west virginia department of environmental protection

Division of Air Quality
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Charleston, WV 25304
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Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

November 19, 2016

CERTIFIED MAIL
91 7199 9991 7033 2857 1626

Michael J. Newell
7850 Ohio River Road
Lesage, WV 25537

Re: Approved: Permit Update R13-1512J
Rust-Oleum Corporation
Lesage, Cabell County, WV Facility
Permit No.: R13-1512J; Plant ID No. 011-00045

Dear Mr. Newell:

Your application for a permit as required by Section 5 of 45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permit, General Permit, and Procedures for Evaluation" has been approved. The enclosed permit R13-1512J is hereby issued pursuant to Subsection 5.7 of 45CSR13. Please be aware of the notification requirements in the permit which pertain to commencement of construction, modification, or relocation activities; startup of operations; and suspension of operations.

The source is not subject to 45CSR30.

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.

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

Should you have any questions or comments, please contact me at (304) 926-0499, extension 1257.

Sincerely,

John Legg
Permit Writer

Enclosures

cc: Michael J. Cirri, Jenkins Environmental, Inc.

mcirri@jeinc.org

mnewekk@rustoleum.com

West Virginia Department of Environmental Protection
Division of Air Quality

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Update

R13-1512J

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:

Rust-Oleum Corporation
LeSage Facility
011-00045

William F. Durham
Director

Issued: November 14, 2016

This permit will supercede and replace Permit R13-1512I.

Facility Location:	LeSage, Cabell County, West Virginia
Mailing Address:	7850 Ohio River Rd; Lesage, WV 25537
Facility Description:	Paint Product Blending and Repackaging
NAICS Codes:	325510
UTM Coordinates:	388.1 km Easting • 4,268.4 km Northing • Zone 17
Permit Type:	Class I Administrative Update
Description of Change:	Add nine (9) tanks/vessels (DT-7 through DT-11, TD-48, TD-47, TK-308 and TK-309) plus TD-46 referenced in the Class I Administrative Update letter dated Feburary 11, 2016 to the Emission Units in section 1.0 of this permit.

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.

The source is not subject to 45CSR30.

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1.0 Emission Units

ID. No.	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
TK-1	E-TK-1	Outside Storage Tank	1994	20,000 gal	Vapor Balance
TK-2	E-TK-2	Outside Storage Tank	1994	20,000 gal	Vapor Balance
TK-3	E-TK-3	Outside Storage Tank	1994	20,000 gal	Vapor Balance
TK-4	E-TK-4	Outside Storage Tank	1994	20,000 gal	Vapor Balance
TK-5	E-TK-5	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-6	E-TK-6	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-7	E-TK-7	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-8	E-TK-8	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-9	E-TK-9	Toluene Storage Tank	1994	10,000 gal	Vapor Balance
TK-10	E-TK-10	Methylene Chloride Storage Tank	1994	10,000 gal	Vapor Balance
TK-11	E-TK-11	Methanol Storage Tank	1994	10,000 gal	Vapor Balance
TK-14	E-TK-14	Outside Storage Tank	1994	10,000 gal	Vapor Balance
TK-16	E-TK-16	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-17	E-TK-17	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-18	E-TK-18	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-20	E-TK-20	Xylene Storage Tank	1994	5,000 gal	Vapor Balance
TK-21	E-TK-21	Methyl Ethyl Ketone Storage Tank	1994	5,000 gal	Vapor Balance
TK-22	E-TK-22	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-24	E-TK-24	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-25	E-TK-25	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-26	E-TK-26	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-27	E-TK-27	Outside Storage Tank		5,000 gal	None
TK-28	E-TK-28	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-29	E-TK-29	Xylene Storage Tank	1994	5,000 gal	Vapor Balance
TK-30	E-TK-30	Outside Storage Tank	1994	5,000 gal	Vapor Balance
TK-301	E-TK-301	Indoor Storage Tank		5,000 gal	Vapor Balance
TK-302	E-TK-302	Indoor Storage Tank		10,000 gal	Vapor Balance
TK-303	E-TK-303	Indoor Storage Tank		5,000 gal	Vapor Balance
TK-304	E-TK-304	Indoor Storage Tank		2,500 gal	None
TK-305	E-TK-305	Indoor Storage Tank		5,000 gal	Vapor Balance
TK-306	E-TK-306	Indoor Storage Tank	2013	10,000 gal	Vapor Balance
TK-307	E-TK-307	Indoor Storage Tank	2014	10,000 gal	Vapor Balance

