*West Virginia Department of Environmental Protection*
*Harold D. Ward*
*Cabinet Secretary*

# Modification Permit

**R13- 3414A**

*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§22-5-1 et seq.) and 45 C.S.R. 13 – Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, Permission to Commence Construction, and Procedures for Evaluation. The permittee identified at the above-referenced facility is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

*Issued to:*

**TeMa North America, LLC**
**Kearneysville, WV**
**037-00110**

Laura M. Crowder

*Laura M. Crowder*
*Director, Division of Air Quality*
Laura M. Crowder

Digitally signed by: Laura M. Crowder
DN: CN = Laura M. Crowder email = Laura.M.Crowder@wv.gov C = US O = WV DEP OU = DAQ
Date: 2024.06.25 18:40:03 -04'00'

*Issued: June 25, 2024*

This permit will supercede and replace Permit R13-3414.

| | |
|---|---|
| Facility Location: | Kearneysville, WV, Jefferson County, West Virginia |
| Mailing Address: | 395 Steeley Way<br>Kearneysville, WV 25430 |
| Facility Description: | Plastics Extrusion Facility |
| NAICS Codes: | 326199 |
| UTM Coordinates: | 252.63 km Easting • 4,360.28 km Northing • Zone 17 |
| Permit Type: | Modification |

Description of Change:
TeMa North America LLC is proposing to install an XPS Board Extrusion and Lamination System at their existing facility. This process will utilize polystyrene as the feed plastic instead of the existing operations which use polypropylene and polystyrene, including high density polyethylene. These lines will be in addition to the existing three extrusion lines identified as Line 2000, Line 3000, and Line 4000.

*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.*

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*The source is not subject to 45CSR30.*

**Table of Contents**

## 1.0. Emission Units

| Emission Unit ID | Emission Point ID | Emission Unit Description | Year Installed | Design Capacity | Control Device |
|---|---|---|---|---|---|
| 1S | TP | Super Sack Unload Station 1 | 2018 | 400 kg/hr | N |
| 2S | TP | Super Sack Unload Station 2 | 2018 | 400 kg/hr | N |
| 3S | TP | Manual Bag Unload Station 1 | 2018 | 400 kg/hr | N |
| 4S | TP | Screw Conveyor 1 | 2018 | 400 kg/hr | FE |
| 5S | TP | Screw Conveyor 2 | 2018 | 400 kg/hr | FE |
| 6S | TP | Screw Conveyor 3 | 2018 | 400 kg/hr | FE |
| 7S | TP | Screw Conveyor 4 | 2018 | 400 kg/hr | FE |
| 8S | 1E | Blender | 2018 | 400 kg/hr | DC |
| 9S | TP | Screw Conveyor 5 | 2018 | 400 kg/hr | FE |
| 10S | 1E | Pneumatic Transfer System | 2018 | 400 kg/hr | DC |
| 11S | 1E | Extruder Feed Hopper 1 | 2018 | 400 kg/hr | DC |
| 12S | TP | Master Batch System | 2018 | 400 kg/hr | N |
| 13S | TP | Extruder Feed Hopper 2 | 2018 | 400 kg/hr | N |
| 14S | 2E | Extruder | 2018 | 400 kg/hr | N |
| 15S | 1E | Shredder | 2018 | 400 kg/hr | DC |
| 16S | 1E | Pneumatic System | 2018 | 400 kg/hr | DC |
| 17S | 1E | Bulk Bag Loading Station | 2018 | 400 kg/hr | DC |
| 18S | 1E | External Shredder 1 | 2018 | 1000 kg/hr | DC |
| 19S | 1E | External Shredder 2 | 2018 | 1000 kg/hr | DC |
| 20S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 21S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 22S | 1E | Bulk Bag Loading Station | 2018 | 1000 kg/hr | DC |
| 23S | 3E | Silo 1 | 2018 | 1000 kg/hr | VF |
| 24S | 4E | Silo 2 | 2018 | 1000 kg/hr | VF |
| 25S | 5E | Silo 3 | 2018 | 1000 kg/hr | VF |
| 26S | 6E | Silo 4 | 2018 | 1000 kg/hr | VF |
| 27S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 28S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 29S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 30S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 31S | TP | Super Sack Unload Station 1 | 2018 | 600 kg/hr | N |
| 32S | 1E | Pneumatic Transfer System | 2018 | 600 kg/hr | DC |
| 33S | TP | Super Sack Unload Station 2 | 2018 | 600 kg/hr | N |

