

# Fact Sheet



## *For Final Renewal Permitting Action Under 45CSR30 and Title V of the Clean Air Act*

Permit Number: **R30-00900002-2010**

Application Received: **June 17, 2009**

Plant Identification Number: **03-54-009-00002**

Permittee: **Mountain State Carbon LLC**

Facility Name: **Follansbee Plant**

Mailing Address: **Severstal Wheeling, Inc, 1134 Market Street, Wheeling, WV 26003**

*Revised: NA*

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Physical Location:	Follansbee, Brooke County, West Virginia
UTM Coordinates:	533.41 km Easting • 4465.76 km Northing • Zone 17
Directions:	One mile north of Follansbee on West Virginia Route 2 along the eastern bank of the Ohio River

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### Facility Description

The Mountain State Carbon LLC Follansbee Plant is a coke facility that produces metallurgical-grade coke, coke gas byproducts (light oil, ammonium sulfate, fuel gas, coal tar, sulfuric acid) from coal for use at various other Severstal-Wheeling steel facilities and for commercial sales. This operation involves four coke oven batteries that produce coke. In addition, the facility operates a by-product plant that recovers chemicals from the process and prepares the coke oven gas for use as fuel. The Follansbee plant also operates a material storage area located to the west and south. The maximum capacity of the coke plant is 174.9 tons per hour and 1,535,000 tons per year of coke output with 249.8 tons per hour and 2,190,000 tons per year of coal input. The facility has the potential to operate twenty-four (24) hours a day for seven (7) days per week.

SIC Codes: 3312 (Metal Industries – Blast Furnaces and Steel Mills)

NAICS Code: 324199 (All Other Petroleum and Coal Products Manufacturing)

**Emissions Summary**

<b>Plantwide Emissions Summary [Tons per Year]</b>		
<b>Regulated Pollutants</b>	<b>Potential Emissions</b>	<b>2008 Actual Emissions</b>
Carbon Monoxide (CO)	29,141.01	22,129.59
Nitrogen Oxides (NO <sub>x</sub> )	809.85	609.71
Particulate Matter (PM <sub>2.5</sub> )	156	103.85
Particulate Matter (PM <sub>10</sub> )	263.47	128.71
Total Particulate Matter (TSP)	884.89	368.75
Sulfur Dioxide (SO <sub>2</sub> )	2,723.59	731.13
Volatile Organic Compounds (VOC)	2,490.06	240.82
Lead	0.023	0.014
<i>PM<sub>10</sub> is a component of TSP.</i>		
<b>Hazardous Air Pollutants</b>	<b>Potential Emissions</b>	<b>2008 Actual Emissions</b>
Benzene	742.12	13.37
Coke Oven Emissions	995.53	34.37
Cyanide Compounds	30.76	1.81
Ethylbenzene	8.75	0.522
Manganese	1.25E-04	0.00
Nahthalene	7.98	1.542
Phenol	5.11	2.94
Toluene	120.76	5.835
Xylene	32.05	1.89

**Title V Program Applicability Basis**

This facility has the potential to emit over 100 tons of Carbon Monoxide (CO), Nitrogen Oxides (NO<sub>x</sub>), Particulate Matter (PM<sub>10</sub>), Sulfur Dioxide (SO<sub>2</sub>), and Volatile Organic Compounds (VOC). Due to this facility's potential to emit over 100 tons per year of criteria pollutant CO, NO<sub>x</sub>, PM<sub>10</sub>, SO<sub>2</sub>, VOC, and over 10 tons per year of Benzene, Coke Oven Emissions, Cyanide Compounds, Toluene, Xylene, and over 25 tons per year of aggregate HAPs, Mountain State Carbon LLC is required to have an operating permit pursuant to Title V of the Federal Clean Air Act as amended and 45CSR30.

**Legal and Factual Basis for Permit Conditions**

The State and Federally-enforceable conditions of the Title V Operating Permits are based upon the requirements of the State of West Virginia Operating Permit Rule 45CSR30 for the purposes of Title V of the Federal Clean Air Act and the underlying applicable requirements in other state and federal rules.

