

ALLEGHENY COUNTY HEALTH DEPARTMENT
Air Quality Program

SUMMARY OF PUBLIC COMMENTS AND DEPARTMENT RESPONSES
ON THE PROPOSED ISSUANCE OF THE METALICO PITTSBURGH, INC. SYNTHETIC
MINOR OPERATING PERMIT NO. 0692-OP24

[Notice of the opportunity for public comment appeared in the legal section of the Pittsburgh Post-Gazette on August 24, 2023. The public comment period ended on September 26, 2023]

1. **Comment:** The commenter asserted that the Department has no community engagement and little discernable enforcement activity regarding Metalico. The commenter states that the “...community and ACCAN should be seen as your partners” with the Department in improving County air quality. Additionally, the commenter wants to know the Department’s plan to enforce Metalico’s new permit.

Response: The Department does engage with the community through the Complaint system and Public Hearings for advertised permits.

Enforcement of the permit is the purview of the Enforcement Program within the Air Quality Program. Comments on the text of the permit (i.e., the Conditions to be enforced) is the purpose of the public comment process. As no specific permit issues were stated, the Department declines to respond to this comment.

2. **Comment:** A commenter made extensive comments about a fire at Metalico that occurred on September 16, 2023. He described the impact on local residents and a perceived lack of communication with the affected community. Additionally, he requested that the Department create a Public Crisis Communication Plan to be implemented “when fires and other emergencies occur at permitted facilities.”

Response: While the Department understands the concerns of the community regarding catastrophic events, the purpose of the public comment process and this public hearing was to address concerns with the content of the draft permit. No specific permit issues were stated. The Department declines to respond to this comment.

3. **Comment:** This commenter defines “permit” as “To make possible; to make easy; to give an opportunity.” Using these definitions, the commenter asserts that the Department is: “*ENABLING, AND ENCOURAGING PUTTING INNOCENT FAMILIES, BABIES, ANIMALS, SENIOR CITIZENS’ PHYSICAL AND MENTAL HEALTH IN JEOPARDY?*” if it issues the draft permit. The commenter references the fire at the Metalico facility as a basis for this comment.

Response: Article XXI, §2101.02 allows for the issuance of air permits in order to protect public health while still allowing “industry, commerce, and agriculture”. By issuing an air permit, Metalico will be required to operate under conditions that limit its emissions to levels that protect human health and the environment. Failure to abide by the permit will expose Metalico to enforcement action.

4. **Comment:** The commenter requested two additions to the permit: 1. Metalico should “...submit a Best Management Practice (BMP) Plan annually to the Health Department,” and 2. “...since Metalico emits large quantities of PM, VOCs, and HAPs, they must be required to submit a Source Curtailment Plan for Air Quality Episodes.”

Response: Metalico has a BMP Plan. The Department agrees that the BMP Plan should be updated annually but kept on site and available for inspection and review by Department personnel. The permit has been revised to reflect this change.

Neville Island is not in a source curtailment zone. If Neville Island becomes a source curtailment zone, a Source Curtailment Plan for Air Quality Episodes will be necessary for this site.

5. **Comment:** The commenter asserts that the Fire Prevention Plan (FPP), which Metalico references in its BMPP, should be referenced in Metalico's permit. Further, the commenter states that the Department should conduct unannounced inspections of the Metalico facility, specifically addressing the FPP, as part of its enforcement protocol.

The commenter cited Condition IV.3 Odor Emissions and noted that the Condition: ... *should be enforceable in the case of odors released during Metalico's scrap pile fires.*"

The commenter stated that: "*Metalico should be required in their permit to report large scrap pile fires that require response from local fire departments to the National Response Center.*"

Response: The Department agrees that the Fire Prevention Plan (FPP) should be referenced in the permit. The permit has been revised to reflect this change. The Department has done unannounced VE inspections of the site.

The Odor Emissions Condition is enforceable regarding any odors that exceed the limits stated in the language of Condition IV.3.

The Department's Air Quality Program does not have the authority to require a facility to report scrap pile fires to the National Response Center.

6. **Comment:** The commenter expressed concern about perceived intentional lack of notice, by the Department, for the public hearing asserting that its purpose was to reduce public participation. The commenter further stated that he supports metal recycling and reutilization of waste oil – just not at this particular site.

Response: The publication of the Notice of the Public Hearing is done in conjunction with the advertisement of the draft permits for public comment. The Notice of Public Hearing is advertised on the Department website as well. The Notice was published in the Pittsburgh Post-Gazette, emailed to individuals on the Department's interested parties list, and posted on the Department website on August 24, 2023. A public hearing was held to receive oral comments on September 26, 2023. Rather than attempt to reduce public participation, the Department exerts extra effort to notify the public of its activities.

Regarding the facility location, the Department does not have authority to specify a location. Its responsibility is to issue permits and assure that the facility is complying with the Conditions therein.

7. **Comment:** A commenter asked the Department to do three (3) things:
- 1 Deny Metalico's air permit.
 - 2 Insist that Metalico change their operations to completely eliminate the risk of fluff pile fires happening a third time.
 - 3 Hold Metalico accountable for its ongoing emissions violations with **meaningful** fines.

Response: The Department requires a legal basis to deny a permit. The commenter did not cite any statute or regulation as a basis for such denial, and the Department has not found such a basis during permit preparation.

Metalico can revise internal procedures and methods of operation to reduce the potential for fluff pile fires on its own initiative. Requiring it to be done is beyond the scope of this permit because while the Department may set emissions limits, it has neither the knowledge nor expertise to tell Metalico how to run its business.

