



WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION
1558 Washington Street, East
CHARLESTON, WEST VIRGINIA 25311
TELEPHONE: 348-2275 OR 348-3286

WEST VIRGINIA AIR POLLUTION CONTROL
COMMISSION
1558 Washington Street, East
Charleston, West Virginia 25311

vs.

MOUNTAINEER CARBON COMPANY
P. O. Box 577
Moundsville, West Virginia 26041

CONSENT ORDER

Under the authority and direction of West Virginia Code,
Chapter 16, Article 20, Section 5(17), which reads in pertinent
part as follows:

(17) Whenever the commission achieves informally,
by letter, or otherwise, an agreement with any person
that said person will cease and desist in any act
resulting in the discharge of pollutants or do any act
to reduce or eliminate such discharge, such agreement
shall be embodied in a consent order and entered as,
and shall have the same effect as, an order entered
after a hearing as provided in section six (§ 16-20-6)
of this article.,

this Consent Order is hereby entered.

RECEIVED
VA, WVA SECTION

JUL - 7 1982

EPA, REGION III

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FINDINGS OF FACT

1. Mountaineer Carbon Company (hereinafter referred to as the "Company") operates a plant, including petroleum coke calcining kilns Numbers 1 and 2, referred to as the Mountaineer Carbon Plant located at Moundsville, Marshall County, West Virginia.
2. The Company causes, suffers, allows or permits the discharge of particulate matter from said kilns and agrees to reduce such discharge in accordance with the compliance program herein stated.
3. The Company's discharge is in excess of the present limitations of Regulation VII - "To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations", promulgated by the West Virginia Air Pollution Control Commission (hereinafter referred to as the "Commission").
4. The Company has determined that the compliance program herein will result in the installation of control equipment representing Best Available Control Technology Economically Achievable at the Mountaineer Carbon Plant.
5. The control equipment called for by the compliance program herein stated may not be sufficient to permit the Company to achieve compliance with the process weight rate specified in Section 3.01 of Regulation VII (1980).
6. While information does not presently exist to permit a precise quantification of the emissions which can be expected from said kilns following the installation of the control equipment called for by the compliance program stated herein, it is estimated that such control equipment will reduce emissions from said kilns to an amount in pounds per hour not to exceed the amounts as determined by the following formulas:

- (a) When manufacturing regular (amorphous) coke:

$$E = 3.64P^{0.67}$$

Where E = allowable emission rate in pounds per hour and P = the process weight rate in tons per hour, provided, however, that no kiln manufacturing regular (amorphous) coke shall exceed a maximum emission rate of fifty (50) pounds per hour.

- (b) When manufacturing graphite (crystalline) coke:

$$E = 16.89P^{0.67}$$

Where E = Allowable emission rate in pounds per hour, and

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P = process weight rate in tons per hour, provided, however that no kiln processing graphite (crystalline) coke shall exceed a maximum emission rate of two-hundred (200) pounds per hour.

7. So that the Company can reasonably be expected to achieve the requirements of Regulation VII (1980), following the installation of the control equipment called for by the compliance program stated herein, it is the Commission's intent to revise Regulation VII to establish revised emission limitations reasonably calculated to permit compliance at all times when said kilns and associated control equipment are being properly operated and maintained.
8. Final compliance with Regulation VII, as amended pursuant to the terms of this Consent Order, by all stationary sources is necessary in order to comply with the requirements of the West Virginia Air Pollution Control Act (Chapter 16, Article 20 of the Code of West Virginia of 1931, as amended, hereinafter referred to as the "Code").
9. For purposes of this Consent Order and any future enforcement action thereof, the Company hereby waives any and all rights to challenge and defenses with respect to the validity of the Code, this Consent Order and Regulation VII except insofar as Regulation VII is to be amended consistent with the terms of this Consent Order.
10. Notice of hearing was given on June 2, 1982 and a hearing was held on July 2, 1982.

