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west virginia department of environmental protection

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Division of Air Quality  
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Charleston, WV 25304  
Phone: (304) 926-0475 • FAX: (304) 926-0479

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
www.dep.wv.gov

April 21, 2016

CERTIFIED MAIL  
91 7199 9991 7035 6665 8172

J. Robert Gwynne, EVP  
8477 Veterans Memorial Highway  
Masontown, WV 26542

RE: Greer Lime Company  
Riverton Facility  
Permit Application R13-2113K  
Plant ID No. 071-00001

Dear Mr. Gwynne:

Your application for a permit as required by Section 5 of 45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permit, General Permit, and Procedures for Evaluation" has been approved. The enclosed permit R13-2113K is hereby issued pursuant to Subsection 5.7 of 45CSR13. Please be aware of the notification requirements in the permit which pertain to commencement of construction, modification, or relocation activities; startup of operations; and suspension of operations. Also, please note that all comments received have been incorporated into the Final Permit as requested.

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

In accordance with 45CSR30- Operating Permit Program, the permittee shall submit a certified emissions statement 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.

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.

Should you have any questions or comments, please contact me at (304) 926-0499, extension 1212.

Sincerely,

Thornton E. Martin Jr.  
Permit Engineer

c: Eastern Panhandle Regional Office  
Scott Kisner, Environmental Compliance Manager

*West Virginia Department of Environmental Protection*

*Division of Air Quality*

*Earl Ray Tomblin*  
Governor

*Randy C. Huffman*  
Cabinet Secretary

# Permit to Modify



**R13-2113K**

*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:

**Greer Industries, Inc. dba Greer Lime Company**  
**Riverton Facility**  
**071-00001**

A handwritten signature in blue ink, appearing to read "William F. Durham", written over a horizontal line.

*William F. Durham*  
Director

*Effective: April 21, 2016*

This permit will supercede and replace Permit R13-2113J.

Facility Location: Germany Valley Limestone Road, Riverton, Pendleton County, West Virginia

Mailing Address: 8477 Veterans Memorial Highway, Masontown, WV 26542

Facility Description: Limestone Processing Facility

SIC Codes: 3274 - Lime

UTM Coordinates: 639.519 km Easting • 4,293.455 km Northing • Zone 17

Permit Type: Modification

Description of Change:

Modification of the lime handling circuit through the addition of one (1) new screw conveyor.

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

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

## Table of Contents

<b>1.0.</b>	<b>Emission Units .....</b>	<b>4</b>
<b>2.0.</b>	<b>General Conditions .....</b>	<b>9</b>
2.1.	Definitions .....	9
2.2.	Acronyms .....	9
2.3.	Authority .....	10
2.4.	Term and Renewal .....	10
2.5.	Duty to Comply .....	10
2.6.	Duty to Provide Information .....	10
2.7.	Duty to Supplement and Correct Information .....	11
2.8.	Administrative Permit Update .....	11
2.9.	Permit Modification .....	11
2.10.	Major Permit Modification .....	11
2.11.	Inspection and Entry .....	11
2.12.	Emergency .....	12
2.13.	Need to Halt or Reduce Activity Not a Defense .....	12
2.14.	Suspension of Activities .....	13
2.15.	Property Rights .....	13
2.16.	Severability .....	13
2.17.	Transferability .....	13
2.18.	Notification Requirements .....	13
2.19.	Credible Evidence .....	13
<b>3.0.</b>	<b>Facility-Wide Requirements .....</b>	<b>14</b>
3.1.	Limitations and Standards .....	14
3.2.	Monitoring Requirements .....	14
3.3.	Testing Requirements .....	14
3.4.	Recordkeeping Requirements .....	15
3.5.	Reporting Requirements .....	16
<b>4.0.</b>	<b>Source-Specific Requirements .....</b>	<b>18</b>
4.1.	Limitations and Standards .....	18
4.2.	Monitoring Requirements .....	20
4.3.	Testing Requirements .....	21
4.4.	Recordkeeping Requirements .....	21
4.5.	Reporting Requirements .....	22
<b>APPENDIX A</b>	<b>.....</b>	<b>23</b>
<b>APPENDIX B</b>	<b>.....</b>	<b>24</b>
<b>APPENDIX C</b>	<b>.....</b>	<b>25</b>
<b>CERTIFICATION OF DATA ACCURACY</b>	<b>.....</b>	<b>26</b>