Enforcement of the permit, including levying fines is the purview of the Enforcement Program and will be addressed by that Program once a permit is issued.

8. **Comment:** The commenter asserts that an annually updated BMPP, which includes an FPP is necessary for the permit.

The commenter further states that operations at the plant should be suspended and a permit not issued until the Department determines and addresses the cause of this month's (September 2023) fire.

Response: The permit has been revised to require said plans. See responses to comments #4 and 5 above

The Department acknowledges the commenter's concern regarding fires at the site. It is not within the Permitting Program's authority to decide whether a facility should cease operations. Metalico is currently operating under a Consent Decree with the EPA. Conditions of that Consent Decree are incorporated into the proposed permit.

9. **Comment:** The commenter stated a concern about how the Department deals with non-compliance with permit conditions.

The commenter thinks that the permit should include time limits on such activities as torch cutting, loading and dumping of metals, and early morning and late evening equipment operation to reduce dust emissions.

The commenter expressed concern that the "... *emissions limitations for the oil tube boiler contained in Table 5(B)-1 on Page 30 are higher than the emission limitations for the coil two boiler included in Metalico's application permit – permit application. We assume that this boiler is a replacement for the boiler represented in the application and that we would expect a new boiler would have a more efficient and lower levels of emissions.*"

The commenter is concerned that the 1.33 TPY limit for HAPs, from the shredder, is too low.

Response: After a permit is issued and becomes enforceable, non-compliance with permit Conditions is dealt with by the Enforcement Program.

The Department does not generally instruct a source how it must operate. (There are exceptions such as the requirements of a Consent Decree.) Rather, the Department puts limits on the emissions that may be generated by the source. It is the source's responsibility to meet these limits. Failure to do so exposes the source to enforcement action.

The emission limits for the waste oil boiler are the same emissions limits stated in Metalico Installation Permit #0692-I002. The Department included the existing Installation Permit Conditions in the Operating permit. The Conditions from the Installation Permit are then cited in the Operating Permit as a basis for the included Condition. The boiler was not a replacement. Had it been so, it would have been installed under an additional installation permit.

The emissions limit for HAPs was accepted by the source. If it proves to be too low. Metalico will be subject to enforcement action for failure to meet the limit.

10. **Comment:** A commenter has included comments regarding current enforcement of Conditions in the Draft Permit.

Response: Permits are not enforceable until issued. Comments regarding failure of a source to comply with draft permit Conditions are premature. Once the permit is issued, failure to comply with the Conditions thereof may result in the issuance of a Notice of Violation and other enforcement action by the Department's Enforcement Program.

11. **Comment:** A commenter suggested that the Department should use data from ACCAN's BreatheCam to check the accuracy of Metalico's opacity readings.

Response: The Department declines to use ACCAN's BreatheCam. There is no data submitted by ACCAN indicating that the BreatheCam meets EPA Method 9 requirements or any other EPA certifications.

12. **Comment:** A commenter noted that Condition V.A.3.e requires Metalico to observe opacity using Method 22. Since Method 22 does not determine the opacity of emissions, only the presence or absence of emissions, Method 9 should be referenced.

Response: Condition V.A.2.e requires that the permittee take action to eliminate the cause of emissions detected by Method 22. Method 9 is not needed because corrective action is triggered by Method 22.

13. **Comment:** A commenter suggests that when fugitive emissions are observed, Metalico should be required to submit a corrective action plan.

Response: Fugitive emissions limits are already restricted under Condition V.A.1.c. Therefore, the Department does not believe a new corrective action plan is necessary for every instance of fugitive emissions.

14. **Comment:** A commenter made comments regarding Metalico's Best Management Plan (BMP Plan).

Response: The Department declines to respond to these comments. While the BMP Plan is referenced in the draft permit, it is not the subject of this document. See response to comment #4 above.

15. **Comment:** A commenter included AACAN's Comments and Questions regarding Metalico's permit application.

Response: The Department declines to address questions about the application because the subject of the public hearing is the permit not the application. Any comments about the application were mooted by the existence of the permit.

16. **Comment:** A commenter included a list of what is titled: List of Incidents of Shredder at Metalico Reported by ACCAN. Subtitled: *Corresponding to the ACCAN blog at accancamera.com*. This list followed an Additional Comment requesting that the Department make unscheduled inspections of Metalico.

Response: Inspections of the Metalico facility are the purview of the Enforcement Program. Enforcement will inspect Metalico as necessary to ensure compliance with the issued operating permit.

17. **Comment:** Several commenters discussed a New York University, Grossman School of Medicine study regarding Coke Works.

Response: The commenters appeared to see a connection between Coke Works emissions and scrap metal recycling. The Department reviews each application and drafts permits based on the statutes and regulations pertinent to each source. Coke regulations do not apply to scrap metal facilities. Therefore, the Department declines to comment on the study.

List of Commenters

Name	Affiliation
Angelo Taranto	ACCAN
Patrick Campbell	GASP
Barbara Lee Pace	ACCAN
Karen Grzywinski	ACCAN
Ana Hoffman	CREATE Lab
Myron Arnowitt	Clean Water Action
Steve Hvozdovich	Clean Water Action
Benjamin John Chiszar	Citizen
Phoebe Reese	Program Director - Breathe Project
Jay Ting Walker	Clean Air Council
Cecilia Muzika-Minteer	Coordinator: Community Outreach
Thadius Popovich	ACCAN

Michael Dorman
Air Quality Engineer
April 18, 2024