

**MARYLAND DEPARTMENT OF THE ENVIRONMENT
RESPONSE TO COMMENTS
FOR THE
ACCESS WORLD (USA) LLC.**

Dates and Location: April 19, 2018
North Point – Edgemere Volunteer Fire Hall
7500 North Point Road,
Sparrows Point, MD 21219

Purpose of the Hearing: The purpose of the public hearing was to receive comment on the Department's Tentative Determinations for an air quality permit to construct for the installation of two (2) 500 ton/hr crushing plants and four (4) 200 ton/hr screening plants located at 6301 New Cold Mill Road (formerly known as 200 Shipyard Road), Edgemere (formerly known as Sparrows Point) MD 21219.

Tentative Determination: The Department's Tentative Determination for the air related permit to construct concluded that the emissions from the proposed project would meet all applicable regulatory requirements and the air quality permit to construct should, therefore, be issued.

Attendance: Approximately 15 members of the general public attended the April 19, 2018 hearing. Ms. Shannon Heafey of the Maryland Department of the Environment Air and Radiation Administration (ARA) presided as the Hearing Officer. Access World (USA) LLC was represented by Len Crescenzo. Ms. Marcellina Gurley presented ARA's hearing statement. ARA was also represented by Mr. Steve Lang.

Comment Information: In addition to the oral comments received at the April 19, 2018 hearing (transcript is available), the Department received written comments on Access World (USA) LLC Permit to Construct Application for crushing and screening plants (Permit No. 005-2864-6-3174 & 6-3175, Docket #14-17) from the following:

Ms. Leah Kelly
Senior Attorney
Environmental Integrity Project
1000 Vermont Avenue NW, Suite 1100
Washington, DC 20005

David Rader II
Chairman of the 7th District Civic Council &
Chairman of Norwood-Holabird Community Association

Kathy Labuda, Secretary/Treasurer
Fort Howard Community Association

I. Comments on Draft Permit to Construct:

A. Ambient Air Monitoring

Comment:

Several comments were made concerning the need for particulate air monitoring stations to be placed in the Fort Howard community.

“.....So, with this, okay, what we're formally asking for, okay, is that Access World and the Maryland Department of Environment, okay, in cooperation with all the agencies, find somewhere in the budget to where we have particulate air monitoring stations placed here in Fort Howard, and hopefully, okay, on the premises of our schools, elementary schools....”

“...If you care, you will put air quality monitoring equipment in Fort Howard community at all three of our schools in the district to monitor the particulates and the air quality. You must do this prior to issuing any new permits for crushing concrete or any other materials. “

MDE Response:

Maryland is required by the Clean Air Act to install and maintain an ambient air quality network. The Act requires EPA to set National Ambient Air Quality Standards (NAAQS) for pollutants considered harmful to public health and environment. The ambient air quality network monitors for the six criteria pollutants—ozone, carbon monoxide, nitrogen dioxide, sulfur dioxide, lead and particulate matter (PM₁₀, PM_{2.5}). The primary purpose of the network is to ascertain whether air quality over a broad geographic area within the state complies with the NAAQS. In cases where an area does not comply, the monitoring network is designed to establish the geographic extent and severity of non-compliance.

Maryland's ambient air quality network is designed using uniform criteria established by the EPA, which is incorporated in the Code of Federal Regulations (40 CFR Part 58). Air quality stations are sited to avoid undue influences from a particular emission source; which would interfere with a determination of air quality for a broad geographic area. The air quality stations are also placed to avoid interference from surrounding buildings, structures and other interferences that could invalidate air quality data. Population criteria also guide the number of monitoring stations and the placement of the stations. Although political boundaries have some consideration, stations are not established on a county-by-county basis. The monitoring system is supported by federal funding, and the funding, which is limited, is not available to support monitoring activities that do not comport with federal ambient monitoring criteria.

The monitoring network was initially established to determine compliance with the NAAQS, and the network in place serves that purpose. The network was not established to monitor pollution from individual sources. Maryland's Air Monitoring network is audited by the State and EPA on a regular schedule

and has been found to be very reliable in producing valid air quality data. At this time, EPA is examining the network as part of a national overview effort.

Field technicians maintain these monitors. They are required to make sure the instruments are working in accordance with EPA standards. The technicians precision check each instrument every two weeks and calibrate each instrument once per quarter unless otherwise needed. The monitors are also audited by State auditors on a set schedule and by EPA auditors. The data these monitors generate are validated and quality assured using EPA guidance and quality assurance procedures. The reviewed data are placed in the EPA National Air Quality Database AIRS.

