





**Permit / Application Information Sheet**  
**Division of Environmental Protection**  
**West Virginia Office of Air Quality**

<b>Company:</b>	Mississippi Sand, LLC	<b>Facility:</b>	Benwood
<b>Region:</b>	1	<b>Plant ID:</b>	051-00218
<b>Application #:</b>	13-3275		
<b>Engineer:</b>	Pursley, Steve	<b>Category:</b>	
<b>Physical Address:</b>	748 McMechen Street Bldg 19 N Benwood WV 26031	<b>SIC:</b> [1446] MINING AND QUARRYING OF NONMETALLIC MINERALS - INDUSTRIAL SAND <b>NAICS:</b> [212322] Industrial Sand Mining	
<b>County:</b>	Marshall		
<b>Other Parties:</b>	PRES - Giordano, Tony 314-219-7900 VICE PRES - Bish, Jason 314-678-7855		

<b>Information Needed for Database and AIRS</b>
1. Air Program
2. Inspection result
3. Pollutant and class

**Regulated Pollutants**

<b>Summary from this Permit 13-3275</b>		
<b>Air Programs</b>	<b>Fee</b>	<b>Applicable Regulations</b>
	\$1,000.00	CONSTRUCTION

**Notes from Database**

**Activity Dates**

APPLICATION RECEIVED	10/13/2015
APPLICATION FEE PAID	10/14/2015
ASSIGNED DATE	10/14/2015

**NON-CONFIDENTIAL**

Please note, this information sheet is not a substitute for file research and is limited to data entered into the AIRTRAX database.

Company ID: 051-00218  
 Company: Mississippi Sand, LLC  
 Printed: 10/14/2015  
 Engineer: Pursley, Steve

**NON CONFIDENTIAL**

# INTERNAL PERMITTING DOCUMENT TRACKING MANIFEST

Company Name Mississippi Sand

Permitting Action Number 13-3275 Total Days 100 DAQ Days 66

**Permitting Action:**

- |   |   |                                      |
|---|---|--------------------------------------|
| <input type="radio"/> Permit Determination  | <input type="radio"/> Temporary               | <input type="radio"/> Modification   |
| <input type="radio"/> General Permit        | <input type="radio"/> Relocation              | <input type="radio"/> PSD (Rule 14)  |
| <input type="radio"/> Administrative Update | <input checked="" type="radio"/> Construction | <input type="radio"/> NNSR (Rule 19) |

**Documents Attached:**

- |  |  |
|--|--|
| <input checked="" type="radio"/> Engineering Evaluation/Memo.  | <input type="radio"/> Completed Database Sheet |
| <input checked="" type="radio"/> Draft Permit                  | <input type="radio"/> Withdrawal               |
| <input checked="" type="radio"/> Notice                        | <input type="radio"/> Letter                   |
| <input type="radio"/> Denial                                   | <input type="radio"/> Other (specify) _____    |
| <input type="radio"/> Final Permit/General Permit Registration | _____  |

Date	From	To	Action Requested
1-21-16	Steven Pursley	Bev	Please review
2/1	Bev	Steve	See Comments - Addition - Return.
2-11-16	Steve	Bev	Please review. Conditions 4.1.6, 7, 8 & 9 added.
2/16	Bev	Steve	Go to Notice

**NOTE:** Retain a copy of this manifest for your records when transmitting your document(s).

# AIR QUALITY PERMIT NOTICE

## Notice of Intent to Approve

On October 13, 2015, Mississippi Sand, LLC applied to the WV Department of Environmental Protection, Division of Air Quality (DAQ) for a permit to construct a frac sand storage and transfer facility located at 748 McMechen St., Benwood, Marshall County, WV at latitude 40.0097 and longitude -80.7359. A preliminary evaluation has determined that all State and Federal air quality requirements will be met by the proposed facility. The DAQ is providing notice to the public of its preliminary determination to issue the permit as R13-3275.

The following potential emissions will be authorized by this permit action: Particulate Matter less than 10 microns, 6.52 tons per year (TPY); Particulate Matter, 25.14 TPY.

Written comments or requests for a public meeting must be received by the DAQ before 5:00 p.m. on **DRAFT**. A public meeting may be held if the Director of the DAQ determines that significant public interest has been expressed, in writing, or when the Director deems it appropriate.

