

*West Virginia Department of Environmental Protection
Division of Air Quality*

Joe Manchin III
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

Permit to Operate



*Pursuant to
Title V
of the Clean Air Act*

Issued to:
Bayer CropScience
Institute Site
Group 7 of 8
(1-Naphthol)
R30-03900007-2005

*John A. Benedict
Director*

Issued: November 2, 2006 • Effective: November 16, 2006
Expiration: November 2, 2011 • Renewal Application Due: May 2, 2011

Permit Number: **R30-03900007-2005**
Permittee: **Bayer CropScience**
Facility Name: **Institute Site**
Mailing Address: **P.O. Box 1005**
Charleston, WV 25112

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	Institute, Kanawha County, West Virginia
Mailing Address:	P.O. Box 1005 Charleston, WV 25112
Telephone Number:	304-767-6148
Type of Business Entity:	Corporation
Facility Description:	Manufacture of Naphthol.
SIC Codes:	2879
UTM Coordinates:	432.0 km Easting • 4248.310 km Northing • Zone 17

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.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

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1.0. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
1-Naphthol System					
Oxidation 251					
25918	251A	Blow-off Ent. Pot	1962	30 gal	N/A
25103	251B	Column Jet (De-H2O Still)	1962	3,000 gal	N/A
4569	251C	Decanter	1962	25,000 gal	N/A
4570	251D	Decanter	1962	18,000 gal	N/A
25105	251E	Column Jet (E-TSS)	1962	1,500 gal	N/A
25106	251G	Column Jet (Evaporator)	1962	10,000 gal	N/A
25107	251H	Column Jet Recovery Still	1962	27,000 gal	N/A
23102	251I	Equipment Ref Still	1962	7,000 gal	N/A
4571	251J	Decanter	2002	25,000 gal	N/A
1212	256L	Storage Tank	1962	500,000 gal	N/A
1215	256M	Storage Tank	1962	210,000 gal	N/A
1224	256R	Storage Tank	1962	145,000 gal	N/A
1225	256U	Storage Tank	1962	145,000 gal	N/A
1232	256S	Storage Tank	1962	110,000 gal	N/A
1246	256T	Storage Tank	1962	700,000 gal	N/A
1268	256N	Storage Tank	1962	1,500,000 gal	N/A
1271	256P	Storage Tank	1962	1,500,000 gal	N/A
25601	256DD	Storage Tank	1962	110,000 gal	N/A
4501	256F	Storage Tank	1962	15,000 gal	N/A
4502	256G	Storage Tank	1962	15,000 gal	N/A
4504	256W	Storage Tank	1962	15,000 gal	N/A
4505	256WW	Storage Tank	1962	15,000 gal	N/A
4529	256CC	Storage Tank	1962	5,000 gal	N/A
4535	256A	Storage Tank	1962	15,000 gal	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
4537	256BB	Storage Tank	1962	15,000 gal	N/A
4538	256B	Storage Tank	1962	4,800 gal	N/A
4539	256AA	Storage Tank	1962	4,300 gal	N/A
4540	256Z	Storage Tank	1962	4,300 gal	N/A
4541	256X	Storage Tank	1962	7,200 gal	N/A
4542	256Y	Storage Tank	1962	6,750 gal	N/A
4545	256C	Storage Tank	1962	15,000 gal	N/A
4546	256D	Storage Tank	1962	15,000 gal	N/A
4548	256H	Storage Tank	1962	15,000 gal	N/A
4549	256I	Storage Tank	1962	15,000 gal	N/A
4550	256E	Storage Tank	1962	15,000 gal	N/A
4552	256J	Storage Tank	1962	15,000 gal	N/A
Crude Naphthol 252					
210, 212, 213, 214	252A	Converters	1962	54,000 lbs	N/A
215, 216	252B	Converters	1962	54,000 lbs	N/A
207, 209, 210	252C, 252D	Compressor	1962	940 CFR @ 75psig	N/A
