

*West Virginia Department of Environmental Protection*

*Division of Air Quality*

*Earl Ray Tomblin  
Governor*

*Randy C. Huffman  
Cabinet Secretary*

# Permit to Modify



**R13-2857A**

*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

Issued to:

**Felman Production, Inc.**

**Letart Facility**

**053-00004**

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*John A. Benedict  
Director*

*Issued: Draft • Effective: Draft*

Facility Location: New Haven, Mason County, West Virginia  
Mailing Address: Route 3 Box 127  
Letart, WV 25253  
Facility Description: Ferroalloy Production Facility  
SIC Codes: 3313, 3341  
UTM Coordinates: 419.05 km Easting • 4,312.02 km Northing • Zone 17  
Permit Type: Modification  
Description of Change:

Addition of 4 portable crushing/screening units and associated equipment and a water jig.

*Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [ §§ 22B-1-1 et seq. ], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.*

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*The source is subject to 45CSR30. Changes authorized by this permit must also be incorporated into the facility's Title V operating permit. Commencement of the operations authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.*

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### 1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
SC-1C	SC-1CE	Grizzly Feeder	2010	400 TPH	Baghouse
BC-1C	T3C	Screen Reject Belt Conveyor	2010	400 TPH	Water Sprays
CR-1C	009-03	Jaw Crusher	2010	400 TPH	Baghouse
BC-2C	T6C	Belt Conveyor	2010	400 TPH	Water Sprays
OS-1C	OS-1CE	Unsize Stockpile	2010	5,000 sq. ft.	Water Sprays
OS-2C	OS-2CE	Sized Stockpile	2010	5,000 sq. ft.	Water Sprays
EX-1	EX-1E	Extruder Unit	2010	20 TPH	Full Enclosure
OS-1X	OS-1XE	Briquette Stockpile	2010	5,000 sq. ft.	None
PT-1	PT-1E	Pelletizing Unit	2010	6 TPH	Full Enclosure
OS-1P	OS-1PE	Pellet Stockpile	2010	5,000 sq. ft.	None
SC-01A	SC-01A	Barge Loadout Screen	2012	250 TPH	FE
SC-01B	SC-01B	Water Jig Screen	2012	200 TPH	FE/WS
RBSC-01	RBSC-01	Rebel Screen #1	2012	150 TPH	FE
RBSC-02	RBSC-02	Rebel Screen #2	2012	150 TPH	FE
BTSC-01	BTSC-01	Bivitech Screen	2009	150 TPH	FE
CR-01B	CR-01B	Water Jig Crusher	2012	200 TPH	FE/WS
RBCR-01	RBCR-01	Rebel Crusher	2012	150 TPH	FE
BC1A	BC1A	Belt Conveyor	2012	250 TPH	PE
BC2A	BC2A	Belt Conveyor	2012	250 TPH	PE
BC1B	BC1B	Belt Conveyor	2012	200 TPH	PE
BC2B	BC2B	Belt Conveyor	2012	200 TPH	PE
BC1C	BC1C	Belt Conveyor	2009	150 TPH	N
BC2C	BC2C	Belt Conveyor	2009	150 TPH	N
BC1D	BC1D	Belt Conveyor	2012	150 TPH	PE
BC2D	BC2D	Belt Conveyor	2012	150 TPH	PE
OCS1	OCS1	Concentrate Stockpile	2012	5,000 Ton	PE
OCS2	OCS2	Middlings Stockpile	2012	5,000 Ton	PE
OCS3	OCS3	Slag Stockpile	2012	5,000 Ton	PE

