

**WEST VIRGINIA AIR QUALITY BOARD  
CHARLESTON, WEST VIRGINIA**

**ROXUL USA, INC., d/b/a  
ROCKWOOL,**

**Appellant,**

v.

**Appeal No. 23-01-AQB**

**DIRECTOR, DIVISION OF  
AIR QUALITY, DEPARTMENT  
OF ENVIRONMENTAL  
PROTECTION,**

**Appellee.**

**AMENDED  
ORDER GRANTING IN PART AND DENYING IN PART  
APPELLANT'S MOTION TO STAY PERMIT CONDITION 4.1.11**

On December 11, 2023, Appellant Roxul USA, Inc., d/b/a/ ROCKWOOL filed a Motion to Stay Permit Condition 4.1.11 (“Motion”). In its Motion, ROCKWOOL asked the Board to stay enforcement of Condition 4.1.11 of Permit R14-0037A issued to ROCKWOOL on November 16, 2023 (the “Permit”). On December 18, 2023, the Board held a hearing on the Motion. Upon consideration of the Motion, the evidence presented at the hearing, and the arguments of counsel for ROCKWOOL and the Appellee at the hearing, the Board finds as follows:

**FINDINGS OF FACT<sup>1</sup>**

1. ROCKWOOL owns and operates a mineral wool insulation manufacturing facility in Ranson, West Virginia, known as “RAN-5”.

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<sup>1</sup> The findings in Paragraphs 9, 10, and 11 below are preliminary and may be rebutted by Appellant at the final hearing.

2. At RAN-5, ROCKWOOL produces insulation by melting rock, spinning it out in thin strands, and forming the strands into insulation batts. The product is formed and trimmed on a conveyor system that takes the batts from initial production to packaging.

3. Appellee issued the Permit to ROCKWOOL for RAN-5 on November 16, 2023.

4. Permit Condition 4.1.11 provides that “[a]ll building doors shall remain closed except as necessary for people or material to enter or exit the building.”

5. There are 95 exterior doors at RAN-5.

6. The drawing attached hereto as Exhibit A shows the location of the following exterior doors at RAN-5:

- 1 door ROCKWOOL calls the Category 2 Door;
- 20 doors ROCKWOOL calls the Category 3 Doors; and
- 10 doors ROCKWOOL calls the Category 4 Doors.

7. There are a total of 31 Category 2, 3, and 4 Doors at RAN-5.

8. At RAN-5, the line where the batts are formed and processed operates under a large air collection system that draws off gases from the cooling batts. The gases are drawn up through the Wet Electrostatic Precipitator (WESP), part of the plant’s air pollution control system.

9. Open Category 2, 3, and 4 Doors at RAN-5 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 Category 2, 3, and 4 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.

10. Keeping Category 2, 3, and 4 Doors closed at RAN-5 reduces airflow, making the temperature in the plant more uncomfortable for the employees. Increased ambient heat in work places have become a concern of the Occupational Safety and Health Administration, which is in the process of promulgating a regulatory standard for Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings.

11. There is no evidence that fugitive air emissions will escape from open Category 2, 3, and 4 Doors at RAN-5.

### **CONCLUSIONS OF LAW**

ROCKWOOL is entitled to a stay of Condition 4.1.11 if it presents an unjust hardship:

If it appears to the appropriate chief, the secretary, or the board that an unjust hardship to the appellant will result from the execution or implementation of a chief's or secretary's order, permit, or official action pending determination of the appeal, the appropriate chief, the secretary, or the board, as the case may be, may grant a stay or suspension of the order, permit or official action and fix its terms: Provided, That unjust hardship shall not be grounds for granting a stay or suspension of an order, permit or official action for an order issued pursuant to §22-3-1 et seq. of this code. A decision shall be made on any request for a stay within five days of the date of receipt of the request for stay.

W. Va. Code 22-1-7(d).

The Board concludes that Condition 4.1.11 presents an unjust hardship on ROCKWOOL with respect to the 31 Category 2, 3, and 4 Doors at RAN-5.

### **ORDER**

Based upon the foregoing, the Board finds and concludes that ROCKWOOL's Motion be and hereby is granted as to the 31 Category 2, 3, and 4 Doors at RAN-5, and the Motion be and hereby is denied as to all other exterior doors at RAN-5.

**IT IS SO ORDERED**

Entered this 8<sup>th</sup> day of January, 2024.

*for Kenna M DeRaine*  
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J. Michael Koon, Chairman  
Air Quality Board

THIS ORDER WAS PREPARED  
AND PRESENTED BY:

/s/ James A. Walls  
James A. Walls, Esquire (WV Bar #5175)  
Spilman Thomas & Battle, PLLC  
48 Donley Street, Suite 800  
Morgantown, WV 26501  
304.291.7947 / 304.291.7979 facsimile  
*jwalls@spilmanlaw.com*

Counsel for Appellant Roxul USA, Inc.,  
d/b/a/ ROCKWOOL

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CHARLESTON, WEST VIRGINIA**

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**LAURA M. CROWDER, DIRECTOR,  
DIVISION OF AIR QUALITY,  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION,**

**Appellee.**

**CERTIFICATE OF SERVICE**

This is to certify that I, Kenna M. DeRaimo, Clerk for the Air Quality Board, hereby certify that on this day, the 8<sup>th</sup> day of January, 2024, have served a true copy of the foregoing **AMENDED ORDER GRANTING IN PART AND DENYING IN PART APPELLANT'S MOTION TO STAY PERMIT CONDITION 4.1.11** upon the following:

David L. Yaussy, Esq.  
James A. Walls, Esq.  
SPILMAN THOMAS & BATTLE, PLLC  
Post Office Box 273  
Charleston, WV 25321-0273  
*Counsel for Appellant  
Roxul USA, Inc., d/b/a Rockwool*

*Via Electronic Mail and  
Certified U.S. First Class Mail  
9489 0090 0027 6501 9598 50*

Charles S. Driver, Esq.  
WV DEPARTMENT OF ENVIRONMENTAL PROTECTION  
OFFICE OF LEGAL SERVICES  
601 57<sup>th</sup> Street, S.E.  
Charleston, WV 25304  
*Counsel for Appellee  
West Virginia Department of Environmental Protection*

*Via Electronic Mail and  
Via Interdepartmental Mail*

  
Kenna M. DeRaimo, Clerk