26858	252E	Decanter	1962	270 gal	N/A
1020	257A	Storage Tank	1962	15,000 gal	N/A
1213	257B	Storage Tank	1962	400,000 gal	N/A
Refined Naphthol 253					
1612	253A	Scrubber Pot (CNSS Vent)	1962	1,000 gal	N/A
25303	253B	DEG Drying Still	1962	8,000 gal	N/A
25305	253C	Extractor	1962	4,600 gal	N/A
25306	253D	CNSS	1962	5,000 gal	N/A
25307	253E	CNSS	1962	5,000 gal	N/A
25308	253F	CNSS	1962	5,000 gal	N/A
25309	253G	AZEO	1962	40,000 gal	N/A
25310	253H	Refining Still	1962	60,000 gal	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
25311	253I	DEG Still	1962	15,000 gal	N/A
25312	253J	Still	1962	4,000 gal	N/A
4508	258A	Storage Tank	1962	15,000 gal	N/A
25302	258B	Product Pot Scrubber	1962	4,000 gal	N/A
4543	258C	Storage Tank	1962	7,500 gal	N/A
4544	258D	Storage Tank	1962	7,500 gal	N/A
4563	258E	Storage Tank	1962	15,000 gal	N/A
4564	258F	Storage Tank	1962	15,000 gal	N/A
4536	258G	Storage Tank	1962	15,000 gal	N/A
25304	258H	Storage Tank	1962	1,000 gal	N/A
4547	258I	Storage Tank	1962	15,000 gal	N/A
4506	258J	Storage Tank	1962	15,000 gal	N/A
4507	258K	Storage Tank	1962	15,000 gal	N/A
4565	258L	Storage Tank	1962	15,000 gal	N/A
4566	258M	Storage Tank	1962	15,000 gal	N/A
4567	258N	Storage Tank	1962	15,000 gal	N/A
4568	258P	Storage Tank	1962	15,000 gal	N/A
4586	258Q	Storage Tank	1962	110,000 gal	N/A
4587	258R	Storage Tank	1962	110,000 gal	N/A
1258	258S	Storage Tank	1962	250,000 gal	N/A
4553	258T	Storage Tank	1962	7,500 gal	N/A
35044	258F, L, M, N, P	Scrubber Tank	1962		N/A
4554	258U	Storage Tank	1962	6,500 gal	N/A
Dowtherm 254					
6450-31	254A	Dowtherm Furnace #1	1962	39.55 MMBTU/hr	N/A
6450-26	254B	Dowtherm Furnace #2	1962	39.55 MMBTU/hr	N/A
4590	259A	Storage Tank	1962	10,000 gal	N/A
4592	259B	Storage Tank	1962	10,000 gal	N/A
25401	259C	Storage Tank	1962	400 gal	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Pana 261					
26101	261A	Batch Still (Kettle)	1961	20,000 gal	N/A
26101	261B	Batch Still (Kettle and Condensor)	1961	10,500 gal	N/A
4518	266A	Storage Tank	1961	14,500 gal	N/A
4521	266B	Storage Tank	1961	4,800 gal	N/A
4522	266C	Storage Tank	1961	5,000 gal	N/A
4523	266D	Storage Tank	1961	5,000 gal	N/A
4524	266E	Storage Tank	1961	4,800 gal	N/A
4525	266F	Storage Tank	1961	5,000 gal	N/A
4526	266G	Storage Tank	1961	4,300 gal	N/A
4512	266H	Storage Tank	1961	5,000 gal	N/A
4513	266I	Storage Tank	1961	5,000 gal	N/A
4514	266J	Storage Tank	1961	5,000 gal	N/A
4515	266K	Storage Tank	1961	5,000 gal	N/A
4516	266L	Storage Tank	1961	5,000 gal	N/A
4517	266M	Storage Tank	1961	5,000 gal	N/A
4552	266P	Storage Tank	1961	15,000 gal	N/A
4556	266N	Storage Tank	1961	15,000 gal	N/A
4503	266R	Storage Tank	1961	15,000 gal	N/A
Jet Condensate 262					
3388	262A	WLSS (Now Low Press Condensate Tank)	1962	250 gal	N/A
02163	262B	CNSS Jet Collection (East Jet Collection Pot)	1962	500 gal	N/A
26202	267E	Storage Tank	1962	10,000 gal	N/A
4500	267A	Storage Tank	1962	15,000 gal	N/A
4532	267B	Storage Tank	1962	5,000 gal	N/A
4533	267C	Storage Tank	1962	5,000 gal	N/A
4534	267D	Storage Tank	1962	5,000 gal	N/A
26203	267F	Storage Tank	1962	10,000 gal	N/A