## 2.0. General Conditions

### 2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

### 2.2. Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>CBI</b>	Confidential Business Information	<b>NSPS</b>	New Source Performance Standards
<b>CEM</b>	Continuous Emission Monitor	<b>PM</b>	Particulate Matter
<b>CES</b>	Certified Emission Statement	<b>PM<sub>2.5</sub></b>	Particulate Matter less than 2.5µm in diameter
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>CO</b>	Carbon Monoxide	<b>Ppb</b>	Pounds per Batch
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>pph</b>	Pounds per Hour
<b>DAQ</b>	Division of Air Quality	<b>ppm</b>	Parts per Million
<b>DEP</b>	Department of Environmental Protection	<b>Ppmv or ppmv</b>	Parts per million by volume
<b>dscm</b>	Dry Standard Cubic Meter	<b>PSD</b>	Prevention of Significant Deterioration
<b>FOIA</b>	Freedom of Information Act	<b>psi</b>	Pounds per Square Inch
<b>HAP</b>	Hazardous Air Pollutant	<b>SIC</b>	Standard Industrial Classification
<b>HON</b>	Hazardous Organic NESHAP	<b>SIP</b>	State Implementation Plan
<b>HP</b>	Horsepower	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>lbs/hr</b>	Pounds per Hour	<b>TAP</b>	Toxic Air Pollutant
<b>LDAR</b>	Leak Detection and Repair	<b>TPY</b>	Tons per Year
<b>M</b>	Thousand	<b>TRS</b>	Total Reduced Sulfur
<b>MACT</b>	Maximum Achievable Control Technology	<b>TSP</b>	Total Suspended Particulate
<b>MDHI</b>	Maximum Design Heat Input	<b>USEPA</b>	United States Environmental Protection Agency
<b>MM</b>	Million	<b>UTM</b>	Universal Transverse Mercator
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour	<b>VEE</b>	Visual Emissions Evaluation
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet per Hour	<b>VOC</b>	Volatile Organic Compounds
<b>NA</b>	Not Applicable	<b>VOL</b>	Volatile Organic Liquids
<b>NAAQS</b>	National Ambient Air Quality Standards		
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		

### **2.3. Authority**

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*

### **2.4. Term and Renewal**

- 2.4.1. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

### **2.5. Duty to Comply**

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-2857, R13-2857A and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;  
**[45CSR§§13-5.11 and 13-10.3]**
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

### **2.6. Duty to Provide Information**

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

## **2.7. Duty to Supplement and Correct Information**

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

## **2.8. Administrative Update**

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-4]

## **2.9. Permit Modification**

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-5.4.]

## **2.10. Major Permit Modification**

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§13-5.1]

## **2.11. Inspection and Entry**

The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

## **2.12. Emergency**

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission

limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are not met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,
  - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

### **2.13. Need to Halt or Reduce Activity Not a Defense**

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

### **2.14. Suspension of Activities**

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

### **2.15. Property Rights**

This permit does not convey any property rights of any sort or any exclusive privilege.

**2.16. Severability**

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

**2.17. Transferability**

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13. [45CSR§13-10.1]

**2.18. Notification Requirements**

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

**2.19. Credible Evidence**

Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

### 3.0. Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.  
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.  
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.  
[45CSR§11-5.2.]

#### 3.2. Monitoring Requirements

*[Reserved]*

#### 3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly

authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.  
[WV Code § 22-5-4(a)(15)]

### 3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

**[45CSR§4. State-Enforceable only.]**

### 3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**If to the DAQ:**

Director  
WVDEP  
Division of Air Quality  
601 57th Street, SE  
Charleston, WV 25304-2345

**If to the USEPA:**

Associate Director  
Office of Enforcement and Permits Review  
(3AP12)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

3.5.4. **Operating Fee.**

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

#### 4.0. Source-Specific Requirements

##### 4.1. Limitations and Standards

4.1.1. Emissions from the operations covered under permit application R13-2857 shall not exceed the following:

	PM/Mn Compounds		PM <sub>10</sub> /Mn Compounds	
	lb/hr	TPY	lb/hr	TPY
Crushing	21.8	2.45	10.31	1.16
Screening	21.8	2.45	10.31	1.16
Pelletizer	0.01	0.01	0.01	0.01
Extruder	0.39	0.10	0.18	0.05
Transfer Points	29.0	3.32	13.71	1.57
Stockpiles	3.36	0.61	1.59	0.29
<b>Total</b>	<b>76.36</b>	<b>8.94</b>	<b>36.11</b>	<b>4.24</b>

4.1.2 Total combined throughput of material into the Crusher CR-1C shall not exceed 400 tons per hour nor 90,000 tons per year. Compliance with this limit shall be based on a 12 month rolling total. For the purposes of this permit a 12 month rolling total means the sum of material throughput at the end of any given month for the previous 12 months.

