

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR QUALITY**

COMMENT AND RESPONSE DOCUMENT

**DRAFT SIGNIFICANT MODIFICATION OF
TITLE V OPERATING PERMIT**

**MONROE ENERGY
TRAINER BOROUGH, DELAWARE COUNTY, PA
TITLE V OPERATING PERMIT NO. 23-00003**

MAY 29, 2025

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INTRODUCTION AND TIMELINE OF EVENTS

12/22/2022	In accordance with 25 Pa. Code § 129.114(i), DEP received from Monroe a RACT III Compliance Proposal and Significant Operating Permit Modification Application.
12/14/2024	Intent to issue the significant modification of Title V Operating Permit No. 23-00003 to Monroe. This notice initiated the public comment period on the Title V Operating Permit (revision published 1/4/2025 to correct public hearing date).
12/20-22/2024	Publication of the DEP's intent to issue the significant modification of the Title V Operating Permit in the <i>Delaware County Daily Times</i> .
01/30/2025	DEP held a public hearing regarding the significant modification of the Title V Operating permit in Marcus Hook, PA.
02/12/2025	Public comment period closed.

DEP appreciates all the comments submitted and concerns expressed by the public regarding the significant modification of the Title V Operating Permit and associated technical review memo. To address these comments and concerns, DEP has prepared the below responses.

Section 1. Comments from the Public (E-mails, Letters, and/or Testimony at Public Hearing)

Section 1.1 Listing of Public Commenters

No.	Name (Title & Organization)	Email Address	Mailing Address	Comment Method
1	Kayla Miller Swarthmore, CRCQL	kmiller7@swarthmore.edu	Not provided	Email and Hearing
2	Adrian Wood CEET, Perelman School of Medicine, UPENN	adrian.wood@pennmedicine.upenn.edu	830 Pine Street Philadelphia, PA 19107	Email and Hearing
3	Marilyn Howarth, MD, FACOEM CEET	ceet@pennmedicine.upenn.edu	1316 BRB, 421 Curie Blvd Philadelphia, PA 19104	Email
4	Roberta Winters	rlwinters@comcast.com	326 Williams Road Rosemont, PA 19010	Email
5	Ari Froehlich Swarthmore, CRCQL	afroehl1@swarthmore.edu	Not provided	Email
6	Devneet Kau Kainth Drexel University Student	dkk36@drexel.edu	Not provided	Email and Hearing
7	Pamela Verdi	pverdi1024@gmail.com	37 Spruce Street Marcus Hook, PA 19061	Email
8	Savannah Wilcox	Not provided	Not provided	Hearing
9	Faith Zerbe Delaware Riverkeeper Network	faith@delawareriverkeeper.org	1104 Culhane Street Chester, PA	Email and Hearing
10	David Kronheim	dkronheim@yahoo.com	1104 Culhane Street Chester, PA	Email and Hearing
11	Lindsey Turner	Turner1@swarthmore.edu	Not provided	Hearing
12	Zulene Mayfield	getinvolved@chesterpaej.org	Not provided	Hearing
13	Erica Burman	getinvolved@chesterpaej.org	Not provided	Hearing
14	Echo Alford	echford@cleanair.org	Not provided	Hearing
15	Lauren Minsky	lnminsky@gmail.com	Not provided	Hearing
16	Nancy Sleator	nsleator@gmail.com	4 Knoll Street Lansdowne, PA 19050	Hearing
17	Ted Uhlman	Not provided	2152 Sproul Road Broomall, PA 19008	Hearing

18	Ryunah Kang	Rkang2@swartgmore.edu	500 College Ave.	Hearing
19	Eileen Flanagan	Eileenflanagan@gmail.com	5400 Wissahickon Ave. Philadelphia, PA 19144	Hearing
20	Elizabeth Torg	Bitorg1@gmail.com	301 W. Hartwell Lane Philadelphia, PA 19118	Hearing
21	Dr. Nolan Fontaine	Nolanfontaine194@gmail.com	509 Florence Street Chester, PA 19013	Hearing

SECTION 1.2 PUBLIC COMMENTS AND DEP RESPONSES

Commentary on Public Health

COMMENT A by Adrian Wood (Commenter #2) and Marilyn Howarth (Commenter #3): "...the proposal does not adequately protect the health of residents in Delaware County and surrounding areas. ...The proposed Alternative Compliance Plan appears to prioritize operational flexibility for Monroe Energy over achieving significant reductions in nitrogen oxide and VOCs, many of which are considered air toxic... Monroe Energy has been cited by the EPA for a high priority violation. Recognizing that a high priority violation poses significant public health risk or severely impedes the implementation of the Clean Air Act, the public is understandably concerned. We have heard numerous reports by residents who live adjacent to Monroe Energy about odors inside and outside the home with headaches and nosebleeds. ...residents are unable to assess whether their symptoms may be consistent with exposure or could relate it to Monroe Energy emissions, since the leak detection and repair monitoring for effusion and VOCs is not publicly accessible. In the interest of public transparency for an industry located in a well-documented environmental justice area, monitoring data for real time - should be real time available to area residents. Adding additional flexibility for Monroe Energy to meet RACT III requirements, risks worsening inequalities in transparency, further endangering vulnerable populations. We urge DEP to evaluate the cumulative health impacts of this proposal in the context of an environmental justice community. We urge the DEP to reject Monroe Energy's Alternative Compliance Plan unless it is revised to include more aggressive reductions in nitrogen oxides and VOC emissions, enhance transparency of the LDAR monitoring data and consideration of the cumulative impacts on an already overburdened community. We urge you to prioritize the health and well-being of Pennsylvania residents over the operational convenience of a single facility."

DEP Response to Comment A: In accordance with DEP's Environmental Justice Policy Document No. 012-0501-002 (EJ Policy), effective September 16, 2023, and based on 2015 data from the United States Census Bureau, DEP considers Marcus Hook Borough, Trainer Borough, the City of Chester, and portions of other municipalities in the vicinity of the Monroe to be Environmental Justice (EJ) areas. DEP's EJ Policy is implemented by agency personnel to ensure Pennsylvanians within EJ areas have a respected voice in the review process of specific projects in their communities. DEP recognizes the importance of ensuring every citizen of Pennsylvania is safeguarded from illegal pollution and environmental harm. The agency is committed to the fair treatment and meaningful involvement of all people with respect to the identification of environmental issues, and the development, implementation, and enforcement of environmental policies, regulations, and laws. DEP is bound to uphold its regulatory, statutory, and constitutional obligations of protecting Pennsylvania's air, land and water from pollution and providing for the health and safety of its citizens through a cleaner environment. The reality is certain communities, which are often predominately low-income or people of color, have experienced a disproportionate impact, and DEP has engaged in outreach efforts to provide residents in the communities around the site with information on facilities and how to submit public comments and attend public hearings regarding permits.

