

West Virginia Department of Environmental Protection

Harold D. Ward  
Cabinet Secretary

# Permit to Operate



Pursuant to  
**Title V**  
of the Clean Air Act

*Issued to:*

Celanese Polymer Products, LLC  
Celanese Washington Works  
Development and Laboratory Services  
(Part 13 of 14)  
R30-10700208-2024

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

*Issued: [Date of issuance] • Effective: [Equals issue date plus two weeks]*  
*Expiration: [5 years after issuance date] • Renewal Application Due: [6 months prior to expiration]*

Permit Number: **R30-10700208-2024 (13 of 14)**  
Permittee: **Celanese Polymer Products, LLC**  
Facility Name: **Celanese Washington Works**  
Business Unit: **Development and Laboratory Services**  
Permittee Mailing Address: **P.O. Box 2600, Washington, WV 26181-2600**

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*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.*

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|---------------------------|--|
| Facility Location:        | Washington, Wood County, West Virginia               |
| Facility Mailing Address: | P. O. Box 2600, Washington, WV 26181-2600            |
| Telephone Number:         | (304) 863-4244                                       |
| Type of Business Entity:  | Limited Liability Corporation (LLC)                  |
| Facility Description:     | Consolidation of laboratory services                 |
| SIC Codes:                | 2821   |
| UTM Coordinates:          | 442.103 km Easting • 4,346.800 km Northing • Zone 17 |

Permit Writer: Beena Modi

*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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*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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**APPENDIX A**

**- Attachment A of R13-3574 for the Development and Laboratory Services Area**

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

### 1.1 Emission Units

| Emission Point ID                          | Control Device | Emission Unit ID | Emission Unit Description | Design Capacity           | Year Installed |
|--|----------------|------------------|---------------------------|---------------------------|----------------|
| <b>Development and Laboratory Services</b> |                |                  |                           |                           |                |
| L001E                                      | None           | L001             | Laboratory Hood           | 175 ft <sup>3</sup> /min  | 1976           |
| L002E                                      | None           | L002             | Laboratory Hood           | 500 ft <sup>3</sup> /min  | 1976           |
| L003E                                      | None           | L003             | Laboratory Hood-Mixed Use | 550 ft <sup>3</sup> /min  | 1976           |
| L004E                                      | None           | L004             | Laboratory Hood           | 700 ft <sup>3</sup> /min  | 1976           |
| L005E                                      | None           | L005             | Laboratory Hood           | 500 ft <sup>3</sup> /min  | 1976           |
| L006E                                      | None           | L006             | Laboratory Hood           | 850 ft <sup>3</sup> /min  | 1976           |
| L007E                                      | None           | L007             | Laboratory Hood           | 650 ft <sup>3</sup> /min  | 1976           |
| L008E                                      | None           | L008             | Laboratory Hood           | 450 ft <sup>3</sup> /min  | 1976           |
| L009E                                      | None           | L009             | Laboratory Hood-Mixed Use | 3,500 samples/yr          | 1976           |
| L010E                                      | None           | L010             | Laboratory Hood-Mixed Use | 800 ft <sup>3</sup> /min  | 1976           |
| L011E                                      | None           | L011             | Laboratory Hood           | 1890 ft <sup>3</sup> /min | 1976           |
| L012E                                      | None           | L012             | Laboratory Hood-Mixed Use | 1500 ft <sup>3</sup> /min | 1976           |
| L013E                                      | None           | L013             | Laboratory Hood           | 1500 ft <sup>3</sup> /min | 1976           |
| L014E                                      | None           | L014             | Laboratory Hood           | 2400 ft <sup>3</sup> /min | 1976           |
| L015E                                      | None           | L015             | Laboratory Hood-Mixed Use | 650 ft <sup>3</sup> /min  | 1957           |
| L016E                                      | None           | L016             | Laboratory Hood-Mixed Use | 1,500 samples/yr          | 1957           |
| L017E                                      | None           | L017             | Laboratory Hood           | 1700 ft <sup>3</sup> /min | 1987           |
| L018E                                      | None           | L018             | Laboratory Hood-Mixed Use | 2100 ft <sup>3</sup> /min | 1987           |
| L019E                                      | None           | L019             | Laboratory Hood           | 700 ft <sup>3</sup> /min  | 1957           |
| L020E                                      | None           | L020             | Laboratory Hood           | 1000 ft <sup>3</sup> /min | 1957           |
| L021E                                      | None           | L021             | Laboratory Hood           | 1000 ft <sup>3</sup> /min | 1957           |
| L022E                                      | None           | L022             | Laboratory Hood           | 800 ft <sup>3</sup> /min  | 1957           |
| L023E                                      | None           | L023             | Laboratory Hood           | 900 ft <sup>3</sup> /min  | 1957           |
| L024E                                      | None           | L024             | Laboratory Hood           | 1300 ft <sup>3</sup> /min | 1957           |
| L025E                                      | None           | L025             | Laboratory Hood           | 900 ft <sup>3</sup> /min  | 1957           |
| L026E                                      | None           | L026             | Laboratory Hood           | 400 ft <sup>3</sup> /min  | 1957           |
| L027E                                      | None           | L027             | Laboratory Hood           | 800 ft <sup>3</sup> /min  | 1957           |
| L028E                                      | None           | L028             | Laboratory Hood           | 700 ft <sup>3</sup> /min  | 1957           |