The purpose of the DAQ's permitting process is to make a preliminary determination if the proposed construction will meet all State and Federal air quality requirements. The purpose of the public review process is to accept public comments on air quality issues relevant to this determination. Only written comments received at the address noted below within the specified time frame, or comments presented orally at a scheduled public meeting, will be considered prior to final action on the permit. All such comments will become part of the public record.

Steven R. Pursley, PE  
WV Department of Environmental Protection  
Division of Air Quality  
601 57th Street, SE  
Charleston, WV 25304  
Telephone: 304/926-0499, ext. 1218  
FAX: 304/926-0478

Additional information, including copies of the draft permit, application and all other supporting materials relevant to the permit decision may be obtained by contacting the engineer listed above. The draft permit and engineering evaluation can be downloaded at:

[www.dep.wv.gov/daq/Pages/NSRPermitsforReview.aspx](http://www.dep.wv.gov/daq/Pages/NSRPermitsforReview.aspx)



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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)

**ENGINEERING EVALUATION / FACT SHEET**

**BACKGROUND INFORMATION**

Application No.: R13-3275  
Plant ID No.: 051-00218  
Applicant: Mississippi Sand, LLC  
Facility Name: Benwood Facility  
Location: Marshall County  
NAICS Code: 212322  
Application Type: Construction  
Received Date: October 13, 2015  
Engineer Assigned: Steven R. Pursley, PE  
Fee Amount: 1,000.00  
Date Received: October 14, 2015  
Complete Date: November 12, 2015  
Due Date: February 10, 2016  
Applicant Ad Date: October 14, 2015  
Newspaper: Moundsville Daily Echo  
UTM's: Easting:522.548    Northing: 4,428.881    Zone: 17  
Description: Construction of frac sand transfer and storage facility.

**DESCRIPTION OF PROCESS**

The Benwood Terminal will consist of a barge unloading dock, storage and handling warehouse, and a customer truck loading operation. Frac sand arrives via barge to the truck loading dock. Frac sand is unloaded via floating crane using an open clamshell bucket to drop the sand into dump trucks. The trucks are covered with a tarp during transport. Loaded trucks travel on an unpaved haul road to an enclosed warehouse.

The dump trucks enter the warehouse building to unload the product. The warehouse is operated with 6 exhaust fans to create a zone of negative pressure. The fans will serve as the emission point where fugitive particulate matter generated within the warehouse are exhausted. Once the product is unloaded from the dump trucks onto the warehouse floor, a front end loader will transfer material to one of three fully enclosed stockpiles. Each stockpile within the warehouse building will contain a different sized sand product, according to API specifications. When the product is ready for transport to the end user, the front end loader will transfer the material from the stockpiles to a hopper. Material will pass onto a belt conveyor. From there, material is transferred to another belt conveyor which moves the material from the inside of the warehouse to the outside for customer truck loading.

The customer loadout process is conducted with a telescopic chute from the conveyor to the tanker truck. Once the customer truck has been filled, the truck is weighed for processing. Upon completion of this process, the tanker trucks depart from the facility by paved haulroad.

### SITE INSPECTION

On December 22, 2015 the writer requested that DAQs Northern Panhandle Regional Office (NPRO) perform a site inspection of the proposed facility. In a January 15, 2016, Alfred Carducci of the NPRO found the site to be acceptable. The following picture was attached to the email:



## ESTIMATE OF EMISSIONS BY REVIEWING ENGINEER

Emissions from the facility were estimated using DAQs G40 spreadsheet. All controls were properly accounted for per the G40 instructions. Controlled emissions from the facility will be as follows:

	PM		PM <sub>10</sub>		PM <sub>2.5</sub>	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
Stock Piles	0.04	0.16	0.02	0.08	0.01	0.01
Unpaved Haulroads	2.11	11.75	0.54	3.00	0.05	0.30
Paved Haulroads	2.39	10.24	0.48	2.05	0.12	0.50
Transfer Points	1.26	2.99	0.58	1.39	0.25	0.59
<b>Total</b>	<b>5.8</b>	<b>25.14</b>	<b>1.62</b>	<b>6.52</b>	<b>0.43</b>	<b>1.4</b>

## REGULATORY APPLICABILITY

The following state regulations apply to the facility (no federal rules i.e. NSPS, MACT/NESHAPs are applicable):

- 45CSR13 Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation).

