at what cost?

*Response: This question should be directed to those in support.*

**Comment #48.**

If approved, the new plant may further the exodus of long time Oregon residents to other areas. Property values could decline in parts of Oregon and Harborview as a result of pollution and environmental concerns. What kind of economic effect would this cause for the Oregon community?

*Response: Ohio EPA/TDES does not have the legal authority to review the economic effect a new facility would have on a community. This analysis is beyond the scope of a permit-to-install review.*

**Comment #49.**

The unknown environmental impact of mercury in our community must be fully considered in the permit process.

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*Response: In response to these concerns, specific emission limitations for mercury have been added to the permit with appropriate monitoring to demonstrate compliance with the limitations. Modeling results of potential emissions from the facility indicate that at the permitted emissions levels the proposed coke facility will comply with the requirements of Ohio's Air Toxics Policy.*

### **Comment #50.**

Mr. Hopkins stated during the hearing "that if the permit meets all air pollution requirements, by law we must approve it". Mr. Hopkins also stated that US Coke would likely have to purchase or trade pollution credits with another industry polluter in order to operate. By making this statement during the public hearing Mr. Hopkins seems to concede to the fact that US Coke will exceed the maximum limits set forth by the permit. Mr. Hopkins appears to be taking the availability of pollution credits into consideration of operating within the permit limits. The company should be required to operate within the permit limits based on their actual anticipated output and not on the availability to purchase or trade for additional pollution credits.

*Response: Mr. Hopkins stated that if the permit was issued after June 15, 2004, then FDS Coke would have to obtain offsetting emissions or credits for the installation of the source. The need to obtain offsetting emissions is based on the date the final permit is issued, not when the source will be operated. The regulations requiring pollution credits will be in place for permits issued after June 15, 2004. If this permit is issued prior to that date, no pollution offsets are needed. Regardless of the date of issuance, the permittee will be required to comply with the terms and conditions of the issued permit.*

### **Comment #51.**

The meeting was held in a place of inadequate space. Given the complexity of the project and wide spread public interest in the matter, why was the meeting not moved to a location that could accommodate the expected large crowd?

*Response: Ohio EPA must schedule public information sessions and public hearings well over a month in advance. It is difficult to estimate the number of attendees prior to a public hearing. Ohio EPA, using their best professional judgement, selected Oregon City Council Chambers as adequate to accommodate the estimated 150 interested citizens. To provide access to all who attended the hearing, Ohio EPA requested that the speakers in the hallway be turned on so all could hear the testimony.*

### **Comment #52.**

Why were elected officials given preferential treatment at a "public hearing"? The Ohio EPA states "A public hearing is the public's opportunity to comment for the administrative record". Yet the facilitator seemed to have a predetermined list of local elected officials that were to speak and gave preferential treatment to "local elected officials" by allowing them to speak one after

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another early in the evening. This created a filibuster effect at the meeting and created a bias environment for those who wished to speak in opposition to the proposal.

*Response: Elected officials are allowed to speak first at public hearings because they often have very tight schedules and a limited time with which they can participate.*

### **Comment #53.**

Meeting guidelines were not followed. "The EPA hearing officer will call upon people to testify in the order in which the blue cards are received". This clearly was not followed and the hearing officer dictated who spoke, when they spoke, and determined the sequence of those who spoke.

*Response: With the exception of the public officials, we believe the people called to testify were called in the order in which the blue cards were received. If we got some mixed up, then we apologize.*

### **Comment #54.**

After the local elected officials completed speaking the facilitator (without reason or cause) threatened to close the public comment period within thirty minutes. "We're going to wrap this up in thirty minutes". This was a clear indication of the Ohio EPA's intent to silence the voice of concern at the meeting

*Response: The Hearing Officer never indicated that the public hearing and opportunity to submit testimony would end at any specific time. The informal question and answer period ended after 45 minutes to allow adequate time for the testimony.*

### **Comment #55.**

The people of the State of Ohio deserve a better orchestrated public hearing that was conducted on May 13. The Ohio EPA should examine the circumstances and actions that lead to the conduct at this hearing. Citizens have the right to know and deserve equal treatment and consideration on all environmental matters.

*Response: We are sorry you were disappointed with the hearing. Ohio EPA did everything within their means to accommodate all public testimony. Over 40 people submitted verbal testimony in addition to the many written comments received by the Agency.*

### **Comment #56.**

Lynne and Andrew Menke  
4218 Talwood Lane,  
Toledo, OH 43606  
Express opposition to the new coke plant.

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*Response: Thank you for your comment.*

**Comment #57.**

Why should Toledo even consider allowing more pollutants?

*Response: The ability to modify existing industrial processes, or to add new processes, is considered vital in an economic environment that is also allowed to change. Ohio law does not restrict who may apply for permit-to-install or where the source may be located. The regulations require only an evaluation of the proposed source for compliance with the air pollution regulations, which are meant to be protective of the public's health and welfare. These regulations are designed to become more restrictive in areas with higher existing levels of pollution. If properly applied, it is anticipated that the economic viability of a community can be maintained while establishing a long-term trend which tightens the restriction on emissions, partially through improved technology, maintaining a clean environment in a clean area, and resulting in emissions decreases in areas of higher pollution. If compliance with the regulations is demonstrated, Ohio EPA/TDES has no right to refuse the issuance of an air pollution permit*

**Comment #58.**

How can this much pollution even be considered?

*Response: Modeling results of potential emissions from the facility indicate that the emissions from the proposed coke facility will be within National Ambient Air Quality Standards and Ohio's Air Toxics Policy. These standards are set to protect the health and welfare of the public.*

**Comment #59.**

At the very least, please wait until the new regulations take effect.

*Response: Ohio EPA/TDES must process any application based on the current regulations.*

**Comment #60.**

Please wait until after June 15, 2003 to consider whether to approve this coke plant's permit - after the new air regulations have gone into effect.

*Response: Thank you for your comment.*

**Comment #61.**

Please, in order to approve its permit, insist FDS Coke Plant use the Best Available Technology.

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*Response: The FDS Coke Plant will be required to install control equipment meeting the requirements of Best Available Control Technology which takes into consideration a combination of technical and economic feasibility of different types of air pollution controls.*

**Comment #62.**

Has concerns about mercury emissions, deposition of mercury in Lake Erie, and mercury content of the fish.

*Response: Please see the response to comment number 2, 3, 62, and 102.*

**Comment #63.**

Why has the state not developed emissions standards for mercury? I urge you to press the Ohio EPA to develop health emission standards for mercury.

*Response: Thank you for your suggestion. We will consider adopting standards for mercury.*

**Comment #64.**

Unsigned letter submitted on behalf of:

Tim Brown/T.J. Holsen, Delta Institute/Lake Erie Forum

David Higby, Environmental Advocates of New York

Marty Visnosky, Erie County Environmental Coalition (PA)

Margaret Wooster, Great Lakes Consultant

Annette Marshall, Lake Erie-Allegheny Earth Force

Tom Fuhrman, Lake Erie Conservancy (PA)

Sandra Bihn, Maumee Bay Association

David Dempsey, Michigan Environmental Council

Zoe Lipman/Michael Murray, National Wildlife Federation, Great Lakes Program

Sandy Buchanan, Ohio Citizen Action

Vicki Deisner/Molly Flanagan, Ohio Environmental Council

Elaine Marsh, Friends of the Crooked River

Sr. Pat Lupo, PA Lake Erie Watershed Association

Marilyn Wall, Ohio Chapter Serra Club

Comment: Identifies the location of the coke plant as unsuitable for industrial development of this type due to the area being considered protected wetlands.

*Response: Ohio EPA Division of Air Pollution Control does not have any authority for approving or denying an air pollution permit based on location.*

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Comment: The FDS Coke Plant would be a major new source of nitrogen oxides, sulphur dioxide, particulate matter, and hazardous air pollutants including benzene, cadmium, lead and mercury. As such, it should receive highest scrutiny of its potential environmental impacts, including the eventual plant shutdown and contamination of the site with the range of persist

*Response: Ohio EPA/TDES has imposed the most stringent limitations allowed by law.*

**Comment #65.**

The following express opposition to the new coke plant  
Sharon Wasserman, 5556 Starr Ave, Oregon 43616  
Jane Reilley, 8896 C Harperpoint Dr, Cincinnati, OH 45249  
LoriAnne MacKenzie, 5651 Knightsbridge Dr, Toledo, OH 43614  
Mark Buehler  
Kyle Myrice, 5719 Clegg Dr, Toledo 43613  
Samantha Hope  
Gary Peterman, 2519 Lima Ave, Toledo 43613  
Carl Fitch, PO Box 80663, Toledo OH 43608

*Response: Thank you for your comment.*

**Comment #66.**

Letters in support of the US Coking Group Plant

Maggie Thurbe	Lucas County Commissioner
Mayor Brown	City of Oregon
Richard Hodges	Executive Vice President of Mechanical Contractors Association of NW Ohio
James Hamilton	Vice President, Mannik & Smith, Maumee OH
Jim Hamilton	6221 N Wildacre Rd, Curtice, OH 43412
Zachary Hamilton	6221 N Wildacre Rd, Curtice, OH 43412
Adam C Hamilton	6221 N Wildacre Rd, Curtice, OH 43412
J. Bernie Quilte	Lucas County Clerk of Courts

*Response: Thank you for your comment.*

**Comment #67.**

OEPA/Toledo has not sought out lessons learned in Indiana at the nonrecovery coke oven there .. a facility just slightly larger than the proposed FDS Coke Plant and more representative than the Jewell facility. The Indiana Harbor plant owners didn't meet the expectations of: no door leaks, very limited uncontrolled venting, good control of charging emissions, no green pushes, etc.

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*Response: This information has been received and reviewed.*

### **Comment #68.**

Failure to properly size the common refractory lined exhaust tunnel, failure to properly size duct work from heat recovery steam generators and induced draft fans.

*Response: This evaluation is beyond the scope of a permit-to-install review. The company is required to install pollution control equipment adequate to meet all of the performance requirements of the permit-to-install. Emissions testing will be conducted to confirm the equipment can meet the emission limits. It is up to FDS Coke to design their equipment so it can comply with the emissions limits. If testing shows that they failed to properly design and build the equipment, then Ohio EPA/TDES will require them to fix the problems so they can comply.*

### **Comment #69.**

There are no detailed specifications for that common exhaust tunnel which is, for all practical purposes, and air pollution control device and no exposition of the margins of operating scenarios for this equipment in terms of CFMs for negative pressure operation.

*Response: Duct work is not normally considered a piece of pollution control equipment except to the extent that it is expected to remain in good repair. Visible emissions testing at the coke oven doors in the proposed permit are intended to validate the claimed control by negative pressure. Stack testing is proposed for the coke pushing operation. Emissions limitations were set at levels which are believed to be protective of public health and welfare, and monitoring frequencies were set at levels which are believed to represent adequate demonstration of compliance.*

### **Comment #70.**

It seems that there is an inherent conflict between the need to generate steam and run with high volatility coal vs. spiking PM emissions and permit compliance. Given that Ohio EPA and Toledo Environmental Services never sought any information to be submitted at all about coal to be charged at FDS, this lack of information should give some pause on the condensible PM issue (as well as the possibility that this source is major for HAPs as a result of HCl and HF not being considered).

*Response: Modeling results of potential emissions from the facility indicate that the emissions from the proposed coke facility will be within National Ambient Air Quality Standards and Ohio's Air Toxics Policy. Condensable particulate matter is included in the emissions limitation of PM10 as required by the specified compliance demonstration (Methods 201 and 202 of 40 CFR Part 51, Appendix M). Halogen emissions are considered part of the established emissions limitations HAPs. The compliance demonstration for HAPs has been modified to Methods 1-4, 18, 26 and 29 of 40 CFR Part 60, Appendix A to address your concerns. If a site specific*

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*evaluation of halogen emissions indicates a significant level of halide discharge emissions, coal testing requirements can be added to the permit similar to the requirements for mercury.*

**Comment #71.**

Peggy Zdila  
16374 Fish Rd.  
Pemberville, OH 43550  
Expresses opposition to the coke plant

*Response: Thank you for your comment.*

**Comment #72.**

Why aren't you imposing restrictions on commercial trucking?

*Response: Ohio EPA's air program does not have the authority to regulate commercial trucking. Any traffic issues should be addressed to local zoning authorities.*

**Comment #73.**

Why are average taxpayers paying for industry's pollution?

*Response: An analysis of this type is beyond the scope of a permit-to-install review.*

**Comment #74.**

If the plant is supposed to be so clean, why is the permit being rushed through before this deadline?

*Response: The company requested the permit to be expedited to avoid the requirements of a non attainment new source review. Whether or not the permit is processed prior to or after the redesignation deadline, the rules still require the permit to meet all applicable standards. By meeting these standards, it is believed public health will be protected.*

**Comment #75.**

If the plant is supposed to be so clean, why is the permit being rushed through before this deadline?

*Response: The company requested the permit to be expedited to avoid the requirements of a non attainment new source review.*

**Comment #76.**

Jessica Kerger

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no address given

Expresses opposition to the coke plant. Ms. Kerger submitted extensive documentation on the detrimental effects of mercury on the environment.

*Response: Thank you for submitting the information. We also agree that mercury is a pollutant to be very concerned about. We have established very tight limits on the FDS Facility in order to be protective of public health.*

**Comment #77.**

Sandra Bihn, President  
Maumee Bay Association  
6565 Bayshore Rd.  
Oregon, Ohio 43618

Expresses opposition to the coke plant.

*Response: Thank you for your comment.*

**Comment #78.**

How are the documented problems at Indiana Harbor factored into the U.S.Coking/FDS plant?

*Response: The issued permit will contain restrictions and compliance monitoring requirements designed to address the documented problems at Indiana Harbor including enhanced monitoring for visible emissions at the coke oven door and an elimination of bypass provisions. It is the responsibility of U.S. Coking/FDS to take the documented problems at the Indiana Harbor facility into consideration in the designed operational reliability of their equipment. Should the company exceed the allowable limitations stipulated by the permit, the State and/or Federal EPA will be obligated to pursue necessary and appropriate legal actions according to prescribed policy.*

**Comment #79.**

Where is the U.S. Coking nonrecovery plant prototype engineered by the same people located.

*Response: Ohio EPA/TDES is aware of three nonrecovery coke plants in the United States. One is located in Indiana, one is located in Virginia and one is being constructed in Haverhill, Ohio.*

**Comment #80.**

Please inform us on how an air permit may be issued before the threshold question of whether the location of the plant to be built in wetlands on the shores of Maumee Bay will be allowed and where. Records show that there are thirteen wetlands in the proposed plant area.

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*Response: In order to construct at this site, FDS Coke must meet any regulations concerning wetlands and may need permits to meet those regulations. This permit only covers the air pollution requirements.*

### **Comment #81.**

In addition how can a coke plant permit be granted when the plans and operations are supposed to be known, but there are missing pieces - we do not know if there will be liquid discharges. We do not know what the wastewater requirements are. Does the permit state if all water is from the City? These factors are part of this permit and should have been disclosed and known.

*Response: This information is not a required element of an air pollution permit-to-install review, and was not included in the permit-to-install application.*

### **Comment #82.**

This neighborhood (Oregon/Harbor View) is an environmental justice area. The permit should not be allowed until resources are provided for an independent analysis of the impacts of the coking plant is completed.

*Response: The air pollution regulations are designed to be protective of public health no matter where the proposed facility will be located. Proposed facilities are evaluated independently of any social/economic status of a particular area. The air pollution regulations do not require an environmental justice evaluation.*

### **Comment #83.**

The permit application was never complete - there were ongoing changes after the public notice was posted. The public was not provided a full thirty days on all aspects of the permit now proposed.

*Response: Please see the response to comment number 9, 90, 111, 142.*

### **Comment #84.**

If U.S. Coking proposes permit modifications, the comments should be treated as such and the changes should not be allowed to circumvent a public process for a permit.

*Response: All comments and responses are available to the public and will be made available for review. This is the prescribed public process for a permit-to-install.*

### **Comment #85.**

Public comments for other Ohio E.P.A. proposed permits that been acceptable if post marked on the day due, by noon on the day due and in this case by the close of the business day. This is

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confusing to the public. I would ask that all comments received and postmarked on the day do be made part of the record, even though comments received after the close of the business day will not be part of the “official record”.

*Response: The close of the business day is the legal requirement under our procedural rules so we cannot change that requirement. However, we often get comments after the close of the comment period and, when possible, we review those before making a final decision. In this case we did receive some comments after the end of the comment period and we considered those comments.*

### **Comment #86.**

I assume that this means that during this period Ohio E.P.A. will not be communicating and working with the company on this permit. The public is treated with restrictions and rigidity and the company with such compassion and cooperation. The public has a cutoff - the company has free rein.

*Response: Your assumption is incorrect. When changes are made to a permit in response to comments received, either before or after the official comment period, the permittee is frequently contacted for information related to the requested changes. Comments from the public on all aspects of air pollution in Lucas County are addressed every day by the Toledo Division of Environmental Services and the Ohio EPA. Rigid procedures have been established related to the public comment period to assure community involvement, not as an effort to avoid it. Documentation related to the communications between the Ohio EPA and the company, as well as those between Ohio EPA and the public, is available for review during regular working hours at the Toledo Division of Environmental Services.*

### **Comment #87.**

Our organization deemed the May 13 public hearing/public participation process as inadequate and in noncompliance with the public participation requirements. Specifically the room was too small to allow the public to hear the presentations and testimony. There were speakers in the hallway but there was no control on talking and people were unable to follow the proceedings. People left in frustration. The public participation process was inadequate and did not follow the regulations.

*Response: It is Ohio EPA's desire to always obtain a facility that is large enough for all participants. Unfortunately, it is not always easy to predict how many people will show up. This is especially true when we have to schedule the event over a month ahead of time. Ohio EPA did stay until very late to make sure anyone who wanted to speak, had the opportunity to do so. In addition, besides verbal comments, Ohio EPA also accepts any written comment.*

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*Based on our knowledge of the regulations, the public participation process meet all legal requirements.*

### **Comment #88.**

Ohio E.P.A. in large complex permit proposals holds two meetings - one for a public meeting to explain the permit and to answer questions and a subsequent meeting for the public hearing.

*Response: It is often difficult to decide ahead of time the level of interest in a particular permit. In this case, we decided to hold a public information session prior to the official public hearing. In hindsight, it probably would have been better to at least expand the information session to give more opportunity for citizens to ask questions. Although more time would have been useful, the official hearing is the only session legally required.*

### **Comment #89.**

On the night of the meeting, May 13 a change in the permit was handed out. How could the public comment on this change from a baghouse to a multiclone at the same time it was disclosed? A change from a baghouse to a multiclone at the Haverhill facility is requiring a permit change. The change from a baghouse to a multiclone should have restarted the clock or required a separate process. There has been inadequate time to review the proposed change. Three pages of citations to the Ohio Code were handed out at the meeting referencing the change from a baghouse to multiclone. This changed the emissions figures and impacted other permit conditions.

*Response: Ohio EPA/TDES handed out the change at the hearing because that was the earliest we could physically get the change out to interested parties. These kinds of changes do not require the restarting of the 30-day comment clock. We will sometimes reissue the draft permit if the changes are "significant enough." In this case the emissions did not change much with the switch to the alternative control device so it was decided a re-draft was not necessary.*

### **Comment #90.**

The permit was not complete before the public comment period began.

*Response: Please see the response to comment 9, 83, 90, 111, 142.*

### **Comment #91.**

Public comment was inadequate because of the continuing changes in the permit during the public comment period.

*Response: The public comment period met and exceeded the requirements by law.*

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**Comment #92.**

The Fact Sheet handed out at the public hearing states that the property is located. “West of Otter Creek Rd., North of Millard Ave., East of the Maumee River and South of Lake Erie”. The statement South of Lake Erie is incorrect. The site is on the southern shores of Maumee Bay. The project should provide the number of acres, parcel number and description, elevation etc. Records show that there are four parcels, 78 acres, 182.5 acres, 73.6 acres and 56.4 acres for a total of 390.5 acres. Also some records indicate that the land is owned by CSX and the Port Authority. The description of the site provided in the September 11, 2003 Wetland determination report is representative of this site.

*Response: Air pollution permit review does not take wetland location into consideration. Legal property descriptions are similarly not required in order to obtain a permit-to-install.*

**Comment #93.**

Records show that the coke plant is to be built in an area with at least 13 potential wetlands in the Duck/Otter Creek, Maumee Bay Watersheds. This should have been included with the project description.

*Response: Air pollution permit review does not take wetland location into consideration. See also the response to comment number 92.*

**Comment #94.**

How can all of the analysis be done if there is no elevation? Although the area is seen as flat there is a gradient toward the Bay. The wetlands study from September 11, 2003 states that the elevation varies from 575' to 585' above the mean sea level. What elevation(s) were used for the air permit determinations - do they accurately reflect what the elevation will be. Does a change of up to 10' impact the numbers in the permit?

*Response: The computer modeling done to calculate pollutant concentrations takes into account significant elevation changes.*

**Comment #95.**

The project is actually located between two creeks, Duck and Otter which are not mentioned. Also not mentioned the frontage of the facility on Maumee Bay.

*Response: Air pollution permit review does not take creek location into consideration.*

**Comment #96.**

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Just to the east of the project is a neighborhood, Harbor View/Oregon. This neighborhood already has BP to the South and Toledo Edison Bayshore Power Plant to the East. This neighborhood is certainly impacted by the project and should be listed in the description.

*Response: All significant air pollution sources located near the proposed site were included in the computer modeling to determine ambient pollutant concentrations. The modeling concluded that the proposed facility would not result in emissions that would adversely affect public health.*

### **Comment #97.**

The Oregon/Harbor View area is already surrounded by B.P., the Toledo Edison Bayshore Plant and Facility Three. When the air modeling was conducted, did it consider the 20' high 500 acre facility in the bay that impedes normal air circulation? Did the air modeling consider that in the summer warmer water temperatures along an area in the Toledo Edison outfall in the Bay along the shoreline exceed 90 degrees creating a muggy very warm air?

*Response: The computer modeling considered all significant obstructions and all major meteorological conditions in its evaluation.*

### **Comment #98.**

Does the modeling include the confined disposal facility, Facility Three which is 24' high, a half mile by one mile in length? This facility impairs circulation of air and would appear to cause air to recirculate in the Oregon/Harbor View neighborhood. Has this phenomena been reviewed?

*Response: See the response to comment number 99.*

### **Comment #99.**

Does the modeling demonstrate the impact on health of the people living in the Harbor View/Oregon neighborhood if the coke plant is permitted? How are BP and Toledo Edison factored? Are there maximum cumulative limits for the neighborhood? How is the neighborhood considered?

