

Fact Sheet



For Final Renewal Permitting Action Under 45CSR30 and Title V of the Clean Air Act

Permit Number: **R30-01100031-2016**
Application Received: **April 30, 2015**
Plant Identification Number: **03-054-01100031**
Permittee: **ACF Industries LLC**
Mailing Address: **2300 Third Avenue, Huntington, WV 25703**

Revised: N/A

Physical Location:	Huntington, Cabell County, West Virginia
UTM Coordinates:	376.20 km Easting • 4,253.90 km Northing • Zone 17
Directions:	I-64 West to Exit 11. Right on Hal Greer Boulevard, right on 5th Avenue, left on 24th Street and left on 3rd Avenue. The ACF plant is located on the right side of 3rd Avenue between 24th Street and 22nd Street.

Facility Description

ACF Industries LLC (SIC Codes: 4011 and 3743) consists of railcar welding, fabrication, blasting and painting operations. The fabrication area consists of flame cutting, welding and assembly. The blasting section consists of weld seam, pangborn interior, auto, hand and finish blasting to prepare the interiors and exteriors for painting. Paint is applied on two tracks in the following procession: primary and secondary lining, exterior primer application, finish booth, stencil booth, final touchup, pre-priming application and anti-skid application.

Emissions Summary

Plantwide Emissions Summary [Tons per Year]		
Regulated Pollutants	Potential Emissions	2014 Actual Emissions¹
Carbon Monoxide (CO)	9.83	0.128772
Nitrogen Oxides (NO _x)	11.70	0.1533
Particulate Matter (PM _{2.5})	Not available	Not available
Particulate Matter (PM ₁₀)	97.61	0.01165080
Total Particulate Matter (TSP)	390.42	Not available
Sulfur Dioxide (SO ₂)	0.07	0.0009198
Volatile Organic Compounds (VOC)	245	0.00843150

PM₁₀ is a component of TSP.

Hazardous Air Pollutants	Potential Emissions	2014 Actual Emissions¹
Single HAP	9.4	0
Combination of HAPS	24.4	0

¹ Actual emissions are from the 2015 Certified Emissions Statement Invoice, and are emissions from January 1, 2014 through December 31, 2014.

Title V Program Applicability Basis

This facility has the potential to emit 245 tons per year of Volatile Organic Compounds. Due to this facility's potential to emit over 100 tons per year of criteria pollutant, ACF Industries LLC is required to have an operating permit pursuant to Title V of the Federal Clean Air Act as amended and 45CSR30.

Legal and Factual Basis for Permit Conditions

The State and Federally-enforceable conditions of the Title V Operating Permits are based upon the requirements of the State of West Virginia Operating Permit Rule 45CSR30 for the purposes of Title V of the Federal Clean Air Act and the underlying applicable requirements in other state and federal rules.

This facility has been found to be subject to the following applicable rules:

Federal and State:	45CSR6	Open burning prohibited.
	45CSR7	PM from manufacturing sources
	45CSR11	Standby plans for emergency episodes.
	45CSR13	Permits for construction/modification
	45CSR21	Emissions of VOCs
	WV Code § 22-5-4 (a) (14)	The Secretary can request any pertinent information such as annual emission inventory reporting.
	45CSR30	Operating permit requirement.
	45CSR34	Emission standards for HAPs
	40 C.F.R. Part 61	Asbestos inspection and removal
	40 C.F.R. Part 82, Subpart F	Ozone depleting substances
State Only:	45CSR4	No objectionable odors.

Federal Only: 40 C.F.R. 63 Subpart HHHHHH Area source NESHAP for paint stripping and miscellaneous surface coating operations

Each State and Federally-enforceable condition of the Title V Operating Permit references the specific relevant requirements of 45CSR30 or the applicable requirement upon which it is based. Any condition of the Title V permit that is enforceable by the State but is not Federally-enforceable is identified in the Title V permit as such.

The Secretary's authority to require standards under 40 C.F.R. Part 60 (NSPS), 40 C.F.R. Part 61 (NESHAPs), and 40 C.F.R. Part 63 (NESHAPs MACT) is provided in West Virginia Code §§ 22-5-1 *et seq.*, 45CSR16, 45CSR34 and 45CSR30.

