

West Virginia Air Quality Board
Charleston, West Virginia

Roxul USA, Inc., d/b/a
ROCKWOOL,

REC'D BY AQB
12.11.2023

Appellant,
v.

Appeal No. 23-01-AQB

Director, Division of Air Quality,
Department of Environmental Protection,

Appellee.

Notice of Appeal

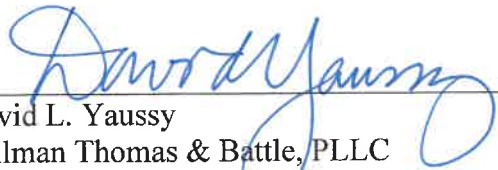
Action Complained Of: The appellant named above respectfully represents that it is aggrieved by certain conditions in Modification Permit R14-0037A, issued November 16, 2023, including Conditions 4.1.11 (closure of exterior doors); 4.1.5a (limits on PM 2.5); and 4.3.2 (stack testing schedule).

Relief Requested: The appellant therefore prays that this matter be reviewed and that the Board grant the following relief: elimination of Condition 4.1.11; set a PM2.5 limit at the Wet Electrostatic Precipitator of 50.39 tons per year and 12 kg per hour; and order that emission testing be done in accordance with Condition 4.3.3 of the Permit.

Specific Objections: The specific objections to the actions, including questions of fact and law to be determined by the Board, are set forth in detail in separate numbered paragraphs and attached hereto. The objections may be factual or legal.

Amendment of this Notice of Appeal may be had only by leave of the Board, and only for good cause shown.

Dated this 11th day of December, 2023.


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I. Statement of Facts

1. On April 30, 2018 Roxul USA, Inc., dba ROCKWOOL, was issued major source air pollution control permit R14-0037 (“the Permit”) for the operation of a rock wool insulation manufacturing plant in Jefferson County, West Virginia (“the Ranson Plant”). The permit allowed ROCKWOOL to burn either coal or natural gas to melt the rock and other materials from which the insulation is made.

2. Having elected to burn natural gas instead of coal, the permit limits and conditions that were predicated on coal burning became unnecessary. Consequently, ROCKWOOL applied for modification of the Permit to eliminate the limits and conditions that had become irrelevant.

3. The changes to the Permit that were requested by ROCKWOOL did not result in an increase in Ranson Plant emissions, and as such the revisions could have been done through a Class 1 Administrative Update rather than a modification. *See* 45 CSR 13-4. The Division of Air Quality (DAQ) nevertheless required a modification application so that the permit would go through public notice procedures.

4. Following a review of the modification application by the DAQ, a draft permit modification was issued, followed by: receipt of written comments; an in-person public hearing in Charles Town at which the DAQ responded to questions, a teleconference at which comments were accepted, and an extension of the comment period.

5. The final modified permit, R14-0037A, was issued on November 16, 2023. The changes to the Permit were such that ROCKWOOL is no longer a major source, and is no longer regulated under 45 CSR 14.

6. Among the changes made to the Permit were the following: Condition 4.1.11, requiring all exterior doors be kept shut when not in use; Condition 4.1.5.a, which set, among other things,

limits on PM2.5 emissions from the Wet Electrostatic Precipitator (“WESP”) at 33.6 tons per year, and 8.0 kg per hour; and Condition 4.3.2, which mandated retesting of equipment within 12 months. Those conditions are being appealed by ROCKWOOL.

7. Condition 4.1.11, requiring exterior doors to be kept shut during operations except when needed to enter or exit the building, was imposed based on the comments by some members of the public who expressed concerns that the open doors would allow escape of emissions from the building. Open doors at the Ranson Plant do not allow escape of emissions from the curing lines, because air is being drawn into the building, rather than emissions being blown out. As the insulation passes down the line, ambient air is pulled through the insulation to assist in the cooling of the insulation prior to entering the cutting and packaging area. Residual emissions from the insulation are captured by the hood and are passed through an air pollution control device. Closed doors make it more difficult for the fans to maintain a negative pressure and pull the ambient air through the insulation, providing for proper cooling of the insulation and ensuring any residual emissions are captured by the air pollution control device.

