

# Fact Sheet



## For Final Minor Modification Permitting Action Under 45CSR30 and Title V of the Clean Air Act

This Fact Sheet serves to address the changes specific to this Minor Modification, and shall be considered a supplement to the Fact Sheet corresponding with the Title V operating permit issued on August 18, 2015.

Permit Number: **R30-02900008-2015**  
Applications Received: **July 29, 2016 & October 3, 2016**  
Plant Identification Number: **03-54-02900008**  
Permittee: **Ergon Corporation - West Virginia, Inc.**  
Mailing Address: **P.O. Box 356, Newell, WV 26050**

Permit Action Number: *MM02 and MM03* Revised *June 5, 2017*

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Physical Location: Newell, Hancock County, West Virginia  
UTM Coordinates: 531.25 km Easting • 4495.35 km Northing • Zone 17  
Directions: Two miles south of Newell on State Route 2.

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### Facility Description

Ergon Corporation - West Virginia, Inc. (EWVI) owns and operates a petroleum refinery (SIC 2911 and NAICS 32411) in Newell, West Virginia. The refinery processes crude oil and produces several petroleum products such as diesel, gasoline, kerosene, and crude oils. The facility has the potential to operate twenty-four (24) hours a day for seven (7) days per week.

This modification incorporates the changes authorized by R13-2334Z and R13-2334AA, which include: revisions to the requirements for the Main and Sour gas flares and addition of a 126,000 gallon bio-diesel storage tank.

### Emissions Summary

With the proposed changes in Permits R13-2334Z and R13-2334AA, the facility's total changes to their potential to emit are:

Carbon Monoxide (CO)	-23.43 tpy
Nitrogen Oxides (NO <sub>x</sub> )	-4.20 tpy
Particulate Matter (PM, PM <sub>10</sub> , PM <sub>2.5</sub> )	-0.46 tpy
Sulfur Dioxide (SO <sub>2</sub> )	-40.11 tpy
Volatile Organic Compounds (VOCs)	-8.86 tpy
Hazardous Air Pollutants (HAPs)	0.00 tpy

**Title V Program Applicability Basis**

With the proposed changes associated with these modifications, this facility maintains the potential to emit 226.88 tons per year of Carbon Monoxide, 200.45 tons per year of Nitrogen Oxides, and 163.60 tons per year of Volatile Organic Compounds. Due to this facility's potential to emit over 100 tons per year of criteria pollutants, Ergon - West Virginia, Inc. 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.

The modification to this facility has been found to be subject to the following applicable rules:

Federal and State	45CSR13	Construction permits
	45CSR16	40 CFR Part 60 Performance Standards
	45CSR30	Operating permit requirement
	40CFR60, Subpart J	NSPS for Petroleum Refineries
	40CFR60, Subpart Ja	NSPS for Petroleum Refineries

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-SIP-95-1	January 9, 1995	
R13-2334AA	January 5, 2017	

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

This Title V minor modification includes the revisions authorized by NSR permits R13-2334Z and R13-2334AA. As a result of the 45CSR13 changes, the following changes were made to the Title V permit under minor modifications MM02 and MM03:

### Permit R13-2334Z

- The Emissions Units Table 1.1. was revised by separating the Main Flare (F1) and Sour Gas Flare (F2)
- Condition 4.1.12. was revised to remove the exemption for combustion in a flare of process gas
- Condition 4.1.18. was revised to correlate with the R13 permit
- The Tables in Conditions 4.1.19. and 4.1.23. were updated to correlate with the R13 permit
- The requirements for the Main and Sour Gas Flares (F1 and F2) were separated where appropriate under Section 5.0. of the permit and the 250 hours per year limit for non-emergency flaring was removed
- Where applicable in the permit, it was clarified that the Main Flare (F1) is subject to the requirements of 40 CFR 60, Subpart Ja and the Sour Gas Flare is subject to the requirements of Subpart J
- All references to the Consent Decree Civil No. 3.03CV114010S have been removed from the permit as this Consent Order is no longer active.

No additional equipment was installed for this modification, only a change from listing the flares as Main/Sour Gas Flare to listing the flares separately as Main Flare and Sour Gas Flare. There are no emissions increases, only decreases from the removal of the non-emergency flaring limit. Therefore, no changes were made to monitoring, recordkeeping, and reporting requirements except to clarify that the Main Flare is subject to 40 CFR 60, Subpart Ja and the Sour Gas Flare is subject to 40 CFR 60, Subpart J.

### Permit R13-2334AA

- The Emissions Units Table 1.1. was revised by adding Tank 4069

The only change in emissions resulting from Tank 4069 is the small increase in VOC emissions resulting from the working/breathing emissions. According to information provided in the permit application, the estimated maximum VOC potential-to-emit (PTE) from the storage tank is 0.06 tons/year. Since the increase in emissions is small and to be consistent with similar tanks at the facility, additional emissions limitations, monitoring, recordkeeping, and reporting was not deemed to be necessary.

## Non-Applicability Determinations

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

**40 CFR60, Subpart Kb: Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984** - Subpart Kb of 40 CFR 60 is the NSPS for storage tanks containing Volatile Organic Liquids (VOLs) for which construction commenced after July 23, 1984. The Subpart applies to storage vessels used to store VOLs with a capacity greater than or equal to 75 m<sup>3</sup> (19,813 gallons). However, storage tanks with a capacity greater than or equal to 151 m<sup>3</sup> (39,890 gallons) storing a liquid with a maximum true vapor pressure less than 3.5 kilopascals (kPa) are exempt from Subpart Kb. Bio-diesel has a low vapor pressure (~ 0.05 kPa) and is, therefore, exempt from the requirements of Subpart Kb.

## 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: N/A

Ending Date: N/A

### **Point of Contact**

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

Bobbie Scroggie  
West Virginia Department of Environmental Protection  
Division of Air Quality  
601 57th Street SE  
Charleston, WV 25304  
Phone: 304/926-0499 ext. 1225 • Fax: 304/926-0478  
Bobbie.Scroggie@wv.gov

### **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**

No comments received.