DEP's EJ Policy was developed and is followed with the goal of ensuring every community has the right and opportunity to be heard concerning decisions affecting their environment. Consequently, DEP applies the EJ Policy during our review of permitting actions.

While DEP is not a health-based agency, maintaining safe air quality is a priority for the DEP. Sensitive groups living in the area, such as young children, the elderly, and those with respiratory problems, such as asthma, emphysema, and bronchitis, are especially vulnerable to the effects of air pollution and should check the air quality forecast at the [AIR NOW](#) website when planning any outside activity.

DEP has and will continue to investigate odor complaints from community members regarding this facility. To report complaints to DEP, fill out our [Environmental Complaint Form](#) or contact us at 484-250-5900. Please provide as much information as possible including the time frame of the issue, description of the issue/odors, wind direction, etc.

DEP operates the [Commonwealth of Pennsylvania Air Monitoring System](#) (COPAMS) to continuously monitor pollutant levels. Air monitoring stations are located in Chester and Marcus Hook. The Chester air monitoring station monitors for Nitric Oxide, Nitrogen Dioxide, Ozone, Particulate Matter (PM10), Particulate Matter 2.5 (PM2.5) and Sulfur Dioxide. The Marcus Hook air monitoring station monitors for PM2.5. Data for these sites can be found on our webpage at: [Pollutants Monitoring Sites | Department of Environmental Protection | Commonwealth of Pennsylvania](#). The goals of the ambient air monitoring program are to evaluate compliance with national and state ambient air quality standards, provide real-time monitoring of air pollution episodes, develop data for trend analysis, develop and implement air quality regulations and provide information to the public on daily air quality conditions in your area.

In accordance with 25 Pa. Code § 127.542(b), revising a permit for cause "...shall affect only parts of the permit for which cause to revise exists...". Only portions of the permit which are revised, modified, removed, or added pursuant to the Significant Modification application and regulations can be addressed at this time. As part of RACT III, changes are not required to Continuous Emission Monitoring or Leak Detection and Repair (LDAR) requirements. RACT III also does not require a cumulative air pollution impact study. Monroe submits quarterly LDAR reports to DEP which are reviewed for compliance and located in DEP's public record. Monroe does not have any outstanding LDAR violations at this time. To schedule a file review, please refer to our procedures located at: [Informal File Review | Department of Environmental Protection | Commonwealth of Pennsylvania](#).

DEP and EPA have entered into a Memorandum of Understanding (MOU) which defines policies, procedures and responsibilities of the air compliance program. Likewise, DEP operates its inspection programs in compliance with EPA's policies and guidelines. DEP's Full Compliance Evaluations (FCE) are comprehensive evaluations which incorporate all regulated pollutants at all regulated emission units within the facility. An FCE addresses the current compliance status of each emission unit, as well as the continuing ability of the facility to maintain compliance at each emission unit.

DEP takes air quality violations very seriously. High Priority Violations (HPV) are a subset of violations which result in additional scrutiny by EPA. DEP discusses the status of any outstanding HPVs with EPA quarterly so that they can be assured DEP is handling the violations timely and appropriately. All civil penalties are designed to be sufficient to achieve effective deterrence, recover any economic benefit and reflect the gravity of the violation. If EPA feels that DEP is not handling the violations properly, they have the ability to over-file and handle the violations themselves. EPA has not over-filed on any DEP actions pertaining to Monroe. While Monroe has had violations which were identified as HPVs in the past, they currently have no unaddressed violations with DEP.

EPA conducts oversight of DEP's compliance with the MOU. EPA most recently conducted a State Review Framework of DEP in 2023. EPA found that DEP's Air Quality Program had no priority issues to address and the Inspection, Violation and Enforcement metrics meet or exceeded expectations.

See Response to Comment Q regarding RACT Alternative Compliance Plan.

COMMENT B by Devneet Kaur Kainth (Commenter #6): "DEP already gathers information from Monroe Energy to maintain an electronic database for storing and reporting leak detection and repair LDAR data at the Trainer Refinery. It includes the date and time of the monitored events, and the operator and instrument used in these events. Basically, Monroe Energy already has a database to report this information to DEP and these risks - these are high-risk violations of air quality standards. The community...is asking for this data to be made publicly available. It is technically feasible and will require minimal cost."

DEP Response to Comment B: See Response to Comment A regarding LDAR recordkeeping and reporting.

COMMENT C by Erica Burman (Commenter #13): Monroe Energy is a chronic violator in their operating permit in addition to the VOC's and NOx violations, including several releases of hydrogen sulfide, carbon monoxide, sulfur dioxide, chlorine, and other harmful pollutants. ...The facility was out of Clean Air Compliance for 12 of the last 12 quarters. It also has been cited for 10 out of the last 12 quarters for violations of the Clean Water Act with significant discharge of lead in the past few years. ...Monitoring is not continuous. More must be done to monitor the facility to protect the public from harm. Monroe continues to ... try to make exceptions for themselves to exempt them from investing in necessary upgrades to reduce environmental harm to local communities in the Delaware River. Due to the age and nature of some of their emissions sources, they must submit an alternative RACT III Compliance Plan for NOx and VOC emissions. How does the public know that all available technologies have been considered and how does the DEP determine when a facility must invest in the costly technology to prevent public harm? In addition, Monroe is currently applying for a permanent amendment to extend the full installation of two new cooling towers by two years, which when constructed would reduce the volume of water extracted from the Delaware River from the cooling - from the cooling of infrastructure equipment. Monroe Energy is citing financial hardship and operational difficulties arising from the COVID-19 pandemic as the primary reason for the permit extension.

This is unacceptable. The penalties for pollution upon Monroe Energy are nominal compared to the revenues by its parent company, Delta Airlines. In a 10 September 2024 quarterly report, Delta Airlines boasted double digit operating margin with nearly 3 billion in free cash flow generation. They must invest in technologies that reduce the pollution at the Trainer facility. This facility sits in the Environmental Justice region up and down the Delaware of known polluters. According to the EJ screening tool, nearby Chester ranks the 90th percentile for low life expectancy and above the 95th percentile for asthma nationally. The Department of Environmental Protection must take into consideration all the exemptions and deferment of investments for reviewing the plan and future request changes to Monroe's Operating Permit. DEP must also consider the cumulative impacts of pollution in this region when considering any permits."

DEP Response to Comment C: In accordance with 25 Pa. Code § 127.542(b), revising a permit for cause "...shall affect only parts of the permit for which cause to revise exists...". Only portions of the permit which are revised, modified, removed, or added pursuant to the Significant Modification application and regulations can be addressed at this time.

See Response to Comment A regarding cumulative impacts, LDAR, COPAMS monitoring in Chester and Marcus Hook, and Monroe's violations and enforcement.