8. Leaving doors closed can result in a hotter workplace for employees, as it interferes with the introduction of cooler outside air when needed. The Occupational Safety and Health Administration has initiated a Heat Illness Prevention campaign to protect workers against excessive workplace heat.

9. Leaving doors closed has two unfavorable effects: it makes the working area hotter and more uncomfortable in the summer, and it interferes with the air flow that is needed for proper operation of the air pollution control equipment. There is no benefit, environmental or otherwise, in requiring closed doors.

10. PM2.5 is a measure of particulate that is 2.5 microns or less in size. The Permit contains limits for PM2.5 based on a single stack test that was done at the Ranson Plant.

11. The DAQ has stated that the revised limits on PM2.5 contained in Condition 4.1.5.a of the Permit are based on the DAQ's authority to set "reasonable" conditions, pursuant to 45 CSR 13-5.10. The DAQ's chosen limits of 33.6 tons per year and 8.0 kg per hour are 120% of a single stack test of the WESP. Those limits were set without reference to any standard or requirement in the State Implementation Plan requiring or allowing such a limit, other than 45 CSR 13-5.10.

12. Setting a PM2.5 limit close the measured stack concentration based on a single stack test is unreasonable. The emissions from properly-operated emissions control devices vary to some degree, sometimes greatly, and tests done at different times will provide varying results. The DAQ's PM2.5 limit does not allow for likely test variability.

13. The draft Permit required emissions testing in accordance with the schedule set out in Condition 4.3.3 of the Permit, while Condition 4.3.2 of the modified Permit requires testing within 12 months of issuance of the Permit. As some testing has already taken place, it is unclear whether retesting is required within the next year, or whether the retesting provisions of 4.3.3 control. ROCKWOOL's permitting action to reduce emission limitations based upon testing results with this permitting action should not be leveraged to require additional testing burden. The retesting provisions of Condition 4.3.3 should control.

II. Specific Objections

1. Condition 4.1.11 of the Permit interferes with the proper operation of air pollution control equipment at the Ranson Plant, and presents a possible danger of overheating employees, and should be deleted from the Permit.

2. The PM_{2.5} limits found at Condition 4.1.5a of the Permit are unlawful, as they establish a limit on emissions that is not reasonable and that was not developed in accordance with the West Virginia State Implementation Plan (SIP). The correct limit should have been 50.39 tons per year and 12 kg per hour.

3. Condition 4.3.2 appears to require retesting of some emissions points within 12 months, rather than retesting in accordance with the schedule in Condition 4.3.3, as was required in the draft Permit. The retesting provisions of Condition 4.3.3 should apply.

III. Questions of Fact

1. Do open doors in the production building allow escape of unregulated emissions?
2. Are open doors helpful in maintaining reasonable temperatures in the production area?
3. Do open doors contribute to proper operation of the air pollution control system?
4. How did the DAQ calculate the Permit limit for PM_{2.5}?
5. How should the DAQ have calculated the limit for PM_{2.5}?
6. Is a single stack test a reliable predictor of long term PM_{2.5} emissions?
7. What are the variations in emissions that are possible for stack tests of the WESP during normal operation?
8. When are emissions tests for the equipment specified in Condition 4.3.2 required under the Permit?
9. How often should emissions tests be required for equipment specified in Condition 4.3.2 of the Permit?

IV. Questions of Law

1. Is the requirement that doors be closed except when in use a reasonable condition?

2. Does the DAQ have authority to require doors to be closed except when in use, in the absence of any evidence that the open doors contribute to statutory air pollution?

3. How are limits for PM2.5 properly and lawfully established for facilities like the Ranson Plant?

4. Were PM2.5 limits established in accordance with the West Virginia Air Pollution control Act and the West Virginia SIP?

5. Are the PM2.5 limits in the Permit reasonable?

6. What is the PM2.5 limit that is required by the West Virginia Air Pollution Control Act and the West Virginia SIP?

7. Does 47 CSR 13-5.10 allow the DAQ complete discretion in setting permit limits, and if not, what is the limit on that authority?

8. Does the DAQ have the authority to require retesting of all emissions points identified in Condition 4.3.2 within 12 months?

9. Is it reasonable to require retesting of all emissions points identified in Condition 4.3.2 within 12 months?

10. Are the conditions appealed by ROCKWOOL lawful?