West Virginia Department of Environmental Protection
Division of Air Quality

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Modify

R13-0739G-D-R-A-F-T

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:

Dock's Creek, LLC
Kenova, West Virginia
099-00016

John A. Benedict
Director

Issued: D-R-A-F-T • Effective: D-R-A-F-T

This permit will supercede and replace Permit R13-0739F approved on February 15, 2011.

Facility Location:	Kenova, Wayne County, West Virginia
Mailing Address:	P.O. Box 250, Ceredo, West Virginia 25507
Facility Description:	Coal Preparation Plant
SIC Codes:	1221 (Bituminous Coal and Lignite - Surface)
UTM Coordinates:	361.5 km Easting • 4,244.1 km Northing • Zone 17
Permit Type:	Modification
Subject to NSPS Subpart Y:	Yes
Description of Change:	To incorporate the temporary operating cement kiln dust coal enhancement system (R13-2899T) registered under River Trading Refined Coal, LLC, a subsidiary of Dock's Creek, LLC into their current plant operating permit (R13-0739F)

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.

This permit does not affect 45CSR30 applicability. The source remains a nonmajor source subject to 45CSR30.

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1.0 Emission Units

Equipment ID #	Date of Manufacture [1]	Emission Unit Description	Design Capacity		Control Device(s)[2]
			lb/hour	TPY	
Cement Kiln Dust (CKD) System					
TH1	2012	25 Ton Hopper - receives coal from endloader then transfers to belt conveyor TBC1	----	500,000	PE
TS1	2012	150 Ton CKD Silo - receives cement kiln dust from trucks. CKD transfers through tube conveyor TC1 for mixture with coal	----	1,000	FE
TC1	2012	Tube Conveyor - receives CKD from CKD Silo TS1 then transfers onto coal stream. A calcium bromide (CaBr2) solution is added to the mix at a rate of up to 5% per ton of CKD	2,000	1,000	FE
TS2	2012	150 Ton CKD Silo - receives cement kiln dust from trucks. CKD transfers through tube conveyor TC2 for mixture with coal	----	1,000	FE
TC2	2012	Tube Conveyor - receives CKD from CKD Silo TS2 then transfers onto coal stream. A calcium bromide (CaBr2) solution is added to the mix at a rate of up to 5% per ton of CKD	2,000	1,000	FE
TS3	2012	150 Ton CKD Silo - receives cement kiln dust from trucks. CKD transfers through tube conveyor TC3 for mixture with coal	----	1,000	FE
TC3	2012	Tube Conveyor - receives CKD from CKD Silo TS3 then transfers onto coal stream. A calcium bromide (CaBr2) solution is added to the mix at a rate of up to 5% per ton of CKD	2,000	1,000	FE
TS4	2012	150 Ton CKD Silo - receives cement kiln dust from trucks. CKD transfers through tube conveyor TC4 for mixture with coal	----	1,000	FE
TC4	2012	Tube Conveyor - receives CKD from CKD Silo TS4 then transfers onto coal stream. A calcium bromide (CaBr2) solution is added to the mix at a rate of up to 5% per ton of CKD	2,000	1,000	FE
TS5	2012	150 Ton CKD Silo - receives cement kiln dust from trucks. CKD transfers through tube conveyor TC5 for mixture with coal	----	1,000	FE
TC5	2012	Tube Conveyor - receives CKD from CKD Silo TS5 then transfers onto coal stream. A calcium bromide (CaBr2) solution is added to the mix at a rate of up to 5% per ton of CKD	2,000	1,000	FE
TBC1	2012	Belt Conveyor - receives coal from hopper TH1 then transfers CKD enhanced coal to belt conveyor TBC2	500	505,000	N

Equipment ID #	Date of Manufacture [1]	Emission Unit Description	Design Capacity		Control Device(s)[2]
			lb/hour	TPY	
TBC2	2012	Belt Conveyor - receives CKD enhanced coal from belt conveyor TBC1 then transfers to existing stockpile area SP1 or SP2	500	505,000	N
Truck and Barge to Rail System					
TBRBC3A	2008	Belt Conveyor - receives sized coal (2"X0) from TBRBC7 and BC47A (see Barge Off-Loading System - Coal below) and transfers it to TBRBC3B then to TBROS1 via one of three stacking tubes	1,000	8,760,000	PE
TBRBC3B	2008	Belt Conveyor - receives sized coal (2"X0) from TBRBC3A and transfers it to TBROS1 via one of three stacking tubes	1,000	8,760,000	PE
TBRBC7	2010	Belt Conveyor - allows coal (2"X0) from the rail to barge system to be conveyed to TBROS1	1,000	8,760,000	PE
TBROS1	2008	200,000 ft^2 Truck/Barge Fed Stockpile - 200,000 tons maximum - receives coal from TBRBC3A and 3B or TBRBC7, stores it and then underground feeders drop it to TBRBC4	-----	9,000,000 located in South Yard	N
TBRBC4	2008	Belt Conveyor - receives coal (2"X0) from TBROS1 via underground feeders and transfers it to TBRBC6	3,500	9,000,000	N
TBRBC6	2008	Belt Conveyor - receives sized coal (2"X0) from TBRBC4 andTBRBC9 then transfers it to TBRB3	3,500	9,000,000	PE
TBRB3	2008	Batch Weigh Loadout Bin - receives sized coal from TBRBC6 and loads it to railcars	3,500	9,000,000	FE
Analyzer Circuit					
TBRF1	2008	Feeder - transfers sized coal directly from stockpile onto conveyor TBRBC5	3,500	9,000,000	PE
TBRBC5	2008	Belt Conveyor - receives sized coal (2"X0) from stockpile and transfers it to TBRBC6 with a sample diverted to TBRBC8	3,500	9,000,000	PE
TBRBC8	2008	Belt Conveyor - receives sample from TBRBC5 and transfers to analyzer	5	43,800	FE
TBRBC9	2008	Belt Conveyor - receives sample from analyzer and transfers back to TBRBC5	5	43,800	FE
Storage Area					
SP1	2010	639,252 ft^2 - North Yard Storage Area (consolidation of previously permitted stockpiles SP1 through SP11) receives coal from trucks and is reclaimed via front endloader to H10 (see Stoker Plant), HA (see Rail Reloader System), an inground feeder or H1 (see Truck to Barge System), Coal/Petcoke open stockpiles, Coal/Petcoke open stockpile (position 2), Coal/Petcoke open stockpile (position 1), Petcoke Open Stockpile received from BC17 and is reclaimed by front endloader to BC21A	-----	9,000,000 (Coal will be transferred from North to South Yard)	N
SP2	2010	307,461 ft^2 - South Yard Storage Area receives coal from trucks and front endloader transfers to H2, H3, H4 or H5			
Rail to Barge System - Coal/Petcoke					
BC10	1978	Belt Conveyor - receives coal/petcoke (6"X0) from the Rail Car Shakeout feeders and transfers to BC12	2,700	1,500,000	N