1.0 Emission Units

ID. No.	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
TD-1	E-TK-1, E-TK-2, TK-3	Indoor Mixing Tank		4,000 gal	Vapor Balance
TD-2	E-TK-1, TK-3	Indoor Mixing Tank		4,000 gal	Vapor Balance
TD-3	E-TK-1, TK-3	Indoor Mixing Tank		4,000 gal	Vapor Balance
TD-4	E-TK-12	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-5	E-TK-12	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-6	E-TK-12	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-7	E-TK-12	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-8	E-TK-1	Indoor Mixing Tank		3,000 gal	Air Tight Hooper
TD-9	ST-4	Indoor Mixing Tank		3,000 gal	None
TD-10	ST-4	Indoor Mixing Tank		3,000 gal	None
TD-13	E-TK-1, E-TK-3	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-14	E-TK-1, E-TK-3	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-15	E-TK-1, E-TK-3	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-16	E-TK-5	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-17	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-19	Vents Inside	Indoor Mixing Tank		300 gal	None
TD-20	ST-2	Indoor Mixing Tank		500 gal	None
TD-21	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-22	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-23	ST-3	Indoor Mixing Tank		2,000 gal	None
TD-24	ST-3	Indoor Mixing Tank		2,000 gal	None
TD-25	E-TD-25	Indoor Storage Tank		4,000 gal	None
TD-26	E-TD-26	Indoor Storage Tank		4,000 gal	None
TD-27	E-TD-27	Indoor Storage Tank		4,000 gal	None
TD-28	E-TD-28	Indoor Storage Tank		4,000 gal	None
TD-29	ST-4	Indoor Mixing Tank		3,000 gal	None
TD-30	ST-4	Indoor Mixing Tank		3,000 gal	None
TD-31	ST-4	Indoor Mixing Tank		3,000 gal	None
TD-32	E-TD-32	Indoor Storage Tank		2,000 gal	None
TD-33	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-34	ST-5	Indoor Mixing Tank		1,400 gal	None

1.0 Emission Units

ID. No.	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
TD-35	ST-5	Indoor Mixing Tank		1,400 gal	None
TD-36	ST-3	Indoor Mixing Tank		2,000 gal	None
TD-37	E-TK-2	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-38	ST-2	Indoor Mixing Tank		1,800 gal	None
TD-39	ST-3	Indoor Mixing Tank		1,800 gal	None
TD-40	ST-3	Indoor Mixing Tank		1,800 gal	None
TD-41	E-TK-2	Indoor Mixing Tank		2,000 gal	Vapor Balance
TD-42	Vents Inside	Indoor Mixing Tank		2,000 gal	None
TD-43	Vents Inside	Indoor Mixing Tank		2,000 gal	None
TD-44	Vents Inside	Indoor Mixing Tank		2,000 gal	None
TD-45	Vents Inside	Indoor Mixing Tank	2014	1,100 gal	None
TD-46	Not Assigned	Mixing Tank for OK 811 (No Emissions/Water Based Paint Only)	2016	1,000 gal	None
TD-47	Not Assigned	Seal-Krete Clear Seal Gloss Sealer (No Emissions/Water Based Paint Only)	2016	1,000 gal	None
TD-48	Not Assigned	Seal-Krete Epoxy Seal (No Emissions/Water Based Paint Only)	2016	4,000 gal	None
TD-308	Not Assigned	Pilotec PA-05 (No Emissions/Water Based Paint Only)	2016	5,000 gal	None
TD-309	Not Assigned	BASF Acronal 296D (No Emissions/Water Based Paint Only)	2016	7,500 gal	None
PDT-1	Vents Inside	Portable Disperser Tank		180 gal	None
PDT-2	Vents Inside	Portable Disperser Tank		180 gal	None
PDT-3	Vents Inside	Portable Disperser Tank		180 gal	None
DT-1	ST-1	Disperser Tank		850 gal	DC-1
DT-2	ST-1	Disperser Tank		850 gal	DC-1
DT-3	ST-1	Disperser Tank		850 gal	DC-1
DT-4	ST-1	Disperser Tank		430 gal	DC-1
DT-5	ST-1	Portable Disperser Tank		430 gal	DC-1
DT-6	ST-1	Portable Disperser Tank		430 gal	DC-1
DT-7	E-DT-7	Glycol Ether DPM	2016	180 gal	None
DT-8	E-DT-8	Glycol Ether DPM	2016	180 gal	None
DT-9	E-DT-9	Glycol Ether DPM	2016	180 gal	None
DT-10	Not Assigned	Seal-Krete Floor Tex Tintable Textured Coating (No Emissions/Water Based Paint Only)	2016	1,500 gal	None