Active Permits/Consent Orders

Permit or Consent Order Number	Date of Issuance	Permit Determinations or Amendments That Affect the Permit (<i>if any</i>)
CO-R30-E-2001-17	June 5, 2001	
R13-2038C	January 4, 2006	

Conditions from this facility's Rule 13 permit(s) governing construction-related specifications and timing requirements will not be included in the Title V Operating Permit but will remain independently enforceable under the applicable Rule 13 permit(s). All other conditions from this facility's Rule 13 permit(s) governing the source's operation and compliance have been incorporated into this Title V permit in accordance with the "General Requirement Comparison Table," which may be downloaded from DAQ's website.

Determinations and Justifications

I. **Consent Order No. CO-R30-E-2001-17.** The renewal application listed this consent order in the general application forms as an active consent order. This writer reviewed the consent order and contacted Mr. Robert Keatley in DAQ Compliance and Enforcement to make a determination if all required items in the CO had been completed. Mr. Jeffrey Hedgecock searched the file and informed Mr. Keatley that no mass emission test was performed for the CO. Mr. Hedgecock stated that the reason the testing was not performed was because the affected portion of the facility is shut down and has not been operated.

Section II of the CO states that the company failed to perform mass emission tests as required by Section III. C.5.a. of operating permit R30-01100031-1996. This writer retrieved the specific requirement from operating permit R30-01100031-1996 (SM01) and compared it to existing permit condition 4.3.2. which contains the same requirements except that the consent order states that testing must be complete within 90 days of starting up the facility, whereas condition 4.3.2. states that testing must be performed "upon request by the Director". This difference indicates that the consent order is more stringent than the requirement in current permit condition 4.3.2.

Since the consent order requirement is more stringent, and has not been fulfilled, it must be incorporated into the Title V permit. Considering that the specifics of its testing requirements are included in current Title V condition 4.3.2., a new permit condition 4.3.3. embodying the CO requirement will incorporate by reference the test procedures in current permit condition 4.3.2.

- II. **45CSR42 – Greenhouse Gas Emissions Inventory Program.** Current permit conditions 3.1.9. and 3.5.10. have been deleted from the draft permit since this rule was repealed by S.B. 253, effective June 1, 2012.
- III. **40 C.F.R. 63 Subpart HHHHHH – National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources.** The facility is an area source of HAP that applies coatings to railroad car components within spray booths. The majority of the spray application is performed by machine within the facility’s spray booths. However, some of the final finishing and touch-up work is performed utilizing standard automotive-type hand held spray equipment, which is also done within the spray booths.

The facility does not use chemical strippers that contain methylene chloride (cf. §§63.11169(a) and 63.11170(a)(1)). The facility does not spray coatings containing compounds of chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), or cadmium (Cd), collectively referred to as the target HAP (cf. §§63.11169(c) and 63.11170(a)(3)). However, §§63.11170(a) and (a)(2) give the following applicability criteria (bold font added):

- (a) You are subject to this subpart if you operate an area source of HAP as defined in paragraph (b) of this section, including sources that are part of a tribal, local, State, or Federal facility and you perform one or more of the activities in paragraphs (a)(1) through (3) of this section:
- (2) Perform **spray application of coatings**, as defined in §63.11180, to motor vehicles and **mobile equipment** including operations that are located in stationary structures at fixed locations, and mobile repair and refinishing operations that travel to the customer's location, except spray coating applications that meet the definition of facility maintenance in §63.11180. However, if you are the owner or operator of a motor vehicle or mobile equipment surface coating operation, you may petition the Administrator for an exemption from this subpart if you can demonstrate, to the satisfaction of the Administrator, that you spray apply no coatings that contain the target HAP, as defined in §63.11180. Petitions must include a description of the coatings that you spray apply and your certification that you do not spray apply any coatings containing the target HAP. If circumstances change such that you intend to spray apply coatings containing the target HAP, you must submit the initial notification required by 63.11175 and comply with the requirements of this subpart.

The following definitions are useful for demonstrating that the facility meets these criteria:

Spray-applied coating operations means coatings that are applied using a hand-held device that creates an atomized mist of coating and deposits the coating on a substrate. For the purposes of this subpart, spray-applied coatings do not include the following materials or activities.

- 1) Coatings applied from a hand-held device with a paint cup capacity that is equal to or less than 3.0 fluid ounces (89 cubic centimeters).
- 2) Surface coating application using powder coating, hand-held, non-refillable aerosol containers, or non-atomizing application technology, including, but not limited to, paint brushes, rollers, hand wiping, flow coating, dip coating, electrodeposition coating, web coating, coil coating, touch-up markers, or marking pens.
- 3) Thermal spray operations (also known as metallizing, flame spray, plasma arc spray, and electric arc spray, among other names) in which solid metallic or non-metallic material is heated to a molten or semi-molten state and propelled to the work piece or substrate by compressed air or other gas, where a bond is produced upon impact.