| <b>Emission Point ID</b> | <b>Control Device</b> | <b>Emission Unit ID</b> | <b>Emission Unit Description</b>      | <b>Design Capacity</b>    | <b>Year Installed</b> |
|--------------------------|-----------------------|-------------------------|---------------------------------------|---------------------------|-----------------------|
| L029E                    | None                  | L029                    | Laboratory Hood                       | 800 ft <sup>3</sup> /min  | 1957                  |
| L030E                    | None                  | L030                    | Laboratory Hood                       | 800 ft <sup>3</sup> /min  | 1957                  |
| L031E                    | None                  | L031                    | Laboratory Hood                       | 800 ft <sup>3</sup> /min  | 1957                  |
| L032E                    | None                  | L032                    | Laboratory Hood                       | 1800 ft <sup>3</sup> /min | 1987                  |
| L033E                    | None                  | L033                    | Laboratory Hood                       | 1170 ft <sup>3</sup> /min | 1976                  |
| L034E                    | None                  | L034                    | Laboratory Hood                       | 1240 ft <sup>3</sup> /min | 1976                  |
| L035E                    | None                  | L035                    | Laboratory Hood                       | 500 ft <sup>3</sup> /min  | 2000                  |
| L036E                    | None                  | L036                    | Laboratory Hood                       | 650 ft <sup>3</sup> /min  | 1976                  |
| L037E                    | None                  | L037                    | Laboratory Hood                       | 150 ft <sup>3</sup> /min  | 1976                  |
| L038E                    | None                  | L038                    | Laboratory Hood                       | 960 ft <sup>3</sup> /min  | 1976                  |
| L039E                    | None                  | L039                    | Laboratory Hood                       | 800 ft <sup>3</sup> /min  | 1976                  |
| L040E                    | None                  | L040                    | Laboratory Hood                       | 850 ft <sup>3</sup> /min  | 1976                  |
| L046E                    | None                  | L046                    | Batenfield, Demag #5,<br>Demag #6     | 61,360 samples/yr         | 1995/2019             |
| L047E                    | None                  | L047                    | Demag #1, Demag #2                    | 61,360 samples/yr         | 1995                  |
| L048E                    | None                  | L048                    | Demag #3, Demag #4,<br>Weatherometers | 61,360 samples/yr         | 1995                  |
| L-49<br>(inside vent)    | None                  | L049                    | Milling Machine Exhaust               | 100 ft <sup>3</sup> /min  | 1999                  |
| L050E                    | None                  | L050                    | Motan Conveyor System                 | 153,320 samples/yr        | 1995                  |
| L051E                    | None                  | L051                    | Vacuum Source – Blower                | 55 gallons oil/yr         | 1976                  |

**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.

| <b>Permit Number</b> | <b>Date of Issuance</b> |
|----------------------|-------------------------|
| R13-3574A            | August 14, 2024         |
| R13-2330H            | September 22, 2017      |

## 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 other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.39.). 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

|                                       |   |                        |   |
|---------------------------------------|---|------------------------|---|
| <b>CAAA</b>                           | Clean Air Act Amendments                                  | <b>NSPS</b>            | New Source Performance Standards              |
| <b>CBI</b>                            | Confidential Business Information                         | <b>PM</b>              | Particulate Matter                            |
| <b>CEM</b>                            | Continuous Emission Monitor                               | <b>PM<sub>10</sub></b> | Particulate Matter less than 10µm in diameter |
| <b>CES</b>                            | Certified Emission Statement                              | <b>pph</b>             | Pounds per Hour                               |
| <b>C.F.R. or CFR</b>                  | Code of Federal Regulations                               | <b>ppm</b>             | Parts per Million                             |
| <b>CO</b>                             | Carbon Monoxide   | <b>PSD</b>             | Prevention of Significant Deterioration       |
| <b>C.S.R. or CSR</b>                  | Codes of State Rules                                      | <b>psi</b>             | Pounds per Square Inch                        |
| <b>DAQ</b>                            | Division of Air Quality                                   | <b>SIC</b>             | Standard Industrial Classification            |
| <b>DEP</b>                            | Department of Environmental Protection                    | <b>SIP</b>             | State Implementation Plan                     |
| <b>FOIA</b>                           | Freedom of Information Act                                | <b>SO<sub>2</sub></b>  | Sulfur Dioxide                                |
| <b>HAP</b>                            | Hazardous Air Pollutant                                   | <b>TAP</b>             | Toxic Air Pollutant                           |
| <b>HON</b>                            | Hazardous Organic NESHAP                                  | <b>TPY</b>             | Tons per Year                                 |
| <b>HP</b>                             | Horsepower  | <b>TRS</b>             | Total Reduced Sulfur                          |
| <b>lbs/hr or lb/hr</b>                | Pounds per Hour   | <b>TSP</b>             | Total Suspended Particulate                   |
| <b>LDAR</b>                           | Leak Detection and Repair                                 | <b>USEPA</b>           | United States Environmental Protection Agency |
| <b>m</b>                              | Thousand  | <b>UTM</b>             | Universal Transverse Mercator                 |
| <b>MACT</b>                           | Maximum Achievable Control Technology                     | <b>VEE</b>             | Visual Emissions Evaluation                   |
| <b>mm</b>                             | Million   | <b>VOC</b>             | Volatile Organic Compounds                    |
| <b>mmBtu/hr</b>                       | Million British Thermal Units per Hour                    |                        |   |
| <b>mmft<sup>3</sup>/hr or mmcf/hr</b> | Million Cubic Feet Burned per Hour                        |                        |   |
| <b>NA or N/A</b>                      | Not Applicable  |                        |   |
| <b>NAAQS</b>                          | National Ambient Air Quality Standards                    |                        |   |
| <b>NESHAPS</b>                        | National Emissions Standards for Hazardous Air Pollutants |                        |   |
| <b>NO<sub>x</sub></b>                 | 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§30-2.40]**