1.0 Emission Units

ID. No.	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
DT-11	Not Assigned	Seal-Krete Epoxy Seal (No Emissions/Water Based Paint Only)	2016	1,000 gal	None
S-1	ST-6	Container Filling Machine		2,160 GPM	None
S-2	ST-6	Container Filling Machine		3,600 GPM	None
S-3	ST-6	Container Filling Machine		2,160 GPM	None
MS-10	Vents Inside	Five Gallon Filling Machine		400 GPM	None
RC-1	ST-6	Container Filling Machine		900 GPM	None
RC-2	ST-6	Container Filling Machine		900 GPM	None
HF-1	Vents Inside	Container Filling Machine (Hand)		400 GPM	None
WP-1	Vents Inside	Container Filling Machine			None
DT-1 thru DT-6	E-ST-1[2]	Combined Stack Vent	1994	1200 CFH	None
B1	E-B1	Burnham, Series 2A Heat Input Boiler	1997	299 MBTU/hr	None
H1-H15	E-H1 - E-H15	DX-HL Series Tube Heaters	1997	0.2 MMBTU/hr	None

NOTE 1: Design capacity of vent (E-TK-1 through E-TK-30) is for filling rate of 100 gpm maximum through a 2 inch filling line from tank truck unload to storage tank and 2" vent return from the storage tank to the tank truck. Each tank has a conservation vent for pressure relief in the event a vapor balance line is plugged. The capacity of each vent at the tank relief pressure can be included if needed however this is a worse case scenario and not a design capacity

