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west virginia department of environmental protection

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Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: (304) 926-0475 • FAX: (304) 926-0479

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

November 28, 2016

CERTIFIED MAIL

91 7199 9991 7037 0977 6527

Roni Williams  
15696 Energy Road, State Route 2  
Proctor, WV 26055

Re: Eagle Natrium LLC; Axiall Corporation  
Natrium Plant, New Martinsville, WV  
Permit No. R13-3328  
Plant ID No. 051-00002

Dear Ms. Williams:

Your application for a permit as required by Section 5 of 45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permit, General Permit, and Procedures for Evaluation" has been approved. The enclosed permit R13-3328 is hereby issued pursuant to Subsection 5.7 of 45CSR13. Please be aware of the notification requirements in the permit which pertain to commencement of construction, modification, or relocation activities; startup of operations; and suspension of operations.

The source is subject to 45CSR30. The permittee has the duty to update the facility's Title V (45CSR30) permit application to reflect the changes permitted herein.

In accordance with 45CSR30- Operating Permit Program, the permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

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.

Should you have any questions or comments, please contact me at (304) 926-0499, extension 1256.

Sincerely,

A handwritten signature in blue ink that reads "John Legg". The signature is fluid and cursive, with the first name "John" being larger and more prominent than the last name "Legg".

John Legg  
Permit Writer

Enclosures

c: Tom Horan, Axiall Corporation  
[Tom.Horan@Axiall.com](mailto:Tom.Horan@Axiall.com)

Rebecca Hirsch, Axiall Corporation  
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*West Virginia Department of Environmental Protection*  
Earl Ray Tomblin  
Governor

*Division of Air Quality*

Randy C. Huffman  
Cabinet Secretary

# Permit to Construct



**R13-3328**

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

*Issued to:*

**Eagle Natrium LLC**  
**Natrium Plant – New Martinsville, WV**  
**051-00002**

A blue ink signature of William F. Durham, written over a horizontal line.

*William F. Durham*  
**Director**

*Issued: November 28, 2016*

Eagle Natrium LLC • Natrium Plant, New Martinsville, WV

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This permit will supersede and replace Permit R13-1527.

Facility Location: 15696 Energy Road  
Proctor, Marshall County, West Virginia 26055

Mailing Address: Eagle Natrium LLC  
P.O. 191  
New Martinsville, WV 26155

Facility Description: Chemical and Allied Products

NAICS Codes: 325180 – Other Basic Inorganic Chemical Manufacturing

UTM Coordinates: 512.70 km Easting • 4,399.60 km Northing • Zone 17

Lat/Long Coordinates: 39.7429 degrees North Latitude • 80.8518 degrees West Longitude

Permit Type: Construction

Description of Change: Construction of a new Hydrogen Sulfide (H<sub>2</sub>S) Removal System consisting of dual-packed columns: one column, the stripper, to air strip the H<sub>2</sub>S from the brine solution and the second column, the scrubber, to absorb the H<sub>2</sub>S from the vapor stream in a caustic solution (NaOH) and to produce the useful product sodium hydrosulfide (NaHS). The new construction will replace the old H<sub>2</sub>S Removal System which consisted of the H<sub>2</sub>S gas separator (SP007) and flare (FL002) on the Sodium Chloride (NaCl) brine tank.

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

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*The source is subject to 45CSR30. The permittee has the duty to update the facility's Title V (45CSR30) permit application to reflect the changes permitted herein.*

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**1.0. Emission Units**

| Emission Unit ID           | Emission Point ID | Emission Unit Description      | Year Installed | Design Capacity | Control Device          |
|----------------------------|-------------------|--------------------------------|----------------|-----------------|-------------------------|
| <b>BRINE DEPARTMENT</b>    |                   |                                |                |                 |                         |
| V273                       | E418              | Zero Discharge Collection Tank | 1992           | 0.022 tph       | FL002 Flare             |
| V272                       |                   | Raw Brine Storage              | 1956           | 1700 gpm        |                         |
| <b>CAL-HYPO DEPARTMENT</b> |                   |                                |                |                 |                         |
| SP018                      |                   | Rock Separator                 | 2017           | 250 gal         |                         |
| SP017                      | E427              | Air Stripper                   | 2017           | 2,650 gal       | SC080<br>(Wet Scrubber) |

## 2.0. General Conditions

### 2.1. Definitions

- 2.1.1. All references to the “West Virginia Air Pollution Control Act” or the “Air Pollution Control Act” mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The “Clean Air Act” means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. “Secretary” means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary’s designated representative for the purposes of this permit.