This facility has been found to be subject to the following applicable rules:

Federal and State:	45CSR2	To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers
	45CSR6	Control of Air Pollution from Combustion of Refuse
	45CSR7	To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations

45CSR10	To Prevent and Control Air Pollution from the Emission of Sulfur Oxides
45CSR11	Prevention of Air Pollution Emergency Episodes.
45CSR13	Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, Permission to Commence Construction, and Procedures for Evaluation
45CSR20	Good Engineering Practice as Applicable to Stack Heights
WV Code § 22-5-4 (a) (14)	The Secretary can request any pertinent information such as annual emission inventory reporting.
45CSR30	Requirement for Operating Permit.
45CSR34	Emission Standards for Hazardous Air Pollutants
45CSR38	Provisions for Determination of Compliance with Air Quality Management Rules
40 C.F.R. Part 61 Subpart L	National Emission Standard for Benzene Emissions from Coke By-Product Recovery Plants
40 C.F.R. Part 61 Subpart M	Asbestos inspection and removal
40 C.F.R. Part 61 Subpart V	National Emission Standard for Equipment Leaks (Fugitive Emission Source)
40 C.F.R. Part 61 Subpart FF	National Emission Standard for Benzene Waste Operation
40 C.F.R. Part 63 Subpart L	National Emission Standards for Coke Oven Batteries
40 C.F.R. Part 63 Subpart ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines
40 C.F.R. Part 63 Subpart CCCC	National Emission Standards for Coke Ovens: Pushing, Quenching, and Batteries Stacks
40 C.F.R. Part 80 Subpart I	Motor Vehicle, Nonroad, Locomotive, and Marine Diesel Fuel
40 C.F.R. Part 82 Subpart B	Servicing of Motor Vehicle Air Conditioners
40 C.F.R. Part 82 Subpart F	Ozone depleting substances

State Only: 45CSR4 No objectionable odors.

Each State and Federally-enforceable condition of the draft Title V Operating Permit references the specific relevant requirements of 45CSR30 or the applicable requirement upon which it is based. Any condition of the draft Title V permit that is enforceable by the State but is not Federally-enforceable is identified in the draft Title V permit as such.

The Secretary's authority to require standards under 40 C.F.R. Part 60 (NSPS), 40 C.F.R. Part 61 (NESHAPs), and 40 C.F.R. Part 63 (NESHAPs MACT) is provided in West Virginia Code §§ 22-5-1 *et seq.*, 45CSR16, 45CSR34 and 45CSR30.

**Active Permits/Consent Orders**

Permit or Consent Order Number	Date of Issuance	Permit Determinations or Amendments That Affect the Permit ( <i>if any</i> )
R13-0090	July 12, 1974	
By-Product Coke Oven Battery and Auxiliary Equipment		
R13-1652	September 2, 1994	
Construct a Coal Tar loading Station		
R13-1939A	August 19, 2003	
Supersedes R13-1939		
Install and Operate an Excess Coke Oven Gas Flare with voluntary emission limitations		
R13-2591A	May 10, 2005	
Supersedes R13-2591		
Construction a backup quench tower for Battery No. 8		
R13-2632	September 28, 2005	
Install emergency back-up air compressor		
R13-2772	September 17, 2008	
Batteries 1-2-3 a replacement quench tower for Batteries #1, #2, & #3		
R13-2798	July 13, 2009	
Install a mobile coke screening system and load out conveyor to process coke stored at the coke storage yard		
Civil Action No. 5:93CV195	January 30, 1996	
Describes Actions and Standards to be met for the Coke By-Product Recovery Plant Federally Enforceable, only. WV was not involved in the consent decree, did not sign the decree, and it is not enforceable by WV.		