**1.0 Emission Units**

<b>Emission Unit ID</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed/Modified</b>	<b>Design Capacity</b>	<b>Control Device</b>
2-BC-9	2-BC-9	This Covered Belt Conveyor allows limestone from the facility's secondary crushing system to by-pass the Storage Silo (3-SI-1). The limestone is transferred from the belt conveyor to a 20,000 ton stockpile.	1997	400, TPH 600,000 TPY	Full Enclosure
Lime Processing and Handling					
6-BC-3	6-BC-3	Belt Conveyor transfers lime from existing belt conveyor 6-BC-2 to roll crusher 6-CR-3.	Pre-1990	50 TPH & 311,000 TPY	Full Enclosure
6-CR-3	E-6-DC-1	Roll Crusher takes lime from the existing Belt Conveyor (6-BC-3) and also, oversized lime from the top (1 <sup>st</sup> ) screen of the 5 deck vibrating screen (6-VS-4), and processes/crashes it, and sends it to bucket elevator 6-BEL-1.	1998	50 TPH & 311,000 TPY	Duct Collector 6-DC-1
6-BEL-1	6-BEL-1	This bucket elevator takes lime from roll crusher 6-CR-3 and transfers it to vibrating screen 6-VS-4	1998	50 TPH & 311,000 TPY	Full Enclosure
6-VS-4	E-6-DC-3	This vibrating screen receives lime from bucket elevator 6-BEL-1 and processes it into 6 different fractions.	1998	50 TPH & 311,000 TPY	Duct Collector 6-DC-3
6-SC-2	6-SC-2	This screw conveyor receives screen lime from vibrating screen 6-VS-4 and transfers it to screw conveyor 6-SC-4 and/or to one of the two storage silo 6-SI-6 and 6-SI-5.	1998	50 TPH & 311,000 TPY	Full Enclosure
6-SC-4 (6-SC-4A and 6-SC-4B constitute screw conveyor 6-SC-4 in Title V Permit)	6-SC-4 (6-SC-4A and 6-SC-4B constitute screw conveyor 6-SC-4 in Title V Permit)	This screw conveyor receives lime from vibrating screen 6-VS-4 and screw conveyor 6-SC-2 and transfers it to one of the hydrate feed storage tanks (6-SI-7, 6-SI-8, 6-SI-9).	1998 (6-SC-4A and 6-SC-4B denoted as such since 2007 in Title V Permit)	50 TPH & 100,000 TPY	Full Enclosure
6-SC-3	6-SC-3	This screw conveyor receives lime from vibrating screen 6-VS-4 and transfers it to one of the lime storage silos (6-SI-3, 6-SI-2, 6-SI-1).	1998	50 TPH & 311,000 TPY	Full Enclosure
6-SC-5	6-SC-5	This screw conveyor receives lime from lime from vibrating screen 6-VS-4 and transfers it granular lime bagging bin (6-BB-1).	Pre-1990	50 TPH & 311,000 TPY	Full Enclosure
6-VF-6	6-VF-6	This vibrating feeder receives lime from lime storage silo 6-SI-6 and transfers it to screw conveyor 6-SC-8.	1998	150 TPH & 311,000	Full Enclosure
6-VF-5	6-VF-5	This vibrating feeder receives lime from lime storage silo 6-SI-5 and transfers it to screw conveyor 6-SC-8.	1998	150 TPH & 311,000	Full Enclosure
6-VF-4	6-VF-4	This vibrating feeder receives lime from lime storage silo 6-SI-4 and transfers it to screw conveyor 6-SC-8 or belt conveyor 6-BC-13.	1998	150 TPH & 311,000	Full Enclosure