## **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. Reserved**

## **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.]

## **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]**
- 3.1.9. **Fugitives.** 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.]**
- 3.1.10. **Fugitives.** 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. **[45CSR§7-5.2.]**
- 3.1.11. Any stack serving any process source operation or air pollution control equipment on any process source operation shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures. **[45CSR§7-4.12.]**
- 3.1.12. Due to unavoidable malfunction of equipment, emissions exceeding those set forth in 45CSR7 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. **[45CSR§7-9.1.]**
- 3.1.13. The permittee shall comply with all hourly and annual emission limits set forth by the affected 45CSR13 permits, for each of the sources and associated emission points identified in Appendix A of this permit. **[45CSR13, R13-3574, 4.1.1.]**
- The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX A. The hourly and annual emission limits for the affected sources are provided in 5.1.1.
- 3.1.14. The permitted sources identified in Attachment A of permit R13-3574 and recognized as being subject to 45CSR21 shall comply with all applicable requirements of 45CSR21 – “Regulation to Prevent and Control Air Pollution from the Emission of Volatile Organic Compounds” provided, however, that compliance with any more stringent requirements under the affected 45CSR13 permit identified in Attachment A of permit R13-3574, are also demonstrated. The applicable requirements set forth by 45CSR21 shall include, but not be limited to, the following: **[45CSR13, R13-3574, 4.1.2.]**
- a. The permittee shall maintain the aggregated hourly and annual VOC control efficiency of 90% or greater, on a site-wide basis, for all existing sources listed or required to be listed as part of the original facility-wide Reasonably Available Control Measures (RACM) plan, as identified in Attachment A of permit R13-3574. **[45CSR13, R13-3574, 4.1.2.1.; 45CSR§21-40.3.a.1. (State Enforceable Only)]**



- b. On or after May 01, 1996, construction or modification of any emission source resulting in a maximum theoretical emissions (MTE) of VOCs equaling or exceeding six (6) pounds per hour and not listed or required to be listed in the facility-wide RACM plan shall require the prior approval by the Director of an emission control plan that meets the definition of reasonable available control technology (RACT) on a case-by-case basis for both fugitive and non-fugitive VOC emissions from such source. All sources constructed or modified on or after May 01, 1996 shall be subject to the following: **[45CSR13, R13-3574, 4.1.2.2.; 45CSR§21-40.3.c. (State Enforceable Only)]**
1. The RACT control plan(s) shall be embodied in a permit in accordance to 45CSR13. **[45CSR13, R13-3574, 4.1.2.2.a.; 45CSR§21-40.4.e. (State Enforceable Only)]**
  2. The MTE and associated emission reductions of the constructed or modified source will not be calculated into the site-wide aggregate hourly and annual emissions reduction requirements set forth in Section 3.1.14.a. of this permit. **[45CSR13, R13-3574, 4.1.2.2.b]**
- c. If a modification to an existing source with current MTE below the threshold of six (6) pounds per hour of VOCs causes an increase in the MTE that results in the source exceeding the six (6) pounds per hour threshold for the first time, the source shall be subject to RACT in accordance to Section 3.1.14.b. of this permit. **[45CSR13, R13-3574, 4.1.2.3.; 45CSR§21-40.3.c. (State Enforceable Only)]**
- d. Physical changes to or changes in the method of operation of an existing emission source listed or required to be listed as part of the facility-wide RACM plan, that results in an increase in VOC emissions of any amount, shall require the prior approval by the Director of an emission control plan that meets the definition of RACT on a case-by-case basis for both fugitive and non-fugitive VOC emissions from the source. All sources modified on or after May 01, 1996 shall be subject to the following: **[45CSR13, R13-3574, 4.1.2.4.; 45CSR§21-40.3.c. (State Enforceable Only)]**
1. The RACT control plan(s) shall be embodied in a permit in accordance to 45CSR13. **[45CSR13, R13-3574, 4.1.2.4.a.; 45CSR§21-40.4.e. (State Enforceable Only)]**
  2. The facility-wide RACM plan shall be modified to include the RACT analysis conducted on the modified source(s). **[45CSR13, R13-3574, 4.1.2.4.b.]**
  3. The MTE and associated emission reductions of the modified source shall be recalculated as part of the site-wide aggregate hourly and annual emissions reduction requirements to demonstrate compliance with the minimum 90% reduction rate as set forth in Section 3.1.14.a. of this permit. **[45CSR13, R13-3574, 4.1.2.4.c.]**
- e. In the event the facility-wide RACM plan is modified to delete an existing emission source, and any associated pollution control equipment, due to the source being permanently removed from service, or reassigned to service not subject to the requirements of 45CSR§21-40, the MTE shall be recalculated to demonstrate that the 90% facility-wide VOC reduction requirement set forth in Section 3.1.14.a. of this permit is still being met. In the event such a modification results in the site-wide aggregate hourly and annual emissions reduction being recalculated to a rate less than 90%, the RACM plan shall be revised to include all new and/or modified sources and their associated control technologies constructed on or after May 01, 1996, in order to meet the requirements set forth in Section 3.1.14.a. of this permit. **[45CSR13, R13-3574, 4.1.2.5.]**