Equipment ID #	Date of Manufacture [1]	Emission Unit Description	Design Capacity		Control Device(s)[2]
			lb/hour	TPY	
BC11	1978	Belt Conveyor - receives coal/petcoke (6"X0) from the Rail Car Shakeout feeders and transfers to BC12	2,700	1,500,000	N
BC12	1978	Belt Conveyor - receives coal/petcoke (6"X0) from BC10 and BC11 and transfers to BC13, BC13A or BC15	2,700	1,500,000	N
BC13 (position 2)	1978	Portable Belt Conveyor - receives coal/petcoke (6"X0) from BC12 and transfers to SP1 (relocated in 2006 to position 2 from position 1)	2,700	1,500,000	N
BC13 (position 1)	1978	Portable Belt Conveyor - receives coal/petcoke (6"X0) from BC13A and transfers to SP1 (relocated in 2006 to position 2 from position 1)	2,700	1,500,000	N
H6	2001	25 ton Hopper - receives coal/petcoke from front endloader from SP1and drops to BC14	1,500	9,000,000 for HA, H1-H8 combined	N
BC14	2001	Belt Conveyor - receives coal/petcoke from H6 and transfers to BC15	1,500	500,000	N
BC15	2001	Belt Conveyor - receives coal/petcoke (6"X0) from BC12 and BC14 and transfers to BC16	2,700	1,500,000	N
BC16	1978	Belt Conveyor - receives coal/petcoke (6"X0) from BC15 and TBRBC4 (see Truck or Barge to Rail System) and transfers to BC17 or BC49	2,700	1,500,000	N
BC17	1978	Radial Stacker Belt Conveyor - receives coal/petcoke (6"X0/2"X0) from BC16 and transfers to barge or SP1	2,700	1,500,000	N
BC21A	2008	Belt Conveyor - receives coal/petcoke (2"X0) from SP1 and transfers to BC21 or to TRBBC7	2,700	1,500,000	N
BC21	2001	Belt Conveyor - receives coal/petcoke (2"X0) from BC21A and BC20 and transfers to BC17 (see above) or BC49	2,700	1,500,000	N
BC49	2010	Belt Conveyor - receives coal/petcoke (6"X0/2"X0) from BC16 and BC21 and transfers to BC50	2,700	9,000,000	N
BC50	2010	Belt Conveyor - receives coal/petcoke (6"X0/2"X0) from BC49 and transfers to stockpile	2,700	9,000,000	N
H7	2001	25 ton Coal/Petcoke Hopper - receives coal/petcoke from front endloader and drops to BC18	1,500	9,000,000 for HA, H1-H8 combined	N
H8	2001	25 ton Coal/Petcoke Hopper - receives coal/petcoke from front endloader and drops to BC18	1,500	9,000,000 for HA, H1-H8 combined	N
BC18	2001	Belt Conveyor - receives coal/petcoke (6"X0) from H7 and H8 and transfers to BC19	1,500	1,000,000	N
BC19	2001	Belt Conveyor - receives coal/petcoke (6"X0) from BC18 and transfers to S2	1,500	1,000,000	N
S2	2001	Single Deck Screen - receives coal/petcoke (6"X0") from BC19, classifies it (2"X0) and drops oversize (6"X2") to CR1 and the undersize to BC20	1,500	2,000,000 [3]	FE, WS
CR1	2001	Double Roll Crusher - receives oversize coal/petcoke (6"X2") from S2, crushes it (2"X0) and drops to BC20	500	4,380,000	FE, WS
BC20	2001	Belt Conveyor - receives sized coal/petcoke (2"X0) from S2 and CR1 and transfers it to BC21 (see above)	1,500	1,000,000	N