| Emission Unit ID | Emission Point ID | Emission Unit Description | Year Installed | Design Capacity | Control Device |
|---|---|---|---|---|---|
| 34S | 1E | Pneumatic Transfer System | 2018 | 600 kg/hr | DC |
| 35S | TP | Manual Bag Unload System | 2018 | 600 kg/hr | N |
| 36S | 1E | Pneumatic Transfer System | 2018 | 600 kg/hr | DC |
| 37S | 1E | Blender | 2018 | 600 kg/hr | DC |
| 38S | TP | Screw Conveyor No. 1 | 2018 | 600 kg/hr | N |
| 39S | 1E | Pneumatic Transfer System | 2018 | 600 kg/hr | DC |
| 40S | 1E | Extuder Feed Hopper 1 | 2018 | 600 kg/hr | DC |
| 41S | TP | Master Batch System | 2018 | 600 kg/hr | N |
| 42S | TP | Extruder Feed Hopper 2 | 2018 | 600 kg/hr | N |
| 43S | 2E | Extuder | 2018 | 600 kg/hr | N |
| 44S | 1E | Shredder | 2018 | 600 kg/hr | DC |
| 45S | 1E | Bulk Bag Loading | 2018 | 600 kg/hr | DC |
| 46S | 1E | Pneumatic Transfer System | 2018 | 600 kg/hr | DC |
| 47S | TP | Super Sack Unload Station1 | 2018 | 1000 kg/hr | N |
| 48S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 49S | 1E | Extruder Feed Hopper 1A, 1B | 2018 | 1000 kg/hr | DC |
| 50S | TP | Super Sack Unload Station 2 | 2018 | 1000 kg/hr | N |
| 51S | TP | Super Sack Unload Station 3 | 2018 | 1000 kg/hr | N |
| 52S | TP | Manual Bag Unloading | 2018 | 1000 kg/hr | N |
| 53S | TP | Screw Conveyor 1 | 2018 | 1000 kg/hr | N |
| 54S | TP | Screw Conveyor 2 | 2018 | 1000 kg/hr | N |
| 55S | TP | Screw Conveyor 3 | 2018 | 1000 kg/hr | N |
| 56S | TP | Screw Conveyor 4 | 2018 | 1000 kg/hr | N |
| 57S | 1E | Blender | 2018 | 1000 kg/hr | DC |
| 58S | TP | Screw Conveyor 5 | 2018 | 1000 kg/hr | N |
| 59S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 60S | 1E | Extruder Feed Hopper 2A, 2B | 2018 | 1000 kg/hr | DC |
| 61S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 62S | 1E | Extruder Feed Hopper 3A, 3B | 2018 | 1000 kg/hr | DC |
| 63S | TP | Master Batch System | 2018 | 1000 kg/hr | N |
| 64S | TP | Extruder Feed Hopper 4A, 4B | 2018 | 1000 kg/hr | N |
| 65S | 2E | Extruder | 2018 | 1000 kg/hr | N |
| 66S | 1E | Shredder | 2018 | 1000 kg/hr | DC |
| 67S | 1E | Bulk Bag Loading | 2018 | 1000 kg/hr | DC |