4.1.3 Total combined throughput of material into the Screen SC-1C shall not exceed 400 tons per hour nor 90,000 tons per year. Compliance with this limit shall be based on a 12 month rolling total.

4.1.4 Total combined throughput of material into the Extruder EX-1 shall not exceed 20 tons per hour nor 10,000 tons per year. Compliance with this limit shall be based on a 12 month rolling total.

4.1.5 Total combined throughput of material into the Pelletizer PT-1 shall not exceed 6 tons per hour nor 10,000 tons per year. Compliance with this limit shall be based on a 12 month rolling total.

4.1.6 The base area of stockpile OS-1C shall not exceed 5,000 sq. ft.

4.1.7 The base area of stockpile OS-2C shall not exceed 5,000 sq. ft.

4.1.8 The base area of stockpile OS-1X shall not exceed 5,000 sq. ft.

4.1.9 The base area of stockpile OS-1P shall not exceed 5,000 sq. ft.

4.1.10 Emissions from Crusher CR-1C and Screen SC-1c shall be controlled by use of a baghouse. Said baghouse shall be designed, installed, operated and maintained so as to achieve a minimum overall efficiency of at least 89%.

- 4.1.11 The following transfer points shall be controlled by enclosures:T1C, T2C, T4C, T7C, T1P, T3P, T1X and T3X.
- 4.1.12 Transfer points T3C and T6c shall be controlled by water sprays.
- 4.1.13 Transfer point T5C shall be controlled by both an enclosure and water sprays.
- 4.1.14 Opacity from any process source operation shall not exceed 20% except for opacity which is less than 40% for a period or periods aggregating no more than 5 minutes in any 60 minute period.  
**[45CSR§7-3.1 &45CSR§7-3.2]**
- 4.1.15 No person shall cause, suffer, allow or permit any manufacturing process or storage structure generating fugitive particulate matter to operate that is not equipped with a system, which may include, but not be limited to, process equipment design, control equipment design or operation and maintenance procedures, to minimize the emissions of fugitive particulate matter. To minimize means such system shall be installed, maintained and operated to ensure the lowest fugitive particulate matter emissions reasonably achievable.  
**[45CSR§7-5.1.]**
- 4.1.16 When processing limestone, the permittee shall comply with all applicable standards of 40 CFR 60 Subpart 000 including but not limited to the following:
  - 4.1.16.1 The Crusher CR-1C and Screen SC-1C must both meet a PM limit of 0.014 grain/dscf.  
**[40CFR§60.672(a)]**
  - 4.1.16.2 The transfer points associated with belts BC-1C and BC-2C must meet an opacity limit of 7%.  
**[40CFR§60.672(b)]**
- 4.1.17 When **not** processing limestone, the permittee shall comply with all applicable standards of 40 CFR 63 Subpart XXX including but not limited to the following:
  - 4.1.17.1 No owner or operator shall cause to be discharged into the atmosphere from any new or reconstructed piece of equipment associated with crushing and screening exhaust gases containing particulate matter in excess of 50 mg/dscm (0.022 gr/dscf).  
**[40CFR§63.1652(e)(1)]**
- 4.1.18 Particulate emissions from the listed sources shall not exceed the following:

	PM		PM <sub>10</sub>		PM <sub>2.5</sub>	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
Screen SC-01A <sup>1</sup>	25	12.5	11.82	5.92	3.72	1.86
Screen SC-01B	10	3.5	4.73	1.66	1.49	0.53
Screen BTSC-01 <sup>1</sup>	15	12.5	7.09	5.92	2.23	1.86
Screen RBSC-01	15	0.60	7.09	0.28	2.23	0.09
Screen RBSC-02	15	0.60	7.09	0.28	2.23	0.09