Protecting Pennsylvania's air while ensuring the health and safety of all residents and visitors to the Commonwealth is our mission. DEP evaluates and decides on the approval or denial of applications using all applicable federal and state regulations and procedures for evaluating applicable control technologies. Specifically, DEP reviewed feasibility of the installation of various controls and how effective these controls would be for the cost per ton reduced. For the sources included in the Case-by-case RACT III proposal, Monroe proposed and DEP verified that the existing measures for control of Nitrogen Oxide (NOx) and/or volatile organic compound (VOC) emissions were determined to be technically feasible and cost effective (the FCC Unit already has an add-on control and NOx emission restrictions; the Peabody Boiler has limited use since it is only used in the startup of the FCC Unit; the Disulfide Oxidizer Separator Vent emissions are sent to the CO Boiler to control VOC emissions; and the Ultra Low Sulfur Gasoline Plant minimizes or eliminates VOC in the cooling tower water).

COMMENT D by Lauren Minsky (Commenter #15): "...we call on you the highest possible pollution controls that you're able to implement should be implemented. And publicly available records should be made of any sorts of leaks and spills and other things so that the community is aware and able to take measures to protect themselves."

DEP Response to Comment D: Please see Response to Comment A regarding LDAR recordkeeping and reporting.

COMMENT E Nancy Sleator (Commenter #16): "...We need to stop this permit because it's not improving the air quality here. And everything possible needs to be done to clean up this air."

DEP Response to Comment E: From the past issuance of plan approvals which authorized the construction of new sources through the current review of RACT analysis, DEP has required Monroe to meet the most modern applicable emissions standards. As pollution control technology improves and new regulations are promulgated, DEP requires Monroe to meet the new requirements such as the RACT III regulation governing NOx and VOC emissions. Monroe has all the required regulatory controls in place.

Monroe has a valid, active permit that was issued on April 28, 2023, and expires on April 27, 2028. The Significant Modification RACT permit revises the existing permit to include the latest Presumptive RACT III requirements and adds conditions that apply through the Case-by-case RACT III proposal for the FCC Unit, the Peabody Boiler, the Disulfide Oxidizer Separator Vent, and the cooling towers in the Ultra Low Sulfur Gasoline Unit to Pennsylvania's overall RACT III plan to meet compliance with the National Ambient Air Quality Standards (NAAQS). The Significant Modification RACT permit addresses Case-by-case RACT III regulations, does not require any modifications to the existing facility and does not authorize any increases to the emission limits.

DEP's issuance of Monroe's Significant Modification RACT permit ensures that they have the necessary monitoring, recordkeeping and reporting requirements in place to demonstrate compliance with applicable requirements.

COMMENT F by Pamela Verdi (Commenter #7): "My concern here is the amount of lead that has contaminated their soil from the dispensing of possible hazardous materials. A soil test has confirmed the higher amount of lead in the soil."

DEP Response to Comment F: Concerns pertaining to soil contamination are not relevant to the draft significant modification and had no bearing on DEP's review of the associated application.

COMMENT G by Faith Zerbe from Delaware Riverkeeper Network (DRN) (Commenter #9): "The first and the highest priority with Marcus Hook and the communities adjacent are already overburdened with pollution harm from Monroe Energy and other facilities. And inputs in the densely populated Delaware County area and beyond do harm - and the community overburden harm in this environmental justice area, there was simply no way to justify any additional air pollution be allowed, especially here in 2025. A line must be drawn that prohibits more emissions or that does not fully capture the complete picture of emissions. If there is already too much of a pollutant in the air, people in the Delaware River community must breathe. It must be stopped. Perhaps the permit is rejected."

DEP Response: Please see Response to Comment A regarding cumulative impacts, environmental justice, violations, and penalties.

Please see Response to Comment C for the review process used in determination of RACT III compliance.

Please see Response to Comment E regarding the issuance of the permit modification.

In a public hearing, DEP listens to the public's comments regarding the actions that are being taken by DEP. In this case, the public hearing was about the actions that DEP is taking to revise the State Implementation Plan to comply with the NAAQS for ground level ozone, and Reasonably Available Control Technology (RACT). RACT is how DEP establishes plans for demonstrating compliance with the NAAQS. The plan either includes limits that are applied to various sources through DEP's regulations or includes agreements between the company and DEP for the use of alternate limits, housekeeping, or processes to minimize or reduce emissions from sources of NOx and VOC, which, in turn, limit the formation of ground level ozone. The Case-by-case RACT III Proposal presented by Monroe has been reviewed by DEP, and the plans for the sources included in this Case-by-case RACT III Proposal were the subject of this public hearing.

The opening remarks of a public hearing typically contain a spoken summary of the sources that are included in the Case-by-case RACT III Proposal and the plans on what would constitute RACT for each of the affected sources. In an attempt for clarity for the hearing participants, DEP had the summary of sources and proposed plans on a slide so that the focus of the hearing was available for participants throughout the hearing duration. In the future, DEP will provide the public a plain language summary of our actions regarding Case-by-case RACT III Proposals and our actions to revise the State Implementation Plan to comply with the NAAQS prior to public hearings so community members can review the focus and limitations of the public hearing prior to attendance.

Facilities are subject to any new law or regulation that is passed by the legislature. DEP will open a permit for cause to add any new law or regulation that becomes applicable within 18 months of promulgation in accordance with 25 Pa. Code § 127.542(a)(1).

Maximum Achievable Control Technology (MACT) is a specific set of requirements under 40 C.F.R. Part 63 that applies to the named hazardous air pollutants (HAPs) that are listed in Section 112 of the Clean Air Act (42 U.S.C. § 7412). DEP adopted these requirements under 25 Pa. Code § 127.35. Some of the VOCs generated at this facility are also HAPs and subject to the requirements of 40 C.F.R. Part 63 which are included in the Title V Operating Permit.

Concerns pertaining to water are not relevant to the draft significant modification and had no bearing on DEP's review of the associated application.

