

West Virginia Department of Environmental Protection

Austin Caperton
Cabinet Secretary

Permit to Operate



Pursuant to
Title V
of the Clean Air Act

Issued to:

The Chemours Company FC, LLC
Belle Plant
R30-03900001-2018 (1 of 5)

A handwritten signature in blue ink, appearing to read "William F. Durham", written over a horizontal line.

William F. Durham
Director, Division of Air Quality

Issued: July 31, 2018 • Effective: August 14, 2018
Expiration: July 31, 2023 • Renewal Application Due: January 31, 2023

Permit Number: **R30-03900001-2018 (1 of 5)**
Permittee: **The Chemours Company FC, LLC**
Facility Name: **Belle Plant**
Permittee Mailing Address: **901 West DuPont Avenue, Belle, WV 25015**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

| | |
|---------------------------|---|
| Facility Location: | Belle, Kanawha County, West Virginia |
| Facility Mailing Address: | 901 West DuPont Avenue, Belle, WV 25015 |
| Telephone Number: | (304) 357-1000 |
| Type of Business Entity: | Corporation |
| Facility Description: | Manufacturer of various organic and agricultural chemicals. |
| SIC Codes: | 2869, 2879 |
| UTM Coordinates: | 451.90 km Easting • 4232.60 km Northing • Zone 17 |

Permit Writer: Mike Egnor

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

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1.0 Emission Units and Active R13, R14, and R19 Permits

1.1 Emission Units

| Emission Unit ID | Emission Point ID | Emission Unit Description | Year Installed | Design Capacity | Control Device |
|-----------------------------------|-------------------|--|----------------|-------------------------------|----------------|
| Wastewater Treatment Plant | | | | | |
| 601.011 | 00P-01 | WTP Sulfuric Acid Tank – 93% sulfuric acid for wastewater treatment system. | Replaced 2012 | 15,000 gallons | None |
| 601.010 | 00P-02 | WTP Phosphoric Acid System – 35-40% phosphoric acid stored in tote bins. | Replaced 2008 | N/A | None |
| 601.012 | 00P-03 | Waste Collection Tank | 2011 | 16,500 gallons | None |
| 601.100 | 00P-04 | WAS Lime Silo and Dust Collector - calcium for calcium oxide used to aid in sludge stabilization. Dust collector and lime silo is a combined unit. | 1992 (IDLE) | 75,000 pounds | Combined Unit |
| 600.304 | 00P-08 | Wastewater Equalization Tank | Replaced 2012 | 1.5 million gallons | None |
| 601.305 | 00P-09 | South Waste Collection Sump | 2015 | 3,500 gallons | None |
| Powerhouse | | | | | |
| 00B-01 | Boiler 6 | Boiler 6 - 450 pound superheated steam-generating boiler. | 1940 | 240 MMBtu/hr 150,000 lb/hr | None |
| 00B-02 | Boiler 10 | Boiler 10 - 450 pound superheated steam-generating boiler. | 1945 | 275 MMBtu/hr 200,000 lb/hr | None |
| 00B-03 | Boiler 14 | Boiler 14 - 450 pound superheated steam-generating boiler. | 1941 | 240 MMBtu/hr 150,000 lb/hr | None |
| 00B-04 | Boiler 15 | Boiler 15 - 450 pound saturated steam-generating boiler. | 1944 | 240 MMBtu/hr 150,000 lb/hr | None |
| Fire Pumps | | | | | |
| FP#1 | FP#1 | Diesel Engine for Fire Water Pump | 2018 | 755 MBHP | None |
| FP#4D | FP#4D | Diesel Engine for Fire Water Pump | 1993 | 800 MBHP | None |
| Gasoline Storage Tank | | | | | |
| GST | OOU | Underground Gasoline Storage Tank | 1989 | 8,000 gal | None |

1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-1234). The current applicable version of such permit(s) is listed below.

| Permit Number | Date of Issuance |
|----------------------|-------------------------|
| R13-1567A | September 6, 2002 |