*Response: The computer modeling predicts the maximum concentration of the various pollutants at multiple locations and under multiple meteorological conditions. It assumes all sources are emitted at their maximum allowed rates. It takes into account any significant other sources (like BP and Toledo Edison) in doing this calculation. Based on the results of this modeling, the emissions from these combined sources are not expected to cause adverse health effects.*

### **Comment #100.**

The Harbor View/Oregon neighborhood will be in the path of the prevailing winds of the coke plant - how is the impact on the neighborhoods health determined?

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*Response: Please see the response to comment number 8, 94-100, 178, 179.*

### **Comment #101.**

A grant to evaluate the Environmental Justice issues and the impacts on the people in the area should be provided for before processing this permit.

*Response: Please see the response to comment number 81 and 82.*

### **Comment #102.**

There are already fish advisories in the Western Basin of Lake Erie because of elevated mercury levels. How can you permit more mercury in the area knowing there is already a mercury problem in fish.

*Response: Please see the response to comment number 2, 3, and 62.*

### **Comment #103.**

Great Lakes agreements state that there should be no new mercury sources permitted in the Great Lakes area. Why does this permit seek to violate those agreements and policies?

*Response: The Great Lakes agreements do not state that there should be no new mercury sources permitted in the Great Lakes area. Instead, the agreements obligate the states to impose best controls on mercury sources. Ohio EPA/TDES imposed stringent mercury emissions limits that we believe meet the best control's test.*

### **Comment #104.**

(Ohio Administrative Code, Section) 3745-15-05 Air Pollution Nuisance Prohibited  
The Harbor View/Oregon neighborhood already experiences pollution from BP and Toledo Edison. How often and what are the pollution events triggered by BP and Toledo Edison? Do these "accidents" or other emission events that exceed permit limitations? Does the coke plant projections look at actual or permitted BP and Toledo Edison numbers? Has OEPA or the company reviewed the data if the coke plant is built? This area already has odors, dust, dirt and grime from the existing sources - there will be more with the coke plant. This constitutes a public nuisance. Company and government officials have ignored this area when they say this is an ideal location - the coke plant with up to 8 million pounds of pollution would clearly be a nuisance to the neighborhood.

*Response: Concerns the commentor has associated with the operation of the existing facilities should be addressed to the Toledo Division of Environmental Services. They will respond to citizen complaints about air pollution emissions that could be a nuisance. Please see the*

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*response to comment number 8, 94-100, 178 and 179 for more information concerning the modeling.*

### **Comment #105.**

(Ohio Administrative Code) 3745-31-09 Section F

This section states that “Applications for installation permits shall be accompanied by plans, specifications, construction schedules and such other pertinent information and data... The wetlands are pertinent information and data that the company had at the time this application was submitted - see attached- and failed to do so. Therefore the application was incomplete and the application must be revised to include the wetlands information.

*Response: Air pollution permit review does not take wetland location into consideration. This information is not considered a necessary requirement in an air pollution permit application.*

### **Comment #106.**

(Ohio Administrative Code) 3745-31-09 Section F

...”Installation permits shall include the authorization to operated sources installed and operated in accordance with terms and conditions of the installation permit...” The company provided Toledo Environmental Services information on several power plants that could be used with this facility. A power plant would be a source and would have to be included in the application. Additionally it is unclear what will be done with the steam - this should have been included with the application.

*Response: The permit proposes the installation of multiple steam generation units which would create steam using the waste heat generated by the coking oven operation. This steam has a marketable value and would presumably be sold to a near by business, reducing the consumption of fuel used by that facility. Since the permittee did not seek emissions offsets (as would be required after June 15, 2004), they have no need to balance their emissions increases with reductions in other companies, and the permittee had no requirement to identify the ultimate customer for the steam. These heat recovery steam generation units will have no emissions. No other power plant is known to be included in the proposed installation and none are allowed by the issued permit.*

### **Comment #107.**

(Ohio Administrative Code) 3745-31-09 Section G

...”Any such federally enforceable restrictions on a source’s potential to emit shall include both an annual limit and a short term limit of not more than thirty days for each pollutant to be restricted together with adequate methods to establish compliance...” Mercury is a major concern for this Coke Plant to be located on the shores of Maumee Bay in the Western Basin of Lake Erie. The application estimates up to 680 pounds. No one seems to know what the real number

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for mercury is. A limit must be established - but companies officials will not give an estimated an E.P.A. officials do not know either. How can a permit be issued under these circumstances? How would we know that the number is the least it can be given technology etc. as required by Law.

*Response: There is no current State or Federal regulation which requires a federally enforceable limitation on the emissions of mercury from a coke production facility. There is a nationally established standard for the emissions of hazardous air pollutants from coke ovens and the requirements of that standard have been applied to this permit. The difficulty in establishing an emissions level for the emissions of mercury from the combustion of coal is related to the variable nature of the chemistry of the coal. Some coals simply contain more mercury than other coals. To address concerns related to the emissions of mercury from this facility, a stringent emission limit was established and a detailed testing and monitoring program will be implemented.*

### **Comment #108.**

Bob Meyers, 6810 Cedar Point Rd., Oregon, Ohio 43618

Robert Shields, 6700 Cedar Point, Oregon, Ohio 43618

Pam Shields, 6700 Cedar Point, Oregon, Ohio 43618

Andrew Shields, 6700 Cedar Point, Oregon, Ohio 43618

Rita Myers, 6310 Cedar Pt. Rd., Oregon OH 43618

Ginger Bihn, 1723 Juniper #163, Bowling Green, OH 43402

These individuals forwarded the following letter:

Public health is important, therefore I oppose the draft permit for the U.S. Coking Group FDS Coke Plant. This coke plant will sit on the shores of Maumee Bay in wetlands. Also this secret company coke plant permit frequently uses the cheaper way rather than the best way to limit emissions. The company asks that they not have to meet the new ozone regulations protective of human health.

*Response: All new sources of air pollution installed in the State of Ohio are required to install the best available control technology to limit emissions. This facility is also subject to maximum available control technology requirements for the emissions of hazardous air pollutants. The BACT evaluation does consider the ratio of cost to benefit in determining the appropriate level of control. The company will be required to meet the requirements of all applicable rules at the time of issuance of the permit-to-install. This is Ohio EPA's established policy.*

### **Comment #109.**

It is unfortunate that the State of Ohio has not established mercury emissions standards to protect the lake from further mercury problems.

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*Response: Thank you for your comment.*

**Comment #110.**

The people of Harbor View and nearby Oregon should be provided with the resources to defend themselves. The Ohio E.P.A. employees were paid thousands in overtime to help the coke plant company rush the permit through - they should be required to provide the same resources to the Harbor View and adjacent Oregon areas.

*Response: Ohio EPA/TDES will spend whatever time is necessary to assist citizens in understanding the permit process, the applicable rules and the final permit.*

**Comment #111.**

Also the Ohio E.P.A. has failed to have U.S. Coking meet the requirements for a completed application and the public participation process must start over.

*Response: It is not unusual to require information beyond the initial application submittal. A permit application must be determined to be complete prior to the issuance of a permit. This process does not directly effect the public comment period. Please see the response to comment number 9, 83, 90 and 142.*

**Comment #112.**

Furthermore, since Ohio E.P.A. has publicly stated that they are an advocate for U.S. Coking, O.E.P.A. should forward the application to U.S.E.P.A. for review and recommendations.

*Response: Per normal procedure, Ohio EPA forwarded a copy of the application to U.S. EPA for their review. U.S. EPA reviewed the application and the draft permit and provided Ohio EPA/TDES with comments. Ohio EPA/TDES reviewed their comments prior to finalizing the permit.*

**Comment #113.**

I was told that some of the soils where the coke plant is to be built are from dredge materials. Are you sure that the coke plant is being built on stable ground? I was told that some of the area is actually shoreline of Maumee Bay filled in? The dredge materials from the Maumee River and Bay are known to have low compaction and to be unsuitable for construction. Has anyone looked into this issue?

*Response: The air pollution program cannot consider construction issues associated with the facility.*

James Manning

**Interested Party Comments and Ohio EPA/Toledo DES Response to Comments for the FDS Coke Air Pollution Permit-to-install Number 04-01360**

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2069 Grange St  
Oregon, OH 43618  
Expresses opposition to the new coke plant.

*Response: Thank you for your comment.*

**Comment #114.**

Why does nothing the Ohio EPA says during the Public Hearing go into the record?

*Response: As a courtesy, Ohio EPA held both a public information session and a public hearing. During the public information session, no official records are kept because under the law, it does not count as a public hearing. The information session is intended to provide everyone an opportunity to ask questions about the permit and for Ohio EPA staff to respond to those questions. Ohio EPA public hearings afford the citizens an opportunity to submit comments and testimony on the official record. During the public hearing, official “on the record” comments are recorded and kept.*

**Comment #115.**

Why would the Ohio EPA, by rushing the permit through so the plant would not have to meet more stringent standards, in effect create more pollution?

*Response: Ohio EPA tries to meet the needs of all of its customers, both the industrial customer and our citizen customers. Based on the desire of FDS coke to obtain a permit prior to the redesignation, we decided to work toward the goal of a final decision by then. However, we also were and are committed to make sure every permit we issue meets all applicable air pollution regulations and are, therefore, protective of public health and welfare.*

**Comment #116.**

Why would the Ohio EPA, normally notorious for being lax in processing permits, spend \$29,000 in overtime to make sure this permit beat the deadline for the new regulations?

*Response: Please see the response to comment number 10, 30, 74, 75, 89, 115 and 116.*

**Comment #117.**

Why is there no monitoring provisions for mercury emission standards?

*Response: Monitoring requirements have been added to the permit.*

**Comment #118.**

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Why allow this plant to be built right on the shores of Maumee Bay, when fish consumption advisories are already in effect?

*Response: Please see the response to comment number 2, 3, 62 and 102.*

**Comment #119.**

Has the Ohio EPA forwarded the permit application to the U.S.E.P.A. for review and recommendations? If not, why not?

*Response: U.S. E.P.A. received a copy of the permit application and has provided comments to Ohio EPA/TDES.*

**Comment #120.**

Ohio Citizen Action  
Sandy Buchanan, Executive Director  
614 W. Superior Ave, Suite 1200  
Cleveland, OH 44113  
Expresses opposition to the new coke plant.

*Response: Thank you for your comment.*

**Comment #121.**

What would be the difference between the level of emissions contained in the current draft permit, and the level of emissions which would be allowable if the permit were to be granted after June 15, 2004? Please compare the net affect on air pollution which would be allowed for the permit if issued before and after June 15, 2004, and list the types of emissions which are included.

*Response: This evaluation was not performed and a verifiable answer is not available. In general, if this emissions unit were to be installed in a non attainment area, the permittee would be required to submit an evaluation of other similar installations recently permitted in other non attainment areas. They would then be restricted to a level of control at least as stringent as the best controlled process in these areas. In this instance, the Toledo area will become non attainment for ozone. Emissions of the ozone surrogates (nitrogen oxides and volatile organic compounds) are affected. If no installation in a non attainment area is found, the company would be required to meet the most stringent limitation issued in an attainment area permit, or the most stringent requirement in a state implementation plan. Since the proposed permit involved an individual site-based determination of best available control for NOx and VOC, it is possible that the actual control requirements for NOx and VOC included in this permit are the same, or more stringent than would be required under a non attainment review. The major*

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*difference between a non attainment permit, and an attainment permit is the application of emissions offsets. Prior to installing this process in a non attainment area, the company would be required to establish a reduction of the emissions in the immediate area by an amount equal to the proposed new emissions plus 10%. Offsets of NOx and VOC emissions were not required a condition of the permit if the permit is issued prior to June 15, 2004.*

### **Comment #122.**

If the permit for the FDS coking plant were to be issued after June 15, 2004, rather than before June 15, 2004, what additional procedures, such as emissions trading, would U.S. Coking Group have to undertake to comply with the new standards?

*Response: This evaluation was not performed and a verifiable answer is not available. Please see the response to comment number 12, 20, 121-124.*

### **Comment #123.**

What technological changes would U.S. Coking Group be required to make if the permit were to be issued after June 15, 2004? What would be the effect of these changes on reducing emissions from the facility?

*Response: This evaluation was not performed and a verifiable answer is not available. We are unaware of any technological changes that would be made if this emissions unit were to be issued after June 15, 2004. The reductions in emissions may be restricted to the effects of the emissions offsets. See also the response to comment number 14 and 122.*

### **Comment #124.**

What would the cost be to U.S. Coking Group to make the needed technological changes to meet the standards for ozone non-attainment areas? Would this cost factor be a consideration in Ohio EPA's evaluation of whether to issue the permit before June 15, 2004?

*Response: This evaluation was not performed and a verifiable answer is not available. We are unaware of any technological changes that would be made if this emissions unit were to be issued after June 15, 2004. See also the response to comment number 14 and 122.*

### **Comment #125.**

Ohio EPA's did not provide the public with a final staff report and staff determination that evaluated all aspects of the Applicants BACT and air quality demonstration submittals at the time of the announcement of the proposed permit issuance. There was an April 19, 2004 Ohio EPA staff determination but this document is stale in light of the numerous submittals made by the Applicant during the pendency of the public comment period. Ohio EPA's failure to provide the public with a final determination on all issues raised by submittals by the Applicant and

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failure to provide a full 30 day review time of such an Ohio EPA staff determination deprives the public participating in this permit proceeding of due process of law.

*Response: Ohio EPA/TDES has distributed lots of information concerning this proposed permit including the initial staff determination, various public notices, press releases, multiple e-mails, through multiple phone calls and through issuances of various documents. All of the records we received from the company (except for very limited confidential data), and all of the internal work produced was made available to all interested parties.*

*Ohio EPA/TDES is under no legal obligation to develop and distribute a staff report. We do so as a service to interested parties to aid them in understanding the proposed permit. We do not have a legal obligation to issue a revised report after receiving comments from interested parties (including the applicant).*

### **Comment #126.**

The conduct of Ohio EPA in this permit proceeding has violated binding public participation requirements found at 40 CFR §51.161 which Ohio EPA has adopted by reference. These procedures require:

“...The public information must include the agency’s analysis of the effect of construction or modification on ambient air quality, including the agency’s proposed approval or disapproval.”

Since the Applicant submitted very substantive air quality modeling demonstrations and significant BACT demonstration material after the date of the April 19, 2004 “Staff Determination,” the “agency’s analysis” is necessarily incomplete. Under this public participation regulation, the 30 day comment period is to start after such an “analysis” is issued by the agency.

The continued submittal of substantive material by the Applicant after the announcement of public comment is essentially an abuse by the Applicant of the public comment period process and this should be disallowed by Ohio EPA. Such materials were submitted all during May, 2004 during the public comment period and a full 30 days of comment period time was not provided for all aspects of the Applicant’s substantive submittals. Moreover these materials were very substantive amendments of the application and they were not signed by corporate officers as is required by the rule. This defect in procedure is in addition to the failure of Ohio EPA to provide a determination on all such material and then provide a 30 day comment period on such a matter.

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*Response: Ohio EPA has not adopted 40 CFR §51.161. Instead, OAC Chapter 3745-47 contains our legally required procedures for processing permits and notifying interested parties. Chapter 3745-47 does not require the issuance of a “staff determination” type document after comments are received during the comment period.*

### **Comment #127.**

Commentors reserve the right to submit additional comments after the close of the comment period covering any so-called “public comments” filed by the Applicant during, at the close of or after the public comment period. Commentors reserve the right to submit additional comments after the close of the public comment period on aspects and/or changes in conclusions in Ohio EPA’s/TDES position that are new, distinct from or changed from the April 19, 2004 “staff determination.”

*Response: Ohio EPA often receives comments on a draft permit after the close of comment period. Although legally we do not need to consider comments received after the close of the comment period, we often do consider those late comments prior to making a final decision. Late comments are considered as time and circumstances allow.*

### **Comment #128.**

Commenters have shown serious errors in this permit proceeding, the proposed permit and in submittals by the Applicant. In addition, Commenters expect to review other significant comment work product by other parties, not the least of which include the Applicant. Given these conditions and particularly given the failure of the Ohio EPA/TDES to make a final staff determination available and then hold a 30 day comment period on it, Commentors ask that Ohio EPA provide a 30 day delayed effective date on any action they take if they chose to issue the proposed permit. Under the circumstances of Ohio EPA/TDES’s defective public participation and comment procedure and due process denials in this case, making any permit issuance immediately effective without such a 30 day delayed effective date will serious prejudice Commentors in the event that permit issuance justifies administrative appeals and/or litigation by Commentors.

*Response: We understand commentor’s position on this issue. It is difficult to understand the permits and the applicable regulations in a short time. That is one reason that we spend a lot of time and effort in assisting interested parties concerning these permits. That is also one reason why we extended the comment period twice for the FDS permit. In addition to responding to the interested parties needs, we must also respond to the permittees’ needs. Based on all of these issues, we have decided not to extend the comment period further.*

### **Comment #129.**

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In Appendix B of the PTI application, the Applicant admits, through the referenced HAP [Hazardous Air Pollutant] Emission Calculation Sheet, that mercury emissions would be 3.40E-1 tons per year, or 0.34 tons of mercury. At 2000 lbs/ton that is 680 pounds.

Applicant's projected mercury emission estimate is based on U.S. EPA's Draft AP-42 emission factor for mercury emissions from nonrecovery coke oven combustion stacks of 0.00033 lbs of mercury emissions per ton of coal charged.<sup>1</sup>

According to the documentation for EPA's AP-42 emission factors:

“An emission factor is a representative value that attempts to relate the quantity of a pollutant released to the atmosphere with an activity associated with the release of that pollutant. ....Such factors facilitate estimation of emissions from various sources of air pollution. In most cases, these factors are simply averages of all available data of acceptable quality, and are generally assumed to be representative of long-term averages for all facilities in the source category (i. e., a population average).”

“.....Because emission factors essentially represent an average of a range of emission rates, approximately half of the subject sources will have emission rates greater than the emission factor and the other half will have emission rates less than the factor.”

The emission calculation also depends on the 0.0% emission control efficiency projection for the combustion stack emission control train. At 0.0% emission control efficiency this would be equivalent to an “as charged” coal mercury content of 0.165 parts per million. This can be compared to U.S. Geological Survey information on the mean mercury content of 0.24 ppm, 0.15 ppm and 0.21 ppm respectively for Northern, Central and Southern Appalachian Coal.<sup>2</sup> As a result, use of coal commonly available in the Ohio Region could potentially cause even higher emissions than what Applicant has projected.

The Applicant has submitted no coal analysis information to Ohio EPA and Toledo Environmental Services that could be used to develop an alternative mass balance mercury emission estimate. The failure of these agencies to require such analysis as part of a complete application constitutes error as such coal analysis information is need to properly characterize

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<sup>1</sup> See See Draft AP-42 Section 12.2, metallurgical industry, Table 12.2-20; Emission Factors for Coke Production, Nonrecovery Combustion Stacks, P. 12.2-(28-29)

<sup>2</sup> “Mercury in U.S. Coal – Abundance, Distribution and Modes of Occurrence,” U.S. Geological Survey, USGS Fact Sheet FS-095-01, September, 2001

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mercury and other hazardous air pollutants from the proposed facility. To the extent that Ohio regulations can be interpreted to allow a discretionary decision not to require submittal of detailed coal mercury analysis information, Ohio EPA and Toledo Division of Environmental Services have abused their administrative discretionary authority by failing to require such information to better quantify mercury emissions.

Applicant’s mercury emission estimate is comparable to reported mercury and mercury compound emissions of 719 pounds for year 2001 in EPA’s Toxic Release Inventory for a slightly larger coke oven facility using nonrecovery coking technology at Indiana Harbor Coke Company in East Chicago, IN. Applicant’s estimate of 680 pounds of mercury would make the facility the 48<sup>th</sup> largest mercury source in the United States considering all sources, the sixth largest source of mercury in Ohio and third largest source of mercury in the United States of Standard Industrial Code 33-Primary Metals which includes coke production, all for year 2001 data comparison.

*Response: Based on all of the information provide to us concerning mercury emissions, Ohio EPA/TDES decided to significantly limit the amount of mercury emitted from this facility. Please see the response to comment number 1 for more details on these restrictions. The permit review process incorporated the review of emissions of mercury using the State’s established air toxic’s policy.*

**Comment #130.**

A comprehensive, computer-aided search of the proposed permit by Commentors shows that the regulators have failed to impose an air discharge emission limitation that is specific to mercury in the proposed permit. The same comprehensive search by Commentors shows that the permit writers failed to impose any standards for maximum mercury content of coal received at the site and failed to impose testing requirements for the mercury content of coal received or processed for use at the proposed coke oven.

The only limitation that would prevent the Applicant from emitting any amount of mercury emissions it could chose are the total Hazardous Air Pollutant emission limitations for the coke oven combustion stacks, coke pushing coal charging and coke battery venting emissions. These HAP emission limitations are shown in the table below:

<b>Process</b>	<b>Hourly Limitation</b>	<b>Annual Limitation</b>
Main Combustion Stack	1.7 lbs/hr	4.78 tons/year
Charging operations	0.04 lbs/hr	0.11 tons/year
Pushing operations	0.1 lbs/hr	0.25 tons/year

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Venting	1.42 lbs/hr	0.96 tons/year
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*Response: The permit has been modified, in response to public concern, to include limitations and testing to restrict the emissions of mercury. To our knowledge, this is the first mercury limit for a coke oven battery in the United States.*

**Comment #131.**

Applicant’s disclosure of the large expected emissions of mercury is buried in the Applicant’s submittal to Ohio EPA. The Application contains no demonstration of Best Available Technology for the control of mercury, consideration of alternate potential controls, consideration of limitations on coal mercury content and review of the physical speciated forms of mercury emissions.

There is no mention of the large expected emissions of mercury in Ohio EPA’s public involvement materials. There is no evidence in regulatory files that Ohio EPA/Toledo Division of Environmental Services ever sought information on mercury control technology options and control alternatives from the Applicant.

*Response: The permit review process incorporated the review of emissions of mercury using the State’s established air toxic’s policy. A best available technology determination was required.*

**Comment #132.**

The Applicant submitted and Ohio EPA/TDES accepted a demonstration under Ohio EPA’s unpromulgated air toxics policy showing that expected mercury ambient concentrations are less than the MAGLC concentrations based on 2.4% of the ACGIH Threshold Limit Value for occupational exposure limits.

The Ohio EPA air toxics policy and consideration of MAGLC ambient screening limitations is an attempt to determine the inhalation toxicology potential of airborne toxicant compounds. The MAGLC and Ohio air toxics policy do not consider or reach issues associated with the public health, environmental and ecological risk associated with the environmental transport, deposition, fate and ultimate toxic effect of air discharge of mercury and mercury compounds which are a persistent and bioaccumulative toxicants.