COMMENT H by Roberta Winters (Commenter #4): "I implore you to reconsider your preliminary approval of a RACT III alternative compliance plan for Monroe Energy LLC for its Trainer Refinery. The standards for compliance are too low. For a facility located in an environmental justice zone, provisions and requirements that are intended to address the Commonwealth's Reasonably Available Control Technology under the Clean Air Act for the

2015 8-hour ozone National Ambient Air Quality Standards are insufficient. All sources of nitrogen oxides and volatile organic compounds at this site should be held to the highest standards using the Best Available Control Technology. Air pollutants fail to abide by municipal and county boundaries. According to the American Lung Association, adjacent Philadelphia has failing air quality and Delaware County, as a whole, is at a “B” level. This means that the emissions from Monroe Energy are a threat to public health in our communities. Data regarding asthma rates, cardio-vascular incidence, and maternal health issues in neighboring Chester confirm the seriousness of air pollution in this region. On-going *Health and Environmental Risk Assessments (HERA)* that evaluate multimedia exposures that incorporate chemical and non-chemical stressor and their interactions are needed to guide decision-making by DEP. Looking at Monroe Energy’s facility at Trainer as a single source of air pollution fails to provide a comprehensive view of the cumulative impact of the emissions in this environmental justice area. Thanks to AI and other technological advances, DEP can do better in setting regulations and monitoring compliance. The United States Environmental Protection Agency has been prioritizing work to incorporate cumulative impacts into research, policy, law and decision making. EPA defines cumulative impacts, relative to environmental justice areas, as the totality of exposures of chemical and non-chemical stressors and their effects on health, well-being, and quality of life outcomes. This need for cumulative environmental assessments has been further underscored by the Executive Orders issued on April 23, 2023, entitled *Revitalizing Our Nation’s Commitment to Environmental Justice for All*. DEP should take the lead in this area and embrace the opportunity to be on the cutting edge of these efforts. Short and long-term exposures to emissions of nitrogen oxides and volatile organic compounds impact health. In the interest of those who live in the highly populated areas in and around Marcus Hook, an emergency alarm system should be required by DEP. In the event of an unanticipated release or planned cleaning of systems/releases, alerting residents to stay inside through a multi-faceted alarm network that incorporates social media, outdoor auditory signals, and other communication channels is what a good neighbors should do.

The people have a right to clean air, pure water and to the preservation of the natural, scenic, historic and esthetic values of the environment.

DEP Response to Comment H: Please see Response to Comment A regarding cumulative impacts and environmental justice.

Please see Response to Comment C for the review process used in determination of RACT III determination and compliance.

DEP has thoroughly reviewed Monroe’s application and determined that Monroe has satisfied all applicable federal and Commonwealth statutory, regulatory, and legal requirements for issuance, including those pertaining to Article 1, Section 27, of the Pennsylvania Constitution. These requirements, the application submissions by Monroe, DEP’s thorough review process, as well as the terms and conditions of the TVOP renewal, satisfy Article 1, Section 27, of the Pennsylvania Constitution.

Commentary on the Presentation

COMMENT I by Kayla Miller (Commenter #1): “I’m very concerned about the provisions for this hearing. ... I think that the language is very inaccessible and very confusing... I think that just goes to show how inaccessible things like these are, public hearings like these are, especially to community members...it’s challenging for me to understand. ...I want to express about this is that the way in which this public hearing was communicated and information surrounding it was communicated was very inaccessible. New, modified, and renewed permits require public hearings. And while anyone can petition the permit, they can only do it during the 60-day comment period. And given that publication is limited to newspaper and online bulletins and commenting requires prior registration, this is not adequate to the reach EJ communities such as Chester, which has trouble accessing technology, et cetera. ... At the last hearing on November 12th, Community organizations such as CRCQL’s concerns about violation - Chester Residents Concerned for Quality Living, concerns about violations, combined polluting effects, and public accessibility were not addressed. Additionally, and historically, enforcement has proven to be weak at this refinery. Past violations are not considered in future permitting. And prior to 2023, emergencies could be used to exempt violations. And I think this just goes on to show how the DEP has failed to protect the residents in the immediate area.”

DEP Response to Comment I: Please see the response in Comment A for environmental justice and Monroe’s violations and enforcement.

Please see Response to Comment C for the review process used in determination of RACT III compliance.

Please see Response to Comment G for response to the comments on the presentation/forum.

COMMENT J by Kayla Miller (Commenter #1) and Ari Froehlich (Commenter #5): “Monroe Energy is long overdue to incorporate these provisions. They continue to exceed the state threshold for NOx and VOC emissions. If new technologies cannot be adopted due to the age of emission sources, then what are the penalties? Where can the public find information that all available technologies have been considered? Monroe Energy has continuously violated the terms of their operating permit and paid over \$650,000 in fines from 2014-2019. Violations include excessive releases of hydrogen sulfide, carbon monoxide, sulfur dioxide and nitrogen dioxide. Oftentimes these excessive emissions occur over a long period and are not addressed in a timely manner. Sources are not required to have continuous monitoring and only submit results every 6 months. How can violations actually be caught and addressed? caught and addressed?

RACT III is based on annual VOC and NOx emissions (no other pollutants like carbon monoxide, particulate matter, ozone). Sources pay permit fees \$63-65 /ton emitted. RACT is the weakest defined control, based on “reasonable technology” and “economic feasibility.” Regardless if the source is existing or new, we deserve better, such as MACT = Maximum Achievable Control Technology, BACT = Best Available Control Technology, or LAER = Lowest Achievable Emission Rate. New, modified, and renewed permits require public hearings. Anyone can petition a permit but ONLY DURING the 60 day comment period. Given publicization is limited to newspaper and online bulletins, and commenting requires prior

registration, this is not adequate to reach EJ communities. At the last hearing November 12th, our concerns about violations, combined pollutant effects, and public accessibility were not addressed. Enforcement has proven to be weak. Past violations are not considered in future permitting. Prior to 2023, “emergencies” could be used to exempt violations. The DEP has failed to protect us!

DEP Response to Comment J: Please see Response to Comment A regarding Monroe’s violations and enforcement and environmental justice.

RACT III is the plan for addressing changes in the NAAQS for ozone. Ozone is created through the reaction between NOx and VOC, in the presence of sunlight. Title V facilities are required to pay an Annual Maintenance Fee of \$8,000 per year through 2025, and this Annual Maintenance Fee will increase to \$10,000 in 2026 per 25 Pa. Code § 127.704(d). In addition to these Annual Maintenance Fees, a Title V Facility is subject to Annual Emission Fees per 25 Pa. Code § 127.705. These emission fees are revised each year and are dependent on the Consumer Price Index (2024 Emission Fees are \$113.92/ton) and apply to all criteria pollutants and HAPs. There is a cap on the emissions that are eligible for this fee of 4,000 tons of a pollutant per year.

MACT applies only to hazardous air pollutants as they are defined in Section 112 of the Clean Air Act (42 U.S.C. § 7412). The applicable MACT requirements are in Monroe’s Title V Operating Permit.

BACT and LAER are only applied during a review of a plan approval for an installation of a new source if the requirements are triggered during the review process. Since the sources reviewed for RACT III were existing sources that commenced operation before August 3, 2018 (25 Pa. Code § 129.111(a)), the requirements for BACT and LAER do not apply.