Crusher RBCR-01	15	0.60	7.09	0.28	2.23	0.09
Crusher CR-01B	10	3.5	4.73	1.66	1.49	0.53
<b>Total<sup>1</sup></b>	<b>90</b>	<b>21.3</b>	<b>42.55</b>	<b>10.08</b>	<b>13.39</b>	<b>3.19</b>

<sup>1</sup>Screens SC-01A and BTSC-01 will not operate at the same time, will have a combined throughput limit and have a **combined** annual emission limit of 12.5/5.92/1.86 tpy.

- 4.1.19 Screens SC-01A and BTSC-01 combined shall not process more than 250,000 tons per year of material. Compliance with this limit shall be based on a 12 month rolling total.
- 4.1.20 Total combined throughput of material into the Screen SC-01B shall not exceed 200 tons per hour nor 140,000 tons per year. Compliance with this limit shall be based on a 12 month rolling total.
- 4.1.21 Total combined throughput of material into the Screen RBSC-01 shall not exceed 150 tons per hour nor 12,000 tons per year. Compliance with this limit shall be based on a 12 month rolling total.
- 4.1.22 Total combined throughput of material into the Screen RBSC-02 shall not exceed 150 tons per hour nor 12,000 tons per year. Compliance with this limit shall be based on a 12 month rolling total.
- 4.1.23 Total combined throughput of material into the Crusher RBCR-01 shall not exceed 150 tons per hour nor 12,000 tons per year. Compliance with this limit shall be based on a 12 month rolling total.
- 4.1.24 Total combined throughput of material into the Crusher CR-01B shall not exceed 200 tons per hour nor 140,000 tons per year. Compliance with this limit shall be based on a 12 month rolling total.
- 4.1.25 Gaseous emissions from the listed sources shall not exceed the following:

Engine	SO <sub>2</sub>		NO <sub>x</sub>		CO		VOC	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
Rebel Engine	0.32	0.11	4.83	1.69	1.04	0.36	0.38	0.13
Bivitec Engine	0.32	0.11	4.83	1.69	1.04	0.36	0.38	0.13
Barge Screen Eng.	0.32	0.11	4.83	1.69	1.04	0.36	0.38	0.13
<b>Total</b>	<b>0.96</b>	<b>0.33</b>	<b>14.49</b>	<b>5.07</b>	<b>3.12</b>	<b>1.08</b>	<b>1.14</b>	<b>0.39</b>

- 4.1.26 Total fuel (diesel) consumption from the three engines listed in 4.1.25 of this permit shall not exceed 16,800 gallons per year.
- 4.1.27 NO<sub>x</sub> emissions from the Rebel Engine shall not exceed 6.9 g/hp-hr.  
**[40 CFR§60.4204(a)]**
- 4.1.28 CO levels in the exhaust of the Bivitec and Barge Screening Engines shall not exceed 230 ppmvd at 15% O<sub>2</sub>.  
**[40 CFR§63.6602]**

- 4.1.29. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.  
[45CSR§13-5.11.]

## 4.2. Testing Requirements

- 4.2.1. The permittee shall comply with all applicable testing requirements of 40 CFR 60 Subpart OOO including but not limited to the following:

- 4.2.1.1 The owner or operator shall determine compliance with the PM standards in §60.672(a) as follows:

- 4.2.1.1.1 Except as specified in paragraphs (e)(3) and (4) of this section, Method 5 of Appendix A3 of this part or Method 17 of Appendix A6 of this part shall be used to determine the particulate matter concentration. The sample volume shall be at least 1.70 dscm (60 dscf). For Method 5 (40 CFR part 60, Appendix A3), if the gas stream being sampled is at ambient temperature, the sampling probe and filter may be operated without heaters. If the gas stream is above ambient temperature, the sampling probe and filter may be operated at a temperature high enough, but no higher than 121 C (250 F), to prevent water condensation on the filter.  
[40CFR§60.675(b)(1)]

