



west virginia department of environmental protection

Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone (304) 926-0475 • FAX: (304) 926-0479

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
[www.dep.wv.gov](http://www.dep.wv.gov)

July 24, 2015

Zachary Wright, POA  
Orchard Coal Company  
818 N. Eisenhower Drive  
Beckley, WV 25801

RE: Application Status: Complete  
Orchard Coal Company  
Crab Orchard Loadout  
Registration Application G10-D160  
Plant ID No. 081-00084

Dear Mr. Wright:

Your application for a General Permit G10-D registration to modify a coal preparation plant and railcar loadout facility was received by this Division on July 14, 2015 and assigned to the writer for review. On July 10, 2015, the applicant published a Class I legal advertisement in *The Register-Herald*. On July 20, 2015, the DAQ received an original affidavit of publication. Upon initial review of said application and additional information received, it has been determined that the application is complete as of July 24, 2015.

This determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit determination.

A copy of draft registration G10-D160 has been enclosed for your review. Please offer any comments by 5:00 pm on August 13, 2015, which is the end of the 30-day comment period.

Should you have any questions, please contact the undersigned at (304) 926-0499 ext. 1210.

Sincerely,

Daniel P. Roberts, Engineer Trainee  
NSR Permitting Section

c: Donna Toler

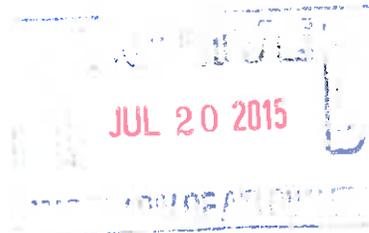
081-00084 610-0160  
Orchard Coal Company  
Facility Grab Orchard Loadout Region 5  
Initials DPR

312 Justice Avenue  
Logan, WV 25601

Phone (304) 752-8320  
Fax (304) 752-7488

July 16, 2015

Mr. Daniel P. Roberts  
Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304



RE: Orchard Coal Company  
General Permit Application  
Facility ID: 081-00084

Dear Dan,

Attached is the original Certificate of Publication for the above-referenced facility.

If additional information or clarification is needed, please contact me at the Logan address listed above or call 304-752-8320.

Sincerely,

Donna J. Toler  
Air Quality Project Manager

[donna.toler@suddenlink.net](mailto:donna.toler@suddenlink.net)

Entire Document  
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**AFFIDAVIT OF PUBLICATION**  
**BECKLEY NEWSPAPERS**  
**BECKLEY, WEST VIRGINIA 25801**

07/10/2015

STATE OF WEST VIRGINIA  
COUNTY OF RALEIGH, to wit:

I, Tara Meyer, being duly sworn upon my oath, do depose and say that I am Legal Advertising Clerk for Beckley Newspapers, a corporation, publisher of the newspaper entitled The Register-Herald, an Independent newspaper; that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below; that such newspaper is regularly published daily for at least fifty weeks during the calendar year, in the municipality of Beckley, Raleigh County, West Virginia; that such newspaper is a newspaper of "general circulation" as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area of areas of the aforesaid municipality and county; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price of consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial and social nature, and for current happenings, announcements, miscellaneous reading matter, advertisements and other notices; that the annexed notice

of AIR QUALITY PERMIT NOTICE / NOTICE OF APPLICATION

(Description of notice)

was duly published in said newspaper once a week for 1 successive

weeks (Class 1), commencing with the issue of 07/10/2015

and ending with the issue of 07/10/2015, that said annexed notice was

published on the following dates: 07/10/2015,

and that the cost of publishing said annexed notice as aforesaid was \$ 42.48

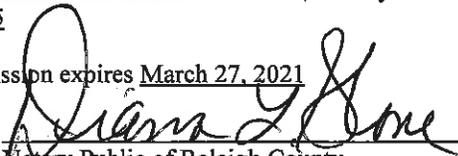
Signed



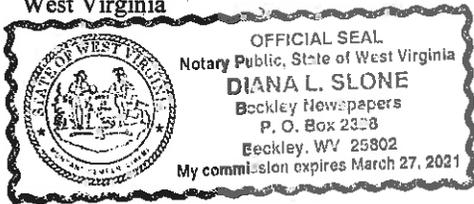
Tara Meyer  
Legal Advertising Clerk  
Beckley Newspapers