### 2.2. Acronyms

|                             |   |                         |   |
|-----------------------------|---|-------------------------|---|
| <b>CAAA</b>                 | Clean Air Act Amendments                                  | <b>NO<sub>x</sub></b>   | Nitrogen Oxides                                 |
| <b>CBI</b>                  | Confidential Business Information                         | <b>NSPS</b>             | New Source Performance Standards                |
| <b>CEM</b>                  | Continuous Emission Monitor                               | <b>PM</b>               | Particulate Matter                              |
| <b>CES</b>                  | Certified Emission Statement                              | <b>PM<sub>2.5</sub></b> | Particulate Matter less than 2.5 μm in diameter |
| <b>C.F.R. or CFR</b>        | Code of Federal Regulations                               | <b>PM<sub>10</sub></b>  | Particulate Matter less than 10μm in diameter   |
| <b>CO</b>                   | Carbon Monoxide   | <b>Ppb</b>              | Pounds per Batch                                |
| <b>C.S.R. or CSR</b>        | Codes of State Rules                                      | <b>Pph</b>              | Pounds per Hour                                 |
| <b>DAQ</b>                  | Division of Air Quality                                   | <b>Ppm</b>              | Parts per Million                               |
| <b>DEP</b>                  | Department of Environmental Protection                    | <b>Ppmv or ppmv</b>     | Parts per Million by Volume                     |
| <b>dscm</b>                 | Dry Standard Cubic Meter                                  | <b>PSD</b>              | Prevention of Significant Deterioration         |
| <b>FOIA</b>                 | Freedom of Information Act                                | <b>Psi</b>              | Pounds per Square Inch                          |
| <b>HAP</b>                  | Hazardous Air Pollutant                                   | <b>SIC</b>              | Standard Industrial Classification              |
| <b>HON</b>                  | Hazardous Organic NESHAP                                  | <b>SIP</b>              | State Implementation Plan                       |
| <b>HP</b>                   | Horsepower  | <b>SO<sub>2</sub></b>   | Sulfur Dioxide                                  |
| <b>lbs/hr</b>               | Pounds per Hour   | <b>TAP</b>              | Toxic Air Pollutant                             |
| <b>LDAR</b>                 | Leak Detection and Repair                                 | <b>TPY</b>              | Tons per Year                                   |
| <b>M</b>                    | Thousand  | <b>TRS</b>              | Total Reduced Sulfur                            |
| <b>MACT</b>                 | Maximum Achievable Control Technology                     | <b>TSP</b>              | Total Suspended Particulate                     |
| <b>MDHI</b>                 | Maximum Design Heat Input                                 | <b>USEPA</b>            | United States Environmental Protection Agency   |
| <b>MM</b>                   | Million   | <b>UTM</b>              | Universal Transverse Mercator                   |
| <b>MMBtu/hr or mmbtu/hr</b> | Million British Thermal Units per Hour                    | <b>VEE</b>              | Visual Emissions Evaluation                     |
| <b>MMCF/hr or mmcf/hr</b>   | Million Cubic Feet per Hour                               | <b>VOC</b>              | Volatile Organic Compounds                      |
| <b>NA</b>                   | Not Applicable  | <b>VOL</b>              | Volatile Organic Liquids                        |
| <b>NAAQS</b>                | National Ambient Air Quality Standards                    |                         |   |
| <b>NESHAPS</b>              | National Emissions Standards for Hazardous Air Pollutants |                         |   |

### 2.3. Authority

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

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

## **2.4. Term and Renewal**

- 2.4.1. This permit supersedes and replaces previously issued Permit R13-1527. This Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any other applicable legislative rule;

## **2.5. Duty to Comply**

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Applications R13-3328 and R13-1527, and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to; **[45CSR§§13-5.11 and 10.3.]**
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

## **2.6. Duty to Provide Information**

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

## **2.7. Duty to Supplement and Correct Information**

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

**2.8. Administrative Update**

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

**2.9. Permit Modification**

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

**2.10 Major Permit Modification**

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

**2.11. Inspection and Entry**

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

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

**2.12. Emergency**

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are met.

- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
  - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5 The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

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

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

### **2.14. Suspension of Activities**

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

### **2.15. Property Rights**

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

### **2.16. Severability**

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

### **2.17. Transferability**

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

**2.18. Notification Requirements**

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

**2.19. Credible Evidence**

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

### 3.0. Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.  
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management, and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
[45CSR§4-3.1] *[State Enforceable Only]*
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.  
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.  
[45CSR§11-5.2.]

#### 3.2. Monitoring Requirements

*[Reserved]*

#### 3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling

connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a 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 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a 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. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
  1. The permit or rule evaluated, with the citation number and language;
  2. The result of the test for each permit or rule condition; and,
  3. A statement of compliance or noncompliance with each permit or rule condition.

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

### **3.4. Recordkeeping Requirements**

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports, and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information

includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

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

[45CSR§4. *State Enforceable Only.*]

### 3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**If to the DAQ:**  
Director  
WVDEP  
Division of Air Quality  
601 57<sup>th</sup> Street  
Charleston, WV 25304-2345

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

#### 3.5.4. Operating Fee

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

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

**4.0. Requirements for Brine Department, Emission Point: E418 – Flare (FL002) on Zero Discharge Collection Tank (V273); and Cal-Hypo Department, Emission Point: E427 – Wet Scrubber (SC080) on Air Stripper (SP017)**

**4.1. Limitations and Standards**

4.1.1. No person shall cause, suffer, allow or permit particulate matter to be discharged from any incinerator into the open air in excess of the quantity determined by use of the following formula:

$$\text{Emissions (lb/hr)} = F \times \text{Incinerator Capacity (tons/hr)}$$

Where, the factor, F, is as indicated in Table I below:

Table I: Factor, F, for Determining Maximum Allowable Particulate Emissions

|    | <b>Incinerator Capacity</b> | <b>Factor F</b> |
|----|-----------------------------|-----------------|
| A. | Less than 15,000 lb/hr      | 5.43            |
| B. | 15,000 lb/hr or greater     | 2.72            |

The following hourly particulate matter emissions limit for the Brine Department flare shall not be exceeded:

| <b>Emission Point</b> | <b>Description</b>                                     | <b>PM Emission Limit (lb/hr)</b> |
|-----------------------|--|----------------------------------|
| E418                  | Flare (FL002) on Zero Discharge Collection Tank (V273) | 0.12                             |

*(Emission Unit: FL002 – Flare on Zero Discharge Collection Tank (V273)) [45CSR§6-4.1.]*

- 4.1.2. Emission of Visible Particulate Matter –No person shall cause, suffer, allow or permit emission of smoke into the atmosphere from any incinerator which is twenty (20%) percent opacity or greater. *(Emission Unit: FL002 – Flare on Zero Discharge Collection Tank (V273)) [45CSR§6-4.3.]*
- 4.1.3. The provisions of 4.1.2. shall not apply to smoke which is less than forty (40%) percent opacity, for a period or periods aggregating no more than eight (8) minutes per start-up. *(Emission Unit: FL002 – Flare on Zero Discharge Collection Tank (V273)) [45CSR§6-4.4.]*
- 4.1.4. The flare (FL002) shall remain in service and shall only be used during the depressurizing of the raw brine wells. Emissions of SO<sub>2</sub> to the atmosphere from the permitted process vent E418 shall not exceed 4.5 lbs/hr or 766 lbs/yr.
- 4.1.5. The flare (FL002) on process vent E418 shall be equipped with an alarm system to detect “flame-out” condition. If the flare cannot be immediately restarted, all gas flow to the flare shall be shutoff within two (2) hours of “flame-out” alarm.
- 4.1.6. The Gas Separator Flare (FL003) shall be demolished/removed from service after the new H<sub>2</sub>S Removal System [Air Stripper (SP017); wet scrubber (SC080)] is fully commissioned and proven operational. This is expected to happen no later than October 31, 2017. A 60-day extension shall be granted if the Secretary is notified in writing before October 31, 2017.