- 4.2.1.1.2 Method 9 of Appendix A4 of this part and the procedures in 60.11 shall be used to determine opacity.  
[40CFR§60.672(b)(2)]

- 4.2.2 The permittee shall comply with all applicable standards of 40 CFR 63 Subpart XXX including but not limited to the following:

- 4.2.2.1 The owner or operator must conduct an initial performance test for air pollution control devices or vent stacks subject to §63.1652(a) through (e) to demonstrate compliance with the applicable emission standards.  
[40CFR§63.1656(c)(1)]

- 4.2.3 The permittee shall comply with all applicable standards of 40 CFR 60 Subpart Y including but not limited to the following:

### **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.**

An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008, must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emission standards in Subpart Y as specified in paragraphs (b)(1) and (b)(2) of this section.  
[40CFR§60.255(b)]

(2) For each affected facility subject to an opacity standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (b)(2)(i) through (iii) of this section, as applicable, except as provided for in paragraphs (e) and (f) of this section. Performance test and other compliance requirements for coal truck dump operations are specified in paragraph (h) of this section .

**[40CFR§60.255(b)(2)]**

(i) If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.

**[40CFR§60.255(b)(2)(i)]**

(ii) If all 6-minute average opacity readings in the most recent performance are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.

**[40CFR§60.255(b)(2)(ii)]**

4.2.4 **Performance Tests and Other Compliance Requirements for Subpart Y - Monitoring Visible Emissions or Digital Opacity Compliance System.** As an alternative to meeting the requirements in paragraph (b)(2) of this section, an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in paragraph (f)(1) or (f)(2) of this section.

**[40CFR§60.255(f)]**

(1) Monitor visible emissions from each affected facility according to the requirements in paragraphs (f)(1)(i) through (iii) of this section.

**[40CFR§60.255(f)(1)]**

(i) Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within 45 operating days.

**[40CFR§60.255(f)(1)(i)]**

(ii) Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

**[40CFR§60.255(f)(1)(ii)]**

(iii) Conduct a performance test using Method 9 of Appendix A-4 of this part at least once every 5 calendar years for each affected facility.

**[40CFR§60.255(f)(1)(iii)]**

(2) Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administration or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, *see* OAQPS “Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems.” This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator delegated authority shall be implemented by the owner or operator.

[40CFR§60.255(f)(2)]

4.2.5 For the Bivitec and barge screening engines the permittee shall comply with all applicable testing requirements of 40 CFR 63 Subpart ZZZZ including but not limited to the following:

4.2.5.1 The owner or operator must conduct an initial performance test in accordance with §63.6612 [40CFR§63.6612]

### 4.3. Monitoring and Recordkeeping Requirements

4.3.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

4.3.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

4.3.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

- a. The equipment involved.
- b. Steps taken to minimize emissions during the event.
- c. The duration of the event.
- d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
  - f. Steps taken to correct the malfunction.
  - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.3.4. The permittee shall comply with all applicable monitoring and recordkeeping requirements of 40 CFR 60 Subpart OOO including but not limited to the following:
- 4.3.4.1 Except as specified in paragraph (d) or (e) of this section, the owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses a baghouse to control emissions must conduct quarterly 30-minute visible emissions inspections using EPA Method 22 (40 CFR part 60, Appendix A7). The Method 22 (40 CFR part 60, Appendix A7) test shall be conducted while the baghouse is operating. The test is successful if no visible emissions are observed. If any visible emissions are observed, the owner or operator of the affected facility must initiate corrective action within 24 hours to return the baghouse to normal operation. The owner or operator must record each Method 22 (40 CFR part 60, Appendix A7) test, including the date and any corrective actions taken, in the logbook required under 60.676(b). The owner or operator of the affected facility may establish a different baghouse-specific success level for the visible emissions test (other than no visible emissions) by conducting a PM performance test according to 60.675(b) simultaneously with a Method 22 (40 CFR part 60, Appendix A7) to determine what constitutes normal visible emissions from that affected facility's baghouse when it is in compliance with the applicable PM concentration limit in Table 2 of this subpart. The revised visible emissions success level must be incorporated into the permit for the affected facility.  
**[40CFR§60.674(c)]**
- 4.3.5 The permittee shall comply with all applicable monitoring and recordkeeping requirements of 40 CFR 63 Subpart XXX including but not limited to the following:
- 4.3.5.1 For the baghouses serving the submerged arc furnaces, the metal oxygen refining process, and crushing and screening operations, the owner or operator must observe on a daily basis for the presence of any visible emissions.  
**[40CFR§63.1657(a)(1)]**
- 4.3.6 In order to determine compliance with sections 4.1.2 and 4.1.3 of this permit the permittee shall monitor and record the amount of material processed through the screen SC-1C on a monthly basis.