- f. In the event a source and associated emission point identified in Attachment A of permit R13-3574 is subject to the New Source Performance Standards (NSPS) of 40CFR60, the National Emission Standards for Hazardous Air Pollutants (NESHAP) of 40CFR61, or the Maximum Achievable Control Technology (MACT) standards of 40CFR63, then compliance with such requirements as defined in the affected 45CSR13 permit shall demonstrate compliance with the RACT requirements set forth in permit R13-3574. **[45CSR13, R13-3574, 4.1.2.6.]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX A.

- 3.1.15. The permitted sources identified in Attachment A of permit R13-3574 and recognized as being subject to 45CSR27 shall comply with all applicable requirements of 45CSR27 – “To Prevent and Control the Emissions of Toxic Air Pollutants” provided, however, that compliance with any more stringent requirements under the affected 45CSR13 permit identified in Attachment A of permit R13-3574, are also demonstrated. The applicable requirements set forth by 45CSR27 shall include, but not be limited to, the following: **[45CSR13, R13-3574, 4.1.3.]**

- a. The permittee shall employ the best available technology (BAT) for the purpose of reducing toxic air pollutants (TAP) associated with the applicable sources and emission points identified in Attachment A of permit R13-3574. **[45CSR13, R13-3574, 4.1.3.1.; 45CSR§27-3.1. (State Enforceable Only)]**
- b. The permittee shall employ BAT for the purpose of preventing and controlling fugitive emissions of TAP to the atmosphere as a result of routine leakage from those sources and their associated equipment identified in Attachment A of permit R13-3574 as operating in TAP service. **[45CSR13, R13-3574, 4.1.3.2.; 45CSR§27-4.1. (State Enforceable Only)]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX A.

- 3.1.16. In the event a source and associated emission point identified in Attachment A of permit R13-3574 are subject to the MACT standards of 40CFR63, then compliance with the applicable MACT requirements identified in the affected 45CSR13 permit shall demonstrate compliance with the BAT requirements set forth in 3.1.15. **[45CSR13, R13-3574, 4.1.4.; 45CSR§27-3.1. (State Enforceable Only)]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX A.

- 3.1.17. **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 1.1 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§13-5.11.; 45CSR13, R13-3574, 4.1.5]**

- 3.1.18. The permittee shall maintain total Hazardous Air Pollutant (HAP) emissions below 25 tons per year combined or 10 tons per year of any single HAP. **[45CSR13, R13-3574, 4.1.6.]**

### 3.2. Monitoring Requirements

- 3.2.1. The permittee shall implement and maintain leak detection and repair (LDAR) programs for the reduction of fugitive VOC emissions in all manufacturing process units subject to 45CSR§21-40 producing a product or products intermediate or final, in excess of 1,000 megagrams (1,100 tons) per year in accordance with the applicable methods and criteria of 45CSR§21-37 or alternate procedures approved by the Director. Procedures approved by the Director 40CFR60, Subpart VV, 40CFR61, Subpart V, 40CFR63, Subpart H, 40CFR63, Subpart TT, 40CFR63, Subpart UU, 40CFR65, Subpart F, and 40CFR265, Subpart CC. This requirement shall apply to all units identified in Attachment A of permit R13-3574 irrespective of whether or not such units produce as intermediates or final products, substances on the lists contained with 40CFR60, 40CFR61, or 40CFR63. **[45CSR13, R13-3574, 4.2.1.; 45CSR§21-40.3.a.2. (State Enforceable Only)]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX A.

- 3.2.2. The permittee shall implement and maintain a LDAR program for the applicable sources and emission points identified in Attachment A of permit R13-3574 in order to reduce the emissions of TAP in accordance with the requirements of 40CFR63, Subpart H - National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks. Compliance with 40CFR63, Subpart H shall be considered demonstration of compliance with the provisions of 45CSR§27-4. - Fugitive Emissions of Toxic Air Pollutants. **[45CSR13, R13-3574, 4.2.2.; 45CSR§27-4.1. (State Enforceable Only)]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX A.