Mobile equipment means any device that may be drawn and/or driven on a roadway including, but not limited to, heavy-duty trucks, truck trailers, fleet delivery trucks, buses, mobile cranes, bulldozers, street cleaners, agriculture equipment, motor homes, and other recreational vehicles (including camping trailers and fifth wheels).

Miscellaneous parts and/or products means any part or product made of metal or plastic, or combinations of metal and plastic. Miscellaneous parts and/or products include, but are not limited to, metal and plastic components of the following types of products as well as the products themselves: motor vehicle parts and accessories for automobiles, trucks, recreational vehicles; automobiles and light duty trucks at automobile and light duty truck assembly plants; boats; sporting and recreational goods; toys; business machines; laboratory and medical equipment; and household and other consumer products.

Miscellaneous surface coating operation means the collection of equipment used to apply surface coating to miscellaneous parts and/or products made of metal or plastic, including applying cleaning solvents to prepare the surface before coating application, mixing coatings before application, applying coating to a surface, drying or curing the coating after application, and cleaning coating application equipment, but not plating. A single surface coating operation may include any combination of these types of equipment, but always includes at least the point at which a coating material is applied to a given part. A surface coating operation includes all other steps (such as surface preparation with solvent and equipment cleaning) in the affected source where HAP are emitted from the coating of a part. The use of solvent to clean parts (for example, to remove grease during a mechanical repair) does not constitute a miscellaneous surface coating operation if no coatings are applied. A single affected source may have multiple surface coating operations. Surface coatings applied to wood, leather, rubber, ceramics, stone, masonry, or substrates other than metal and plastic are not considered miscellaneous surface coating operations for the purposes of this subpart.

The facility has the potential to perform spray application of coatings, as defined in §63.11180, to mobile equipment. It could be argued that railroad cars do not qualify as mobile equipment because the definition states that the equipment must be drawn and/or driven on a “roadway” and then lists several types of included equipment. Unlike trucks, trailers, and buses, railroad cars are not driven or drawn on a roadway. But, agricultural equipment and particularly bulldozers are not typically driven on roadways, either. Aside from these details, the fact that the definition states “including, but not limited to” tends to include railroad cars rather than exclude them. Therefore, it is reasonable that railroad cars meet the regulation’s definition of mobile equipment.

§63.11170(a)(2) states that an affected source is one that “Perform[s] spray application of coatings, as defined in §63.11180, to motor vehicles and mobile equipment...” So it could be argued that the facility is not subject to this subpart since it applies coatings only to mobile equipment but not also motor vehicles. However, such an approach is focusing on a technicality rather than considering the overarching purpose of the regulation to establish standards for HAP for area sources involved in “any of the activities” in §63.11169.

Further, the facility refurbishes and repairs railcar components, such as wheel assemblies. These components meet the definition of miscellaneous parts and/or products. Surface coatings are applied to these parts and products; therefore, the facility also functions as a miscellaneous surface coating operation as defined in this subpart.

In summary, the facility is subject to this subpart since it meets the criteria in §63.11170(a)(2). As provided in §63.11170(a)(2), the permittee may petition the Administrator for an exemption from this subpart if the permittee can demonstrate, to the satisfaction of the Administrator, that the permittee does not spray apply coatings that contain the target HAP, as defined in §63.11180. The permittee’s consultant stated in technical correspondence¹ that the facility does not, and will not in the future, use any coatings containing the target HAP.

Since this subpart is applicable, and the permittee has not at the time of this renewal petitioned the Administrator for an exemption from this subpart, the applicable requirements of Subpart HHHHHH have been incorporated into the renewal operating permit as detailed in the table below.

A new affected source is defined in §63.11171(c). All of the facility’s emission units were constructed before September 17, 2007; therefore, the affected sources are considered existing under §63.11171(e).

It has been noted in 45CSR§34-4.1.c. that DAQ did not take delegation of Subpart HHHHHH; therefore, 45CSR34 has not been cited with the federal regulation citations of authority.