Neither the Applicant, nor Ohio EPA/TDES, have performed a proper evaluation and demonstration of the most serious public health, environmental and ecological risks and consequences of the airborne discharge of the projected 680 pounds of mercury from the proposed facility. Such a evaluation and demonstration would necessarily involve a regional multipathway risk assessment study involving wet and dry deposition modeling, mercury background contamination review for physical media and biological systems, modeling of water

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column-soil-sediment mercury cycling relationships and biological exposures, human health and ecological risk exposure pathway review and exposure toxicology review.

*Response: Ohio EPA/TDES believes that the current procedures for permitting sources adequately screens out sources that could cause significant multi pathway risks. In this case, the resulting mercury limit was restricted to a level that we believe is protective of public health.*

### **Comment #133.**

The proposed permit doesn't contain a provision which specifically states that mercury will be tested in a stack test emission study. On page 198, Section III(A)(I)(V)(2)(d) [sic....this should be re-lettered as subsection e] of the permit indicates that EPA Method 29 will be used. EPA's Method 29 shows mercury as one of the analytes at Section 1.1 of the text. However, it is not clear to Commentors that Section III(A)(I)(V)(2)(d) [sic .... this should be re-lettered as section e] on the next page would not allow a discretionary decision in the stack testing protocol approval process to have mercury, or any of the other analytes, dropped from the approved protocol.

Nothing in the proposed permit appears to require that the physical-chemical form of mercury emissions be determined, that the control efficiency for each physical-chemical form of mercury be determined in the spray dryer/fabric filter emission control train and that the pre-control inlet flue gas stream be subject to stack test review. Nothing in the permit requires testing of the mercury content of coal charged to the ovens during the stack testing operations. Nothing in the proposed permit requires a mercury emission test to be repeated when different coal sources are used at the site.

Hazardous Air Pollutant stack testing - emission limitation compliance provisions appear at other locations in the permit at Section III(A)(I)(V)(1)(u) [main stack], Section III(A)(I)(V)(1)(z) [charging], Section III(A)(I)(V)(1)(uu) [pushing] and Section III(A)(I)(V)(1)(dddd) (vent stacks). Each of these provisions contains similar language that is objectionable:

“Applicable Compliance Method: If required, the permittee shall demonstrate compliance with this emission limitation through emission testing performed in accordance with Methods 1 through 4, 18, ***and 12 or 29*** of 40 CFR Part 60, Appendix A.” (emphasis added by commentors)

Commentors interpret the emphasized objectionable language of this paragraph to allow a Method 12 test, which reports lead compounds, to substitute as an alternative for and a replacement to conducting a multi-metals test [including mercury as an analyte] under Method 29. The results of the Method 12 test then, under the language in the proposed permit, could be used to determine the entire contribution of metals Hazardous Air Pollutants to the total HAPs

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for comparing to the total HAP limits in the sections noted above for compliance determination for HAPs. While it might make sense to allow Method 12 to substitute for the specific lead analyte method contained in Method 29, the present language can be read to allow Method 12 to substitute for all of metals of Method 29. This should not be allowed by the proposed permit as it would jeopardize HAP metal stack testing requirements for mercury and all of the other metal HAP toxicants listed in the Method 29 analyte list section.

*Response: In response to public concern, specific requirements for coal testing and emissions monitoring for mercury have been added to the permit. The referenced language has been modified as follows:*

*"If required, the permittee shall demonstrate compliance with this emission limitation through emission testing performed in accordance with Methods 1 through 4, 18, 23, 26, and 29 of 40 CFR Part 60, Appendix A. Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA."*

### **Comment #134.**

Annex 12 of the Great Lakes Water Quality Agreement between the United States and Canada provides:

“Regulatory strategies for controlling or preventing the input of persistent toxic substances to the Great Lakes System shall be adopted in accordance with the following principles:

The intent of programs specified in this Annex is to virtually eliminate the input of persistent toxic substances in order to protect human health and to ensure the continued health and productivity of living aquatic resources and human use thereof;

The philosophy adopted for control of inputs of persistent toxic substances shall be zero discharge; and

The reduction in the generation of contaminants, particularly persistent toxic substances, either through the reduction of the total volume or quantity of waste or through the reduction of the toxicity of waste, or both, shall, wherever possible, be encouraged.

The Parties shall take all reasonable and practical measures to rehabilitate those portions of the Great Lakes System adversely affected by persistent toxic substances.”<sup>3</sup>

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<sup>3</sup> See <http://www.epa.gov/glnpo/glwqa/> for the full text.

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Issuance of the proposed permit for the proposed facility with a large projected emission, no review of or emission controls and no evaluation of the environmental consequences of the expected emission can hardly be stated to be a United States action reflecting "...virtual elimination..." of mercury as a persistent bioaccumulative toxicant.

A more specific provision found at Annex 15 of the Great Lakes Water Quality Agreement on "Airborne Toxic Substances" which provides:

"Pollution Control Measures.

The Parties, in cooperation with State and Provincial Governments, shall develop, adopt and implement measures for the control of the sources of emissions of toxic substances and the elimination of the sources of emissions of persistent toxic substances in cases where atmospheric deposition of these substances, singly or in synergistic or additive combination with other substances, significantly contributes to pollution of the Great Lakes System. Where such contributions arise from sources beyond the jurisdiction of the Parties, the Parties shall notify the responsible jurisdiction and the Commission of the problem and seek a suitable response.

The Parties shall also assess and encourage the development of pollution control technologies and alternative products to reduce the effect of airborne toxic substances on the Great Lakes System."

Again, issuance of a proposed permit with no specific emission limitations for mercury and a large potential emission of this persistent and bioaccumulative toxicant at a site on the shores of Lake Erie can hardly be considered as meeting either the letter or spirit of this international agreement on which the United States is a signatory.

*Response: Emissions limitations for mercury have been added to the permit. The level of control has been set at a level that we believe is protective of public health and meets the commitments under the Great Lakes Water Quality Agreement.*

### **Comment #135.**

In 1986, the Great Lakes Governors adopted the Great Lakes Toxic Substance Control Agreement<sup>4</sup> which called for controlling Great Lakes toxic substances through the environmental permitting process. This agreement called for:

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<sup>4</sup> For text of this agreement, see <http://www.cglg.org/pub/toxics/index.html>

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“The signatory States agree to consider the effects of airborne pollutants on human health and aquatic life when setting air emission standards and granting air emission permits, and to better integrate their respective air and water programs to address atmospheric deposition affecting the lakes.”

To further the goals, objectives and achievements of the Agreement by the Great Lakes Governors, the Great Lakes environmental administrators entered the “Great Lakes States Air Permitting Agreement.”<sup>5</sup> This agreement, which was signed by Ohio EPA, provides, in part:

“For the pollutants listed on Table A [which includes mercury], each permitting authority shall utilize all applicable air pollution regulations to insure that BACT is being installed on any new or modified source which is subject to the state’s New Source Review Program, and on existing sources, considering a diminimus cutoff, which are required to obtain an operating permit. States which do not have the current legal authority to assure that BACT is installed on new and existing sources of the pollutants in Table A shall pursue through their appropriate regulatory process authority to implement the governors’ and environmental administrators’ agreements.”

“For purposes of this agreement, BACT means emission limits, operating stipulations, and/or technology requirements based on the maximum degree of reduction which each Great Lakes state determinates is achievable through application of processes or available methods, systems, and techniques for the control of each of the pollutants listed in Table A, taking into account energy, environmental, and economic impacts, and other costs.”

“Emission limits, operating stipulations, and/or technology requirements shall be established as permit conditions for each of the pollutants listed in Table A. Whenever warranted, sources will also be required to conduct an emission verification test to assure compliance with the allowed emission limits during the initial verification test as well as during periodic verification tests.”

Ohio EPA/TDES issuance of the proposed permit and approval of the proposed facility as presently proposed with no emission limitations, no evaluation of impacts and no emission control technology abrogates both of the above cited Great Lakes agreements.

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<sup>5</sup> A copy of this agreement is available at <http://www.sagady.com/stuff/GLStateAirPermittingAgreement.pdf>

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*Response: Please see the response to the previous comment and the response to comment number 14, 15, 16, 103, 134, 135, 177.*

### **Comment #136.**

Ohio EPA/TDES indifference to mercury emission controls, limitations, risk assessment, public health, environmental and ecological impacts from the emissions at the proposed FDS coke oven facility violates statutory general duties at ORC §3704.02 and OAC 3745-15-02. The latter authority provides:

“It is the purpose of all air pollution regulations to set forth such requirements as shall be necessary to secure and maintain those levels of air quality which are consistent with the protection of health and the prevention of injury to plant, animal life, and property in the state of Ohio, and to provide for the comfortable enjoyment of the natural attractions of the state to the greatest extent practical. All regulations of the director shall be construed in such manner as to effectuate this purpose.” OAC 3745-15-02.

The large emission of mercury itself meets the definition of “air pollution” at both ORC §3704.01(D) and OAC 3745-15-01(D). The emission of large amounts of airborne mercury which is a persistent and bioaccumulative toxicant as in the present case also constitutes a “public nuisance,” which is prohibited by OAC 3745-15-07(A).

In addition to the discussion of general duties above, please see the separate discussion in the section of this comment on Best Available Control Technology determinations for general duty requirements in the environmental impact review process of BACT determinations that requires consideration of mercury releases as part of that process as well.

*Response: Please see the response to comment number 1, 21, 22, 26, 27, 35, 40, 41, 43, 49. In addition, this process was evaluated for compliance with the existing state air toxics policy. The assignment of terms and conditions appropriate to that review were included in the permit.*

### **Comment #137.**

Ohio EPA requires that sources subject to the Ohio new source review use “best available technology” (BAT) which is defined as:

“(P) “Best available technology” means any combination of work practices, raw material specifications, throughput limitations, source design characteristics, an evaluation of the annualized cost per ton of air pollutant removed, and air pollution control devices that have been previously demonstrated to the director of environmental protection to operate satisfactorily in this state or other states with similar air quality on substantially similar air pollution sources.” OAC 3745-31-01(P).

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A decision on Ohio BAT as defined is an explicit part of the required decisionmaking criteria by the Director of Ohio EPA under 3745-31-05(A)(3).

Ohio EPA has published an interpretive guide #42 as to the meaning of Ohio BAT which includes consideration of environment factors, such as air and water quality impacts, land impacts, aesthetic impacts and the avoidance of “excessive degradation of these environmental areas.”

By failing to require the Applicant to submit an Ohio BAT demonstration concerning mercury, by failing to consider coal mercury content limitations, by failing to consider and review potential mercury control measures, by failing to evaluate the health, environmental and ecological consequences of the airborne mercury releases planned by the proposed facility and by failing to provide a specific mercury emission limitation, Ohio EPA and TDES have failed to comply with the Ohio BAT requirement through the Director’s violation of 3745-31-05(A)(3).

*Response: Ohio EPA/TDES made a BAT determination for mercury and set a BAT limit for mercury.*

### **Comment #138.**

OAC 3745-31-09(C)(1) requires a completeness determination on Applicants PTI submittals to Ohio EPA and OAC 3745-31-04(A) requires a decision by the Director of Ohio EPA on what he/she “deems necessary” to be submitted in an application for a PTI. By failing to require the Applicant to submit an Ohio BAT demonstration that addressed mercury emissions and potential control measures and by failing to require the Applicant to show the public health, environmental and ecological acceptability of the proposed mercury emission through a multipathway human health and ecological risk assessment study, the Director of Ohio EPA/TDES have abused their discretion in making either an announced and/or *de facto* finding of application completeness under OAC 3745-31-09(C)(1) and in accepting applicant’s submittal under OAC 3745-31-04(A).

Similarly, the above cited failures by the Director of Ohio EPA/TDES constitute an abuse of discretion of the Director’s authority...

“In deciding whether to grant or deny a permit-to-install, the director may take into consideration the social and economic impact of the air contaminants, water pollutants, or other adverse environmental impact that may be a consequence of issuance of the permit to stall or plan approval.” OAC 3745-31-05(B)

By failing to incorporate a mercury content limitation for coal received and processed at the proposed FDS Coke Oven facility and by failing to set and enforce a fully protective air

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discharge emission limitation for mercury in the proposed permit, the Director of the Ohio EPA/TDES have abused their discretion under rules providing that.....

“The director may impose such special terms and conditions as are appropriate or necessary to ensure compliance with the applicable laws and to ensure adequate protection of environmental quality.” OAC 3745-31-05(C), in part.

*Response: Ohio EPA/TDES felt that we had enough information in order to set a limit for BAT for mercury. Therefore, we set a limit for BAT.*

### **Comment #139.**

Applicant has not submitted any information to quantify hydrogen chloride and hydrogen flouride emissions from the proposed facility. Both of these substances are designated hazardous air pollutants under 42 USC §7412(b) and are known to be emitted by coal combustion facilities in substantial quantities. Although emission factors for these two pollutants do not appear in the draft AP-42 table of HAP emission factors for nonrecovery coke ovens, this is not an excuse for failing to quantify hydrogen chloride and hydrogen flouride when both Applicant and the permit issuing agency is required to quantify all HAPs for purposes of MACT Applicability requirements.

EPA’s final AP-42 emission factor for bituminous coal combustion indicates a factor of 1.2 lbs/ton for hydrogen chloride and 0.15 lbs/ton for hydrogen flouride.<sup>6</sup> At 2.06 MM tons (wet coal) per year at 8% moisture that is 1.91 MM tons (dry coal) per year. The resulting uncontrolled hydrogen chloride emission rate would be 1150 tons of hydrogen chloride and 145 tons of hydrogen flouride. A recent article in Coal Age magazine details the average chlorine content of various United States coal from various regions;<sup>7</sup> the article indicates the following coal chlorine contents for coals that might be used at the proposed coke oven by reason of distance from mine location to market considerations:

<b>Supply region</b>	<b>Typical chlorine content (ppm)</b>
Central Appalachia	1027
Illinois Basin	1224
Monongahela River	1071

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<sup>6</sup> See Page 1.1-36, Table 1.1-15 of EPA AP-42 1.1 for bituminous coal combustion.

<sup>7</sup> See [http://coalage.com/ar/coal\\_mercury\\_emissions\\_fuel/](http://coalage.com/ar/coal_mercury_emissions_fuel/)

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As a result, candidate coal region coal supplies indicate that nominal chlorine content might range from 800-1000 ppm. At 1.91 MMT dry coal consumption per year, the nominal process input rate calculated on this basis would be 1530 to 1910 tons of hydrogen chloride per year.

As a result of these estimates of uncontrolled emission rates of hydrogen chloride ranging from 1150 to 1910 tons per year and 145 tons per year of hydrogen flouride, the issue of hydrogen chloride and hydrogen flouride acid gases cannot be discounted. The permit granting agency should have required submittal of coal analysis information and control efficiency information in order to properly characterize emissions of these compounds. In the absence of such information, the application is incomplete and not approvable; Ohio EPA/Toledo Division of Environmental Services abused their discretion in choosing not to gain submittal of such information when it made a permit issuance decision.

With total H-Cl and HF acid gases ranging from 1300 to 2050, HAPs from these two pollutants alone would be from 26 to 41 tons per year at 98% control efficiency from acid gas scrubbing in addition to the admitted 6.7 tons per year of other pollutants.

*Response: Information supplied by the applicant indicates that the process conditions are not likely to produce significant quantities of H-Cl and HF acid gasses. In order to confirm that significant quantities are not produced, Ohio EPA/TDES has required initial emissions testing for those pollutants.*

**Comment #140.**

Considering likely hydrogen chloride and hydrogen flouride emissions, the proposed coke oven is undoubtedly a major stationary source of hazardous air pollutants and the claim of the Applicant that it is a minor source for 42 USC §7412(b) Hazardous Air Pollutants (HAPs) must be disallowed. In particular, the claim of the Applicant that they are exempted from requirements at 40 CFR §63, Subpart CCCCC National Emission Standards for Hazardous Air Pollutants from Coke Oven Pushing, Quenching and Combustion Stacks because they do not reach the major source threshold provided at 40 CFR §63.7281 must also be disallowed as a corollary finding. Finally, the permit must be amended to ensure that the facility will comply with all aspects of 40 CFR §63, Subpart CCCCC that would apply to a nonrecovery coke oven operation.

*Response: If, based on testing, it turns out the proposed facility is major for HAPs, then the permit would be modified to incorporate all applicable MACT requirements.*

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**Comment #141.**

The permitting agencies have imposed total hazardous air pollutant emission limitations on main combustion stack, pushing, charging and vent stack emissions, but the facility will not be able to comply with these emission limitations under any scenario where actual total HAP emissions are being determined because none of the emission limitations consider hydrogen chloride and hydrogen flouride. Failure to fully characterize the hazardous air pollutant emissions from the proposed facility as potential limits thus fails to properly inform both the Applicant and the public of expected emission limitations and impact from this facility.

In particular, venting emissions of hydrogen chloride will be completely uncontrolled with no acid gas control train. If venting is carried out on 1/6th of the uncontrolled gas flow and pollutant rate, venting will emit the HAPs hydrogen chloride and hydrogen flouride at the rate of 50-76 lbs per hour which is far higher than the 1.42 lbs per hour of total HAPs allowed under the permit.

Ohio EPA/Toledo Division of Environmental Services have failed to properly specify required test methods for compliance that would ensure that tests for hydrogen chloride and hydrogen flouride are carried out. The permit should be amended to require additional Method 26 and 26A testing for these compounds in each emission limitation compliance method section where HAPs are regulated for the main combustion stack, pushing, charging and venting as well as at section III(A)(V)(2)(d).

*Response: Method 26 was added to the testing requirements for HAPs. Bypass venting during periods of maintenance was eliminated as an acceptable mode of operation.*

**Comment #142.**

OAC 3745-31-09(C)(1) requires a completeness determination on Applicants PTI submittals to Ohio EPA and OAC 3745-31-04(A) requires a decision by the Director of Ohio EPA on what he/she “deems necessary” to be submitted in an application for a PTI.. By failing to require that the Applicant submit coal analysis information sufficient to properly determine hazardous air pollutant emissions, including hydrogen chloride and hydrogen flouride, from processing such coal at the facility, the Director of Ohio EPA/TDES have abused their discretion in making either an announced and/or *de facto* finding of application completeness under OAC 3745-31-09(C)(1) and in accepting applicant’s submittal as sufficient under OAC 3745-31-04(A).

*Response: Ohio EPA/TDES believes that sufficient information was submitted by the applicant for the application to be determined to be complete.*

**Comment #143.**

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In exploring certain primary combustion-related emissions at the proposed FDS Coke facility, the Applicants and Ohio EPA/TDES relied heavily on published draft AP-42 emission factors for nonrecovery coke ovens and some engineering estimates. However, the published nonrecovery coke oven emission factors are really only based on a single facility, the Jewell Coke site in VA that is not necessarily representative of the proposed site because it doesn't either incorporate spray-dryer fabric filter emission controls and heat recovery steam generators. In addition, the applicant has asserted an engineering estimate of 0.03 grains per dry standard cubic foot for an uncontrolled PM emission factor but there is no basis provided in Applicant's submittal for this factor.

*Response: Ohio EPA/TDES believes it used the best information available to set appropriate emission limits. The emissions limits set will be confirmed by required emissions testing once the facility is built.*

**Comment #144.**

Commentors have reviewed regulatory files on the Indiana Harbor Coke Company (IHCC) facility in East Chicago, IN. This facility is the only nonrecovery coke oven operating in the United States that also incorporates a spray dryer/fabric filter emission control train and heat recovery steam generators for a co-generation effort. This facility is slightly larger than the proposed FDS Coke facility with 268 ovens, 16 vent stacks and heat recovery generators, a maximum coal charge capability of 2794.5 tons of dry coal/day, 2,039,985 tons of dry coal/year (2,203,184 tons of coal per year, wet basis) and 2013.6 tons of coke pushed per day.

<b>Date of Test/method</b>	<b>Stack/Process Unit</b>	<b>Filterable PM</b>	<b>Condensable PM</b>	<b>Total PM</b>
12/14-16/98; 1-4, 5, 202; 585 tons/hr dry coal charged during test	A & B Battery Charging Stack, 202, baghouse	0.458 lb/hr, 0.0008 lb/ton 0.0019 gr/acf; 0.0020 gr/dscf	1.38 lb/hr, 0.0023 lb/ton; 0.0054 gr/acf; 0.0059 gr/dscf	1.837 lb/hr, 0.0031 lb/ton; 0.0073 gr/acf; 0.0079 gr/dscf
12/15-17/98; 1-4, 5, 202; 573 tons/hr dry coal charged during test	C and D battery Charging Stack, 203, baghouse	0.292 lb/hr, 0.0005 lb/ton; 0.0013 gr/acf; 0.0014 gr/dscf	3.122 lb/hr, 0.0054 lb/ton; 0.0135 gr/acf; 0.0144 gr/dscf	3.414 lb/hr, 0.0059 lb/ton; 0.0148 gr/acf; 0.0158 gr/dscf
12/15-16/98, 1-4, 5, 202; 223.2 tons/hr coke during test	Pushing Baghouse Stack, 204	3.824 lb/hr; 0.017 lb/ton; 0.0023 gr/acf; 0.0025 gr/dscf	6.279 lbs/hr; 0.028 lb/ton; 0.0039 gr/acf; 0.0042 gr/dscf	10.103 lb/hr; 0.045 lb/ton; 0.0062 gr/acf; 0.0067 gr/dscf

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12/14-15/98; 1-4, 5, 202; 244 tons/hr, 3566.5 tons/day during test	Screening Station Stack 265; baghouse control	0.443 lb/hr; 0.0019 gr/acf; 0.0020 gr/dscf	3.044 lb/hr; 0.0130 gr/acf; 0.0138 gr/dscf	3.487 lb/hr; 0.0149 gr/acf; 0.0158 gr/dscf
12/2/99; 1-5, 9,202; 90% of rated steam capacity	Main combustion stack, 201; baghouse control	4.29 lb/hr	33.25 lb/hr	37.45 lb/hr; all pm=pm10
5/11-12/98; 169,261 acfm; 39,002 dscm; 1502 degF	A battery #2 vent			0.0033 gr/acf; 0.0146 gr/dscf; 4.865 lb/hr
4/30-5/1/02; 1-4, 5, 9, 202; 39 tons of dry coal per oven	Emergency Vent Stack B-1			8.65 lbs/hr

The following table shows stack emission testing results for various process units of interest at the IHCC facility. Copies of this original stack test evaluations/reports are available from Commentors on request.

These data show that condensible particulate matter constitute the majority of the PM release from combustion-related emission sources at this nonrecovery coke oven, sometimes by an overwhelming majority. In particular note the 12/2/99 PM testing results on the main combustion stack showing that condensible particulate matter constitutes 89% of the total PM emissions and the C and D charging emission stack showing condensible PM at 91% of the total.