- 3.2.3. In the event a source and associated emission point identified in Attachment A of permit R13-3574 are subject to the MACT standards of 40CFR63, then compliance with any applicable LDAR program set forth by the MACT and identified in the affected 45CSR13 permit shall demonstrate compliance with the monitoring requirements set forth in this permit. **[45CSR13, R13-3574, 4.2.3.; 45CSR§21-37.1.c. (State Enforceable Only)]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX 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]**

- 3.3.2. **45CSR21.** Manufacturing process units may be exempted upon written request of the permittee to the Director. Exempted units are exempted from the frequency of testing as described in 45CSR§21-37, however, LDAR testing of this unit or certification of emission using approved fugitive emission factors will be required every three years, or upon request by the Director or his duly authorized representative. Waiver or scheduling of LDAR testing every three years may be granted by the Director if written request and justification are submitted by the permittee. Units exempted from testing which may be required under any other applicable State or Federal regulations, orders, or permits. The Director may periodically require verifications by the permittee that maintenance and repair procedures associated with approved exemptions are continued and practiced. **[45CSR13, R13-3574, 4.3.1.; 45CSR§21-40.3.a.2. (State Enforceable Only)]**
- 3.3.3. **45CSR21 and 45CSR27.** In the event a source and associated emission point identified in Attachment A of permit R13-3574 are subject to the MACT standards of 40CFR63, then compliance with the applicable LDAR testing requirements set forth by the MACT and identified in the affected 45CSR13 permit shall demonstrate compliance with the LDAR testing requirements set forth in this permit. **[45CSR13, R13-3574, 4.3.2.; 45CSR§21-37.1.c. (State Enforceable Only), 45CSR§27-4.1. (State Enforceable Only)]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services\_Area is provided in APPENDIX A.

### 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.; 45CSR13, R13-3574, 4.4.1]

- 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.]

- 3.4.4. **Fugitives.** The permittee shall monitor all fugitive particulate emission sources as required by 3.1.9 to ensure that a system to minimize fugitive emissions has been installed or implemented. Records shall be maintained on site stating the types of fugitive particulate capture and/or suppression systems used, the times these systems were inoperable, and the corrective actions taken to repair these systems. [45CSR§30-5.1.c.]

- 3.4.5. **Fugitives.** The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures as required by 3.1.10 applied at the facility. These records shall be maintained on site. [45CSR§30-5.1.c.]

- 3.4.6. Unless granted a variance pursuant to 45CSR21, Section 9.3, or as approved by the Director as part of a required Start-up, Shutdown, and Malfunction (SSM) Plan mandated under 40CFR63.6(e) or another applicable Section of 40CFR63, the owner or operator of the facility shall operate all emission control equipment listed in Attachment A of permit R13-3574 as part of the facility-wide control efficiency plan at all times the facilities are in operation or VOC emissions are occurring from these sources or activities. In the event of a malfunction, and a variance has not been granted, the production unit shall be shutdown or the activity discontinued as expeditiously as possible. The permittee shall comply with 45CSR21, Section 9.3

with respect to all periods of non-compliance with the emission limitations set forth in the affected 45CSR13 permits and the emissions reduction requests set forth in the facility-wide control efficiency plan resulting from unavoidable malfunctions of equipment. **[45CSR13, R13-3574, 4.4.4.]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX A.

- 3.4.7. The permittee shall maintain records of the results of all monitoring and inspections, emission control measures applied and the nature, timing, and results of repair efforts conducted in accordance to 45CSR§27-10. and set forth in the affected 45CSR13 permits as identified in Attachment A of permit R13-3574. **[45CSR13, R13-3574, 4.4.5]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX A.

- 3.4.8. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.1, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures. **[45CSR13, R13-3574, 4.4.2]**

- 3.4.9. **Records of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.1, 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.

**[45CSR13, R13-3574, 4.4.3]**

- 3.4.10. The permittee shall maintain the site-wide Hazardous Air Pollutant (HAP) emissions records in accordance with subsection 3.1.18 on a twelve (12) month rolling total. These records shall be made available for inspection upon request of the Secretary in accordance with Section 2.0 and shall be maintained in accordance with Section 3.0.

**[45CSR13, R13-3574, 4.4.6.]**

### 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 57<sup>th</sup> Street SE  
Charleston, WV 25304

#### US EPA:

Section Chief  
U. S. Environmental Protection Agency, Region III  
Enforcement and Compliance Assurance Division  
Air, RCRA and Toxics Branch (3ED21)  
Four Penn Center  
1600 John F. Kennedy Boulevard  
Philadelphia, PA 19103-2852

#### DAQ Compliance and Enforcement<sup>1</sup>:

DEPAirQualityReports@wv.gov

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

- 3.5.4. **Fees.** The permittee shall pay fees on an annual basis in accordance with 45CSR§30-8.  
**[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:

#### US EPA:

DEPAirQualityReports@wv.gov

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. **Reserved.**

- 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. Reserved.
  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 email. 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.]**



- 3.5.10 The permittee shall submit to the DAQ a plan for complete, facility-wide implementation of RACT requirements within one hundred eighty (180) days of notification by the Director that a violation of the National Ambient Air Quality Standards (NAAQS) for ozone (that were in effect on or before May 01, 1996) has occurred. Such plan shall include those sources listed in Attachment A of permit R13-3574 as part of the site-wide control efficiency requirement and may contain an update of existing RACT analyses. Full implementation of such plan shall be completed within two (2) years of approval of the RACT plan by the Director.

**[45CSR13, R13-3574, 4.5.1.]**

The R13-3574 Attachment A listing for only those sources in the Development and Laboratory Services Area is provided in APPENDIX A.