2.0. General Conditions

2.1. Definitions

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

2.2. Acronyms

CAAA	Clean Air Act Amendments	NSPS	New Source
CBI	Confidential Business Information		Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM₁₀	Particulate Matter less than 10µm in diameter
C.F.R. or CFR	Code of Federal Regulations		
CO	Carbon Monoxide	pph	Pounds per Hour
C.S.R. or CSR	Codes of State Rules	ppm	Parts per Million
DAQ	Division of Air Quality	PSD	Prevention of Significant Deterioration
DEP	Department of Environmental Protection	psi	Pounds per Square Inch
FOIA	Freedom of Information Act	SIC	Standard Industrial Classification
HAP	Hazardous Air Pollutant		
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower		
lbs/hr or lb/hr	Pounds per Hour	SO₂	Sulfur Dioxide
LDAR	Leak Detection and Repair	TAP	Toxic Air Pollutant
M	Thousand	TPY	Tons per Year
MACT	Maximum Achievable Control Technology	TRS	Total Reduced Sulfur
		TSP	Total Suspended Particulate
MM	Million		
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	USEPA	United States Environmental Protection Agency
MMCF/hr or mmcf/hr	Million Cubic Feet Burned per Hour	UTM	Universal Transverse Mercator
NA	Not Applicable		
NAAQS	National Ambient Air Quality Standards	VEE	Visual Emissions Evaluation
NESHAPS	National Emissions Standards for Hazardous Air Pollutants	VOC	Volatile Organic Compounds
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
- a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
 - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:
- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
 - b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
 - c. The change shall not qualify for the permit shield.
 - d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

- e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.
- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

[45CSR§30-5.8]

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

[45CSR§30-5.8.a.]

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

- 2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.
- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
 - b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
 - c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

- 2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

- 2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:
- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution Control equipment), practices, or operations regulated or required under the permit;
 - d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

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

[45CSR§30-5.1.f.2.]

2.17. Emergency

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably 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.

[45CSR§30-5.7.a.]

- 2.17.2. 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 45CSR§30-5.7.c. are met.

[45CSR§30-5.7.b.]

- 2.17.3. 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. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, 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, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

- 2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

[45CSR§30-5.2.a.]

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

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

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

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

[45CSR§30-4.2.]

2.21. Permit Shield

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically

identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

[45CSR§30-5.6.a.]

2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

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

[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.

[45CSR§30-5.1.e.]

2.24. Property Rights

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

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.

[45CSR§30-5.1.a.2.]

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, 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 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). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.
[40 C.F.R. 61 and 45CSR15]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

[40 C.F.R. 68]

- 3.1.9. **NO_x Budget Trading Program.** The permittee shall comply with the standard requirements set forth in the attached NO_x Budget Permit Application (see Attachment D of Group 1 Permit, issued 5/26/2005) and the NO_x Budget Permit requirements set forth in 45CSR1 for each NO_x budget source. The complete NO_x Budget Permit Application shall be the NO_x Budget Permit portion of the Title V permit administered in accordance with 45CSR30.

[45CSR§§1-6.1.b. and 20.1.]

- a. The NO_x Budget portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§1-2 and, upon recordation by the Administrator under 45CSR§1-50 through 45CSR§1-57, 45CSR§1-60 through 45CSR§1-62 or 45CSR§1-80 through 45CSR§1-88, every allocation, transfer or deduction of a NO_x allowance to or from the compliance accounts of the NO_x Budget units covered by the permit or the overdraft account of the NO_x budget source covered by the permit.

[45CSR§1-23.2.]

- b. Except as provided in 45CSR§1-23.2, the Director will revise the NO_x Budget portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.

[45CSR§1-24.1.]

- 3.1.10. The permitted facility shall be constructed and operated in accordance with information filed in Permit Application R13-223, R13-226 and any amendments thereto. The Director may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.

[45CSR13, Permit No. R13-223 and R13-226]

3.2. Monitoring Requirements

- 3.2.1. N/A

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

[WV Code § 22-5-4(a)(15) and 45CSR13]

3.4. Recordkeeping Requirements

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

[45CSR§30-5.1.c.2.A.]

- 3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

[45CSR§30-5.1.c.2.B.]

- 3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received. Such record shall contain an assessment of the validity of the complaints as well as any corrective actions taken. **[45CSR§30-5.1.c. 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. **[45CSR§§30-4.4. and 5.1.c.3.D.]**
- 3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31. **[45CSR§30-5.1.c.3.E.]**
- 3.5.3. 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

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Enforcement and Permits Review
(3AP12)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative. **[45CSR§30-8.]**
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification. **[45CSR§30-5.3.e.]**

- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]
- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.
- 3.5.8. **Deviations.**
- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
 2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
 3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
 4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.
[45CSR§30-5.1.c.3.C.]
- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.
[45CSR§30-5.1.c.3.B.]
- c. Every report submitted under this subsection shall be certified by a responsible official.
[45CSR§30.5.1.c.3.D.]
- 3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.
[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

3.6.1. N/A

3.7. Permit Shield

3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.