*Response: Emissions limitations have been established for PM10 as the basis for compliance with PSD review. The applicable demonstration of compliance will be compliance emissions performed in accordance with Methods 201 and 202 of 40 CFR Part 51, Appendix M. Method 202 is the Federally mandated procedure to determine the condensible particulates in PM10.*

**Comment #145.**

Provision III(A)(V)(2)(d) [sic...should be “c”] on page 198 properly shows Method 201 and 202 as the stack test methods for evaluating PM 10, but no method is listed for total particulate emissions, PE, in this table. As a threshold issue this opens the way for all total Particulate Emission (PE) limitations in the permit to be solely based on filterable-only particulate emissions leaving condensible PM emissions to be totally unregulated as to the PE listed emission limitations. This is confirmed by the language contained in the prior section on testing

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requirements and compliance methods where there is sole reliance on EPA Method 5.<sup>8</sup> This is a highly objectionable approach to testing compliance with total Particulate Emission limitations when the large majority of combustion-related emissions will be condensible particulate matter.

A second and important issue on condensible PM goes to the PM10 emission limitation compliance evaluation methods in the proposed permit. Condition III(A)(V)(1)(c) states:

“If require, Method 201 shall be used to demonstrate compliance. ....If required, the permittee shall demonstrate compliance through the emission testing performed in accordance with Methods 201 and 202 of 40 CFR Part 51, Appendix M...”

Commentors interpret this language to give both the permittee and Ohio EPA the option of allowing only test method 201 to reflect the compliance test with PM 10. Since Method 201 is a filterable-only test, this language is highly objectionable in allowing this latitude. Even if this first sentence containing method 201 solely is struck, the second sentence still leaves the compliance determination method unclear. Nothing in the second sentence says that the PM results from Method 201 and the PM results from Method 202 must be added together and the total compared to the PM 10 emission limitation. Commentors interpret the second sentence to potentially allow the Permittee to separately compare each method PM result to the PM 10 emission limitation without the duty to add the results together.

Commentors remind Ohio EPA/TDES that compliance determinations for ensuring that modeled PM10 air quality demonstrations are representative require that filterable and condensible PM stack test results must be added together to evaluate compliance with PM10 emission limitations and this is a matter of considerable federal interest. In fact, EPA does not approve this approach of setting PM 10 compliance only to filterable “front half” PM stack test determination. EPA has recognized that..

“condensable emissions are also PM10, and that emissions that contribute to ambient PM10 concentrations are the sum of in-stack PM10 and condensible emissions.”<sup>9</sup>

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<sup>8</sup> See, for example, condition III(A)(V)(1)(b), (dd), (ww) and others

<sup>9</sup> 55 Fed. Reg. 12426 (March 17, 1990). See also 55 Fed. Reg. 14246 (April 17, 1990) (“emissions that contribute to ambient PM10 concentrations are the sum of in-stack [non-condensable] PM10 . . . and condensable emissions.”); 55 Fed. Reg. 41546 (October 12, 1990) (“condensable particulate matter (CPM) emissions form very fine particles in the PM10 size range and are considered PM10 emissions”); 56 Fed. Reg. 65433 (December 17, 1991) (same).

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Similarly, EPA's Office of Air Quality Planning and Standards has stated unequivocally that "[s]ince CPM is considered PM-10 and, when emitted, can contribute to ambient PM-10 levels, applicants for PSD permits must address CPM if the proposed emission unit is a potential CPM emitter."<sup>10</sup> In light of filterable and condensible PM stack test results from the Indiana Harbor Coke Co. facility showing that Condensible can account for the majority of PM emitted from combustion sources, the proposed FDS Coke plant will undoubtedly be a significant emitter of condensible PM emissions. EPA has repeatedly required permitting authorities to include condensible PM10 limits and testing methods in permits.<sup>11</sup> The agency also insists that Condensible PM10 be considered in the applicant's BACT analysis, and in the permitting authority's review of that analysis.<sup>12</sup> In the present case, it does not appear that condensible PM was considered at all in the Applicant's BACT determination. This is a BACT determination strategy that is clearly not allowed by U.S. EPA.

The issue of condensible particulate emissions is not just an academic one. A high rate of condensible particulate emissions can cause significant visible emissions from a stack, including the formation of "detached" plumes which form after a short time of airborne cooling after emission. The mix between "front half" and "back half" condensible particulate emissions can change with emission control technologies that lower flue gas temperatures, such as wet scrubbing. The Applicant has not discussed this issue in the BACT review and application.

All of the rest of the PM 10 emission limitation compliance determination provisions of III(A)(V)(1) have similar problems and must be corrected and clarified to ensure that both filterable and condensible PM stack emission test results are added together and that this sum be compared to the applicable PM10 and PE emission limitations.

*Response: Emissions compliance statements should indicate that the emissions of particulate as applied to those regulations included in Section 3745-17 of the Ohio Administrative code, i.e., PE, are characterized as the matter collected as filterable particulate in a Method 5 test. Emissions compliance statements should indicate that the emissions of particulate as applied to*

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<sup>10</sup> March 31, 1994 letter from Thompson Pace, SO2/Particulate Matter Program Branch, EPA Office of Air Quality Planning and Standards to Sean Fitzsimmons, Iowa Department of Natural Resources

<sup>11</sup> See, e.g., In re: AES Puerto Rico L.P., PSD Appeal Nos. 98-29, 98-30, 98-31 (EAB, May 27, 1999), at 31-34.

<sup>12</sup> See, e.g., In re: Steel Dynamics, Inc., PSD Appeal Nos. 994, 995 (EAB, June 22, 2000), at 25-31.

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*those regulations included the compliance determination for PSD applicability, i.e., PM<sub>10</sub>, are characterized as the matter collected as filterable particulate in a Method 201 test added to the matter collected as condensable particulate in a Method 202 test. The two requirements are considered to be independent and separably enforceable. Some modification to the permit language has been made in response to his request. Opacity restrictions of 10% as a 6-minute average at the main stack are intended to address significant condensable emissions.*

### **Comment #146.**

The Applicant originally submitted plans and drawing showing that an electric co-generation plan was to be sited in association with the proposed coke oven facility. Later, the Applicant indicated that such a plant was not presently planned. However, it is clear that the Applicant has some kind of plan to sell or use this steam product. Connection of steam lines to another facility has the potential to create source aggregation that would potentially transform how the coke oven facility would be viewed in that it could become a source modification rather than a new source. At the very least, construction of an electricity co-generation plant in the future would create particulate emissions associated with cooling towers and such an emission unit must be evaluated for PM BACT and source impact analysis in conjunction with all other sources.

*Response: If such a project is proposed it will be considered an extension of this facility as required by new source review. On questioning, no such increase in emissions from other facilities was identified by FDS.*

### **Comment #147.**

The Applicant has submitted no detailed technical schematic diagrams of the common, refractory lines gas collection tunnel of the proposed facility. Yet, the Applicant is making claims of 7 seconds of gas retention at elevated temperatures, 10 ppm VOC emission levels and other aspects of ideal hydrocarbon burnout. Commenters assert that these claims must be supported by additional technical information disclosure before they are accepted by Ohio EPA with issuance of a proposed permit and before the Applicant is granted permit containing no continuous hydrocarbon monitoring. The evidence from the Indiana Harbor facility that condensable particulate emissions are elevated in comparison to the Jewel Coke experience is an indicator that such hydrocarbon burnout may not be as good as the Applicant is claiming.

In particular, it is difficult to accept Applicants 7 second retention time claims when some oven ducts to the common tunnel are directly adjacent to either venting discharge locations of ductwork to heat recovery steam generators. Ovens in these near-discharge locations cannot possibly have the significant retention times from their duct input to the common tunnel as more distant ovens further away from venting locations or where ducting to the heat recovery steam generators is very close. Charging operations in the ovens close to venting locations/HRSG duct may have significant potential to cause elevated VOCs and organic compound HAPs discharges

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on a transient basis out of emergency vents and the main stacks. Such transient VOCs may have the potential to cause downwind odors and excessive VOC emissions.

The Applicant must be required to submit detailed drawings which will ensure that claims about temperature and retention times are true for all oven locations on the common, refractory lined discharge tunnel.

*Response: The review you recommended is beyond the scope of the permit-to-install process. The facility will be required to demonstrate compliance with the proposed limitations by actual stack testing. Bypassing the control equipment would constitute a violation of the permit. The testing will be repeated at regular intervals, with the frequency to be determined by the results of the actual stack tests. If testing indicates a need for additional monitoring, a monitor may be required. Since the permittee has no ability to avoid the compliance stack testing, it is reasonable to anticipate that the proposed retention time will be designed adequately without the study you suggest.*

### **Comment #148.**

What is clearly emerging from the results at Indiana Harbor with all of the condensible PM emissions is that hydrocarbon burnout in such nonrecovery ovens is not to the extent that might have been previously portrayed. The incomplete VOC/hydrocarbon burnout, together with the likely presence of molecular chlorine and hydrochloric acid in the flue gas train and the passage of the flue gases through some elevated temperatures in the flue gas train all together mean that potential chlorinated dibenzodioxin/furan formation might occur. This issue should be further evaluated before permit issuance as this is, again, a matter of Great Lakes Air Permitting Agreement compliance.

*Response: Testing for dibenzodioxin/furan has been added to the permit.*

### **Comment #149.**

A green push is an operation of removing coke from an oven when not all of the coal has not been sufficiently heated and carbonized so that volatiles are still present in the pushed coke. Although the Applicant in the present case says that green pushes are eliminated, the experience at IHCC is that not all green pushes are eliminated. Green pushes still occur when there hasn't been sufficient coking time, when the volatility of the coal is unexpectedly high and in regions of the oven such as the edges where heating is not as great or as uniform.

The Applicant has characterized VOC Emissions as though there will be no green pushes. Nothing in the proposed permit requires the Applicant to monitor and record green pushes. Since green pushes are a source for VOCs to enter quench water and be re-emitted, failure to

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consider that green pushes may actually occur will contribute to emission characterization underestimates.

*Response: The applicant has indicated that they believe there will be no green pushes. The permit was written with allowable emissions assuming no green pushes. If green pushes occur, then it is Ohio EPA/TDES's opinion that emissions will be produced that will be in excess of the allowed emissions under this permit. Because of the excess emissions, green pushes will be treated as a violation and appropriate enforcement will be pursued.*

### **Comment #150.**

IHCC still apparently has problems with charging emissions during the last part of the charging cycle when coal comes into contact with hot oven surfaces. During these times, particularly during elevated wind conditions, charging causes excessive particulate emissions that lead to opacity excursions. The Applicant's claims for face velocity on charging hood gas collection don't account for these types of problems.

*Response: Once this facility is built, we will monitor its operations to make sure they are meeting all of the limits established in the permit. If excess opacity occurs during charging, then we will take steps to force the company to comply with the opacity limits.*

### **Comment #151.**

IHCC has admitted that design and operation mistakes significantly contributed to excessive uncontrolled venting from coke oven emergency vent stacks at the East Chicago facility. While some of these problems have been corrected, measures to correct the balance of the problems are being denied as technically feasible given the claim that coke ovens cannot be brought down to cold shutdown and turnaround absent a complete rebuilding and reconstruction.

At IHCC, the combined backpressure influence of the emission control train, the problem of deposits on heat recovery steam generator heat transfer surfaces and the additional backpressure caused by such deposits, plus the under sizing of the exhaust discharge tunnel and induced draft fan capability, plus the demands for higher volatility coal to maintain adequate elevated temperatures for steam production have all lead to significantly more uncontrolled venting than was planned during the facility permitting. IHCC has sought permit revision for venting up to 19% of the time on a 24 hour basis and 14% of the time on an annual basis. Although unanticipated venting has been a problem at IHCC, it appears that the Applicant and the proposed permit are seeking permission to vent for longer period of time (up to 2016 hours per year) than even what was experienced at IHCC. In addition, the FDS facility will exacerbate its venting problems with its design of using a lesser number of heat recovery steam generators in a manner that, when venting occurs, more ovens will be implicated in such venting. If IHCC can limit the number of ovens subject to venting involvements, then the Applicant should also be

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able to alter their design in such a manner as well as part of BACT review and consideration on venting emissions.

Finally, the Applicant must be required and the permit should be amended to require that all vent openings be instrumented to the operator. Vent openings will be system pressure mediated in addition to being caused by direct operator intervention. The Applicant must show that both types of vent openings will be fully known to operators and that such vent openings, even if they are partial openings caused by system pressures, will be recorded and limited as per any requirements in the proposed permit.

*Response: No maintenance venting will be allowed under the terms of the final permit. FDS Coke must design their system so that this requirement is met. Terms and conditions will be added to address vent openings.*

### **Comment #152.**

IDEM inspector observations indicate that door leaks are still a problem at the IHCC nonrecovery coke ovens. The leaks tend to occur at the bottoms of the doors in locations where the charged coal bed contacts the bottoms of such doors.

The proposed permit for the FDS facility doesn't effectively regulate door leaks. The existing MACT rule allow the option of recording a negative pressure in the oven once a day to substitute for inspections and accountability on door leaks. The FDS application emission characterization assumes zero VOC, PM and HAP emission from door leaks, so such a projection is unduly optimistic in light of the IHCC experience. The emission limitation and compliance requirements of the proposed permit do not provide any door leak emission limitation, prohibition, inspection/monitoring or record keeping require requirements. The proposed permit should not be issued with provisions that allow the operator to rely only once a day negative pressure monitoring as a substitute for substantive door leak limitations, monitoring and record keeping requirements, as well as emission inventory reporting..

*Response: Visible emissions restrictions at the door have been added to address this issue.*

### **Comment #153.**

The most fundamental defect of Applicant's submittal, as well as Ohio EPA's proposed determination and the proposed permit, involve a complete abdication of clear requirements to determine the ambient impact of the proposed facility on community air quality and to ensure that emissions from the proposed coke oven will not jeopardize attainment and maintenance of National Ambient Air Quality Standards.

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This impermissible and unlawful failure is being carried out by Ohio EPA and the Applicant under a false assumption that issuance of the proposed permit prior to the effective date of U.S. EPA’s nonattainment designations in Lucas County for PM 2.5 and ozone allows both Applicant and Ohio EPA to ignore all other source impact analysis requirements for PM 2.5 and ozone. Ohio EPA’s failure to consider these issues contravenes requirements of the Ohio air pollution control statute and jeopardizes public health.

*Response: Please see the response to comment number 8, 11, 26, and 31 concerning the need for PM 2.5 and ozone source impact analysis. Ohio EPA believes that by meeting the requirements of the PSD permit, public health will be protected. This is based on the extensive modeling that is required to be completed under PSD. Based on this modeling, the expected maximum concentrations of the criteria pollutants will not be at a level that will cause adverse health effects.*

**Comment #154.**

Ambient air quality monitoring for PM 2.5 has been conducted in Lucas County since 1999.<sup>13</sup> The following table shows the results of that monitoring for three PM 2.5 ambient air quality monitoring sites, all of which are located with Toledo addresses. All of the values in the table are for the arithmetic annual mean PM 2.5 concentration detected in micrograms/cubic meter:

<b>Year ----Site</b>	<b>Site 390950024; 348 S. Erie</b>	<b>Site 390950025; 600 Collins Park</b>	<b>Site 390950026; 4208 Airport Hwy</b>
1999	15.7	13.5	16.5
2000	19.5	15.7	15.1
2001	15.7	14.4	15.5
2002	15.0	15.3	14.9
2003	14.5	14.3	14.3 / 15.8
3 year average, 2001-2003	15.1	14.7	14.8 / 15.4
<b>PM 2.5 NAAQS, annual average</b>	<b>15.0</b>		

Based on the table the S. Erie monitor is showing annual PM 2.5 standard violations for 4 of the last 5 years, the Collins park monitor shows such violations for 2 of the last 5 years and the

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<sup>13</sup> This data derived by the author from a search for ambient PM 2.5 data for Lucas County at <http://www.epa.gov/air/data/index.html> Hard copy of the search is available from the preparer.

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Airport Highway monitor is showing violations for 4 of the last 5 years. The criteria for designating Lucas County as nonattainment under the Clean Air Act is to show the average of the last 3 years of data. The County meets the criteria for nonattainment designation based on the S. Erie site and other monitoring site annual averages not showing annual standard violations for an average of results in years 2001-2003 are showing that the monitored indications are only marginally in compliance with the PM 2.5 NAAQS.

Based on the air monitoring data and EPA's guidance for considering what areas were subject to a designation of nonattainment for PM 2.5, Ohio EPA proposed and recommended that Lucas County be designated as nonattainment in their submittal to U.S. EPA.<sup>14</sup> Ohio EPA's proposed submittal constitutes an implicit acceptance by that agency that Lucas County violates the PM 2.5 NAAQS. Michigan has also recommended to EPA that Monroe County, MI (which is adjacent to Lucas County, OH) be designated as nonattainment for PM 2.5 based on 3 years of air quality monitoring results showing PM 2.5 NAAQS violations at an air monitoring site in Luna Pier, MI.

As a result, both Lucas County, OH and Monroe County, MI must be considered in violation of the PM 2.5 NAAQS for purpose of source impact ambient assessments for a proposed new source of filterable and condensable PM 2.5 and PM 2.5 precursors of sulfur dioxide, nitrogen oxides and certain volatile organic compounds.

*Response: U.S. EPA has not yet promulgated the non attainment areas for PM 2.5. Because of this fact, Ohio EPA/TDES does not have the legal authority to require non attainment NSR for PM 2.5. Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166.*

### **Comment #155.**

Ozone air quality monitoring is conducted at 4 locations in Lucas County. Ozone monitoring results<sup>15</sup> for the last 3 years is shown in the table below; the table shows the 4<sup>th</sup> maximum highest 8 hour average recorded each year at each site in parts per million ozone:

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<sup>14</sup> Ohio EPA proposed submittal is at <http://www.epa.gov/pmdesignations/documents/04Recommendations/5/s/Ohio.pdf>

<sup>15</sup> This data derived by the author from a search for ambient ozone data for Lucas County at <http://www.epa.gov/air/data/index.html> Hard copy of the search is available from the preparer.

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<b>Year – Site</b>	<b>348 S. Erie, Toledo</b>	<b>200 S. Byrne Rd, Waterville</b>	<b>306 N. Yondota, Jerusalem Twp</b>	<b>Friendship Park, 2930 131<sup>st</sup> St. Toledo</b>
2001	0.083	0.078	0.091	0.092
2002	0.092	0.086	0.096	0.094
2003	0.086	0.088	0.094	0.088
3 yr average of 4 <sup>th</sup> highest maximum	0.087	0.084	0.094	0.091

The information shows that all 4 of the Lucas County monitors are showing ozone NAAQS violations in 2 or 3 of the last years and that 3 of the 4 monitors are showing 3 year averages of the 4<sup>th</sup> highest 8 hour average to the extent that a nonattainment designation is justified. The 3 monitors are the ones that are closest to the proposed site for the FDS coke ovens.

In fact, in July of 2003, Ohio EPA recommended that Lucas County be designated as nonattainment for the ozone NAAQS.<sup>16</sup>

As a result, Lucas County must be considered as being in violation of the ozone NAAQS for purpose of air quality source impact assessment requirements for a proposed new major stationary source of nitrogen oxides and volatile organic compounds.

*Respond: Under current existing rules, Lucas County is an attainment area for ozone. Ohio EPA/TDES cannot legally consider it as a non attainment area until it is redesignated on June 15, 2004. Any permits issued prior to June 15, 2004 must be treated as attainment area permits for ozone.*

**Comment #156.**

In submitting their application, the Applicant included no existing air quality information for PM 2.5 and ozone; nothing in their submittal provides any source impact assessment, analysis and/or air quality modeling results for PM 2.5 and ozone. Neither Ohio EPA, nor TDES, acknowledged the pre-existing PM 2.5 and ozone ambient air quality problems in Lucas County or gave any consideration to the potential impact of the proposed FDS Plant on PM 2.5 and ozone either in Lucas County or in downwind areas of Michigan.

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<sup>16</sup> See notice at <http://www.epa.gov/ozonedesignations/documents/03Recommendations/5/s/Ohio.pdf>

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*Response: The applicant was not required to submit the above information because the rules did not require its submittal. Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166.*

### **Comment #157.**

Both the Applicant and Ohio EPA/TDES have engaged in an unsupportable position that existing PM 2.5 and ozone problems in Lucas County and in downwind areas of Michigan can be disregarded in permitting the proposed facility merely because Lucas County, the site of the proposed plant, has not yet been formally designated as a nonattainment area for PM 2.5 and ozone by the U.S. Environmental Protection Agency under 42 U.S.C. Section 7407. Such a position is in palpable error and jeopardizes air quality and public health of citizens in Lucas County and surrounding areas.

With a January 22, 2003 notice of direct final approval in the Federal Register and the previous conditional approval in 2001, U.S. EPA ultimately approved the Ohio PSD New Source Review program and rules<sup>17</sup> as part of the Ohio State Implementation Plan under the Clean Air Act. In addition to the stated Ohio EPA rules, Ohio also adopted by reference the complete set of federal rules on “Requirements for Preparation, Adoption, and Submittal of Implementation Plans, Subpart I – Review of New Sources and Modifications.”<sup>18</sup> Selected elements of these Ohio Rules and Federal Rules that Ohio adopted by reference<sup>19</sup> are discussed below.

*Response: Ohio did not adopt the federal rules by reference. Instead, we implemented our own rules which mirror federal rules. Please also see the response to comment number 10 and 154.*

### **Comment #158.**

OAC 3745-31-14(B) provides [with similar and applicable requirements at 40 CFR §51.166(m)(1)(i)]:

“Criteria air pollutants that require pre-application analysis. Any application for a major stationary source or major modification shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following air pollutants: (1) For a stationary source, each criteria air pollutant that the stationary source would have the potential to emit in a significant amount...”

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<sup>17</sup> See 68 FR 2909 and 66 FR 51570

<sup>18</sup> See 40 CFR Part 51, Subpart I

<sup>19</sup> 40 CFR Part 51, Subpart I was adopted by reference at OAC 3745-31-01(III)(2)(n)

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The Applicant has already admitted in their Application that nitrogen oxides and VOCs are emitted by the proposed facility in significant amounts. As for PM 2.5, OAC 3745-31-01(WWW)(2) and 40 CFR §51.166(b)(23)(ii) provides that Clean Air Act regulated pollutants not listed at 40 CFR §51.166(b)(23)(ii) or in OAC 3745-31-01(WWW)(1) are “significant” if emitted at “any emission rate.” Moreover, emissions of PM 2.5 precursors of sulfur dioxide, nitrogen oxides and volatile organic compounds are admitted by the Applicant to be emitted at rates that are “significant.”

