

10. The Facility currently has an RTO with a DRE of approximately 98% and a flow capacity of 58,500 scfm.⁹ However, the sources identified by EPA that would need to be routed to a TO would add 210,558 scfm of flow, resulting in a new total flow of 252,869 scfm.¹⁰ The additional flows are more than 4.3 times higher than the Facility's existing RTO flow capacity. In other words, the Final Rule requires the installation of a new, much larger TO at the Facility to control the excess flow from process vents and storage vessels in chloroprene service. EPA has acknowledged that the Facility will need to install an additional thermal oxidizer to comply with the Final Rule.¹¹

11. Based on my prior experience with the installation of emission controls, including the first RTO installation at the Facility, and evaluation work already completed by DPE in relation to an additional TO, I would expect that DPE will need *at least* two years to safely design, obtain approvals for, complete construction, install, and test a new TO with a much larger flow capacity. My estimated timeframe does not account for testing to determine the applicability of the dioxins and furans standard¹² that must be understood before finalizing the planning of the TO. If the dioxins and furans standard is also determined to be applicable, additional time will be needed at the Facility to account for such standards in the design and construction of a TO.

⁹ Presentation to EPA (Oct. 18, 2023) ("DPE Presentation") at Slide 8; Norton Thermal Oxidizer Memo at 5-6; *see also* Declaration of Christopher Meyers submitted in *United States v. Denka Performance Elastomer, LLC*, Case No. 2:23-cv-00735, regarding the remedy demanded by EPA ("Meyers Remedy Decl."), ¶¶ 27, 29.

¹⁰ Meyers Remedy Decl., ¶ 30 and Exhibit A; *see also* Norton Thermal Oxidizer Memo at 5-6.

¹¹ Final Rule at 198 (EPA "anticipate[s] that the facility will still need to install an additional thermal oxidizer in order to comply with the final performance standard for process vents and storage vessels in chloroprene service.").

¹² Final Rule at 20-21; 152.