Equipment ID #	Date of Manufacture [1]	Emission Unit Description	Design Capacity		Control Device(s)[2]
			lb/hour	TPY	
Analyzer Circuit					
BC53	2008	Belt Conveyor - receives coal/petcoke (2"X0) sample from BC21 and transfers to analyzer	5	43,800	FE
BC54	2008	Belt Conveyor - receives coal/petcoke (2"X0) sample from analyzer and transfers back to BC21A	5	43,800	FE
Truck to Barge System - Coal					
H1	2001	25 ton Coal Hopper - receives coal from front endloader and drops to BC1	-----	1,000,000	N
BC1A	2010	Belt Conveyor - receives coal (6"X0) from stockpile and transfers to BC2	1,500	9,000,000	PE
BC1	1977	Belt Conveyor - receives coal (6"X0) from an inground feeder and H1 and transfers to BC2	1,500	9,000,000	PE
BC2	1977	Belt Conveyor - receives coal (6"X0) from BC1 and transfers to S1 (see below)	1,500	9,000,000	PE
H2	1977	25 ton Coal Hopper - receives coal from front endloader and drops to BC3 (relocated from the South Yard to the North Yard in 2008)	-----	9,000,000 for HA, H1-H8 combined	N
H3	1977	25 ton Coal Hopper - receives coal from front endloader and drops to FB2	-----		N
H4	1977	25 ton Coal Hopper - receives coal from front endloader and drops to BC3	-----		N
H5	1977	25 ton Coal Hopper - receives coal from front endloader and drops to FB-1	-----		N
FB1	2001	Feeder Breaker - receives coal (20"X0) from H5, crushes it (6"X0) and drops to BC3	800	3,000,000	FE, WS
FB2	2001	Feeder Breaker - receives coal (20"X0) from H3, crushes it (6"X0) and drops to BC3	800	3,000,000	PE, WS
BC3	1977	Belt Conveyor - receives coal (6"X0) from H2, H3, H4 and H5 and transfers to BC4	1,200	9,000,000	N
BC4	1977	Belt Conveyor - receives coal (6"X0) from BC3 and transfers to BC5	1,200	9,000,000	N
BC5	1977	Belt Conveyor - receives coal (6"X0) from BC4 and transfers to S1	1,200	9,000,000	N
S1	1977	Single Deck Screen - receives coal (6"X0") from BC2 and BC5, classifies it (2"X0) and drops oversize (6"X2") to CR2 and undersize to BC6	1,500	2,000,000 [3]	FE, WS
CR2	1977	Impactor - receives oversize coal (6"X2") from S1, crushes it and drops to BC6	1,200	1,620,000	FE, WS
BC6	1977	Belt Conveyor - receives sized coal (2"X0) from S1, CR2 and BC9 and transfers to BC8 or BC7	1,500	9,000,000	N
BC8	2001	Belt Conveyor - receives sized coal (2"X0) from BC6 and transfers to 9500 Analyzer Sampler, which drops to BC9	5	43,800	N
BC9	2001	Belt Conveyor - receives sized coal (2"X0) from 9500 Analyzer Sampler and transfers back to BC6 (see above)	5	43,800	N
BC7	1977	Radial Stacker Belt Conveyor - receives sized coal (2"X0) from BC6 and transfers to barge, stockpile or BC46A	1,500	9,000,000	N

Equipment ID #	Date of Manufacture [1]	Emission Unit Description	Design Capacity		Control Device(s)[2]
			lb/hour	TPY	
BC46A	2010	Belt Conveyor - receives sized coal (2"X0) from BC7 and transfers to bin B4	1,500	9,000,000	N
Rail Reloader System - Coal					
HA	1982 [4]	20 ton Coal Hopper - receives coal from front endloader and drops to BC32 (relocated in 2008)	1,000	9,000,000 for HA, H1-H8 combined	N
BC32	1982 [4]	Belt Conveyor - receives coal (2"X0) from HA and drops to rail cars (relocated in 2008)	1,000	8,760,000	N
BC32A	2008	Belt Conveyor - receives coal (2"X0) from BC32 and transfers to Railcar	1,000	8,760,000	N
Analyzer Circuit					
BC51	2008	Belt Conveyor - receives coal/petcoke (2"X0) sample from BC32A and transfers to analyzer	5	43,560	FE
BC52	2008	Belt Conveyor - receives coal/petcoke (2"X0) sample from analyzer and transfers back to BC32A	5	43,560	FE
Barge Off-Loading System - Coal					
B5	2010	25 ton Coal/Limestone Hopper - receives coal or limestone from a clamshell unloading a barge and drops to BC48	600	9,000,000 for B3-B5 combined	PE
BC48	2010	Belt Conveyor - receives coal (2"X0) from B5 and transfers to stockpile			
B3	2008	25 ton Coal Hopper - receives coal or limestone from a clamshell unloading a barge and drops to BC46	600	9,000,000 for B3-B5 combined	PE
BC46	2008	Belt Conveyor - receives coal (2"X0) from B3 and transfers to B4	600	4,000,000	N
B4	2008	25 ton Coal/Limestone Hopper - receives coal or limestone from BC46 and drops to BC47 or BC47A	600	9,000,000 for B3-B5 combined	PE
BC47	2008	Belt Conveyor - receives coal (2"X0) from B4 and transfers to coal/petcoke stockpile area or limestone to BC48A for stockpiling	600	4,000,000	N
BC48A	2010	Belt Conveyor - receives limestone from BC47 and transfers to stockpile		250,000	
BC47A	2008	Belt Conveyor - receives coal (2"X0) from B4 and transfers to TBRBC3A (see Truck and Barge to Rail System above)	600	4,000,000	PE
Stoker Plant - Coal					
SP12	2008	11,310 ft^2 Coal Open Stockpile - 2,000 tons - feed coal for the modified stoker plant	-----	2,500,000 combined located in North Yard	N
SP13	2008	11,310 ft^2 Coal Open Stockpile - 2,000 tons - feed coal for the modified stoker plant	-----		N
SP14	2008	11,310 ft^2 Coal Open Stockpile - 2,000 tons - feed coal for the modified stoker plant	-----		N
H14	2008	25 ton Coal Hopper - receives coal from front endloader (from SP12, SP13 and SP14) and drops to BC35	400	2,500,000	N
BC35	2008	Belt Conveyor - receives coal from H14 and transfers to S5	400	2,500,000	N