Permit or Consent Order Number	Date of Issuance	Permit Determinations or Amendments That Affect the Permit ( <i>if any</i> )
CO-SIP-91-29 Details Specific Actions and Standards to be met for	November 14, 1991	
1. Coal Crushing / Crusher (1.0 lb/hr) PM and (0.51 lb/hr) PM <sub>10</sub>		
2. Coke Sizing/Screening (1.48 lb/hr) PM and (0.76 lb/hr) PM <sub>10</sub>		
3. Pushing operations for Coke Oven Batteries #1, #2, and #3 (2.14 lb/hr PM and PM <sub>10</sub> )		
4. Coke Oven Batteries Stack – Underfiring: #1 (1.40 PM / 1.35 PM <sub>10</sub> ), #2 (1.40 PM / 1.35 PM <sub>10</sub> ), #3 (1.58 PM / 1.52 PM <sub>10</sub> ), and #8 (6.93 PM / 6.65 PM <sub>10</sub> )		
5. Unpaved Roads, Parking Lots, Laydown, Entrance, Unloading Areas and Berms, and Irregular Paved Surfaces – Chemical Suppression		
6. Flushing and Vacuum Paved Roads		
7. Changes to paved and Unpaved Road Dust Control Programs		
Permit to Install 06-07507 (Ohio EPA)	January 06, 2005	PD05-090*
Annual COG consumption limitation and Sulfuric acid limitation		

\* **Sulfuric Acid Plant**

Permit Determination PD05-090 issued on July 14, 2005, is for the construction of a single stage caustic scrubber for the purpose of reducing sulfur dioxide (SO<sub>2</sub>) emissions in the tail gas stream of the Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>) Plant at the Follansbee Coke Plant. WVDEP/DAQ determined during their review that a NSR permit was not needed since the installation of the scrubber will reduce SO<sub>2</sub> emissions by 29.1 LB/hr and 127.3 TPY. The Follansbee Coke Plant is owned by Severstal NA and operated by Mountain State Carbon LLC. In order for Severstal NA to claim additional emission reduction credits for the Follansbee Coke Plant, as part of the netting analysis for the Ohio permit (PTI 06-07507), a single stage caustic scrubber was installed to reduce actual emissions. The Ohio permit (PTI 06-07507) provides the Sulfuric Acid (H<sub>2</sub>SO<sub>4</sub>) Plant with annual limits of 9,933.6 tons of H<sub>2</sub>SO<sub>4</sub> and of 182.18 tons of sulfur dioxide (SO<sub>2</sub>) emission, each with a per 12-month rolling summation requirement (see PTI 06-07507, Part II, Item 6 and 7). The permittee is to maintain monthly records of the tons of H<sub>2</sub>SO<sub>4</sub> produced and SO<sub>2</sub> emitted per Item 7.

Conditions from this facility's Rule 13 permit(s) governing construction-related specifications and timing requirements will not be included in the Title V Operating Permit but will remain independently enforceable under the applicable Rule 13 permit(s). All other conditions from this facility's Rule 13

permit(s) governing the source's operation and compliance have been incorporated into this Title V permit in accordance with the "General Requirement Comparison Table B," which may be downloaded from DAQ's website.

### **Determinations and Justifications**

The only changes to Mountain State Carbon Title V Permit and Fact Sheet are the addition of NSR permits (R13-2772 and R13-2798) since R30-00900002-2004 (SM01) was issued.

The following updates were made in the renewal.

