

Permit to Modify



R13-1994D

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:

Pine Ridge Coal Company, LLC

Big Mountain Preparation Plant

005-00009

*William F. Durham
Director*

Effective: D - R - A - F - T 3/13/15

This permit will supersede and replace permit R13-1994B approved on December 17, 2001. Pine Ridge Coal Company submitted application R13-1994C on February 16, 2012, but then it was later withdrawn on April 27, 2012.

Facility Location: Prenter, Boone County, West Virginia
Mailing Address: 202 Laidley Tower, PO Box 1233, Charleston, WV 25324
Facility Description: Wet Wash Coal Preparation Plant
SIC Codes: 1221 (Bituminous Coal & Lignite - Surface)
 1222 (Bituminous Coal & Lignite - Underground)
NAICS Codes: 212111 (Bituminous Coal and Lignite Surface Mining)
 212112 (Bituminous Coal Underground Mining)
UTM Coordinates: 444.83 km Easting • 4206.641 km Northing • Zone 17
Lat/Lon Coordinates: Latitude 38.005767 • Longitude -81.628425 • NAD83
Permit Type: Modification

Description of Change: **After-the-Fact** modification include raw coal belt conveyors BC-18 and BC-19 rated at 600 TPH and 2,000,000 TPY and constructed in 2007 and clean coal belt conveyors BC-20, BC-21 and BC-22 rated at 700 TPH and 5,000,000 TPY and constructed in 1993. Convert from old R13 individual permit format to revised R13 individual permit boilerplate. Research the historical application files develop a comprehensive and accurate equipment table with maximum hourly and annual throughputs. Correct typographical errors/mistakes that were discovered.

Subject to 40CFR60 Subpart Y? Yes
Subject to 40CFR60 Subpart IIII? No
Subject to 40CFR60 Subpart JJJJ? No

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 No.	Date of Construction, Reconstruction or Modification ¹	Description	Maximum Capacity		Control Device ²	Associated Transfer Points		
			TPH	TPY		Location: B -Before A -After	ID. No.	Control Device ²
Dorthy Mine Raw Coal Circuit								
BC18	C 2007	Dorthy Mine Belt Conveyor - receives raw coal from the Dorthy Deep Mine and transfers it to OS7	600	2,000,000	FE	B A	NA T31	NA MC
OS7	C 2007 M 2001	Raw Coal Open Storage Pile - maximum 10,000 ton capacity, 19,683 ft ² base area and 56' height ????? - receives raw coal from BC18, stores it and then an underground reclaim feeder transfers it onto BC19 (In permits R13-1994A and R13-1994B, OS7 was permitted as a direct ship stockpile - 10,000 ton capacity, 10,500 ASS vs 19,683 permit ft ² base area and 56' height - 500,000 TPY)	600	500,000	MC	B A	T31 T32	MC PE
BC19	C 2007	Belt Conveyor - receives raw coal from OS7 via an underground reclaim feeder and transfers it to BC5 (see Trucked Raw Coal Circuit below)	600	2,000,000	FE	B A	T32 T33	PE MC
Deep Mine Raw Coal Conveying								
BC3	M 1996	Belt Conveyor - receives raw coal from various deep mines and transfers it to BC4 (see Trucked Raw Coal Circuit below)	3,000	3,000,000	PE	B A	NA T6	NA FE
Trucked Raw Coal Circuit								
SC1	M 1996	Bar Grate Screen - receives raw coal dumped from trucks, separates the large rocks and the coal drops onto OS2	600	2,000,000	MC	B A	T1 NA	MC NA
OS2	M 1996	Raw Coal Open Storage Pile - maximum 37,000 tons capacity, 47,086 ft ² base area and 86' height - receives raw coal from SC1, stores it and then underground reclaim feeders transfer it onto BC1	----	2,000,000	MC	B A	NA T2	NA FE
BC1	M 1996	Belt Conveyor - receives raw coal from OS2 and transfers it to RC1	600	2,000,000	FE	B A	T2 T3	FE FE
RC1	M 1996	Highwall Dump Roll Crusher - receives raw coal from BC1, crushes it from +6" to ½" and then deposits it onto belt conveyor BC2	600	2,000,000	FE	B A	T3 T4	FE FE
BC2	M 1996	Belt Conveyor - receives crushed raw coal from RC1 and transfers it back to BC4	600	2,000,000	PE	B A	T4 T5	FE FE
BC4	M 1996	Belt Conveyor - receives crushed raw coal from BC2 and deep mined raw coal from BC3 (see Deep Mine Raw Coal Conveying above) and transfers it to OS3	3,000	3,000,000	PE	B B A	T5 T6 T7	FE FE WS
OS3	M 2001 M 1996	Raw Coal Open Storage Pile - maximum 200,000 tons capacity, 145,026 ft ² base area and 151' pile height - receives raw coal from trucks, stores it and then underground reclaim feeders transfer it onto BC5	3,000 in 2,500 out	3,000,000 in 5,000,000 out	MC	B A	T7 T8	WS FE
BC5	M 1996	Belt Conveyor - receives raw coal from OS3 and transfers it to SC3	2,500	5,000,000	PE	B B A	T8 T33 T17	FE MC PE
SC3	M 2001 M 1996	Single Deck Screen - receives raw coal from BC5, classifies it and then deposits the +6" oversize refuse onto OS6 and the -6" coal onto BC9	2,500	5,000,000	PE	B A A	T17 T18 T29	PE PE PE