Equipment ID #	Date of Manufacture [1]	Emission Unit Description	Design Capacity		Control Device(s)[2]
			lb/hour	TPY	
S5	2008	Triple Deck Screen (Primary Screen) - receives coal (6"X0) from BC35, classifies it (1/4"X0) and drops oversize (6"X2") to CR6, secondary to BC37 and fines to BC36 (see below)	400	2,500,000 [3]	PE, WS
CR6	2008	Roll Crusher (Primary Crusher) - receives oversize coal (6"X2") from S5, crushes it (2"X0) and drops to BC38	400	1,375,000	FE
BC38	2008	Crusher Belt Conveyor - receives sized coal from CR6 and transfers to BC37	400	1,375,000	N
BC37	2008	Secondary Belt Conveyor - receives sized coal from S5 and BC38 and transfers to S6	400	1,375,000	N
S6	2008	Triple Deck Screen (Secondary Screen) - receives sized coal (6"X0) from BC37, classifies it and drops oversize (6"X0) to BC40, secondary (2"X0) to BC39 and fines (1/4"X0) to BC36	400	1,375,000	PE, WS
BC40	2008	Oversize Stacker Belt Conveyor - receives oversize coal from S6 and transfers to stockpile area or back to CR6 (see above)	400	125,000	N
BC39	2008	Stoker Stacker Belt Conveyor - receives secondary coal from S6 and midget coal from BC41 (see below) and transfers to the stockpile area	400	2,500,000	N
BC36	2008	Fines Belt Conveyor - receives fine coal from S5 and S6 and transfers to S7	400	1,875,000	N
S7	2008	Double Deck Screen (Power Screen) - receives fine coal from BC36, classifies it and drops midget coal to BC42 and fine coal to BC44	400	1,875,000	PE, WS
BC44	2008	Fines Under Flow Belt Conveyor - receives fine coal from S7 and transfers it to BC45	400	1,875,000	N
BC45	2008	Fines Stacker Belt Conveyor - receives fine coal from BC44 and transfers it to the stockpile area	400	1,875,000	N
BC42	2008	Midget Belt Conveyor - receives midget coal from S7 and transfers to BC41 or BC43	400	1,875,000	N
BC43	2008	Midget Stacker Belt Conveyor - receives midget coal from BC42 and transfers to the stockpile area	400	1,875,000	N
BC41	2008	Recombined Belt Conveyor - receives midget coal from BC43 and transfers to BC39 (see above)	400	1,875,000	N
Barge Off-Loading - Ammonium Nitrate					
H11	1983	30 ton Ammonium Nitrate Hopper - receives ammonium nitrate from barge via a clamshell and drops to BC33	300	300,000	PE
BC33	1983	Belt Conveyor - receives ammonium nitrate from H11 and transfers to B1 or B2	300	300,000	FE
B1	1983	175 ton Ammonium Nitrate Bin - receives ammonium nitrate from BC33 and drops to trucks to BC34	-----	300,000 combined	PE
B2	1983	175 ton Ammonium Nitrate Bin - receives ammonium nitrate from BC33 and drops to trucks to BC34	-----		PE
BC34	1983	Belt Conveyor - receives ammonium nitrate from B1 and B2 and transfers to SP18 inside a concrete bin	200	300,000	FE
SP18	1983	36,820 ft^2 Ammonium Nitrate storage building - 30,000 tons - receives ammonium nitrate from BC34 and it is reclaimed by front endloader to H12	-----	300,000	FE

Equipment ID #	Date of Manufacture [1]	Emission Unit Description	Design Capacity		Control Device(s)[2]
			lb/hour	TPY	
H12	1983	10 ton Ammonium Nitrate Hopper - receives ammonium nitrate from front endloader and drops to BC34A	200	300,000	FE
BC34A	1983	Belt Conveyor - receives ammonium nitrate from H12 and transfers back to B1 or B2	200	300,000	FE
Barge Off-Loading - Sand, Gravel and Magnetite (Stockpiles located in North Yard)					
SP15	2001	43,560 ft^2 Magnetite Open Stockpile - 30,000 tons - receives magnetite from barge via a clamshell and is reclaimed by front endloader to truck	-----	200,000 [5]	N
SP16	1983	43,560 ft^2 Gravel Open Stockpile - 30,000 tons - receives gravel from barge via a clamshell and is reclaimed by front endloader to truck	-----	150,000 [5]	N
SP17	1983	43,560 ft^2 Sand Open Stockpile - 30,000 ton - receives sand from barge via a clamshell and is reclaimed by front endloader to truck	-----	500,000 [5]	N