In addition, OAC 3745-31-12(C)(4) requires submittal of...

“The air quality impact of the major stationary source or major modification, including meteorological and topographical data necessary to estimate such impact;”

Again, no such impact information was submitted for PM 2.5 and Ozone.

As a result of the above, the Applicant was bound under the approved Ohio regulations to include “an analysis of ambient air quality in the area” for PM 2.5 and ozone. No such analysis appears in Applicant’s PTI application submittal.

*Response: Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166.*

### **Comment #159.**

Both OAC 3745-31-16(B) and 40 CFR §51.166(k) provide:

Any owner or operator of a proposed major stationary source or major modification shall demonstrate that allowable emissions increases from the proposed major stationary source or major modification, in conjunction with all other applicable emissions increases or reductions (including secondary emissions), **would not cause or contribute to air pollution in violation of: (1) Any national ambient air quality standard....)** (Emphasis added)

Nothing in Applicant’s submittal provides a demonstration that direct emissions of PM 2.5 and PM 2.5 precursor emissions of condensable particulate matter, nitrogen oxides, sulfur dioxide, sulfuric acid aerosol and high molecular weight volatile organic compounds will not cause or contribute to violations of the PM 2.5 National Ambient Air Quality Standard. No PM 2.5 emissions data were supplied in the application from this combustion source which can be expected to be a significant emitter of PM 2.5.

As a matter of fact, PM 2.5 concentrations across Lucas County on an annual basis either exceed or are marginally under the PM 2.5 National Ambient Air Quality Standard. It is simply

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an unavoidable fact that building a significant contributor of PM 2.5 emissions and PM 2.5 precursor emissions will exacerbate the existing county-wide violation of the PM 2.5 NAAQS that is explicitly and implicitly acknowledged by the Ohio EPA proposals to designate the entire county as a PM 2.5 nonattainment area (see discussion in prior section). Applicant is simply unable to show that it will not jeopardize attainment and maintenance of this PM 2.5 NAAQS so it chose silence on this issue in its permit application submittal. This silence, however, does not excuse the Applicant from making the required showings under OAC 3745-31-16(B) and 40 CFR §51.166(k).

Similarly, the Applicant failed in its submittals to satisfy the requirement for a showing under OAC 3745-31-16(B) and 40 CFR §51.166(k) for source impact analysis for the effect of its new emissions of nitrogen oxides (NOX) and volatile organic compounds (VOC) on whether such emissions would cause or contribute to ozone air quality standard violations in Lucas County, OH and in Southeastern Michigan. Ohio EPA has implicitly acknowledged that all of Lucas County, OH should be considered nonattainment for ozone. Similarly, Monroe County and most of Southeastern Michigan have been recommended as nonattainment areas for ozone. Yet there is no content in the application that makes a showing on whether the FDS Coke Facility will cause or contribute to this pre-existing ozone air quality problem. In fact, commentors assert that construction and operation of the FDS Coke facility can only exacerbate pre-existing ozone problems in both Lucas County and Southeastern Michigan and that it would be nearly impossible to show that the proposed facility would not cause or contribute to a violation of the Ozone NAAQS.

*Response: Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166.*

### **Comment #160.**

OAC 3745-31-13(B) provides:

“Air pollutants covered. The requirements contained in rules 3745-31-10 through 3745-31-20 of the Administrative Code shall apply to any major stationary source and any major modification as defined by these rules with respect to each air pollutant subject to regulation under the Clean Air Act that the stationary source would emit....”

40 CFR §51.166(b)(49) provides:

“Regulated NSR pollutant, for purposes of this section, means the following:

(i) Any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator (e.g. volatile organic compounds are precursors for ozone)....”

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Because a National Ambient Air Quality Standard PM 2.5 has been promulgated at 40 CFR §50.7 and is presently in effect it is undeniable that PM 2.5 is a criteria pollutant that is “....subject to regulation under the Clean Air Act.” It is also undeniable that the proposed FDS Coke oven facility would both directly emit PM 2.5 as a combustion source, as well as emitting PM 2.5 precursors such as nitrogen oxides, sulfur dioxide, sulfuric acid, ammonia, condensable particulate matter and certain high molecular weight volatile organic compounds.

Accordingly, both Ohio and EPA rules ensure that issues of PM 2.5 must be considered during PSD NSR permitting activities. That such consideration has not taken place is grounds for denial of the proposed permit for the proposed FDS coke oven facility.

*Response: Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166.*

### **Comment #161.**

Under OAC 3745-31-05(A)(1):

(A) The director shall issue a permit-to-install, on the basis of the information appearing in the application, or information gathered by or furnished to the Ohio environmental protection agency, or both, if he determines that the installation or modification and **operation** of the air contaminant source will:

(1) Not **prevent or interfere with the attainment or maintenance of applicable ambient air quality standards**; and

(2) Not result in a violation of any applicable laws, including but not limited to:.....(c) Requirements pertaining to installation of major stationary sources or major modifications in attainment and nonattainment areas as contained in rule 3745-31-10 to rule 3745-31-27 of the Administrative Code.” (emphasis added)

In addition, note that 40 CFR §51.160 provides:

“(a) Each plan must set forth legally enforceable procedures that enable the state or local agency to determine whether the construction or modification of a facility, building, structure or installation, or combination of these will result in.....(2) Interference with attainment or maintenance of a national standard in the state in which the proposed source (or modification) is located or in a neighboring State.

(b) Such procedures must include means by which the State or local agency responsible for final decisionmaking on an application for approval to construct or modify will

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prevent such construction or modification if.....(2) It will interfere with the attainment or maintenance of a national standard.”

Given the Applicant’s failure to include an analysis of the impact of the proposed facility on ambient air quality for PM 2.5 and ozone detailed in prior sections, and nothing placed in the record by Ohio EPA and Toledo Division of Environmental Services on the PM 2.5 and ozone matter, the Ohio EPA Director’s decision to issue the permit and implicit finding that under OAC 3745-31-05(A)(1) cannot be supported on the record and is inconsistent with the Director’s findings discussed in prior sections that Lucas County should be designated as nonattainment for PM 2.5 and ozone.

The Director must be able to make a finding that “operation” at a future date of the facility will not interfere with attainment and maintenance of the PM 2.5 and ozone ambient air quality standards. It is unavoidable in the circumstance in which the Director has already determined that the entirety of Lucas County must be designated as nonattainment for ozone and PM 2.5 that commencement of operations of this source in the future will necessarily exacerbate adverse air quality monitoring results for ozone and PM 2.5 given current adverse monitoring results. The Director thus cannot make a finding that “operation” of the source in the future will not interfere with attainment and maintenance of the PM 2.5 and ozone NAAQS, particularly with a failure of the Applicant to include needed emissions and ambient impact analysis. The Director also has an obligation to be able to make such a finding for downwind areas in Michigan as well.

It is well established that the final effective date for ozone nonattainment designations is June 15, 2004. The Director can only make a finding as to ambient impact and NAAQS interference for ozone from “operations” of the FDS facility in a prospective manner after the June 15, 2004 date. Under the circumstances there can be no escape from holding that the facility as permitted will not interfere and contribute to adverse air quality in Lucas County and downwind after that effective date in any prospective determination. Any finding to the contrary by the Director is against the great weight of evidence and, at the least, constitutes an abuse of any discretion the Director might have in the matter.

*Response: Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166.*

**Comment #162.**

OAC 3745-31-11(C) and 40 CFR §51.166(d) require that “issuance of a permit-to-install” and Federally approved state implementation plans for application of PSD NSR permitting, respectively, prohibits....

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“.....that no ambient concentration of an [air] pollutant shall exceed.....the concentration permitted under the national primary ambient air quality standard....”

This is a “bright line” prohibition which Ohio EPA/TDES are attempting to cross with issuance of the proposed FDS Coking permit-to-install to the Applicant.

The Prevention of Significant Deterioration New Source Review Program was never intended to be used in circumstances in which existing air quality is in violation of national ambient air quality standards as it presently is for PM 2.5 and ozone in Lucas County. Instead, the intent of the framers of the Clean Air Act was that such circumstances be addressed under the Part D nonattainment new source review provisions.

The proposed permit itself, when issued, would become part of the Ohio State Implementation Plan. However, the federal regulation at 40 CFR §51.166(d) clearly contemplates that approved state implementation plans would never countenance a new source review procedure in which a permit would be granted to a new facility that would exacerbate current problems of an area in complying with the PM 2.5 and ozone NAAQS. The language of the approved Ohio attainment NSR program as embodied in the federal SIP approval of OAC 3745-31-11(C) was put in place to ensure that issuance of a proposed permit-to-install could never take place in a situation where the expected combined impact of the proposed facility and existing adverse air quality exceeded the PM 2.5 and ozone NAAQS. The entire thrust of the attainment PSD NSR SIP program was that actions under that program would never be allowed so that air quality would be deteriorated to an ambient air concentration level above the NAAQS for PM 2.5 and ozone. As a result, under both the federal regulation and the Ohio EPA rules, the Director is prohibited from issuing a permit that would allow such air quality deterioration for PM 2.5 and ozone.

*Response: Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166.*

**Comment #163.**

OAC 3745-31-09(H)(1) requires:

“Public participation/notification requirements: The director shall:

Notify the public, by advertisement in a newspaper of general circulation in each county in which the proposed air contaminant source would be constructed, of the application, the draft action (if issued), the ambient air impact that is expected from the air contaminant source or modification, if any....”

Moreover, 40 CFR §51.161(a) requires that:

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“The legally enforceable procedures in §51.160 must also require the State or local agency to provide opportunity for public comment on information submitted by owners and operators. The public information must include the agency’s analysis of the effect of construction or modification on ambient air quality, including the agency’s proposed approval or disapproval.”

The public notice issued by Ohio EPA did not mention any information on the PM 2.5 and ozone ambient air impact of the proposed facility. There was no information in the notice on PM 2.5 emissions and no information at all about the expected PM 2.5 and ozone impacts of the facility. There was no information on current air quality problems with PM 2.5 and ozone in the notice and no mention was made of the potential for the proposed facility to exacerbate these current problems. Ohio EPA’s notice did not meet the minimum requirements for public notice and this error was harmful because it obscured public knowledge, discussion and comment on the fact that emissions from the proposed FDS coke oven would exacerbate pre-existing air quality problems with PM 2.5 and ozone.

*Response: Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166. Since meaningful modeling could not be done for these two pollutants, no modeling was required and no notice of the results of the commentor’s proposed modeling was given in the notice.*

### **Comment #164.**

Ohio’s attainment New Source Review rule provides the following:

“(A) Start construction limitations. In accordance with this chapter of the Administrative Code, no major stationary source or major modification located in an attainment area shall begin actual construction unless, at a minimum, the requirements in rules 3745-31-01 through 3745-31-20 of the Administrative Code have been met the stationary source has obtained a valid Ohio EPA permit-to-install.....”

(C) Attainment/non attainment applicability. The requirements contained in rules 3745-31-10 through 3745-31-20 of the Administrative Code apply only to any major stationary source or major modification that would be constructed in an area that is designated as attainment or unclassifiable under 40 CFR 81.336. (OAC 3745-31-13(A) & (C))

Paragraphs A and C read together above show a separate and distinct requirement binding on the Applicant apart from mere Ohio EPA PTI issuance that prohibits commencement of construction of a facility considered under the attainment NSR rules at the time of such a commencement of construction.. As per the Applicant’s planned construction schedule, at the prospective future time of the commencement of construction of the proposed FDS coke oven, the facility will most definitely be located in an ozone nonattainment area as such a final

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designation will be in place as of June 15, 2004. Paragraphs A and C together act as a prohibition to bar issuance of a proposed permit carried forth under the attainment NSR provisions in OAC 3745-31-10 through 3745-31-20 since these provisions require a future prospective determination in permitting determined as of the date of commencement of construction rather than as of the date of permit issuance.

Similar provisions are found in Ohio EPA's nonattainment NSR rules:

“(A) Start construction limitations. No owner or operator of a major stationary source or major modification located in a nonattainment area shall begin actual construction of such major stationary source or major modification unless, as a minimum, the requirements in rules 3745-31-21 through 3745-31-27 of the Administrative Code have been met and the owner or operator of the stationary source has obtained a valid Ohio EPA permit-to-install.”

“(C) Attainment/non attainment applicability. Except as provided in rule 3745-31-21 of the Administrative Code, the requirements contained in rules 3745-31-21 through 3745-31-27 of the Administrative Code apply only to any major stationary source or major modification that would be constructed in an area designated under 40 CFR 81.336 as nonattainment for an air pollutant from which the stationary source or modification is major.” OAC 3745-31-21(A) & (C)

The plain meaning of all of the provisions in this subsection is that the type of NSR applicability that comes into play depends on the attainment/nonattainment status of the area where the FDS coke oven is to be construction as of the time that construction is expected to commence as per the Applicant's timetable. For ozone, commencement of construction will take place after June 15, 2004 when ozone nonattainment status of the Lucas County source location will be definitively known as per a recent Federal Register notice.<sup>20</sup> As a result, Rule 3745-31-21 requires that permitting of the proposed FDS coke ovens take place under the nonattainment NSR rules of OAC 3745-31-21 through 3745-31-27.

*Response: U.S. EPA has made it clear to Ohio EPA that final permits must be issued prior to the area switching to non attainment in order for an attainment area permit to be issued. Based on U.S. EPA's determination, the attainment status as of the date the final permit is issued is the key trigger date. Ohio EPA has not done independent legal analysis to determine why U.S. EPA made this determination.*

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<sup>20</sup> See 69 FR 23858

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**Comment #165.**

OAC 3745-31-23 is written to apply to facilities located in attainment/unclassifiable areas if emissions from such a source...

**“...would exceed the following significance levels at any locality that does not meet the National Ambient Air Quality Standard...”**

(C) Review of specified major stationary sources for air quality impact.

(4) The determination as to whether a major stationary source would cause or contribute to a violation of a National Ambient Air Quality Standard **should be made as of the new stationary source’s start-up date.”**

Under this rule, areas of Lucas County outside the property line of the proposed FDS coke oven are presumed to be in violation of the PM 2.5 and ozone NAAQS because of the currently pending Ohio EPA proposal on PM 2.5, PM 2.5 air quality monitoring data and because of the pending redesignation as of June 15, 2004 published in the Federal Register for Lucas County as a ozone nonattainment area. Areas immediately outside of the FDS property would be “at any locality” as per the rule language. Although the rule does not provide a numerical criteria for a “significant” ambient impact, it should be noted that other aspects of the Ohio Rules designate any amount of PM 2.5 emissions as significant and that NOX and VOC are clearly significant emissions as to ozone.

According to the PTI application commencement of construction of the proposed facility is set for August 2004 and commencement of operation is set for June 2006. According to a U.S. EPA website,<sup>21</sup> final PM 2.5 non attainment designations which will include Lucas County given Ohio EPA’s pending recommendation will be published in December 2004.

As a result, the PTI application source impact assessment and ambient NAAQS standard compliance assessment should have been performed as to the conditions in June of 2006 according to OAC 3745-31-23(4). The PTI application and Ohio EPA’s review of it never considered that a future date at startup would likely have to be considered and that aspect of this rule applied as it was an attainment area that was clearly in transition for PM 2.5 and ozone.

Similarly, 40 CFR §51.165(b)(1) provides that preconstruction permitting state implementation plans satisfying the Clean Air Act Part D nonattainment requirements apply for:

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<sup>21</sup> <http://www.epa.gov/pmdesignations/>

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“Such a program shall apply to any such source or modification that would locate in any area designated as attainment or unclassifiable for any national ambient air quality standard pursuant to section 107 of the Act, which is would cause of contribute to a violation of any national ambient air quality standard.” 40 CFR §51.165(b)(1)

Commenters conclude that OAC 3745-31-23 is applicable to the present situation with the proposed PTI application and proposed permit and that the requirements of OAC 3745-31-23(B) for LAER, compliance certification and net air quality benefit are also required. Since the PTI application and Ohio EPA’s review never considered these issues and requirements, the proposed permit cannot be approved.

*Response: Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166.*

**Comment #166.**

Applicant’s combustion-based process undoubtedly is a direct discharge source of PM 2.5 from the main combustion stack, charging operations, pushing operations, coke quenching and from door leaks. In particular, condensible particulate matter will preferentially form very small particles that are PM 2.5.

The definition of Best Available Control Technology provides, in part, for....

“Best available control technology means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for **each regulated NSR pollutant** which would be emitted from any proposed major stationary source or major modification which the reviewing authority, on a base-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available method, systems, and techniques, including fuel cleaning or treatment or innovative fuel combination techniques for control of such pollutant.....” 40 CFR §51.166(b)(12) (emphasis added)

The regulations further define “regulated NSR pollutant” as...

“Regulated NSR pollutant, for purposes of this section, means the following:

- (i) any pollutant for which a national ambient air quality standard has been promulgated and any constituents or precursors for such pollutants identified by the Administrator (e.g., volatile organic compounds are precursors for ozone).....” 40 CFR §51.166(b)(49), in part

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Although Ohio has adopted 40 CFR part 51, Subpart I by reference, similar language has also been placed into Ohio EPA's rules at OAC 3745-31-01(O) with the same ultimate consequence that a BACT demonstration must address all significant criteria pollutant emissions at a new major stationary source and that any emission of PM 2.5 is "significant" under OAC 3745-31-01(WWW)(2).

Notwithstanding the requirement for the major source FDS coke facility to produce a BACT determination on PM 2.5 in its PTI application, the Applicant has not performed such a determination and the BACT determination and the proposed permit must be rejected on this basis. The BACT determination provided for PM 10 cannot suffice for the requirement for a BACT determination for PM 2.5 since the plain meaning of the regulations is that PM 2.5 is a separate and distinct NAAQS criteria pollutant regulated under the Act. In addition it should be noted that PM 2.5 will have a greater potential human health respiratory/cardiac impact than particles of PM 10 that happen to be larger than 2.5 microns.

For the aforementioned reasons, Applicant's PTI application and the proposed permit must be disallowed because of the failure to conform to the PM 2.5 BACT demonstration requirement.

*Response: Please see the response to comment number 8, 11, 26, 31, 59, 60, 108, 153-166. Because there are no PSD significance levels, PSD for PM 2.5 has not been triggered and BACT does not apply.*

### **Comment #167.**

The Applicant has rejected Selective Non-Catalytic Reduction (SNCR) as a NOX BACT control option on the basis of technical infeasibility. Applicant claims in their May 2004 comprehensive BACT review that:

"SNCR requires the addition of ammonia or a similar type of selective reductant in the combustion where the temperature is in the 1500 deg F to 2000 deg F range. In the case of the heat recovery coking process, the required temperature window is available only for a brief period during the combustion cycle and may occur anywhere along the coke over battery. Injection of a reductant into the gas stream that is within the temperature window is not possible, since the location is highly variable. For this reason, SNCR is not technically feasible."<sup>22</sup>

Then, in Section 1.3 on carbon monoxide and VOC controls, it is asserted:

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<sup>22</sup> Applicant's May 2004 Battelle consolidated BACT review, p.4

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“In the heat recovery coking process, volatile matter is released from the coal bed and combusted within the coke oven. The goal of the heat recovery coking process is complete combustion, and thereby, the release of all the available energy. This approach inherently produces low emissions of CO and VOCs. The gases remain in the sole flues and common tunnel approximately 7 seconds where they are exposed to oxidizing conditions and temperatures from 1,600 deg to 2,500 deg F. These operating conditions can be compared to controlled-air incineration, which is considered state-of-the-art for destroying organic compounds and CO.”<sup>23</sup>

Then, in every other mention in the BACT report and in air quality modeling assumptions, the Applicants use 1800 degF as their nominal gas temperature characteristic, including for dispersion from vent releases and engineering calculations on such controls.

EPA cites the temperature window for SNCR as 1600 degF to 2100 deg F.<sup>24</sup>

The applicant cannot claim that temperatures of 1,600 to 2,500 deg F will be maintained for CO and VOC control with 7 seconds of gas retention time and then turn around and claim that temperatures will lower and not maintained in this range for purposes of arguing against the implementation of SNCR NOX control.

Reagent injection for SNCR can be automatically adjusted or even eliminated if the required reduction reaction temperatures are not present. An ammonia slip detector can also keep ammonia from becoming a problem with these systems. The Applicant is going to want to maintain stable temperatures at any rate in order to stabilize steam production rates for their steam customer. Stable steam rates require limiting the excess perturbation of process operating temperatures. Applicant’s summary dismissal of SNCR is not credible under the circumstances.

*Response: Ohio EPA/TDES felt that the temperatures do vary significantly based on the fact that (1) the temperatures spike shortly after charging an oven, and (2) the charging of the ovens is not spread out over a day - instead all ovens for a 24-hour period are charged in 16 hours. Because of these variations, the reductant would have to be injected at different locations at different times. The locations may also change based on ambient temperature variations. Ohio EPA/TDES agreed that it was not technically feasible to install SNCR.*

### **Comment #168.**

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<sup>23</sup> Applicant’s May 2004 Batelle BACT report, p. 10

<sup>24</sup> <http://www.epa.gov/ttn/catc/dir1/fsncr.pdf>

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The Applicant's BACT review concerning selective catalytic reduction failed to consider that installation of SCR would, in addition to providing significant NOX control, potentially increase mercury compound control efficiency. SCR systems are known to catalyze the conversion of elemental mercury [virtually uncontrolled in traditional PM control systems] to oxidized forms which can more easily be collected by downstream spray dryer/fabric filter PM control systems. Given the enormous problem that mercury emissions poses for this facility, such consideration in a BACT review should have taken place from the standpoint of proper environmental management. However, this type of evaluation is also a required part of BACT 'top down' review.

The first time this doctrine was clearly articulated was in a case of a municipal waste combustor in California in which citizen commentators appealed a decision of EPA Region IX on a proposed PSD permit for the North County Resource Recovery Associates.<sup>25</sup>

In a remand order back to EPA Region IX, then-EPA Administrator Lee Thomas wrote as to petitioner's allegations:

“Among the reasons the petitioners present for granting review is Region IX's alleged failure to establish emission limitation for all pollutants, including hazardous pollutants, that will or could possibly be emitted from the facility; the alleged inadequacy of Best Available Control Technology (BACT) determinations;..... With one exception, Region IX has addressed each of petitioners' allegations and has provided rational explanations for not making any alterations in its permit determination.

The exception concerns Region IX's assertion that EPA lacks the authority to “consider” pollutants not regulated by the Clean Air Act when making a PSD determination. This assertion is correct only if it is read narrowly to mean EPA lacks the authority to imposed limitations or other restrictions directly on the emission of unregulated pollutants. EPA clearly has not such authority over emissions of unregulated pollutants.

Region IX's assertion is overly broad, however, if it is means as a limitation on EPA's authority to evaluate, for example, the environmental impact of unregulated pollutants in the course of making a BACT determination for the regulated pollutants. EPA's authority in that respect is clear.....