| Emission Unit ID | Emission Point ID | Emission Unit Description | Year Installed | Design Capacity | Control Device |
|---|---|---|---|---|---|
| 68S | 1E | Pneumatic Transfer System | 2018 | 1000 kg/hr | DC |
| 69S | 9E | 10 Building Heaters | 2018 | 2.22 mmbtu (total) | N |
| 70S | 10E | Propane Tank | 2018 | 1,000 gal | N |
| 71S | 11E | Propane Tank | 2018 | 1,000 gal | N |
| 72S | 12E | Propane Tank | 2018 | 1,000 gal | N |
| 73S | 13E | Propane Tank | 2018 | 1,000 gal | N |
| NA | NA | Additive Bins 1-5 (de minimis) | 2024 | NA | N |
| X1S | X1E | Pneumatic System | 2024 | 550 kg/hr | FE |
| X2S | X3CE | Virgin Silo/Bags/Octabins | 2024 | 550kg/hr | X3DC |
| NA | NA | Octabins/Big Bags (de minimis) | 2024 | 550kg/hr | N |
| X3S | X1E | Doser/Extruder Feed Hopper | 2024 | 550kg/hr | FE |
| X4S | 2E | Extruder | 2024 | 550kg/hr | N |
| X5S | X1CE | Trimmer and Surface Planner | 2024 | 550kg/hr | X1DC |
| X6S | X6E | Dimensional Cutting | 2024 | 550kg/hr | FE |
| TPX1 | TPX1 | Transfer Point (TPX1) | 2024 | 550kg/hr | N |
| TPX3 | TPX3 | Transfer Point (TPX3) | 2024 | 550kg/hr | FE |
| TPX4 | X3CE | Pneumatic Truck Delivery Transfer | 2024 | 550kg/hr | X3DC |
| X7S | 2E | Laminator | 2024 | 550kg/hr | None |
| X8S | 1E | Trimmer | 2024 | 550kg/hr | 1C |
| X9S | X2CE | Pneumatic System 3 (TPX5) | 2024 | 550 kg/hr | X2DC |
| X10S | X1CE | Pneumatic System2 (TPX6) | 2024 | 550 kg/hr | X2DC |
| X11S | X11E | XPS Grinder | 2024 | 200 kg/hr | N |
| X12S | X2CE | Outside Silo | 2024 | 200 kg/hr | X2DC |
| X13S | X1CE | Pneumatic System 4 (TPX7) | 2024 | 200 kg/hr | X1DC |
| X14S | X1CE | Doser/ Extruder Feed Hopper | 2024 | 200 kg/hr | X1DC |
| X15S | 2E | Extruder | 2024 | 200 kg/hr | N |
| X16S | X16E | Pellet Cutter | 2024 | 200 kg/hr | N |
| X17S | X1CE | Pneumatic System | 2024 | 200 kg/hr | X1DC |
| X18S | X1CE | Recycled Silo | 2024 | 200 kg/hr | X1DC |
| TPX8 | TPX8 | Transfer Point (TPX8) | 2024 | 200 kg/hr | FE |

## 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.

### 2.2. Acronyms

| | |
|---|---|
| **CAAA** | Clean Air Act Amendments |
| **CBI** | Confidential Business Information |
| **CEM** | Continuous Emission Monitor |
| **CES** | Certified Emission Statement |
| **C.F.R. *or*** | Code of Federal |
| **CFR** | Regulations |
| **CO** | Carbon Monoxide |
| **C.S.R. *or*** | Codes of State Rules |
| **CSR** | |
| **DAQ** | Division of Air Quality |
| **DEP** | Department of Environmental Protection |
| **dscm** | Dry Standard Cubic Meter |
| **FOIA** | Freedom of Information Act |
| **HAP** | Hazardous Air Pollutant |
| **HON** | Hazardous Organic NESHAP |
| **HP** | Horsepower |
| **lbs/hr** | Pounds per Hour |
| **LDAR** | Leak Detection and Repair |
| **M** | Thousand |
| **MACT** | Maximum Achievable Control Technology |
| **MDHI** | Maximum Design Heat Input |
| **MM** | Million |
| **MMBtu/hr *or* mmbtu/hr** | Million British Thermal Units per Hour |
| **MMCF/hr *or* mmcf/hr** | Million Cubic Feet per Hour |
| **NA** | Not Applicable |
| **$NO_X$** | Nitrogen Oxides |
| **NSPS** | New Source Performance Standards |
| **PM** | Particulate Matter |
| **$PM_{2.5}$** | Particulate Matter less than 2.5 μm in diameter |
| **$PM_{10}$** | Particulate Matter less than 10μm in diameter |
| **Ppb** | Pounds per Batch |
| **Pph** | Pounds per Hour |
| **Ppm** | Parts per Million |
| **$Ppm_V$ or ppmv** | Parts per Million by Volume |
| **PSD** | Prevention of Significant Deterioration |
| **Psi** | Pounds per Square Inch |
| **SIC** | Standard Industrial Classification |
| **SIP** | State Implementation Plan |
| **$SO_2$** | Sulfur Dioxide |
| **TAP** | Toxic Air Pollutant |
| **TPY** | Tons per Year |
| **TRS** | Total Reduced Sulfur |
| **TSP** | Total Suspended Particulate |
| **USEPA** | United States Environmental Protection Agency |
| **UTM** | Universal Transverse Mercator |
| **VEE** | Visual Emissions Evaluation |
| **VOC** | Volatile Organic Compounds |
| **VOL** | Volatile Organic Liquids |