The construction of the Benwood facility has a potential to emit a regulated pollutant in excess of six (6) lbs/hour and ten (10) TPY and, therefore, pursuant to §45-13-2.24, the facility is defined as a "stationary source" under 45CSR13. Pursuant to §45-13-5.1, "[n]o person shall cause, suffer, allow or permit the construction . . . and operation of any stationary source to be commenced without . . . obtaining a permit to construct." Therefore, Mississippi Sand is required to obtain a permit under 45CSR13 for the construction and operation of the well pad.

As required under §45-13-8.3 ("Notice Level A"), Mississippi Sand placed a Class I legal advertisement in a "newspaper of general circulation in the area where the source is . . . located." The ad ran on October 14, 2015 in the *Moundsville Daily Echo* and the affidavit of publication for this legal advertisement was submitted on October 30, 2015.

- 45CSR17 To Prevent and Control Particulate Matter Air Pollution From Materials Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter.

Fact Sheet R13-3275  
Mississippi Sand, LLC  
Benwood Facility

The main requirement of 45CSR17 is the prohibition of fugitive particulate matter which causes or contributes to statutory air pollution. Mississippi Sand will comply with this requirement by performing nearly all transfer operations inside a fully enclosed building. The only exceptions are the clamshell unloading from the barges to the trucks, which is uncontrolled and the belt conveyor loading the load out trucks which uses a telescopic chute.

Additionally, a water truck will be maintained on site to control emissions from unpaved haul roads.

**45CSR22 Air Quality Management Fee Program**

The facility is not subject to any NSPS, MACT or NESHAP. Additionally, the facility is defined as a minor source under 45CSR30. Therefore the facility is not subject to 45CSR30 and will pay its annual fees through the Rule 22 program.

**Nonapplicability Determinations**

**45CSR7 To Prevent and Control Particulate Matter Air Pollution From Manufacturing Processes and Associated Operations**

Since this is not a manufacturing source (sand is simply unloaded, stored and shipped) it is not subject to 45CSR7.

**TOXICITY OF NON-CRITERIA REGULATED POLLUTANTS**

The material to be handled is a "frac sand" which contains, among other things, quartz/silica dust. Although crystalline silica is not regulated as a "Hazardous Air Pollutant" under section 112 of the Clean Air Act, it does have the potential to cause serious lung diseases including silicosis and is regulated tightly by OSHA.

**AIR QUALITY IMPACT ANALYSIS**

Since this application addresses the construction of facility that is not defined as "major" in 45CSR14, no modeling was performed.

### MONITORING OF OPERATIONS

The permittee shall maintain the following records:

- \* Records of monthly EPA Method 22 opacity testing and any corrective actions taken.
- \* Monthly throughput of sand.

### RECOMMENDATION TO DIRECTOR

Information supplied in the application indicates that compliance with all applicable regulations will be achieved. Therefore it is the recommendation of the writer that permit R13-3275 for the construction of a frac sand transfer and storage facility in Benwood, Marshall County, be granted to Mississippi Sand, L.L.C.



Steven R. Pursley, PE  
Engineer

2-11-16

February 11, 2016

# Permit to Construct



**R13-3275**

*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 facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

Issued to:  
**Mississippi Sand, LLC**  
**Benwood Facility**  
**051-00218**

---

*William F. Durham*  
Director

*Issued: DRAFT*

Facility Location: Benwood, Marshall County, West Virginia  
Mailing Address: 1716 Hidden Creek Court  
Suite 150  
St. Louis, MO 63131  
Facility Description: Frac Sand Transfer and Storage Facility  
NAICS Codes: 212322  
UTM Coordinates: 522.55 km Easting • 4,428.88 km Northing • Zone 17  
Permit Type: Construction  
Description of Change:  
Construction of a frac sand transfer and storage facility.

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

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*The source is not subject to 45CSR30.*

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**1.0 Emission Units**

<b>Emission Unit ID</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed</b>	<b>Design Capacity</b>	<b>Control Device</b>
TL01	TP01	Barge Unloading (Clamshell)	2015	110 tph	N
SB01	E01	Stockpile	2015	13,335 tons	FE
SB02	E01	Stockpile	2015	13,335 tons	FE
SB03	E01	Stockpile	2015	13,335 tons	FE
BS01	E01	Hopper	2015	55 tph	FE
BC01	E01	Belt Conveyor	2015	55 tph	FE
BC02	E01	Belt Conveyor	2015	55 tph	FE
TL03	TP07	Product Truck Loading	2015	55 tph	TC

**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 (45 CSR § 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 2.5µm 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 Law 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 shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