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<sup>25</sup> EPA Administrative Decision In the Matter of North County Resource Recovery Associates, Remand Order, PSD Appeal No. 85-2, June 5, 1986.

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As defined in §169(3) the term BACT refers to an “emission limitation” that is set on a case-by-case basis for regulated pollutants, “taking into account energy, environmental, and economic impacts and other costs” associated with the particular emission control system that is selected to achieve the BACT emissions limitation. 42 USC §7479(3) (emphasis added) (40 CFR §52.21(b)(12)).

Hence, if application of a control system results directly in the release (or removal) of pollutants that are not currently regulated under the Act, the net environmental impact of such emissions is eligible for consideration in making the BACT determination. The analysis may take the form of comparing the incremental environmental impact of alternative emission control systems with the control system proposed as BACT; however, as in any BACT determination, the exact form of the analysis and the level of detail required will depend upon the facts of the individual case. Depending upon what weight is assigned to the environmental impact of a particular control system, the control system proposed as BACT may have to be modified or rejected in favor of another system.

In other words, EPA may ultimately choose more stringent emission limitations for a regulated pollutant than it would otherwise have chosen if setting such limitations would have the incremental benefit of restricting a hazardous but, as yet, unregulated pollutant.” (Decision at p 3-4)

The precedent that PSD BACT determinations must consider the effects of control technology decisions on unregulated pollutants as part of the environmental impact analysis has been extended and clarified in EPA’s transitional guidance memo after the passage of the 1990 Clean Air Act Amendments.

“Toxic Effect of Unregulated Pollutants Still Considered in BACT Analysis -- Based on the remand decision on June 3, 1986 by the EPA Administrator in North County Resource Recovery Associates (PSD Appeal No. 85-2), the impact on emissions of other pollutants, including unregulated pollutants, must be taken into account in determining BACT for a regulated pollutant. When evaluating control technologies and their associated emissions limits, combustion practices, and related permit terms and conditions in a BACT proposal, the applicant must consider the environmental impacts of all pollutants not regulated by PSD. Once a project is subject to BACT due to the emission of nonexempted pollutants, the BACT analysis should therefore consider all

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pollutants, including Title III hazardous air pollutants previously subject to PSD, in determining which control strategy is best.”<sup>26</sup>

As such, both the Applicant and Ohio EPA/TDES must consider the effects of all control technology selections, options and the setting of emission standards for criteria pollutants on unregulated pollutants from this process. This would include such pollutants as poly-chlorinated dibenzo-dioxins/furans, polycyclic aromatic hydrocarbons, other products of incomplete combustion and potentials for increased collection efficiency of toxic metals. None of this analysis has been carried out in Applicant’s current technology determination and BACT review report.

*Response: Ohio EPA/TDES does believe it has the authority to consider other environmental affects as part of the BACT analysis. In this case, since Ohio EPA/TDES restricted mercury emissions significantly, Ohio EPA/TDES determined that the miscellaneous environmental affects of various control devices was not significant to the final selection of BACT.*

### **Comment #169.**

In consideration of using 12 heat recovery steam generators and venting only one vent instead of a paid of vents, Applicant makes the assumption:

“This option assumes that the HRSGs are the same size as those in the current design and that the waste heat tunnel is the maximum size cylindrical tunnel that may be accommodated by the oven design.”

This assumption significantly biases financial consideration of this option high because only half of the steam generating capacity is needed to handle the high temperature gas load from half of the ovens.. This option also increases the amount of sulfur dioxide removed to greater than 395 tons because the facility would no longer have to release emissions from 2 vents at the same time.

The Applicant should recalculate this option with smaller HRSG units of half of the size and include a deduct for less expense due to shorter high temperature ductwork. This option, together with having smaller steam generation units serving a smaller number of ovens in a group, must also be considered regardless of cost since installation of this type of technology has been used at other nonrecovery coke ovens.

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<sup>26</sup> Ibid, March 11, 1991 Seitz memo at P. 3.

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*Response: Ohio EPA/TDES has determined that bypassing the HRSGs for maintenance is not acceptable for BACT. As such, FDS Coke will need to design their plant such that no bypassing is needed during maintenance of the HRSG. One option available for FDS Coke to meet the no bypassing requirement is for them to design the system per the above suggestion.*

### **Comment #170.**

The Applicant assigned 100% the costs for sulfur dioxide control options for the BACT review on venting to the calculation of the cost per ton of controlling sulfur dioxide when some of these costs should have been apportioned to the need for particulate emissions control. This cost accounting increased the cost per ton of sulfur dioxide removed across the board because no portion of these costs were attributed to the need and justification for particulate control. The emission control train controls particulate emissions by direct filtration and by gas cooling in the spray dryer which allows some of the high boiling point condensibles to be caught in the fabric filter.

The Applicant never showed the basis for the assumption that the PM emissions from venting were at 0.03 grains per dry standard cubic foot so it is not possible to know if this was just filterable particulate or filterable plus condensible particulate. As a result it is difficult to determine whether Applicant's source emission characterization of the venting particulate emissions acknowledges the problem that venting emissions at 1800 degF will necessarily involve significant condensible particulate matter and the potential for detached plumes, odors and other deleterious effects that have not been disclosed by Applicant. For example, if the Applicant cannot maintain temperatures in the common high temperature duct at a sufficiently high level as it seeks excuses from SNCR controls, the potential for formation of coal tar product aerosols must be considered that would be products of incomplete combustion.

*Response: The final permit does not allow bypassing so all of the resulting exhaust will be directed to the SO2 scrubber and baghouse. It is expected that a large portion of the condensible particulate will be captured in these control devices.*

### **Comment #171.**

Experience at the Indiana Harbor Coke Co. nonrecovery coke oven indicates that soot blowing capability is the most appropriate design to avoid the need for venting instead of other types of manual cleaning of boiler tube heat exchanger surfaces. Boiler soot blowers are conventional, off-the-shelf commonly used technologies and the Applicant doesn't have any excuse for not using this type of technology to reduce or eliminate a considerable need for venting time.

*Response: The permit has been modified to eliminate the option to vent.*

### **Comment #172.**

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Applicant's effort to escape baghouse controls in favor of mechanical cyclone collectors for a flat push hot car approach to pushing appears to be an effort to achieve excessive subcategorization of a source with the PSD BACT determination process. Applicant's BACT review failed to uncover the following two RACT/BACT/LAER determinations for other facilities:

Bethlehem Steel Corp -MD 0.03 lbs PM/ton pushed  
Inland Steel - IN 0.02 lbs PM/ton pushed

These are both lower than the rates sought as permissible by the Applicant as per a May 12, 2004 review by Matt Stanfield showing a rate of 0.06 lbs PM/ton coke pushed for the flat push method plus cyclone collector.

Applicant's determination should have addressed the measures taken by these two entities to achieve lower coke pushing PM emission rates.

The Applicant's coke pushing BACT demonstration failed to consider the fact that mechanical cyclone controls generally show low control efficiencies for fine particles which should be a significant part of the required BACT environmental review in a future PM 2.5 nonattainment area.

Applicant's BACT analysis didn't consider the emission control performance and limits achieved at the shed/fabric filter controlled Indiana Harbor facility, which tested at -.017 lb/ton filterable PM and 0.028 lb/ton Condensable, which is still lower than the 0.06 lb PM/ton pushed performance/permit level sought by the Applicant. Shed control has the advantage [provided the shed is maintained] of providing better performance in windy conditions which will be significant for a facility located on the shores of a large body of water. The Applicant's face velocity claims of 0.5 m/s can easily be overcome by windy conditions to cause emissions.

Commenters support EPA Region V's comments expressing criticism on Applicant's attempt to write-off mobile scrubber technology. It seems clear that such a technology would achieve better control of fine particles and would have the benefit of controlling acid gases, condensable particulate matter and VOC oxygenates that would be uncontrolled in a mechanical cyclone PM control system.

*Response: Ohio EPA/TDES reviewed the options and determined that the multiclone in concert with flat pushing would constitute BACT. We believe this technology can achieve an emission rate of better than 0.03 pounds of PM per ton of coke pushed. The limit we set is 0.03 pounds of PM per ton of coke pushed.*

### **Comment #173.**

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The Applicant has not provided engineering information on drift elimination factors for demisting baffles at the quench tower. The Applicant must be required to indicate the drift elimination factor of the baffle/mist eliminators in the same way that cooling tower operators must show this factor and consider alternate efficiency factors for such mist elimination.

In addition, the combined quenching/pushcar BACT determination is deficient because dry quenching with heat recovery was never considered by the Applicant and this is a technically feasible quenching approach that must be considered in a top down BACT analysis. Finally, to the extent that this facility will still have green pushes, then the quench water tank and the quench water settling pond become VOC emission units subject to emissions characterization and BACT control evaluation. Such review was never incorporated in Applicant's submittals.

*Response: Ohio EPA/TDES has set numerous limits and conditions on the installation and operation of the quench tower. This includes requiring the quench tower to meet MACT standards and establishing limitations on the dissolved solids of the quench water. Ohio EPA/TDES reviewed the available technologies and come to the conclusion that the design of the cooling quench tower was BACT.*

### **Comment #174.**

Applicant's material handling BACT review for coal and coke handling, storage and processing shows wide ranges of expected emission control efficiencies in Table 28 on page 48 of the consolidated May 2004 Battelle BACT review document. Specifying a BACT PM control efficiency of 85-95% or 70-99% doesn't constitute a selection of the maximum degree of control achievable considering economic and environmental factors. The Applicant must chose the maximum degree of control under the rules for BACT determination.

The Applicant's material handling BACT review suffers from an assumption about a high moisture content for coal that may not be achievable to maintain during summer and windy conditions. Emission calculations should be revised to account for more realistic coal moisture conditions in hot summer climates and windy conditions.

*Response: While an assignment of a degree of control is necessary for permit review, as a practical matter, the actual emissions from these operations is difficult or impossible to ascertain. For this reason, proper operating practices are considered the best available means of compliance determination. The visible emissions requirements listed in the permit are believed to be consistent with the operation of each fugitive dust source with the best available control. It is anticipated that the company will not be able to comply with these limitations without the maintenance of adequate moisture. The responsibility to comply with these restrictions falls on the company. If they fail to maintain adequate moisture to comply with these regulations, they will need to apply other means adequate to control the fugitive emissions of*

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*particulate, including but not limited to, enclosure and dust collection. Since a visible inspection of every emission point is required before a permit to operate will be issued, and routine monitoring is required by the permit, it would not be reasonable for the company to install inadequate control for these processes.*

**Comment #175.**

Based on the information included in the preliminary determination, it does not appear that the Best Available Control Technology (BACT) was conducted appropriately with regards to maintenance operations of the heat-recovery steam generators (HRSGs) downstream of the coke ovens. BACT determinations typically do not separated maintenance from normal operations because maintenance is part of the normal operation of any process. This means that uncontrolled emissions would not be allowed during maintenance. In the federal regulations there are BACT provisions for startup, shutdown and malfunction; however, there are no provisions for maintenance as a separate determination. Normally, all operations would be shutdown during most maintenance. Therefore, a separate BACT analysis should not be conducted for uncontrolled emissions during maintenance operations. If uncontrolled emissions from maintenance operations can be separated for BACT analysis for coke operations, then almost all maintenance operations for other sources can easily be justified based on limited uncontrolled emissions on a \$/ton.

*Response: Bypassing for maintenance purposes will not be allowed under the final permit.*

**Comment #176.**

We are requesting that the Ohio EPA reconsider separating maintenance from normal operations, and consider what options exist for emission controls or other means of reducing the uncontrolled emissions during bypassing of the HRSGs.

There is a fundamental flaw in this design when the maintenance operation is separate from the normal operation. What will be the contingency plan when one of the HRSGs is down for more than 14 days or if there are too many green pushes? Will one of the four coke batteries or one of the six process modules be shutdown temporarily during maintenance operations of the HRSGs?

Each of the six process modules (40 coke ovens) will have their waste gas exhausted through the afterburner tunnel routed to a HRSG followed by a dry scrubber/baghouse for sulfur dioxide and particulate control. The air pollution controls for the coke ovens have been undersized due to the coke oven exhaust gases bypassing their air pollution controls during servicing of the HRSGs. Since the control equipment is undersized, it is possible that one of the four coke batteries or one of the six process modules could be shutdown temporarily during maintenance operations of the HRSGs. Since maintenance operations should not be separated from normal operations a BACT

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analysis is not necessary for the temporary shutdown of one of the four coke batteries or coke ovens.

Uncontrolled emissions of particulate matter (PM), PM with an aerodynamic diameter less than 10 microns in diameter (PM-10), (PM with an aerodynamic diameter less than 2.5 microns in diameter (PM-2.5) to be regulated in the near future) and sulfur dioxide (SO<sup>2</sup>) could be eliminated during maintenance operations of the HRSGs. This would also eliminate uncontrolled toxic emissions, such as the metals (arsenic, cadmium, lead, manganese, mercury, nickel, etc.) from the coke ovens.

We are requesting the Ohio EPA consider revising the permit conditions to require shutdown of one of the four coke batteries or 40 coke ovens when coke oven gases are bypassing the HRSGs.

*Response: Ohio EPA/TDES has reviewed all of the information available to us and has determined that allowing uncontrolled bypassing during maintenance activities would not constitute BACT. Therefore, we have revised the permit to eliminate bypassing during maintenance activities.*

### **Comment #177.**

On November 3, 1988, the representatives of the Council of Great Lakes Governors, including Ohio, entered into the Great Lakes States Air Permitting Agreement. This agreement addresses the control of toxic emissions, including mercury, in the Great Lakes Basin to minimize the impact of toxics on the Great Lakes. It was agreed that "Toxic Substances Management in Great Lakes Basin Through the Permitting Process," requiring that Best Available Control Technology be installed whenever possible on all new and existing sources of persistent air toxic pollutants that have an impact on the Great Lakes "Great Lakes Toxic Substances Control Agreement." All permit applicants in the state will be required to identify and quantify potential emissions of the pollutants identified in Table A as part of a routine New Source Review permit application.

Furthermore, it was agreed "to insure consistency in the type of information which will be considered in permit reviews, and in the implementation of Best Available Control Technology, clear communications and informational exchange between Great Lakes states, and clarification of issues which EPA needs to take the lead on in order to assure effective implementation of the air provisions of the governors' and environmental administrators' agreements."

We are requesting that Ohio EPA apply the Great Lakes States Air Permitting Agreement.

The estimated mercury emission rate is 0.34 tons/yr, or 680 lbs/yr. Considering the mercury emission rates from various facilities, this emission rate of mercury is relatively high. The potential impact to ambient air has been estimated by the applicant, but there does not appear to

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be any assessment of the mercury impact via deposition in the local region, or any discussion about concerns for adding this load to mercury cycling over larger regions. Although these concerns may not be amenable to quantitation and risk assessment, they do raise the issue of what emission controls are proposed or could be considered. The MDEQ has concerns about elevated levels of mercury in the environment and are interested in pursuing available options for reducing anthropogenic emissions.

We are requesting that Ohio EPA describe any assessment or judgment on the concerns for this mercury emission rate, and what options exist for pursuing emission controls, such as carbon injection during normal operations and shutdown of one of the four coke batteries or 40 coke ovens during maintenance operations, or other means of reducing this source of emissions.

*Response: Ohio EPA believes that, for the most part, it is still meeting the 1988 Great Lakes States Air Permitting Agreement (Great Lakes Agreement). However, since the agreement was written prior to the 1990 Clean Air Act Amendments, and prior to U. S. EPA revising the PSD rules to remove mercury as a PSD pollutant, it is somewhat stale and probably needs to be revised by the Great Lakes states organization.*

*For the FDS Coke permit, Ohio EPA believes we met the agreement in the following ways:*

- 1. Ohio EPA met the permit information portion of the Great Lakes Agreement by requiring FDS Coke to identify and quantify the potential mercury emissions. In addition, we did our own research on emissions data from coke oven batteries. An environmental impact statement was not required because Ohio does not require them as part of NSR permitting.*
- 2. Ohio EPA did not require FDS coke to meet BACT for mercury. However, we did require them to meet our state Best Available Technology (BAT) requirements for mercury. We think the BAT limits we are establishing are likely to be very similar, if not the same, as would be required under BACT. We established a BAT limit instead of a BACT limit because currently we do not have the legal authority to require BACT for mercury.*

*Our legal authority disappeared when U.S. EPA revised the PSD rules to remove mercury from the list of PSD pollutants, Ohio EPA revised our rules to follow the revised PSD rules and U.S. EPA fully approved our SIP. This occurred in 2001. U.S. EPA revised the PSD rules because Congress decided to regulate mercury emissions through the MACT program instead of the PSD program. U.S. EPA continued this regulation process when they published the NSR Reform rules. Under the NSR Reform rules, mercury is not listed as a “regulated NSR pollutant.” Therefore, under the PSD portion*

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*of those rules, mercury is not regulated. Since mercury is not regulated under PSD, BACT is not required. (Other Great Lakes states may want to check their authority to impose BACT for mercury. It is our understanding that some states have delegated programs for PSD. If that is true, then they would currently be using the federal PSD rules. Since the federal PSD rules no longer require BACT for mercury, their authority to impose BACT for mercury may also have disappeared.)*

*Under the Great Lakes Agreement, Ohio is obligated to pursue regulatory authority to require BACT for mercury. Ohio will do so depending upon the results of any re-evaluation of the Great Lakes Agreement with the Great Lakes states.*

3. *Ohio EPA has established emissions limits, operating stipulations and technology requirements for mercury as per the Great Lakes Agreement.*
4. *Ohio EPA did require initial and periodic verification tests for mercury.*
5. *Ohio EPA does plan on entering the permit data into U.S. EPA's BACT/LAER Clearinghouse.*
6. *Ohio EPA sent a copy of the public notice and summary of permitting information to Indiana and Michigan but failed to submit the information to the other Great Lakes states air permitting programs. We will correct procedures as necessary to make sure this error is corrected in the future. In addition to sending the information to Indiana and Michigan, we also sent the information to U.S. EPA and to U.S. EPA's Canada web page.*
7. *Ohio EPA continues to be an active member of the various Great Lakes agreements and processes. It is unknown if the "standing technical steering committee" still remains in existence.*

**Comment #178.**

The air quality impact assessment for the coke ovens during bypass should address the PM-10 and SO<sup>2</sup> impacts on Monroe County, Michigan and other areas of Michigan.

*Response: All U.S. EPA required modeling was completed for both the no bypassing and the bypassing operation. In both cases, all modeling criteria were met. In addition, since the final permit does not allow bypassing, this question is no longer germane.*

**Comment #179.**

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Based on Ohio EPA modeling parameters, the MDEQ has modeled the maximum short-term emission rates for PM-10 and SO<sup>2</sup>. The results of the modeling indicates that the 24 hour ambient impacts are 3.2 and 17.8 micrograms per cubic meter (ug/m<sup>3</sup>) for PM-10 and SO<sup>2</sup>, respectively, at the Michigan and Ohio borders. It is the MDEQ policy for facilities in Michigan to limit the federal Prevention of Significant Deterioration (PSD) increments at 80 percent, namely, 29.6 and 72.8 ug/m<sup>3</sup> for PM-10 and SO<sup>2</sup>, respectively. The coke ovens will consume 10.8 and 24.5 percent of the 80 percent PSD increment for PM-10 and SO<sup>2</sup>, respectively. However, the MDEQ has additional concerns. These concerns include the reduction in available PSD increments for SO<sup>2</sup> and the future PM-2.5 nonattainment status in Monroe County.

*Response: Ohio understands the need to preserve PSD increment for future growth. Ohio EPA policy is to constrain individual projects from consuming more than fifty percent of the available increment, except over limited areas adjacent or nearby the proposed facility. This is more stringent than Michigan's eight percent policy.*

*The amount of increment consumed at the Michigan border does appear to be minimal, especially considering the nature of PSD consumption. Impacts are calculated by the model for each receptor for each averaging period. When the peak Michigan impacts are occurring at the border, emissions impacting at the same place at the same time would also be originating in Ohio near the vicinity of the proposed Ohio facility. Ohio EPA does not believe that this project would limit new source growth in Michigan.*

### **Comment #180.**

USCG general permit comments are aimed at ensuring any PTI issued by Ohio EPA for the FDS Coking Plant reflects the current PSD application information and provides the flexibility required to incorporate changes in the applicable regulations.

As part of the general permit comments, LMG has incorporated changes to the source emission total PTI allowable emissions listed in the draft PTI. These changes include both increases and decreases in the listed total emissions. However, the changes that reflect increases in air pollutant emissions do not represent actual increases from those provided in the original PSD application for the FDS Coking Plant. As discussed below, the Ohio EPA's estimation of maximum hourly and total annual emissions for the pushing operation was calculated in error. Therefore, this "increase" in total PTI allowable emissions is an administrative correction to the permit and does not reflect actual increases in air pollutant emissions from the PTI application.

*Response: Appropriate changes have been made.*

### **Comment #181.**

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(1) USCG recognizes that Ohio EPA USCG agrees to comply with applicable requirements for sources subject to 40 CFR Part 63, Subparts A, L and CCCCC even though the proposed FDS Coking Plant's hazardous air pollutant (HAP) emissions are estimated to be less than 10 tons for any single HAP and 25 tons for total HAPs. However, we request that Ohio EPA include language within the permit that the proposed FDS Coking Plant does not meet the definition of a major source of HAPs as provided by the 10/25 tons of HAP emission threshold.

*Response: No change has been made. The referenced subparts of 40 CFR Part 63, do not apply to a facility that is not affected as defined in the MACT. Stack testing will be used to determine actual status of the Coking Plant's hazardous emissions. If this facility is not affected the terms do not apply, as stated in the MACT. A request to remove the reference to the MACT requirements will be entertained at the time of issuance of a permit to operate if stack testing demonstrates that it is inappropriate.*

### **Comment #182.**

(2) The NESHAP standards within Part II should be incorporated by reference rather than included as complete text. This will allow the facility to immediately comply with any revisions to applicable NESHAP standards should they occur after the issuance of the permit and avoid the necessity of reopening the permit to include applicable future requirements. For instance, we understand USEPA is currently considering updating 40 CFP Part 63 Subpart CCCCC. These updates, if completed, could require a revised PTI to incorporate the then update version of the regulation. In the alternative, the Ohio EPA can include a general provision that states that the permittee must comply with either the express NESHAP provisions in the permit or the NESHAP provisions published in the code of federal regulations, whichever is more current.