NOTE 2: E-ST-1 stack vent has a blower with a 1,200 CFH discharge capacity

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

CAAA	Clean Air Act Amendments	**NO_x**	Nitrogen Oxides
CBI	Confidential Business Information	**NSPS**	New Source Performance Standards
CEM	Continuous Emission Monitor	**PM**	Particulate Matter
CES	Certified Emission Statement	**$PM_{2.5}$**	Particulate Matter less than 2.5μm in diameter
C.F.R. *or* CFR	Code of Federal Regulations	**PM_{10}**	Particulate Matter less than 10μm in diameter
CO	Carbon Monoxide	**Ppb**	Pounds per Batch
C.S.R. *or* CSR	Codes of State Rules	**pph**	Pounds per Hour
DAQ	Division of Air Quality	**ppm**	Parts per Million
DEP	Department of Environmental Protection	**Ppmv or ppmv**	Parts per million by volume
dscm	Dry Standard Cubic Meter	**PSD**	Prevention of Significant Deterioration
FOIA	Freedom of Information Act	**psi**	Pounds per Square Inch
HAP	Hazardous Air Pollutant	**SIC**	Standard Industrial Classification
HON	Hazardous Organic NESHAP	**SIP**	State Implementation Plan
HP	Horsepower	**SO_2**	Sulfur Dioxide
lbs/hr	Pounds per Hour	**TAP**	Toxic Air Pollutant
LDAR	Leak Detection and Repair	**TPY**	Tons per Year
M	Thousand	**TRS**	Total Reduced Sulfur
MACT	Maximum Achievable Control Technology	**TSP**	Total Suspended Particulate
MDHI	Maximum Design Heat Input	**USEPA**	United States Environmental Protection Agency
MM	Million	**UTM**	Universal Transverse Mercator
MMBtu/hr *or* mmbtu/hr	Million British Thermal Units per Hour	**VEE**	Visual Emissions Evaluation
MMCF/hr *or* mmcf/hr	Million Cubic Feet per Hour	**VOC**	Volatile Organic Compounds
NA	Not Applicable	**VOL**	Volatile Organic Liquids
NAAQS	National Ambient Air Quality Standards		
NESHAPS	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;*

2.3.2. 45CSR19 – *Requirements for Pre-Construction Review, Determination of Emission Offsets for Proposed New or Modified Stationary Sources of Air Pollution and Emission Trading for Intrasource Pollutants.*

2.4. Term and Renewal

2.4.1. This permit supercedes and replaces previously issued Permit R13-1512I. 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 Applications R13-1512J, R13-1512I, R13-1512H, R13-1512G,R13-1512F,R13-1512E, R13-1512D, R13-1512C, R13-1512B, R13-1512,A, R13-1512 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 not 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:	**If to the USEPA:**
Director WVDEP Division of Air Quality 601 57th Street, SE Charleston, WV 25304-2345	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.

3.5.5. **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. The permittee shall not exceed the listed throughput for corresponding raw material listed in the table below on a annual basis. No volatile organic compound with a true vapor pressure of greater than or equal to 15.0 kilopascals shall be stored at this facility.

Table 4.1.1.

Tank Number	Raw Material	Throughput (gal/yr)
TK-9	Toluene (HAP)	500,000
TK-11	Methanol (HAP)	500,000
TK-10	Methylene Chloride (HAP &TAP) (Non-VOC)	440,000
TK-21	Methyl Ethyl Ketone	710,000
TK-20	Xylene (HAP)	20,000
TK-29	Xylene (HAP)	130,000
All outside storage tanks expect for TK-9, TK-11, TK-10, TK-20, TK-21, and TK-29	Hi Sol 10	100,000
	Propylene Glycol Methyl Ether	50,000
	Dipropylene Glycol Methyl Ether	1,000,000
	Mineral Spirts	4,000,000
	Denatured Alcohol 200 Proof	500,000
	Denatured Alcohol	9,000,000
	Oxsol 100	100,000
	Poly 55% Resin (mineral based)	2,000,000
	Poly 60% Resin	2,000,000
	Poly 75% Resin	1,000,000
	Poly 55% Resin (oxsol based)	2,000,000
	Isopropanol	50,000
	Octamethylcyclotetra siloxane	100,000
	VM&P Naphtha	250,000
	Ethyl 3-Ethoxypropionate	50,000
	ASSOC 140	50,000
	Soy Bean Oil	100,000

4.1.2. Methylene Chloride emissions from emission point E-TK-10 shall not exceed an instantaneous rate of 18.47 pounds per hour (lb/hr).

4.1.3. Toxic Air Pollutants Annual Emission Limits.

i. Methylene Chloride emissions from the facility (including fugitive emissions) shall not exceed 5,000 pounds per year (lb/yr).

ii. Formaldehyde emissions from the facility (including fugitive emissions) shall not exceed 1,000 pounds per year (lb/yr).

4.1.4. 90 percent (%) of all tank truck unloading of each individual raw materials listed in Section 4.1.1. , shall be controlled by utilizing vapor tight vapor balance lines between the outside raw material storage tank and tank truck.