### **3.6. Compliance Plan**

NA

### **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.
- a. 40 C.F.R. 60, Subpart K - “Standards of Performance For Storage Vessels For Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.” There are no storage tanks in Development and Laboratory Services.
  - b. 40 C.F.R. 60, Subpart Ka - “Standards of Performance for Storage Vessels For Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.” There are no storage tanks in Development and Laboratory Services.
  - c. 40 C.F.R. 60, 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.” There are no storage tanks in Development and Laboratory Services.
  - d. 40 C.F.R. 60, Subpart VV - “Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry.” Development and Laboratory Services does not produce as intermediates or final products any of the materials listed in §60.489.
  - e. 40 C.F.R. 60, Subpart DDD - “Standards of Performance for Volatile Organic Compound (VOC) Emissions from the Polymer Manufacturing Industry.” Development and Laboratory Services does not manufacture polypropylene, polyethylene, polystyrene, or poly(ethylene terephthalate) for which this rule applies.
  - f. 40 C.F.R. 60, Subpart RRR - “Standards of Performance for Volatile Organic Compound (VOC) Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes.”

Development and Laboratory Services does not produce any of the chemicals listed in §60.707 as a product, co-product, by-product, or intermediate.

- g. 40 C.F.R. 61, Subpart V - “National Emission Standards for Equipment Leaks (Fugitive Emissions Sources).” Applies to sources in VHAP service as defined in §61.241. VHAP service involves chemicals that are not used in a manner that qualifies them under the rule in Development and Laboratory Services.
- h. 40 C.F.R. 63, Subpart H - “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.” 40 C.F.R. 63 Subparts F, G, and H do not apply to manufacturing process units that do not meet the criteria in §§63.100(b)(1), (b)(2), and (b)(3).
- i. 40 C.F.R. 63, Subpart T - “National Emission Standards for Halogenated Solvent Cleaning.” There are no solvent cleaning units in Development and Laboratory Services using halogenated solvents as listed in §63.460(a).
- j. 40 C.F.R. 63, Subpart JJJ - “National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins.” Development and Laboratory Services does not produce the materials listed in §63.1310.
- k. 40 C.F.R. 63, Subpart EEEE – “National Emission Standard for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline).” Development and Laboratory Services does not engage in the activities to distribute organic liquids.
- l. 40 C.F.R.63, Subpart FFFF – “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing.” Development and Laboratory Services does not manufacture any material or family of materials defined in §63.2435(b)(1)(i) through (v).
- m. 40 C.F.R. 63, Subpart MMMM - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Miscellaneous Metal Parts and Products.” There are no surface coating activities conducted in Development and Laboratory Services subject to the requirements of this rule.
- n. 40 C.F.R. 63, Subpart QQQQ - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products.” The surface coating activities of Development and Laboratory Services are excluded from the requirements of the rule because they are non-commercial operations using coatings supplied by non-refillable aerosol containers.
- o. 40 C.F.R. 63, Subpart RRRR - “National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture.” The surface coating activities of Development and Laboratory Services use non-refillable aerosol containers for the purpose of repairing furniture for on-site use and are excluded from the requirements of the rule.
- p. 40 C.F.R. 63, Subpart GGGG – “National Emission Standards for Hazardous Air Pollutants: Site Remediation.” Development and Laboratory does not conduct site remediations as defined in §63.7957.
- q. 40 C.F.R. 63, Subpart HHHH – “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing.” Development and Laboratory Services does not manufacture coatings as defined in §63.8105.

- r. 40 C.F.R. 63, Subpart NNNNN – “National Emission Standards for Hazardous Air Pollutants: Hydrochloric Acid Production.” Development and Laboratory Services does not produce a liquid HCl product.
- s. 40 C.F.R. 82, Subpart B - “Protection of Stratospheric Ozone.” Requires recycling of Chlorofluorocarbons (CFCs) from motor vehicles and that technicians servicing equipment need to be licensed. Development and Laboratory Services does not conduct motor vehicle maintenance involving CFCs on site.
- t. 40 C.F.R. 63, Subpart DD – “National Emission Standards for Hazardous Air Pollutants From Off-Site Waste and Recovery Operations.” The Development and Laboratory Services Area does not receive off-site materials as specified in paragraph 40 C.F.R §63.680(b) and the operations are not one of the waste management operations or recovery operations as specified in 40 C.F.R. §§63.680(a)(2)(vi).
- u. 40 C.F.R. 63, Subpart WWWW – “National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production.” The Development and Laboratory Services Area does not engage in reinforced plastics composites production as defined in 40 C.F.R. §63.5785 and does not manufacture composite material as defined in 40 C.F.R. §63.5935.
- v. 40 C.F.R. 63, Subpart DDDDD – “National Emission Standards for Hazardous Air Pollutants: Industrial/Commercial/Institutional Boilers and Process Heaters.” The Development and Laboratory Services Area does not own or operate an industrial, commercial, or institutional boiler or process heater as defined in 40 C.F.R. §63.7575.
- w. 45CSR2 – “To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers.” The Development and Laboratory Services Area does not contain any fuel burning units.
- x. 45CSR10 – “To Prevent and Control Air Pollution from the Emission of Sulfur Oxides.” The Development and Laboratory Services Area does not have any emission sources of sulfur oxides subject to this rule.
- y. 45CSR16 – “Standards of Performance for New Stationary Sources Pursuant to 40 C.F.R. 60.” The Development and Laboratory Services is not subject to any requirements under 40 C.F.R. 60.
- z. 45CSR17 – “To Prevent and Control Particulate Matter Air Pollution from Materials Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter.” Per 45CSR§17-6.1, the Development and Laboratory Services Area is not subject to 45CSR17 because it is subject to the fugitive particulate matter emission requirements of 45CSR7.
- aa. 45CSR34 – “Emission Standards for Hazardous Air Pollutants.” Development and Laboratory Services Area is not subject to any requirements under 40 C.F.R. 61 or 40 C.F.R. 63.
- ab. 40 CFR Part 64 – The facility did not have any pollutant specific emissions units (PSEUs) that satisfied all of the applicability criteria requirements of 40 CFR §64.2(a). There have been no emission units added to this permit since the previous renewal was issued, so CAM remains not applicable to any emission unit listed in the renewal application.