ARA's policy for requests to set up facility specific monitoring has historically been to deny the requests based on the difficulties associated with facility specific monitoring. First and foremost, ambient monitors require a source of electricity, and access to a source of power is often not readily available. Secondly, security of the monitoring equipment is a serious concern because the sites are unmanned and are susceptible to vandalism. Because the monitoring equipment is very expensive, it is only prudent that they be located at a secure site. Finally, if the goal of ambient monitoring is to determine the impact of a single facility, a network of monitors is necessary. Specifically, a ring of monitors is needed to collect pollutants both upwind and downwind of the facility in order to separate background contributions from the total measured concentrations. The need for multiple monitoring sites compounds the logistics of finding power and providing security for the sites.

The Department can make a reasonable determination of offsite concentrations of air pollutants surrounding a facility by modeling the emissions from the facility and adding this concentration to the concentration of the pollutants measured at one or more of the Department's established ambient monitoring sites.

By using mathematical air dispersion models, the Department is able to conservatively estimate the contribution of air pollution from a specific facility on the surrounding area by adding the modeled increases to the measured concentrations from the Department ambient air monitoring network.

The existing network is reviewed and approved annually by the EPA Region III Administrator. This network plan is published annually on the MDE website and is available for public review and comment as a draft for 30 days prior to being finalized and submittal to the EPA Administrator. The current Annual Network Plan for Calendar Year 2018 is available on MDE's website: <http://www.mde.maryland.gov/programs/Air/AirQualityMonitoring/Pages/Network.aspx>

On November 10, 2016, EPA approved MDE's May 19, 2016 annual ambient air monitoring network plan on the basis that the plan meets the requirements of 40CFR Part 58.10.

MDE feels confident that the existing air monitoring network adequately characterizes the air quality throughout the state of Maryland. The network design guidance and constraints allow for the assumption that monitors will not operate in every time and space. A best effort is made to sample according to prescribed scales of space and population density. This rests on the concept of “representativeness”. The premise is that if the network design criteria are followed closely, then ideally a thorough cross-section of the state is monitored including a mix of

- high pollution areas*
- low pollution areas*
- areas under the immediate influence of significant sources*
- areas that make up the other site types and spatial scales as prescribed in 40CFR58, Appendix D*

Monitors located in areas with similar population densities, similar emission source characteristics, and similar meteorological conditions should measure similar concentrations of air pollution.

B. Particulate Matter (White Dust)

Comment:

Several comments were made concerning particulate matter, including but not limited to white dust residue in the area.

“We’ve had complaints from our community, okay, stating that there has been, as in these articles here as recently as November of 2017, white dust -- white dust, okay, that has accumulated on cars. It has accumulated on the grass. I believe we have a picture that I’d like to submit, okay, right here for the record.”

“...No red or black dust but white dust. And I am going to submit copies of all of this in this folder to you today. I brought this up in December at the dredging meeting about this white dust, and not one person from the EPA, not one person from MDE, not one of the elected officials who were at that meeting, not one of them called me or contacted me and was even remotely concerned about the white dust...”

“...we find out why we are subjected to this microscopic dust every time the wind blows from the west. “

“MDE should require that Access world develop a Fugitive Dust Control Plan that includes clear and specific conditions for limiting fugitive dust and MDE should make these conditions enforceable under the permit.”

MDE Response:

Access World currently has no installations on-site which could have contributed to a nuisance dust complaint. In fact, the proposed Access World processing operation, when built, will be conducted inside of a building, thus providing greater fugitive dust control than installations operating outside of a building. Furthermore, the Access World site (located next to the FedEx

Distribution Center), is not adjacent to any residential community. Finally, the permit to construct has a condition that requires Access World to submit to the Department for approval a Fugitive Dust Control Plan within 60 days after the issued date of this permit

Added to the permit to construct condition is the timeframe for fugitive dust plan submittal: “within 60 days after the issued date of this permit”

C. Health Issues

Comment:

Several comments were made concerning residents having health issues.

“...My children, they already suffer from seasonal allergies, and I know many people who have asthma and other breathing conditions...”

“...just about everybody knows somebody around here who -- who has some kind of breathing condition. And it does affect children the worst. Right now we're starting back up in this area, and I think we really need to make sure that we get started on the right foot..”