CONCLUSIONS OF LAW

1. The Commission is the state agency empowered and authorized to regulate and control pollution of the air in the State of West Virginia.
2. In the adoption of this Consent Order, the Commission has acted in accordance with the Code and Regulation VII promulgated thereunder.
3. Under the provisions of the Code, Chapter 16, Article 20, Section 5(17) cited above, this agreement to reduce the discharge of pollutants shall have the same effect as an order to correct a statutory air pollution entered after a hearing before the Commission as provided in the Code, Chapter 16, Article 20, Section 6.
4. The Company agrees to comply with all requirements and provisions of this Consent Order and further agrees to waive any and all rights of appeal with respect to the validity of this Consent Order.

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5. The parties involved agree that this Consent Order is valid, binding and of full force and effect upon signing by both parties and neither party shall at any time for any reason or purpose argue or maintain that this order is of no effect.

COMPLIANCE PROGRAM

The Company hereby agrees to install control equipment consisting of incinerators having a minimum operating temperature of 1600°F and having a residence time of twelve (12) seconds or longer when calcining regular (amorphous) coke and twenty-four (24) seconds or longer when calcining graphite (crystalline) coke, to reduce particulate emissions for the purpose of complying with Regulation VII as amended pursuant to the terms of this Consent Order regarding Petroleum Coke Calcining Kilns Numbers 1 and 2 in accordance with the terms hereof and the following compliance program:

<u>Milestone</u>	<u>To Be Achieved On or Before</u>
1. Order materials and begin site preparation	July 1, 1982, or one month after adoption by the Commission of the amendment to Regulation VII identified in Paragraph 1, below, whichever is later.
2. Begin on-site construction of incinerator system on Kiln 2	3 months after date for prior milestone
3. Begin on-site construction of incinerator system on Kiln 1	3 months after date for prior milestone
4. Complete construction of incinerator system on Kiln 2	14 months after date for prior milestone
5. Complete construction of incinerator system on Kiln 1	4 months after date for prior milestone
6. Complete particulate testing program on Kilns 1 and 2	4 months after date for prior milestone

GENERAL PROVISIONS

1. The Commission shall take action as early as practicable to amend Regulation VII in accordance with the provisions contained in Exhibit A attached hereto and incorporated herein by reference.
2. The Company and the Commission agree that, following the

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installation and emission testing by the Company of incinerators as described above, the Commission shall revise the applicable emission limitations of Regulation VII (Exhibit A) in accordance with results from such emission testing conducted pursuant to Paragraph 6 herein when said kilns and associated control equipment are being properly operated and maintained, as defined in Paragraph 3 below. The Company agrees that, from and after the date of entry of this Consent Order, only one of such kilns shall calcine graphite coke at any one time, and no more than 120,000 tons (as determined on an operating process weight basis) of graphite coke shall be calcined at said kilns in any calendar year.

3. From and after the date for completion of milestone Number 6, the Company will properly operate and maintain said kilns and associated control equipment. Proper operation and maintenance shall mean maintaining a minimum operating temperature in the incinerators of 1600°F and maintaining a residence time in the incinerators of twelve (12) seconds or longer when calcining regular (amorphous) coke and twenty-four (24) seconds or longer when calcining graphite (crystalline) coke. The obligations imposed by this paragraph shall be effective until Regulation VII is amended pursuant to Paragraph 2 above.
4. Nothing contained in this order shall be interpreted in such a manner as to relieve the Company of the responsibility to make all necessary short-term emission reductions as specified and required by the Commission's Regulation XI - "Prevention of Air Pollution Emergency Episodes".
5. The Company agrees that there shall be no further deterioration of emission control with respect to said kilns and that the Company will not cause, suffer, allow or permit emissions from said kilns in excess of those emissions resulting from total design feed capacity operation on or about the date of entry of this Consent Order. As required to prevent any further deterioration of emission control at the kilns, the Company shall utilize the best practicable system or systems of emission reduction during the period that this compliance program is in effect.
6. The Company shall submit a stack test protocol sixty (60) days prior to any emissions tests conducted as required herein. The test protocol must be approved by the Director. The stack test method for particulate emissions shall be EPA Method 5, front half. Notification must be given to the Director of the Commission at least fifteen (15) days prior to any testing with respect to this program so that he may at his option send a representative to observe such tests.
7. It is the intent of the parties that the provisions of this Consent Order are severable, and that, should any provisions

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be declared by a court of law to be invalid or unenforceable the other provisions shall remain in full force and effect.