- 4.3.7 In order to determine compliance with section 4.1.4 of this permit the permittee shall monitor and record the amount of material processed through the Extruder EX-1 on a monthly basis.
- 4.3.8 In order to determine compliance with section 4.1.5 of this permit the permittee shall monitor and record the amount of material processed through the Pelletizer PT-1 on a monthly basis.
- 4.3.9 In order to determine compliance with sections 4.1.19 of this permit the permittee shall monitor and record the amount of material processed through the screens SC-01A and BTSC-01 on a monthly basis.
- 4.3.10 In order to determine compliance with sections 4.1.20 of this permit the permittee shall monitor and record the amount of material processed through the screen SC-01B on a monthly basis.
- 4.3.11 In order to determine compliance with sections 4.1.21 of this permit the permittee shall monitor and record the amount of material processed through the screen RBSC-01 on a monthly basis.
- 4.3.12 In order to determine compliance with sections 4.1.22 of this permit the permittee shall monitor and record the amount of material processed through the screen RBSC-02 on a monthly basis.
- 4.3.13 In order to determine compliance with sections 4.1.23 of this permit the permittee shall monitor and record the amount of material processed through the crusher RBCR-01 on a monthly basis.
- 4.3.14 In order to determine compliance with sections 4.1.24 of this permit the permittee shall monitor and record the amount of material processed through the crusher CR-01B on a monthly basis.
- 4.3.15 In order to determine compliance with sections 4.1.25 and 4.1.26 of this permit the permittee shall monitor and record the amount of fuel oil consumed by the listed engines.

#### **4.4. Reporting Requirements**

- 4.4.1. The permittee shall comply with all applicable reporting requirements of 40 CFR 60 Subpart OOO including but not limited to the reporting requirements of §60.676.
- 4.4.2 The permittee shall comply with all applicable reporting requirements of 40 CFR 63 Subpart XXX including but not limited to the reporting requirements of §63.1659.
- 4.4.3 The permittee shall comply with all applicable reporting requirements of 40 CFR 60 Subpart Y including but not limited to the reporting requirements of §60.258.
- 4.4.4 The permittee shall comply with all applicable reporting requirements of 40 CFR 63 Subpart ZZZZ including but not limited to the reporting requirements of §63.6650.
- 4.4.5 The permittee shall comply with all applicable reporting requirements of 40 CFR 60 Subpart IIII including but not limited to the reporting requirements of §60.4214.

### CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached \_\_\_\_\_, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_, and any supporting documents appended hereto, is true, accurate, and complete.

Signature<sup>1</sup> \_\_\_\_\_ Date \_\_\_\_\_  
(please use blue ink) Responsible Official or Authorized Representative

Name and Title \_\_\_\_\_ Title \_\_\_\_\_  
(please print or type) Name

Telephone No. \_\_\_\_\_ Fax No. \_\_\_\_\_

<sup>1</sup> This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
  - (ii) the delegation of authority to such representative is approved in advance by the Director;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.