2.0 General Conditions

2.1 Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2 Acronyms

| | | | |
|---------------------------------------|---|------------------------|---|
| CAAA | Clean Air Act Amendments | NSPS | New Source Performance Standards |
| CBI | Confidential Business Information | PM | Particulate Matter |
| CEM | Continuous Emission Monitor | PM₁₀ | Particulate Matter less than 10µm in diameter |
| CES | Certified Emission Statement | pph | Pounds per Hour |
| C.F.R. or CFR | Code of Federal Regulations | ppm | Parts per Million |
| CO | Carbon Monoxide | PSD | Prevention of Significant Deterioration |
| C.S.R. or CSR | Codes of State Rules | psi | Pounds per Square Inch |
| DAQ | Division of Air Quality | SIC | Standard Industrial Classification |
| DEP | Department of Environmental Protection | SIP | State Implementation Plan |
| FOIA | Freedom of Information Act | SO₂ | Sulfur Dioxide |
| HAP | Hazardous Air Pollutant | TAP | Toxic Air Pollutant |
| HON | Hazardous Organic NESHAP | TPY | Tons per Year |
| HP | Horsepower | TRS | Total Reduced Sulfur |
| lbs/hr or lb/hr | Pounds per Hour | TSP | Total Suspended Particulate |
| LDAR | Leak Detection and Repair | USEPA | United States Environmental Protection Agency |
| m | Thousand | UTM | Universal Transverse Mercator |
| MACT | Maximum Achievable Control Technology | VEE | Visual Emissions Evaluation |
| mm | Million | VOC | Volatile Organic Compounds |
| mmBtu/hr | Million British Thermal Units per Hour | | |
| mmft³/hr or mmcf/hr | Million Cubic Feet Burned per Hour | | |
| NA or N/A | Not Applicable | | |
| NAAQS | National Ambient Air Quality Standards | | |
| NESHAPS | National Emissions Standards for Hazardous Air Pollutants | | |
| NO_x | Nitrogen Oxides | | |

2.3. Permit Expiration and Renewal

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
 - a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
 - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.
[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:
- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
 - b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
 - c. The change shall not qualify for the permit shield.
 - d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
 - e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

[45CSR§30-5.8]

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

[45CSR§30-5.8.a.]

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

- 2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.
- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
 - b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
 - c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

- 2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

- 2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:
- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
 - d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

- 2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

[45CSR§30-5.1.f.2.]

2.17. Emergency

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

[45CSR§30-5.7.a.]

- 2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.

[45CSR§30-5.7.b.]

- 2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

- 2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

[45CSR§30-5.2.a.]

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

- 2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

[45CSR§30-4.2.]

2.21. Permit Shield

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and

are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

[45CSR§30-5.6.a.]

2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.

[45CSR§30-5.1.e.]

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.

- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.

[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1 Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. [45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. [45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them. [40 C.F.R. §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. [45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. [W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.
 - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.
- [40 C.F.R. 82, Subpart F]

- 3.1.8. **Risk Management Plan.** This stationary source, as defined in 40 C.F.R. § 68.3, is subject to Part 68. This stationary source shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. Part 68.10. This stationary source shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

[40 C.F.R. 68]

3.2. Monitoring Requirements

N/A

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

1. The permit or rule evaluated, with the citation number and language.
2. The result of the test for each permit or rule condition.
3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.]

3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

[45CSR§30-5.1.c.2.B.]

3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

[45CSR§30-5.1.c. State-Enforceable only.]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

[45CSR§§30-4.4. and 5.1.c.3.D.]

- 3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31. [45CSR§30-5.1.c.3.E.]
- 3.5.3. Except for the electronic submittal of the annual compliance certification and semi-annual monitoring reports to the DAQ and USEPA as required in 3.5.5 and 3.5.6 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class or by private carrier with postage prepaid to the address(es), or submitted in electronic format by e-mail as set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

US EPA:

Associate Director
Office of Air Enforcement and Compliance
Assistance (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

DAQ Compliance and Enforcement¹:

DEPAirQualityReports@wv.gov

¹For all self-monitoring reports (MACT, GACT, NSPS, etc.), stack tests and protocols, Notice of Compliance Status reports, Initial Notifications, etc.

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. [45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification. The annual certification shall be submitted in electronic format by e-mail to the following addresses:

DAQ:

DEPAirQualityReports@wv.gov

US EPA:

R3_APD_Permits@epa.gov

[45CSR§30-5.3.e.]

- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the

reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4. The semi-annual monitoring reports shall be submitted in electronic format by e-mail to the following address:

DAQ:
DEPAirQualityReports@wv.gov

[45CSR§30-5.1.c.3.A.]

3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.5.8. **Deviations.**

- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
 1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
 2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
 3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
 4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.

[45CSR§30-5.1.c.3.B.]

3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.

[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan
N/A

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

N/A

4.0 Wastewater Treatment Plant

4.1. Limitations and Standards

- 4.1.1. The emission of calcium oxide (lime) particulate matter from vent number 601.100 shall not exceed 5.4 lb/hr or 64.8 lb/yr. .
[45CSR13, Permit No. R13-1567 (Condition A.1.)] Compliance with this streamlined limit assures compliance with 45CSR§7-4.1. (00P-04)
- 4.1.2. The emission of ammonia from the WAS Stabilized Sludge Container (00P-03) shall not exceed 0.5 lb/hr.
[45CSR13, Permit No. R13-1567 (Condition A.2.)](00P-03)
- 4.1.3. In order to maintain compliance with the yearly emission rate specified in 4.1.1., lime usage shall not exceed 54 tons per month.
[45CSR13, Permit No. R13-1567 (Condition B.1.)](00P-04)
- 4.1.4. No person shall cause, suffer, allow or permit visible emissions from any storage structure(s) associated with any manufacturing process(es) that pursuant to subsection 45CSR§7-5.1. is required to have a full enclosure and be equipped with a particulate matter control device.
[45CSR§7-3.7.](00P-04)
- 4.1.5. No person shall cause, suffer, allow or permit any manufacturing process or storage structure generating fugitive particulate matter to operate that is not equipped with a system, which may include, but not be limited to, process equipment design, control equipment design or operation and maintenance procedures, to minimize the emissions of fugitive particulate matter. To minimize means such system shall be installed, maintained, and operated to ensure the lowest fugitive particulate matter emissions reasonably achievable.
[45CSR§7-5.1.](00P-03, 00P-04)

4.2. Monitoring Requirements

- 4.2.1. Compliance with the calcium oxide (lime) particulate matter limitations shall be demonstrated by monitoring lime usage, as well as proper operation and maintenance of the dust collection system. Monitoring of lime usage is only required if this unit has been operated in any day of the calendar month.
[45CSR§30-5.1.c.](00P-04)
- 4.2.2. In order to maintain compliance with the ammonia limits of 4.1.2., ammonia monitoring using colorimetric detector tubes shall be performed at the WAS Sludge Blender exit. The monitoring shall be done monthly, and only during times when the sludge is being processed through the blender.
[45CSR13, Permit No. R13-1567 (Condition B.2.)](00P-03)
- 4.2.3. At least monthly, visible emission checks of each emission point subject to an opacity limit shall be conducted. For units emitting directly into the open air from points other than a stack outlet, visible emissions are to include visible fugitive dust emissions that leave the plant site boundaries. These checks shall be conducted during periods of facility operation for a sufficient time interval to determine if the unit has visible emissions using procedures outlined in 40 C.F.R. 60, Appendix A, Method 22. For the WAS Lime Silo (00P-04), visible emission checks are only required if the silo was operated any day during the month.
[45CSR§30-5.1.c.](00P-03, 00P-04)

4.3. Testing Requirements

- 4.3.1. The permittee shall practice the proper operation of the dust collection system, which includes conducting pressure drop measurements on a semi-annual basis. This measurement is only required if the silo was operated any day during the semi-annual basis.

[45CSR§30-5.1.c.](00P-04)

- 4.3.2. If sources of visible emissions are identified during the survey (as required in 4.2.3.), or at any other time, the permittee shall conduct an evaluation as outlined in 45CSR§§7A-2.1.a. & 2.1.b., within twenty-four (24) hours. A 45CSR§§7A-2.1.a. & 2.1.b. evaluation shall not be required if the visible emission condition is corrected in a timely manner and the units are operated at normal operating conditions.