### **2.5. Duty to Comply**

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-3275 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 13-10.3]
- 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;
- 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 emission, 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 45 C.S.R. 11.  
[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 57th Street, SE  
Charleston, WV 25304-2345

**If to the USEPA:**

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 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 3.5.4.2. In accordance with 45CSR22 – Air Quality Management Fee Program, enclosed with this permit is an Application for Certificate to Operate (CTO). The CTO will cover the time period beginning with the date of initial startup through the following June 30. Said application and the appropriate fee shall be submitted to this office prior to the date of initial startup. For any startup date other than July 1, the permittee shall pay a fee or prorated fee in accordance with Section 4.5 of 45CSR22. A copy of this schedule may be found on the reverse side of the CTO application.
- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

**4.0. Source-Specific Requirements**

**4.1. Limitations and Standards**

4.1.1. Emissions from the facility shall not exceed the following:

	PM		PM <sub>10</sub>		PM <sub>2.5</sub>	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
Stock Piles	0.04	0.16	0.02	0.08	0.01	0.01
Transfer Points	1.26	2.99	0.58	1.39	0.25	0.59
<b>Total</b>	<b>1.3</b>	<b>3.15</b>	<b>0.6</b>	<b>1.47</b>	<b>0.26</b>	<b>0.6</b>

4.1.2 Fugitive particulate matter shall not be discharged beyond the boundary lines of the property on which the discharge originates or at any public or residential location, which causes or contributes to statutory air pollution.

[45CSR§17-3.1]

4.1.3 The facility's annual throughput of material shall not exceed 480,000 tons per year. Compliance with this limit shall be based on a rolling 12 month total.

4.1.4 The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spraybar shall be equipped with spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

The pump delivering the water shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

4.1.5 Only those emission units/sources as identified in Table 1.0, with the exception of any *de minimis* sources as identified under Table 45-13B of 45CSR13, are authorized at the permitted facility. In accordance with the information filed in Permit Application R13-3275, the emission units/sources identified under Table 1.0 of this permit shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants, shall not exceed the listed maximum design capacities, shall use the specified control device types, and comply with any other information provided under Table 1.0.

4.1.6 The warehouse building shall be constructed and operated with exhaust fans which create a zone of negative pressure within the building. Air exhausted by said fans shall be filtered before release to the atmosphere.

4.1.7 The permittee shall load only enclosed tanker trucks. No loading of open top trucks is permitted.

4.1.8 All trucks carrying sand from the barge loadout to the warehouse building shall be tarped.

- 4.1.9 The warehouse buildings truck entrance shall remain closed at all times except when trucks are entering or exiting the building.
- 4.1.10 **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.  
[45CSR§13-5.11.]

## 4.2. Testing Requirements

- 4.3.1. In order to determine compliance with the requirements of sections 4.1.2 of this permit, the permittee shall conduct visible emission checks and / or opacity monitoring and recordkeeping for emission point E01.
- a. The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.
  - b. Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.
  - c. If visible emissions are present at a source(s) the permittee shall take corrective action as soon as practicable, but within seventy-two (72) hours of the emission check. Once corrective action has been taken another observation shall be made to confirm that no visible emissions are present.

## 4.3. Monitoring and Recordkeeping Requirements

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

- c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of the analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.
- 4.3.2. **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.
- 4.3.3. **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.
- 4.3.4. In order to determine compliance with the throughput requirement of section 4.1.3 of this permit the permittee shall monitor and record the amount of bulk material processed through the facility on a monthly basis.
- 4.3.5 In order to determine compliance with the requirements of sections 4.1.2 and the requirements of 4.2.1 of this permit, records of the Method 22 testing and any necessary corrective actions shall be retained on site by the permittee for at least five (5) years. Upon request the records shall be certified and made available to the Director or his/her duly authorized representative.

### 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 and 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 USEPA); or
  - d. The designated representative delegated with such authority and approved in advance by the Director.



west virginia department of environmental protection

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

**ENGINEERING EVALUATION / FACT SHEET**

BACKGROUND INFORMATION

Application No.: R13-3275  
Plant ID No.: 051-00218  
Applicant: Mississippi Sand, LLC  
Facility Name: Benwood Facility  
Location: Marshall County  
NAICS Code: 212322  
Application Type: Construction  
Received Date: October 13, 2015  
Engineer Assigned: Steven R. Pursley, PE  
Fee Amount: 1,000.00  
Date Received: October 14, 2015  
Complete Date: November 12, 2015  
Due Date: February 10, 2016  
Applicant Ad Date: October 14, 2015  
Newspaper: Moundsville Daily Echo  
UTM's: Easting: 522.548 Northing: 4,428.881 Zone: 17  
Description: Construction of frac sand transfer and storage facility.

