West Virginia Department of
Commerce, Labor & Environmental Resources
Air Pollution Control Commission

1558 Washington Street, East
Charleston, West Virginia 25311

Telephone: (304)348-4022
or (304)348-3286
Fax: (304)348-3287

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

CO-SIP-91-32

v.

KOPPERS INDUSTRIES, INC.
c/o Thomas Golubic
Plant Manager
P.O. Box 665
1000 Koppers Road
Follansbee, WV 26037

CONSENT ORDER

Under the authority and direction of the 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 7 (§16-20-6) of this article,

this Consent Order is hereby entered.

I. FINDINGS OF FACT

1. Koppers Industries, Inc. (hereinafter referred to as the "Company") owns and operates a coal tar chemical facility located in Follansbee, West Virginia.

2. At the subject facility, there are emission sources of total particulate matter which includes PM_{10} (particulate matter with aerodynamic particle size $\leq$ 10 microns) which are variable with regard to type and amount of such emissions.

3. This facility is subject to the Commission's Regulation 7 (45 CSR 7) - "To Prevent and Control Particulate Air Pollution from Manufacturing Process Operations" and Regulation 2 (45 CSR 2) - "To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers".

4. The Company asserts, based upon evaluations by the Company, that total particulate matter emissions of 18.6 lb/hr and PM_{10} emissions of 5.89 lb/hr result from the Company's Pitch Dryer operations.

5. Portions of Follansbee, Brooke County, West Virginia and the Mingo Junction/Steubenville area of Jefferson County, Ohio were identified by USEPA as a Group I area with respect to the National Ambient Air Quality Standards (NAAQS) for PM_{10} in 52 FR 29383 on August 7, 1987. Pursuant to Section 101(a)(4)(B) of the Clean Air Act Amendments of 1990 the aforementioned area was designated as nonattainment with respect to the PM_{10} NAAQS by operation of law on November 15, 1990.

6. The Ohio Environmental Protection Agency and West Virginia Air Pollution Control Commission have undertaken studies and analyses to identify particulate matter, including PM_{10} emission sources which may cause or contribute to violations of the PM_{10} NAAQS, and the West Virginia Air Pollution Control Commission staff has identified sources requiring emission control beyond current regulatory requirements or requiring clarification to current regulatory requirements as herein provided.

7. Title I of the 1990 Clean Air Act Amendments mandates that a plan to attain the PM_{10} NAAQS in Follansbee be submitted by West Virginia to USEPA by November 15, 1991 and that the area must achieve attainment by December 31, 1994.

8. This Consent Order shall be submitted to the USEPA for incorporation into the West Virginia State Implementation Plan under the federal Clean Air Act.

II. CONCLUSIONS OF LAW

1. The Commission is the Agency empowered and authorized to regulate and control pollution of the air in the State of West Virginia as set forth in the Code.

2. The Commission has acted in accordance with the Code.

3. The Commission has given proper notice in accordance with the Commission's rules and in accordance with the federal Clean Air Act.

III. COMPLIANCE PROGRAM

In addition to maintaining compliance with all existing applicable regulations and permits, the Company also agrees to implement and comply with source specific control measures, emission standards, recordkeeping and reporting requirements, and approved testing procedures established and referenced herein as follows:

1. Pitch Dryer

   A. Total particulate matter and PM_{10} emissions from the Pitch Dryer shall not exceed 1.86 lbs/hr and 0.59 lbs/hr respectively.

   B. The Company shall install, operate and maintain a fabric filter baghouse designed to assure, at minimum, the necessary collection and control efficiencies required to achieve and maintain compliance with the total particulate matter and PM_{10} emission limitations set forth in Section III.1.A. and the visible emission standards of Sections 3.1 and 3.2 of Regulation 7 (45 CSR 7) in accordance with the following compliance schedule:

Activity	Compliance Date
Complete engineering:	Within 90 days of the date of entry of this Consent Order.
Submit design plans for the particulate capture and control system to The West Virginia Air Pollution Control Commission's Director:	Within 120 days of the date of entry of this Consent Order.
Initiate construction:	Within 210 days of the date of entry of this Consent Order.
Complete construction and initiate operation:	Within 270 days of the date of entry of this Consent Order.
Demonstrate compliance:	Within 360 days of the date of entry of this Consent Order.

IV. COMPLIANCE DETERMINATION PROCEDURES

1. Compliance with all total particulate matter mass emission standards under Regulation 2 (45 CSR 2) and Regulation 7 (45 CSR 7), and this Consent Order shall be demonstrated in accordance with test procedures set forth in TP-2 - "Compliance Test Procedures for Regulation 2" and 45 CSR 7A TP-4 - "Compliance Test Procedures for Regulation 7" except as follows:

   A. Particulate mass emission tests for process emissions sources subject to Regulation 7 (45 CSR 7) and this Consent Order shall be conducted only in accordance with 40 CFR 60, Appendix A, Methods 1 through 5 unless alternative procedures or procedural variances are approved by the Director and USEPA.