Subpart HHHHHH	Title V	Discussion
§63.11171(b)	4.1.20.	This paragraph lists the collection of affected sources, but also notes that not all affected sources will have all of the items in (b)(1) through (6) of this section. Item (6) is for facilities that use paint strippers containing MeCl. The permittee’s consultant stated in January 26, 2016 technical correspondence that the permittee does not utilize strippers containing MeCl. Therefore, item (6) is excluded from the permit condition.
Compliance Date		
§63.11172(a)	None	This paragraph is not applicable since the affected source is not new or reconstructed.
§63.11172(b)	4.1.21.	This compliance date is applicable since the affected source is existing.
General Requirements for Compliance		
§63.11173(a)	None	This paragraph is not applicable since the affected source does not utilize strippers that contain MeCl.
§63.11173(b)	None	This paragraph is not applicable since the affected source does not utilize strippers that contain MeCl.
§63.11173(c)	None	This paragraph is not applicable since the affected source does not utilize strippers that contain MeCl.
§63.11173(d)	None	This paragraph is not applicable since the affected source does not utilize strippers that contain MeCl.
§63.11173(e)	4.1.22.	This paragraph is applicable since it applies to mobile equipment surface coating operations.
§63.11173(f)	4.1.23.	This paragraph is applicable since it applies to miscellaneous surface coating operations and also specifies the requirements for training and certification that are referenced by applicable requirements in §63.11173(e)(1) (permit condition 4.1.22.(1)).

¹ January 26, 2016 e-mail from Mr. Chris Burke, Environmental Consultant, Phase Environmental, LLC.
 West Virginia Department of Environmental Protection • Division of Air Quality

Subpart HHHHHH	Title V	Discussion
§63.11173(g)	4.1.24.	This paragraph is applicable since it applies to mobile equipment surface coating operations and miscellaneous surface coating operations. The requirements for new sources in §63.11173(g)(1) has not been included in the permit condition since the source is existing.
Notifications		
§63.11175(a)	4.5.3.	This is the applicable initial notification requirement.
§63.11175(b)	4.5.4.	This is the applicable notification of compliance status (NOCS) requirement.
Reports		
§63.11176(a)	4.5.5.	This is the applicable annual notification of changes report requirement.
§63.11176(b)	None	This requirement is entirely based upon utilizing MeCl, which the permittee does not use; therefore, this requirement is not written in the operating permit.
Records		
§§63.11177(a)-(g)	4.4.14.	<p>The first paragraph of this section reads, “If you are the owner or operator of a surface coating operation, you must keep the records specified in paragraphs (a) through (d) and (g) of this section. If you are the owner or operator of a paint stripping operation, you must keep the records specified in paragraphs (e) through (g) of this section, as applicable.”</p> <p>Since the facility is a surface coating operation, the records specified in paragraphs (a) through (d) and (g) are applicable and have been written in one permit condition.</p> <p>Paragraph (b) incorrectly refers to §63.11173(e)(3)(i). This has been changed to §63.11173(e)(2)(i) in the permit.</p> <p>Paragraph (c) incorrectly refers to §63.11173(e)(4). This has been changed to §63.11173(e)(3) in the permit.</p> <p>Paragraphs (e) and (f) are entirely based upon utilizing MeCl, which the permittee does not use; therefore, these requirements are not written in the operating permit.</p>
§63.11177(h)	4.4.15.	This applicable recordkeeping requirement has been written in the permit.
§63.11178(a)	4.4.16.	This applicable recordkeeping format and retention requirement has been written in the permit.

IV. Miscellaneous Changes

- a. The type of business entity is changed from “Inc.” to “LLC” to reflect the information provided in Section 1 of the application general forms. The West Virginia Secretary of State’s website² indicates that the effective date of the change was 8/18/2011.
- b. The date 1985 was added for the Finish Blast (005-05) in the emission units table in section 1.1. to reflect information provided in Attachment D of the application.

² Business organizations database located at <http://apps.sos.wv.gov/business/corporations/> accessed on 6/03/2015.

- c. In Section 1.1. the control device type for emission unit 003-04 was changed to also include the fabric filter to reflect the content of permit R13-2038C.
- d. Permit condition 3.3.1.d. was added to the permit and the citation of authority revised.
- e. The U.S. EPA office name is changed in condition 3.5.3.

Non-Applicability Determinations

The following requirements have been determined not to be applicable to the subject facility due to the following:

1. **40 C.F.R. 63 Subpart M** – *National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products*. Facilities that emit less than 10 TPY of any single HAP and less than 25 TPY of a combination of HAPS are exempt from this subpart per 40 C.F.R. §63.3881(b). Condition 4.1.16. of permit R13-2038C sets lower limits, thus exempting the source from this MACT.
2. **40 C.F.R. Part 64 – Compliance Assurance Monitoring**. This is the third permit renewal for this facility. The facility was found not to be subject to CAM at the time of the first renewal and no changes have been made that would trigger applicability. Therefore, a CAM determination is not required.