8. This Consent Order shall become effective immediately upon signing by both parties.
9. Both parties agree that the Company may at any time comply with Regulation VII in its present form or as it may be amended and the terms of this Consent Order by ceasing operations at said kilns.
10. Violation of this Consent Order may subject the Company to penalties pursuant to Chapter 16, Article 20, Section 8 and/or an injunction action pursuant to Chapter 16, Article 20, Section 9. However, the commission agrees not to institute with respect to said kilns any penalty action pursuant to Section 8 of the Code for violations of Regulation VII in its present form or as it may be amended consistent with the terms of this Consent Order for so long as the Company complies with the terms, provisions, conditions, and requirements of this Consent Order, and until emission limits are revised consistent with Paragraph 2 of the General Provisions of this Consent Order.
11. In the event that conditions arise entirely beyond the control of the Company which cause a delay in compliance with the provisions of this Consent Order, the Commission shall, upon petition by the Company, consider an extension of said compliance program set forth herein. The petition shall be submitted directly unto the Director and shall state with specificity the events or conditions which will require the Company to seek any such extension.

AND NOW, this 2 day of July, 1982, the WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION agrees to and enters into this Consent Order.

WEST VIRGINIA AIR POLLUTION
CONTROL COMMISSION


By Its Chairman

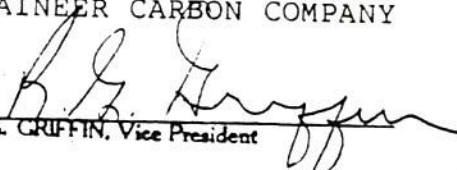
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MOUNTAINEER CARBON COMPANY hereby agrees with the provisions and consents to the terms of this Consent Order and agrees to comply with all requirements set forth herein.

AND NOW, this 2nd day of July, 1982, MOUNTAINEER CARBON COMPANY, by its duly authorized representative, consents to, agrees to and enters into this Consent Order.

MOUNTAINEER CARBON COMPANY

By


R. C. GRIFFIN, Vice President

Its _____

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REGULATION LANGUAGE
EXHIBIT A

3.12. The provisions of Subsections 3.01, 3.04 and 3.09 shall not apply to petroleum coke calcining kilns in existence on April 1, 1982, provided that particulate matter vented into the open air from each kiln, measured in lbs/hr, shall not exceed the amounts as determined by the following formulas:

(a) When manufacturing regular (amorphous) coke:

$$E = 3.64P^{0.67}$$

Where E = allowable emission rate and P = the process weight rate in tons per hour, provided, however, that no kiln manufacturing regular (amorphous) coke shall exceed a maximum emission rate of fifty (50) pounds per hour.

(b) When manufacturing graphite (crystalline) coke:

$$E = 16.89P^{0.67}$$

Where E = allowable emission rate in pounds per hour, and P = process weight rate in tons per hour, provided, however that no kiln manufacturing graphite (crystalline) coke shall exceed a maximum emission rate of two-hundred (200) pounds per hour.

Provided further that each such kiln is equipped with an incinerator that will be operated at a temperature of not less than 1600°F and have a residence time of twelve (12) seconds or longer when calcining regular coke and twenty-four (24) seconds or longer when calcining graphite coke, and provided further that, in the event a plant has more than one kiln, such plant shall be operated so that only one (1) of such kilns shall calcine graphite coke at any one time.