## 1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed/Modified	Design Capacity	Control Device
6-SC-8	6-SC-8	This screw conveyor receives lime from one of three lime storage silos (6-SI-6, 6-SI-5, 6-SI-4) and transfers it to screw conveyor 6-SC-9.	1998	150 TPH & 311,000	Full Enclosure
6-SC-9	6-SC-9	This screw conveyor receives lime from screw conveyor 6-SC-8 and transfers it to retractable loading spout 6-LS-1.	1998	150 TPH & 311,000	Full Enclosure
6-SC-11	6-SC-11	This screw conveyor receives lime from lime storage silo 6-SI-10 and transfers it to belt conveyor 6-BC-5	2016	50 TPH & 311,000 TPY	Full Enclosure
6-LS-1	E-6-DC-3	This retractable loading spout receives lime from screw conveyor 6-SC-9 and transfers it to trucks.	1998	150 TPH & 311,000	Dust Collector 6-DC-3
6-VF-3	6-VF-3	This vibrating feeder receives lime from lime storage silo 6-SI-3 and transfers it to belt conveyor 6-BC-13.	1998	150 TPH & 311,000	Full Enclosure
6-VF-2	6-VF-2	This vibrating feeder receives lime from lime storage tank 6-SI-2 and transfers it to belt conveyor 6-BC-13.	1998	150 TPH & 311,000	Full Enclosure
6-VF-1	6-VF-1	This vibrating feeder receives lime from lime storage silo 6-SI-1 and transfers it to belt conveyor 6-BC-13	1998	150 TPH & 311,000	Full Enclosure
6-BC-13	6-BC-13	This belt conveyor receives lime from one of the lime storage silos (6-SI-4, 6-SI-3, 6-SI-2, and 6-SI-1) and transfer it to belt conveyor 6-BC-14.	1998	150 TPH & 311,000	Full Enclosure
6-BC-14	6-BC-14	This belt conveyor receives lime from belt conveyor 6-BC-13 and transfers it to through a dust sock to trucks	1998	150 TPH & 311,000	Full Enclosure
6-FG-6	6-FG-6	This flop gate diverts lime leaving bucket elevator 6-BEL-3 to crusher 6-CR-2.	1998	50 TPH & 311,000	Full Enclosure
6-CR-2	E-6-DC-2	This roll crusher receives lime from the lime storage silo 6-SI-10.	1998	50 TPH & 311,000	Dust Collector 6-DC-2
500-BOB	500-119b	This is a 30 ton bin that receives material blown out of trucks when loaded.	1997	20 TPH & 3,000 TPY	Dust Collector 4-DC-3
6-VS-5	6-VS-5	This is a single deck vibrating screen that receives pebble lime from belt conveyor 6-BC-6.	2006	50 TPH & 60,000 TPY	Full Enclosure
6-SC-10	6-SC-10	This screw conveyor receives pebble lime from screen 6-VS-5.	2006	50 TPH & 60,000 TPY	Full Enclosure
6-BL-1	6-BL-1	Air Conveyor	2006	50 TPH & 60,000 TPY	Full Enclosure