Equip- ment ID No.	Date of Construction, Reconstruction or Modification ¹	Description	Maximum Capacity		Control Device ²	Associated Transfer Points		
			TPH	TPY		Location: B -Before A -After	ID. No.	Control Device ²
OS6	M 2001 M 1996	Screen Refuse Open Storage Pile - maximum 1,000 tons capacity, 4,241 ft ² base area and 26' pile height - receives +6" oversize refuse from SC3, stores it and then a front endloader transfers it to trucks for shipment to the refuse disposal area	250	250,000	PE	B A	T18 T35	PE MC
BC9	M 2001 M 1996	Belt Conveyor - receives sized raw coal from SC3 and transfers it to B1 or B2	2,500	5,000,000	PE	B A	T29 T11	PE WS
OS1	M 2001 M 1996	Raw Coal Open Storage Pile - maximum 62,000 tons capacity, 66,428 ft ² base area and 102' pile height - receives raw coal from trucks, stores it and then a front endloader transfers it to B1 or B2	600 in 300 out	3,000,000	MC	B A	T9 T10	MC MC
B1	M 1996	Raw Coal Dump Bin - maximum 750 tons capacity - receives sized raw coal from BC9 and raw coal from OS1 and then feeds it onto BC6	2,800 in 1,200 out	8,000,000 combined	FE	B B A	T11 T10 T12	WS MC FE
B2	M 1996	Raw Coal Dump Bin - maximum 750 tons capacity - receives sized raw coal from BC9 and raw coal from OS1 and then feeds it onto BC6	combined		FE	B B A	T11 T10 T12	WS MC FE
BC6	M 1996	Belt Conveyor - receives raw coal from B1 and B2 and transfers it to SC2	1,200	8,000,000	PE	B A	T12 T13	FE FE
SC2	M 1996	Single Deck Screen - receives raw coal from BC6, classifies it from +6" to ½" and then deposits the oversize coal into RC2 and the undersize coal onto BC7	1,200	8,000,000	FE	B A A	T13 T14 T27	FE FE FE
RC2	M 1996	Double Roll Crusher - receives oversize raw coal from SC2, crushes it from +6" to ½" and then deposits it onto BC7	150	500,000	FE	B A	T27 T28	FE FE
BC7	M 1996	Belt Conveyor - receives sized raw coal from SC2 and RC2 and transfers it to the wet wash prep plant	1,200	8,000,000	PE	B A	T14 T28 T34	FE FE FE
Clean Coal Circuit								
BC20	C 1993	Belt Conveyor - receives clean coal from the wet wash circuit in the preparation plant and transfers it to BC21	700	5,000,000	FE	B B A	T40 T41 T42	FE FE FE
BC21	C 1993	Belt Conveyor - receives clean coal from BC20 and transfers it to BC22	700	5,000,000	FE	B A	T42 T43	FE FE
BC22	C 1993	Belt Conveyor - receives clean coal from BC21 and transfers it to BC14	700	5,000,000	FE	B A	T43 T44	FE FE
BC14	M 2001 M 1996	Belt Conveyor - receives clean coal from BC22 and transfers it to OS4	700	5,000,000	PE	B A	T43 T19	FE FE
OS4	M 2001 M 1996	Clean Coal Open Storage Pile - maximum 100,000 tons capacity, 91,360 PERMIT ft ² base area and 50' pile height - receives clean coal from BC14, stores it and then underground reclaim feeders transfer it onto BC16	700	5,000,000	MC	B A	T19 T22	FE FE
BC16	M 2001 M 1996	Belt Conveyor - receives clean coal from OS4 and transfers it to B6	700	5,000,000	PE	B A	T22 T30	FE FE
B6	M 2001 M 1996	Clean Coal Railcar Loadout Bin - maximum 150 tons capacity - receives clean coal from BC16 and loads it into railcars through a telescopic chute	700 in 4,000 out	5,000,000	FE	B A	T30 T25	FE TC
Refuse Circuit								
BC12	M 1996	Belt Conveyor - receives refuse from the wet wash circuit and transfers it to B3 or BC13	600	4,000,000	PE	B A	NA T15	NA FE
B3	M 1996	Refuse Truck Loadout Bin - maximum 200 tons capacity - receives refuse from BC12 and loads it into trucks for shipment to the refuse disposal area	600	4,000,000	FE	B A	T15 T16	FE PE

