

West Virginia Department of Environmental Protection

*Earl Ray Tomblin
Governor*

Division of Air Quality

*Randy C. Huffman
Cabinet Secretary*

Permit to Construct



R13-2858

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:

**Federal Bureau of Prisons
Hazelton, Preston County, WV
077-00070**

*John A. Benedict
Director*

Issued: Draft • Effective: Draft

This permit does not supercede or replace any existing permit.

Facility Location: Bruceton Mills, Preston County, West Virginia

Mailing Address: Federal Bureau of Prisons; Hazelton Facility; RR 3, Box 69-1; Casteel Road; Bruceton Mills,
WV 26525

Facility Description: Federal Prison

SIC Codes: Not Applicable

UTM Coordinates: 628.9 km Easting • 4,292.4 km Northing • Zone 17

Permit Type: Construction

Description of Change:

Construction of: 1) three (3) flexible water-tube boilers (5.51 MM Btu/hr per boiler) dual-fueled primarily by natural gas with #2 fuel oil backup; 2) one (1) food services steam boiler (1.51 MM Btu/hr) fueled on natural gas; 3) twenty-six (26) domestic water heaters fueled by natural gas, and 4) two (2) back up electric power generators fueled by #2 fuel oil. The generator engines are subject to 40CFR60, Subpart IIII Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

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.

The source is not subject to 45CSR30.

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1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Not Specified	Not Specified	#2 Fuel Oil Vertical Storage Tank (T01) 34" x72"	2011	300 gallon	None
Not Specified	Not Specified	#2 Fuel Oil Vertical Storage Tank (T02) 34" x 72"	2011	300 gallon	None
Not Specified	Not Specified	#2 Fuel Oil Horizontal Storage Tank (T03) 120" x 312"	2011	1,500 gallon	None
Not Specified	Not Specified	#2 Fuel Oil Horizontal Storage Tank (T04) 120" x 312"	2011	15,000 gallon	None
1S	1E	Hydronic Boiler B-1	2011	5.5MM BTU/HR	None
2S	1E	Hydronic Boiler B-2	2011	5.5MM BTU/HR	None
3S	1E	Hydronic Boiler B-3	2011	5.5MM BTU/HR	None
4S	2E	Food Services Boiler FS-B-1	2011	1.5MM BTU/HR	None
5S	3E	Natural Gas Water Heater GWH-1 (AO)	2011	0.15MM BTU/HR	None
6S	1E	Natural Gas Water Heater GWH-1 (CUP)	2011	0.15MM BTU/HR	None
7S	3E	Natural Gas Water Heater GWH-1 (RE)	2011	0.15MM BTU/HR	None
8S	3E	Natural Gas Water Heater GWH-2 (AI)	2011	0.2MM BTU/HR	None
9S	3E	Natural Gas Water Heater GWH-3 (HS)	2011	0.2MM BTU/HR	None
10S	4E	Natural Gas Water Heater GWH-3 (PS)	2011	0.2MM BTU/HR	None
11S	4E	Natural Gas Water Heater GWH-5 (UF)	2011	0.2MM BTU/HR	None

1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
12S	4E	Natural Gas Water Heater GWH-6 (UF)	2011	0.2MM BTU/HR	None
13S	2E	Natural Gas Water Heater GWH-1 (FS-A)	2011	0.5MM BTU/HR	None
14S	2E	Natural Gas Water Heater GWH-1 (FS-B)	2011	0.5MM BTU/HR	None
15S	4E	Natural Gas Water Heater GWH-1 (PS-A)	2011	0.5MM BTU/HR	None
16S	4E	Natural Gas Water Heater GWH-1 (PS-B)	2011	0.5MM BTU/HR	None
17S	5E	Natural Gas Water Heater GWH-1 (H1-A)	2011	0.5MM BTU/HR	None
18S	5E	Natural Gas Water Heater GWH-1 (H1-B)	2011	0.5MM BTU/HR	None
19S	5E	Natural Gas Water Heater GWH-1 (H1-C)	2011	0.5MM BTU/HR	None
20S	5E	Natural Gas Water Heater GWH-1 (H1-D)	2011	0.5MM BTU/HR	None
21S	5E	Natural Gas Water Heater GWH-1 (H2-A)	2011	0.5MM BTU/HR	None
22S	5E	Natural Gas Water Heater GWH-1 (H2-B)	2011	0.5MM BTU/HR	None
23S	5E	Natural Gas Water Heater GWH-1 (H2-C)	2011	0.5MM BTU/HR	None
24S	5E	Natural Gas Water Heater GWH-1 (H2-D)	2011	0.5MM BTU/HR	None
25S	5E	Natural Gas Water Heater GWH-1 (H3-A)	2011	0.5MM BTU/HR	None
26S	5E	Natural Gas Water Heater GWH-1 (H3-B)	2011	0.5MM BTU/HR	None
27S	5E	Natural Gas Water Heater GWH-1 (H3-C)	2011	0.5MM BTU/HR	None

1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
28S	5E	Natural Gas Water Heater GWH-1 (H3-D)	2011	0.5MM BTU/HR	None
29S	6E	Natural Gas Water Heater GWH-1 (SH-A)	2011	0.5MM BTU/HR	None
30S	6E	Natural Gas Water Heater GWH-1 (SH-B)	2011	0.5MM BTU/HR	None
31S	7E	#2 Fuel Oil-fired Emergency Generator GWH-1 (GEN-1)	2011	121 gal/hr (16.78 Btu/hr)	None
32S	7E	#2 Fuel Oil-fired Emergency Generator GWH-1 (GEN-2)	2011	121 gal/hr (16.78 Btu/hr)	None

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

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

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 does not supercede or replace a previously issued permit. 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 R13-2858 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;
[45CSR§§13-5.11 and 13-10.3]
- 2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

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

2.7. Duty to Supplement and Correct Information

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

2.8. Administrative Update

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

[45CSR§13-4]

2.9. Permit Modification

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

[45CSR§13-5.4.]

2.10. Major Permit Modification

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

[45CSR§13-5.1]

2.11. Inspection and Entry

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

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

2.12. Emergency

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

2.13. Need to Halt or Reduce Activity Not a Defense

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

2.14. Suspension of Activities

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

2.15. Property Rights

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

2.16. Severability

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

2.17. Transferability

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

2.18. Notification Requirements

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

2.19. Credible Evidence

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

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

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

3.2. Monitoring Requirements

[Reserved]

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
 - b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
 - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
 - d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

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

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

3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§4. *State-Enforceable only.*]

3.5. Reporting Requirements

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

If to the DAQ:

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

If to the USEPA:

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

3.5.4. Operating Fee.

3.5.4.1. In accordance with 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate 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. Each of the three (3) 5.5 MM Btu/hr Hydronic Boilers (Emission Unit ID's 1S, 2S, and 3S) shall not exceed the following emission rates:

Pollutant	Hourly Emission Rate Per Each Boiler		⁽¹⁾ Annual Emission Rate (Per Each Boiler)
	(based on burning Natural Gas)	(based on burning #2 Fuel Oil)	
	(lb/hr)	(lb/hr)	(ton/yr)
Carbon Monoxide	0.79	0.84	3.46
Nitrogen Oxide	0.49	0.79	2.21
VOC	0.05	0.010	0.19
(1) Based on each boiler burning natural gas for 8,360 hr/yr and #2 fuel oil for 500 hr/yr.			

4.1.2. The total number of hours that #2 fuel oil can be burned in the three (3), 5.5 MM Btu/hr Hydronic Boilers (Emission Unit ID's 1S, 2S, and 3S) shall not exceed 1500 hours per year. Compliance with this limit shall be determined using a twelve-month-rolling total. A twelve-month-rolling total shall mean the collective sum of the number of hours of operation that any and all three boilers burned #2 fuel oil at any given time during the previous twelve consecutive calendar months.

4.1.3. The 1.5 MM Btu/hr natural gas-fired Food Services Steam Boiler (Emission Unit ID 4S) shall not exceed the following emission rates:

Pollutant	⁽¹⁾ Emission Rate	
	(lb/hr)	(ton/yr)
Carbon Monoxide	0.11	0.48
Nitrogen Oxide	0.14	0.60
VOC	0.01	0.04
(1) Annual emission rate based on operating 8,760 hr/yr.		

4.1.4. The natural gas flow rate to the three (3) Hydronic Boilers (Emission Unit ID's 1S, 2S, and 3S), the one (1) Food Services Steam Boiler (Emission Unit ID 4S) and the twenty-six (26) Water Heaters (Emission Unit ID's 5S through 30S) shall not exceed 28,450 ft³/hr and 249.3 MM ft³/yr. Compliance with this limit shall be determined using a twelve-month-rolling total. A twelve-month-rolling total

shall mean the collective sum of natural gas consumption in the three Hydronic Boilers, the Food Services Steam Boiler, and the twenty-six (26) Water Heaters at any given time during the previous twelve consecutive calendar months.

- 4.1.5. Each of the two (2) No. 2 fuel oil-fired Emergency Generators (Emission Unit ID's 31S and 32S) shall not exceed the following emission rates:

Pollutant	⁽¹⁾ Emission Rate (Per Each Generator)	
	(lb/hr)	(ton/yr)
Carbon Monoxide	0.90	0.23
Nitrogen Oxide	32.66	8.17
Particulate Matter (PM)	0.12	0.03
Sulfur Dioxide	0.62	0.16
(1) Annual emission rate based on generator operating 500 hr/yr.		

- 4.1.6. The maximum amount of #2 fuel oil to be burned by the three (3) Hydroic Boilers (Emission Unit ID's 1S, 2S, and 3S) and the two(2) Emergency Generators (Emission Unit ID's 31S and 32S) and shall not exceed 360 gallons per hour and 180,800 gallons per year. Compliance with the maximum annual limitation shall be determined using a twelve-month-rolling total. A twelve-month-rolling total shall mean the collective sum of the #2 fuel oil consumption in the three (3) boilers and two (2) generators at any given time during the previous twelve consecutive calendar months.
- 4.1.7. The two (2) No. 2 fuel oil-fired Emergency Generators (Emission Unit ID's 31S and 32S) shall be operated and maintained in accordance with the manufacturer's recommendations and specifications and in a manner consistent with good operating practices.
- 4.1.8. The maximum yearly hours of operation for the two (2) fuel oil-fired Emergency Generator (Emission Unit ID's 31S and 32S) shall not exceed 500 hours per year per boiler. Compliance with this limit shall be determined using a twelve-month-rolling total for each of the generators. A twelve-month rolling-total shall mean the sum of the hours of operation for the generator at any given time during the previous twelve consecutive calendar months.
- 4.1.9. **Storage Tanks.** The permittee shall inform the Secretary of any change in the number of storage tanks or capacities. The permittee may exchange storage tanks of similar volume as required.
- 4.1.10. **Emission Standards.** Owners and operators of 2007 model year and later emergency stationary compression ignition (CI) internal combustion engines (ICE) with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in §60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE. [40CFR§60.4205b]

- 4.1.11. Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in §60.4204 and §60.4205 according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer, over the entire life of the engine. [40CFR§60.4206]
- 4.1.12. **Fuel Requirements.** Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel. [40CFR§60.4207b]
- 4.1.13. **Fuel Requirements** Stationary CI ICE that have a national security exemption under §60.4200(d) are also exempt from the fuel requirements in this section. [40CFR§60.4207e]
- 4.1.14. After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines. [40CFR§60.4207e]
- 4.1.15. In addition to the requirements specified in §§60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in paragraphs (a) through (f) of this section after the dates specified in paragraphs (a) through (f) of this section. [40CFR§60.4208g]
- 4.1.16. If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in §60.4211. [40CFR§60.4209]
- 4.1.17. If you are an owner or operator of an emergency stationary CI ICE, you must install a non-resettable hour meter prior to startup of the engine. [40CFR§60.4209a]
- 4.1.18. If you are an owner or operator of a stationary CI ICE equipped with a diesel particulate filter to comply with the emission standards in §60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached. [40CFR§60.4209b]
- 4.1.19. If you are an owner or operator and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI ICE and control device according to the manufacturer's written instructions or procedures developed by the owner or operator that are approved by the engine manufacturer. In addition, owners and operators may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you. [40CFR§60.4211a]
- 4.1.20. If you are an owner or operator of a 2007 model year and later stationary CI ICE and must comply with the emission standards specified in §60.4204(b) or §60.4205(b), you must comply by purchasing an engine certified to the emission standards in §60.4205(b) for the same model year and maximum engine power. The engine must be installed and configured according to the manufacturer's specifications. [40CFR§60.4211c]

- 4.1.21. Emergency stationary ICE may be operated for the purpose of maintenance checks and readiness testing, provided that the tests are recommended by Federal, State, or local government, the manufacturer, the vendor, or the insurance company associated with the engine. Maintenance checks and readiness testing of such units is limited to 100 hours per year. There is no time limit on the use of emergency stationary ICE in emergency situations. Anyone may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that Federal, State, or local standards require maintenance and testing of emergency ICE beyond 100 hours per year. For owners and operators of emergency engines meeting standards under §60.4205 but not §60.4204, any operation other than emergency operation, and maintenance and testing as permitted in this section, is prohibited. **[40CFR§60.4211e]**
- 4.1.22. The maximum sulfur content of the #2 fuel oil burned as a secondary/backup fuel to the three (3) Hydronic Boilers (Emission Unit ID's 1, 2S, and 3S) and as a primary fuel for the two (2) Emergency Generators (Emission Unit ID's 31S and 32S) shall not exceed 0.5%.
- 4.1.23. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.
[45CSR§2-3.1]
- 4.1.24. No person shall cause, suffer, allow or permit the discharge of particulate matter into the open air from all fuel burning units located at one plant, measured in terms of pounds per hour in excess of the amount determined as follows:
- For Type 'b' fuel burning units, the product of 0.09 and the total design heat inputs for such units in million B.T.U.'s per hour, provided however that no more than six hundred (600) pounds per hour of particulate matter shall be discharged into the open air from all such units; **[45CSR§2-4.1.b]**
[45CSR§2-4.1]
- 4.1.25. Maximum Allowable Emission Rates for Similar Units in All Priority III Regions Except Region IV. -- No person shall cause, suffer, allow or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:
- For Type 'b' and Type 'c' fuel burning units, the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.
[45CSR§10-3.3.f]
[45CSR§10-3.3]
- 4.1.26. **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.]**

- 4.1.27. At the time a stationary source is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or other tests the Secretary may specify shall be conducted to determine compliance. [45CSR§13-6.1]
- 4.1.28. The Secretary may suspend or revoke a permit or general permit registration if, after (6) months from the date of issuance, the holder of the permit cannot provide the Secretary, at the Secretary's request, with written proof of a good faith effort that construction, modification, or relocation, if applicable, has commenced. Such proof shall be provided not later than thirty (30) days after the Secretary's request. If construction or modification of a stationary source is discontinued for a period of eighteen (18) months or longer, the Secretary may suspend or revoke the permit or general permit registration. [45CSR§13-10.2]
- 4.1.29. The Secretary may suspend or revoke a permit or general permit registration if the plans and specifications upon which the approval was based or the conditions established in the permit are not adhered to. Upon notice of the Secretary's intent to suspend, modify or revoke a permit, the permit holder may request a conference with the Secretary in accordance with the provisions of W. Va. Code § 22-5-5 to show cause why the permit or general permit registration should not be suspended, modified or revoked. [45CSR§13-10.3]
- 4.2. Monitoring Requirements.** See Sections 4.1.16 through 4.1.18 of this permit.
- 4.3. Testing Requirements.** At the time a permitted emergency generator is in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests as the Secretary may specify shall be conducted to determine such compliance. The permittee may also be required by the Secretary to collect, report and maintain additional data on the operation and compliance of any registered emergency generator.
- 4.3.1. **Stack Testing.** For cause, the Secretary may request the permittee to install such stack gas monitoring devices as the Secretary deems necessary to determine continuing compliance. The data from such devices shall be readily available for review on-site or such other reasonable location that the Secretary may specify. At the request of the Secretary, such data shall be made available for inspection or copying and the Secretary may require periodic submission of excess emission reports (45CSR13).
- 4.3.2. **Notification of Compliance Testing.** For any compliance test to be conducted by the permittee as set forth in this section, a test protocol shall be submitted to the Secretary at least thirty (30) calendar days prior to the scheduled date of the test. Such compliance test protocol shall be subject to approval by the Secretary. The registrant shall notify the Secretary at least fifteen (15) calendar days in advance of actual compliance test dates and times during which the test (or tests) will be conducted.
- 4.3.3. **Alternative Test Methods.** The Secretary may require a different test method or approve an alternative method in light of any technology advancements that may occur and conduct such other tests as may be deemed necessary to evaluate air pollution emissions.

- 4.3.4. Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section. [40CFR§60.4212]

4.4. Recordkeeping Requirements

4.4.1. Records, Operation and Compliance.

- a. To demonstrate compliance with Sections 4.1.1 and 4.1.2 of this permit, a person designated by a Responsible Official or Authorized Representative shall maintain a twelve-month-rolling total of the number of hours #2 fuel oil is burned in the three (3), 5.5 MM Btu/hr Hydronic Boilers.
- b. To demonstrate compliance with Sections 4.1.3 and 4.1.4. of this permit, a person designated by a Responsible Official or Authorized Representative shall maintain a twelve-month-rolling total of the amount of natural gas burned in the three (3) Hydronic Boilers (Emission Unit ID's 1S, 2S, and 3S), the one (1) Food Services Steam Boiler (Emission Unit ID 4S) and the twenty-six (26) Water Heaters (Emission Unit ID's 5S through 30S).
- c. To demonstrate compliance with Sections 4.1.5 and 4.1.6. of this permit, a person designated by a Responsible Official or Authorized Representative shall maintain a twelve-month-rolling total of the amount of #2 fuel oil burned in the three (3) Hydronic Boilers (Emission Unit ID's 1S, 2 S, and 3S) and the two (2) Emergency Generators (Emission Unit ID's 31S and 32S).
- d. To demonstrate compliance with Section 4.1.8. of this permit, a person designated by a Responsible Official or Authorized Representative shall maintain twelve-month-rolling totals of the number of hours each Emergency Generator (Emission Unit ID's 31S and 32S) operated.
- e. To demonstrate compliance with Section 4.1.22 of this permit, a person designated by a Responsible Official or Authorized Representative shall maintain records of all #2 fuel oil supplier certifications showing sulfur content of shipment.
- f. To demonstrate compliance with Section 4.1.23 of this permit, the permittee shall conduct annual visual emission observations in accordance with Method 22 of 40 CFR 60, Appendix A. These observations shall be conducted during periods of normal facility operation for a sufficient time interval to determine if the fuel-burning units have visible emissions using procedures outline in 40CFR60 Appendix A, Method 22. If sources of visible emissions are identified during the survey, the permittee shall conduct an opacity evaluation in accordance with 40CFR60 Appendix A, Method 9, within 24 hours. A 40CFR60 Appendix A, Method 9 evaluation shall not be required if the visible emission condition is corrected in a timely manner and the unit(s) is/are operated at normal operating conditions with no visible emissions being observed.

- g. All records required by this permit shall be maintained for a period of five (5) years on site or in a readily accessible off-site location maintained by the permittee. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Director shall be certified by a responsible official.

4.4.2. **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.

4.4.3. **Equipment Maintenance Records.** The permittee shall maintain maintenance records relating to failure and/or repair of emergency generator equipment. In the event of equipment or system failure, these records shall document the permittee's effort to maintain proper and effective operation of such equipment and/or systems.

4.4.4. **Certification of Information.** Any application form, report, or compliance certification required by this permit to be submitted to the Division of Air Quality 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.

4.4.5. If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to this subpart, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time. [40CFR§60.4214b]

4.4.6. If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached. [40CFR§4214c]

4.4.7. **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.

4.4.8. **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. Upon observing any visible emissions in excess of ten percent (10%) opacity, the permittee shall submit a written report, certified by a responsible official, to the Director of the Division of Air Quality within five (5) days after taking said opacity reading.

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

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

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.