In the interim, sulfur dioxide (SO<sub>2</sub>) emissions from the Flare (FL003) shall not exceed 11.65 lb/hr as averaged over a three-hour period.

- 4.1.7. 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.  
(Emission Unit: SC080 – Wet Scrubber on Air Stripper (SP017))  
[45CSR§4-3.1.]
- 4.1.8. When a process or operation results in the discharge of an air pollutant or pollutants which causes or contributes to an objectionable odor, an acceptable control program shall be developed and offered to the Director by the person responsible for the discharge of such air pollutant or pollutants.  
(Emission Unit: SC080 – Wet Scrubber on Air Stripper (SP017))  
[45CSR§4-6.1.]
- 4.1.9. The pH of the liquid exiting the bottom stage of Scrubber SC080 shall be maintained at a minimum value of 11. This will insure that H<sub>2</sub>S emissions to the atmosphere from the permitted process vent E427 have been minimized to 0.31 lb/hr and 1.36 ton/yr.
- 4.1.10. If the H<sub>2</sub>S Removal System is bypassed and raw brine production is still required: The raw brine stream shall be routed directly to the brine treatment process (where any dissolved H<sub>2</sub>S in the raw brine will be treated with caustic and sent to the manufacturing process).
- 4.1.11. A log entry/record shall be kept on file and shall be made available upon request to the Director or his authorized representative each time the H<sub>2</sub>S Removal System is bypassed and raw brine production is still required. The start and end times, and the reason(s) for bypassing the H<sub>2</sub>S Removal System shall be documented along with all action(s) made by operations to mitigate the release of H<sub>2</sub>S to the atmosphere. Air monitoring record(s) of H<sub>2</sub>S concentrations before, during, and after the bypassing, if available, shall be made available for the record along with any public odor complaint(s) received.
- 4.1.12. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.

## 4.2. Monitoring Requirements

- 4.2.1. For the purpose of determining compliance with the opacity limits set forth in Sections 4.1.2. and 4.1.3. for flare FL002, the permittee shall conduct opacity monitoring and recordkeeping for all emission points and equipment in service that are subject to the opacity limit under 45CSR6.

As an alternative to opacity monitoring, the permittee may elect to conduct visible emission checks and, if need be, visible emission observations. The visible emission check is used to determine the presence or absence of visible particulate matter emissions. A visible emission observation uses U.S. EPA Method 9, Method 22, or the procedure outlined in 45CSR§7A-2.1.a., or other method approved by the Director, to more precisely determine opacity. If visible emissions are observed during a visible emission check, corrective action must be taken to return the emission point to no visible emissions, or a visible observation must be conducted to determine that the opacity is less than 20%.

Opacity monitoring or visible emission checks, or visible emission observations shall be conducted at least once per calendar month. If opacity remains less than 20% for three consecutive months, opacity monitoring/checks/observations may be conducted quarterly. If opacity should equal or exceed 20% during quarterly observations, monthly readings must be implemented until three

consecutive monthly readings of less than 20% opacity are recorded. Visible emission checks of the emission points shall be performed for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Opacity monitoring or visible emission checks, or visible emission observations shall be performed during periods of normal facility/unit operation and appropriate weather conditions.

*(Emission Unit: FL002 – Flare on Zero Discharge Collection Tank (V273))*

- 4.2.2. For the purpose of determining compliance with the H<sub>2</sub>S limits set forth in Section 4.1.9. of this permit, the permittee shall continuously monitor and record caustic (NaOH) flow to the top stage of Scrubber SC080 and pH from the bottom stage of Scrubber SC080.

*(Emission Unit: SC080 – Wet Scrubber on Air Stripper (SP017))*

### 4.3. Testing Requirements

- 4.3.1. Tests to determine the concentration of H<sub>2</sub>S in the gas streams to the flare (FL002) on process vent E418 and the flow rate of those streams shall be conducted at least once per year with the concentration of H<sub>2</sub>S reported in units of grains per hundred standard cubic feet of gas. These tests shall be conducted for the depressurization of the raw brine wells only (since backwashing of wells shall no longer be performed at the Zero Discharge Collection Tank (V273)). A copy of the report for the tests shall be submitted to the Director of Air Quality within thirty (30) days of the end of each calendar year.

