

*West Virginia Department of Environmental Protection*  
Earl Ray Tomblin  
Governor

*Division of Air Quality*

Randy C. Huffman  
Cabinet Secretary

# Permit to Modify



**R13-2759A**

*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 above-referenced facility is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

*Issued to:*

**Southern West Virginia Asphalt, Inc.**  
**HMA Plant # 33**  
**081-00207**

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*John A. Benedict*  
*Director*

**Issued: DRAFT • Effective: DRAFT**

This permit will supercede and replace Permit R13-2759.

Facility Location: Beaver, Raleigh County, West Virginia  
Mailing Address: P.O. Box 544, Dunbar, West Virginia 25064  
Facility Description: Hot Mix Asphalt Plant  
NAICS Codes: 324121  
UTM Coordinates: 489.975 km Easting • 4180.804 km Northing • Zone 17  
Permit Type: Modification  
Description of Change: This permit modification addresses inconsistencies between actual facility equipment / operations and what is permitted in 13-2579.

*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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*This permit does not affect 45CSR30 applicability. The source is a nonmajor source subject to 45CSR30.*

**Table of Contents**

**1.0. Emission Units.....4**

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

    2.1. Definitions .....7

    2.2. Acronyms .....8

    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

**5.0. Source-Specific Requirements .....17**

    5.1. Limitations and Standards .....17

    5.2. Testing Requirements .....20

    5.3. Recordkeeping Requirements .....22

    5.4. Reporting Requirements .....23

**APPENDIX A .....24**

**APPENDIX B .....25**

**CERTIFICATION OF DATA ACCURACY .....26**

**1.0. Emission Units**

Emission Unit ID	Emission Unit Description	Year Installed	Design Capacity		Control Device
OS1	Aggregate Stockpile	2008	5,000 tons	100,000 tpy	None
OS2	Aggregate Stockpile	2008	10,000 tons	200,000 tpy	None
OS3	Aggregate Stockpile	2008	10,000 tons	150,000 tpy	None
OS4	Aggregate Stockpile	2008	10,000 tons	150,000 tpy	None
OS5	Aggregate Stockpile	2008	10,000 tons	50,000 tpy	None
OS6	Aggregate Stockpile	2008	10,000 tons	50,000 tpy	None
B1	Aggregate Bin	2008	20 tons	500,000 tpy	PE
B2	Aggregate Bin	2008	20 tons		PE
B3	Aggregate Bin	2008	20 tons		PE
B4	Aggregate Bin	2008	20 tons		PE
B5	Aggregate Bin	2008	20 tons		PE
B6	Aggregate Bin	2008	20 tons		PE
B7	Aggregate Bin	2008	20 tons		PE
BC1	Aggregate Belt Conveyor	2008	400 tph	500,000 tpy	PE
BC2	Aggregate Belt Conveyor	2008	400 tph	500,000 tpy	PE
BC3	Aggregate Belt Conveyor	2008	400 tph	500,000 tpy	None
BC4	Aggregate Belt Conveyor	2008	400 tph	500,000 tpy	None
BC5	Aggregate Belt Conveyor	2008	400 tph	500,000 tpy	None
SCR1	Aggregate Screen	2008	400 tph	500,000 tpy	PE
BC6	Aggregate Belt Conveyor	2008	400 tph	500,000 tpy	None

Emission Unit ID	Emission Unit Description	Year Installed	Design Capacity		Control Device
CFDM1	Counterflow Drum Mix Plant ASTEC Turbo 400 Double Barrel	2008	400 tph	500,000 tpy	APCD1 APCD2
OS7	RAP Stockpile	2008	25,000 tons	50,000 tpy	None
B8	RAP Bin	2008	20 tons	50,000 tpy	PE
B9	RAP Bin	2008	20 tons		PE
BC7	Rap Belt Conveyor	2008	100 tph	50,000 tpy	PE
BC8	RAP Belt Conveyor	2008	100 tph	75,000 tpy	None
SCR2	RAP Screen	2008	100 tph	75,000 tpy*	WS+PE
BC9	RAP Belt Conveyor	2008	100 tph	25,000 tpy	None
CR1	Rap Crusher	2008	100 tph	25,000 tpy*	FE
BC10	RAP Belt Conveyor	2008	100 tph	50,000 tpy	None
OS8	Coal Stockpile	2008	100 tons	11,000 tpy	PE
B10	Coal Bin	2008	100 tons	11,000 tpy	PE
ACSP1	Astec Coal Preparation System	2008	3.6 tph	10,000 tpy	FE
BS1	HMA Silo	2008	200 tons	500,000 tpy	FE
BS2	HMA Silo	2008	200 tons		FE
BS3	HMA Silo	2008	200 tons		FE
BS4	HMA Silo	2008	200 tons		FE
BS5	HMA Silo	2008	200 tons		FE
SLC1	Slat Conveyor	2008	400 tph	500,000 tpy	FE
SC1	Screw Conveyor	2008	10 tph	12,500 tpy	FE
AH1	Hot Oil Heater - #2 fuel oil	2008	14.18 gal/hr	42,881 gal/yr	None