### 1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed/Modified	Design Capacity	Control Device
Fine Grinding Circuit					
11-BC-1	11-BC-1	This belt conveyor receives material from vibrating screen 2-VS-1 and transfers it to bucket elevator 11-BEL-1.	2007	200 TPH	Full Enclosure
11-BEL-1	11-BEL-1	This bucket elevator receives material from conveyor 11-BC-1 and transfers it to the mill feed bin (11-SI-3).	2007	200 TPH	Full Enclosure
11-SI-3	E-11-DC-1	Mill Feed Bin with two vibrating feeders (11-VF-1 and 11-VF-2)	2007	500 Tons	Baghouse 11-DC-1
11-BC-2	11-BC-2	This belt conveyor transfers material from the vibrating feeders (11-VF-1 or 11-VF-2) to surge bin 11-SB-2.	2007	65 TPH	Full Enclosure
11-SB-2	11-SB-2	Surge Bin	2007	10 Tons	Full Enclosure
11-BM-1	E-11-DC-1	Bradley Mill	2007	65 TPH	Baghouse 11-DC-1
11-DS-1	E-11-DC-1	Dynamic Separator	2007	65 TPH	Baghouse 11-DC-1
11-HG-1	E-11-DC-1	Hot Air Generator	2007	7.5 MMBtu/hr	Baghouse 11-DC-1
11-CY-1	E-11-DC-1	Cyclone #1	2007	65 TPH	Baghouse 11-DC-1
11-CL-1	E-11-DC-1	Classifier Separator	2007	65 TPH	Baghouse 11-DC-1
11-SI-1	E-11-DC-1	Sand Storage Silo	2007	350 Tons	Baghouse 11-DC-1
11-LS-1	E-11-DC-1	Sand Truck Loadout with retractable spout	2007		Baghouse 11-DC-1
11-CY-2	E-11-DC-1	Cyclone #2	2007	65 TPH	Baghouse 11-DC-1
11-SI-2	E-11-DC-1	AG Lime Storage Silo	2007	350 Tons	Baghouse 11-DC-1
11-LS-2	E-11-DC-1	AG Lime Truck Loadout with retractable spout	2007		Baghouse 11-DC-1
11-SSB-1	E-11-DC-3	Super Sack Bagger	2008	30 TPH	Dust Collector 11-DC-3
11-BL-2	E-11-DC-1	Blower	2007	65 TPH	Baghouse 11-DC-1
11-BL-3	E-11-DC-1	Blower	2007	65 TPH	Baghouse 11-DC-1
11-FT-1	11-FT-1	Fuel Oil Storage Tank	Modified 2007	8,000 gal	None
11-SI-6	E-11-DC-2	Rock Dust Bulk Silo	Modified 2007	400 Tons	Dust Collector 11-DC-2
11-BG-20	E-11-DC-20	Bagging Unit with Hopper	2011	30 TPH	11-DC-20
11-SC-3	E-11-DC-2	Screw Conveyor	Modified 2007	65 TPH	Dust Collector 11-DC-2
2-SI-1	2-SI-1	Storage Silo	Modified 2007	400 Tons	Full Enclosure

### 1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed/Modified	Design Capacity	Control Device
11-SC-20	E-11-DC-20	Screw Conveyor	2011	30 TPH	11-DC-20
11-BEL-20	E-11-DC-20	Bucket Elevator	2011	38.5 TPH	11-DC-20
11-DC-4	E-11-DC-4	Dust Collector	2011	0.022 gr/dscf	NA
11-SI-5	E-11-DC-4	Rock Dust Silo	2007	400 Tons	Dust Collector 11-DC-4
11-SB-1	E-11-DC-3	Rock Dust Surge Bin	Modified 2008	100 TPH	Dust Collector 11-DC-3
11-SC-21	E-11-DC-20	Screw Conveyor	2011	7.5 TPH	11-DC-20
11-WC-20	N	Wire Conveyor	2011	30 TPH	No Permitted Emissions
11-DC-2	E-11-DC-2	Dust Collector	2008	NA	NA
11-DV-5	E-11-DC-3	Divertor	2008	NA	11-DC-3
11-SI-7	E-11-DC-3	Ultra Fine Rock Dust Bin	2008	125 Tons	11-DC-3
11-SC-7	E-11-DC-3	Screw Conveyor	2008	65 TPH	11-DC-3
11-LS-4	E-11-DC-3	Truck Loading Spout	2008	65 TPH	11-DC-3
11-DC-3	E-11-DC-3	Dust Collector	2008	NA	NA
11-SC-4	E-11-DC-3	Screw Conveyor	2008	2 TPH	11-DC-3
11-SC-5	E-11-DC-3	Screw Conveyor	2008	2 TPH	11-DC-3
11-SC-6	E-11-DC-3	Screw Conveyor	2008	2 TPH	11-DC-3
11-SI-4	E-11-DC-3	Baghouse Dust Bin	2008	50 Tons	11-DC-3
11-SC-1	11-SC-1	Screw Conveyor	2007	1 TPH	Full Enclosure
11-DH-1	11-DH-1	Hopper	2009	100 TPH	Partial Enclosure
11-BC-4	11-BC-4	Belt Conveyor	2009	100 TPH	Partial Enclosure
11-BC-20	N	Belt Conveyor (bagged product)	2011	30 TPH	No Permitted Emissions

### 1.0 Emission Units

<b>Emission Unit ID</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed/Modified</b>	<b>Design Capacity</b>	<b>Control Device</b>
11-BC-21	N	Belt Conveyor (bagged product)	2011	30 TPH	No Permitted Emissions
11-BC-22	N	Belt Conveyor (empty bags)	2011	30 TPH	No Permitted Emissions
11-SC-22	E-11-DC-20	Screw Conveyor	2011	7.5 TPH	11-DC-20
11-DC-20	E-11-DC-20	Dust Collector	2011	0.014 gr/dscf	NA