1. The plant mailing address on page one (1) was revised to Wheeling Corporate office at Severstal Wheeling, Inc, 1134 Market Street, Wheeling, WV 26003 from West Virginia Route 2, Follansbee, WV 16037.
2. The Emission Unit Table 1.0 was revised in accordance with Attachment D of Mountain State Carbon's Title V Renewal Application.
3. Added Section 1.2, Active R13, R14, and R19 Permits and Table.
4. The regulatory language for Sections 3.1.1 and 3.1.2, 45CSR§§6-3.1 and 3.2, was updated.
5. 45CSR34 is now cited with 40 C.F.R. Part 61 and 45CSR15 was repealed. The citation for 3.1.3 has been revised accordingly.
6. The hydrogen sulfide concentration requirement for Boilers #6, #7, #9, and #10 is more stringent in Sections 5.1.16 (1), 5.1.17 (1), and 5.1.18 (1) [40 grains per 100 cubic feet] than the hydrogen sulfide concentration requirement for these boilers in Section 3.1.26 [50 grains per 100 cubic feet]. Thus, the streamlining statement was added to Section 3.1.26.
7. Sections 3.5.3 and 3.5.5 were revised accordingly to US EPA Region 3 request that all annual compliance certifications be submitted electronically (e-mail). This is a general change to the boiler plate language.
8. The company requested that the company's name be changed from "Wheeling-Pittsburgh Steel" to "Mountain State Carbon LLC" for the rules that are in the Non-Applicability Determinations table of Section 3.7.2.
9. The permittee requested that the following should be included in table of Section 3.7.2.b since the facility is not subject to 40 C.F.R. Part 68 Subparts A & C. "Chemical Action Prevention Provisions do not apply to Mountain State Carbon LLC as none of the regulated materials exist above the threshold limits."
10. R13-2772 is for the construction of a quench tower (1E) to support the coking process from Batteries 1-2-3 [see Sections 4.1.38 – 4.1.43, 4.2.5 – 4.2.7, 4.3.10, 4.4.6 – 4.4.8, 4.5.5. (6) (c)]. Quench tower (1E) replaced the existing tower and is located about 50 feet north of the existing tower (P001-6).
11. A note was included in Section 4.1.35. 8 for the water flow rate, the fan motor amperes, and the pressure drop for the venturi scrubber that was conducted on October 2006 test. This note is to inform the inspector of the recent test results to provide a guide for enforcement.
12. Section 4.1.36 (5), revised the heading in table from "Proposed Emissions" in the most recent permit to "Emissions Limits" for Battery #8 quench towers as requested by the company.

13. The citation in Section 4.1.37 referenced 40 C.F.R. Part 63 Subpart CCCCC. 40 C.F.R. Part 63 Subpart CCCCC does not contain annual limitations. Thus, 40 C.F.R. Part 63 Subpart CCCCC was deleted from the citation.
14. Section 4.1.37 was revised per the permittee's request from "Sections 4.1.35 and 4.1.36" of the most recent permit to "Sections 4.1.36 and 4.1.38." Section 4.1.40 was removed since these requirements are identical to Section 4.1.37 requirements. The citation was revised to include R13-2772 and Section 4.1.3 from Section 4.1.40 with R13-2591 and Section 4.1.11.
15. Section 4.2.4 for 40 C.F.R. § 63.7330 (a) is now 4.2.4.1. (a). The permittee requested that the source of emissions referenced be amended from "P001-6 only" in the most recent permit to "C01 only" for Section 4.2.4.1. (a).
16. Section 4.2.4 for 40 C.F.R. § 63.7331 (a) is now 4.2.4.2. (a). The permittee requested that the source of emissions referenced be amended from "P001-6 only" in the most recent permit to "C01 only" for Section 4.2.4.2. (a).
17. Section 4.2.4 for 40 C.F.R. § 63.7331 (b) is now 4.2.4.2. (b). The permittee requested that the source of emissions referenced be revised from "P004-6 and P004-7 only" in the most recent permit to "C02 only" for Section 4.2.4.2. (b).
18. Section 4.2.4 for 40 C.F.R. § 63.7331 (c) is now 4.2.4.2. (c). The permittee requested that the source of emissions referenced be changed from "P004-6 and P004-7 only" in the most recent permit to "C02 only" for Section 4.2.4.2. (c).
19. Section 4.2.4 for 40 C.F.R. § 63.7331 (d) is now 4.2.4.2. (d). The permittee requested that source of emissions referenced be amended from "P004-6 and P004-7 only" in the most recent permit to "C02 only" for Section 4.2.4.2. (d).
20. Section 4.2.4. (e) for 40 C.F.R. § 63.7331 (e) is now 4.2.4.2. (e). The permittee requested that the source of emissions referenced be revised from "P004-6 and P004-7 only" in the most recent permit to "C02 only" for Section 4.2.4.2. (e).
21. Section 4.3.9. (a) (1) & (2) for 40 C.F.R. §§ 63.7326 (a) (1) (i) & (2) is now 4.3.9.6. (a) (1) & (2). The permittee requested that the source of emissions referenced be changed from "P004-6 and P004-7 only" in the most recent permit to "P004-5 only" for Section 4.3.9.6. (a) (1) (i) & (2).
22. Section 4.3.9. (b) for 40 C.F.R. §§ 63.7322 (b) is now 4.3.9.3. (b) (1). The permittee requested that the source of emissions referenced be changed from "P001-6" in the most recent permit to "1E" for Section 4.3.9.3. (b) (1).
23. Section 4.3.9. (a) (1) for 40 C.F.R. §§ 63.7326 (b) is now 4.3.9.6. (a) (1). The permittee requested that the source of emissions referenced be changed from "P001-6 only" in the most recent permit to "1E only" for Section 4.3.9.6. (a) (1).
24. Sections 5.1.1 and 5.1.2 were removed since they were shown as reserved in the most recent permit. The sections in Section 5.1 were renumbered accordingly.
25. Sections 5.1.18 and 5.1.19 in the most recent permit were removed and the remaining sections were renumbered accordingly. Section 5.1.18 previously served to demonstrate compliance with Section 5.1.1 which was revised as "Reserved" in the most recent permit (see Item 24). Section 5.1.19 referred to 40 C.F.R. Part 63 Subpart DDDDD which was vacated and remanded.