Equip- ment ID No.	Date of Construction, Reconstruction or Modification ¹	Description	Maximum Capacity		Control Device ²	Associated Transfer Points		
			TPH	TPY		Location: B -Before A -After	ID. No.	Control Device ²
BC13	M 1996	Belt Conveyor - receives refuse from BC12 and transfers it to B5	600	4,000,000	PE	B A	T15 T38	FE FE
B5	M 1996	Refuse Truck Loadout Bin - maximum 300 tons capacity - receives refuse from BC12 and loads it into trucks for shipment to the refuse disposal area	600	4,000,000	FE	B A	T38 T39	FE PE

¹ In accordance with 40 CFR 60 Subpart Y, coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified on or before April 28, 2008 shall not discharge gases which exhibit 20 percent opacity or greater.

² Control Device Abbreviations: FE - Full Enclosure; PE - Partial Enclosure; PW - Partial Enclosure with Water Sprays; WS - Water Sprays; CS - Water Spray with Chemical Suppressant; TC - Telescopic Chute; and N - None.

2.0 General Conditions

Definitions

2.1.

All references to the “West Virginia Air Pollution Control Act” or the “Air Pollution Control Act”

2.1.1.

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

45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources*

2.3.1.

of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;

Term and Renewal

2.4.

This Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or

2.4.1.

otherwise changed under an applicable provision of 45CSR13 or any other applicable legislative rule;

Duty to Comply

2.5.

The permitted facility shall be constructed and operated in accordance with the plans and

2.5.1.

specifications filed in Permit Applications R13-1994D, R13-1994B, R13-1994A and R13-1994 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.]**

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes

2.5.2.

a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;

Violations of any of the conditions contained in this permit, or incorporated herein by reference, may

2.5.3.

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;

Approval of this permit does not relieve the permittee herein of the responsibility to apply for and

2.5.4.

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.

Duty to Provide Information

2.6.

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.

Administrative Update

2.8.

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

[45CSR§13-4.]

Permit Modification

2.9.

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.]

Major Permit Modification

2.10

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]

Inspection and Entry

2.11.

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

An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond

2.12.1.

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. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for

2.12.2.

noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are met.

The affirmative defense of emergency shall be demonstrated through properly signed,

2.12.3.

contemporaneous operating logs, or other relevant evidence that:

An emergency occurred and that the permittee can identify the cause(s) of the emergency;

a.

The permitted facility was at the time being properly operated;

b.