[1] Permit R13-0739A was approved on May 30, 2001, which included equipment which had been already been installed. Therefore, the date of installation was assumed to be 2001.
[2] FE - Full Enclosure; PE - Partial Enclosure; ST - Stacking Tube; WS - Water Sprays; N - None.
[3] The total combined annual throughput through screens S1, S2 and S5 shall not exceed 6,000,000 TPY.
[4] Hopper HA and conveyor BC-32 were originally installed in 1982, but were relocated to another area of the facility in 2008. Hopper HB, conveyor BC-31 and crusher CR-4 were also removed at that same time.
[5] The maximum total annual throughput for stockpiles SP15, SP16 and SP17 shall not exceed 500,000 tons.

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 (45CSR§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

CAAA	Clean Air Act Amendments
CBI	Confidential Business Information
CEM	Continuous Emission Monitor
CES	Certified Emission Statement
C.F.R. *or* CFR	Code of Federal Regulations
CO	Carbon Monoxide
C.S.R. *or* CSR	Codes of State Rules
DAQ	Division of Air Quality
DEP	Department of Environmental Protection
dscm	Dry Standard Cubic Meter
FOIA	Freedom of Information Act
HAP	Hazardous Air Pollutant
HON	Hazardous Organic NESHAP
HP	Horsepower
lbs/hr	Pounds per Hour
LDAR	Leak Detection and Repair
M	Thousand
MACT	Maximum Achievable Control Technology
MDHI	Maximum Design Heat Input
MM	Million
MMBtu/hr *or* mmbtu/hr	Million British Thermal Units per Hour
MMCF/hr *or* mmcf/hr	Million Cubic Feet per Hour
NA	Not Applicable
NAAQS	National Ambient Air Quality Standards
NESHAPS	National Emissions Standards for Hazardous Air Pollutants
NOX	Nitrogen Oxides
NSPS	New Source Performance Standards
PM	Particulate Matter
PM2.5	Particulate Matter less than 2.5 µm in diameter
PM10	Particulate Matter less than 10µm in diameter
Ppb	Pounds per Batch
Pph	Pounds per Hour
Ppm	Parts per Million
PpmV or ppmv	Parts per Million by Volume
PSD	Prevention of Significant Deterioration
Psi	Pounds per Square Inch
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO2	Sulfur Dioxide
TAP	Toxic Air Pollutant
TPY	Tons per Year
TRS	Total Reduced Sulfur
TSP	Total Suspended Particulate
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator
VEE	Visual Emissions Evaluation
VOC	Volatile Organic Compounds
VOL	Volatile Organic Liquids

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 other 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 R13-0739G, 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 -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 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 emissions, 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 re-application 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 45CSR11.
[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)]

d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

1. The permit or rule evaluated, with the citation number and language;
2. The result of the test for each permit or rule condition; and,
3. A statement of compliance or noncompliance with each permit or rule condition.

[WV Code § 22-5-4(a)(14-15) and 45CSR13]

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:	**If to the US EPA:**
Director	Associate Director

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

Office of Air Enforcement and Compliance Assistance
(3AP20)
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. The permittee shall not exceed the maximum hourly and annual throughput rates as outlined in the table in Section 1.0 Emission Units.

4.1.2. No more than 3,500 tons per hour or 9,000,000 tons per year of coal shall be loaded to rail cars through the Truck and Barge to Rail System.

4.1.3. No more than 600 tons per hour or 4,000,000 tons per year of coal shall be off-loaded from the Barge Off-Loading System.

4.1.4. No more than 400 tons per hour or 2,500,000 tons per year of coal shall be processed through the stoker plant and loaded out to trucks.

4.1.5. No more than 1,000 tons per hour or 500,000 tons per year of coal shall be loaded to rail cars through the Rail Reloader System.

4.1.6. No more than 2,700 tons per hour or 9,000,000 tons per year of coal shall be loaded out to barges through the Rail to Barge System.

4.1.7. No more than 2,700 tons per hour or 250,000 tons per year of petcoke shall be loaded out to barges through the Rail to Barge System.

4.1.8. No more than 1,500 tons per hour or 4,000,000 tons per year of coal shall be loaded out to barges through the Truck to Barge System.

4.1.9. No more than 500,000 tons per year of sand, gravel, and magnetite combined shall be loaded to trucks.

4.1.10. No more than 300,000 tons per year of ammonium nitrate shall be loaded to trucks.

4.1.11. No more than 500,000 tons per year of coal shall be enhanced with cement kiln dust (CKD).

4.1.12. No more than 5,000 tons per year of cement kiln dust (CKD) shall be used in the coal enhancement process.

4.1.13. **Water Truck.** The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used.

The spraybar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

The permittee shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain functional during winter months and cold weather.

