

COUNTY OF



ALLEGHENY

RICH FITZGERALD
COUNTY EXECUTIVE

NOTICE OF VIOLATION

July 21, 2021

CERTIFIED MAIL - 9489 0090 0027 6047 4907 49

Mr. Scot Whyte, Plant Manager
INEOS Composites US, LLC
2650 Neville Road
Pittsburgh, PA 15225

RE: Notice of Violation #210702 – Violations of Operating Permit 0037-OP19b Conditions IV.8 and V.A.3.r; Article XXI (“Air Pollution Control”), §2108.01.c, §2103.12.a.2.B, §2103.12.h.1, and §2103.12.i; and 40 CFR 62.14630 at property 2650 Neville Road, Pittsburgh, PA 15225.

Dear Mr. Whyte:

This letter constitutes notification of ACHD’s determination that the following violations occurred at the INEOS Composites US, LLC (INEOS) plant on Neville Island.

1) Failure to timely report a breakdown (§2108.01.c)

On March 20, 2020, the ACHD received notice of a breakdown of the Polyester Resin Plant Thermal Oxidizer due to a power outage (Breakdown No. 21605). The time of the breakdown was 9:47 PM. The breakdown was initially reported at 11:10 PM, 83 minutes after occurrence. Such late reporting is a violation of OP No. 0037-OP19b (“OP19b”) Condition IV.8 (§2108.01.c), which states:

In the event that any air pollution control equipment, process equipment, or other source of air contaminants breaks down in such manner as to have a substantial likelihood of causing the emission of air contaminants in violation of this permit, or of causing the emission into the open air of potentially toxic or hazardous materials, the person responsible for such equipment or source shall immediately, *but in no event later than*



DEBRA BOGEN, MD, DIRECTOR
ALLEGHENY COUNTY HEALTH DEPARTMENT
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sixty (60) minutes after the commencement of the breakdown, notify the Department of such breakdown and shall, as expeditiously as possible but in no event later than seven (7) days after the original notification, provide written notice to the Department.

2) Failure to report an exceedance of the limit for HCl from Table 1 of 40 CFR 62 Subpart III, Commercial and Industrial Solid Waste Incinerators (CISWI), 62 ppm measured at 7 percent oxygen, dry basis at standard conditions (62 ppmdv @ 7% O₂) within 30 days of receiving the sample result.

On January 14, 2021, the ACHD received notification from INEOS Composites US, LLC of a sampling event in which the Maximum Theoretical Concentration (MTC) calculation indicated an exception for hydrogen chloride (HCl). This sampling event took place on September 1, 2020 during a compliance test of the Polyester Resin Plant, Thermal Oxidizer stack. The notification indicated that the analytical report for the September 1, 2020 sampling program (Eurofins Test America) was dated 9/15/2020. The report was submitted to ACHD and EPA almost 4 months following this date. This is in violation of Condition V.A.3.r of Permit No. 0037-OP19b, which states:

At any time the permittee identifies a sample result from the liquid waste analyses that exceeds the MTC established as per condition V.A.3.q above for the sampling time frame, the permittee will have thirty (30) days from the date of receiving the sample result to notify the US EPA and the Department.

3) Failure to follow the Waste Analysis Plan, Table 5.2 Analytical Methods, Total Chlorine (OP19b Condition V.A.3.n)

Condition V.A.3.n of OP19b states, “Analytical methods use{d} for the liquid waste analyses shall be in accordance with Section 5 of the WAP. [§2103.12.a.2.B; §2103.12.i]” The Waste Analysis Plan (WAP) was submitted to US EPA via email December 10, 2004 and forwarded to the ACHD on December 7, 2005. Table 2 of the 2004 WAP lists the analytical method for total chlorine as “SW-846 Methods 5050 and 9056” (see Attachment 1 to this NOV). Method 5050 is a sample preparation method used in conjunction with Method 9056. Also, Method 9056 was renamed Method 9056a in 2007 without any substantive changes other than clarification (Method 9056a uses ion chromatography as does Method 9056). Method 9056a is approved by U.S. EPA and is an acceptable substitute for Method 9056.

INEOS has not followed the analytical method specified in the WAP, Method 9056 (or 9056a), since it first began performing analyses required under CISWI (40 CFR Part 62 Subpart III). All liquid sample analyses since 2005 were performed using SW-846 Method 9251 (email from Eric Hunsberger to James Topsale June 16, 2011, see Attachment 2). Method 9251 is a colorimetric method using mercuric thiocyanate and ferric nitrate solution.