During the period of the emergency the permittee took all reasonable steps to minimize levels of

c.

emissions that exceeded the emission standards, or other requirements in the permit; and

The permittee submitted notice of the emergency to the Secretary within one (1) working day of

d.

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.

In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has

2.12.4.

the burden of proof.

The provisions of this section are in addition to any emergency or upset provision contained in any

2.12.5

applicable requirement.

Need to Halt or Reduce Activity Not a Defense

2.13.

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.

Suspension of Activities

2.14.

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.

Severability

2.16.

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.

Transferability

2.17.

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.

[45CSR§13-10.1.]

Notification Requirements

2.18.

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.

Credible Evidence

2.19.

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.]

Monitoring Requirements

3.2.

[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:

The Secretary may on a source-specific basis approve or specify additional testing or alternative

a.

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.

The Secretary may on a source-specific basis approve or specify additional testing or alternative

b.

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.

All periodic tests to determine mass emission limits from or air pollutant concentrations in

c.

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

Retention of records. The permittee shall maintain records of all information (including monitoring

3.4.1.

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.

Odors. For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints

3.4.2.

received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

[45CSR§4. *State Enforceable Only.*]

Reporting Requirements

3.5.

Responsible official. Any application form, report, or compliance certification required by this permit

3.5.1.

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.

Confidential information. A permittee may request confidential treatment for the submission of

3.5.2.

reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

Correspondence. All notices, requests, demands, submissions and other communications required

3.5.3.

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
Charleston, WV 25304-2345

If to the US EPA:

Associate Director
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 Limitations and Standards

4.1.

- 4.1.1. Compliance with all annual throughput limits shall be determined using a 12 month rolling total. For example, a 12 month rolling total shall mean the sum of the raw coal to be transferred by raw coal conveyor BC-1 into the preparation plant to be processed at any given time for the previous twelve (12) consecutive calendar months.
- 4.1.2. The permittee shall not exceed the maximum hourly and annual throughput rates and other criteria outlined in the table in Section 1.0 Emission Units.
- 4.1.3. The maximum amount of raw coal to be received by trucks to open storage pile OS1 at transfer point T9 shall not exceed 600 TPH or 3,000,000 TPY.
- 4.1.4. The maximum amount of raw coal to be received by trucks to open storage pile OS2 at transfer point T1 shall not exceed 600 TPH or 2,000,000 TPY.
- 4.1.5. The maximum amount of raw coal to be received from various mines over conveyor BC3 at transfer point T6 shall not exceed 3,000 TPH or 3,000,000 TPY.
- 4.1.6. The maximum amount of raw coal to be received from the Dorthy Mine over conveyor BC19 at transfer point T33 shall not exceed 600 TPH or 2,000,000 TPY.
- 4.1.7. The maximum amount of raw coal to be delivered to the preparation plant over conveyor BC7 at transfer point T33 shall not exceed 600 TPH or 2,000,000 TPY.
- 4.1.8. The maximum amount of clean coal to be loaded to railcar by loadout bin B6 at transfer point T25 shall not exceed 4,000 TPH or 5,000,000 TPY.
- 4.1.9. The maximum amount of refuse to be transferred by refuse coal conveyor BC12 from the wet wash preparation plant at transfer point T15 shall not exceed 600 TPH or 4,000,000 TPY.
- 4.1.10. **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.

- 4.1.11. **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]
- 4.1.12. **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]
- 4.1.13. **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.]
- 4.1.14. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
[40 CFR§60.11(d)]

4.2. Monitoring Requirements

[Reserved]

4.3. Testing Requirements

- 4.3.1. Except as specified in paragraphs (a)(1),(a)(2), (a)(3), and (a)(4) of this section, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
[40CFR§60.8(a)]
- 4.3.2. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of 40 CFR 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (thirty 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
[§40 CFR 60.11(b)]
- 4.3.3. **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 test, 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 within 5 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)]

- 4.3.4. **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. For the purposes of determining compliance with maximum throughput limits set forth in Sections 4.1.3 through 4.1.9, the permittee shall monitor and record the coal throughput and processing rates and maintain certified daily records, utilizing the forms identified as Appendices A, B and C. 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.