3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

N/A

4.0. Source-Specific Requirements [1-Naphthol]

4.1. Limitations and Standards

4.1.1. The Permittee shall not exceed the following emission rates:

Process Area	Pollutant	lbs/hr
Oxidation 251	Hydrocarbons	39.5
Refined Naphthol 253	Hydrocarbons	1.0
Dowtherm 254	CO	0.6
	Hydrocarbons	0.1
	NOx	6.0

[45CSR13, Permit Application No. R13-223 (251A, 256Z, 251C, 251D, 256H, 256I, 253A, 254A, 254B)]

4.1.2. The Permittee shall not exceed the following usage rates:

Process Area	Material	Usage
Oxidation 251	Naphthalene	32.9 Usage Units/hr
	Tetralin	176.5 Usage Units/hr
	Tetralone	18.5 Usage Units/hr
	Tetralol	7.0 Usage Units/hr
Crude Naphthol 252	Tetralone	39.0 Usage Units/hr
	Tetralol	15.3 Usage Units/hr
	Naphthalene	1.25 Usage Units/hr
Refined Naphthol 253	Naphthol	30.2 Usage Units/hr
	Tetralone	13.0 Usage Units/hr
	Naphthalene	6.34 Usage Units/hr
	Tetralin	2.98 Usage Units/hr
Dowtherm 254	Natural Gas and Hydrogen	62,000 SCF/hr per furnace

[45CSR13, Permit Application No. R13-223]

4.1.3. The Permittee shall not exceed the following emission rates:

Process Area	Pollutant	lbs/hr
Oxidation 251 Crude Naphthol 252 Refined Naphthol 253	Hydrocarbons	4.3*
Refined Naphthol 253 PANA 261	Hydrocarbons	0.2**

* - Liquid Storage Tank System Only

** - PANA and 1-Naphthol Tank Car, Tank Truck, and Drum Loading Facility Only

[45CSR13, Permit Application No. R13-226 (256L, 256M, 256N, 256P, 258S, 261A, 261B)]

4.1.4. The Permittee shall not exceed the following usage rates:

Process Area	Material	Usage
Oxidation 251	Naphthalene	60.0* Usage Units/hr
Crude Naphthol 252	Crude Naphthol	12.0* Usage Units/hr
Refined Naphthol 253	Refined Naphthol	12.0* Usage Units/hr
	Tetralone-Teralol	12.0* Usage Units/hr
Refined Naphthol 253 PANA 261	1-Naphthol	280** Usage Units/hr
	Phenyl-alpha naphthylamine (PANA)	48.0** Usage Units/hr

* - Liquid Storage Tank System Only. The Usage Units for the Liquid Storage Tank System is given in gallons, not pounds.

** - PANA and 1-Naphthol Tank Car, Tank Truck, and Drum Loading Facility Only
[45CSR13, Permit Application No. R13-226]

4.1.5. The Dowtherm 254 unit is subject to the following emission limitations:

Process Area	Process Equipment	Emission Point ID	Maximum Hours of Operation	Maximum Allowable VOC Emissions	
				(hrs/yr)	(lbs/hr) (tons/yr)
Dowtherm System 254	Process Tank 25401	259C	8760	78	0.30
Dowtherm System 254	Process Tank 4590	259A	8760	314	1.58
Dowtherm System 254	Process Tank 4592	259B	8760	221	1.17

[45CSR§21-37, CO-21-97-4, Condition III.1. (259A, 259B, 259C)]

4.1.6. Benzene emissions from the Jet Collection System 262 shall not exceed the following:

Emission Point	Allowable Emissions	
	(lbs/hr)	(lbs/yr)
262A	0.015	130
262B	>0.01	0.02
267A	0.07	20.4
267B	0.17	13.2
267C	0.17	13.7
267D	0.17	13.7
267E	0.08	1.3

[CO-27-92-12, Condition III.2. (262A, 262B, 267A, 267B, 267C, 267D, 267E)]