MDE Response:

*The Clean Air Act identifies two types of national ambient air quality standards. **Primary standards** provide public health protection, including protecting the health of “sensitive” populations such as asthmatics, children, and the elderly. **Secondary standards** provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. As discussed in an earlier response, Maryland is very close to meeting all federal air quality standards, including the new ozone standard.*

On October 1, 2015, the EPA strengthened the National Ambient Air Quality Standards (NAAQS) for ground-level ozone from 75 ppb to 70 ppb. The new standard was adopted based on extensive scientific evidence about ozone’s effects on public health and welfare. The updated standards will improve public health protection, particularly for at-risk groups including children, older adults, people of all ages who have lung diseases such as asthma, and people who are active outdoors, especially outdoor workers.

The following is from the Department’s Maryland Clean Air 2017 Progress Report:

In 2016, it was hot. Really hot. Maryland experienced the sixth-warmest summer ever recorded. Despite that type of weather -- which usually ushers in high levels of air pollution because of increased electricity generation and the hot sun’s effect on pollutants -- Maryland continued to make dramatic progress in cleaning up the air. Fine particulate air pollution is now so low that Maryland is meeting all federal health-based

standards statewide. Even better news: fine particulate levels continue to drop every year because of state and federal regulations and other changes in the energy generation sector.

Ground level ozone, or smog, has been Maryland's most challenging air pollution problem for the past 30 years. Maryland's problem was so challenging that, for the 2008 ozone standard, the U.S. Environmental Protection Agency (EPA) designated Maryland as having the worst ozone anywhere east of the Mississippi.

That has all changed. In 2016, the Baltimore and Washington, D.C. ozone nonattainment areas continued to meet the 2008 health-based ozone standard, and are extremely close to meeting the new, more-stringent, 2015 ozone standard that begins to be implemented in late 2017.

D. Union Jobs

Comment:

One commenter was concerned about union jobs.

"...Our operators are MSHA-trained, OSHA-trained. They've had equipment training. And we haven't been given a chance with Access World, and I think we should... And we haven't even been talked to by Access World for it. And we've historically run the equipment in Sparrows Point for the last hundred years, and we're still down there with most of the contractors. And that's all we want is a shot at the -- at these jobs."

MDE Response:

Issues involving the opportunity for employment are beyond the scope of the MDE-ARA jurisdiction.

E. Materials being crushed.

Comment:

One commenter wanted to know that the only materials being crushed are from the point itself. "...Not bringing any stuff from outside to be crushed?"

MDE Response:

In accordance with the application, Access World will be bringing in bulk materials to the site via ship, truck, and/or rail. Some of the material may require processing prior to being shipped to their final destination. Access World will not be processing any legacy materials such as slag from the Sparrows Point steel making operations.

F. Truck traffic

Comment:

Several commenters are concerned about truck traffic.

“...And, but with the traffic, I've often been run off the road by tractor trailers. My wife's been run off the road by tractor trailers. I've sent videos to the companies and called and said, "Here's the video. Can I have your cell phone number?" and sent them a cell phone of tractor trailers running people off the road, or getting right on their butt, inches away, and I'm sure it's happened to everybody here, where they get right on your butt and if you to hit your brakes, you're dead meat. And it's going to be bad, I just know it. I mean, this should be stopped now. We have young families here. The community is growing....”

MDE Response:

Issues involving truck traffic and public safety are beyond the scope of the MDE-ARA jurisdiction. However the facility is located on the west side of the TPA complex with easy and direct access to the interstate.

G. Synthetic Minor Source

Comment:

“MDE may not treat the Access World facility as a Synthetic Minor Source of NO_x without revising the Draft Permit.”

MDE Response:

The permit to construct contains a Synthetic Minor condition for Access World to be exempted from the New Source Review (NSR) requirements for NO_x emissions. The NO_x emissions are limited to less than 25 tons per year for any 12-month consecutive period. The Permittee is required to calculate and record the NO_x emissions from all fuel burning equipment (diesel generators) at the facility, for each previous calendar month and a total for the previous 12 consecutive calendar months. The calculations and records shall be updated monthly, by no later than 15 days of each following month.

Added to the permit condition are the following:

Hours of operation for the diesel generators as follows: “limit the diesel generators to 5840 hours of operation per year” along with record keeping and reporting of the hours of operation.

This addition will ensure compliance with the Synthetic Minor condition.