- 4.3.2. The company shall, on a daily basis while the Raw Brine Flare (FL003) is still in operation, continue to estimate the flow rate and the concentration of H<sub>2</sub>S sent to the flare and calculate emissions assuming 100% conversion of H<sub>2</sub>S to sulfur dioxide from the unit's flare stack. The methodology previously approved under Consent Order CO-SIP-2000-1 will be used to estimate the total flow rate and concentration of H<sub>2</sub>S sent to the flare. This data will be used to determine compliance with the emission limitation set forth in Section IV.3.D. (condition 4.1.6. of this permit).

- 4.3.3. At such reasonable times as the Director may designate, the operator of any incinerator shall be required to conduct or have conducted stack tests to determine the particulate matter loading, by using 40 CFR Part 60, Appendix A, Method 5 or other equivalent EPA approved method approved by the Director, 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 the Director's authorized representative, may at the Director's 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. *(Emission Unit: FL002 – Flare on Zero Discharge Collection Tank (V273))* [45CSR§6-7.1.]

### 4.4. Recordkeeping Requirements

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
- The date, place as defined in this permit, and time of sampling or measurements;
  - The date(s) analyses were performed;
  - The company or entity that performed the analyses;

- d. The analytical techniques or methods used;
  - e. The results of the analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.
- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
- a. The equipment involved.
  - b. Steps taken to minimize emissions during the event.
  - c. The duration of the event.
  - d. The estimated increase in emissions during the event.

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

- e. The cause of the malfunction.
  - f. Steps taken to correct the malfunction.
  - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.4.4. The permittee shall maintain records of all monitoring data required by Section 4.2.1. of this permit, documenting the date and time of each visible emissions check, the emission point or equipment identification number, the name or means of identification of the responsible observer, the results of the check, and if necessary, all corrective actions taken. Should a visible emissions observation be required to be performed per the requirements specified in 40 C.F.R. 60 Appendix A, Method 9, then data records of each observation shall be maintained per the requirements of that method. For an emission unit out of service during the normal monthly evaluation, the record of observation may note “out of service” (OOS) or equivalent. These records shall be maintained on site for a period of five years in accordance with 3.4.1. and shall be made available to the Director or his authorized representative upon request. (*Emission Unit: FL002 – Flare on Zero Discharge Collection Tank (V273)*)
- 4.4.5. The monitoring records prescribed in Section 4.2.2. of this permit shall be maintained on site for a period of five years in accordance with 3.4.1. and shall be made available to the

Director or his authorized representative upon request. (*Emission Unit: SC080 – Wet Scrubber on Air Stripper (SP017)*)

- 4.4.6. The records prescribed in Sections 4.1.10. and 4.1.11. of this permit related to bypassing the H<sub>2</sub>S Removal System shall be maintained on site for a period of five years in accordance with 3.4.1. and shall be made available to the Director or his authorized representative upon request.

#### **4.5. Reporting Requirements**

- 4.5.1. After completing the annual tests to determine the concentration of H<sub>2</sub>S in the gas streams to the flare (FL002) on process vent E418, the Company shall calculate SO<sub>2</sub> emissions assuming 100% conversion of H<sub>2</sub>S to SO<sub>2</sub> in the flare. The SO<sub>2</sub> yearly emissions (lb/yr) shall be calculated for the depressurization operating scenario only (since the backwash, and the combination of backwash and depressurization operating scenarios shall no longer be performed at the Zero Discharge Collection Tank (V273)). In addition, the maximum highest SO<sub>2</sub> hourly emission rate (lb/hr) shall be reported. This data shall be included in the test report, which is submitted to the Director of Air Quality within thirty (30) days of the end of each calendar year.

### CERTIFICATION OF DATA ACCURACY

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

**Signature<sup>1</sup>**  
(please use blue ink) \_\_\_\_\_  
Responsible Official or Authorized Representative Date

**Name & Title**  
(please print or type) \_\_\_\_\_  
Name Title

**Telephone No.** \_\_\_\_\_ **Fax No.** \_\_\_\_\_

<sup>1</sup> This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
  - (ii) the delegation of authority to such representative is approved in advance by the Director;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of U.S. EPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.