*These roads are unpaved. - Trucks leave via paved H.A.'s*

DESCRIPTION OF PROCESS

The Benwood Terminal will consist of a barge unloading dock, storage and handling warehouse, and a customer truck loading operation. Frac sand arrives via barge to the truck loading dock. Frac sand is unloaded via floating crane using an open clamshell bucket to drop the sand into dump trucks. The trucks are covered with a tarp during transport. Loaded trucks travel on an unpaved haul road to an enclosed warehouse.

The dump trucks enter the warehouse building to unload the product. The warehouse is operated with 6 exhaust fans to create a zone of negative pressure. The fans will serve as the emission point where fugitive particulate matter generated within the warehouse are exhausted. Once the product is unloaded from the dump trucks onto the warehouse floor, a front end loader will transfer material to one of three fully enclosed stockpiles. Each stockpile within the warehouse building will contain a different sized sand product, according to API specifications. When the product is ready for transport to the end user, the front end loader will transfer the material from the stockpiles to a hopper. Material will pass onto a belt conveyor. From there, material is transferred to another belt conveyor which moves the material from the inside of the warehouse to the outside for customer truck loading.

*Should it be paved? -*

The customer loadout process is conducted with a telescopic chute from the conveyor to the tanker truck. Once the customer truck has been filled, the truck is weighed for processing. Upon completion of this process, the tanker trucks depart from the facility by paved haulroad.

### SITE INSPECTION

On December 22, 2015 the writer requested that DAQs Northern Panhandle Regional Office (NPRO) perform a site inspection of the proposed facility. On January 15, 2016, Alfred Carducci of the NPRO emailed the following: "Hey Steve the location looks fine. It is located directly across the street from the Unimim facility, which unloads and loads fracking sand." The following picture was attached to the email:



*Don't know  
AL.  
Just say  
the former  
location  
to be  
acceptable*

## ESTIMATE OF EMISSIONS BY REVIEWING ENGINEER

Emissions from the facility were estimated using DAQs G40 spreadsheet. All controls were properly accounted for per the G40 instructions. Controlled emissions from the facility will be as follows:

	PM		PM <sub>10</sub>		PM <sub>2.5</sub>	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
Stock Piles	0.04	0.16	0.02	0.08	0.01	0.01
Unpaved Haulroads	2.11	11.75	0.54	3.00	0.05	0.30
Paved Haulroads	2.39	10.24	0.48	2.05	0.12	0.50
Transfer Points	1.26	2.99	0.58	1.39	0.25	0.59
<b>Total</b>	<b>5.8</b>	<b>25.14</b>	<b>1.62</b>	<b>6.52</b>	<b>0.43</b>	<b>1.4</b>

## REGULATORY APPLICABILITY

The following state regulations apply to the facility (no federal rules i.e. NSPS, MACT/NESHAPs are applicable):

- 45CSR13 Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation).

The construction of the Benwood facility has a potential to emit a regulated pollutant in excess of six (6) lbs/hour and ten (10) TPY and, therefore, pursuant to §45-13-2.24, the facility is defined as a "stationary source" under 45CSR13. Pursuant to §45-13-5.1, "[n]o person shall cause, suffer, allow or permit the construction . . . and operation of any stationary source to be commenced without . . . obtaining a permit to construct." Therefore, Mississippi Sand is required to obtain a permit under 45CSR13 for the construction and operation of the well pad.

As required under §45-13-8.3 ("Notice Level A"), Mississippi Sand placed a Class I legal advertisement in a "newspaper of general circulation in the area where the source is . . . located." The ad ran on October 14, 2015 in the *Moundsville Daily Echo* and the affidavit of publication for this legal advertisement was submitted on October 30, 2015.

- 45CSR17 To Prevent and Control Particulate Matter Air Pollution From Materials Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter.

The main requirement of 45CSR17 is the prohibition of fugitive particulate matter which causes or contributes to statutory air pollution. Mississippi Sand will comply with this requirement by performing nearly all transfer operations inside a fully enclosed building. The only exceptions are the clamshell unloading from the barges to the trucks, which is uncontrolled and the belt conveyor loading the load out trucks which uses a telescopic chute.