Taken, subscribed and sworn to before me in my said county this day:  
07/10/2015

My commission expires March 27, 2021



Notary Public of Raleigh County,  
West Virginia



**COPY OF PUBLICATION**

**AIR QUALITY  
PERMIT NOTICE  
Notice of Application**

Notice is given that Orchard Coal Company has applied to the West Virginia Department of Environmental Protection, Division of Air Quality, for a General Permit Modification for a coal processing and railcar loadout facility located on Route 16/5 near Crab Orchard in Raleigh County, West Virginia. The location coordinates for the facility are: latitude 37.744167 and longitude -81.210278.

The applicant estimates the potential to discharge the following Regulated Air Pollutants will be: particulate matter baseline emissions of 16 ton per year, point source emissions particulate matter less than 10 microns total of 7 tons per year, and the controlled facility emission total of 217 tons per year.

Startup of operation is planned to begin upon permit approval. Written comments will be received by the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street SE, Charleston, WV 25304, for at least 30 calendar days from the date of publication of this notice.

Any questions regarding this permit application should be directed to the DAQ at (304) 926-0499, extension 1227, during normal business hours.

Dated this the 7th day of July 2015

By: Orchard Coal Company  
Zachary Wright  
Power of Attorney  
818 North Eisenhower Drive  
Beckley, WV 25801  
7-10-FRI-1-RH; L 3180

## Roberts, Daniel P

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**From:** Donna Toler <donnatoler@suddenlink.net>  
**Sent:** Thursday, July 16, 2015 12:44 PM  
**To:** Roberts, Daniel P  
**Subject:** RE: Orchard Coal

ID: No 081-00084 Reg 310-0160  
Company Orchard Coal Company  
Facility Crab Orchard Landfill Region 5  
Initials DPR

Well, I guess they will now.

-----Original Message-----

From: Roberts, Daniel P [<mailto:Daniel.P.Roberts@wv.gov>]  
Sent: Thursday, July 16, 2015 11:34 AM  
To: 'Donna Toler'  
Subject: RE: Orchard Coal

Donna,

That is a copy of their application for an operating permit (which we don't do anymore... Title V is the operating permit program now but only for major sources). I found a hard copy of it in the file room. It appears that the original facility never had a Rule 13 permit.

Dan

-----Original Message-----

From: Donna Toler [<mailto:donnatoler@suddenlink.net>]  
Sent: Thursday, July 16, 2015 11:10 AM  
To: Roberts, Daniel P  
Subject: Orchard Coal

Here you go - hope this helps.

-----  
No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2014.0.4821 / Virus Database: 4365/10242 - Release Date: 07/16/15

input coordinates

enter comma delimited coordinates. examples:  
 38 15 30.1, -81 25 15.2 (lat, lon as degrees minutes seconds)  
 38.123456, -81.123456 (lat, lon as decimal degrees)  
 500000, 4100000 (UTM as easting, northing)  
 1987654.32, 364123.45 (WV state plane as easting, northing)

481473.75, 4177246.15

UTM NAD83 Zone 17N

Convert  zoom to point

output coordinates

37.742318, -81.210278

Lat/Lon NAD83

Google Maps

history (for copy/paste/edit)