Emission Unit ID	Emission Unit Description	Year Installed	Design Capacity		Control Device
T1	Asphalt Cement Storage Tank	2008	30,000 gal	5,900,000 gal/yr	None
T2	Asphalt Cement Storage Tank	2008	30,000 gal		None
T3	Asphalt Cement Storage Tank	2008	30,000 gal		None
T4	Asphalt Emulsion Storage Tank (not used in the production of HMA)	2008	10,000 gal	263,000 gal/yr	None
T5	Off-road Diesel Storage Tank	2008	24,500 gal	93,000 gal/yr	None
T6	No. 2 Fuel Oil Storage Tank	2008	24,500 gal	886,500 gal/yr	None
T7	Used Oil Storage Tank	2008	20,000 gal	925,900 gal/yr	None
T8	Used Oil Storage Tank	2008	20,000 gal		None
T9	Off-road Diesel Storage Tank	2008	2,000 gal	93,000 gal/yr	None
APCD-1	ASTECC CYC-76SP Cyclone				
APCD-2	ASTECC BH-76SP Pulse Jet Baghouse				

\* Assumes that 50% of material that initially passes through screen SCR-1 is oversized and makes the circuit through the crusher CR-1 and back through screen SCR-1.

**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 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary’s designated representative for the purposes of this permit.

**2.2. Acronyms**

<b>CAAA</b>	Clean Air Act Amendments	<b>NO<sub>x</sub></b>	Nitrogen Oxides
<b>CBI</b>	Confidential Business Information	<b>NSPS</b>	New Source Performance Standards
<b>CEM</b>	Continuous Emission Monitor	<b>PM</b>	Particulate Matter
<b>CES</b>	Certified Emission Statement	<b>PM<sub>2.5</sub></b>	Particulate Matter less than 2.5 μm in diameter
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>PM<sub>10</sub></b>	Particulate Matter less than 10μm in diameter
<b>CO</b>	Carbon Monoxide	<b>Ppb</b>	Pounds per Batch
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>Pph</b>	Pounds per Hour
<b>DAQ</b>	Division of Air Quality	<b>Ppm</b>	Parts per Million
<b>DEP</b>	Department of Environmental Protection	<b>Ppm<sub>v</sub> or ppmv</b>	Parts per Million by Volume
<b>dscm</b>	Dry Standard Cubic Meter	<b>PSD</b>	Prevention of Significant Deterioration
<b>FOIA</b>	Freedom of Information Act	<b>Psi</b>	Pounds per Square Inch
<b>HAP</b>	Hazardous Air Pollutant	<b>SIC</b>	Standard Industrial Classification
<b>HON</b>	Hazardous Organic NESHAP	<b>SIP</b>	State Implementation Plan
<b>HP</b>	Horsepower	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>lbs/hr</b>	Pounds per Hour	<b>TAP</b>	Toxic Air Pollutant
<b>LDAR</b>	Leak Detection and Repair	<b>TPY</b>	Tons per Year
<b>M</b>	Thousand	<b>TRS</b>	Total Reduced Sulfur
<b>MACT</b>	Maximum Achievable Control Technology	<b>TSP</b>	Total Suspended Particulate
<b>MDHI</b>	Maximum Design Heat Input	<b>USEPA</b>	United States Environmental Protection Agency
<b>MM</b>	Million	<b>UTM</b>	Universal Transverse Mercator
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour	<b>VEE</b>	Visual Emissions Evaluation
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet per Hour	<b>VOC</b>	Volatile Organic Compounds
<b>NA</b>	Not Applicable	<b>VOL</b>	Volatile Organic Liquids
<b>NAAQS</b>	National Ambient Air Quality Standards		
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		