Additionally, a water truck will be maintained on site to control emissions from unpaved haul roads.

**45CSR22 Air Quality Management Fee Program**

The facility is not subject to any NSPS, MACT or NESHAP. Additionally, the facility is defined as a minor source under 45CSR30. Therefore the facility is not subject to 45CSR30 and will pay its annual fees through the Rule 22 program.

**Nonapplicability Determinations**

**45CSR7 To Prevent and Control Particulate Matter Air Pollution From Manufacturing Processes and Associated Operations**

Since this is not a manufacturing source (sand is simply unloaded, stored and shipped) it is not subject to 45CSR7.

**TOXICITY OF NON-CRITERIA REGULATED POLLUTANTS**

The material to be handled is a "frac sand" which contains, among other things, quartz/silica dust. Although crystalline silica is not regulated as a "Hazardous Air Pollutant" under section 112 of the Clean Air Act, it does have the potential to cause serious lung diseases including silicosis and is regulated tightly by OSHA.

**AIR QUALITY IMPACT ANALYSIS**

Since this application addresses the construction of facility that is not defined as "major" in 45CSR14, no modeling was performed.

**MONITORING OF OPERATIONS**

The permittee shall maintain the following records:

- \* Records of monthly EPA Method 22 opacity testing and any corrective actions taken.

- \* Monthly throughput of sand.

RECOMMENDATION TO DIRECTOR

Information supplied in the application indicates that compliance with all applicable regulations will be achieved. Therefore it is the recommendation of the writer that permit R13-3275 for the construction of a frac sand transfer and storage facility in Benwood, Marshall County, be granted to Mississippi Sand, L.L.C.



---

Steven R. Pursley, PE  
Engineer

12-21-15

---

December 21, 2015

# Permit to Construct



**R13-3275**

*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 facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

Issued to:  
**Mississippi Sand, LLC**  
**Benwood Facility**  
**051-00218**

---

*William F. Durham*  
*Director*

*Issued: DRAFT*

Facility Location: Benwood, Marshall County, West Virginia  
Mailing Address: 1716 Hidden Creek Court  
Suite 150  
St. Louis, MO 63131  
Facility Description: Frac Sand Transfer and Storage Facility  
NAICS Codes: 212322  
UTM Coordinates: 522.55 km Easting • 4,428.88 km Northing • Zone 17  
Permit Type: Costruction  
Description of Change:  
Construction of a frac sand transfer and storage facility.

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

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*The source is not subject to 45CSR30.*

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**1.0 Emission Units**

<b>Emission Unit ID</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed</b>	<b>Design Capacity</b>	<b>Control Device</b>
TL01	TP01	Barge Unloading (Clamshell)	2015	110 tph	N
SB01	E01	Stockpile	2015	13,335 tons	FE
SB02	E01	Stockpile	2015	13,335 tons	FE
SB03	E01	Stockpile	2015	13,335 tons	FE
BS01	E01	Hopper	2015	55 tph	FE
BC01	E01	Belt Conveyor	2015	55 tph	FE
BC02	E01	Belt Conveyor	2015	55 tph	FE
TL03	TP07	Product Truck Loading	2015	55 tph	TC

**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 (45 CSR § 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 2.5µm 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 Law 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 shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

### **2.5. Duty to Comply**

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-3275 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 13-10.3]
- 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;
- 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 emission, 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 45 C.S.R. 11.  
[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 57th Street, SE  
Charleston, WV 25304-2345

**If to the USEPA:**

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 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 3.5.4.2. In accordance with 45CSR22 – Air Quality Management Fee Program, enclosed with this permit is an Application for Certificate to Operate (CTO). The CTO will cover the time period beginning with the date of initial startup through the following June 30. Said application and the appropriate fee shall be submitted to this office prior to the date of initial startup. For any startup date other than July 1, the permittee shall pay a fee or prorated fee in accordance with Section 4.5 of 45CSR22. A copy of this schedule may be found on the reverse side of the CTO application.
- 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.