[45CSR§30-5.1.c.](00P-03, 00P-04)

4.4. Recordkeeping Requirements

- 4.4.1. The permittee shall keep records of lime usage and maintenance records of the dust collection system.

[45CSR§30-5.1.c.](00P-04)

- 4.4.2. The permittee shall keep records of the colorimetric monitoring data.

[45CSR§30-5.1.c.](00P-03)

- 4.4.3. The Permittee shall keep records of each visible emission check required in 4.2.3. Said records shall include the date, time, name of emission unit, the applicable visible emissions requirement, the results of the check, what action(s), if any, was/were taken, and the name of the observer.

[45CSR§30-5.1.c.](00P-03, 00P-04)

4.5. Reporting Requirements

N/A

4.6. Compliance Plan

N/A

5.0 Powerhouse

5.1. Limitations and Standards

- 5.1.1. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.

[45CSR§2-3.1]

- 5.1.2. No person shall cause, suffer, allow or permit the discharge of particulate matter into the open air from all fuel burning units located at one plant, measured in terms of pounds per hour in excess of the amounts as follows:

| Boiler | Heat Input (MMBtu/hr) | PM Limit (lb/hr) |
|--------|-----------------------|------------------|
| #6 | 240 | 21.6 |
| #10 | 275 | 24.75 |
| #14 | 240 | 21.6 |
| #15 | 240 | 21.6 |

[45CSR§2-4.1.b.]

- 5.1.3. The addition of sulfur oxides to a combustion unit exit gas stream for the purpose of improving emissions control equipment efficiency shall be reviewed by the Director. No person shall cause, suffer, allow or permit the addition of sulfur oxides as described above unless written approval for such addition is provided by the Director.

[45CSR§2-4.4.]

- 5.1.4. The visible emission standards set forth in 45CSR§2-3 shall apply at all times except in periods of start-ups, shutdowns and malfunctions. Where the Director believes that start-ups and shutdowns are excessive in duration and/or frequency, the Director may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shutdowns are necessary.

[45CSR§2-9.1.]

- 5.1.5. At all times, including periods of start-ups, shutdowns, and malfunctions, owners and operators shall, to the extent practicable, maintain and operate any fuel burning unit including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, visible emissions observations, review of operating and maintenance procedures, and inspection of the source.

[45CSR§2-9.2.]

- 5.1.6. No person shall cause, suffer, allow or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour in excess of the amount determined as follows:

| Boiler | Heat Input (MMBtu/hr) | SO ₂ Limit (lb/hr) |
|--------|-----------------------|-------------------------------|
| #6 | 240 | 384 |
| #10 | 275 | 440 |
| #14 | 240 | 384 |
| #15 | 240 | 384 |

[45CSR§10-3.2.c.]

- 5.1.7. For Boiler #10 (00B-02), the Permittee shall comply with Appendix B (CO-R40-C-2016-30) along with Condition 5.4.2.

[45CSR§§40-4.1 and 5.1.]

- 5.1.8. For Boilers 6, 10, 15, and 14, the Permittee must conduct an annual tune-up of the boilers to demonstrate continuous compliance as specified below:

- (i) As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may perform the burner inspection any time prior to the tune-up or delay the burner inspection until the next scheduled unit shutdown). Units that produce electricity for sale may delay the burner inspection until the first outage, not to exceed 36 months from the previous inspection. At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;
- (ii) Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;
- (iii) Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown). Units that produce electricity for sale may delay the inspection until the first outage, not to exceed 36 months from the previous inspection;
- (iv) Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any NO_x requirement to which the unit is subject;
- (v) Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer; and
- (vi) Maintain on-site and submit, if requested by the Administrator, a report containing the information in paragraphs (vi)(A) through (C) of this condition,

- (A) The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater;
- (B) A description of any corrective actions taken as a part of the tune-up; and
- (C) The type and amount of fuel used over the 12 months prior to the tune-up, but only if the unit was physically and legally capable of using more than one type of fuel during that period. Units sharing a fuel meter may estimate the fuel used by each unit.