### **2.3. Authority**

This permit is issued in accordance with West Virginia Air Pollution Control Act 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 supersedes and replaces previously issued Permit R13-[#####]. 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 other 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-[#####], and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;  
**[45CSR§§13-5.11 and 10.3.]**
- 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; and
- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

## **2.12. Emergency**

- 2.12.1. An “emergency” means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are met.
- 2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
  - b. The permitted facility was at the time being properly operated;
  - c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
  - d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, 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 45CSR11.  
[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 57<sup>th</sup> Street  
Charleston, WV 25304-2345

**If to the US EPA:**

Associate Director  
Office of Air Enforcement and Compliance Assistance  
(3AP20)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

#### 3.5.4. Operating Fee

- 3.5.4.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a certified emissions statement 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 (Emission Units in Table 1.0)

##### 4.1. Limitations and Standards

4.1.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit, and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

4.1.2. **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.]**

4.1.3. **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.

4.1.4. **Minor Source of Hazardous Air Pollutants (HAP).** HAP emissions from the facility shall be less than 10 tons/year of any single HAP or 25 tons/year of any combination of HAPs. Compliance with this Section shall ensure that the facility is a minor HAP source.

**5.0. Source Requirements (Hot Mix Asphalt Facility)**

**5.1. Limitations and Standards**

5.1.1. **Maximum Design Production Rate Limitation.** The maximum hourly hot mix asphalt production rate for the Astec Turbo 400 Double Barrell hot mix asphalt plant (CFDM1) shall not exceed 400 tons/hour. The maximum annual hot mix asphalt production rate for the Astec Turbo 400 Double Barrell hot mix asphalt plant (CFDM1) shall not exceed 500,000 tons/year. Compliance with the Maximum Yearly Design Production Rate Limitation shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the natural gas fuel consumption at any given time during the previous twelve consecutive calendar months.

5.1.2. Maximum emissions from the hot mix asphalt plant (CFDM1) dryer shall not exceed the following emission limits:

Pollutant	Maximum Hourly Emissions (lb/hr)	Maximum Annual Emissions (tpy)
Total Particulate Matter	13.93	8.70
Particulate Matter-10	1.68	1.05
Carbon Monoxide	120.90	75.60
Nitrogen Oxides	80.90	50.50
Sulfur Dioxide	95.50	59.70
Volatile Organic Compounds	12.80	8.00

5.1.3. The drum mixer burner may fire fuel oil, waste oil, clean coal or pipeline quality natural gas. Maximum sulfur content of fuel oil or recycled or used oil fired in any burner shall not exceed 0.5%. The maximum fuel usage limits shall not exceed the following:

Type of Fuel	Maximum Fuel Usage	
Pipeline Quality Natural Gas	76,300 ft <sup>3</sup> /hr	3.97 x 10 <sup>6</sup> ft <sup>3</sup> /yr
Waste Oil	741 gal/hr	2.24 x 10 <sup>6</sup> gal/yr
#2 Fuel Oil	710 gal/hr	2.15 x 10 <sup>6</sup> gal/yr
Clean Coal	3.6 tons/hour	10,886.4 tons/yr

5.1.4. The maximum tank throughput for the following tanks shall not exceed the following:

Tank ID#	Tank Description	Tank Size (gallons)	Maximum Tank Throughput (gal/yr)
T1	Asphalt Cement	30,000	5,900,000
T2	Asphalt Cement	30,000	
T3	Asphalt Cement	30,000	
T4	Asphalt Emulsion	10,000	263,000
T5	Off Road Diesel	10,000	93,000
T6	No. 2 Fuel Oil	24,500	886,500
T7	Used Oil	20,000	925,900
T8	Used Oil	20,000	
T9	Off Road Diesel	2,000	93,000

Compliance with the Maximum Yearly Tank Throughput Limitation shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the tank throughput at any given time during the previous twelve consecutive calendar months.