| | |
|---|---|
| **NAAQS** | National Ambient Air Quality Standards |
| **NESHAPS** | National Emissions Standards for Hazardous Air Pollutants |

## 2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Act W.Va. Code §§ 22-5-1. et seq. and the following Legislative Rules promulgated thereunder:

2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation*;

## 2.4. Term and Renewal

2.4.1. This permit supersedes and replaces previously issued Permit R13-3414. This Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any other applicable legislative rule;

## 2.5. Duty to Comply

2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-3414A, and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;3

**[45CSR§§13-5.10 and 10.3.]**

2.5.2. 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;

2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;

2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

## 2.6. Duty to Provide Information

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 administratively updating, modifying, revoking, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records 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.

### 2.7. Duty to Supplement and Correct Information

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.

### 2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.
**[45CSR§13-4.]**

### 2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.
**[45CSR§13-5.4.]**

### 2.10 Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.
**[45CSR§13-5.1]**

### 2.11. Inspection and Entry

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; and

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.

2.12. *[Reserved]*

**Emergency**

### 2.13. Need to Halt or Reduce Activity Not a Defense

It shall not be a defense for a permittee in an enforcement action that it should 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.

### 2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

### 2.15. Property Rights

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

### 2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

### 2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.
**[45CSR§13-10.1.]**

## 2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

### 2.19. Credible Evidence

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 defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

## 3.0. Facility-Wide Requirements

### 3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency 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, suffer, allow or permit 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.
**[40CFR§61.145(b) and 45CSR§34]**

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. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
**[45CSR§13-10.5.]**

3.1.6. **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.]**

### 3.2. *[Reserved]*

### 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 sourcespecific 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 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.

b. The Secretary may on a sourcespecific 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. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.

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 sixty (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; and,
3. A statement of compliance or noncompliance with each permit or rule condition.

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

## 3.4. Recordkeeping Requirements

3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports, and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

3.4.2. **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§4. *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.

3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

3.5.3. **Correspondence.** 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 email 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
Charleston, WV 25304-2345

**US EPA:**
Section Chief, USEPA, Region III
Enforcement and Compliance Assurance Division
Air Section (3ED21)
Four Penn Center
1600 John F Kennedy Blvd
Philadelphia, PA 19103-2852

**DAQ Compliance and Enforcement[1]:**
DEPAirQualityReports@wv.gov

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

### 3.5.4. Operating Fee

3.5.4.1. In accordance with 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

## 4.0. Source-Specific Requirements

### 4.1. Limitations and Standards

4.1.1. The TeMa North America, LLC facility shall consist of only the pollutant-emitting equipment and processes identified under Section 1.0 of this permit and any other processes/units defined as De Minimis per 45CSR13. In accordance with the information filed in Permit Application R13-3414A, the equipment shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants and the equipment/processes shall use the specified control devices.

4.1.2. The production rate of each extruder shall not exceed the following:

| Line | Hourly Rate (kgs/hour) | Hourly Rate (lbs/hour) |
|---|---|---|
| 2000 | 400 | 882 |
| 3000 | 600 | 1,323 |
| 4000 | 1,000 | 2,205 |
| XPS | 550 | 1,213 |

4.1.3 Total yearly production shall not exceed 22,338 metric tons (24,623 short tons) of extruded product. The resins permitted on these lines are Polystyrene, Polypropylene (PP), and Polyethylene (PE) including High Density Polyethylene (HDPE). Compliance with this condition shall be based on a rolling twelve-month total.

