

# Blue Ridge Environmental Defense League

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October 25, 2006

Jim Sydnor, Director  
DEQ Air Quality Division  
P.O. Box 1105  
Richmond, Virginia 23218  
(804) 698-4424  
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## **Re: Tire Energy Corporation Registration No. 21415, State Operating Permit**

Dear Mr. Sydnor:

On behalf of the Blue Ridge Environmental Defense League, our chapter Citizens for a Clean Environment and our members in Virginia, I write to comment on the proposed permit for Tire Energy Corp. (TEC) located in Henry County. We oppose the granting of the draft permit because it will poison the people of Martinsville, Henry County and communities elsewhere in Virginia and North Carolina. Further, we recommend that the Virginia Department of Environmental Quality go back to the drawing board and draft a new and better permit which will actually protect public health.

### Overview

The tire combustion facility operated by TEC is a rotary kiln incinerator rated at 38 million BTU/hour and 2400 pounds/hour. The pollution controls consist of baghouse filter system for particulate matter and a sodium bicarbonate (NaHCO<sub>3</sub>) injection system for the control of sulfur dioxide (SO<sub>2</sub>) and hydrogen chloride (HCl). The TEC facility has failed its required stack tests because of excess levels of sulfur dioxide (SO<sub>2</sub>), nitrogen oxides (NO<sub>x</sub>) particulate matter (PM-10) and lead. The new permit draft raises the emission limits for three of these pollutants: NO<sub>x</sub>, PM-10 and lead.

### Emission Limits

If the draft permit is approved by DEQ, each year TEC operates it may emit 331,000 pounds of air pollution. Further, the DEQ has responded to a failure of the facility operator to comply with its existing permit by raising the amount of pollution it may emit into the air.

The response of the DEQ in this matter is simply astounding. The draft permit, compared with the existing permit, allows the hourly emission rate of nitrogen oxides (NO<sub>x</sub>) to be raised from 4.6 lb./hr. to 8.8 lb./hr., a 91% increase in emissions.

The draft permit version #2 sets the following emission limits:

*Esse quam videre*

20. **Emission Limits** - Emissions from the operation of the rotary kiln baghouse exhaust stack shall not exceed the limits specified below:

Pollutant	lb./MMBTU	lb./hr.	tons/yr.	ppm
Particulate Matter	0.051	1.9	8.5	
PM-10	0.051	1.9	8.5	
Sulfur Dioxide SO <sub>2</sub>	0.480*	18.3	80.0	
Nitrogen Oxides NO <sub>x</sub>	0.230	8.8	38.5	
Carbon Monoxide CO	0.060*	2.3	20.0	200**
Volatile Organic Compounds	0.060	2.3	10.0	
Hydrogen Chloride HCl	0.02			
Lead Compounds	0.000032			
Mercury	0.000003			

\*Based on a three-hour averaging period

\*\*Corrected to 7% O<sub>2</sub>

(9 VAC 5-80-850)

In 2003 when the Commonwealth first considered a permit for this facility, we submitted to you comments which compared the regulatory requirements which would have been applied if the TEC plant had been built in Tennessee (attached). The emission limits would have been a fraction of the present permit's limits, and lower by far than the limits in draft permit #2 for PM-10, SO<sub>2</sub>, NO<sub>x</sub>, and carbon monoxide. The application of New Source Performance Standards, then as now, would require stricter pollution control, not a relaxation of the permit.

### Permit Conditions

The initial draft of the DEQ's proposed permit was altered following a request by the owner-operator of Tire Energy Corporation. The first draft for public comment contained a permit invalidation clause which read as follows:

#### GENERAL CONDITIONS

38. Permit Invalidation - The portions of this permit related to modification of the process shall become invalid, unless an extension is granted by the DEQ, if:

- a. A program of continuous modification is not commenced before the latest of the following:
  - i. 18 months from the date of this permit;
  - ii. Nine months from the date that the last permit or other authorization was issued from any other governmental agency;
  - iii. Nine months from the date of the last resolution of any litigation concerning any such permits or authorization; or
- b. A program of modification is discontinued for a period of 18 months or more, or is not completed within a reasonable time, except for a DEQ approved period between phases of a phased construction project.