4.4.2. For the purposes of determining compliance with water truck usage set forth in Section 4.1.10, the permittee shall monitor and record the water truck activity and maintain certified daily records, utilizing the form identified as 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.

4.4.3. **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 calendar 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)]

- 4.4.4. **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.

- 4.4.5. **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.

- 4.4.6. **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.

4.5. Reporting Requirements

- 4.5.1. With regard to any testing required by the Director, the permittee shall submit to the Director of Air Quality and the Associate Director - Office of Enforcement and Permit Review (3AP12) of the USEPA a test protocol detailing the proposed test methods, the date, and the time the proposed testing is to take place, as well as identifying the sampling locations and other relevant information. The test protocol must be received by the Director and the Associate Director no less than thirty (30) days prior to the date the testing is to take place. Test results shall be submitted to the Director and the Associate Director no more than sixty (60) days after the date the testing takes place.

[40 CFR §60.8]

- 4.5.2. Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

[40CFR§60.7(a)]

A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

[40CFR§60.7(1)]

A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

[40CFR§60.7(3)]

- 4.5.3. **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.

- 4.5.4. **Reporting for Subpart Y - Notice of Any Performance Tests.** The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.

[40CFR§60.8(d)]

- 4.5.5. **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)]

- 4.5.6. **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.epa.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 Raw Coal Throughput

Month _____ Year _____

Day of Month	Stockpile OS1		Stockpile OS2	Conveyor BC3	Conveyor BC19	Conveyor BC7	Initials
	Feed from Trucks at T9 (tons)	To B1 and B2 at T10 (tons)	Feed From Trucks at T1 (tons)	Feed from Various Mines (tons)	Feed from Dorthy Mine (tons)	Input to the Plant (tons)	
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							
Maximum	2,000,000 TPY	2,000,000 TPY	2,000,000 TPY	3,000,000 TPY	2,000,000 TPY	8,000,000 TPY	----

- (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 raw coal processed by the preparation plant at any given time during the previous twelve (12) consecutive calendar months. The maximum permitted 12 Month Rolling Totals are as follows: Feed from Truck at T9 - 2,000,000 TPY; To B1 and B2 at T10 - 2,000,000 TPY; Conveyor BC3 - 3,000,000 TPY; Conveyor BC19 - 2,000,000 TPY; and Conveyor BC7 - 8,000,000 TPY.

APPENDIX B ¹

Certified Daily and Monthly Amount of Clean Coal Throughput

Month _____ **Year** _____

Day of Month	Clean Coal		Initials
	From Prep Plant at T19 (tons)	To Train Loadout (tons)	
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			
Maximum	5,000,000 TPY	5,000,000 TPY	----

- (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 clean coal produced by the preparation plant at any given time during the previous twelve (12) consecutive calendar months. The maximum permitted 12 Month Rolling Totals are as follows: Clean Coal from the Prep Plant at T19 - 5,000,000 TPY; and Clean Coal to the Train Loadout at T25 - 5,000,000 TPY.

APPENDIX C ¹

Certified Daily and Monthly Amount of Refuse Throughput

Month _____ Year _____

Day of Month	Refuse Stockpile OS6		Bins B3 and B5		Initials
	From Screen SC3 at T18 (tons)	To Truck at T35 (tons)	From Prep Plant at T15 (tons)	To Truck at T16 and T39 (tons)	
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					
Maximum	500,000 TPY	500,000 TPY	4,000,000 TPY	4,000,000 TPY	----

- (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 raw coal processed by the preparation plant at any given time during the previous twelve (12) consecutive calendar months. The maximum permitted 12 Month Rolling Totals are as follows: From Screen SC3 at T18 - 500,000 TPY; From Prep Plant at T15 - 500,000 TPY; To Truck at T16 and T39 - 4,000,000 TPY; and Conveyor BC7 - 4,000,000 TPY.

APPENDIX D 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				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
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 of the tank and number of times the water truck was refilled.
- (3) Use the comment section to explain why the water truck was not used or was used sparingly.

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.

Signature¹ _____ Date _____
(please use blue ink) Responsible Official or Authorized Representative

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

Telephone No. _____ Fax No. _____

- 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.