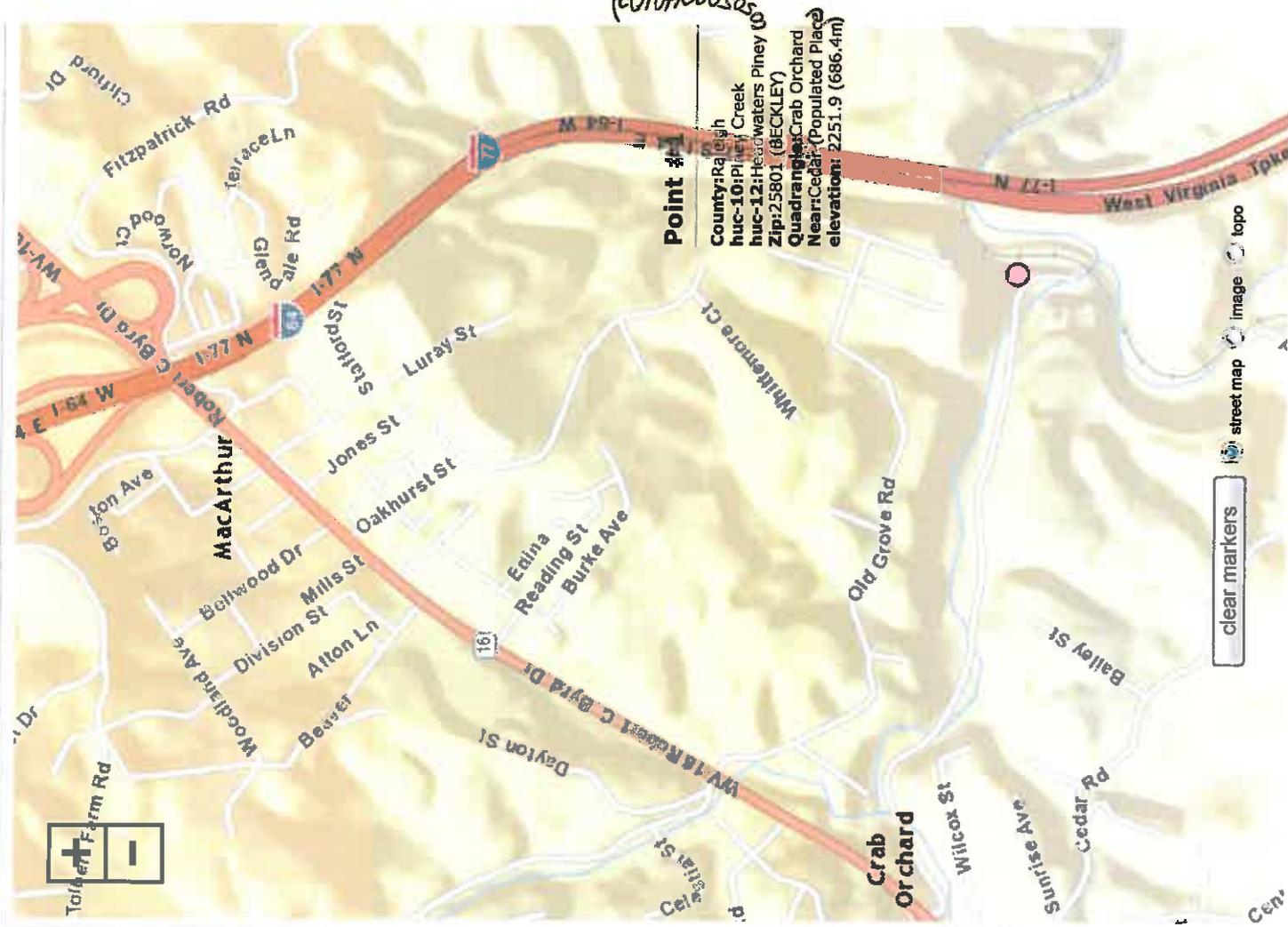
1,481473.8,4177246.2,UTM17N NAD83,37.742318,-81.210278,LL NAD83

ID. No. 081-00084 Reg. 610-D160  
 Company Orchard Coal Company  
 Facility Crab Orchard Leadout Region 5  
 Initials DPR

notes about datum conversions

Datum conversions between all realizations of NAD27, NAD83, and WGS84 are not practical, or sometimes not strictly possible. Many of the issues are associated with the inability to convert between the original realization of NAD83 and more recent realizations. While error could be reduced by introducing an intermediate HARN conversion, separate transformations would have to be implemented for each state, which significantly increases the complexity of the application. Therefore datum conversions include a few built-in assumptions:

1. *Conversions between NAD27 and NAD83.* This converts between NAD27 and NAD83 (1986) using the NADCON transformation. Newer realizations of NAD83, such as NAD83 (CORS96) and NAD83(2011) can differ from NAD83(1986) by a meter or so. This conversion uses the Esri transformation NAD\_1927\_To\_NAD\_1983\_NADCON.