(9 VAC 5-80-1210)

The DRAFT Version #2 eliminated the General Condition for Permit Invalidation. Virginia air pollution control regulations at 9 VAC 5-80-1210 (M) require the permit invalidation condition to apply to all stationary air pollution sources unless they are subject to federal hazardous air pollutant regulations.

**9 VAC 5-80-1210. Permit invalidation, suspension, revocation and enforcement.**

M. Except with respect to permits issued in accordance with Article 3 (9 VAC 5-60-120 et seq.) of 9 VAC 5 Chapter 60, the provisions of subsections A, B and C shall not apply to sources subject to the federal hazardous air pollutant new source review program.

Article 3 states: “If federal operating permit program applicability has been deferred for a source category, the provisions of this article shall not apply for sources in that category until those sources become subject to federal operating permit requirements. The procedures in this article apply for each affected source only after the § 112(j) deadline for the source category or subcategory in question has passed, and 6-3:2 only until such time as a generally applicable emission standard governing that source has been promulgated.”

As an agreement state, Virginia must comply with the provisions of the federal Clean Air Act including “new source performance standards” for solid waste combustors. The US Environmental Protection Agency bases “best available control technology” emission standards on selective non-catalytic reduction technology for NO<sub>x</sub> control and spray-dry scrubber and a fabric filter for acid gas and PM-10 control. VDEQ must evaluate and should require these tighter pollution control standards.

Further, the EPA standard for operator certification—vital to good operation, maintenance and monitoring—is the American Society of Mechanical Engineers Standardized Test Program for Qualification and Certification of Resource Recovery Operators. VDEQ’s permit must require training for all employees and that the operators and shift supervisors are qualified to operate a waste combustion facility.

Please let me know what further action you take with respect to this permit. Thank you for the opportunity to make these comments.

Respectfully submitted,

Louis Zeller

Attachment

# BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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July 14, 2003

Douglas Edwards  
DEQ West Central Regional Office  
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Roanoke, Virginia 24019  
drewards@deq.state.va.us

**Re: Tire Energy Corp., Registration No. 21415**

Dear Mr. Edwards:

I submit these comments on behalf of the Blue Ridge Environmental Defense League.

Virginia DEQ proposes to allow Tire Energy Corporation (TEC) a permit to burn 13,140 tons per year of tire fuel at a facility in Martinsville. However, Tennessee Department of Environment and Conservation (TDEC) issued a construction permit for a nearly identical facility which called for far lower pollution levels. The State of Tennessee appears to interpret federal regulations known as New Source Performance Standards in a different way than Virginia's DEQ. The TDF plant which would have been built in Tennessee was required to install a fabric filter, dry limestone injection, a medium efficiency settling chamber, and direct flame afterburner with heat exchanger. Virginia DEQ requires only a fabric filter at TEC. As a result, the emission limits for the two plants look like this (emission rates in pounds per hour take from state permits):

Pollutant	Virginia Emission Rate	Tennessee Emission Rate	Difference
SO2	18.3	1.0	95%
NOx	4.6	1.8	61%
CO	4.6	0.42	91%
VOC	2.3	0.14	94%

In addition, TDEC controls emissions of hydrogen chloride at 0.2 pounds/hour. VDEQ sets no limits whatsoever on this toxic gas.

In our view, Virginia must control pollution levels and require similar standards as required by Tennessee. The people of Henry County and all of southwest Virginia deserve no less protection than residents of our neighboring state. We hereby request that DEQ not approve this permit as drafted.

Respectfully,

Louis Zeller, Clean Air Campaign Director  
Blue Ridge Environmental Defense League