#### 4.0 45CSR7 Requirements for Development and Laboratory Services

##### 4.1. Limitations and Standards

- 4.1.1. 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. These provisions shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period. (L001, L002, L003, L004, L005, L006, L007, L008, L009, L010, L011, L012, L013, L014, L015, L016, L017, L018, L019, L020, L021, L022, L023, L024, L025, L026, L027, L028, L029, L030, L031, L032, L033, L034, L035, L036, L037, L038, L039, L040, L046, L047, L048, L050, and L051) [45CSR§§7-3.1. and 3.2.]
- 4.1.2. 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 of 45CSR7.

| Emission Points  | 45CSR7 Hourly Particulate Emission Limit pph |
|--|--|
| L001, L002, L003, L004, L005, L006, L007, L008, L010, L011, L012, L013, L014, L015, L017, L018, L019, L020, L021, L022, L023, L024, L025, L026, L027, L028, L029, L030, L031, L032, L033, L034, L035, L036, L037, L038, L039, L040 | 0.112  |
| L009   | $10.34 * 10^{-4}$                            |
| L016   | $7.39 * 10^{-4}$                             |
| L046   | 0.08   |
| L047   | 0.17   |
| L048   | 0.17   |
| L050   | 0.42   |
| L051   | 0.13   |

(L001, L002, L003, L004, L005, L006, L007, L008, L009, L010, L011, L012, L013, L014, L015, L016, L017, L018, L019, L020, L021, L022, L023, L024, L025, L026, L027, L028, L029, L030, L031, L032, L033, L034, L035, L036, L037, L038, L039, L040, L046, L047, L048, L050, and L051)  
 [45CSR§7-4.1.]

## 4.2. Monitoring Requirements

- 4.2.1. For the purpose of determining compliance with the opacity limits of 45CSR§§7-3.1 and 3.2 for L001, L002, L003, L004, L005, L006, L007, L008, L009, L010, L011, L012, L013, L014, L015, L016, L017, L018, L019, L020, L021, L022, L023, L024, L025, L026, L027, L028, L029, L030, L031, L032, L033, L034, L035, L036, L037, L038, L039, L040, and L051 the permittee shall conduct opacity monitoring and record keeping for all emission points and equipment subject to an opacity limit under 45CSR7. Monitoring shall be conducted at least once per month. These checks shall be conducted by personnel trained in the practices and limitations of 40 C.F.R. 60, Appendix A, Method 22 during periods of normal operation of emission sources that vent from the referenced emission points for a sufficient time interval to determine if there is a visible emission. If visible emissions are identified during the visible emission check, or at any other time regardless of operations, the permittee shall conduct an opacity reading using the procedures and requirements of 45CSR7A within twenty-four (24) hours of the first signs of visible emissions. A 45CSR7A evaluation shall not be required if the visible emission condition is corrected within twenty-four (24) hours after the visible emission and the sources are operating at normal conditions. [45CSR§30-5.1.c.]
- 4.2.2. Since L050 consists of a discharging muffler directed downward ending approximately one foot above ground, the permittee shall demonstrate compliance with the opacity limits of 45CSR§§7-3.1 and 3.2 by conducting monthly inspections to determine if visible emissions are being discharged from the muffler or if excess particulate matter is being discharged to the surrounding ground. If visible emissions from the muffler are identified or excess particulate matter is identified on the ground surrounding the muffler during these inspections, or at any other time regardless of operations, the permittee shall take corrective action within twenty-four (24) hours. [45CSR§30-5.1.c.]

## 4.3. Testing Requirements

- 4.3.1. 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. [45CSR§7-8.1]

## 4.4. Recordkeeping Requirements

- 4.4.1. Records of the visible emission observations required by 4.2.1 shall be maintained documenting the date and time of each visible emission check, the name of the responsible observer, the results of the check, and, if necessary, all corrective actions taken. These records shall be maintained on-site and made available to the Director or his duly authorized representative upon request. [45CSR§30-5.1.c.]
- 4.4.2. Records of the monthly inspections required by 4.2.2 shall be maintained documenting the date and time of each inspection, the name of the inspector, the results of the inspection, and if necessary, all corrective actions taken. These records shall be maintained on-site and made available to the Director or his duly authorized representative upon request. [45CSR§30-5.1.c.]

- 4.4.3. For the purpose of determining compliance with the emission limits of 4.1.2 for L046, L047, L048, and L050, the permittee shall maintain monthly records of the number of samples processed and the hours of operation for each emission unit. These monthly records of the number of samples and hours of operation shall be used to calculate and maintain records of the average number of samples processed per hour and the average hourly emission rate for each emission point. Records shall be maintained on-site and made available to the Director or his duly authorized representative upon request. [45CSR§30-5.1.c.]