*We got them to Agree to several operational/minimization controls that we need to have in this permit.*

#### 4.0. Source-Specific Requirements

#### 4.1. Limitations and Standards

4.1.1. Emissions from the facility shall not exceed the following:

	PM		PM <sub>10</sub>		PM <sub>2.5</sub>	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
Stock Piles	0.04	0.16	0.02	0.08	0.01	0.01
Transfer Points	1.26	2.99	0.58	1.39	0.25	0.59
<b>Total</b>	<b>1.3</b>	<b>3.15</b>	<b>0.6</b>	<b>1.47</b>	<b>0.26</b>	<b>0.6</b>

4.1.2 Fugitive particulate matter shall not be discharged beyond the boundary lines of the property on which the discharge originates or at any public or residential location, which causes or contributes to statutory air pollution.

[45CSR§17-3.1]

4.1.3 The facility's annual throughput of material shall not exceed 480,000 tons per year. Compliance with this limit shall be based on a rolling 12 month total.

4.1.4 The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spraybar shall be equipped with spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

The pump delivering the water shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

4.1.5 Only those emission units/sources as identified in Table 1.0, with the exception of any *de minimis* sources as identified under Table 45-13B of 45CSR13, are authorized at the permitted facility. In accordance with the information filed in Permit Application R13-3275, the emission units/sources identified under Table 1.0 of this permit shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants, shall not exceed the listed maximum design capacities, shall use the specified control devices, and comply with any other information provided under Table 1.0.

4.1.6 **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.

[45CSR§13-5.11.]

*Negative Pressure Requirement - F. Hous / FANS, Clean opening to Inside.*

*None are specified.*

## 4.2. Testing Requirements

- 4.3.1. In order to determine compliance with the requirements of sections 4.1.2 of this permit, the permittee shall conduct visible emission checks and / or opacity monitoring and recordkeeping for emission point E01.
- a. The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.
  - b. Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.
  - c. If visible emissions are present at a source(s) the permittee shall take corrective action as soon as practicable, but within seventy-two (72) hours of the emission check. Once corrective action has been taken another observation shall be made to confirm that no visible emissions are present.

## 4.3. Monitoring and Recordkeeping Requirements

- 4.3.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
- a. The date, place as defined in this permit and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of the analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.
- 4.3.2. **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.

**4.3.3. 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.

**4.3.4.** In order to determine compliance with the throughput requirement of section 4.1.3 of this permit the permittee shall monitor and record the amount of bulk material processed through the facility on a monthly basis.

**4.3.5** In order to determine compliance with the requirements of sections 4.1.2 and the requirements of 4.2.1 of this permit, records of the Method 22 testing and any necessary corrective actions shall be retained on site by the permittee for at least five (5) years. Upon request the records shall be certified and made available to the Director or his/her duly authorized representative.

### 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 and 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 USEPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.

**Pursley, Steven R**

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**From:** Pursley, Steven R  
**Sent:** Monday, November 16, 2015 4:40 PM  
**To:** 'tgiordano@mississippi-sand.com'  
**Cc:** 'justin.spencer@erm.com'  
**Subject:** WV DAQ NSR Permit Application Complete for Mississippi Sand, Benwood terminal

**RE: Application Status: Complete  
Mississippi Sand, Benwood Terminal  
Permit Application R13-3275  
Plant ID No. 051-00218**

Mr. Giordano

Your application for a construction permit for a sand storage and handling facility was received by this Division on October 13, 2015 and assigned to the writer for review. Upon review of said application, it has been determined that the application is complete and, therefore, the statutory review period commenced on November 12, 2015.

This determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit determination.

Should you have any questions, please contact Steven R. Pursley, PE at (304) 926-0499 ext. 1218 or reply to this email.



October 29, 2015

Mr. Steve Pursley  
West Virginia Department of Environmental Protection  
Division of Air Quality  
601 57<sup>th</sup> Street, SE  
Charleston, West Virginia, 25304

RE: **Rule 13 Permit Application**  
**Mississippi Sand, LLC.**  
**Benwood Terminal**

051-00218

FILE:	Mississippi Sand
COMPANY	Benwood Terminal
FACILITY	
REGION	1
	REG. 13-3875

Mr. Pursley,

Please find the enclosed original notarize affidavit and original newspaper clipping of the Air Quality Public Notice for the Benwood Terminal filed by Mississippi Sand, LLC.

Should you have any comments or questions, please contact me at 304-757-4777 x104 or at [Justin.Spencer@erm.com](mailto:Justin.Spencer@erm.com).