4.1.14. **Control and Prohibition of Fugitive Dust Emissions From Coal Handling Operations and Preparation Plants.** No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.
[45CSR§5-6.1]

4.1.15. **Control and Prohibition of Fugitive Dust Emissions From Coal Handling Operations and Preparation Plants.** The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening and general maintenance to minimize dust generation and atmospheric entrainment.
[45CSR§5-6.2]

4.1.16. **Standards for Particulate Matter for Subpart Y**. On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (b)(1) through (3) of this section, as applicable to the affected facility.
[40CFR§60.254(b)]

(1) Except as provided in paragraph (b)(3) of this section, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.
[40CFR§60.254(b)(1)]

(3) Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (b)(1) of this section.
[40CFR§60.254(b)(3)]

4.1.17. **Fugitive Coal Dust Emissions Control Plan for Subpart Y - Fugitive Coal Dust Emissions Control Plan**. The owner or operator of an open storage pile, which includes the equipment used in the loading, unloading, and conveying operations of the affected facility, constructed, reconstructed, or modified after May 27, 2009, must prepare and operate in accordance with a submitted fugitive coal dust emissions control plan that is appropriate for the site conditions as specified in paragraphs (c)(1) through (6) of this section.
[40CFR§60.254(c)]

(1) The fugitive coal dust emissions control plan must identify and describe the control measures the owner or operator will use to minimize fugitive coal dust emissions from each open storage pile.
[40CFR§60.254(c)(1)]

(2) For open coal storage piles, the fugitive coal dust emissions control plan must require that one or more of the following control measures be used to minimize to the greatest extent practicable fugitive coal dust: Locating the source inside a partial enclosure, installing and operating a water spray or fogging system, applying appropriate chemical dust suppression agents on the source (when the provisions of paragraph (c)(6) of this section are met), use of a wind barrier, compaction, or use of a vegetative cover. The owner or operator must select, for inclusion in the fugitive coal dust emissions control plan, the control measure or measures listed in this paragraph that are most appropriate for site conditions. The plan must also explain how the measures or measures selected are applicable and appropriate for site conditions. In addition, the plan must be revised as needed to reflect any changing conditions at the source.
[40CFR§60.254(c)(2)]

(3) Any owner or operator of an affected facility that is required to have a fugitive coal dust emissions control plan may petition the Administrator to approve, for inclusion in the plan for the affected facility, alternative control measures other than those specified in paragraph (c)(2) of this section as specified in paragraphs (c)(3)(i) through (iv) of this section.
[40CFR§60.254(c)(3)]

(i) The petition must include a description of the alternative control measures, a copy of the fugitive coal dust emissions control plan for the affected facility that includes the alternative control measures, and information sufficient for EPA to evaluate the demonstrations required by paragraph (c)(3)(ii) of this section.
[40CFR§60.254(c)(3)(i)]

(ii) The owner or operator must either demonstrate that the fugitive coal dust emissions control plan that includes the alternative control measures will provide equivalent overall environmental protection or demonstrate that it is either economically or technically infeasible for the affected facility to use the control measures specifically identified in paragraph (c)(2).
[40CFR§60.254(c)(3)(ii)]

(iii) While the petition is pending, the owner or operator must comply with the fugitive coal dust emissions control plan including the alternative control measures submitted with the petition. Operation in accordance with the plan submitted with the petition shall be deemed to constitute compliance with the requirement to operate in accordance with a fugitive coal dust emissions control plan that contains one of the control measures specifically identified in paragraph (c)(2) of this section while the petition is pending.
[40CFR§60.254(c)(3)(iii)]

(iv) If the petition is approved by the Administrator, the alternative control measures will be approved for inclusion in the fugitive coal dust emissions control plan for the affected facility. In lieu of amending this subpart, a letter will be sent to the facility describing the specific control measures approved. The facility shall make any such letters and the applicable fugitive coal dust emissions control plan available to the public. If the Administrator determines it is appropriate, the conditions and requirements of the letter can be reviewed and changed at any point.
[40CFR§60.254(c)(3)(iv)]

(4) The owner or operator must submit the fugitive coal dust emissions control plan to the Administrator or delegated authority prior to the startup of the new, reconstructed, or modified affected facility, or 30 days after the effective date of this rule, whichever is later.
[40CFR§60.254(c)(4)]

(5) The Administrator or delegated authority may object to the fugitive coal dust emissions control plan as specified in paragraphs (c)(5)(i) of this section.
[40CFR§60.254(c)(5)]

(i) The Administrator or delegated authority may object to any fugitive coal dust emissions control plan that it has determined does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.
[40CFR§60.254(c)(5)(i)]

(ii) If an objection is raised, the owner or operator, within 30 days from receipt of the objection, must submit a revised fugitive coal dust emissions control plan to the Administrator or delegate authority. The owner or operator must operate in accordance with the revised fugitive coal dust emissions control plan. The Administrator or delegated authority retain the right, under paragraph (c)(5) of this section, to object to the revised control plan if it determines the plan does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.
[40CFR§60.254(c)(5)(ii)]

(6) Where appropriate chemical dust suppressant agents are selected by the owner or operator as a control measure to minimize fugitive coal dust emissions, (1) only chemical dust suppressants with Occupational Safety and Health Administration (OSHA)-compliant material safety data sheets (MSDS) are to be allowed; (2) the MSDS must be included in the fugitive coal dust emissions control plan; and (3) the owner or operator must consider and document in the fugitive coal dust emissions control plan the site-specific impacts associated with the use of such chemical dust suppressants.
[40CFR§60.254(c)(6)]

4.1.18. **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. Monitoring Requirements

4.2.1. For the purposes of determining compliance with maximum throughput limits set forth in 4.1.2. through 4.1.12., the permittee shall monitor the coal throughput and production rates and maintain certified daily records, utilizing the form identified as Appendix A through Appendix D. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