**4.5. Reporting Requirements**

N/A

**4.6. Compliance Plan**

N/A

## 5.0 Development and Laboratory Services

### 5.1 Limitations and Standards

- 5.1.1. Emissions released from the extrusion units (Sources L046, L047, L048, and L050) shall be limited to the pollutants and associated total combined emission rates as set forth in Table 5.1.1. of permit R13-2330.

Table 5.1.1. of permit R13-2330

| Emission Point | Source(s) | Pollutant  | Emission Rates |              |
|----------------|-----------|--|----------------|--------------|
|                |           |  | Hourly (pph)   | Annual (tpy) |
| L046E          | L046      | CO<br>Particulate<br>VOC<br>Formaldehyde<br>Methanol | 0.1            | 0.1          |
| L047E          | L047      |  | 0.8            | 3.2          |
| L048E          | L048      |  | 0.1            | 0.4          |
| L050E          | L050      |  | 0.01           | 0.01         |
|                |           |  | 0.01           | 0.01         |

[45CSR13, R13-2330, 5.1.1.]

- 5.1.2. Laboratory hoods (L001 - L040), identified collectively as Source LB3, shall not exceed a total maximum combined annual emission rate of 0.04 tons per year of methylene chloride, based on a 12-month rolling total. [45CSR13, R13-2330, 5.1.2.]
- 5.1.3. Emission sources and the associated emission points affected by Section 5.0 of this permit and subject to 45CSR21, shall be subject to the standards and requirements set forth in permit R13-3574, and any amendments thereto. [45CSR13, R13-2330, 5.1.3.]
- 5.1.4. Emission sources and the associated emission points affected by Section 5.0 of this permit and subject to 45CSR27, shall be subject to the standards and requirements set forth in permit R13-3574, and any amendments thereto. [45CSR13, R13-2330, 5.1.4.]

### 5.2 Monitoring Requirements

Reserved

### 5.3 Testing Requirements

N/A

### 5.4 Recordkeeping Requirements

- 5.4.1. For the purpose of determining compliance with the emission limits set forth in Section 5.1.1. of this permit, the permittee shall maintain monthly records of the numbers and types of samples processed on the equipment, as well as the hours of operation. Such process records shall be used to calculate actual facility emissions on a monthly and 12-month rolling total basis. [45CSR13, R13-2330, 5.4.4.]

- 5.4.2. For the purpose of demonstrating compliance with the emission limit set forth in Section 5.1.2. of this permit, the permittee shall maintain purchase, transfer, and delivery records documenting the consumption of methylene chloride. Records shall be maintained for each of the affected hoods that introduce or utilize methylene chloride during the course of the operating year. **[45CSR13, R13-2330, 5.4.5.]**

**5.5. Reporting Requirements**

N/A

**5.6. Compliance Plan**

N/A



**APPENDIX A - Attachment A of R13-3574 for only the Development and Laboratory Services**

**APPENDIX A - Attachment A of R13-3574 for only the Development and Laboratory Services**

| Emission Point Identification | Source Identification | Source Description     | Control Device Identification | Service (VOC/HAP/TAP) | Affected R13 Permit | Included in Original R21 RACM Plan | Currently Subject to: |     | Other Applicable Regulations (MACT/BACT/NSPS/NESHAP etc.) |
|-------------------------------|-----------------------|------------------------|-------------------------------|-----------------------|---------------------|------------------------------------|-----------------------|-----|---|
|                               |                       |                        |                               |                       |                     |                                    | R21                   | R27 |   |
| L Area                        | L LabHoods            | Laboratory Hoods       | None                          | TAP-F                 | R13-2330            | No                                 | No                    | Yes |   |
| L Area                        | L LabHoods            | Laboratory Hoods       | None                          | TAP-M                 | R13-2330            | No                                 | No                    | Yes |   |
| L046E                         | Demag #5, #6          | Test Parts Extruder    | None                          | TAP-F                 | R13-2330            | No                                 | No                    | Yes |   |
| L047E                         | Demag #1              | Test Parts Extruder    | None                          | TAP-F                 | R13-2330            | No                                 | No                    | Yes |   |
| L047E                         | Demag #2              | Test Parts Extruder    | None                          | TAP-F                 | R13-2330            | No                                 | No                    | Yes |   |
| L048E                         | Demag #3              | Test Parts Extruder    | None                          | TAP-F                 | R13-2330            | No                                 | No                    | Yes |   |
| L048E                         | Demag #4              | Test Parts Extruder    | None                          | TAP-F                 | R13-2330            | No                                 | No                    | Yes |   |
| L048E                         | Weatherome            | Test Equipment         | None                          | TAP-F                 | R13-2330            | No                                 | No                    | Yes |   |
| L050E                         | MOTAN®                | Test Material Conveyor | None                          | TAP-F                 | R13-2330            | No                                 | No                    | Yes |   |

Note #1 – Formaldehyde (TAP-F) does not qualify as a MACT Wastewater under any Standard.

Note #2 – MON MACT has a process vent definition cut-off at 50 ppm. Below this there are no controls since it is not considered to be a process vent.

Note #3 – The WWTP located at Washinton Works does not receive any Group 1 Streams as defined by the rule. Hence the applicability of 40 CFR §63.135 and 40 CFR §63.145 are very, very limited.

Note #4 – The Affected R13 Permit refers to the most current version of that Permit.