4.1.4. The use of any resin type not listed above shall not be used without the prior approval of the Director.

4.1.5. The use of any laminating glue besides methylene diphenyl diisocyanate (MDI) shall not be used without the prior approval of the Director.

4.1.6. Combined emissions from the laminator and extruders (XPS, 2000, 3000 &4000) to the atmosphere from process vents through emission point 2E shall not exceed the following hourly and annual emission rate limitations:

| **Pollutant Category** | **Pollutant** | **Particulate (PM) Emissions Limits** | |
|---|---|---|---|
| | | **Hourly (lb/hr)** | **Yearly (tons)** |
| Criteria Pollutants | PM | 0.50 | 2.25 |
| | VOC | 1.79 | 7.87 |
| | CO | 0.03 | 0.12 |
| Hazardous Air Pollutants | Hexane | 0.85 | 3.72 |
| | Acetaldehyde | 0.07 | 0.30 |
| | Toluene | 0.06 | 0.24 |
| | Formaldehyde | 0.02 | 0.06 |
| | MDI | 0.02 | 0.10 |

4.1.7. Emissions to the atmosphere from each baghouse/vent filter shall not exceed the following hourly and annual emission limitations:

| Emission Point I.D. | Particulate (PM) Emissions Limits | |
|---|---|---|
| | Hourly (lb/hr) | Yearly (tpy) |
| 1E | 0.35 | 1.57 |
| 3E | 0.02 | 0.08 |
| 4E | 0.02 | 0.08 |
| 5E | 0.02 | 0.08 |
| 6E | 0.02 | 0.08 |
| X1CE | 0.06 | 0.27 |
| X2CE | 0.03 | 0.12 |
| X3CE | 0.06 | 0.22 |
| X1E | 0.20 | 0.86 |
| X6E | 0.10 | 0.43 |
| X11E | 0.18 | 0.81 |
| X16E | 0.18 | 0.81 |
| TPX1 | 0.49 | 2.14 |
| TPX3 | 0.10 | 0.43 |
| TPX8 | 0.04 | 0.16 |

4.1.8. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7.
[**§45-7-3.1]**

4.1.9 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 5.1 is required to have a full enclosure and be equipped with a particulate matter control device.
**[§45-7-3.7]**

4.1.10. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A found at the end of this rule.
[**§45-7-4.1]**

4.1.11. 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 a system shall be installed, maintained and operated to ensure the lowest fugitive particulate matter emissions reasonably achievable.
**[§45-7-5.1]**

4.1.12. The owner or operator of a plant shall maintain particulate matter control of the plant premises, and plant owned, leased or controlled access roads, by paving, application of asphalt, chemical dust suppressants or other suitable dust control measures. Good operating practices shall be implemented and when necessary particulate matter suppressants shall be applied in relation to stockpiling and general material handling to minimize particulate matter generation and atmospheric entrainment.

[**§45-7-5.2]**

4.1.13. At such reasonable times as the Director may designate, the operator of any manufacturing process source operation may be required to conduct or have conducted stack tests to determine the particulate matter loading in exhaust gases. Such tests shall be conducted in such manner as the Director may specify and be filed on forms and in a manner acceptable to the Director. The Director, or his duly authorized representative, may at his option witness or conduct such stack tests. Should the Director exercise his option to conduct such tests, the operator will provide all the necessary sampling connections and sampling ports to be located in such manner as the Director 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.
**[§45-7-8.1]**

4.1.14. The Director, or his duly authorized representative, may conduct such other tests as he or she may deem necessary to evaluate air pollution emissions.
**[§45-7-8.2]**

4.1.15. Due to unavoidable malfunction of equipment, emissions exceeding those set forth in this rule may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the malfunction. In cases of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.