- 5.1.5. The permittee shall not cause, allow or permit particulate matter (PM) emission into the open air in excess of 0.04 grains per dry standard cubic foot from any registered hot mix asphalt plant. [40 C.F.R. 60.92(a)(1)]
- 5.1.6. The permittee shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any stack, equipment or transfer point which exhibits 20% opacity or greater based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary. [45CSR3 & 40 C.F.R. 60.92(a)(2)]
- 5.1.7. The provisions of Section 5.1.4 shall not apply to smoke and/or particulate matter emitted during start-up or shutdown of an operation which exhibits less than 40% opacity for a period of six (6) minutes per start-up or shutdown based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary. [45CSR3]
- 5.1.8. The permittee shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any crusher, at which a capture system is not used, which exhibits 15% opacity or greater based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary. [40 C.F.R. 60.672(c)]
- 5.1.9. If the Secretary believes that start ups and shutdowns are excessive in duration and/or frequency, the Secretary may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shutdowns are necessary. [45CSR3]
- 5.1.10. The permittee shall not cause, allow or permit emission of particulate matter into the open air from any fugitive dust control system which exhibits 20 percent opacity or greater. [45CSR7]
- 5.1.11. **Multiple Stacks.** In the case of more than one stack to a hot mix asphalt plant, the limitation for particulate matter set for the in Section 5.1.2 shall be based on the total emissions of particulate matter from all stacks. [45CSR3]
- 5.1.12. **Particulate Matter Capture System and Prevention of Emissions.** The permittee shall not cause, suffer, allow or permit a hot mix asphalt plant to operate that is not equipped with a particulate matter capture system and associated primary and secondary air pollution control devices. A particulate matter capture system shall be used to confine, collect, and transport particulate matter from dryers, hot elevators, drum mixers, pugmills, weigh hoppers, hot bins and related components to primary (cyclone, multicyclone, knockdown box) and secondary (baghouse) collection air pollution control devices. Particulate matter capture systems shall include but not be limited to hoods, bins, ductwork, enclosures, primary and secondary collection air pollution control devices and fans. The particulate matter capture system shall be properly designed to accommodate any release of steam during the operation of a batch hot mix asphalt plant. Such systems and devices shall be designed, operated and maintained in such a manner as to prevent the emission of particulate matter from any point other than a stack outlet. [45CSR3]
- 5.1.13. The permittee shall maintain an effective fugitive dust control of the plant premises and owned, leased or controlled haulroads and access roads by paving, chemical treatment and/or water suppression. Good operating methods, practices and general maintenance shall be observed in relation to stockpiling and screen changing to prevent fugitive dust generation and atmospheric entrainment of particulate matter. Good operating practices, water suppression and/or an enclosure shall be employed to effectively minimize fugitive particulate matter generation and atmospheric entrainment when hot bins are pulled at the end of daily operations or any other time. [45CSR3]

- 5.1.14. The permittee shall adequately maintain and operate on-site: (1) a water truck, or (2) a fixed system of water sprays, or (3) a combination of a water truck and a fixed system of water sprays to minimize the emission of particulate matter generated from access roads, haulroads, stockpiles and work areas. Any fixed water spray system shall be no less effective than a water truck in minimizing fugitive particulate emissions from the area under control. The water truck and/or fixed water spray system shall be operated at all times when fugitive particulate emissions from access roads, haulroads, stockpiles and work areas are generated as a result of vehicular traffic, operational activity or wind. All water trucks and fixed water sprays shall be equipped with a pump and spraybars to apply water or a mixture of water and an environmentally acceptable dust control additive (solution) to access roads, haulroads, stockpiles and work areas where mobile equipment is used. Spraybars shall be equipped with commercially available spray nozzles of sufficient size and number so as to provide adequate coverage to the area being treated. The pump and piping system used to deliver the water or solution shall be of sufficient size and capacity to deliver an adequate quantity of water or solution to the spray nozzles at a sufficient pressure to provide an effective spray.
- 5.1.15. **Haul-Road Maintenance.** All haul-roads, access roads, stockpile and work areas shall be kept clean and in good condition by replacing base material, grading and/or paving as required.
- 5.1.16. **Vehicular Tracking.** If tracking of solids by vehicular traffic from access and/or haul-roads onto any public road or highway occurs and generates or has the potential to generate fugitive particulate emissions, the permittee shall properly operate and maintain an underbody truck wash, rumble strips or employ other suitable measures to maintain fugitive dust control of the premises and minimize the emission of particulate matter.
- 5.1.17. **Stockpile Loading.** All loading of stockpiles shall at a minimum, be accomplished with a device and/or operating method which minimizes drop height during load-in.
- 5.1.18. **Fugitive Emissions from Stockpiles.** Crusting agents shall be applied or water sprays shall be employed at stockpile operations when fugitive particulate emissions from stockpile areas are generated as a result of insufficient material moisture content and wind, or stockpiles shall be fully enclosed.
- 5.1.19. **RAP Crusher and Breakers.** All crushers and rotary breakers shall be either: (1) fully enclosed; or (2) partially enclosed and fitted with effective water sprays to minimize the emission of particulate matter. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions.
- 5.1.20. **RAP Screens.** All screens shall be either: (1) fully enclosed; or (2) partially enclosed and fitted with effective water sprays to minimize the emission of particulate matter. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions.
- 5.1.21. The permittee shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain effective and functional, to the maximum extent practicable, during winter months and cold weather.
- 5.1.22. All dryers shall be designed and operated in such a manner to minimize exhaust gas temperature and excess visible emissions associated with high exhaust gas temperatures.