COMMENT K by Zulene Mayfield (Commenter #12): I’m here representing Chester Residents Concerned for Quality Living or CRCQL in reference to the Monroe permit application ... In terms of the permitting process, in terms of common data language when giving the information to communities and to everyday people. We don’t do this for a living, but we have become very adept at - in reading permits and responding to them and trying to convey that information to the general public. I’m not even going to get into the statistical information on this particular permit because it basically tells you nothing. The information that you all put out, it’s not going to affect - there will be no more pollution or they’re already in compliance, or they’re already using good operating practices and the list goes on and on. If they’re using good operating practices, why are they always out of violation? Why are they always being assessed for violations and penalties? And why does DEP once they fine them, don’t put any regulatory constraints on them. With the history of Monroe, if they cannot dramatically show that there will be a reduction in pollution that they emit onto all of our communities, the permit should go no further. If they can’t show that they’ve been in compliance for one or two or three years, the permit should go no further. And we are going to actively ask for the legislation to put something in the regulations like that because this is foolishness. You operate with impunity, you pollute, you know you’re going to get a fine, you built it into your budget. These type of sham hearings have to stop. Because in

actuality, you know, since 1992, I've been going to freaking hearings. Since 1992 when this group was formed, when CRCQL was born, we've been going to hearings, giving testimony, listen to these presentations. And the BS is always the same. Now it's new stuff. You've got to come with three copies of your testimony. That's why you got a freaking stenographer. Stop this foolishness that you all are putting on communities. Oh, you have to go online and register. That's BS. It's not in the regulations, the regulations that you don't hold these poisonous polluters to, because that's what they are. They have consistently been fined. They pay for fines. You know, Marcus Hook probably gets a portion of those fines. And I think that that's, you know, prostitution for the pollution obviously. I believe. Environmental justice, environmental racism is real. And we will continue to fight against it. We will continue to stand up against Monroe Energy Transfer Station, LNG, the Hydrogen Hub, all of them because we have no choice. Because they are literally killing us. And if this company cannot show a pattern of - of compliance and of operating as broad as their permits are now, they can't stay in compliance with that. So until they can show that they can be in compliance for at least a 2-year pattern, I believe that every DEP permit request or modification, new or old, should be denied. Denied. Get some balls for one time and deny the permit. If there's ever a company that has enough enforcement actions against them, Monroe is it. So deny the permit. Thank you.

DEP Response to Comment K: Please see Comment A for responses to the comments on environmental justice and Monroe's violations and enforcement.

Please see Response to Comment C for the review process used in determination of RACT III compliance and DEP's mission and permit approval process.

Please see Response to Comment E for the issuance of the Significant Modification for Monroe Energy.

Please see Response to Comment G for responses to the comments on the presentation/forum for the public hearing and any legislation that is applicable to Monroe Energy.

COMMENT L by Echo Alford (Commenter #14): "...Like so many others have said, the Monroe Refinery has operated in violation of the Clean Air Act for at least the last three years.... The fact is is that if they were using reasonable available pollution controls, if their pollution controls were enough, then people would not be living like this. People would not be complaining of smell constantly every day. It wouldn't stink, if, you know, the heat was a little bit too high that day or just if there's enough smog coming out of one of the stacks. If the pollution controls were good enough, we wouldn't have extremely elevated asthma and cancer rates that are, you know, eight times what other communities are facing... Monroe Refinery could do a lot to increase their pollution controls. Like others have said, we need to make their violations public.... They need to create a publicly available database that's regularly updated to include the LDAR data reports that Monroe provides to DEP. DEP's current and proposed Title V Permit for the refinery already requires Monroe to maintain an electronic database for strong and reporting LDAR - for storing and reporting LDAR data at the Trainer Refinery. That includes the date and time of the monitored event and the operator and instrument used in the monitoring event. This information

should be available to the public. They also need to make their violations public. The DEP has neglected to inform the communities surrounding their refinery of the nature of their high priority violations of the Clean Air Act, which is in direct conflict with the DEP's own EJ policy. This policy directs DEP to provide relevant documents pertaining to inspections, compliance, and enforcement at polluted facilities in EJ areas. Making this data publicly available in a regularly-updated electronic database would additionally fulfill DEP's directive to provide communities with the tools to help address environmental issues described in DEP's EJ policy. And like others have said, you know, we shouldn't have to have engineers and stuff deciphering this stuff for us to be able to give like a reasonable comment that means something. If this language is inaccessible, the entire permitting process is inaccessible. And you know, further, it's DEP's responsibility to be holding these facilities to account for their pollution.... it's the responsibility of our legislators and DEP to protect us from harmful polluters like Monroe. Thank you."

DEP Response to Comment L: Please see Response to Comment A regarding EJ areas, Monroe's violations and enforcement, DEP complaint website/hotline, LDAR recordkeeping and reporting.

Please see Response to Comment C for the review process used in determination of RACT III compliance.

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Please see Response to Comment G regarding the forum and presentation.

It is critical for DEP to provide permitting, inspection and compliance information about individuals, businesses and local governments to the public. These entities are subject to environmental requirements and reporting is a fundamental part of all environmental protection programs. [Pennsylvania's Environment Facility Application Compliance Tracking System \(eFACTS\)](#) allows individuals to search for authorizations, clients, sites and facilities. Users can also search the database to find inspection and pollution prevention visits as well as inspection results data, including enforcement information when violations are noted. DEP has also provided a name search to use when it is not known if the entity is a client, site or facility. eFACTS contains DEP compliance information only. For more information, [Environmental Protection Agency's ECHO](#) and [Envirofacts](#) websites have federal compliance reports and data for individual entities.

COMMENT M by Ryunah Kang (Commenter #18): "... I would like to point out specific like recommendations as to how to like make these things accessible. So like if you just like see over here, what does NSIM CR and good operations practice is including MA is limited to, like these numbers mean? Like we don't even understand what they mean. So I would like to give like - provide an example of how like these can be more accessible. It says in early 2020, March, Monroe Energy has emitted 34.9 milligrams per unit of emissions which exceeds the short term of - of two- week average concentration over 29 micrograms per unit. So these kind of comparisons I think would help..., And second thing, like this vent thing, like I don't understand what the use of the CO boiler would help us. Like the only thing I can understand here is like it's

a vent and you can filter something and it's going to help us breathe better. So I urge you to make this kind of improvement. And I want to go back to the idea of, like good operating practices because as, like our medical school student previously mentioned, like the statistics have shown that the levels of pollution have been taken in the area. We don't see any like improvements here. And also going back to the statistics I mentioned involving the 2020 emissions, this statistic was not even provided by any like government like whatever. It was provided by Oil and Gas Water Environmental Integrity Project which is like the only available existing real time monitoring. I think these kind of like accessibility issues of data should also be improved. So that like Professor Minsky's students don't need to like poll about, like going around the archives to, like figure out information. ... what's reasonable like technology. Is it reasonable for us to, like pollute people to a certain extent that they don't have serious cancer or health issue? So it's okay to like pollute them like 1 microgram or whatever and not like 20 microgram or whatever. ... and L-A-E-R would require lowest achievable emission, and this like implies that its lowest but it also means, like you can pollute - like its lowest achievable emissions and I don't think that's like - the DEP, like prioritizing people's lives over, like the company profits. I employ and I will urge the DEP to like stop the permit because that's the only reasonable thing we can think of. Thank you.