**[§45-7-9.1]**

4.1.16. At the time a stationary source is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests the Secretary may specify shall be conducted to determine compliance.
**[§45-13-6.1]**

4.1.17. The maximum heat rate of the combined building heaters shall not exceed 2.22 million btu/hr.

4.1.18. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing

emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
**[45CSR§13-5.10.]**

4.1.19 **Maintenance of Air Pollution Control Equipment**

a. The permittee shall regularly inspect, properly maintain and operate particulate matter capture systems, associated air pollution control devices and fugitive dust control systems in accordance with recommendations of the manufacturer and the requirements of this section to ensure effective, efficient, compliant operation of such systems and/or devices and the minimization of particulate emissions and control of fugitive dust.

b. The permittee shall:

i. Visually inspect the exterior portion of each particulate matter capture system, points of capture or collection; filter vents, dust collectors, ducts, connections, housings and associated air pollution control devices for malfunction, leaks and effective operation every three (3) calendar months. The permittee shall perform preventive or corrective action as necessary to ensure particulate matter capture system integrity and effective operation. The permittee shall record the date of inspection and document any preventive or corrective action taken;

ii. Visually inspect the operation of each exterior baghouse and vent filter cleaning system mechanism, interior cleaning equipment and the clean side of bags and vent filters for evidence of leaks or failure once annually. The permittee shall perform preventive or corrective action as necessary to ensure effective operation of baghouse cleaning system mechanism, interior cleaning equipment and filter fabric integrity. The permittee shall record the date of such inspections and document any baghouse cleaning system repair, filter fabric replacement, preventive or corrective action taken; and

iii. Visually inspect each fugitive dust control system, associated tanks, piping, fittings, spray nozzles, pumps and valves for malfunction, leaks and effective operation every three (3) calendar months. The permittee shall perform preventive or corrective action as necessary to ensure fugitive dust control system integrity and effective operation. The permittee shall record the date of inspection and document any preventive or corrective action taken.

## 4.2. Monitoring Requirements

4.2.1. The permittee shall monitor and maintain a certified record of the total amount of resins processed by the extrusion lines on a monthly basis. These records shall be properly maintained on site for a period not less than five (5) years and be made available to the Director, or the Director's designated representative, upon request.

4.2.2 The permittee shall operate and maintain all baghouses/vent filters in accordance with the manufacturer's specification to ensure they remain in good operating condition.

4.2.3 For the purpose of determining compliance with the opacity limits of 45CSR7 the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source (stack (including dust collector discharge and vent filter discharges) and transfer points,) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions. Visible emissions may be observed at a maximum of three (3) sources concurrently.

If visible emissions are present at a source(s) for three (3) consecutive monthly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check.

4.2.4. To demonstrate compliance with permit condition 4.1.19, the permittee shall maintain a record of all inspection and maintenance activities performed on air pollution control equipment. The record shall include the state of such inspections and document any dust control systems repairs and preventative or corrective action taken.

## 4.3. Testing Requirements

*[Reserved]*

## 4.4. Recordkeeping Requirements

4.4.1. **Record of Monitoring.** 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.

4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

4.4.3. For the purpose of determining compliance with the opacity limits of permit condition 4.1.8, the permittee shall maintain records of all monitoring data required by permit condition 4.2.3. documenting the date and

time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80oF, 6 - 10 mph NE wind) during the visual emission check(s). Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements of Method 9. For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.

4.4.4. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

4.4.5. To determine compliance with 4.1.5, any and all malfunctions of the control devices shall be documented in writing, and maintained on-site. The following information must be documented for each malfunction:

a. The equipment involved in the malfunction and the associated cause.

b. Steps taken to correct the malfunction.

c. The steps taken to minimize the emissions during the malfunction.

d. The duration of the malfunction.

e. The increase in emissions during the malfunction.

f. Steps taken to prevent a similar malfunction in the future.

These records shall be maintained on-site for a period of five (5) years and certified records shall be made available to the Director of the Division of Air Quality or his/her duly authorized representative upon request.

## CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature[1] _____ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name & Title _____ _____
(please print or type) Name Title

Telephone No. _____ Fax No. _____

[1] This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or

(ii) the delegation of authority to such representative is approved in advance by the Director;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of U.S. EPA); or

d. The designated representative delegated with such authority and approved in advance by the Director.