Request for Variances or Alternatives

None.

Insignificant Activities

Insignificant emission unit(s) and activities are identified in the Title V application.

Comment Period

Beginning Date: Thursday, March 3, 2016
Ending Date: Monday, April 4, 2016

Point of Contact

All written comments should be addressed to the following individual and office:

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West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone: 304/926-0499 ext. 1221 • Fax: 304/926-0478
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Procedure for Requesting Public Hearing

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing, if no public hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Secretary shall grant such a request for a hearing if he/she concludes that a public hearing is appropriate. Any public hearing shall be held in the general area in which the facility is located.

Response to Comments (Statement of Basis)

The following comments were received from Mr. Paul Wentworth, U.S. EPA, regarding the proposed permit. The DAQ response follows each comment.

1. Regarding the last sentence in Condition 4.1.4.: To assure compliance with this requirement, the permit must have language that specifically requires the company to demonstrate that it is meeting this requirement.

Response: Compliance is demonstrated by condition 4.4.4.

2. Regarding Conditions 4.1.10. through 4.1.12.: It is possible to misinterpret the requirements of each of these sections to mean that 4144 hours are to be used to calculate the annual limit, independent of the number of actual hour to which the plant is allowed to operate, because the 4144 annual operating hour value has not been clearly established as an annual limit on the company's annual operating hours, rather in the context of these requirements it is used to calculate annual emissions, nothing more. What must be incorporated to make these sections unambiguous, is a separate limit in the permit that provides for an annual operating hour requirement for the company of no greater than 4144 hours.

Response: The language "based on operating 4,144 hours per year" has been changed to "based on operating no more than 4,144 hours per year" in conditions 4.1.10. and 4.1.11. The language is changed from "based on 4,144 hours per year of operation" to "based on no more than 4,144 hours per year of operation" in condition 4.1.12.

3. Regarding Conditions 4.1.10. through 4.1.12.: The language in sections 4.1.10 - 4.1.12 list 4144 hours per year for the Company's operating hours. This appears to be in conflict with the amount of operating hours used on page 29 in determining particulate emissions for blasting operations: 4896 hrs/year. This must be resolved.

Response: The quantity 4,896 hrs/year does not appear in the draft/proposed permit.

4. Regarding Condition 4.1.17.c.: The emission rate limits in 45CSR27 Table A for TAPs in the surface coatings used at this facility must be included in the permit.

Response: Table A in 45CSR27 has been added to the permit condition.

5. Regarding Condition 4.1.18.: The appropriate operation maintenance manuals should be identified here.

Response: This is NSR permit boilerplate, but conditions 4.2.2., 4.2.3., and 4.2.4. demonstrate compliance with condition 4.1.18.

6. Regarding Condition 4.2.1.: For purposes of clarity, provide a table here of all the emission units with opacity limits that will be subject to opacity monitoring.

Response: A list of all emission points subject to 45CSR§7-3.1. has been added in parenthesis after the citation of authority in permit condition 4.1.1. Condition 4.2.1. refers to 4.1.1.

7. Regarding Condition 4.3.1.: Unless the test methods to demonstrate compliance are in an extensive document, language specifying compliance procedures to carry out these requirements must be inserted into the permit. The phrase "all other applicable requirements" needs to be expanded to show what other applicable requirements apply.

Response: The procedures specified in 45CSR§21-43.1. are already provided in condition 4.4.8. The language "all other applicable requirements" would mean all other 45CSR21 requirements that are applicable in addition to those already specified in conditions 4.1.7. and 4.1.14. In this case, however, all of the applicable requirements in addition to conditions 4.1.7. and 4.1.14. are applicable recordkeeping and reporting, rather than limitations or standards. Consequently, there are no other requirements that apply which need to be expanded or specified in the Title V permit.

8. Regarding Condition 4.3.2.: This testing requirement is predicated on the discretion of the director and therefore makes periodic monitoring for compliance with sections 4.1.10, 4.1.11, 4.1.12. not practically enforceable. Establish an applicable requirement for a regular performance test to enable realistic monitoring to assure compliance with these limits.

Response: This is stack testing upon request by the Director. The facility is demonstrating continuous compliance by monitoring of control devices in conditions 4.2.2. and 4.2.3.; visible emissions in condition 4.2.1.; and recordkeeping in conditions 4.4.10., 4.4.11., and 4.4.12. (recordkeeping of control device inspections).