Title V/Clean Air Act: U.S. Environmental Protection Agency Order Addressing Petition for Objection Related to an Allegheny County, Pennsylvania Chemical Manufacturing Facility



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

10/13/2025

The United States Environmental Protection Agency ("EPA") addressed in a September 11th Order a Petition for Objection to a Title V Operating Permit for the Neville Chemical Company filed by Environmental Integrity Project and three other organizations. See Petition No. III-2024-22.

The other three organizations joining the Petition included:

- Clean Air Council
- PennFuture
- Food & Water Watch

(Collectively, "EIP").

The September 11th Order is styled:

ORDER GRANTING IN PART AND DENYING IN PART A PETITION FOR OBJECTION TO A TITLE V OPERATING PERMIT ("Order").

Neville is stated to operate a manufacturing facility in Allegheny County, Pennsylvania that manufactures:

- Synthetic hydrocarbon resins
- Plasticizers.
- Plasticizing oils (used in coatings, adhesives, ink, roofing, and rubber).

Title V of the Clean Air Act requires certain stationary sources of air pollution to obtain Operating Permits. States that administer Title V do so through adopted implementation plans. Those plans are submitted to and approved by EPA.

The intent of a Title V Permit is to organize into a single document all of the requirements that apply to the Permit holder. 42 U.S.C. § 7661 requires that states submit each proposed Title V Permit to EPA for review. Section 505(b)(1) of the Clean Air Act requires that EPA object to the issuance of a proposed Title V Permit in writing within 45 days of the receipt of the proposed Permit (and all necessary supporting

information) if the agency determines it is not in compliance with the applicable requirements of the Clean Air Act.

If EPA does not object to a Permit, Section 505(b)(2) provides that any person may petition the EPA Administrator within 60 days of the expiration of the 45-day review period to object to the Permit.

EIP's section of the Petition titled "Grounds for Objection" includes four claims addressing the Title V Renewal Permit. The claims include:

1. Claim 1. The Petitioners Claim That "The Renewal Permit fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits for PM, NOx, SOx, CO, VOC, and HAPs from P001 (heat polymerization stills and thermal oxidizer)."

    1. EPA grants in part and denies in part this claim and objects to the issuance of the permit. EPA rejects EIP's challenge to the temperature monitoring methodology which argues that the Allegheny County Health Department ("ACHD") should rely exclusively on temperature as an indicator of performance. In contrast, the Title V Permit for PM and SOx is held by EPA to not add additional conditions to assure compliance with such limits (e.g., through fuel use monitoring and emission calculations based on emission factors. EPA requests that ACHD amend the Permit to ensure that it contains sufficient requirements to assure compliance with the hourly and annual emission limits for PM and SOx on the thermal oxidizer.

2. Claim 2. The Petitioners Claim That "The Renewal Permit fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits for PM, CO, VOCs, SOx, and NOx at Boilers No. 6 and 8 (B013 and B012 respectively)."

    1. EPA grants this Petition claim and objects to the issuance of the Permit. The federal agency references the testing and monitoring requirements in the Permit, but states it is not clear if any of these methods are individually or collectively adequate to assure compliance with the emission limits. ACHD is directed to amend the Permit and and permit record as necessary to ensure that the Permit assures compliance with the hourly and annual emission limits for the referenced air pollutants from Boiler No. 6 and Boiler No. 8.

3. Claim 3. The Petitioners Claim That "The Renewal Permit fails to include adequate testing, monitoring, recordkeeping, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits for PM, NOx, CO, VOCs, HAPs, and SOx at the six Still Process Heaters (B001, B002, B003, B004, B015, and B006) and the three Packaging Center Heaters (B009, B010, and B011)."

    1. EPA grants this Petition claim and objects to the issuance of the Permit and states that EIP demonstrated that the Permit fails to require adequate monitoring to assure compliance with the hourly and annual emission limits for the referenced air pollutants from the heaters. Further, ACHD's Permit record is stated to not provide a rationale for the Permit's lack of monitoring requirements. ACHD is directed to amend the Permit to ensure that the Permit contains sufficient requirements to assure compliance with the hourly and annual emission limits for the referenced air pollutants from the six still process heaters and three packaging center heaters.

4. Claim 4. The Petitioners Claim That "The Renewal Permit fails to include adequate testing, monitoring, or reporting requirements sufficient to assure continuous compliance with the hourly and long-term emission limits for VOCs and HAPs at Unit 20/21 (P006) and the #3 Continuous Still (P008)."

1. EPA denies EIP's request for an objection on this claim. EPA notes that EIP is correct that neither the Permit nor the RTC explain the relationship between the parameters and emissions or how to calculate emissions using the recorded parameters. However, the Neville facility's TSD is stated to do so. Referenced are tables describing operating scenarios, operating parameters, heat-up parameters, equations, and example scenarios as well as sample calculations for VOC and HAP emissions for each emission unit.

A copy of the Order can be downloaded here.