- 5.1.23. Drum mixers shall incorporate good flighting design to ensure maximum combustion efficiency, minimize quenching and the excess emissions of carbon monoxide and hydrocarbon emissions associated with poor flighting design.
- 5.1.24. The permittee shall not receive, store, burn or fire any recycled or used oil which is considered a hazardous waste or does not meet the used oil specifications below (40 C.F.R. 279.11, Table 1). The burning of used or recycled oil which does not meet these specifications shall constitute a violation of 45CSR25, 33CSR20 and the requirements, provisions, standards and conditions of this permit.

<u>Constituent or Property</u>	<u>Maximum Allowable Specification</u>
Arsenic	5.0 ppm
Cadmium	2.0 ppm
Chromium	10.0 ppm
Lead	100.0 ppm
PCBs	2.0 ppm
Total Halogen	4000.0 ppm maximum
Mercury	0.20 ppm
Flash Point	100.0 °F minimum

- 5.1.25. Recycled or used oil with a Total Halogen content greater than 1000.0 ppm is presumed to be a hazardous waste under the rebuttable presumption provided in 40 C.F.R. 279.10(b)(1)(ii). Therefore, the permittee may receive, store and burn recycled or used oil exceeding 1000.0 ppm Total Halogen (but less than 4000.0 ppm maximum) only if the supplier or marketer has demonstrated that the recycled or used oil is not and does not contain hazardous waste.
- 5.1.26. The permittee shall use only the following materials in the production of hot mix asphalt: clay, silt, sand, gravel and crushed stone produced from natural geologic formations; slag, recycled asphalt shingles, recycled asphalt pavement; portland cement concrete; recycled fines and/or sediments from asphalt plant air pollution control devices; asphaltic cement, hydrated lime and other additives specifically approved by the Secretary.
- 5.1.27. At no time shall the addition of RAP into the hot mix asphalt manufacturing process cause an exceedance of the limitation for smoke and particulate matter set forth in Sections 5.1.5 & 5.1.6.
- 5.1.28. The permittee shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any asphalt storage tank heater vent which is darker in shade or appearance than ten (10) percent opacity (45CSR2).

## 5.2. Testing Requirements

- 5.2.1. At such reasonable times as the Secretary may designate, the owner or operator of a Hot Mix asphalt plant may be required to conduct or have conducted stack tests to determine the dust loading in exhaust gases and mass emission rates of particulate matter. All tests to determine compliance with exhaust gas dust concentrations and particulate matter mass emission rates shall be conducted in accordance with Methods 1-5 of 40 CFR Part 60, Appendix A provided that all compliance tests must consist of not less than three (3) test runs, test run duration shall not be less than sixty (60) minutes, and not less than thirty (30) standard cubic feet of exhaust gas must be sampled during each test run. Should the Secretary exercise his/her option to conduct such tests, the operator will 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, ladders, etc., to comply with generally accepted good safety practices.