4.2.2. For the purposes of determining compliance with water truck usage set forth in 4.1.13., the permittee shall monitor water truck activity and maintain certified daily records, utilizing the form identified as Appendix F. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

4.3. Testing Requirements

4.3.1. **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 calender months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(2)(ii)]

4.3.2. **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 calender 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)]

4.3.3. **Performance Tests and Other Compliance Requirements for Subpart Y - COMS.** As an alternative to meeting the requirements in paragraph (b)(2) of this section ***[see permit condition 4.3.2. above]***, an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in paragraphs (g)(1) and (2) of this section.
[40CFR§60.255(g)]

4.3.4. **Performance Tests and Other Compliance Requirements for Subpart Y - Truck Dump Operations.** The owner or operator of each affected coal truck dump operation that commenced

construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in paragraphs (h)(1) through or (3) of this section.
[40CFR§60.255(h)]

(1) Conduct an initial performance test using Method 9 of Appendix A-4 of this part according to the requirements in paragraphs (h)(1)(i) and (ii).
[40CFR§60.255(h)(1)]

(i) Opacity readings shall be taken during the duration of three separate truck dumping events. Each truck dump event commences when the truck bed begins to elevate and concludes when the truck bed returns to a horizontal position.
[40CFR§60.255(h)(1)(i)]

(ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.
[40CFR§60.255(h)(1)(ii)]

(2) 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(h)(2)]

(3) Conduct a performance test using Method 9 of appendix A-4 of this part at least once every 5 calender years for each affected facility.
[40CFR§60.255(h)(3)]

4.3.5. **Performance Tests and Other Compliance Requirements for Subpart Y.** If any affected coal processing and conveying equipment (e.g., breakers, crushers, screens, conveying systems), coal storage systems, or other coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.
[40CFR§60.255(c)]

4.3.6. **Test Methods and Procedures for Subpart Y.** The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (a)(1) through (3) of this section.
[40CFR§60.257(a)]

(1) Method 9 of Appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in paragraphs (a)(1)(i) and (ii).
[40CFR§60.257(a)(1)]

(i) The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).
[40CFR§60.257(a)(1)(i)]

(ii) If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance tes, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduce from 1 hour to 30 minutes.
[40CFR§60.257(a)(1)(ii)]

(2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in paragraphs (a)(2)(i) through (iii) must be used.
[40CFR§60.257(a)(2)]

(i) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.
[40CFR§60.257(a)(2)(i)]

(ii) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the mine of vision is approximately perpendicular to the plume and wind direction.
[40CFR§60.257(a)(2)(ii)]

(iii) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.
[40CFR§60.257(a)(2)(iii)]

(3) A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in paragraphs (a)(3)(i) through (iii) of this section are met.
[40CFR§60.257(a)(3)]

(i) No more than three emissions points may be read concurrently.
[40CFR§60.257(a)(3)(i)]

(ii) All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.
[40CFR§60.257(a)(3)(ii)]

(iii) If an opacity reading for any one of the three emissions points is within5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.
[40CFR§60.257(a)(3)(iii)]

4.3.7. **Test Methods and Procedures for Subpart Y.** The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in paragraphs (b)(1) through (8) of this section.
[40CFR§60.257(b)]

4.4. Recordkeeping Requirements

4.4.1. **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.

4.4.2. **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.

4.4.3. **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.

4.4.4. **Recordkeeping for Subpart Y.** The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain a logbook (written or electronic) on-site which documents the information specified in paragraphs (a)(1) through (10) of this section and make it available upon request.
[40CFR§60.258(a)]

(1) The manufacturer's recommended maintenance procedures and the date and time of any maintenance and inspection activities. Any variance from manufacturer recommendation, if any, shall be noted.
[40CFR§60.258(a)(1)]

(2) The date and time of periodic coal preparation and processing plant visual observations, noting those sources with visible emissions along with corrective actions taken to reduce visible emissions. Results from the actions shall be noted.
[40CFR§60.258(a)(2)]

(3) The amount and type of coal processed each calender month.
[40CFR§60.258(a)(3)]

(4) The amount of chemical stabilizer or water purchased for use in the coal preparation plant and processing plant.
[40CFR§60.258(a)(4)]

(5) Monthly certification that the dust suppressant systems were operational when any coal was processed and that manufacturer's recommendations were followed for all control systems. Any variance from manufacturer recommendation, if any, shall be noted.
[40CFR§60.258(a)(5)]

(6) Monthly certification that the fugitive coal dust emissions control plan was implemented as described. Any variance from the plan, if any, shall be noted. A copy of the applicable fugitive coal dust emissions control plan and any letters from the Administrator providing approval of any alternative control measures shall be maintained with the logbook. Any actions, *e.g.* objections, to the plan and any actions relative to the alternative control measures, *e.g.* approvals, shall be noted in the logbook as well.
[40CFR§60.258(a)(6)]

(8) A copy of any applicable monitoring plan for a digital opacity compliance system and monthly certification that the plan was implemented as described. Any variance from plan, if any, shall be noted.
[40CFR§60.258(a)(8)]

4.5. Reporting Requirements

4.5.1. **Reporting for Subpart Y - Opacity Exceedances.** For the purposes of reports required under section 60.7(c), any owner or operator subject to the provisions of Subpart Y also shall report semiannually periods of excess emissions as specified in paragraphs (b)(1) through (3) of this section.
[40CFR§60.258(b)]

(3) All 6-minute average opacities that exceed the applicable standard.