4.1.5. Methylene chloride emissions associated with the transfer, from storage tanks to process vessels, of all material containing methylene chloride as a component, shall be controlled or minimized by the use of vapor tight vapor balance lines with each vessel and tank sealed and vapor tight during such transfer.

4.1.6. Tube Heaters H1 through H15 shall limited to consuming propane or pipe line quality natural gas. The sulfur concentration of the propane supplied to the facility shall not exceed 169 ppm by weight.

4.1.7. Emission points E-H1 - E-H15 shall not exhibit smoke and/or particulate matter (visible emissions) greater than ten (10) percent opacity based on a six minute block average. Compliance with this visible emission standard will be demonstrated by complying this the fuel type restriction in condition 4.1.6. of this permit.
[45CSR§2-3.1]

4.1.8. Volatile Organic Compound (VOC), including Hazardous Air Pollutants (HAP), emissions from working and standing losses from storage vessels, batch process vessels, unloading and filling operations at the facility shall not exceed 22.6 tons per year. Compliance with this emission limit shall be conducted by determining actual VOC loss using the Emission Inventory Improvement Program (EIIP) Volume II: Chapter 8 Preferred and Alternative Methods for Estimating Air Emissions from Paint and Ink Manufacturing Facilities on a monthly basis.

4.1.9. **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. Monitoring Requirements

4.2.1. To determine compliance with the methylene chloride emissions limit set forth in Condition 4.1.2., the permittee shall perform tests in accordance with 40 CFR 60, Appendix A, Method 18, upon request by the Director of the Division of Air Quality or an authorized representative of the same.

4.2.2. A leak detection and repair (LDAR) program in accordance with 40 CFR 61 Subpart V, shall be

conducted for all equipment contacting materials with greater than 10% (by weight) methylene chloride concentration. The permittee shall submit copies of all LDAR reports to the Director of the Division of Air Quality in the manner and at the frequency required by the LDAR program under Subpart V and the program shall be implemented upon the issuance of this permit.

4.3. Testing Requirements

[Reserved]

4.4. Recordkeeping Requirements

4.4.1. **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.

4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

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

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

4.4.4. To determine compliance with Section 4.1.4. , the permittee shall maintain calendar monthly records of all raw material deliveries via tank truck. These records shall contain the date of delivery, the raw material delivered, and indicate whether or not the controls (as described in Section 4.1.1. were applied. These records shall be completed at the end of each calendar month and shall be certified to be accurate and true by a Responsible Official and maintained on site for a period of 5 years. These records shall be made available for inspection upon request by the Director or a duly authorized representative of the Director.

4.4.5. To determine compliance with raw material throughput limits set forth in Section 4.1.1, the permittee shall maintain records for the liquid raw materials listed in Section 4.1.1. Such records shall be sufficient to show year-to-date usage information for the subject raw materials. Such records shall be maintained in accordance with 3.4.1. of this permit.

4.4.6. To demonstrate compliance with the VOC emission limit of 4.1.8., the permittee shall determine actual VOC losses from the facility using Emission Inventory Improvement Program (EIIP) Volume II: Chapter 8 Preferred and Alternative Methods for Estimating Air Emissions from Paint and Ink Manufacturing Facilities on a monthly basis. Such calculation shall be conducted once a month showing compliance with the limit using pervious 12 months. Such records shall be maintained in accordance with 3.4.1. of this permit.

4.5. Reporting Requirements

4.5.1. The permittee shall provide written notice to the Director at least thirty (30) days prior to the date of any intended substitution of raw materials listed under Section 4.1.1. and obtain written approval from the Director prior to such substitution.

4.5.2. Due to unavoidable malfunction of equipment, emissions exceeding those set forth in this rule may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the malfunction. In cases of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director. [45CSR

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[1] _____ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____ _____
(please print or type) Name Title

Telephone No. _____ Fax No. _____

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[1] 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.