*Response: Incorporation of the MACT by reference is not acceptable to Ohio EPA. Terms and conditions could be generated to simplify the language included in the permit, however such language would not release the company from compliance with any part of the MACT. Therefore no attempt to incorporate these suggestions has been made. Should the company choose to submit language inclusive of the applicable MACT requirements, a request to substitute those terms and conditions will be entertained as a part of the development of a permit to operate.*

## **PART III: EMISSION UNIT B901**

### **Comment #183.**

(1) The NESHAP standards under Subpart L and CCCCC referenced for this emission unit should be incorporated by reference rather than included as text. This will allow the facility to immediately comply with any revisions to applicable NESHAP standards should they occur after the issuance of the permit and avoid reopening the permit to include those changes.

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*Response: Should the company choose to submit language inclusive of the applicable MACT requirements, a request to substitute those terms and conditions will be entertained as a part of the development of a permit to operate.*

### **Comment #184.**

(2) The charging and pushing operation's hourly and total annual air pollutant emission estimates within the draft permit were incorrectly calculated during Ohio EPA's preparation of the draft PTI. This issue was discussed in LMG's telephone conversation with Mr. Sudhir Singhal on April 12, 2004 and our e-mail to Ohio EPA dated April 12, 2004.

We understand from our conversation with Mr. Singhal that the charging and pushing hourly limitations developed and included by Ohio EPA in the draft permit were calculated for a single stack based on the assumption that two stacks (two PCM or FPHCs) were operating at the same time during charging or pushing. However, operation of the coke battery is physically limited to charging and pushing a single oven at a time. As a result, the total estimated charging and pushing emissions previously provided by LMG in the PSD application are discharged from a single stack.

To address this error in the Ohio EPA's calculation method, the allowable hourly and total ton per year emission rates should be corrected to reflect the changes noted on the attached PDF of the draft permit. These corrected emission rates are consistent with the PSD application's follow-up modeling conducted for the use of the multiclone.

*Response: Changes have been incorporated into the permit based on these submittals where appropriate.*

### **Comment #185.**

(3) USCG has noted a universal change that should be incorporated in the PTI to reflect the use of flat push hot cars (FPHCs) with multiclones to control pushing particulate emissions. All references to the use of a baghouse to control pushing emissions should be removed and the revised capture efficiency of 90% and revised control efficiency of 80% should be used for pushing. These changes are requested based on use of a baghouse not being feasible for use on the FPHC. This modification has been previously discussed extensively with Ohio EPA. The use of a FPHC with multiclone and the resulting revised pushing stack air pollutant emission rates have also been evaluated in the PSD ambient air assessment to have no material adverse impact from the results included in the initial application.

*Response: References to control with a baghouse have been removed. Capture and control efficiencies have been revised.*

### **Comment #186.**

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(4) USCG is confirming with Ohio EPA the use of the alternative flat push particulate emission factor as a source reduction technique for use in conjunction with the use of flat push hot cars (FPHCs) and multiclone. As discussed in previous submittals to Ohio EPA, USCG considers the flat push technique to be the new paradigm in reducing the environmental impact of coke pushing operation. The estimated capture rate of 90% of all particulates is considered a conservative estimate. Actual capture rate may be higher than 90%. Therefore, the results of future stack testing of the pushing operation's to confirm compliance with permit allowable emission limitation may have to be adjusted to reflect a higher capture rate. Of course a higher capture rate would only reduce the actual particulate emissions from coke pushing.

*Response: Ohio EPA/TDES will entertain permit modification requests based on the development of site specific emissions factors by acceptable EPA testing methods and procedures.*

### **Comment #187.**

(5) USCG has noted a universal change that should be incorporated in the PTI to reflect the use of high temperature/high efficiency dust collector to control charging particulate emissions. The capture and control efficiencies are unchanged from the original application. All references to the use of a baghouse to control charging emissions should be removed. While the term dust collector and baghouse are often used in the same context USCG want to be clear regarding the required control equipment on the pushing/charging machines.

*Response: References to control with a baghouse have been removed.*

### **ADDITIONAL SPECIFIC EMISSION UNIT COMMENTS**

In addition to the specific emission unit comments noted on the marked-up PDF version of the draft PTI LMG has listed below specific emission unit comments to Ohio EPA. These comments are aimed at eliminating terms and conditions that are not applicable to the operation or clarifying these terms and conditions to assist with further compliance.

#### **EMISSION UNIT B901**

### **Comment #188.**

(1) The language in A.I.2.d. states that the vent stacks are controlled by the lime sprayer and baghouse when a HRSG is shut down for maintenance. However, the purpose of the vent stack as provided in other portions of the draft permit is to allow the by-pass of the air pollution control equipment during HRSG maintenance. Therefore, USCG requests that this term be eliminated or modified to reflect the permit allowable by-pass of waste gas emissions from the vent stacks without control by the lime spray dryer or fabric filter.

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*Response: The permit has been modified to remove permit allowable by-pass of waste gas emissions from the vent stacks without control.*

**Comment #189.**

(2) A.I.2.e. - Because OAC 3745-17-07(B)(2)(a) does not apply to side charging operations, it should be deleted as an applicable rule/requirement.

*Response: Ohio EPA understands that OAC rule 3745-17-07(B)(2)(a) is not applicable to this emissions unit, since this rule is based on topside charging. In your case, the emissions unit will utilize a side-charging through the oven door.*

**Comment #190.**

(3) A.I.2.o. – USCG requests deletion of the capture and control efficiency as overly burdensome given the requirement to meet the emission limit of 0.04 lb/ton. Enforceable capture and control efficiencies are unnecessary if the facility can demonstrate its compliance with the emission limit. This would also require the deletion of permit conditions A.V.1.nnn and A.V.1.ooo and a modification of A.V.2.b.iii.

*Response: Ohio EPA does not concur with the applicant at this time. Therefore, no change has been made to the permit.*

**Comment #191.**

(4) A.III.1. - Change requirement for once per shift monitoring to once per day monitoring based on 40 CFR 63.7330.

(5) A.III.2. - Change requirement for once per shift monitoring to once per day monitoring based on 40 CFR 63.7330.

*Response: 40 CFR 63.7330(a) does specify daily pressure drops for a baghouse, in addition to other forms of continuous monitoring. Continuous pressure drop monitoring is not considered to be required at this time. If actual readings over a reasonable period of time, establish a history of compliance with the pressure drop restrictions, Ohio EPA will entertain the company's petition to establish a tiered approach to the pressure drop monitoring.*

**Comment #192.**

(6) A.III.8. – USCG requests that this condition be further clarified because there does not appear to be a Section 5.1.9 in 40 CFR Part 60, Performance Specification 1.

*Response: The reference to Section 5.1.9 in 40 CFR Part 60, Performance Specification 1 was removed from the permit.*

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**Comment #193.**

(7) A.III.10. - USCG requests that this condition be further clarified because there do not appear to be Sections 7.1.4, 7.4.1 or 7.4.2 in 40 CFR Part 60, Performance Specification 1.

*Response: The reference to Sections 7.1.4, 7.4.1 or 7.4.2 in 40 CFR Part 60, Performance Specification 1 was removed from the permit.*

**Comment #194.**

(8) A.III.11. - Creating and maintaining hourly records of the wet coal charge rate is overly burdensome. Based on the required coking schedule and the operational time required for each push monitoring and recording the number of pushes per day and total hours of pushing operations is sufficient to ensure compliance with the permit condition.

*Response: The hourly record keeping requirements for the wet coal charge rate has been removed from the permit.*

**Comment #195.**

(9) A.V.1.nnn – USCG requests that Ohio EPA delete this capture efficiency condition. See comment above for A.I.2.o. .

*Response: Ohio EPA does not concur with the applicant at this time. Therefore, no change has been made to the permit.*

**Comment #196.**

(10) A.V.1.ooo. – USCG requests that Ohio EPA delete this control efficiency condition. See comment above for A.I.2.o.

*Response: Ohio EPA does not concur with the applicant at this time. Therefore, no change has been made to the permit.*

**Comment #197.**

(11) A.V.1.qqq. – USCG requests that Ohio EPA delete the first two sentences because they are repetitive and incomplete.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**Comment #198.**

(12) A.V.2.b.iii. – USCG requests that Ohio EPA delete the words "capture efficiency, and control efficiency." See comment above for A.I.2.o.

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*Response: Ohio EPA does not concur with the applicant at this time. Therefore, no change has been made to the permit.*

**EMISSION UNIT F001**

**Comment #199.**

(1) A.I.2.e. – Because the OEPA is requiring one minute of visible particulate emissions rather than three, OAC 3745-17-07(B)(4) should be deleted from A.I.1.

*Response: Ohio EPA does not concur with the applicant at this time. Therefore, no change has been made to the permit.*

**Comment #200.**

(2) A.IV.2 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**EMISSION UNIT F002**

**Comment #201.**

(1) A.IV.1 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**Comment #202.**

(2) A.V.2.c.i. - The appropriate test method appears to be Method 22, not Method 9 since opacity is not being measured.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**EMISSION UNIT F003**

**Comment #203.**

(1) A.IV.1 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

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**Comment #204.**

(2) A.IV.2 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**EMISSION UNIT F004**

**Comment #205.**

(1) A.IV.1 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**Comment #206.**

(2) A.IV.2 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**EMISSION UNIT P001**

**Comment #207.**

(1) A.IV.6 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**EMISSION UNIT P002**

**Comment #208.**

(1) A.IV.6 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**EMISSION UNIT P003**

**Comment #209.**

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(1) A.IV.1 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**EMISSION UNIT P004**

**Comment #210.**

(1) A.IV.1 - Add dates consistent with other quarterly report due dates of January 31, April 30, July 31, and October 31.

*Response: Ohio EPA concurs with the applicant and therefore, the term was modified.*

**Comment #211.**

Do you know who the real backers of "U.S. Coking Group" are?

*Response: For the purpose of these answers we are assuming "backers" means those parties who have a financial interest in the project. Ohio EPA does not know who is backing this project. U.S. Coking Group has not provided that information, nor does the Agency require its submittal.*

**Comment #212.**

If so, who are they?

*Response: Please see response to the above comment.*

**Comment #213.**

Why has this information been withheld from the public to this date?

*Response: Ohio EPA is not withholding any information from the public. All records provided to us by U.S. Coking Group and all records created by us are available for public review. To review any of these records please contact Matt Stanfield, Toledo Division of Environmental Services, 348 South Erie Street, Toledo, Ohio, 43602. Phone Number: (419) 936-3015.*

**Comment #214.**

Are companies required to provide information to Ohio EPA concerning who is providing backing of any particular project?

*Response: For an air pollution permit application the answer is no. The only requirement that provides some knowledge concerning who is backing the project is the requirement that the application is signed by the duly authorized representative. This is required under Ohio*

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*Administrative Code 3745-31-04 (B). In this case, the application was signed by David Bryant, who has been identified as the authorized representative.*

**Comment #215.**

Doesn't Ohio EPA need to know who is backing the project in order to review the proposal?

*Response: In this case, no. For air pollution permits, the authorized representative is required to be identified but the parties who are providing the financial backing are not. There is no legal requirement for Ohio EPA to determine who is backing a project.*

*If this were for a hazardous waste permit (which it is not), then the company would be required to file a background disclosure statement that would contain additional information on the backers of the project.*

**Comment #216.**

How does Ohio EPA know that the proposed source is OK if we don't know who is backing the project?

*Response: Ohio EPA reviews the information provided by the applicant and information found from other sources (including information provided to us from citizens) to determine if the proposed source would comply with all applicable air pollution requirements. If, based on this information, it appears that the proposed source would comply with all applicable air requirements, then Ohio EPA is required to issue a permit. The ownership of the proposed source is not something we can consider when we decide if a permit should be issued. For our review, what matters most is if the proposed source complies with all applicable air pollution requirements. If it does, then we know that the air pollution coming from the proposed source would not cause adverse health affects to citizens near the facility. Our goal with every permit is to make sure the proposed source complies with all air pollution requirements and that the permit is protective of public health.*

**Comment #217.**

Is it unusual for companies to decline to provide a list of parties who are backing a particular project?

*Response: No, it is not.*

**Comment #218.**

Why is that and why has U.S. Coking Group withheld this information?

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*Response: U.S. Coking Group has not indicated to Ohio EPA why they have declined to disclose who is backing this project. It is recommended that Ohio Citizen Action ask U.S. Coking Group the same question. Other companies for other projects have indicated the following reasons why they did not disclose who is backing their projects:*

- 1. In some cases the new company wants to keep their competitors from knowing who is backing the project. This can help improve the competitive position of the new company.*
- 2. In some cases the backers of the project may not yet be known. This is because those who are interested in providing financing may not commit to providing financing until all permits are obtained. They may also not be the same parties who are providing the financing for the preparation of the permit.*
- 3. In some cases the backers may not want the public scrutiny until they know the project will go forward and they are fully committed.*

### **Comment #219.**

Public Comment - We have experienced a hardship in trying to review and comment on this permit because the supporting information and BACT analysis changed significantly over the course of the comment period. Based on input I have received from several concerned citizens, I know that others have found this public comment period to be difficult to manage.

*Response: Ohio EPA understands the difficulties of reviewing this ever-changing information.*

### **Comment #220.**

0.04 lb PM/ton of coal and the 24.5 lb PM/ hr limits - We believe this limit is not representative of BACT. Note in the February 2001 NESHAP for Coke Ovens pushing, quenching, and battery stacks - background document table A-7, the lb PM/ ton of coke as tested by several facilities were well below 0.04 and the lb PM/ hr was well below 24.5. We do realize that the 0.04 limit was proposed because it is the limit required to comply with MACT, however a BACT analysis does not necessarily defer to MACT. BACT is a case-by-case determination whereas MACT is not.

*Response: Ohio EPA concurs with US EPA that an emission limit of 0.04 lb PM/ton of coke pushed for flat push hot car is not a representative of BACT. Based on the information available, Ohio EPA evaluated it and determined that an emission limit of 0.03 lb/ton of coke pushed for flat push is a BACT. Accordingly, the permit has been modified.*

### **Comment #221.**

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Multi-clone vs scrubber - As discussed at our May 10 meeting with representatives of US Coking, we don't believe that we have sufficient information to state that a multiclone is BACT for the quench car. US Coking needs to also analyze the use of a mobile scrubber. In contrast to the US Coking application we believe that mobile scrubbers are technically feasible since many facilities have and are using them. We did receive US Coking's analysis today. Earlier today Ed Wojociechowski made some comments on their analysis.

*Response: Ohio EPA chose to set an emission limit of 0.03 pound of PM/ton of coke pushed. Ohio EPA believes that a multiclone can achieve this limit. However, if testing shows the multiclone cannot achieve the limit, then U.S. Coking Group will need to make changes so that the 0.03 pound of PM/ton of coke pushed limit is not exceeded.*

### **Comment #222.**

Estimation of percent reduction for a flat push operation - Where we do agree with US Coking that the flat push process has lower emissions, we do not believe that US Coking has used relevant information in quantifying the reduction in emissions from using a flat push car. The February 2001 NESHAP for Coke Ovens pushing, quenching, and battery stacks - background document does conclude that PM emissions are lower for non-recovery ovens but it does not quantify the reduction as suggested by LMG on page 10 of the document entitled "Development of Particulate Air Emission Factors For Flat Pushing From Non-Recovery Coke Ovens." Furthermore LMG relies on an October 1998 EPA document entitled "Stationary Source Control Techniques for Fine Particulate Matter" to make the assumption that the pushing operation is like a lowering well or enclosed pipe and therefore there would be at least an 80% reduction. We suggest that information from existing facilities be developed to provide more supportable estimates.

*Response: Ohio EPA has required FDS Coke to have testing done to confirm they can meet the 0.03 pound of PM per ton of coke pushed limit.*

### **Comment #223.**

Monitoring for compliance - With very few exceptions, the emission and operating requirements do not include monitoring and recordkeeping to determine ongoing compliance. Where we do agree with OEPA that the stack testing requirements are necessary for this permit, we believe additional monitoring and recordkeeping are also necessary. Appropriate parametric monitoring based on the stack test results could be considered as a mechanism to address ongoing compliance.

*Response: During stack testing of all pollutants, we will be requiring the company to record the charge rate and push rate. From this information, lb/ton of coal charged, and lb/ton of coke pushed emission factors can be developed. As long as the lb/hr emission rates are being*

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*complied with during the emission test, it seems like this, along with the keeping records of the daily charge & daily push rates would be fine. For particulate emissions, there is a requirement to monitor the pressure drop on the charging baghouses and pushing multiclones, and there is a requirement to have a continuous opacity monitor and baghouse leak detector for the main stack emissions. There is a requirement for an SO<sub>2</sub> CEM on the main stack.*

**Comment #224.**

60% reduction from the elimination of green pushes - What data is used to support this estimation?

*Response: Ohio EPA is not aware of any emission limitations reduced in the permit based on a 60% reduction in emissions from green pushes.*

**Comment #225.**

OAC 3745-17-07(B)(2)(b) and (c) - Do these requirements apply?

*Response: Based on previous discussion with US EPA, OAC 3745-17-07(B)(2)(b) and (c) do not apply as nonrecovery ovens do not have charge hole lids or offtake piping.*

**Comment #226.**

A.I.2.q - This requirement may be difficult since the quench car will be moving. I might suggest adding the phrase "or when visible emission readings can no longer be made, whichever comes first" to the end of the permit term.

*Response: Ohio EPA concurs with the US EPA and therefore, the permit has been modified.*

**Comment #227.**

A.I.2.r.ii - What is the purpose of this term? At a minimum the phrase "if the permittee determines" must be stricken.

*Response: This is standard Ohio EPA language for fugitive emissions that was modified to fit fugitive emissions from charging & pushing operations.*

**Comment #228.**

A.I.2.s - There should be no VE except for when venting to the by pass stack during the maintenance period (max 336 hours/year).

*Response: Ohio EPA concurs with the US EPA and therefore, the permit has been modified.*

**Comment #229.**

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A.III.2 - The last paragraph does not have a complete sentence. What happens when a repair need is identified?

*Response: Ohio EPA concurs with the US EPA and therefore, the permit has been modified.*

**Comment #230.**

A.III.7 - What emission unit is this term referring to?

*Response: This term applies to the main stack and therefore, permit has been modified accordingly.*

**Comment #231.**

A.III.15 - Which baghouses does this term refer to?

*Response: This term applies to the lime spray dryer baghouse and therefore, permit has been modified accordingly.*

**Comment #232.**

A.V.1.f, j, l, and n - Why is 8760-336 the maximum hours of operation? There is no requirement to vent to the by-pass stack for 336 hours per year. In fact the main stack is operating all the time since only one vent stack can be open at a time.

*Response: Ohio EPA has disallowed the by-pass emissions during shutdown/maintenance activities for HRSG's in the final permit and permit terms A.V.1.f, j, l, and n has been modified accordingly.*

**Comment #233.**

A.V.1.ww, xx, yy, zz, ccc, eee, fff, ggg, hhh, iii, jjj, kkk, and lll - The emission limits listed here do not match the required emission limits from section A.I. These must correspond so that there is no confusion about the emission limitations.

*Response: Ohio EPA concurs with the US EPA and therefore, the permit terms A.V.1.ww, xx, yy, zz, ccc, eee, fff, ggg, hhh, iii, jjj, kkk, and lll has been modified accordingly.*

**Comment #234.**

A.V.1.xxx - There is a typo. The term should refer to SO<sub>2</sub> throughout. At one point NO<sub>x</sub> is mentioned.

*Response: Ohio EPA concurs with the US EPA and therefore, the permit terms A.V.1.xxx has been modified.*

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**Comment #235.**

A.V.2.b.i - Opacity should also be tested.

*Response: As requested, a requirement for opacity testing for the main stack has been added to the permit.*

**Comment #236.**

A.V.2.e.i and ii - What pollutant is being referred to here? I assume it is PM. The terms should say lb PM/ ton of coal processed for example.

*Response: A.V.2.e.i and ii. was intended to be applicable to all pollutants. A change will be made to specify that this term is required during emission testing for all pollutants.*

**Comment #237.**

For BACT for the oven doors we suggest that there be no visible leaks for 10 minutes following the charge.

*Response: As requested, this requirement has been added to the permit.*

**Comment #238.**

105 additional signatures (mainly residents in Oregon) submitted by Kerry Berlincourt

Petition for improved air in Lucas County and in opposition to the US Coking Project.

We, the people, do hereby petition the City of Oregon, Toledo-Lucas County Port Authority, Ohio EPA and US EPA to deny any and all permits for the US Coking Facility. The facility's permit shows 8 million pounds of pollutants will be discharged into the air annually. The coking plant would add to the area's ozone problems and would add to asthma and allergy problems. The permit is being rushed through against the areas air and peoples health. Therefore, we urge all public officials to exercise their authority to deny permits for this facility.

*Response: Ohio EPA/TDES believes that if the facility complies with all requirements detailed in their permit, then public health will be protected. Please also see response to comments one through 13 for more information on the restrictions imposed in the permit to help protect public health.*

**Comment #239.**

The following express opposition to the new coke plant:

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I am concerned about the health of the people in the Oregon/Harborview neighborhood. We are already polluted by BP and Toledo Edison - both as nearby neighbors. Now you want us to accept a coke plant as the third neighbor. The coke plant will give off 8 million pounds of pollution - it is unhealthy for our neighborhood. We do not have the money to fight this - big business knows this. Oregon ignores us - they just want the money.

Please do not permit this coke plant - it will harm the people in the neighborhoods health. Eight million pounds of pollution is too much. It will also harm Lucas County which already has too much pollution in the air. And it will harm the bay and the lake where there is mercury in the fish and we are supposed to limit how much we eat.

You are supposed to protect the public health and the environment - you are the environmental protection agency not the environmental development agency. Please do not allow this coke plant in our area.