[45CSR34; 40CFR§§63.7500(a)(1) and 63.7540(a)(10) and Table 3(3)]

- 5.1.9. The Permittee must operate and maintain Boilers 6, 10, 14, and 15, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator that may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

[45CSR34; 40 C.F.R. §63.7500(a)(3)]

5.2. Monitoring Requirements

N/A

5.3. Testing Requirements

N/A

5.4. Recordkeeping Requirements

- 5.4.1. The owner or operator shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit in a manner to be established by the Director. Such records are to be maintained on-site and made available to the Director or his duly authorized representative upon request.

[45CSR§2-8.3.c.]

- 5.4.2. For Boiler #10 (00B-02), the Permittee shall operate certified continuous emission monitoring systems necessary to attribute ozone season NO_x mass emission limits in accordance with 40 CFR Part 75, Subpart H. NO_x mass emission measurements recorded and reported in accordance with 40 CFR Part 75, Subpart H shall be used to determine the Boiler's compliance with the ozone season NO_x emission limitation given in Condition 5.1.7.

[45CSR§40-6.1.]

- 5.4.3. The Permittee must keep records according to paragraphs (1) and (2) of this condition.

- (1) A copy of each notification and report that you submitted to comply with 40 C.F.R. 63 Subpart DDDDD, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual compliance report that you submitted, according to the requirements in 40 C.F.R. §63.10(b)(2)(xiv).
- (2) Records of performance tests, fuel analyses, or other compliance demonstrations and performance evaluations as required in 40 C.F.R. §63.10(b)(2)(viii).

[45CSR34; 40 C.F.R. §63.7555(a)]

5.4.4. Format and Retention of Records for 40 C.F.R. 63 Subpart DDDDD

- (a) The Permittee must keep records in a form suitable and readily available for expeditious review, according to 40 C.F.R. §63.10(b)(1).
- (b) As specified in 40 C.F.R. §63.10(b)(1), The Permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
- (c) The Permittee must keep each record on site, or they must be accessible from on site (for example, through a computer network), for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 C.F.R. §63.10(b)(1). You can keep the records off site for the remaining 3 years.

[45CSR34; 40 C.F.R. §§63.7560(a), (b), and (c)]

5.5. Reporting Requirements

5.5.1. The owner or operator of a fuel burning unit(s) subject to 45CSR2 shall report to the Director any malfunction of such unit or its air pollution control equipment which results in any excess particulate matter emission rate or excess opacity as provided in one of the following:

- a. Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Director:
 - 1. The excess opacity period does not exceed thirty (30) minutes within any 24-hour period; and
 - 2. Excess opacity does not exceed 40%.
- b. The owner or operator shall report to the Director any malfunction resulting in excess particulate matter or excess opacity, not meeting the criteria set forth in 5.5.1.a., by telephone, telefax, or email by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Director within thirty (30) days providing the following information:
 - 1. A detailed explanation of the factors involved or causes of the malfunction;
 - 2. The date and time of duration (with starting and ending times) of the period of excess emissions;
 - 3. An estimate of the mass of excess emissions discharged during the malfunction period;
 - 4. The maximum opacity measured or observed during the malfunction;
 - 5. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and
 - 6. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3.]

5.5.2. The Permittee must report each instance in which the Permittee did not meet each work practice standard in Table 3 to 40 C.F.R. 63 Subpart DDDDD that applies (Condition 5.1.8). These instances are deviations

from the work practice standards in 40 C.F.R. 63 Subpart DDDDD. These deviations must be reported according to the requirements in 40 C.F.R. §63.7550 (Condition 5.5.3).
[45CSR34; 40 C.F.R. §63.7540(b)]