In addition, since at least March 2011, the normal contract laboratory for INEOS, Test America, has been sending split samples of what INEOS sent them to a subcontracted laboratory for analysis by XRF. INEOS contacted US EPA Region 3 regarding their XRF analyses run using Bruker AXS Spectraplus software for XRF Standardless Analysis. EPA Region 3 did not agree

that XRF was an “equivalent or better method” compared to SW-846 Method 9056. EPA’s concerns involved QC, calibration, and sensitivity. Subsequently, INEOS asked if EPA had the same concerns regarding SW-846 Method 9251. EPA determined that Method 9056A was a better method “because it contains more complete and rigorous QC requirements” and recommended that the WAP be amended to include Method 9056A (instead of 9056). See Attachment 2 for the email thread showing this conversation.

The ACHD has not received a complete, revised Waste Analysis Plan since the original Title V Operating Permit was issued in 2007. INEOS’s 2017 Operating Permit renewal application included Section 5 of the WAP with Table 2 showing SW-846 Method 9251 as the analytical method for total chlorine and with a request to revise the section to allow the use of XRF rather than Method 9251. Again, this makes the presumption that SW-846 Method 9251 was the approved method for total chlorine analysis, which is incorrect. SW-846 Method 9056 was the approved method and has been updated to Method 9056A. The use of SW-846 Method 9251, XRF, or an average of the two methods is not part of the Waste Analysis Plan that was approved for the Title V Operating Permit and is not acceptable.

The Department requests that INEOS contact the Department to discuss the alleged violations and corrective actions.

This Notice of Violation is neither an order nor any other final action of the Allegheny County Health Department. It neither imposes nor waives any enforcement action available to the Department under any of its statutes. If the Department determines that an enforcement action is appropriate, you will be notified of the action. Please be aware that any violation of the Article XXI regulations subjects a person to a variety of enforcement actions, including a civil penalty of up to \$25,000 per violation per day.

The Allegheny County Health Department is currently reviewing this violation to determine whether corrective actions are required and if a civil penalty is appropriate. Should you have any questions or require additional information, please contact Shannon Sandberg at (412) 578-7969 or email at shannon.sandberg@alleghenycounty.us.

Sincerely,



Shannon Sandberg
Enforcement Section Chief
Air Quality Program

enclosure

2) A discussion regarding the use of QC or reference samples, if any, that were analyzed using the current method, and as proposed with the XFR method.

Thanks,

Jim Topsale
Environmental Engineer
Air Protection Division
(215) 814-2190

From: Eric L Hunsberger/CPD/ASCC/Ashland
To: topsale.james@epa.gov
Cc: dmorgan@achd.net, Nicole M Hamilton/EHS/CORP/Ashland@Ashland
Date: 06/16/2011 12:29 PM
Subject: CISWI - Total Chlorine Results on Aqueous Waste Samples

Mr. Topsale,

I spoke with Dan Morgan at the Allegheny County Health Dept. this morning about this, and he recommended I contact you. The table below lists results for total chlorine and chloride on aqueous waste samples taken under our Waste Analysis Plan (WAP) since last September. I am sending you this table to illustrate the inconsistency and unreliability of the traditional test methods used for total chlorine, as well as the consistency and reliability of the X-ray Fluorescence Spectrometry (XRF) method. Table 5-2 in section 5 of our WAP lists SW-846 Methods 5050 and 9056, or an equivalent method, as the analytical method for total chlorine.

Our normal outside/contract laboratory has been using SW-846 and 9251 since at least 2005. On many of our sampling events, we have been sending split samples to another laboratory. They have been using ASTM D808/512 for total chlorine. Since last September, our normal outside/contract laboratory has been sending a split sample of what we send them to a subcontracted laboratory for chlorine analysis by X-ray Fluorescence Spectrometry (XRF) (X-ray fluorescence elemental analysis by XRF Standardless Analysis method with Bruker AXS Spectraplus software package).

Do you agree that XRF is an equivalent (or better) method? Do we need to update the WAP to include XRF and submit it for approval? What additional information, such as a copy of the test method, do you need from us in order for us to be able to use the XRF method exclusively? The inconsistent, periodically high results have caused us to have to perform a lengthy review, investigation and resampling process each time the testing indicates we exceeded the MTC for HCl. Please note, there is no source of chlorine in the waste stream at the levels periodically being reported.

Dan Morgan told me that he will be contacting you to discuss this sometime next week. Please call me if you would like to discuss this.

Respectfully,

Eric Hunsberger

Environmental, Health and Safety Manager
Ashland Inc.
Neville Island Plant
Pittsburgh, PA 15225
412-778-6205

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deleted by Eric L Hunsberger/CPD/ASCC/Ashland]

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