4.5.2. **Reporting for Subpart Y - Results of Initial Performance Tests.** The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.
[40CFR§60.258(c)]

4.5.3. **Reporting for Subpart Y - WebFIRE Data Base.** After July 11, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test date to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at *http://cfpub.eps.gov/oarweb/index.cfm?action=fire.main*. For performance tests that cannot be entered into WebFIRE (i.e. Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code D243-01; RTP, NC 27711.
[40CFR§60.258(d)]

APPENDIX A [1]

Certified Daily and Monthly Amount of Coal Off-Loaded from Barges, Stoker Coal Loaded to Trucks and Coal to the Rail Reloader System

Month _____ Year _____

Day of Month	Coal Off-Loaded from Barges at TP114 (in tons)	Stoker Coal to Trucks at TP113 (in tons)	Coal to Rail Reloader System at TP76 (in tons)	Coal to Rail System at TBR15 (in tons)	Initials
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Monthly Total					
12 Month Rolling Total [2]					

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The 12 Month Rolling Total shall mean, for example, the sum of coal off-loaded from barges at any given time during the previous twelve (12) consecutive calender months. The maximum permitted 12 Month Rolling Totals are as follows: coal off-loaded from barges at TP114 - 4,000,000 tons; stoker coal to trucks at TP113 - 2,500,000 tons; coal to rail reloader system at TP76 - 500,000 tons; and coal to rail system at TBR15 - 6,000,000 tons.

APPENDIX B [1]

Certified Daily and Monthly Amount of Coal and Petcoke Loaded to Barges

Month _____ Year _____

Day of Month	Coal Loaded via Rail to Barge System at TP36 (in tons)	Petcoke Loaded via Rail to Barge System at TP36 (in tons)	Coal Loaded via Truck to Barge System at TP15 (in tons)	Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
Monthly Total				
12 Month Rolling Total [2]				

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The 12 Month Rolling Total shall mean, for example, the sum of coal loaded via the rail to barge system at any given time during the previous twelve (12) consecutive calender months. The maximum permitted 12 Month Rolling Totals are as follows: coal/petcoke loaded via the rail to barge system at TP36 - 1,500,000 tons; petcoke loaded via the rail to barge system at TP36 - 500,000 tons; and coal loaded via the truck to barge system at TP15 - 4,000,000 tons.

APPENDIX C [1]

Certified Daily and Monthly Amount of Sand, Gravel, Magnetite and Ammonium Nitrate Loaded to Trucks

Month _____ Year _____

Day of Month	Sand Loaded to Trucks (in tons)	Gravel Loaded to Trucks (in tons)	Magnetite Loaded to Trucks (in tons)	Ammonium Nitrate Loaded to Trucks (in tons)	Initials
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Monthly Total					
12 Month Rolling Total [2]					

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The 12 Month Rolling Total shall mean, for example, the sum of coal loaded via the rail to barge system at any given time during the previous twelve (12) consecutive calender months. The maximum permitted 12 Month Rolling Totals are as follows: combined sand, gravel and magnetite loaded to trucks - 500,000 tons; and ammonium nitrate loaded to trucks - 300,000 tons.

APPENDIX D [1]

Certified Daily and Monthly Amount of Cement Kiln Dust (CKD), Coal and Calcium Bromide used

Month _____ Year _____

Day of Month	Cement Kiln Dust to Silos TS1 - TS5 (in tons)	Calcium Bromide Solution (in gal)	Coal Loaded to Hopper TH1 (in tons)	CKD Enhanced Coal to Stockpile (in tons)	Initials
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Monthly Total					
12 Month Rolling Total [2]					

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The 12 Month Rolling Total shall mean, for example, the sum of coal loaded via the hopper any given time during the previous twelve (12) consecutive calender months. The maximum permitted 12 Month Rolling Totals are as follows: coal - 500,000 tons; and Cement Kiln Dust (CKD) - 5,000 tons.

APPENDIX E [1]

Certified Daily and Monthly Water Usage by the Pressurized Water Spray System

Month _____ Year _____

Day of Month	Water Sprays Used (Y/N)	Quantity of water used [2] (gallons)	Comments [3]	Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
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27				
28				
29				
30				
31				

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The quantity of water used may be estimated based on the volume recorded from the gauge on the water meter on the intake side of the water intake system.

(3) Use the comment section to explain why the water spray system was not used or was used sparingly.

APPENDIX F [1]

Certified Daily and Monthly Water Usage by the Pressurized Water Truck

Month _____ Year _____

Day of Month	Water Truck Used (Y/N)	Quantity of water used [2] (gallons)	Comments [3]	Initials
1				
2				
3				
4				
5				
6				
7				
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(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The quantity of water used may be estimated based on the volume of the tank and number of times the water truck was refilled.

(3) Use the comment section to explain why the water spray system was not used or was used sparingly.

APPENDIX G [1]

Monthly Opacity Record

Date of Observation:
Data Entered by:
Reviewed by:
Date Reviewed:
Describe the General Weather Conditions:

Stack ID/Vent ID/ Emission Point ID	Stack/Vent/Emission Point Description	Time of Observation	Visible Emissions? Yes/No	Consecutive Months of Visual Emissions	Comments

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

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[1] _____ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____ _____
(please print or type) Name Title

Telephone No. _____ Fax No. _____

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[1] 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.