



west virginia department of environmental protection

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Austin Caperton, Cabinet Secretary
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June 16, 2020

Cosmo Servidio
Mail Code 3RA00
Regional Administrator, USEPA Region 3
United States Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

via email: [R3 RA@epa.gov](mailto:R3_RA@epa.gov)

RE: Attainment Redesignation Recommendation for Mineral County, West Virginia for the Round 4 2010 1-Hour Sulfur Dioxide (SO₂) National Ambient Air Quality Standard (NAAQS)

Dear Administrator Servidio:

As you are aware, the United States Environmental Protection Agency (EPA) is required per a 2015 court order to complete the Round 4 Area Designations (Round 4) for the 2010 1-Hour Primary Sulfur Dioxide (SO₂) National Ambient Air Quality Standards (NAAQS) by December 31, 2020. The West Virginia Department of Environmental Protection, Division of Air Quality (DAQ) recommends the EPA designate Mineral County, WV (Mineral County) as attainment with this NAAQS. Based on 2017-2019 certified ambient air monitoring data alone, Mineral County would be considered nonattainment for the 1-Hour SO₂ primary standard; however, the recent closure of a major emission source affecting the area and new certified monitoring data after this closure indicates this is no longer the case for future years. The DAQ predicates this recommendation on several considerations which are discussed in more detail below.

First, the historical source of significant quantities of ambient SO₂ in Mineral County which caused the area to monitor nonattainment no longer operates. The Verso Luke LLC (Verso) paper manufacturing facility (Luke Mill) in nearby Luke, Maryland is located on the North Branch of the Potomac River on the border and generally upwind of Mineral County. This facility has historically emitted more than 2,000 tons per year (tpy) of SO₂ to the atmosphere. However, the Luke Mill ceased operations on June 30, 2019 for business reasons. On May 7, 2020, after an unsuccessful search for a facility operator, Verso petitioned the Maryland Department of the Environment (MDE) to terminate the Luke Mill's federally enforceable air

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quality Title V operating permit authorizing the facility to emit air pollution. On May 8, 2020 MDE responded to Verso via federally enforceable letter by terminating the Luke Mill Title V permit, with an effective date of May 7, 2020. Any entity wishing to operate the facility, including Verso, must reapply for federally enforceable air pollution operating permits. Such permitting actions may require best available retrofit technology (BART) controls be placed on the Luke Mill's SO₂ emission points, which should reduce SO₂ emissions from the Luke Mill by as much as 95 percent. Currently there are no known plans for any entity to operate the facility.

Additionally, ambient air quality monitoring data has been collected in Mineral County at certified monitoring site 54-057-8883 (Mineral monitor) since February 24, 2017. This monitor was installed pursuant to the requirements of 40CFR51, Subpart BB, also known as the Data Requirements Rule (DRR). A review of daily 1-hour SO₂ concentration data demonstrates the Mineral monitor frequently exceeded the 75 parts per billion (ppb) 1-Hour Primary SO₂ NAAQS until closure of the Luke Mill. The certified 99th percentile of daily maximum 1-Hour SO₂ concentrations measured at the Mineral monitor for 2017, 2018, and 2019 were 186.8 ppb, 203.3 ppb, and 134.9 ppb, respectively. These values provide for a 2017 through 2019 average design value of 175 ppb, which is 100 ppb more than the NAAQS. However, the maximum 1-Hour SO₂ concentration values recorded at the Mineral monitor since the Luke Mill's June 30, 2019 closure have been significantly less than the 75 ppb standard; the maximum 1-Hour value recorded for all hours during the period of July 1, 2019 until March 31, 2020 was 5.80 ppb and with an arithmetic mean of 1.69 ppb. As per the September 5, 2019 memo from the EPA Office of Air Planning and Standards Director Peter Tsirigotis to the EPA Regional Air Division Directors with subject "Area Designations for the 2010 Primary Sulfur Dioxide National Ambient Air Quality Standard – Round 4" (Tsirigotis memo) concerning Round 4 area designations, such designations should be based primarily on ambient monitoring data collected per the monitoring network established by the DRR. However, the Tsirigotis memo outlined two situations where "EPA may consider, on a case-by-case basis, a designation other than nonattainment for areas a source-oriented monitor has a design value above the NAAQS...". One of these situations "...is where the source in question has permanently and enforceably ceased operations prior to the area designation. In this case, EPA expects that the source would need to have surrendered its SO₂ emissions permit, so that its modelled allowable SO₂ emissions would be zero, before EPA could finalize the area designation in December 2020 as something other than nonattainment. Documentation would be needed from the state demonstrating that the SO₂ emissions permit has been revoked or invalidated." MDE provided this documentation to the EPA as outlined above, and copies of these letters are attached to this recommendation. The Mineral monitor meets this requirement and DAQ contends Mineral County is an opportunity for the EPA to partially satisfy its responsibility of completing all Round 4 designations by the December 31, 2020 deadline.

Further, there have never existed sources in Mineral County which emit 2,000 tpy or more that would have the DRR characterization requirement. In fact, there have never been any major facilities in Mineral County with the potential to emit 100 tpy or more of SO₂. The nonattainment conditions measured at the Mineral monitor were clearly caused by interstate transport from the Luke Mill, a facility whose emissions the DAQ had no jurisdiction to regulate. It is readily apparent the Luke Mill was the source of ambient SO₂ concentrations exceeding the 1-Hour SO₂ NAAQS in Mineral County.

Finally, on April 22, 2020, the EPA proposed disapproval of the MDE's Interstate Transport Requirements for the 2010 1-Hour SO₂ NAAQS (Infrastructure SIP) plan based on SO₂ emissions from the Luke Mill and the facility's significant contribution to projected interstate nonattainment in Mineral County (EPA-R03-OAR-2018-0042). Closure of the Luke Mill enabled the MDE to reasonably petition the EPA to reconsider approval of Maryland's Infrastructure SIP, and on May 13, 2020 the MDE provided additional information to the EPA petitioning the EPA to reconsider the proposed disapproval. The additional documentation the MDE submitted to the EPA included the correspondence detailed above between the state agency and Verso pertaining to the surrender of the Title V permit and the acknowledgement of Verso that future operation of the Luke Mill would require reissuance of federally enforceable operating permits. Should the EPA accept the MDE's additional documentation and approve the Maryland Infrastructure SIP, it is inherent the DAQ recommendation for Mineral County attainment must also be granted. A copy of the May 13, 2020 MDE request for reconsideration letter is attached to this recommendation.

DAQ appreciates the EPA's expeditious consideration of this Mineral County attainment designation recommendation, particularly considering the EPA's responsibility to designate all remaining areas that have not yet been designated for the Round 4 2010 1-Hour SO₂ NAAQS by December 31, 2020. Should you have any questions regarding this recommendation or require additional information, please contact Todd Shrewsbury of the DAQ Planning Section at (304) 414-1908 or by email at Todd.H.Shrewsbury@wv.gov.

Sincerely,

Laura Crowder
Director
Division of Air Quality

CC: Cristina Fernandez (via email: Fernandez.Cristina@epa.gov)
Susan Spielberger (via email: Speilberger.Susan@epa.gov)

Enclosures: Copy of May 7, 2020 request from Verso to MDE to terminate Luke Title V Permit
Copy of May 8, 2020 reply from MDE to Verso terminating Luke Title V Permit
Copy of May 11, 2020 request from MDE to EPA to vacate disapproval of MD SO₂ iSIP