- 4.1.7. If the emissions of any Toxic Air Pollutant are discovered that have not been addressed by the Rule 27 Consent Order, the Permittee shall notify the Director within fifteen (15) days of such discovery. Unless the Director determines these emissions to be insignificant, the Permittee shall submit a Compliance Program for control of this emission within sixty (60) days of the date of such notification.
[CO-27-92-12, Condition III.5.]
- 4.1.8. **[40CFR63, Subpart G Requirements for Group 2 Process Vents with a TRE index value greater than 4.0.](#)** The owner or operator of a Group 2 process vent with a TRE index value greater than 4.0 shall maintain a TRE index value greater than 4.0.
[45CSR34; 40CFR§63.113(e) (253D, 253E, 253G, 253H, 253I)]
- 4.1.9. **[40CFR63, Subpart G Requirements for Group 2 Storage Vessels.](#)** For each Group 2 storage vessel, the owner or operator shall comply with the recordkeeping requirements in 4.4.3.
[45CSR34; 40CFR§63.119(a)(3) (258A, 258C, 258D, 258F, 258L, 258M, 258N, 258P, 258Q, 258R, 258S, 258T, 258U)]
- 4.1.10. **[40CFR63, Subpart H Requirements for Equipment Leaks.](#)** The permittee shall comply with all applicable standards of 40CFR63, Subpart H – “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks.” The pertinent equipment leak standards include 40CFR§63.162 (Standards: General), 63.163 (Standards: Pumps in light liquid service), 63.165 (Standards: Pressure relief devices in gas/vapor service), 63.166 (Standards: Sampling connection systems), 63.168 (Standards: Valves in gas/vapor service and in light liquid service), 63.169 (Standards: Pumps, valves, connectors, and agitators in heavy liquid service; instrumentation systems; and pressure relief devices in liquid service), and 63.174 (Standards: Connectors in gas/vapor service and in light liquid service).
[45CSR§21-37, CO-21-97-4, Condition III.2, CO-27-92-12, Condition III.3, 45CSR34; 40CFR63, Subpart H; 40CFR§§63.162, 63.163, 63.165, 63.166, 63.168, 63.169, and 63.174]
- 4.1.11. Particulate Matter emissions from each Furnace #1 and #2 shall not exceed 3.55 lbs/hr.
[45CSR§2-4.1.b. (254A and 254B)]
- 4.1.12. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.
[45CSR§2-3.1. (254A and 254B)]
- 4.1.13. Sulfur dioxide emissions for each Furnace #1 and #2 shall not exceed 63.3 lbs/hr.
[45CSR§10-3.2.c. (254A and 254B)]
- 4.1.14. ~~**MON Requirements for Oxidation 251, Crude Naphthol 252, and PANA 261 Production.** The permittee shall comply with all applicable requirements of 40 C.F.R. 63, Subpart FFFF “National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing” no later than May 10, 2008 for the Oxidation 251, Crude Naphthol 252, and PANA 261 Units. The permittee is required by 40CFR§63.2520(d)(1) to submit a notification of compliance status report no later than 150 days after the compliance date of May 10, 2008, containing the information specified in 40CFR§63.2520(d)(2). Upon submittal of the notification of compliance status report required by 40CFR§63.2520(d)(1), the permittee shall also submit a complete Title V application for a signification modification to the facility’s Title V Operating Permit.~~
~~**[45CSR34; 40CFR§§63.2445(b), 63.2520(d), 63.2520(d)(1), and 63.2520(d)(2); 45CSR§30-6.5.b.2]**~~
Reserved

4.1.15. At all times, including periods of start-ups, shutdowns and malfunctions, owners and operators shall, to the extent practicable, maintain and operate any fuel burning unit(s) including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, visible emission observations, review of operating and maintenance procedures and inspection of the source.
[45CSR§2-9.2 (254A and 254B)]

4.1.16. No person shall cause, suffer, allow or permit the combustion of any refinery process gas stream or any other process gas stream that contains hydrogen sulfide in a concentration greater than 50 grains per 100 cubic feet of gas except in the case of a person operating in compliance with an emission control and mitigation plan approved by the Director and U. S. EPA. In certain cases very small units may be considered exempt from this requirement if, in the opinion of the Director, compliance would be economically unreasonable and if the contribution of the unit to the surrounding air quality could be considered negligible.
[45CSR§10-5.1 (254A and 254B)]

4.2. Monitoring Requirements

N/A

4.3. Testing Requirements

4.3.1. **40CFR63, Subpart H Testing Requirements for Equipment Leaks.** The permittee shall comply with all applicable test methods and procedures of 40CFR63, Subpart H – “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks” as specified in 40CFR§63.180 (Test methods and procedures).
[45CSR34; 40CFR63, Subpart H; 40CFR§63.180]