- 5.5.3. The Permittee must submit a Compliance report containing the information in paragraphs a. and b. of this Condition, and in accordance with paragraphs c. and d. of this Condition.
- a. The information in §63.7550(c)(5)(i) through (iii), (xiv), and (xvii) which is:
- (i) Company and Facility name and address.
 - (ii) Process unit information, emissions limitations, and operating parameter limitations.
 - (iii) Date of report and beginning and ending dates of the reporting period.
 - (xiv) Include the date of the most recent tune-up for each unit subject to only the requirement to conduct an annual tune-up according to 40 C.F.R. §63.7540(a)(10). Include the date of the most recent burner inspection if it was not done on a 5-year period and was delayed until the next scheduled or unscheduled unit shutdown.
 - (xvii) Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.
- b. If there are no deviations from the requirements for work practice standards in Table 3 to 40 C.F.R. 63 Subpart DDDDD that apply (Condition 5.1.8), a statement that there were no deviations from the work practice standards during the reporting period.
- c. The Permittee must submit the report every 5 years according to the requirements in 40 C.F.R. §63.7550(b), which are:
- (1) The first compliance report must cover the period beginning on the compliance date that is specified for each boiler or process heater in 40 C.F.R. §63.7495 and ending after the compliance date that is specified for the boilers in 40 C.F.R. §63.7495.
 - (2) The first annual compliance report must be postmarked or submitted no later than January 31.
 - (3) Each subsequent annual compliance report must cover the 1-year period from January 1 to December 31.
 - (4) Each subsequent annual compliance report must be postmarked or submitted no later than January 31.
- d. The Permittee must submit all reports required by Table 9 of 40 C.F.R. 63 Subpart DDDDD electronically using CEDRI that is accessed through the EPA's Central Data Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form specific to 40 C.F.R. 63 Subpart DDDDD is not available in CEDRI at the time that the report is due the report you must submit the report to the Administrator at the appropriate address listed in 40 C.F.R. §63.13. At the discretion of the Administrator, you must also submit these reports, to the Administrator in the format specified by the Administrator.

[45CSR34; 40 C.F.R. §§63.7550(a), (b), and (c)(1); 40 C.F.R. §63.7550(h)(3)]

5.6. Compliance Plan

N/A

6.0 Fire Water Pumps

6.1 Limitations and Standards

6.1.1. For the Fire Water Pumps FP#1 and FP#4D, the Permittee must operate the emergency stationary RICE according to the requirements in paragraphs (i) through (iii) of this Condition. Any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (i) through (iii) of this Condition, is prohibited. If you do not operate the engine according to the requirements in paragraphs (i) through (iii) of this Condition, the engine will not be considered an emergency engine under 40CFR63, Subpart ZZZZ and will need to meet all requirements for non-emergency engines.

(i) There is no time limit on the use of emergency stationary RICE in emergency situations.

(ii) You may operate your emergency stationary RICE for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency RICE beyond 100 hours per year.

(iii) The Permittee may operate the emergency stationary RICE for up to 50 hours per calendar year in non-emergency situations, but those 50 hours are counted towards the 100 hours per year provided for maintenance and testing.

[45CSR34; 40CFR§§63.6640(f)(1), (f)(2)(i), and (f)(3) (FP#1 and FP#4D)]

6.1.2. For the Fire Water Pump FP#1, the Permittee must comply with the following emission standards:

| NMHC + NO _x | PM |
|----------------------------|------------------------------|
| 6.4 g/KW-hr or 4.8 g/HP-hr | 0.20 g/KW-hr or 0.15 g/HP-hr |

[45CSR16; 40CFR§60.4205(c) and 40CFR60, Subpart III Table 4 (FP#1)]

6.1.3. The Permittee shall operate and maintain Fire Water Pump FP#1 that achieve the emission standards given in Condition 6.1.2 over the entire life of the engine.

[45CSR16; 40CFR§60.4206 (FP#1)]

6.1.4. For Fire Water Pump FP#1, all NRLM (nonroad locomotive or marine) diesel fuel will be subject to the following per-gallon standards;

(1) Sulfur content:

(i) 15 ppm maximum for NR diesel fuel.

(ii) 500 ppm maximum for LM diesel fuel.

(2) Cetane index or aromatic content, as follows:

(i) A minimum cetane index of 40; or

(ii) A maximum aromatic content of 35 volume percent

[45CSR16; 40CFR§60.4207(b), 40CFR§80.510(b) (FP#1)]

6.1.5. If the Fire Water Pump FP#1 does not meet the standards applicable to non-emergency engines, the Permittee shall install a non-resettable hour meter prior to startup of the engine.