DEP Response to Comment M: Please see Response to Comment C for the review process used in determination of RACT III compliance.

Please see Response to Comment G regarding the forum and presentation.

LAER (Lowest Achievable Emission Rate) is applied to new or modified sources during the review of a plan approval (permit to construct). The sources under the Monroe Energy's RACT III Case-by-case proposal were existing, unmodified sources, so LAER could not be applied in this case.

COMMENT N by Eileen Flanagan (Commenter #19): "... profits have been put over people. ...we really need the people in those agencies to stand with the communities and not with big oil and not with airline companies and people who are profiting off of this. ...the same industries causing these problems are also causing climate change."

DEP Response to Comment N: See Response to Comment C for the review process used in determination of RACT III compliance.

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COMMENT O by Elisabeth Torg (Commenter #20): "Delaware County did not have a Department of Public Health until 2022. Maybe they just didn't want to collect the data because they knew how bad things were going to be....Article 3 of the Declaration of Human Rights states that everyone has the right to life, liberty, and the security of a person. The security of a person. And that is defined as a fundamental human right that protects a person's physical integrity and health. After hearing what I've heard tonight, there's lots of data that has been shared about the health impacts on the community members here. And it seems rather obvious to

me what Monroe Energy is doing, and what their parent company, Delta, is doing to the communities here, the basic human rights of the people living in this community have been and is being violated. I call on the Department of Environmental Protection and the EPA, you have an opportunity here. ... stop the permit and shut the plant down. This is what's going to improve the health of community members living here. And if Monroe Energy and Delta don't take some sort of - don't get shut down, I would go so far as to say that the Department of Environmental Protection and the EPA will be complicit in the violation of the human rights of members of this community."

DEP Response to Comment O: Please see Response to Comment C for the review process used in determination of RACT III compliance.

Please see Response to Comment H regarding Article 1 Section 27 of the Pennsylvania Constitution.

COMMENT P by Savannah Wilcox (Commenter #8): "...the government as a body that was created is partially and supposed to represent us and it's supposed to protect us, not companies. ... I want to urge everyone at the Department of Environmental Production to remember who you serve because it's not the companies, it is us. It is the people of Chester. It's the people of Delaware. And I want to remind you that consciousness and being the person that you want to be - and you can reconcile murder when it's painless behind spreadsheets, but it's still murder."

DEP Response to Comment P: Please see Response to Comment C for the review process used in determination of RACT III compliance.

Commentary on Determine Relevance to RACT III Case-by-Case and SIP Revision

COMMENT Q by Lindsey Turner (Commenter #11): "What is the point of RACT if it means that facilities do not need to change, especially when we're considering an environmental justice community. According to this permit renewal, no technology is being upgraded, meaning that the RACT is relying on good operating practices. Information should not be hard for community members to define or calculate or understand and interpret what they mean. Additionally, in your application you wrote that the fluid catalytic cracking unit is subject to a certain RACT III limit, but is unable to meet it. Similarly, you said the Peabody Heater is subject to a limit but is unable to meet it. And in a lot of the lines on your form, it said N/A, the proposed permit changes will not impact emissions. These are all your words. So I just don't really understand why that is acceptable. I think especially in an EJ community, we deserve better than to settle for RACT or sort of a good-enough compromise. We should be aiming at least for best achievable control technology, maximum achievable control technology, or lowest achievable emission rate. And even with the weaker requirements you've been following with RACT, I believe you've had 31 violations of penalties between 2017 and 2022, all of which were settled and the DEP's appropriate actions were just notice of violation and penalty assessment. I'm really confused how these violations don't influence stricter technology requirements or more stringent compliance

measures now. And I don't understand how we can rely on good operating practices with this track record."

DEP Response to Comment Q: RACT standards were created to satisfy the 2015 National Ambient Air Quality Standards (NAAQS) for ozone. The NAAQS are established by the U.S Environmental Protection Agency (EPA) as the maximum concentrations in the atmosphere for specific air contaminants to protect public health and welfare. The RACT requirements apply statewide to the owner or operator of any major Nitrogen Oxides (NOx) emitting facility, any major Volatile Organic Compounds (VOC) emitting facility or both when the installation/modification of the source(s) occurred on or before August 3, 2018. Monroe is both a major NOx and major VOC emitting facility.

Monroe identified sources and DEP reviewed whether those NOx and VOC emitting sources at the facility were:

- Exempt from RACT.
- Meet the presumptive RACT requirements for commonly used sources like boilers and generators.
- Required to establish an alternative RACT standard for sources that either cannot meet the presumptive RACT requirements or have no limit under RACT III for those specific sources.

What changes to the Title V Operating Permit Were Made?

- No new sources were added through this permitting action.
- No emissions increases were included.
- The permit was updated to include applicable Presumptive RACT III requirements.
- After evaluation of the Alternative RACT III Standards proposed by Monroe, the Title V Permit for Monroe was revised to add the appropriate citations under 25 Pa. Code §§ 129.111-129.115 to the conditions of the permit under each applicable source that are to become part of the State RACT III Plan to meet the NAAQS for Ozone. The sources affected by this Case-by-case RACT III analysis are as follows:
 - o **FCC Unit** (Source ID 101): This source has an existing control in place for NOx emissions (Selective Non-catalytic Reduction (SNCR)). Good operating practices (the operation of the source and control equipment in the manner intended by the manufacturer of the equipment and as specified in the operator's manuals) and the post-control NOx concentration limits described in the permit, including periods of startup and shutdown, are the RACT III standard for this source.
 - o **Peabody Heater** (Source ID 130): Good operating practices are the RACT III standard for controlling NOx from this source because this is a limited use boiler that is only used to bring the FCC Unit up to the operating temperature. Once reactions start in the FCC Unit, this source no longer needs to operate.
 - o **Disulfide Oxidizer Separator** (Source ID 129): Good operating practices and the venting of the exhaust from the Disulfide Oxidizer Separator to the CO Boiler (Source ID C01) are the alternate RACT III standard for controlling VOC

emissions to the atmosphere and immediate area. The CO Boiler is used to destroy the VOCs from the Disulfide Oxidizer Separator.