4.3.2. **45CSR§21-37 Testing Requirements for Equipment Leaks.** The permittee shall comply with all applicable test methods and procedures of 45CSR§21-37 – “Leaks from Synthetic Organic Chemical, Polymer, and Resin Manufacturing Equipment” as specified in 45CSR§21-37.9. To the extent that implementation of the requirements of 40CFR60, 40CFR61, or 40CFR63 results in monitoring and repair, consistent with 45CSR§21-37, of all components in VOC service in any synthetic organic chemical, polymer, or resin manufacturing process unit, compliance with these federally enforceable standards will satisfy the requirements of 45CSR§21-37.
[45CSR§§21-37.1.c and 37.9 (State-Enforceable only); CO-R21-97-4, III.2 (State-Enforceable only)]

4.3.3. The permittee shall comply with all applicable provisions of 45CSR§21-41 regarding test methods and compliance procedures to demonstrate compliance with 4.1.5, except as otherwise approved by the Director.
[45CSR§21-41; CO-R21-97-4, III.6 (State-Enforceable only)]

4.4. Recordkeeping Requirements

4.4.1. **40CFR63, Subpart G Requirements for Group 2 Process Vents with a TRE index value greater than 4.0.** The owner or operator of a Group 2 process vent with a TRE index value greater than 4.0 as specified in 4.1.8, shall maintain records of measurements, engineering assessments, and calculations performed to determine the TRE index value of the vent stream, submitted as part of the Notification of Compliance Status report dated September 15, 1997. Documentation of engineering assessments shall include all data, assumptions, and procedures used for the engineering assessments, as specified in 40CFR§63.115(d)(1).
[45CSR34; 40CFR§63.117(b) (253D, 253E, 253G, 253H, 253I)]

- 4.4.2. **40CFR63, Subpart G Requirements for Group 2 Process Vents with a TRE index value greater than 4.0.** Each owner or operator subject to the provisions of 40CFR63, Subpart G and who elects to demonstrate compliance with the TRE index value greater than 4.0 under 4.1.8 shall keep up-to-date, readily accessible records of:

4.4.2.1. Any process changes as defined in 40CFR§63.115(e);

4.4.2.2. Any recalculation of the TRE index value pursuant to 40CFR§63.115(e).
[45CSR34; 40 CFR§§63.118(c)(1) and (2) (253D, 253E, 253G, 253H, 253I)]

- 4.4.3. **40CFR63, Subpart G Requirements for Group 2 Storage Vessels.** Each owner or operator of a Group 2 storage vessel shall keep readily accessible records showing the dimensions of the storage vessel and an analysis showing the capacity of the storage vessel. This record shall be kept as long as the storage vessel retains Group 2 status and is in operation.
[45CSR34; 40CFR§63.123(a) (258A, 258C, 258D, 258F, 258L, 258M, 258N, 258P, 258Q, 258R, 258S, 258T, 258U)]

- 4.4.4. **40CFR63, Subpart H Recordkeeping Requirements for Equipment Leaks.** The permittee shall comply with all applicable recordkeeping requirements of 40CFR63, Subpart H – “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks” as specified in 40CFR§63.181 (Recordkeeping requirements).
[45CSR34; 40CFR63, Subpart H; 40CFR§63.181]

- 4.4.6. The Permittee will keep monthly records of the usage of the following materials:

Process Area	Material
Oxidation 251	Naphthalene
	Tetralin
	Tetralone
	Tetralol
Crude Naphthol 252	Tetralone
	Tetralol
	Naphthalene
Refined Naphthol 253	Naphthol
	Tetralone
	Naphthalene
	Tetralin

[45CSR§30-5.1.c]

- 4.4.7. The Permittee will keep monthly records of the usage of the following materials:

Process Area	Material
Oxidation 251*	Naphthalene
Crude Naphthol 252*	1-Naphthol
Refined Naphthol 253*	Tetralone-Teralol
Refined Naphthol 253* PANA 261**	1-Naphthol
	Phenyl-alpha naphthylamine (PANA)

* - Liquid Storage Tank System Only

** - PANA and 1-Naphthol Tank Car, Tank Truck, and Drum Loading Facility Only

[45CSR§30-5.1.c]

4.4.8. With respect to the Dowtherm Furnaces #1 and #2 (254A and 254B), the owner or operator shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit in a manner to be established by the Director. Such records are to be maintained on-site and made available to the Director or his duly authorized representative upon request.