# UC Defaulted Accounts Search Results

Sorry, no records matching your criteria were found.

FEIN: 550668626  
 Business name: ORCHARD COAL COMPANY  
 Doing business as/Trading as:

ID. No. 081-000811 610-0160  
 Company Orchard Coal Company  
 Loc. Crab Orchard Leadout S.  
 Status DPR

Please use your browsers back button to try again.

<a href="#">Workforce WV</a>	<a href="#">Unemployment Compensation</a>	<a href="#">Offices of the Insurance Commissioner</a>
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**West Virginia Secretary of State — Online Data Services**

**Business and Licensing**

Online Data Services Help

ID. No. 081-00084 Reg. G10-D160

Cor: Orchard Coal Company

Pa: Crab Orchard Loadout 1.5

Init: OPR

**Business Organization Detail**

*NOTICE: The West Virginia Secretary of State's Office makes every reasonable effort to ensure the accuracy of information. However, we make no representation or warranty as to the correctness or completeness of the information. If information is missing from this page, it is not in the The West Virginia Secretary of State's database.*

**ORCHARD COAL COMPANY**

<b>Organization Information</b>								
Org Type	Effective Date	Established Date	Filing Date	Charter	Class	Sec Type	Termination Date	Termination Reason
C   Corporation	12/23/1986		12/23/1986	Domestic	Profit			

<b>Organization Information</b>			
<b>Business Purpose</b>	2131 - Mining, Quarrying, Oil & Gas Extraction - Support Activities for Mining - Support Activities for Mining (drilling oil & gas wells, coal & metal mining support)		<b>Capital Stock</b> 100000.0000
<b>Charter County</b>	Raleigh	<b>Control Number</b>	0
<b>Charter State</b>	WV	<b>Excess Acres</b>	0
<b>At Will Term</b>		<b>Member Managed</b>	
<b>At Will Term Years</b>		<b>Par Value</b>	10.0000
<b>Authorized Shares</b>	10000		

<b>Addresses</b>

Type	Address
<b>Local Office Address</b>	818 N. EISENHOWER DRIVE BECKLEY, WV, 25801
<b>Mailing Address</b>	818 N. EISENHOWER DRIVE BECKLEY, WV, 25801 USA
<b>Notice of Process Address</b>	C T CORPORATION SYSTEM 5400 D BIG TYLER ROAD CHARLESTON, WV, 25313
<b>Principal Office Address</b>	818 N. EISENHOWER DRIVE BECKLEY, WV, 25801 USA
Type	Address

**Officers**

Type	Name/Address
<b>Director</b>	JAMES C. JUSTICE II P.O. BOX 2178 BEAVER, WV, 25813
<b>Director</b>	JAMES C. JUSTICE III P.O. BOX 2178 BEAVER, WV, 25813
<b>Incorporator</b>	CHARLES B. STACY P.O. BOX 273 CHARLESTON, WV, 25321
<b>President</b>	JAMES C. JUSTICE, II PO BOX 2178 BEAVER, WV, 25813
<b>Secretary</b>	STEPHEN W. BALL 302 S. JEFFERSON ST. ROANOKE, VA, 24011
<b>Treasurer</b>	JAMES T. MILLER PO BOX 2178 BEAVER, WV, 25813
<b>Vice-President</b>	JAMES C. JUSTICE, III PO BOX 2178 BEAVER, WV, 25813
Type	Name/Address

**Annual Reports**

Date	Filed For

<b>1/12/2015</b>	2016
<b>6/17/2014</b>	2015
<b>6/27/2013</b>	2014
<b>6/20/2012</b>	2013
<b>2/22/2011</b>	2012
<b>1/20/2010</b>	2011
<b>7/9/2009</b>	2010
<b>9/12/2008</b>	2009
<b>12/19/2007</b>	2008
<b>5/21/2007</b>	2007
<b>1/26/2006</b>	2006
<b>4/20/2005</b>	2005
<b>6/29/2004</b>	2004
<b>3/17/2003</b>	2003
<b>7/23/2001</b>	2002
<b>4/23/2001</b>	2001
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<b>Date</b>	<b>Filed For</b>

For more information, please contact the Secretary of State's Office at 304-558-8000.

Wednesday, July 15, 2015 — 3:18 PM

<http://apps.sos.wv.gov/business/corporations/organization.aspx?org=114995>

7/15/2015

© 2015 State of West Virginia

## Roberts, Daniel P

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**From:** Adkins, Sandra K  
**Sent:** Wednesday, July 15, 2015 3:01 PM  
**To:** derrick.oneal@justicecorporation.com  
**Cc:** McKeone, Beverly D; Roberts, Daniel P  
**Subject:** WV DAQ Permit Application Status for Orchard Coal Company; Crab Orchard Loadout

**RE: Application Status  
Orchard Coal Company  
Crab Orchard Loadout  
Plant ID No. 081-00084  
Application No. G10-D160**

Mr. O'Neal,

Your application for a modification permit for the Crab Orchard Loadout was received by this Division on July 14, 2015, and was assigned to Dan Roberts. The following item was not included in the initial application submittal:

**Original affidavit for Class I legal advertisement not submitted.**

*This item is necessary for the assigned permit writer to continue the 30-day completeness review.*

Within 30 days, you should receive a letter from Dan Roberts stating the status of the permit application and, if complete, given an estimated time frame for the agency's final action on the permit.

Any determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit decision.

Should you have any questions, please contact the assigned engineer, Dan Roberts, at 304-926-0499, extension 1210.

081-00084 Modification  
G10-150160 Dan

### 45CSR13 Administrative Update, Construction, Modification, Relocation, Temporary Permit or General Permit Registration Incomplete Application

A complete application is demonstrated when all of the information required below is properly prepared, completed and attached. The items listed below are required information which must be submitted with a 45CSR13 permit application. Any submittal will be considered incomplete if the required information is not included. The applicant must submit a complete application in order to receive a 45CSR13 permit.

Class I legal advertisement ~~not published~~ in a newspaper certified to accept legal advertisements and original affidavit submitted.

Application fee AND/OR additional application fees not included:

- \$250 Class I General Permit
- \$300 Class II Administrative Update
- \$1,000 Construction, Modification, Relocation or Temporary Permit
- \$500 Class II General Permit
- \$1,000 NSPS
- \$2,500 NESHAP
- \$2,500 45CSR27 Pollutant
- \$5,000 Major Modification
- \$10,000 Major Construction

ID. No. 081-00084 Reg. G10-150160  
Co. Orchard Coal Company  
Fac. Crab Orchard Loadout on 5  
Initials OPR

- Original and two (2) copies of the application not submitted.
- File organization – application pages are not numbered or in correct order, application is not bound in some way, etc.
- Confidential Business Information is not properly identified.
- General application forms not completed and signed by a responsible official.
- Authority of Corporation form not included – required if application is signed by someone other than a responsible official.
- Applicant is not registered with the West Virginia Secretary of State's Office.
- Copy of current Business Registration Certificate not included.
- Process description, including equipment and emission point identification numbers, not submitted.
- Process flow diagram, including equipment and emission point identification numbers, not submitted.
- Plot plan, including equipment and emission point identification numbers, not submitted.
- Applicable technical forms not completed and submitted:
  - Emission Point Data Summary Sheets
  - Air Pollution Control Device Sheets
  - Emission Unit Data Sheets
  - Equipment List Form
- Emission calculations not included – emission factors, references, source identification numbers, etc.
- Electronic submittal diskette not included.

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