[45CSR16; 40CFR§60.4209(a) (FP#1)]

- 6.1.6. The Permittee shall purchase a fire pump engine (FP#1) certified to meet the emission standards in Condition 6.1.2. The engine must be installed and configured according to the manufacturer's emission-related specifications.
[45CSR16; 40CFR§60.4211(c) (FP#1)]
- 6.1.7. The Permittee must be in compliance with the emission limitations, operating limitations, and other requirements of 40CFR63, Subpart ZZZZ at all times. The Permittee must operate and maintain the Fire Water Pumps, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the Permittee to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.
[45CSR34; 40CFR§63.6605 (FP#1 and FP#4D)]
- 6.1.8. The Permittee must operate the fire water pump engine (FP#1) according to the requirements in paragraphs (1) through (3) of this Condition. In order for the engine to be considered an emergency stationary ICE under 40CFR60, Subpart IIII, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (1) through (3) of this Condition, is prohibited. If the Permittee does not operate the engine according to the requirements in paragraphs (1) through (3) of this Condition, the engine will not be considered an emergency engine under 40CFR60, Subpart IIII and must meet all requirements for non-emergency engines.
- (1) There is no time limit on the use of the fire water pump engine in emergency situations.
 - (2) The Permittee may operate the fire water pump engine for any combination of the purposes specified in paragraph (2)(i) of this Condition for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraph (3) of this Condition counts as part of the 100 hours per calendar year allowed by this paragraph (2).
 - (i) The fire water pump engine may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency ICE beyond 100 hours per calendar year.
 - (3) The fire water pump engine may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (2) of this Condition.
[45CSR16; 40CFR§60.4211(f) (FP#1)]

6.2. Monitoring Requirements

N/A

6.3. Testing Requirements

N/A

6.4. Recordkeeping Requirements

- 6.4.1. As the fire water pump engine (FP#1) is an emergency stationary internal combustion engine, the Permittee is not required to submit an initial notification. If the emergency engine does not meet the standards applicable to non-emergency engines, the Permittee must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The Permittee must record the time of operation of the engine and the reason the engine was in operation during that time.
[45CSR16; 40CFR§60.4214(b) (FP#1)]

6.5. Reporting Requirements

N/A

6.6. Compliance Plan

N/A

7.0 Gasoline Fuel Tank [emission unit ID(s): GST]

7.1. Limitations and Standards

- 7.1.1. All gasoline storage tanks shall be loaded by submerged fill.
[45CSR§21-23.2.a.1]

7.2. Monitoring Requirements

- 7.2.1. Compliance with condition 7.1.1. shall be verified upon inspection.
[45CSR§30-5.1.c.1.B]

7.3. Testing Requirements

- 7.3.1. None

7.4. Recordkeeping Requirements

- 7.4.1. The permittee shall maintain daily records showing the quantity of all gasoline delivered to the site. These records shall be retained for at least 3 years in a readily accessible location and shall be made available to the Director upon verbal or written request.
[45CSR§21-23.3]

7.5. Reporting Requirements

- 7.5.1. None

7.6. Compliance Plan

- 7.6.1. N/A

Appendix A

CO-R40-C-2016-30



ID # _____
Reg _____
Company _____
Facility _____ Initials _____

west virginia department of environmental protection

Division of Air Quality
601 57th Street, SE
Charleston, WV 25304
(304) 926-0475

FILE COPY

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
dep.wv.gov

**COMPLIANCE ORDER
ISSUED UNDER THE
AIR POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 5, SECTION 4**

TO: The Chemours Company FC, LLC
c/o Mr. Timothy L. Byrd
901 West Dupont Avenue
Belle, WV 20755

DATE: ~~December 1, 2016~~ January 4, 2017
ORDER NO.: CO-R40-C-2016-30
FACILITY ID NO.: 039-00001

INTRODUCTION

This Consent Order is issued by the Director of the Division of Air Quality (hereinafter, "Director"), under the authority of West Virginia Code, Chapter 22, Article 5, Section 1 et seq. to The Chemours Company FC, LLC ("Chemours and/or Company").