[45CSR§2-8.3.c]

4.4.9. For the Dowtherm Furnaces #1 and #2 (254A and 254B) which burns only pipeline quality natural gas and hydrogen (obtained as a by-product in another part of the facility), the records specified in Condition 4.4.8 shall include, the date and time of start-up and shutdown, and the quantity of fuel consumed on a monthly basis.

[45CSR§2A-7.1.a.1]

4.4.10. To show compliance with Condition 4.1.16, the permittee shall use engineering calculations to show that the by-product hydrogen used in the Dowtherm Furnaces #1 and #2 (254A and 254B) contribute negligible hydrogen sulfide to the air. These calculations shall be performed quarterly.

[45CSR§30-5.1.c]

4.5. Reporting Requirements

4.5.1. Reports of excess emissions. -- Except as provided in Condition 4.5.2, the owner or operator of any facility containing sources subject to 45CSR§21-5 shall, for each occurrence of excess emissions expected to last more than 7 days, within 1 business day of becoming aware of such occurrence, supply the Director by letter with the following information:

- a. The name and location of the facility;
- b. The subject sources that caused the excess emissions;
- c. The time and date of first observation of the excess emissions; and
- d. The cause and expected duration of the excess emissions.
- e. For sources subject to numerical emission limitations, the estimated rate of emissions (expressed in the units of the applicable emission limitation) and the operating data and calculations used in determining the magnitude of the excess emissions; and
- f. The proposed corrective actions and schedule to correct the conditions causing the excess emissions.

[45CSR§21-5.2]

4.5.2. Variance. -- If the provisions of this regulation cannot be satisfied due to repairs made as the result of routine maintenance or in response to the unavoidable malfunction of equipment, the Director may permit the owner or operator of a source subject to this regulation to continue to operate said source for periods not to exceed 10 days upon specific application to the Director. Such application shall be made prior to the making of repairs and, in the case of equipment malfunction, within 24 hours of the equipment malfunction. Where repairs will take in excess of 10 days to complete, additional time periods may be granted by the Director. 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. During such time periods, the owner or operator shall take all reasonable and practicable steps to minimize VOC emissions.

[45CSR§21-9.3]

- 4.5.3. The permittee shall submit Periodic Reports as described in 40 C.F.R. §63.152(c) [for sources subject to 40CFR63, Subpart G and Compliance Reports as described in 40CFR§63.2520\(e\) for sources subject to 40CFR63, Subpart FFFF.](#)

[45CSR34; 40CFR§§63.152(a)(4) and 63.152(c); [40CFR§63.2520\(e\)](#)]

- 4.5.4. The permittee shall submit reports of start-up, shutdown, and malfunction required by 40CFR§63.10(d)(5). The start-up, shutdown and malfunction reports may be submitted on the same schedule as the Periodic Reports required under 40CFR§63.152(c).

[45CSR34; 40CFR§§63.152(a)(5) and 63.152(d)(1)]

- 4.5.5. [40CFR63, Subpart G Requirements for Group 2 Process Vents with a TRE index value greater than 4.0.](#) Whenever a process change, as defined in 40CFR§63.115(e), is made that causes a Group 2 process vent to become a Group 1 process vent, the owner or operator shall submit a report within 180 calendar days after the process change as specified in 40CFR§63.151(j). The report shall include:

4.5.5.1. A description of the process change;

4.5.5.2. The results of the recalculation of the flow rate, organic HAP concentration, and TRE index value required under 40CFR§63.115(e) and recorded under 4.4.2; and

4.5.5.3. A statement that the owner or operator will comply with the provisions of 40 CFR§63.113 for Group 1 process vents by the dates specified in 40CFR63, Subpart F.

[45CSR34; 40CFR§§63.118(g)(1), (2), and (3) (253D, 253E, 253G, 253H, 253I)]

- 4.5.6. [40CFR63, Subpart G Requirements for Group 2 Process Vents with a TRE index value greater than 4.0.](#) Whenever a process change, as defined in 40CFR§63.115(e), is made that causes a Group 2 process vent with a TRE greater than 4.0 to become a Group 2 process vent with a TRE less than 4.0, the owner or operator shall submit a report within 180 calendar days after the process change. The report may be submitted as part of the next periodic report. The report shall include:

4.5.6.1. A description of the process change.

4.5.6.2. The results of the recalculation of the TRE index value required under 40CFR§63.115(e) and recorded under 4.4.2, and

4.5.6.3. A statement that the owner or operator will comply with the requirements specified in 40CFR§63.113(d).

[45CSR34; 40CFR§§63.118(h)(1), (2), and (3) (253D, 253E, 253G, 253H, 253I)]

- 4.5.7. [40CFR63, Subpart G Requirements for Group 2 Process Vents with a TRE index value greater than 4.0.](#) The owner or operator is not required to submit a report of a process change if one of the conditions listed in 4.5.7.1 through 4.5.7.4 is met.