26. The company requested the heading in tables for Sections 5.1.16, 5.1.17, 5.1.18, and 5.1.19 be changed from “Proposed Emissions” in the most recent permit to “Emissions Limits.”
27. Section 5.1.21 was added to incorporate the case-by-case MACT determination boilerplate language for Boilers #6, #7, #8, #9, and #10 since 40 C.F.R. Part 63 Subpart DDDDD was vacated and remanded. Because of recent news, the boiler MACT standardized language may change.
28. R13-2798 is for the installation of a mobile coke screening system and load out conveyor to process coke stored at the coke storage yard (See Sections 6.1.11 - 6.1.14, 6.2.1 - 6.2.2, 6.4.1 - 6.4.2, and 6.5.1.).
29. Sections 8.1.28, 8.1.29, 8.1.40, 8.1.47, 8.1.48, 8.1.107, and 8.1.108 of the most recent permit were replaced with reserved since they were statements of applicability and not requirements. The content for Section 8.1.24 was replaced with “Reserved.” The citation for Section 8.1.24 was cited in other conditions that referenced permit, R13-1939. The content for Section 8.1.26 was replaced with “Reserved” since this is a requirement for DAQ and not the source.
30. Emission Unit ID# in Section 9.1.4 table was revised from S-1 in the most recent permit to E5.
31. Mountain State Carbon has replaced their “Amatek Model 466” that they use for CEMS with “Analytical Specialties True Peak Laser H<sub>2</sub>S Monitors”. These changes are in Appendix A, Attachment 3: item 2.a, item 2.d for 45CSR§§10-6.4. b, c, d, and e.

#### **40 C.F.R. Part 63 Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters**

Mountain State Carbon LLC submitted their initial notification requirements for Boilers #6, #7, and #8 on March 9, 2005. The initial notification Boilers #9 and #10 was received on May 31, 2005.

#### **Removal of the 40 C.F.R. 63 Subpart DDDDD**

The United States Court of Appeals for the District of Columbia Circuit on July 30, 2007 ruled the Boiler MACT, 40 C.F.R. Part 63 Subpart DDDDD, be vacated and remanded. As a result of the court’s decision, a MACT for this source category will have to be implemented via a 112(j) case-by-case MACT determination or a subsequent 40 C.F.R. Part 63 proposal. Per DAQ’s “Interim Guidance for Existing Sources – Boiler and Process Heater MACT Vacature,” dated September 7, 2007, the DAQ does not intend to implement the provisions of the Boiler and Process Heater MACT for existing sources at this time. US EPA will be issuing guidance regarding the 112(j) case-by-case MACT determination of equivalent emission limitation in the future. Due to these facts, the 40 C.F.R. 63, Subpart DDDDD Boiler and Process Heater MACT placeholder language for Boilers #9 and #10 in Sections 5.1.19, 5.1.20 (6), 5.1.21 (6), 5.2.4, 5.3.5, 5.5.2, 5.5.3, and 5.5.4 of the Title V Permit significant modification were removed from the Title V Permit renewal.