Tyler McDaniel, 4444 Islandview Dr., Oregon, OH 43616  
Pamela and Tony Woodfill, 535 West Dr., Harbor View, Ohio 43434  
Alice M. Lewandowski, P.O. Box 72, Harbor View, OH 43434  
Robert Slater, 2175 Autokee St., Oregon, OH 43616  
Angela Pfaff, 614 N. Howard, Curtice, OH 43412  
Joseph F. Prottengeier, 1853 Seaford Dr., Oregon, OH 43618  
Paul and Maryann Gladieux, 2122 Momany St., Oregon, OH 43616  
Aubury Brown, 4454 Bayshore Rd., Oregon Oh 43616  
Ron Hartzell, 2003 Arkansas, Oregon, OH 43616  
Leon and Suzanne McDaniel, 5015 Bayshore Rd., Oregon, OH 43618  
Warren and Celeste Klatt, 2153 Momany, Oregon, OH 43616  
Leo Depinet, 123 East Dr., Harbor View, OH 43434  
Ronald and Dorothy Taylor, 516 West Dr., Harbor View, OH 43434  
Lula Presley, 408 West Drive, Harbor View, OH 43434  
Linda and Lonis Byrd, 414 West Dr., Harbor View, Ohio 43434  
James Byrd, 412 West Dr., Harbor View, OH 43434  
David R. Berlincourt, 2020 LaFrance St., Oregon, OH 43616  
Doloris Mathile, 2159 Arkansas St., Oregon, OH 43616  
Darlene Spence, 2048 Momany, Oregon, OH 43616  
Clyde Hall, 441 West Dr., Harbor View, OH 43434  
Robert L. Wise, 415 West Dr. Harbor View, OH 43434  
Rick Smith, 364 Lake View Dr., Harbor View, OH 43434  
Camille Rawlings, 2102 Momany St., Oregon, OH 43616  
Martha M. Wilkes, 2084 LaFrance, Oregon, OH 43616  
Joseph Swoboda, 2137 LaFrance, Oregon, OH 43616

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Rita Cheek and Dorthy Schlessner, 358 Lakeview Dr., Harbor View, OH 43434  
Tina Hoar, 2025 Grange St., Oregon, OH 43618  
Helen Cheatham, 129 East Dr., Harbor View, OH 43434  
Dennis Szych, 536 West Harbor View Dr., Harbor View, OH 43434  
Skip Myrice, 2109 Breakwater, Oregon, OH 43616  
Robert Berlincourt, 96 LaFrance St., Oregon, OH 43616  
Jim and Debbie Bragg, 5009 Bayshore Rd., Oregon, OH 43618  
Nadine Grimm, 242 East Dr., Harbor View, OH 43434

**Comment #240.**

The following expressed opposition to the new coke plant and completed a survey citing health problems and previous concerns involving odors, deposition of materials and noise, generally naming BP, Toledo Edison and the Toledo Division of Environmental Services (although not always) as being unresponsive to their complaints:

Sue McDaniel, 5015 Bayshore Rd., Oregon, OH, Oregon, OH 43618  
Janet Hartford, 2103 LaFrance St., Oregon, OH 43616  
Mark and Jennifer Klatt, 419 West Dr., Harbor View, OH 43434  
Kevin and Tracy Brown, 2041 Momany St., Oregon, OH 43616  
Warren Klatt, 2153 Momany St., Oregon, OH 43616  
David and Janet Berlincourt, 202 LaFrance, Oregon, OH 43616  
Donald E. McNelley, 2081 LaFrance St., Oregon, OH 43616  
Kath Hendry, 2068 LaFrance, Oregon, OH 43616  
Jeffery S. Campbell Sr., 2026 Arkansas St., Oregon, OH 43616  
Bob Berlincourt, 96 LaFrance St., Oregon, OH 43616  
Leon and Sue McDaniels, 5015 Bayshore Rd., Oregon, OH 43618  
Paul and Maryann Gladieux, 2122 Momany St., Oregon, OH 43616  
Helen Cheatham, 129 East Dr., Harbor View, OH 43434  
Leo Deplnet, 123 E. Harbor View, Harbor View, OH 43434  
Nadine and Sam Grimm, 242 East Dr., Harbor View, OH 43434  
Lawrence and Elodie Eckenrode, 2070 Channel St, Harbor View, OH 43434  
Clara Cousino, 2025 Momany St., Oregon, OH 43616  
James Cousino, 2016 Momany St., Oregon, OH 43616  
Dorothy R. Schlessner and Rita Cheek, 358 Lake View Dr., Harbor View, OH 43434

**Comment #241.**

Indicates that on one hand, environmentally sound efforts are being directed toward working to improve water quality within the watersheds of our region, while on the other hand the proposed FDS Coke Plant would potentially allow increased environmental impacts to public health and the Lake Erie Region. Requests that the Ohio Environmental Protection Agency further study the

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impact of the proposed FDS Coke Plant regarding the reported 8 million pounds of annual pollution to our environment, and the impact of the potential of 680 pounds of mercury to the region each year.

*Response: Please see the responses to the comments for the Wetlands / Wastewater issued and the Large Mercury Emissions From the Plant issues listed on Page 2.*

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**Individuals or Organizations That Submitted Comments**

The following table contains a listing of all individuals or organizations that submitted comments on the official record concerning the draft permit-to-install for FDS Coke.

Individuals or Organizations that Submitted Comments
Scott Allred, 1722 N Stadium
Mike Anglieve, 9250 Rodesiler Hwy, Riga MI 49276
Katie Ankney, 6063 Grisell Rd, Oregon, OH
Gary Asmus, 446 Madison Ct., Bowling Green, OH
Randolph A. Ball, 19970 Poe Rd., Weston OH 43569
Rachel Belz
David and Janet Berlincourt, 202 LaFrance, Oregon, OH 43616
Kerry Berlincourt, 5295 W. Rauch Rd., Petersburg, MI 49270
Cindy Berlincourt, 96 LaFrance St, Oregon, OH 43616
Bob Berlincourt, 96 Lafrance St., Oregon, OH 43616
Robert Berlincourt, 96 LaFrance St., Oregon, OH 43616
William E Besgrove, 1418 Sierra Dr, Oregon 43616
Judith A Besgrove, 1418 Sierrea Dr, Oregon 43616
Steve A. Biany, 2120 Dana St., Toledo OH 43609
Ginger Bihn, 1723 Juniper #163, Bowling Green, OH 43402
Sandra Bihn, President, Maumee Bay Association, 6565 Bayshore Rd., Oregon, Ohio 43618
Sandra Bihn, Project Coordinator, Sierra Club Ohio Chapter
John Blair, President, Valley Watch, 800 Adams Avenue, Evansville, IN 47713
Jim and Debbie Bragg, 5009 Bayshore Rd., Oregon, OH 43618
Tom Brock, 3437 Contoya Dr Apt 102, Erlanger, KY 41018
Roy Brooks, 600 Meadow Spring Rd., Maumee, Oh
Kevin and Tracy Brown, 2041 Momany St., Oregon, OH 43616
Larry Brown, 2105 Nevada, Toledo, OH 43605
Aubury Brown, 4454 Bayshore Rd., Oregon Oh 43616
Mayor Brown, City of Oregon
Tim Brown, Delta Institute/Lake Erie Forum
Edmond Browns, 5415 Fenwick, Toledo, OH 43623
Patricia Brzuehaldi, 3615 Revere Dr, Toledo 43612
Sandy Buchanan, Executive Director, Ohio Citizen Action, 614 W. Superior Ave, Suite 1200, Cleveland, OH 44113
Geraldine Buck, 3435 Worden Rd, Oregon OH 43616
Mark Buehler
James Byrd, 412 West Dr., Harbor View, OH 43434
Linda and Lonis Byrd, 414 West Dr., Harbor View, Ohio 43434

**Interested Party Comments and Ohio EPA/Toledo DES Response to Comments for the  
FDS Coke Air Pollution Permit-to-install Number 04-01360**

Individuals or Organizations that Submitted Comments
Jeffery S. Campbell Sr., 2026 Arkansas St., Oregon, OH 43616
Kenneth Carmaz, 527 Shasta Dr., Toledo, OH 43609
Helen Cheatham, 129 East Dr., Harbor View, OH 43434
Steve Clare, 4625 Brown Rd., Oregon, OH 43618
Marsha and Mike Clere, 4625 Brown Rd., Oregon, OH 43618
Robert Clere, 4830 Walbridge Rd., Northwood, OH 43619
Nancy Clevenger, 2056 Loughrae Dr, Oregon 43618
Rodney Clevenger, 2056 Loughrae Dr, Oregon 43618
Ashley Cluckey, 11442 Rachel Rd, Curtice, OH 43412
Jeff Conley, 9370 Dover Dr., Wauseon, OH 43567
Cody Connolly, 5852 Seman Rd, Oregon 43616
E.J. Coss, 1893 Whispering Way, Perrysburg, OH 43551
James Cousino, 2016 Momany St., Oregon, OH 43616
Clara Cousino, 2025 Momany St., Oregon, OH 43616
Joy Cowling, 2509 Randall Dr, Oregon 43616
Sarah Cuthbertson, 1846 Lagundovie, Oregon, OH
Steve Davis
Marcelle M Davis, 3443 Worden, Oregon OH 43616
Vicki Deisner, Ohio Environmental Council
David Dempsey, Michigan Environmental Council
Leo Deplnet, 123 E. Harbor View, Harbor View, OH 43434
Pauline M Donley, 5344 Bayshore Rd, Oregon, OH 43618
James M Donley, 5344 Bayshore, Oregon 43618
James M. Dudley, 2212 Farm View Ct., Toledo, OH 43615
Lawrence and Elodie Eckenrode, 2070 Channel St, Harbor View, OH 43434
Virginia Edwards, 2063 Verdun st., Oregon, OH 43618
Mrs. Alice Edwards, 3405 Darlington Road, Toledo, OH 43606
Jeremiah P Embry, 2550 Hackberry St, Concinnati, OH 45206
Kenny Ewing, 1056 Schmidler
Mike and Corl Fahle, 3065 117th Street, Toledo, OH 43611
Vincent Fernandez, 856 Main St, Toledo OH
Ken Filipiak
Carol J Fingerhut, 2985 N Huss Blvd, Genoa, OH 43430
Marsha Fisher, 2042 Lakeview, Oregon, OH 43618-1044
Carl Fitch, PO Box 80663, Toledo OH 43608
Molly Flanagan, Ohio Environmental Council
Robert Fondessy
Mayor Jack Ford, City of Toledo
William Franciscy, 3627 Naples Dr., Toledo, OH 43615

**Interested Party Comments and Ohio EPA/Toledo DES Response to Comments for the  
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Individuals or Organizations that Submitted Comments
Tom Fuhrman, Lake Erie Conservancy (PA)
Richard Gabel
Rigoberto Garcia, 2739 Portland, Oregon OH 43616
Nancy de la Garza, 5424 Westcastle Dr., Apt F, Toledo, OH 43615
Debra Gedert, 601 Stadium Dr, Oregon, OH 43616
John Gibbons, 8850 Arguette Rd, Oregon, OH 43618
Betty Gilespie, 2105 Nevada, Toledo 43605
John F. Gill, 4460 Rohr Dr., Toledo OH
R. Gill, 5138 Ancil Rd., Toledo, OH 43615
Paul and Maryann Gladieaux, 2122 Momany St., Oregon, OH 43616
Tim Gordon, 363 Fallis Rd, Columbus, OH 43214
Colleen Gottschalk, 524 Grasser St, Oregon OH
Sharon Graffeo-Rudess, Oregon City Councilwoman
Rose Grames, 218 Beach St., Northwood, OH 43619
Nadine and Sam Grimm, 242 East Dr., Harbor View, OH 43434
Douglas J. Grochowski Sr., 6149 Holiday Dr., Toledo, Ohio 43611
Gary Groff, 7206 Dunbar, Temperance, MI
Sarah Grutia, 1201 Edgecliffe #5, Cincinnati, OH 45206
Robert Gzechewiak, 325 Kenmore Ave., Toledo, OH 43609
Cady H., 5518 Seaman Rd, Oregon OH 43616
Clyde Hall, 441 West Dr., Harbor View, OH 43434
John C. Hall, Superintendent, Oregon City Schools
Jim Hamilton, 6221 N Wildacre Rd, Curtice, OH 43412
Zachary Hamilton, 6221 N Wildacre Rd, Curtice, OH 43412
Adam C Hamilton, 6221 N Wildacre Rd, Curtice, OH 43412
James Hamilton, Vice President, Mannik & Smith, Maumee OH
Jean Hardy, 3118 Teresa Dr, Oregon, 43416
Janet Hartford, 2103 LaFrance St., Oregon, OH 43616
James Hartung, President and CEO of the Toledo Lucas County Port Authority
Ron Hartzell, 2003 Arkansas, Oregon, OH 43616
Dave Hathaway, 2032 DeLence St., Toledo, OH 43605
Jim Hauter, 1140 N Norden Rd, Oregon, OH 43618
Roger T Hayward, 22242 Honeysuckle Ln, Curtice, OH 43412
Kath Hendry, 2068 LaFrance, Oregon, OH 43616
Stanley A. Hernacker, 8210 Co. Rd. 3, Swanton, OH 43558
Douglas Hers, 4306 Waterville-Swanton Rd., Swanton, OH 43558
David Higby, Environmental Advocates of New York
Sharon Hightower, 6418 Lakeway Dr, Oregon 43618
Chelsea Hinojosa, 1153 Grant St, Martin OH 43445

**Interested Party Comments and Ohio EPA/Toledo DES Response to Comments for the  
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Individuals or Organizations that Submitted Comments
Tina Hoar, 2025 Grange St., Oregon, OH 43618
Richard Hodges, Executive Vice President of Mechanical Contractors Association of NW Ohio
Kimberly Hofbauer, 1146 Patchen Rd, Oregon, OH 43616
T.J. Holsen, Delta Institute/Lake Erie Forum
D. Holt, 2019 Arkansas, Oregon, OH 43616
Samantha Hope
Brian Hopkins, 6539 Bayshore Rd
Jane Hufstader, 2437 Ashborne Place, Toledo, OH 43606
Ruth J, 6254 Cortelya Ave #3, Cincinnati, OH 45206
John F Jaeger, Director of Natural Resources, Metropolitan Park District of the Toledo Area, 5100 W Central Avenue, Toledo, OH 43615-2100
St John, 517, N.Main St., Walbridge, OH 43465
George & Isla Johns, 933 Patchen Rd, Oregon OH 43616
Denise Joyce, 2052 Lakeview Ave, Oregon 43618
Doug Joyce, 2052 Lakeview Ave., Oregon, OH 43418
Jim Kaminski, 16 Hidden Meadow Dr., Holland, OH
Nisha Kapadia, National Wildlife Federation
Bob Keesey
Paul Kemner, 2829 Rockwood Place, Toledo, OH 43610
Richard Kenneth V., 1201 Edgecliff #5, Cincinnati, OH 45206
Jessica Kerger
Kevin Kiasa, 5120 Starr ext, Oregon, OH
Warren and Celeste Klatt, 2153 Momany, Oregon, OH 43616
Mark and Jennifer Klatt, 419 West Dr., Harbor View, OH 43434
Elsie Kockstein, 3425 Worden Rd, Oregon, OH 43616
Jason LaPorte
Anita LaPorte
Tom Latchman
Bo Lavelle, 4538 Corduroy Rd.
Abbey Ledzinski (not signed), 5137 Bayshore
Sharon Lestage, 418 S Berlin, Oregon, OH 43616
Alice M. Lewandowski, P.O. Box 72, Harbor View, OH 43434
Tom Leyman, 5208 Bonwood, Toledo, OH 43623
Zoe Lipman, National Wildlife Federation, Great Lakes Program
Terry Lodge
Gerald E Lonsway, 5447 Bayshore Rd, Oregon, OH 43618
Bill Lorenzen
John Ludlow, 2643 Boxwood Rd., Toledo, OH 43613
Sr. Pat Lupo, PA Lake Erie Watershed Association

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Individuals or Organizations that Submitted Comments
Robert Lynn, Junior
LoriAnne MacKenzie, 5651 Knightsbridge Dr, Toledo, OH 43614
Micheal A. Macleod, 5210 Riviera Dr., Toledo, OH 43611
James Manning, 2069 Grange St, Oregon, OH 43618
Kathryn Manning, 2069 Grange St. Oregon 43618
William Manning, 3111 Maryland Pl, Northwood, OH 43619
Kelly Manning, 8720 Cedar Point Rd, Oregon OH 43618
Ashley Manship, 7730 Black Shear Dr, Huber Heights, OH
Cynthia M Manship, 7730 Blackshear Dr, Huber Heights, OH 45424
David T Manship, 7730 Blackshera Dr, Huber Heights, OH 45424
Elaine Marsh, Friends of the Crooked River
Annette Marshall, Lake Erie-Allegheny Earth Force
Karla Mathers, 1127 N Stadium, Oregon, OH 43616
Doloris Mathile, 2159 Arkansas St., Oregon, OH 43616
James A. McCarthy, 2082 N. Kennison Dr., Toledo, OH 43609
Tyler McDaniel, 4444 Islandview Dr., Oregon, OH 43616
Leon and Suzanne McDaniel, 5015 Bayshore Rd., Oregon, OH 43618
Donald E. McNelley, 2081 LaFrance St., Oregon, OH 43616
Lynne and Andrew Menke, 4218 Talwood Lane, Toledo, OH 43606
Josh Mentor, 405 West Ave, Oregon, OH
Cody Meritt, 12757 Lagun Dr, Oregon, OH
Clarita C Meyers, 6310 Cedar Point Rd, Oregon 43618
Bill Meyers, 6310 Cedar Point Rd, Oregon, 43618
Bob Meyers, 6810 Cedar Point Rd., Oregon, Ohio 43618
Richard Michael
Teresa Mills
Dean Monske, Director, Oregon Economic Development Foundation
Randal Morlock, 20636 Carter Rd., Bowling Green, OH 43402
Crystal Mowrer, PO Box 128, Harborview OH 43434
Michael Murray, National Wildlife Federation, Great Lakes Program
Christopher Myers
John Myers
Amie Myers, 6111 Corduroy Rd, Oregon, OH 43616
Saletta Myers, 6310 Cedar Point Rd, Oregon 43618
Rita Myers, 6310 Cedar Pt. Rd., Oregon OH 43618
Margie C Myers, 6810 Cedar Point Rd, Oregon, OH 43618
Myers, 6810 Cedar Point Rd, Oregon, OH 43618
Skip Myrice, 2109 Breakwater, Oregon, OH 43616
Kyle Myrice, 5719 Clegg Dr, Toledo 43613

**Interested Party Comments and Ohio EPA/Toledo DES Response to Comments for the  
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Individuals or Organizations that Submitted Comments
Hanna Novak, 2080 Woodcrest
Robert Pakusi, 5878 Live Oak, Toledo, OH
Gary Peterman, 2519 Lima Ave, Toledo 43613
Angela Pfaff, 614 N. Howard, Curtice, OH 43412
Brian Pollack, 532 Snowy Egret, Huron, OH 44839
Robert F Pompos, 1430 Forester Dr, Oregon 43616
Barbara Pompos, 1430 Forester Dr, Oregon 43616
Lula Presley, 408 West Drive, Harbor View, OH 43434
Patricia K. Prico, 4261 Pickle Rd., Oregon, OH 43618
Joseph F. Prottengeier, 1853 Seaford Dr., Oregon, OH 43618
J. Bernie Quilter, Lucas County Clerk of Courts
Camille Rawlings, 2102 Momany St., Oregon, OH 43616
Janet Reed, 4353 Pickle Rd, Oregon OH 43618
Jane Reilley, 8896 C Harperpoint Dr, Cincinnati, OH 45249
Pamela S Reynolds, 1213 Westgate Rd, Toledo, OH 43615
Tara Reynolds, 2047 Arkansas St, Oregon, OH 43616
Celina H. Reynolds, 2060 Grange St., Oregon, OH 43618-1042
Frank L Reynolds, 2176 Arkansas St, Oregon, OH 43616
Shirley Reynolds, 2176 Arkansas St, Oregon, OH 43616
Todd Reynolds, 4516 Bayshore Rd, Oregon, OH 43616
Mark Reynolds., 2047 Arkansas St., Oregon, OH 43616
Stephanie Rodgers, 2120 Dana, Toledo, OH 43609
Katrina Romstadt, 11044 Jerusalem, Oregon, OH
Johnny Rose, 6255 Telegraph Rd., Erie, MI 48133
Hans Rosebrock, Ohio Manager, First Energy, Toledo
Ron Rothenbuhler
Tracy and Don Rust, 2058 Verdun St., Oregon, OH 43618
Mary S., 11268 Eckel Jct., Perrysburg 43551
Alex S., 817 Erie View, Curtice OH 43412
Alex Sagady, Environmental Consultant to Sierra Club Ohio Chapter, PO Box 39, East Lansing, MI 48826-0039
Steve Samsel, 11172 Brix Hwy, Brooklyn, MI 49230
Joann Schiavone, 215 Meadow Lane, Walbridge, OH 43465
Dorothy R. Schlessner and Rita Cheek, 358 Lake View Dr., Harbor View, OH 43434
Rita Cheek and Dorthy Schlessner, 358 Lakeview Dr., Harbor View, OH 43434
Ron Schuette
Edward Schulte, Vice President, Regional Growth Partnership
John W. Schultz, 140 Bromwich Ln., Toledo, OH 43615
James Seaman, Oregon City Councilman

**Interested Party Comments and Ohio EPA/Toledo DES Response to Comments for the  
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Individuals or Organizations that Submitted Comments
Mike Sheehy, President, Oregon City Council
Andrew Shields, 6700 Cedar Point, Oregon, Ohio 43618
Robert Shields, 6700 Cedar Point, Oregon, Ohio 43618
Pam Shields, 6700 Cedar Point, Oregon, Ohio 43618
Gail Shiple, 2705 Eastmoreland, Oregon 43616
Howard A. Show, 2042 Lakeview Ave., Oregon, OH 43618
Betty Shultz, City Councilwoman, City of Toledo
Sierra Club Ohio Chapter
Robert Slater, 2175 Autokee St., Oregon, OH 43616
Rick Smith, 364 Lake View Dr., Harbor View, OH 43434
Clifford J Smith, 5615 Starr Ave, Oregon, OH 43616
Micheal A. Smothers, 9984 Bishopswood Ln., Perrysburg, OH 34551
Darlene Spence, 2048 Momany, Oregon, OH 43616
Nick Staerker, 8040 Jerusalem Rd
Carl Stanoyevic, Councilman, Village of Harborview
Nancy Storer, 314 Easthampton, Oregon, OH 43616
Tom Susor
Thomas Switzer, 570 Temple Rd, Curtice, OH 43412
Joseph Swoboda, 2137 LaFrance, Oregon, OH 43616
Joe Syacsure, 78337 Brookside Lane, Millbury, OH 43447
Linda Szilagy, 155Maple St., Rossford, OH 43460
Tony Szilagy, Chairperson, Western Lake Erie Group, Sierra Club Ohio Chapter
Frank Szollosi, Councilman, City of Toledo
Matthew Szollosi, Oregon City Councilman
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Maggie Thurber, Lucas County Commissioner
Lance Traves, on behalf of US Coking Group, LLC (USCG), Labyrinth Management Group (LMG)
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Katerina Utratidakiv, 1961 Lagundovie
Tyler Vermett, 649 N Decant
E Villi, 8896 C Harperpoint Dr, Cincinatti, OH 45249
Marty Visnosky, Erie County Environmental Coalition (PA)
Marilyn Wall, Chapter Conservation Chair, Sierra Club Ohio Chapter, 36 West Gay Street,

**Interested Party Comments and Ohio EPA/Toledo DES Response to Comments for the  
FDS Coke Air Pollution Permit-to-install Number 04-01360**

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Individuals or Organizations that Submitted Comments
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