## 2.0. General Conditions

### 2.1. Definitions

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

### 2.2. Acronyms

<b>CAAA</b>	Clean Air Act Amendments		Hazardous Air Pollutants
<b>CBI</b>	Confidential Business Information	<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>CEM</b>	Continuous Emission Monitor	<b>NSPS</b>	New Source Performance Standards
<b>CES</b>	Certified Emission Statement		
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>PM</b>	Particulate Matter
<b>CO</b>	Carbon Monoxide	<b>PM<sub>2.5</sub></b>	Particulate Matter less than 2.5µm in diameter
<b>C.S.R. or CSR</b>	Codes of State Rules		
<b>DAQ</b>	Division of Air Quality	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>DEP</b>	Department of Environmental Protection	<b>Ppb</b>	Pounds per Batch
<b>dscm</b>	Dry Standard Cubic Meter	<b>pph</b>	Pounds per Hour
<b>FOIA</b>	Freedom of Information Act	<b>ppm</b>	Parts per Million
<b>HAP</b>	Hazardous Air Pollutant	<b>Ppmv or ppmv</b>	Parts per million by volume
<b>HON</b>	Hazardous Organic NESHAP	<b>PSD</b>	Prevention of Significant Deterioration
<b>HP</b>	Horsepower	<b>psi</b>	Pounds per Square Inch
<b>lbs/hr</b>	Pounds per Hour	<b>SIC</b>	Standard Industrial Classification
<b>LDAR</b>	Leak Detection and Repair	<b>SIP</b>	State Implementation Plan
<b>M</b>	Thousand	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>MACT</b>	Maximum Achievable Control Technology	<b>TAP</b>	Toxic Air Pollutant
<b>MDHI</b>	Maximum Design Heat Input	<b>TPY</b>	Tons per Year
<b>MM</b>	Million	<b>TRS</b>	Total Reduced Sulfur
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour	<b>TSP</b>	Total Suspended Particulate
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet per Hour	<b>USEPA</b>	United States Environmental Protection Agency
<b>NA</b>	Not Applicable	<b>UTM</b>	Universal Transverse Mercator
<b>NAAQS</b>	National Ambient Air Quality Standards	<b>VEE</b>	Visual Emissions Evaluation
<b>NESHAPS</b>	National Emissions Standards for	<b>VOC</b>	Volatile Organic Compounds
		<b>VOL</b>	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 supercedes and replaces previously issued Permit R13-2113J. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

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

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-2113, R13-2113A, R13-2113B, R13-2113C, R13-2113D, R13-2113E, R13-2113F, R13-2113G, R13-2113H, R13-2113I, R13-2113J, R13-0725, R13-1788 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;  
**[45CSR§§13-5.11 and 13-10.3]**
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

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

The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of

confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

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

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

**2.8. Administrative Update**

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

[45CSR§13-4]

**2.9. Permit Modification**

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

[45CSR§13-5.4.]

**2.10. Major Permit Modification**

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

[45CSR§13-5.1]

**2.11. Inspection and Entry**

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

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

permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

## **2.12. Emergency**

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and,
  - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.
- 2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

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

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

**2.14. Suspension of Activities**

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

**2.15. Property Rights**

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

**2.16. Severability**

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

**2.17. Transferability**

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

**2.18. Notification Requirements**

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

**2.19. Credible Evidence**

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

### 3.0. Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.  
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
[40CFR§61.145(b) and 45CSR§15]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.  
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.  
[45CSR§11-5.2.]