After consultation with US EPA Region III in which DAQ was informed that 112(j) applied to the vacated standard 40 C.F.R. 63, Subpart DDDDD, “National Emission Standards for Hazardous Air Pollutants for Industrial/Commercial/Institutional Boilers and Process Heaters”, but that no date of becoming subject was known, the agency determined that inserting a permit condition to address this situation to allow for a permit application shield while US EPA was in the process of re-proposing and re-promulgating a MACT standard was a reasonable course of action and use of limited resources. The agency’s current position to delay the 112(j) reviews is based on the September 10, 2009 order filed by the United States District Court for the District of Columbia for US EPA to issue a new Boiler and Process Heater MACT to be proposed by April 15, 2010 and promulgated by December 16, 2010; to maintain national consistency; and to most effectively use agency resources.

### Non-Applicability Determinations

The following requirements have been determined not to be applicable to the subject facility due to the following:

<b>45CSR33</b>	Acid Rain Provisions and Permits does not apply to Mountain State Carbon LLC because it is not considered a Title IV (Acid Rain) Source.
<b>40 C.F.R. Part 60 Subpart Cd</b>	Standards of Performance for Sulfuric Acid Production plants Emissions Guidelines and Compliance times does not apply because Mountain State Carbon LLC does not meet the definition of a sulfuric acid production unit as defined in 40 C.F.R. § 60.81 (a).
<b>40 C.F.R. Part 60 Subpart D</b>	Standards of Performance for fossil-fuel-fired steam generators for which construction is commenced after August 17, 1971 does not apply because Mountain State Carbon LLC boilers are less than the applicability size of 250 mm Btu/hr.
<b>40 C.F.R. Part 60 Subpart Da</b>	Standards of Performance for fossil-fuel-fired steam generators for which construction is commenced after September 18, 1978 does not apply because Mountain State Carbon LLC boilers are less than the applicability size of 250 mm Btu/hr.
<b>40 C.F.R. Part 60 Subpart Db</b>	Standards of Performance for fossil-fuel-fired steam generators for which construction is commenced after June 19, 1984 does not apply because Mountain State Carbon LLC boilers are less than the applicability size of 100 mm Btu/hr.
<b>40 C.F.R. Part 60 Subpart E</b>	Standards of Performance for Incinerators for which construction is commenced after August 17, 1971 does not apply because Mountain State Carbon LLC does not operate equipment defined as incinerators (under 40 C.F.R. § 60.51).
<b>40 C.F.R. Part 60 Subpart H</b>	40 CFR Section 60 NSPS Subpart H Standards of Performance for Sulfuric Acid Production plants does not apply because Mountain State Carbon LLC (MSC) does not meet the definition of a sulfuric acid production unit as defined in 40 C.F.R. § 60.81 (a). MSC is a metallurgical plant that uses the H <sub>2</sub> SO <sub>4</sub> plant as a control device to reduce sulfur compound emissions, such as H <sub>2</sub> S.
<b>40 C.F.R. Part 60 Subpart K</b>	Standards of Performance for storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978 does not apply because Mountain State Carbon LLC has not installed any tanks between these dates.
<b>40 C.F.R. Part 60 Subpart Ka</b>	Standards of Performance for storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984 does not apply because Mountain State Carbon LLC has not installed any tanks between these dates.
<b>40 C.F.R. Part 60 Subpart Kb</b>	Standards of Performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 does not apply because Mountain State Carbon LLC is exempt by paragraph 40 C.F.R. § 60.110b (d) (1) [for vessels at coke oven by-product plants].
<b>40 C.F.R. §§ 60.251 - 60.254 Subpart Y</b>	Standards of Performance for Coal Preparation Plants do not apply because Mountain State Carbon LLC does not apply since they commenced construction or modification of their coal facilities prior to October 24, 1974.
<b>40 C.F.R. Part 60 Subpart VV</b>	National Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturing Industry.
<b>40 C.F.R. Part 60 Subpart IIII</b>	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines does not apply because Mountain State Carbon LLC does not apply since MSC engines were not manufactured after April 1, 2006 (as per 40 C.F.R. § 60.4200 (a) (2) (i).)
<b>40 C.F.R. Part 60 Subpart JJJJ</b>	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines do not apply because Mountain State Carbon LLC does not operate engines with spark ignitions that were manufactured after July 1, 2008.

