

ALLEGHENY COUNTY HEALTH DEPARTMENT
Air Quality Program

SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES
ON THE PROPOSED ISSUANCE OF LINDY PAVING INC.
INSTALLATION PERMIT NO. 0214-IP002b and OPERATING PERMIT NO.
0214-OP24

*[Notice of the opportunity for public comment appeared in the legal section of the
Pittsburgh Post-Gazette on June 8, 2023.
The public comment period ended on July 11, 2023.]*

1. **Comment:** Commenters expressed concern that asphalt odors reach beyond the perimeter of the facility now, and that the existing operating permit conditions are weak in enforcement of odors detected past facility boundaries.

Response: The facility is required under condition IV.3 to do what is necessary to prevent odors beyond the boundary of the facility. The Department added condition V.A.6.a to both the installation permit and operating permit to require an annual burner tune-up for the hot mix plant. This maintenance will promote better VOC removal to reduce odors. The Department also added condition V.A.3.d which requires daily monitoring for presence of visible emissions and odors and the responsibility to bring operations back into compliance if issues occur.

2. **Comment:** Commenters requested the denial of the facility's request to increase production due to the increases in emissions that would be created, especially the 50% increase to carbon monoxide.

Response: The 50% increase in the CO limit had two components: approximately one-third of the increase in the CO limit is due to increase in maximum allowable annual production, and the remainder was from a change in how the calculations were done since the installation permit was issued originally in 2007. Article XXI section 2101.02 gives facilities the right to expand provided they are able to demonstrate compliance with their permit.

3. **Comment:** Commenters requested the denial of the facility's request to allow unlimited production hours, especially in the winter when the trees are without leaves.

Response: The facility is limited in the short-term by the capacity of the equipment and annually by a production limit (see condition V.A.1.e). Taken together, these limits effectively limit the production hours. Removing the limit on production hours allows the company to operate longer at less than maximum capacity (which will also reduce emissions). The permit remains unchanged.

4. **Comment:** Commenters requested the addition of a permit condition mandating a decrease in emissions when there is a risk to health, such as late at night into early morning. In addition, the commenters request adherence to the Mon Valley Rule during smell events.

Response: According to State Implementation Plan 97 (SIP 97), the facility resides outside the boundary of the area which is subject to the Mon Valley Episode Rule. The Episode Rule is designed to be active in high particulate effects, not VOC events. The Department appreciates the suggestion and is currently evaluating the effects of the Episode Rule and whether or not to expand it.

5. **Comment:** Commenters are opposed to removing the formaldehyde testing requirement from the permits, because removing formaldehyde measurement does not guarantee that formaldehyde emissions will never increase in the future and would make that undetectable.

Response: The formaldehyde testing was removed from the operating permit issued on August 26, 2014. The installation permit was not amended at that time to reflect the change. The installation permit amendment draft is retroactively recording this change, as is the current operating permit renewal. Two separate test dates for stack tests were reviewed for the 2014 operating permit. One stack test was conducted on September 5, 2007, where the test result was 1.21 pounds formaldehyde per hour. The stack test conducted on September 20, 2012, was 0.35 pounds formaldehyde per hour. Both tests were below the emissions limit of 1.86 pounds/ hour. The Department has the right to request additional stack testing. The permit remains unchanged.

6. **Comment:** Commenters expressed concern that a Right-to-Know request the commenters filed with the PA DEP showed an increase in the facility's emissions of benzene, hexane, ethyl benzene, toluene, xylenes, VOCs, lead, methane, formaldehyde, carbon dioxide and total suspended particulates (TSP), in the 2010 to 2018 timeframe. The commenters requested that the permit add emission limits for benzene, hexane, ethyl benzene, toluene, xylenes, VOCs, lead, methane, formaldehyde, carbon dioxide, and total suspended particulates.

Response: The permit drafts have emission limits for VOCs and particulate matter (PM, PM₁₀, and PM_{2.5}. PM includes total suspended particulates greater in size than 10 microns.) The permit drafts have emission limits for total HAPs, which include benzene, hexane, ethyl benzene, toluene, xylenes, lead, formaldehyde. Carbon dioxide and methane were included in greenhouse gas calculations and are beneath the threshold which would trigger additional regulations to be required in the permit. The permit remains unchanged.

7. **Comment:** Commenters expressed concern regarding water quality impacts that may be happening due to air quality (deposition from the air into water).

Response: The Department appreciates the comment; however, the comment is beyond the scope of the draft permits.

8. **Comment:** Commenters requested the addition of permit conditions that would restrict the mix temperatures of the process as a way to reduce emissions.

Response: The Department appreciates the comment; however the Department lacks the authority to alter the processes and products that a facility produces.

9. **Comment:** Commenters requested the addition of permit conditions to prevent asphalt odor masking by the addition of scents/flavors to the process.

Response: See response to comment #8 above.