#### 3.2. Monitoring Requirements

[Reserved]

#### 3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

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

#### 3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes

all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.  
[45CSR§4. *State-Enforceable only.*]

### 3.5. Reporting Requirements

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

**If to the DAQ:**

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

**If to the USEPA:**

Associate Director  
Office of 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 maximum processing rate of limestone to the Fine Grinding System from the Secondary Crushing System shall not exceed 400 tons per hour (TPH) and 600,000 tons per year (TPY).
- 4.1.2. In the Lime Handling Area, the maximum processing rate of lime through the replacement Roll Crusher (6-CR-3) and the Roll Crusher (6-CR-2) shall not exceed 50 TPH and 311,000 TPY.
- 4.1.3. The emission points identified as E-6-DC-1, 6-CR-2, E-6-DC-3, and 6-VS-5 shall not emit visible particulate matter greater than 20% opacity except for visible particulate matter emission less than 40% for a period or periods aggregating no more than 5 minutes in any 60 minute period. **[45CSR§7-3.1. and 45CSR§7-3.2.]**
- 4.1.4. The maximum processing rate of material to or from the Blow Off Bin (500-BOB) shall not exceed 20 TPH and 3,000 TPY.
- 4.1.5. The fine grinding circuit shall employ a hot air generator, grinding mill, dynamic separator, cyclone #1, cyclone #2, classifier separator and two centrifugal blowers identified as 11-HG-1, 11-BM-1, 11-DS-1, 11-CY-1, 11-CY-2, 11-CL-1, 11-BL-2, 11-BL-3 respectively. The operation of this circuit shall not exceed the following maximum operating and emission limitations:
  - a. Emissions from the emission point E-11-DC-1 shall not exceed the maximum individual hourly and annual emission limits set forth in Table 4.1.5.a.

Table 4.1.5.a.			
Emission Source ID	Pollutant	Maximum Emissions	
		Hourly (lb/hr)	Annual TPY
11-HG-1, 11-BM-1, 11-DS-1, 11-CY-1, 11-CY-2, 11-CL-1, 11-BL-2, 11-BL-3, 11-SI-1, 11-SI-2, 11-SI-3	PM	1.75	7.64
	PM <sub>10</sub>	0.83	3.64
	SO <sub>2</sub>	3.84	16.8
	NO <sub>x</sub>	0.72	3.2
	CO	0.59	2.6

[40 CFR §60.672(a)(1) for PM and 45CSR§10-4.1. for SO<sub>2</sub>]

- b. The hot air generator shall not consume more than 54 gallons per hour or 473,040 gallons per year of No. 2 fuel oil;
- c. The No. 2 fuel oil consumed by the hot air generator shall not contain sulfur greater than 0.5 percent by weight. This limit and the fuel restriction limit in 4.1.5.b. coincides with the SO<sub>2</sub> limits in Table 4.1.5.a.;
- d. The feed rate of material (limestone or lime) into the circuit shall not exceed 65 tons per hour or 569,400 tons per year;

- e. Visible PM from emission point E-11-DC-1 shall not be exhibited greater than 7 percent opacity.  
**[40 CFR §60.672(a)(2)]**
- 4.1.6. Emissions discharged to the atmosphere from emission points E-11-DC-20, E-11-DC-4, E-11-DC-3 and E-11-DC-2 shall be limited to the following maximum emission limitations:
  - a. PM concentration in the exhaust stream from the emission points E-11-DC-2, E-11-DC-4 and E-11-DC-3 shall not exceed 0.022 gr/dscf while emissions from emission point E-11-DC-20 shall not exceed 0.014 gr/dscf;  
**[40 CFR §60.672(a)]**
  - b. Annual PM<sub>10</sub> and PM emissions from emission point E-11-DC-2/E-11-DC-4 (combined) shall not exceed 1.18 TPY and 2.48 TPY respectively;
  - c. Annual PM<sub>10</sub> and PM emissions from emission point E-11-DC-3 shall not exceed 1.18 TPY and 2.48 TPY respectively;
  - d. Annual PM<sub>10</sub> and PM emissions from emission point E-11-DC-20 shall not exceed 1.00 TPY and 2.1 TPY respectively; and
  - e. Visible PM from the emission points shall not exceed greater than 7 percent opacity.  
**[40 CFR §60.672(a)]**
- 4.1.7. The equipment listed in Table 4.1.7.1. shall not exhibit visible PM emissions greater than 10 percent opacity, unless the transfer points of belt conveyors or the unit is located in a enclosed building. Then, the enclosed building shall not exhibit visible PM emissions greater than 7 percent opacity.