<b>40 C.F.R. Part 61 Subpart J</b>	National Emission Standards for Equipment Leaks (Fugitive Emission Sources) of Benzene is not applicable to sources located in coke by-product recovery plant at the Mountain State Carbon LLC.
<b>40 C.F.R. Part 61 Subpart Y</b>	National Emission Standards for Benzene Emissions from Benzene Storage Vessels is not applied to storage vessels used for storing benzene at a coke by-product facility at the Mountain State Carbon LLC.
<b>40 C.F.R. Part 61 Subpart BB</b>	National Emission Standards for Benzene Emissions from Benzene Transfer Operations is not applicable to benzene-laden liquid from coke by-product recovery plants at the Mountain State Carbon LLC.
<b>40 C.F.R. Part 63 Subpart F</b>	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturing Industry.
<b>40 C.F.R. Part 63 Subpart G</b>	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry Process Vents, Storage Vessels, Transfer Operations, and Wastewater does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturing Industry.
<b>40 C.F.R. Part 63 Subpart H</b>	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturing Industry.
<b>40 C.F.R. Part 63 Subpart I</b>	National Emission Standards for Organic Hazardous Air Pollutants related to Equipment Leaks does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturers Industry.
<b>40 C.F.R. Part 63 Subpart Q</b>	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers does not apply to Mountain State Carbon LLC because the facility does not use chromium-based water treatment chemicals.
<b>40 C.F.R. Part 63 Subpart Y</b>	National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations does not apply to Mountain State Carbon LLC because the vapor pressure of the light oil is less than 1.5 psia at 20 deg. C and is exempt from the rule.
<b>40 C.F.R. Part 63 Subpart EEEE</b>	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) does not apply to Mountain State Carbon LLC because the facility components are subject to another NESHAP (Subparts L, V, and FF) as per 40 C.F.R. § 63.2338 (c) (1).
<b>40 C.F.R. Part 63 Subpart FFFF</b>	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing does not apply to Mountain State Carbon LLC because the facility does not produce ammonium sulfate via caprolactam as per 40 C.F.R. § 63.2435 (b) (1) (3).
<b>40 C.F.R. Part 63 Subpart GGGGG</b>	National Emission Standards for Hazardous Air Pollutants: Site Remediation does not apply to Mountain State Carbon LLC because the facility received an Administrative Order under Section 3008(h) of the Resource Conservation and Recovery Act from USEPA to perform RCRA corrective Actions.
<b>40 C.F.R. Part 63 Subpart DDDDD</b>	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, or Institutional Boilers and Process Heaters. This MACT has been vacated and remanded by the United States Court of Appeals for the District of Columbia Circuit on July 30, 2007.
<b>40 C.F.R. Part 64</b>	The Mountain State Carbon LLC is not subject to the Compliance Assurance Monitoring (CAM) rule because they are subject to a 40 C.F.R. Part 63 Subparts L, ZZZZ, and CCCCC that were proposed after November 11, 1990.
<b>40 C.F.R. Part 68 Subpart A &amp; C</b>	Chemical Action Prevention Provisions do not apply to Mountain State Carbon LLC as none of the regulated materials exist above the threshold limits.
<b>40 C.F.R. Part 72</b>	Acid Rain Program General Provisions does not apply to Mountain State Carbon LLC because it is not considered a Title IV (Acid Rain) Source.

### **Request for Variances or Alternatives**

None

### **Insignificant Activities**

Insignificant emission unit(s) and activities are identified in the Title V application.

### **Comment Period**

Beginning Date: November 13, 2009  
Ending Date: December 14, 2009

All written comments should be addressed to the following individual and office:

Wayne Green  
Title V Permit Writer  
West Virginia Department of Environmental Protection  
Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304

### **Procedure for Requesting Public Hearing**

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing, if no public hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Secretary shall grant such a request for a hearing if he/she concludes that a public hearing is appropriate. Any public hearing shall be held in the general area in which the facility is located.

### **Point of Contact**

Wayne Green  
West Virginia Department of Environmental Protection  
Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: 304/926-0499 ext. 1258 • Fax: 304/926-0478

### **Response to Comments (Statement of Basis)**

Not applicable.