10. **Comment:** Commenters expressed concern that nearby residents have observed emissions from the bases of silos into trucks at the facility. The commenters requested that the Department work with Lindy to evaluate and improve facility areas which are prone to fugitive emissions, including where silos release material to trucks.

Response: The hot mix asphalt plant is equipped with a baghouse and blue smoke capture and control system for the abatement of fugitive emissions. Condition IV.2 limits the opacity of any visible

emissions from the facility. A condition was added to the permit to require daily monitoring of visible emissions. See response to comment #1 above.

11. **Comment:** Commenters requested that ACHD designate a dedicated inspector to investigate Lindy Paving odor complaints, and also to increase surprise inspections.

Response: The Department appreciates the comment; however, this is outside the scope of the requirements of the permit.

12. **Comment:** Commenters requested the addition of a permit condition to install fence line monitoring that would be installed, monitored, and maintained by a third party. Commenters requested that ACHD invest in additional sensors and monitoring near the facility and nearby neighborhoods.

Response: The Department maintains a robust network of monitors throughout Allegheny County. Furthermore, condition IV.3 already prohibits odors outside of the facility's property lines and a condition was added to this permit to require daily odor observations (see response to comment #1 above).

13. **Comment:** Commenters expressed concern that the facility resides in an area considered an environmental justice community.

Response: According to the PA DEP's Penn Enviro Screen, the facility is not located in an environmental justice community but the area directly west and northwest are EJ areas. Because this is an existing facility, alternative site location is not feasible. The operating permit contains all testing, monitoring, recordkeeping, and reporting requirements. The technical support document has been amended to address EJ areas.

14. **Comment:** Commenters expressed concern that they have been unable to meet with representatives from Lindy and PJ Dick.

Response: The Department appreciates the comment, but it is outside the scope of the permit.

15. **Comment:** Commenters expressed concern that resident complaints submitted to ACHD were not able to be found through a Right-to-Know request made to the Department.

Response: The Department appreciates the comment, but it is outside the scope of the permit.

16. **Comment:** Commenters expressed concern that despite asking for advanced notice of the permit coming up for renewal, they did not receive advanced notice, just the public comment notice.

Response: The Department followed federal regulations as well as Article XXI for noticing permits and announcing public meetings. The notice was posted in the *Pittsburgh Post-Gazette*, on the ACHD website, and was emailed to all recipients on the interested parties list.

17. **Comment:** Commenters expressed concern that the public notice did not include that the elimination of formaldehyde testing from the draft permit or the percentage increases in the emissions.

Response: The increases were listed in the notice for the amendment to installation permit #0214-I002b, which is the underlying document for the operating permit. As noted in the response to comment #5 above, the requirement to test for formaldehyde was removed in 2014.

18. **Comment:** Commenters expressed concern that there was no virtual option made available to attend the public hearing for these draft permits, and that a virtual option would have facilitated attendance from those out of town, etc. Further, a request to delay the hearing to the fall when more residents would be in town was denied by the Department. The commenters also requested to meet with ACHD prior to the permit draft moving forward.

Response: See response to comment #16 above. Public comments may be submitted in-person at a public hearing or in writing via email or U.S. Mail. The Department considers all comments – whether written or oral – before issuing a permit.

List of Commenters

Name	Affiliation
Dr. Brittany McDonald Executive Director	Uptown Partners of Pittsburgh
Daniel Lavelle City Councilperson for District 6	Pittsburgh City Council District 6
Andrea Boykowycz Interim Director	Oakland Planning and Development Corp.
Christine Graziano	Birmingham Uptown Group / Breathe Collaborative
Ana Hoffman Director of Air Quality Engagement	Carnegie Mellon University CREATE lab
Erika Strassburger City Councilperson for District 8	Pittsburgh City Council District 8
Glen Olcerst Co-Founder and General Counsel	Rail Pollution Protection Pittsburgh (RP3)
Angelo Taranto Secretary/Treasurer	Allegheny County Clear Air Now (ACCAN)
Dale McNutt	5thAVE Studio
Heather Hulton Van Tassel, PhD	Three Rivers Waterkeepers
James Simons	James Simons Sculpture INC
Bethany Hallam Allegheny County Council Member At-Large	Allegheny County Council
Edward Ketyer, M.D President	Physicians for Social Responsibility
Chavaysha Chaney Manager of Advocacy and Health Policy	Women for a Healthy Environment
Anita Prizio Allegheny County Councilmember, District 3	Allegheny County Council District 3

Name	Affiliation
Ziggy Edwards	The Run / Lower Greenfield Junction Coalition
Matt Mehalik Executive Director	Breathe Project
Carol Hoover, PhD Steering Committee Member	Protect Franklin Park

Citizen Commenters
Howard Rieger
John Fleenor
Helen Perilloux
Leigh Yock
Laura Ristau