Emission Unit ID	Emission Point ID	Emission Unit Description
11-BC-1	11-BC-1	Belt conveyor
11-BEL-1	11-BEL-1	Bucket elevator
11-BC-2	11-BC-2	Belt conveyor
11-BC-4	11-BC-4	Belt conveyor
11-SB-2	11-SB-2	Surge Bin
2-SI-1	2-SI-1	Storage Silo

**[40 CFR §§60.672(b) and 60.672(e)]**

- 4.1.8. Compliance with all annual limits stated in Section 4.1. of this permit shall be demonstrated using a 12 month rolling total.

- 4.1.9 The equipment listed in Table 4.1.9.1. shall not exhibit visible PM emissions greater than 7 percent opacity.

Emission Unit ID	Emission Point ID	Emission Unit Description
11-BC-20	None	Belt Conveyor
11-BC-21	None	Belt Conveyor
11-BC-22	None	Belt Conveyor

[40 CFR §§60.672(b)]

- 4.1.10. **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. and 7-5.2]

## 4.2. Monitoring Requirements

- 4.2.1. For the purpose of determining compliance with the opacity limits of 4.1.3, 4.1.5.e., 4.1.6.d. 4.1.7 and 4.1.9, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit. Note that nothing in the following paragraphs of condition 4.2.1 apply to the equipment in table 4.1.9.1. The only opacity monitoring requirements applicable to the equipment in table 4.1.9 are the requirements of 40 CFR 60 Subpart OOO.

The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40 CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.

If visible emissions are present at a source(s) for six (6) consecutive monthly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of 45CSR§7A for the sources covered under condition 4.1.3. and Method 9 for all other sources as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A 45CSR§7A

observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

#### 4.3. Testing Requirements

*[Reserved]*

#### 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. For the purpose of determining compliance with the maximum processing limits set forth in 4.1.1, 4.1.2, 4.1.4 and 4.1.5.d., the company shall maintain certified monthly and annual records of limestone processing rates of the Fine Grinding System, lime processing rates in the Lime Storage and Truck Loading System, and blow off processing rates from the Blow Off Bin. An example data form is given in Appendix A of this permit. Such records shall be maintained in accordance with condition 3.4.1.
- 4.4.5. For the purpose of determining compliance with the maximum fuel consumption limit set forth for in 4.1.5.b., the company shall maintain certified monthly and annual records of #2 fuel oil consumption. An example data form is given in Appendix B of this permit. Such records shall be maintained in accordance with condition 3.4.1.
- 4.4.6. The permittee shall maintain records of all monitoring data required by Section 4.2.1 documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visual emission check(s). An example form is supplied as Appendix C. Should a visible emission observation be required to be performed per the requirements specified in 45CSR§7A, the data records of each observation shall be maintained per the requirements of 45CSR§7A. For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.

#### **4.5. Reporting Requirements**

- 4.5.1. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observations using 45CSR§7A must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.
- 4.5.2. The permittee shall submit a written report of the results of testing required in 40 CFR 60 Subpart OOO before the close of business on the 60<sup>th</sup> day following the completion of such testing to the Director and U.S. EPA Administrator. Such report(s) shall include all records of the opacity observations made during such testing.  
**[40 CFR §60.676(f)]**

**APPENDIX A - MONTHLY LIMESTONE & LIME PROCESSING RATES**

Month, Year:

Day of Month	Area 1: Limestone to 20,000 ton stockpile (tons/day)	Material to the Fine Grinding Circuit (tons/day)	Feed Rate from Kilns to Lime Storage & Truck Loading (tons/day)	Load Out from the Blow Off Bin (500-BOB) (tons/day)
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				
<b>Total (Tons/day)</b>				
<b>12-month Rolling Averages (Tons/Year)</b>		<b>Max 569,000 TPY</b>	<b>Max 311,000 TPY</b>	<b>Max. 3,000 TPY</b>

**APPENDIX B - MONTHLY #2 FUEL OIL CONSUMPTION RATE FOR THE HOT AIR GENERATOR**

Month, Year:

Day of Month	Hours Operated (hours/day)	Amount of Fuel Oil Consumed (gal/day)
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		
<b>Total (gal/month)</b>		
<b>12 Month Rolling Average (gal/yr)</b>		<b>Max. 473,040 gal/y.</b>



### CERTIFICATION OF DATA ACCURACY

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

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

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

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

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

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