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. Chemours operates a chemical facility that includes a 275 mmBtu/hr natural gas fired boiler ("Boiler 10") located in Belle, West Virginia.
2. Boiler 10 has a maximum design heat input greater than 250 mmBtu/hr and is not subject to the federal Cross-State Air Pollution Rule ("CSAPR") NO_x Ozone Season Trading Program established under 40 CFR Part 97, Subpart BBBBB, or an equivalent trading program established under regulations approved as a state implementation plan revision pursuant to 40 CFR §52.38(b)(5).
3. Chemours is subject to 45 C.S.R. 40, *Control of Ozone Season Nitrogen Oxides Emissions*, because they meet applicability requirement §4.1, which states "The owner or operator of a unit that has a maximum design heat input greater than 250 mmBtu/hr, except for any unit subject to the federal Cross-State Air Pollution Rule NO_x Ozone Season Trading

Promoting a healthy environment.

The Chemours Company FC, LLC – Belle, WV Compliance Order
Page 2.

Program established under 40 CFR Part 97, Subpart BBBBB, or an equivalent trading program established under regulations approved as a state implementation plan revision pursuant to 40 CFR §52.38(b)(5), shall comply with the ozone season NOx emission limitation, and monitoring, recordkeeping and reporting requirements for ozone season emissions of NOx set forth in sections 5 and 6.”

4. This Order does not make any finding of violation against The Chemours Company.

ORDER FOR COMPLIANCE

Now therefore, in accordance with Chapter 22, Article 5, Section 1 et seq. of the West Virginia Code, it is hereby agreed between the parties and ORDERED by the Director:

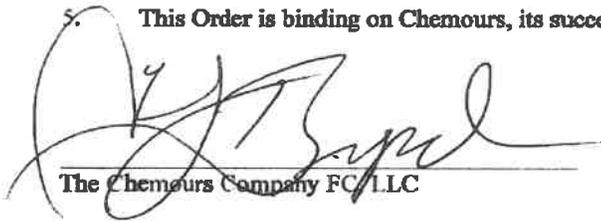
1. Chemours shall limit emissions of NO_x to a maximum of 0.20 lb/MMBtu during the NOx ozone season (May 1 through September 30 each year), specifically for Boiler 10.
2. Chemours shall comply with the ozone season NOx emission limitation and the monitoring, recordkeeping, and reporting requirements for ozone season emissions of NOx set forth in 45CSR40 “Control Of Ozone Season Nitrogen Oxides Emissions”, Section 6, which states “The owner or operator of an applicable unit under subsection 4.1 shall operate certified continuous emission monitor (“CEMs”) systems necessary to attribute ozone season NOx mass emissions to each unit, in accordance with 40 CFR Part 75, Subpart H. NOx mass emissions measurements recorded and reported in accordance with 40 CFR Part 75, Subpart H shall be used to determine a unit’s compliance with the ozone season NOx emission limitation”. Chemours shall comply with all provisions set forth in 40 CFR Part 75 for the NOx CEMs.
3. If the Company fails to complete any of the requirements contained in this Order to the reasonable satisfaction of the Director or within the time limits set forth herein, the Director may order the Company to pay a stipulated penalty of one thousand dollars (\$1,000.00) per day to the Air Pollution Education and Environment Fund for each day that the action remains incomplete. The Director shall first notify the Company in writing that the facility is in violation of the terms of conditions of the Order, and the stipulated penalty shall then become immediately due and payable. Payments made pursuant to this paragraph are not tax-deductible expenditures for purposes of State or federal law.

OTHER PROVISIONS

1. Chemours hereby waives its right to appeal this Order under the provisions of Chapter 22, Article 5, Section 1 of the Code of West Virginia. Under this Order Chemours agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director’s jurisdiction regarding this Order. However, Chemours does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding Chemours other than proceedings, administrative or civil, to enforce this Order.

The Chemours Company FC, LLC -- Belle, WV Compliance Order
Page 3

2. If any event occurs which causes delay in the achievement of the requirements of this Order. Chemours shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after Chemours becomes aware of such a delay, notification shall be provided to the Director and shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which Chemours intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of Chemours (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.
3. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving Chemours of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject Chemours to additional penalties and injunctive relief in accordance with the applicable law.
4. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
5. This Order is binding on Chemours, its successors and assigns.


The Chemours Company FC, LLC

01/04/2017
Date


William F. Durham, Director
Division of Air Quality

12-01-2016
Date