Sincerely,

  
Justin Spencer  
ERM

NON-CONFIDENTIAL



(304) 845-2660  
 P.O. BOX 369  
 MOUNDSVILLE  
 WEST VIRGINIA  
 26041



**AFFIDAVIT OF PUBLICATION**

STATE OF WEST VIRGINIA,  
 COUNTY OF MARSHALL, to wit

I, Melanie S. Murdock being first duly sworn upon my oath, do depose and say:

- that I am Legal Advertising Manager of the MOUNDSVILLE DAILY ECHO, a Republican newspaper;
- that I have been duly authorized to execute this affidavit;
- that such newspaper has been published for over 119 years, is regularly published afternoons daily except Saturdays and Sundays, for at least fifty weeks during the calendar year, in the municipality of Moundsville, Marshall County, West Virginia.
- that such newspaper is a newspaper of "general circulation" as defined in Art. 3, Chap. 59 of the Code of West Virginia 1931 as amended, within Moundsville and Marshall County;
- that such newspaper averages in length four or more pages, exclusive of any cover, per issue;
- that such newspaper is circulated to the general public at a definite price or consideration;
- that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature and for current happenings, announcements, miscellaneous reading matters, advertisements and other notices;
- and that the annexed notice described as follows:

**Legal Advertisement**

PARTY(ies)

Air Quality Permit / Mississippi Sand

NATURE (and agency if heard before one)

CERTIF-BILL TO

WV Press Services, Inc.  
 3422 Pennsylvania Ave.  
 Charleston, WV 25302

WAS PUBLISHED IN-SAID NEWSPAPER AS FOLLOWS

Times	Dates
1	October 14, 2015
BY WORDS 267	PUBLICATION CHARGES \$30.71

(signed) Melanie S. Murdock

NOTARIZATION  
 OFFICIAL SEAL  
 NOTARY PUBLIC  
 STATE OF WEST VIRGINIA  
 AMY McCLIMPHY  
 Moundsville, West Virginia  
 PO Box 369  
 Moundsville, WV 26041  
 My Commission Expires August 29, 2013

Subscribed before me this 16th  
October 2015

Amy Mc Climphy  
 Notary Public

**LEGAL ADVERTISEMENT**

Attachment P  
**AIR QUALITY PERMIT NOTICE**  
 Notice of Application

Notice is given that Mississippi Sand, LLC has applied to the West Virginia Department of Environmental Protection, Division of Air Quality, for a ~~Rule 13 Permit Application for an industrial sand storage and handling facility~~ located on McMechen Street, Benwood, in Marshall County, West Virginia. The latitude and longitude coordinates are: 40.00983, -80.73580.

The applicant estimates the potential to discharge the following regulated air pollutants on a facility-wide basis will be:

- Particulate Matter (PM) = 25.14 tpy
- Particulate Matter (PM10) = 6.51 tpy
- Particulate Matter (PM2.5) = 1.40 tpy

Written comments will be received by the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304, for at least 30 calendar days from the date of publication of this notice.

Any questions regarding this permit application should be directed to the DAQ at (304) 926-0499, extension 1250, during normal business hours.

Dated this the 14th day of October, 2015.

By: Mississippi Sand, LLC  
 Jason Bish  
 Vice President – Safety and Regulatory Management  
 1716 Hidden Creek Court, Ste 150  
 St. Louis, MO 63131  
 PUBLISH: October 14, 2015.

**NON-CONFIDENTIAL**

**Adkins, Sandra K**

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**From:** Adkins, Sandra K  
**Sent:** Wednesday, October 14, 2015 11:41 AM  
**To:** 'tgiordano@mississippi-sand.com'  
**Cc:** McKeone, Beverly D; Pursley, Steven R  
**Subject:** WV DAQ Permit Application Status for Mississippi Sand, LLC; Benwood

**RE: Application Status  
Mississippi Sand, LLC  
Benwood  
Plant ID No. 051-00218  
Application No. R13-3275**

Mr. Giordano,

Your application for a construction permit for the Benwood facility was received by this Division on October 13, 2015, and was assigned to Steve Pursley. The following item was not included in the initial application submittal:

**Original affidavit for Class I legal advertisement not submitted.**

*\*Legal ad should state type of application as construction. Rule 13 has many different types of permit applications. Please republish.*

*This item is necessary for the assigned permit writer to continue the 30-day completeness review.*

Within 30 days, you should receive a letter from Steve stating the status of the permit application and, if complete, given an estimated time frame for the agency's final action on the permit.

Any determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit decision.

Should you have any questions, please contact the assigned engineer, Steve Pursley, at 304-926-0499, extension 1218.

NON CONFIDENTIAL