4.5.7.1. The process change does not meet the definition of a process change in 40CFR§63.115(e), or

4.5.7.2. The vent stream flow rate is recalculated according to 40 CFR§63.115(e) and the recalculated value is less than 0.005 standard cubic meter per minute, or

4.5.7.3. The organic HAP concentration of the vent stream is recalculated according to 40 CFR§63.115(e) and the recalculated value is less than 50 parts per million by volume, or

4.5.7.4. The TRE index value is recalculated according to 40CFR§63.115(e) and the recalculated value is greater than 4.0.

[45CSR34; 40CFR§§63.118(k)(1), (2), (3), and (4) (253D, 253E, 253G, 253H, 253I)]

4.5.8. **40CFR63, Subpart H Reporting Requirements for Equipment Leaks.** The permittee shall comply with all applicable reporting requirements of 40CFR63, Subpart H – “National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks” as specified in 40CFR§63.182 (Reporting requirements). **[45CSR34; 40CFR63, Subpart H; 40CFR§63.182]**

4.5.9. The owner or operator of a fuel burning unit(s) subject to this rule shall report to the Director any malfunction of such unit or its air pollution control equipment which results in any excess particulate matter emission rate or excess opacity (i.e., emissions exceeding the standards in Conditions 4.1.11 and 4.1.12) as provided in one of the following subdivisions:

a. Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Director:

a.1. The excess opacity period does not exceed thirty (30) minutes within any 24-hour period; and

a.2. Excess opacity does not exceed 40%.

b. The owner or operator shall report to the Director any malfunction resulting in excess particulate matter or excess opacity, not meeting the criteria set forth in paragraph a., above, by telephone, telefax, or e-mail by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Director within thirty (30) days providing the following information:

b.1. A detailed explanation of the factors involved or causes of the malfunction;

b.2. The date and time of duration (with starting and ending times) of the period of excess emissions;

b.3. An estimate of the mass of excess emissions discharged during the malfunction period;

b.4. The maximum opacity measured or observed during the malfunction;

b.5. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and

b.6. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3 (254A and 254B)]

4.5.10 40CFR63, Subpart FFFF Requirements for Group 2 Emission Points with a TRE index value greater than 1.9. If a Group 2 emission point becomes a Group 1 emission point after the compliance date for the affected source, the emission point must comply with the Group 1 requirements beginning on the date the switch occurs. An initial compliance demonstration as specified in this subpart must be conducted within 150 days after the switch occurs.

[45CSR34; 40CFR§63.2445(d) (Oxidation, Crude Naphthol, and PANA Group 2 Emission Points)]

4.5.11. 40CFR63, Subpart FFFF Requirements for Notification of Process Change. Except as specified in 4.5.11.2 below, whenever a process change is made or any change to the information submitted in the notification of compliance status report or a previous compliance report that is not within the scope of an existing operating scenario, the change must be documented in the compliance report. A process change does not include moving within a range of conditions identified in the standard batch and a nonstandard batch does not constitute a process change.

4.5.11.1 The notification must include all of the following information:

(A) A description of the process change.

(B) Revisions to any of the information reported in the original notification of compliance status report under 40CFR§63.2520(d).

(C) Information required by the notification of compliance status report under 40CFR§63.2520(d) for changes involving the addition of processes or equipment at the affected source.

4.5.11.2 You must submit a report 60 days before the scheduled implementation date of any of the changes identified below:

(A) Any change to the information contained in the precompliance report.

(B) A change in the status of a control device from small to large.

(C) A change from Group 2 to Group 1 for any emission point except for batch process vents that meet the conditions specified in 40CFR§63.2460(b)(6)(i).

[45CSR34; 40CFR§63.2520(e)(10) (Oxidation, Crude Naphthol, and PANA Group 2 Emission Points)]

4.6. Compliance Plan

N/A

Appendix A

40CFR63.160

Subpart H

National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks