

*West Virginia Department of Environmental Protection*

*Earl Ray Tomblin  
Governor*

*Division of Air Quality*

*Randy C. Huffman  
Cabinet Secretary*

# Permit to Modify



**R13-2608B**

*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:

**Ohio Power Company  
Mitchell Plant  
051-00005**

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*John A. Benedict  
Director*

*Issued: DRAFT • Effective: DRAFT*

This permit will supercede and replace Permit R13-2608A.

Facility Location: Moundsville, Marshall County, West Virginia

Mailing Address: PO Box K  
Moundsville, WV 26041

Facility Description: Power Plant

NAICS Codes: 221112

UTM Coordinates: 516.00 km Easting • 4,409.00 km Northing • Zone 17

Permit Type: Modification

Description of Change:

Modification to convert the existing vacuum conveying system to a complete dry ash handling system.

*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**

**1.0. Emission Units ..... 3**

**2.0. General Conditions ..... 7**

    2.1. Definitions ..... 7

    2.2. Acronyms ..... 7

    2.3. Authority ..... 8

    2.4. Term and Renewal ..... 8

    2.5. Duty to Comply ..... 8

    2.6. Duty to Provide Information ..... 8

    2.7. Duty to Supplement and Correct Information ..... 9

    2.8. Administrative Permit Update ..... 9

    2.9. Permit Modification ..... 9

    2.10. Major Permit Modification ..... 9

    2.11. Inspection and Entry ..... 9

    2.12. Emergency ..... 9

    2.13. Need to Halt or Reduce Activity Not a Defense ..... 10

    2.14. Suspension of Activities ..... 10

    2.15. Property Rights ..... 10

    2.16. Severability ..... 11

    2.17. Transferability ..... 11

    2.18. Notification Requirements ..... 11

    2.19. Credible Evidence ..... 11

**3.0. Facility-Wide Requirements ..... 12**

    3.1. Limitations and Standards ..... 12

    3.2. Monitoring Requirements ..... 12

    3.3. Testing Requirements ..... 12

    3.4. Recordkeeping Requirements ..... 14

    3.5. Reporting Requirements ..... 14

**4.0. Source-Specific Requirements ..... 16**

    4.1. Limitations and Standards ..... 16

    4.2. Monitoring Requirements ..... 18

    4.3. Testing Requirements ..... 19

    4.4. Recordkeeping Requirements ..... 19

    4.5. Reporting Requirements ..... 21

**CERTIFICATION OF DATA ACCURACY ..... 22**

### 1.0 Emission Units

<b>Emission Unit ID</b>	<b>Emission Unit Description</b>	<b>Design Capacity</b>	<b>Control Device</b>	<b>Emission Point ID</b>
<b>1S Limestone Material Handling</b>				
BUN-1	Limestone Unloading Crane	1,000 TPH	None	Fugitive
RH-1	Limestone Unloading Hopper	60 Tons	Water Spray Partial Enclosure	Fugitive
VF-1	Limestone Unloading Feeder	750 TPH	Full Enclosure	Fugitive
BC-1	Limestone Dock/Connecting Conveyor	750 TPH	Partial Enclosure	Fugitive
TH-1	Limestone Transfer House #1	750 TPH	Full Enclosure	Fugitive
BC-2	Limestone Storage Pile Stacking Conveyor	750 TPH	Partial Enclosure	Fugitive
LSSP	Limestone Active/Long-Term Stockpile	41,300 Tons	None	Fugitive
<b>2S Gypsum Material Handling</b>				
BC-8	Vacuum Collecting Conveyor	200 TPH	Partial Enclosure	Fugitive
TH-3	Gypsum Transfer House #3	200 TPH	Full Enclosure	Fugitive
BC-9	Connecting Conveyor	200 TPH	Partial Enclosure	Fugitive
TH-4	Gypsum Transfer House #4	200 TPH	Full Enclosure	Fugitive
BC-10	Connecting Conveyor	200 TPH	Partial Enclosure	Fugitive
TH-5	Gypsum Transfer House #5	200 TPH	Full Enclosure	Fugitive
BC-11	Connecting Conveyor	200 TPH	Partial Enclosure	Fugitive
TH-6	Gypsum Transfer House #6	200 TPH	Full Enclosure	Fugitive
BC-12	Stacking Tripper Conveyor	200 TPH	Partial Enclosure	Fugitive
GSP	Gypsum Stockpile	15,600 tons	Full Enclosure	Fugitive
PSR-1	Traveling Portal Scraper Reclaimer	1,000 TPH	Full Enclosure	Fugitive
BC-14	Reclaim Conveyor	1,000 TPH	Partial Enclosure	Fugitive
TH-7	Transfer House #7	1,000 TPH	Full Enclosure	Fugitive
BC-13	Bypass Conveory	200 TPH	Partial Enclosure	Fugitive
BC-15	Connecting Conveyor	1,000 TPH	Partial Enclosure	Fugitive
TH-1	Transfer House #1	1,000 TPH	Full Enclosure	Fugitive
BC-16	Transfer Conveyor	1,000 TPH	Partial Enclosure	Fugitive
BL-1	Barge Loader	1,000 TPH	Partial Enclosure	Fugitive
BC-14	Reclaim Conveyor Extension	1,000 TPH	Partial Enclosure	Fugitive
TH-8	Transfer House 8	1,000 TPH	Full Enclosure	Fugitive
BC-19	Transfer Conveyor	1,000 TPH	Partial Enclosure	Fugitive
TH-9	Transfer House 9	1,000 TPH	Full Enclosure	Fugitive

<b>Emission Unit ID</b>	<b>Emission Unit Description</b>	<b>Design Capacity</b>	<b>Control Device</b>	<b>Emission Point ID</b>
BC-20	Transfer Conveyor	1,000 TPH	Partial Enclosure	Fugitive
TH-10	Transfer House 10	1,000 TPH	Full Enclosure	Fugitive
BC-21	Transfer Conveyor to 21	1,000 TPH	Partial Enclosure	Fugitive
BUN-1	Clamshell Unloading Crane	1,000 TPH		Fugitive
RH-4	Gypsum Unloading Hopper	30 tons	Water Spray Partial Enclosure	Fugitive
RP-1	Gypsum Rotary Plow	750 TPH	Full Enclosure	Fugitive
BC-17	Dock/Connecting Conveyor	750 TPH	Partial Enclosure	Fugitive
TH-7	Transfer House #7	750 TPH	Full Enclosure	Fugitive
BC-18	Bypass Conveyor	750 TPH	Partial Enclosure	Fugitive
TH-6	Transfer House #6	750 TPH	Full Enclosure	Fugitive
<b>3S Limestone Mineral Processing</b>				
VF-2	Limestone Reclaim Feeder 2	750 TPH	Full Enclosure	Fugitive
VF-3	Limestone Reclaim Feeder 3	750 TPH	Full Enclosure	Fugitive
BC-3	Limestone Tunnel Reclaim Conveyor	750 TPH	Partial Enclosure	Fugitive
FB-1	Emergency Limestone Reclaim Feeder/Breaker	750 TPH	None	Fugitive
TH-2	Limestone Transfer House 2	750 TPH	Full Enclosure	Fugitive
BC-4	Limestone Silo A Feed Conveyor	750 TPH	Partial Enclosure	Fugitive
BC-5	Limestone Silo B Feed Conveyor	750 TPH	Partial Enclosure	Fugitive
BC-6	Limestone Silo C Feed Conveyor (future)	750 TPH	Partial Enclosure	Fugitive
LSB-1	Limestone Silo A	900 Tons	Baghouse	6E
LSB-2	Limestone Silo B	900 Tons	Baghouse	7E
LSB-3	Limestone Silo C (future)	900 Tons	Baghouse	8E
	Vibrating Bin Discharger (one per silo)	68.4 TPH	Full Enclosure	Fugitive
LSWF-1 LSWF-2 LSWF-3	Limestone Weigh Feeder (one per silo)	68.4 TPH	Full Enclosure	Fugitive
	Wet Ball Mill (one per silo)	68.4 TPH	Full Enclosure	Fugitive
<b>4S Dry Sorbent Material Handling</b>				
	Truck Unloading Connection (2)	25 TPH	Full Enclosure	Fugitive
DSSB 1	Dry Sorbent Storage Silos #1	500 TPH	Baghouse Full Enclosure	10E
DSSB 2	Dry Sorbent Storage Silos #2	500 TPH	Baghouse Full Enclosure	11E

<b>Emission Unit ID</b>	<b>Emission Unit Description</b>	<b>Design Capacity</b>	<b>Control Device</b>	<b>Emission Point ID</b>
	Aeration Distribution Bins	4.6 TPH	Full Enclosure	Fugitive
	De-aeration Bins	4.6 TPH	Full Enclosure	Fugitive
	Rotary Feeder	4.6 TPH	Full Enclosure	Fugitive
<b>5S Coal Blending System</b>				
HTS-1	Transfer House #1	3,000 TPH	Full Enclosure	Fugitive
HSC-1	Stacking Conveyor #1	3,000 TPH	Partial Enclosure	Fugitive
HTS-2A	Transfer House #2A	3,000 TPH	Full Enclosure	Fugitive
HSC-2	Stacking Conveyor #2	3,000 TPH	Partial Enclosure	Fugitive
HTS-3	Transfer House #3	3,000 TPH	Full Enclosure	Fugitive
HSC-3	Stacking Conveyor #3	3,000 TPH	Partial Enclosure	Fugitive
SH-1	Stacking Hopper SH-1 Transfer to SC-3 (receives coal from existing plant radial stacker R9)	3,000 TPH	Full Enclosure	Fugitive
HSC-3 to High Sulfur Pile (CSA-2, existing)	Transfer from Stacking Conveyor HSC-3 to the High Sulfur Coal Pile located at existing North Yard Storage Area (CSA-2)	3,000 TPH	Stacking Tube	Fugitive
HVF-1	Coal Reclaim Feeder 1	800 TPH	Full Enclosure	Fugitive
HVF-2	Coal Reclaim Feeder 2	800 TPH	Full Enclosure	Fugitive
HVF-3	Coal Reclaim Feeder 3	800 TPH	Full Enclosure	Fugitive
HVF-4	Coal Reclaim Feeder 4	800 TPH	Full Enclosure	Fugitive
HVF-1 through HVF-4 to HRC-1 (Transfer)	Transfer from Vibrating Feeders HVF-1 through HVF-4 to Reclaim Conveyor HRC-1	1,600 TPH	Full Enclosure	Fugitive
HRC-1	Coal Tunnel Reclaim Conveyor	1,600 TPH	Partial Enclosure	Fugitive
HTS-2B	Coal Transfer House #2B	1,600 TPH	Full Enclosure	Fugitive
HRC-2	Reclaim Conveyor #2	1,600 TPH	Partial Enclosure	Fugitive
HTS-4	Coal Transfer House #4	1,600 TPH	Full Enclosure	Fugitive
HRC-3	Reclaim Conveyor #3	1,600 TPH	Partial Enclosure	Fugitive
HTS-5	Coal Transfer House #5	1,600 TPH	Full Enclosure	Fugitive
SB-1	Surge Bin #1	80 Tons	Full Enclosure	Fugitive
HBF-1A	Belt Feeder 1A	800 TPH	Partial Enclosure	Fugitive
HBF-1B	Belt Feeder 1B	800 TPH	Partial Enclosure	Fugitive
HBF-1A/1B to BF-4E/4W (Transfer)	Transfer from Belt Feeders HBF-1A and HBF-1B to Existing Coal Conveyors 4E and 4W	1,600 TPH	Full Enclosure	Fugitive
<b>6S, 7S Emergency Quench Water System</b>				
6S	Diesel Engine on Quench Pump #1	60 HP (approx.)	Full Enclosure	15E

<b>Emission Unit ID</b>	<b>Emission Unit Description</b>	<b>Design Capacity</b>	<b>Control Device</b>	<b>Emission Point ID</b>
7S	Diesel Engine on Quench Pump #2	60 HP (approx.)	Full Enclosure	16E
<b>9S Magnesium Hydroxide Material Handling System</b>				
MHM-1	Magnesium Hydroxide Mix Tank #1	1,000 Gallons	Wet Slurry System	-
MHM-2	Magnesium Hydroxide Mix Tank #2	1,000 Gallons	Wet Slurry System	
<b>11S Wastewater Treatment System Material Handling</b>				
	Truck Unloading Connection (2)	25 TPH	Full Enclosure	Fugitive
	Lime Storage Silo #1	100 TPH	Baghouse Full Enclosure	24E
	Lime Storage Silo #2	100 TPH	Baghouse Full Enclosure	25E
	Wastewater Treatment Cake Stockpile	3,600 Tons	Building Enclosure	Fugitive
FB-2	Filter Cake Feeder/Breaker	600 TPH	Partial Enclosure	Fugitive
BC-22	Transfer Conveyor 22	600 TPH	Partial Enclosure	Fugitive
TH-12	Transfer House #12	600 TPH	Partial Enclosure	Fugitive
<b>Fly Ash Handling System</b>				
ME-1A	Unit 1 Mechanical Exhauster	NA	Filter/Separator	EP-1
ME-1B	Unit 1 Mechanical Exhauster	NA	Filter/Separator	EP-2
ME-1C	Unit 1 Mechanical Exhauster	NA	Filter/Separator	EP-3
ME-2A	Unit 2 Mechanical Exhauster	NA	Filter/Separator	EP-4
ME-2B	Unit 2 Mechanical Exhauster	NA	Filter/Separator	EP-5
ME-2C	Unit 2 Mechanical Exhauster	NA	Filter/Separator	EP-6
FAS-A	Fly Ash Silo A	2160 tons	Bin Vent Filter	EP-7
FAS-B	Fly Ash Silo B	2160 tons	Bin Vent Filter	EP-8
FAS-C	Fly Ash Silo C	2160 tons	Bin Vent Filter	EP-9
WFA-AA	Conditioned fly ash transfer from Silo A to Truck	360 tph	Moisture Content	F-1
WFA-BA	Conditioned fly ash transfer from Silo B to Truck	360 tph	Moisture Content	F-2
WFA-CA	Conditioned fly ash transfer from Silo C to Truck	360 tph	Moisture Content	F-3
WFA-AB	Conditioned fly ash transfer from Silo A to Truck	360 tph	Moisture Content	F-4
WFA-BB	Conditioned fly ash transfer from Silo B to Truck	360 tph	Moisture Content	F-5
WFA-CB	Conditioned fly ash transfer from Silo C to Truck	360 tph	Moisture Content	F-6
TC-A	Dry ash transfer from Silo A to Truck	300 tph	Telescopic Chute	EP-10
TC-B	Dry ash transfer from Silo B to Truck	300 tph	Telescopic Chute	EP-11
TC-C	Dry ash transfer from Silo C to Truck	300 tph	Telescopic Chute	EP-12

## 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	<b>NSPS</b>	New Source Performance Standards
<b>CBI</b>	Confidential Business Information	<b>PM</b>	Particulate Matter
<b>CEM</b>	Continuous Emission Monitor	<b>PM<sub>2.5</sub></b>	Particulate Matter less than 2.5µm in diameter
<b>CES</b>	Certified Emission Statement	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>Ppb</b>	Pounds per Batch
<b>CO</b>	Carbon Monoxide	<b>pph</b>	Pounds per Hour
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>ppm</b>	Parts per Million
<b>DAQ</b>	Division of Air Quality	<b>Ppmv or ppmv</b>	Parts per million by volume
<b>DEP</b>	Department of Environmental Protection	<b>PSD</b>	Prevention of Significant Deterioration
<b>dscm</b>	Dry Standard Cubic Meter	<b>psi</b>	Pounds per Square Inch
<b>FOIA</b>	Freedom of Information Act	<b>SIC</b>	Standard Industrial Classification
<b>HAP</b>	Hazardous Air Pollutant	<b>SIP</b>	State Implementation Plan
<b>HON</b>	Hazardous Organic NESHAP	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>HP</b>	Horsepower	<b>TAP</b>	Toxic Air Pollutant
<b>lbs/hr</b>	Pounds per Hour	<b>TPY</b>	Tons per Year
<b>LDAR</b>	Leak Detection and Repair	<b>TRS</b>	Total Reduced Sulfur
<b>M</b>	Thousand	<b>TSP</b>	Total Suspended Particulate
<b>MACT</b>	Maximum Achievable Control Technology	<b>USEPA</b>	United States Environmental Protection Agency
<b>MDHI</b>	Maximum Design Heat Input	<b>UTM</b>	Universal Transverse Mercator
<b>MM</b>	Million	<b>VEE</b>	Visual Emissions Evaluation
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour	<b>VOC</b>	Volatile Organic Compounds
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet per Hour	<b>VOL</b>	Volatile Organic Liquids
<b>NA</b>	Not Applicable		
<b>NAAQS</b>	National Ambient Air Quality Standards		
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		
<b>NO<sub>x</sub></b>	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 supercedes and replaces previously issued Permit R13-2608A. 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 R13-2608, R13-2608A and R13-2608B 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 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. Limestone transferred across belt conveyor BC-1 to Transfer House #1 [TH-1] shall be limited to a maximum transfer rate of 750 tons per hour and 1,100,000 tons per year.
- 4.1.2. Limestone transferred across belt conveyor BC-3 to Transfer House #2 [TH-2] shall be limited to a maximum transfer rate of 750 tons per hour and 1,100,000 tons per year.
- 4.1.3. Gypsum transferred across belt conveyor BC-9 to Transfer House #4 [TH-4] shall be limited to a maximum transfer rate of 200 tons per hour and 1,700,000 tons per year.
- 4.1.4. Gypsum and wastewater treatment system cake transferred across belt conveyor BC-14 to Transfer House #7 [TH-7] shall be limited to a maximum transfer rate of 1,000 tons per hour and 1,912,000 tons per year.
- 4.1.5. Gypsum transferred across belt conveyor BC-17 to Transfer House #7 [TH-7] shall be limited to a maximum transfer rate of 750 tons per hour and 1,200,000 tons per year.
- 4.1.6. Gypsum transferred across belt conveyor BC-19 to Transfer House #9 [TH-9] shall be limited to a maximum transfer rate of 1,000 tons per hour and 1,700,000 tons per year.
- 4.1.7. Coal transferred across belt conveyor HSC-1 shall be limited to a maximum transfer rate of 3,000 tons per hour and 5,732,544 tons per year.
- 4.1.8. Dry Sorbent (Trona or Hydrated Lime) for SO<sub>3</sub> mitigation shall be delivered to the facility at a maximum annual rate of 81,000 tons per year.
- 4.1.9. Liquid magnesium hydroxide shall be delivered to the facility at a maximum annual rate of 6,600,000 gallons per year.
- 4.1.10. Hydrated lime for the FGD wastewater treatment system shall be delivered to the facility at a maximum annual rate of 3,200 tons per year.
- 4.1.11. Ferric Chloride for the FGD wastewater treatment system shall be delivered to the facility at a maximum annual rate of 110,000 gallons per year.
- 4.1.12. Acid (hydrochloric or sulfuric) for the FGD wastewater treatment system shall be delivered to the facility at a maximum annual rate of 170,000 gallons per year.
- 4.1.13. Polymer and organosulfide for the FGD wastewater treatment facility shall be delivered to the facility at a maximum annual rate of 13,500 gallons per year.
- 4.1.14. The diesel-fired engines [6S and 7S] used to power the emergency quench water system shall be limited to a total maximum combined annual operating schedule of 200 hours per year.
- 4.1.15. Compliance with all annual operating limits shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the quantified operating data at any given time during the previous twelve (12) consecutive calendar months.

- 4.1.16. The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spraybar shall be equipped with spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

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

- 4.1.17. Additionally, at least three times per year the permittee shall apply a mixture of water and an environmentally acceptable dust control additive hereafter referred to as solution to all unpaved haul roads. The solution shall have a concentration of dust control additive sufficient to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads.
- 4.1.18. The permittee shall not cause, suffer, allow or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. **[45CSR2.5.1]**
- 4.1.19. The installation and operation of the proposed Limestone Processing equipment [3S] shall be applicable to the limits and requirements set forth by 40CFR60 - Subpart OOO, "*Standards of performance for non-metallic mineral processing plants.*"
- a. The material transfers across the conveyors within the enclosed transfer stations and ball mill within the processing building will be limited to the opacity emissions from the building or building vents. The buildings will be limited to emissions of no visible opacity per 40CFR60.672(e)(1), and the vents from the buildings will be limited to an opacity of 7% and particulate emissions of 0.022 grains per dry standard cubic foot, per 40CFR60.672(e)(2).
  - b. The emissions from the baghouse on each of the limestone day bins will be limited to 7% opacity per 40CFR60.672(f).
  - c. All material transfer points outside of the buildings will be limited to a maximum 10% opacity per 40CFR60.672(b).
  - d. In order to comply with the emission and opacity limitations of this Subpart, the permittee shall employ dust suppression methods to minimize particulate emissions from the limestone processing equipment. In order to demonstrate compliance, in accordance to the requirements of the regulation, the applicant shall conduct performance testing and monitoring activities as set forth by this Subpart.
- 4.1.20. The maximum amount of fly ash handled by the fly ash handling system shall not exceed 800,000 tons per year on a dry (1% moisture) basis (i.e 980,000 tons per year at 20% moisture). Compliance with the throughput limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the fly ash transferred for the previous twelve (12) consecutive calendar months.
- 4.1.21. PM emissions from Mechanical Exhausters ME-1A, ME-1B and ME-1C shall not exceed 0.16 lb/hr and 0.69 tpy individually nor 0.32 lb/hr and 1.38 tons per year combined.

- 4.1.22 PM emissions from Mechanical Exhausters ME-2A, ME-2B and ME-2C shall not exceed 0.15 lb/hr and 0.65 tpy individually nor 0.30 lb/hr and 1.30 tons per year combined
- 4.1.23 PM emissions from Bin Vent Filters BVF-A, BVF-B and BVF-C shall not exceed 0.75 lb/hr nor 3.25 tpy combined.
- 4.1.24 PM emissions from the transfer of conditioned fly ash from the silos to trucks (WFA-AA, WFA-AB, WFA-BA, WFA-BB, WFA-CA, and WFA-CB) shall not exceed 0.07 pounds per hour nor 0.09 tons per year combined.
- 4.1.25. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.  
**[45CSR§13-5.11.]**

## 4.2. Monitoring Requirements

- 4.2.1. For the purpose of determining compliance with the material transfer limits set forth by Section 4.1.1. and 4.1.2. of this permit, the permittee shall monitor the hourly and annual limestone transfer rates across belt conveyor BC-1 to Transfer House #1 [TH-1] and across belt conveyor BC-3 to Transfer House #2 [TH-2].
- 4.2.2. For the purpose of determining compliance with the material transfer limits set forth by Section 4.1.3., 4.1.4., 4.1.5. and 4.1.6. of this permit, the permittee shall monitor the hourly and annual gypsum and wastewater treatment cake transfer rates across belt conveyors BC-9 to Transfer House #4 [TH-4], BC-14 to Transfer House #7 [TH-7], BC-17 to the Transfer House #7 Extension, and BC-19 to Transfer House #9 [TH-9].
- 4.2.3. For the purpose of determining compliance with the material transfer limits set forth by Section 4.1.7. of this permit, the permittee shall monitor the hourly and annual coal transfer rates across belt conveyor HSC-1 to Transfer Station #2A.
- 4.2.4. For the purpose of determining compliance with the limits associated with the delivery of raw materials for the SO<sub>3</sub> mitigation system, as set forth by Section 4.1.8. and 4.1.9. of this permit, the permittee shall monitor the on-site delivery of dry sorbent (including trona and hydrated lime) and liquid magnesium hydroxide.
- 4.2.5. For the purpose of determining compliance with the limits associated with the delivery of raw materials for the FGD wastewater treatment system, as set forth by Sections 4.1.10. through 4.1.13. of this permit, the permittee shall monitor the on-site delivery of hydrated lime, ferric chloride, acid (hydrochloric or sulfuric), polymer and organosulfide.
- 4.2.6. For the purpose of determining compliance with the operating limits set forth by Section 4.1.14. of this permit, the permittee shall monitor the operating schedule of the diesel-fired engine [6S and 7S] used to power the emergency quench water system.

- 4.2.7 For the purpose of determining compliance with the limits associated with disposal of dry fly ash, as set forth by Section 4.1.20 of this permit, the permittee shall monitor and record the amount of dry fly ash disposed of.
- 4.2.8 For the purpose of determining compliance with the operating limits set forth by Section 4.1.17. of this permit, the permittee shall monitor and record the date that chemical solution is applied to the haulroads along with the amount and concentration of the solution applied.

### 4.3. Testing Requirements

- 4.3.1. For the purpose of determining compliance with the performance testing requirements of 40 C.F.R. Part 60, Subpart OOO, as set forth by Section 4.1.19. of this permit, the permittee shall conduct compliance testing of the permitted facility within 180 days of the equipment start-up. These tests will be used to determine the particulate matter emissions generated from the open transfer points and processing operations. The testing methods to be employed are as follows:

<u>Pollutant</u>	<u>USEPA Test Method*</u>
Determination of the Opacity of Emissions	9

\* Per 40CFR60, Appendix A

The permittee shall submit to the Director of the DAQ a test protocol detailing the proposed test methods, date, and time testing is to take place, testing locations, and any other relevant information. The test protocol must be received by the Director no less than thirty (30) days prior to the date the testing is to take place. The Director shall be notified at least fifteen (15) days in advance of the actual dates and times during which the tests will be conducted. The results of emissions testing shall be submitted to the DAQ within thirty (30) days of completion of testing.

- 4.3.2 Within 120 days of startup of the dry ash handling system, the permittee shall perform or have performed EPA approved tests to determine maximum PM emissions from any one of the Silo Bin Vent Filters (BVF-A, BVF-B or BVF-C).

### 4.4. Recordkeeping Requirements

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
- The date, place as defined in this permit and time of sampling or measurements;
  - The date(s) analyses were performed;
  - The company or entity that performed the analyses;
  - The analytical techniques or methods used;
  - The results of the analyses; and
  - 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 demonstrating compliance with the monitoring requirements set forth in Section 4.2.1. of this permit, the permittee shall maintain monthly records of the amount of limestone transferred across the monitored belt conveyors.
- 4.4.5. For the purpose of demonstrating compliance with the monitoring requirements set forth in Section 4.2.2. of this permit, the permittee shall maintain monthly records of the amount of gypsum and wastewater treatment cake transferred across the monitored belt conveyors.
- 4.4.6. For the purpose of demonstrating compliance with the monitoring requirements set forth in Section 4.2.3. of this permit, the permittee shall maintain monthly records of the amount of coal transferred across the monitored belt conveyor.
- 4.4.7. For the purpose of demonstrating compliance with the monitoring requirements set forth in Section 4.2.4. of this permit, the permittee shall maintain monthly records of the amount of dry sorbent (trona and hydrated lime) and liquid magnesium hydroxide delivered to the facility via truck.
- 4.4.8. For the purpose of demonstrating compliance with the monitoring requirements set forth in Section 4.2.5. of this permit, the permittee shall maintain monthly records of the amount of hydrated lime, ferric chloride, acid (hydrochloric or sulfuric), polymer and organosulfide delivered to the facility via truck.

- 4.4.9. For the purpose of demonstrating compliance with the monitoring requirements set forth in Section 4.2.6. of this permit, the permittee shall maintain monthly records of the hours of operation of the diesel-fired engines [6S and 7S].
- 4.4.10. For the purposes of determining compliance with Section 4.1.16., 4.1.17., and 4.1.18. of this permit, the permittee shall maintain records of the amount of dust control additive used at the facility and the dates the solution was applied.
- 4.4.11. All records produced in accordance to the requirements set forth by Section 4.4. of this permit shall be maintained on-site for a period of no less than five (5) years and made available to the Director or his duly authorized representative upon request. At a time prior to being submitted to the Director, all records shall be certified and signed by a “Responsible Official” or a duly authorized representative, utilizing the attached Certification of Data Accuracy statement.
- 4.4.12. For the purposes of determining compliance with the maximum throughput limit set forth in Condition 4.1.20 above, the facility shall maintain monthly (and calculated rolling yearly total) records of the amount of fly ash handled by the Units 1 and 2 fly ash system.

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

*[Reserved]*

### 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> \_\_\_\_\_ Date \_\_\_\_\_  
(please use blue ink) Responsible Official or Authorized Representative

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

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.