- o **ULSG Cooling Tower (Source ID No. 702): Good Operating Practices and Leak Detection and Repair (LDAR) are the alternate RACT III standard for controlling VOC emissions from the ULSG Cooling Tower. By limiting leakage from the process heat exchangers into the cooling water that is circulated to the tower, VOC emissions to the atmosphere are reduced.**

See Comment A regarding cumulative impacts, COPAMS monitoring in the Chester and Marcus Hook, and Monroe's violations and enforcement.

COMMENT R by Ted Uhlman (Commenter #17): This presentation was completely unintelligible. ...we have no idea what this RACT III means. You know, is there anything in here that says that there's going to be less pollution in Chester? ...Is there something in here that says it's going to stay the same? Well, we don't like that. It probably says something that they want to make it worse. And it doesn't really make any difference because they're always out of compliance anyhow. And you don't seem to worry about that. There's been a couple of references to Article 1, Section 27 of the Pennsylvania State Constitution. And seeing as how the corporations have one responsibility and that is to maximize the value to their shareholders, I believe that DEP has a responsibility to the people of Chester and the people of Pennsylvania to hold Monroe to account for their constant record of violations."

DEP Response to Comment R: Please see Response to Comment G regarding the forum and presentation. The RACT III requirements were developed and Monroe's adherence to those requirements satisfy Article I, Section 27 of the Pennsylvania State Constitution.

COMMENT S by David Kronheim (Commenter #10): "... these slides were way too fast. I can't take notes that fast and I can write really fast. So I want the slides - I want the slides to be rewritten in fifth grade language so we can all understand it. And I want you to send that out to everybody who put their name signed in on either list. ... They check the leaks. Okay. And the regulations, the laws say they have to do that quarterly. And I understand that these things can leak on a daily basis. And I specifically asked if the rules can be changed so that they can be done more frequently, the sniffing test for leaks from all these pipes and equipment... My preference is daily. ... So my request is that you just shut them down. Don't wait to reject departments, just say that they - just say they violated their too many

DEP Response Comment S: Please see Response to Comment G regarding the forum and presentation.

Additional comments from David Kronheim (Commenter #10) via email received on February 12, 2025:

What is the status of slides explaining the history/status and next steps of the Monroe Energy RACT permit, in language a 5th grader can understand?

DEP Response: DEP plans to issue the RACT permit. A plain language summary of this action will be provided to all the attendees of the public hearing and will be added to the DEP Website to provide a better understanding of the RACT process and how it applies to Monroe Energy LLC.

Currently for Monroe Energy and Energy Transfer, type facilities, to my understanding, checks for leaks occur quarterly. Why is this?

What are the laws and regulations that allow this?

What are the jurisdictions that set, monitor, and/or enforce these laws/regulations (for example, federal, PA state or Delaware county governments, EPA, DEP, etc. tying these jurisdictions/agencies to each law and/or regulation)?

DEP Response: There are regulations that require certain facilities to have leak detection and repair (LDAR) programs. LDAR requirements have been established under state and federal regulations. State LDAR regulations are codified under 25 Pa. Code § 129.58. Federal LDAR requirements are codified under 40 C.F.R. Parts 60 Subparts VVa, GGG, and GGGa; Part 61, Subpart J and Part 63, Subpart CC. Monroe is required to comply with the state and federal regulations listed. The monitoring frequency of the LDAR programs have component check time periods that occur within 24 hours, monthly, quarterly or annually. DEP enforces the requirements under the state regulations. Both DEP and EPA enforce the LDAR requirements under the federal regulations in the operating permit.

What are the manpower/people and cost/money, facility/equipment/tool requirements for Monroe Energy, and for Energy Transfer (locally in Marcus Hook area), to do leak inspections on a quarterly basis? Same question as item 3., except what would it be on a monthly basis? Same question as item 3., except what would it be on a weekly basis?

DEP Response: DEP is unaware of manpower and cost data to implement LDAR at a facility.

The assumption for this permit has been Reasonably Available Technology.

What would the change/difference in investment in manpower/people and cost/money, facility/equipment/tool requirements for such permits to be based on the state of the art/latest available type of technology that is used for new facilities, if it were done in existing facilities like the Monroe Energy and Energy Transfer facilities in/around Marcus Hook?

DEP Response: See Response C regarding opening a permit for cause. These other factors have no bearing on DEP's requirement to implement RACT.

What laws/regulations would need to change to implement item 6, and which agencies are involved in creating/changing, enforcing/setting those laws/regulations?

DEP Response: There are no other laws or regulations under consideration. This authorization only addresses RACT.

What are the fines/penalties that have been issued against Monroe Energy and Energy Transfer Marcus Hook area facilities within the last 5 years, and what were the associated infractions (like where NOX emissions were set at 1 part per million per hour maximum, and they were emitting 10 ppm per hour, for 3 weeks)?

DEP Response: See Response L regarding [Pennsylvania's Environment Facility Application Compliance Tracking System \(eFACTS\)](#) which allows individuals to search the database to find inspection results data, including enforcement information when violations are noted. DEP and Monroe entered into Consent Assessment of Civil Penalties:

- April 21, 2021 for \$12,281
- December 7, 2021 for \$32,850
- September 12, 2022 for \$15,390
- January 22, 2024 for \$38,240

Discuss how infractions of which law/regulations (and whose laws/regulations), fit into permits to operate specific equipment, or whole facilities, and what changes could be made to reduce pollution.

DEP Response: See Response A regarding Monroe's violations and enforcement.

COMMENT T by Dr. Nolan Fontaine (Commenter #21): ...I'm just calling out - it seems like a micro-aggression in here. No Wi-Fi access, no engagement back and forth to where we can ask questions. That doesn't feel like you all are willing to negotiate. So now I'm going say we're not going to negotiate. I'm going to tell you what's going to happen if this permit is not at least put on pause and looked at thoroughly... They listen to two things, money and votes. Money and votes...

DEP Response to Comment T: Please see Response to Comment E for the issuance of the significant modification for Monroe Energy.

Please see Response to Comment G for response to the comments on presentation/forum.

Additional comments from Faith Zerbe from DRN (Commenter #9) via e-mail received on February 7, 2025 DEP:

"Per DEP's Dec 13, 2024 technical review memo, the self-reported annual emission measurements for NOx and VOC emissions from 2017-2022 from the Monroe facility are in violation of the emission standards set for this facility."

DEP Response: The annual emissions presented in the technical review memo demonstrate that the facility is a major emitting facility for NOx and VOC emissions; therefore, the facility is required to demonstrate compliance with the RACT requirements. The technical review memo does not indicate or imply that the facility was in violation of any emission standard.

“DRN urges the DEP to require more stringent and comprehensive updates to this historic polluter that has been in exceedance for decades and to halt activity of the air emission discharge until MACT is employed.”

DEP Response: MACT requirements for affected emission sources are in Monroe’s existing operating permit.

“Adding to the load of VOCs and nitrogen oxides will increase smog and ozone in the Marcus Hook/Chester region.”