B. All minor exceptions and variances to the test procedures set forth in TP-2 shall be approved by the Director and all alternative procedures and procedural variances shall be approved by the Director and USEPA.

2. Compliance with all PM_{10} mass emission standards under this Consent Order shall be demonstrated in accordance with test procedures set forth in 40 CFR 51, Appendix M, Methods 201, 201A and 202.

3. The Company shall submit a test protocol as required by TP-2 and 45 CSR 7A (TP-4) at least thirty (30) days prior to any test to determine compliance with the provisions of this Consent Order or Commission Regulations and shall notify the Director of the dates of all such compliance tests at least fifteen (15) days prior to testing.

4. Compliance with the visible emission standards of Regulation 2 (45 CSR 2) and Regulation 6 (45 CSR 6) shall be determined by observers certified in accordance with 40 CFR 60, Appendix A, Method 9. In determining compliance with the visible emission standards under Section 3 of Regulation 2 (45 CSR 2) and Section 4 of Regulation 6 (45 CSR 6), each visible emission observation shall represent a fifteen (15) second period and visible emission observations shall not be averaged.

5. Compliance with the particulate mass emission standards of Regulation 6 (45 CSR 6) shall be determined in accordance with procedures set forth in 40 CFR 60 Methods 1 through 5 unless alternative procedures are approved by the Director and USEPA.

V. CONTINGENCY MEASURES

1. Upon issuance of a formal determination by USEPA after December 31, 1994 that attainment with the National Ambient Air Quality Standard for PM_{10} has not been achieved, the Company shall cooperate with and, in conjunction with other appropriate parties, contribute to a definitive program to clean and/or control particulate emissions from the access road from Route 2 to its Follansbee Plant which is shared with the Wheeling-Pittsburgh Steel Corporation and other parties. Such program shall be implemented, contingent upon the development of any necessary cooperative agreements with other parties, as expeditiously as possible after the above formal notice of nonattainment but not later than one year from the date of such notice.

The Company recognizes that the Commission, subsequent to the entry of the Consent Order, may seek agreement with the Company for further contingency measures for additional PM_{10} emission control through amendment of this Consent Order or that the Commission may through its rule-making process further pursue such contingency measures.

VI. OTHER PROVISIONS

1. The Company agrees to comply with all requirements of this Consent Order and further agrees to waive any and all rights of appeal of this Consent Order.

2. Within fifteen (15) days following any incremental Compliance Program date under Sections III and V of this Consent Order, the Company shall certify in a written status report to the Director that the increment of progress to be completed by that particular Compliance Program date has been achieved. In the event that the Company fails to achieve any Compliance Program date, the required status reports shall document in full the causes of such failure, shall provide the date that the particular Compliance Program date will be met and shall contain a full explanation of the effect of the missed Compliance Program date upon the Company's ability to comply with all subsequent Compliance Program measures and dates contained under Section III. As further provided herein, failure to comply with any Compliance Program date established under Section III constitutes a violation of this Consent Order and may subject the Company to penalties or other enforcement actions by the Commission.

3. Nothing contained in this Consent 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 provided and required in Regulation 11 - "Prevention of Air Pollution Emergency Episodes".

4. The provisions of this Consent Order are severable and should any provisions be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

5. This Consent Order shall become effective immediately upon signing by both parties.

6. This Consent Order is binding on the Company, its successors and assigns.

7. The Company agrees that in the event that the Commission promulgates regulations while this Consent Order is in effect which require control of emissions from the subject facility beyond the limitations herein or regulations currently applicable, such additional regulations shall be applicable to the subject facility notwithstanding the provisions of this Consent Order.

8. Violations of this Consent Order may subject the Company to penalties in accordance with Chapter 16, Article 20, Section 8 and/or injunctive relief in accordance with Chapter 16, Article 20, Section 9 of the Code of West Virginia. This Consent Order shall serve as written notice of violation as contemplated in Code 16-20-8(a) for failure to achieve or implement each scheduled provision of Section III.1.B. and V.X. of this Consent Order.

AND NOW, this 14th day of November 1991, the WEST VIRGINIA AIR POLLUTION CONTROL COMMISSION agrees to and enters into this Consent Order.

WEST VIRGINIA AIR POLLUTION
CONTROL COMMISSION

By Its Chairman

KOPPERS INDUSTRIES, INC., 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 15th day of November, 1991, KOPPERS INDUSTRIES, INC., by its duly authorized representative, consents to, agrees to and enters into this Consent Order.

KOPPERS INDUSTRIES, INC.

By

Its Vice President and Manager
Tar Operations

JT/taa

09/13/91