DEP Response: The RACT permit does not authorize an increase in annual NOx or VOC emissions.

DRN Comment: “Technical Feasibility & Cost of Each Pollution Control
Monroe refinery claims: The estimated average cost of controlling NOX emissions by installing an SCR system on the FCCU exhaust is greater than \$16,000 per ton of NOX removed and is therefore not economically feasible. The addition of SCR to the FCCU would also require an unscheduled shutdown, resulting in significant lost revenue, which has not been quantified herein. SCR is not a feasible control option for reducing NOx emissions from Source ID 101 based on adverse economic, environmental, and energy impacts.”

...as a EJ community and an area where air quality is already impaired more rationale is needed to explain away how Monroe cannot pay for these improvements. This facility has also been closed/shut down at various points over its long history where it was then bought up subsequently – sometimes years later - so the applicant’s suggestion that stopping production is a harm is a farse. RACT 3 went in effect in 2020 and that was already woefully late. The applicant should outline why these improvements were not made prior and the excuse cannot be change of hands. There are at least 4 areas where Monroe/applicant says that solutions are not technically feasible. More information is needed to understand why DEP would allow a pass at this critical time especially for a company making billions of profit per quarter.”

DEP Response: Under RACT III, the cost effectiveness guideline established was \$7,500 per ton of NOx reduction from the emission source. Based on this guideline, SCR would be deemed not cost effective since the calculated cost effectiveness value is above the NOx cost effectiveness guideline. The RACT analysis re-established NOx emission levels for the FCCU that were based on historic state emission levels as well as conditions established by EPA under a consent decree. Monroe currently uses selective non-catalytic reduction (SNCR) to reduce NOx emissions from the FCCU.

DRN Comment: Table A-4, Monroe energy requests 84 exemptions for VOC pollution, this is not in keeping with the contamination this overburdened community is facing or the climate. Please require the applicant to provide more detail for the public on each of these points - or deny the plan and shut the plant down.”

DEP Response: Under 25 Pa. Code § 129.111, emission sources are exempt from RACT requirements if the emission sources had NOx or VOC emissions that are less than certain emission thresholds or emission sources that meet the requirements under 25 Pa. Code §§ 129.51, 129.52(a)—(k) and Table I categories 1—11, 129.52a—129.52e, 129.54—129.63a, 129.64—129.69, 129.71—129.75, 129.77 and 129.101—129.107. The emission sources in Table A-4 were exempt from RACT requirements since they meet the requirements of 25 Pa. Code §§ 129.55, 129.56, 129.57 and 129.58 as well as Source ID 743 is exempt from VOC RACT requirements since VOC emissions are less than 1 ton.

DRN Comment: “At this time, DEP believes the following sources should have been evaluated under RACT III. - Emission Source ID 106 (Process Drains & H2O Sep) – Operation of the wastewater separator must comply with requirements under 25 Pa. Code § 129.55 (Petroleum refineries – specific sources). The wastewater separator is exempt from additional RACT requirements. The process drains the system, which consists of various water waste streams that may contain VOCs, including, but not limited to, process water, storm water runoff and blowdown water. There are potential VOC emissions from drainage dumps, oily water sumps, open basins and manholes. EPA CTGs identifies that manhole covers and where practical, enclosed vent system to a vapor recovery device as the control method “

DEP Response: Monroe has agreed to perform an additional review under 25 Pa. Code § 129.114(d) to formally establish RACT requirements for Source ID 106.

DRN Comment: “Disulfide Oxidizer Separator Vent (Source ID 129) – DEP asked MONROE why Source ID 129 was not included in the RACT III analysis. MONROE provided the following explanation: Source ID 129 (Disulfide Oxidizer Separator Vent) is a “Group 1 miscellaneous process vent” located in the Alky Pretreat Unit. The vent does not have a bypass and is directly routed to the carbon monoxide (CO) boiler (Source ID C01) where product is introduced into the flame zone for destruction. Therefore, there are no direct emissions associated with Source ID 129, which does not emit NOX or VOC to the atmosphere. Therefore, the RACT III Rule does not apply to this source. The RACT III requirements that apply to the CO boiler were addressed in the RACT III Applicability and Alternative Compliance Analysis. Source ID 129 was not included in the RACT III submittals for this reason. DEP disagrees with this explanation. The Group miscellaneous process vent designation under 40 C.F.R. Part 63, Subpart CC indicates that this source, the Disulfide Oxidizer Separator Vent, has a minimum emission rate of 72 pound per day (13.1 tpy) of organic HAP emissions. It vents directly to the CO Boiler (it is not a fuel), a control device, for destruction purposes. DEP believes that MONROE should have evaluated this emission source under RACT.”

DRN Comment: “at a minimum, we agree with DEP concerns here and applicant should address before more harm is allowed --- and again as expressed above compartmentalizing and not including cumulative harm to air, water and community harms is not in keeping with Article 1 Section 27 of the Pennsylvania Constitution.”

DEP Response: Monroe has agreed to perform an additional review under 25 Pa. Code § 129.114(d) to formally establish RACT requirements for Source ID 129.

Please see Response to Comment H regarding Article 1 Section 27 of the Pennsylvania Constitution.

DRN Comment: “Appendix G - The following excerpt is from the plan approval review memo review memo (dated January 19, 2007, from George Eckert, through Tom McGinley, PE, to Francine Carlini, NOx – use of Ultra Low NOx Burners (ULNB), Flue Gas Recirculation (FGR), and Selective Catalytic Reduction (SCR) suffices for BAT. 40 CFR 60.48b(h) of 0.2 lbs/MMBtu equates to 70 lbs/hr. This federal standard is less stringent than the 2.7 lbs/hr ---- While the facility is a major source of NOx emissions, the plan approval issued for the boilers was for a minor source (i.e., non-attainment new source review was not required). There was no rigorous LAER evaluation to establish the 2.7 lb/hr (on an hourly basis) as a permit condition. The current NOx limit, on a lb/MMBtu basis, for Boilers 9 and 10 is 0.1 lb/MMBtu on a 30-day rolling average. Therefore, 2.7 lb/hr emission rate was removed and the boilers will continue to comply with the NSPS and the new RACT III presumptive limit. --- This appears to possibly be a loophole that should not be allowed – more explanation is needed for the public.”

DEP Response: The federal New Source Performance Standards (NSPS) requirement of 0.2 lb/MMBtu has a 30-day rolling averaging period. This emission limit includes startup, shutdown and upset conditions. The emission rate using the concentration is a short-term value and does not consider startup, shutdown or upset conditions. The averaging period for the two values is not the same; therefore, it is not an equivalent comparison. The operating permit will retain the federal NSPS requirement 0.1 lb/MMBtu and remove the 2.7 lb/hr value.