- 5.2.2. The Secretary may approve or specify additional testing or alternative testing to the test methods specified above 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;
- 5.2.3. The Secretary may approve or specify additional testing or alternative testing to the test methods specified above 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 5.2.2.
- 5.2.4. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified, 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.
- 5.2.5. Within 60 calendar days after achieving the maximum production rate at which an affected facility will be operated but not later than 180 calendar days after initial startup of such facility, the permittee shall conduct performance test(s) to determine compliance with the NSPS standard for particulate matter pursuant to 40 C.F.R. 60.92(a)(1) as set forth in Section 2.3.3.b., the opacity standard pursuant to 40 C.F.R. 60.92(a)(2) as set forth in Sections 2.3.3.c. and 2.3.3.d. and the opacity standard pursuant to 40 C.F.R. 60.67(c) as set forth in Section 2.3.3.e. The permittee shall furnish a written report of the results of such test(s) to the Secretary and USEPA (40 C.F.R. 60.8(a) and 40 C.F.R. 60.93(b)).
- 5.2.6. When conducting required performance tests or demonstrating compliance with the NSPS mass emission rate standard for particulate matter, the permittee shall use the procedures and test methods of Reference Method 5 in Appendix A of 40 C.F.R. 60. For purposes of determining initial compliance, the sampling time and sample volume for each run shall be at least 60 minutes and 31.8 dscf (40 C.F.R. 60.93(b)(1)).
- 5.2.7. When conducting required performance tests or demonstrating compliance with opacity standards for affected facilities, the permittee shall use the procedures and test methods of Reference Method 9 in Appendix A of 40 C.F.R. 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (thirty (30) six (6)-minute averages) for the performance test or any other set of observations including sources of fugitive emissions (40 C.F.R. 60.11(b) and 40 C.F.R. 60.93(b)(2)).
- 5.2.8. For any compliance tests to be conducted by the permittee as set forth in this section, a test protocol report shall be submitted to the Secretary at least thirty (30) calendar days prior to the scheduled date of the test(s). Such compliance test protocol shall be subject to approval by the Secretary. The permittee shall notify the Secretary at least fifteen (15) calendar days in advance of actual compliance test dates and times during which the test(s) will be conducted.

- 5.2.9. The permittee shall provide the USEPA at least 30 days prior notice of any performance test to afford the Administrator the opportunity to have an observer present (40 C.F.R. 60.8(d)).
- 5.2.10. The Secretary may require a different test method or approve an alternative method in light of any technology advancements that may occur.

### **5.3. Recordkeeping Requirements**

- 5.3.1. For the purpose of determining compliance with the maximum hot mix asphalt process rate design capacity limitation and maximum hot mix asphalt yearly production rate limitation, the permittee shall maintain daily records of hot mix asphalt production and hours of operation.
- 5.3.2. Compliance with the maximum hot mix asphalt yearly production rate limitation shall be determined using a rolling yearly total. A rolling yearly total shall mean the amount of hot mix asphalt produced at any given time for the previous twelve (12) consecutive calendar months.
- 5.3.3. Daily records of hot mix asphalt production and hours of operation shall be retained on-site by the permittee for at least five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection or 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.
- 5.3.4. The permittee shall keep records of monitoring information which include the following:
  - a. The date, place, 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.
  - f. The operating conditions existing at the time of sampling or measurement.
- 5.3.5. The permittee shall maintain maintenance records relating to failure and/or repair of air pollution control devices and fugitive dust control systems. In the event of air pollution control equipment, fugitive dust control system or system failure, these records shall document the permittee's effort to maintain proper operation of such equipment and/or systems;
- 5.3.6. Air pollution control equipment maintenance records shall be retained on-site for a period of five (5) years. Said records shall be readily available to the Director of the Division of Air Quality or his/her duly authorized representative for expeditious inspection or 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.
- 5.3.7. The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.
- 5.3.8. The permittee shall maintain a record of the tank throughput for tanks with maximum throughput limits, to demonstrate compliance with Section 5.1.4 of this permit. Said records shall be maintained on site or in a readily accessible off-site location maintained by the permittee for a period of five (5) years. Said records shall be readily available to the Director of the Division of

Air Quality or his/her duly authorized representative for expeditious inspection or 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.

#### 5.4. Reporting Requirements

- 5.4.1. The permittee shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in 40 C.F.R. 60.92 & 40 C.F.R. 60.672, including reports of opacity observations made using Method 9 to demonstrate compliance with 40 C.F.R. 60.92 (a)(2) & 40 C.F.R. 60.676 (b), (c), and (d).
- 5.4.2. Any 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.
- 5.4.3. 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 may designate:

If to the DAQ:  
Director  
WVDEP  
Division of Air Quality  
601 57th Street, SE  
Charleston, WV 25304  
  
Phone: 304/926-0475  
FAX: 304/926-0478

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

- 5.4.4. The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 5.4.5. At such time(s) as the Secretary may designate, the permittee shall prepare and submit an emission inventory for the previous calendar 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 submittal frequency other than on an annual basis.

**APPENDIX A**

**DAILY HOT MIX ASPHALT PRODUCTION AND HOURS OF OPERATION**

Plant Name:  
 Registration No.:  
 Month \_\_\_\_\_ Year \_\_\_\_\_

Day	Hot Mix Asphalt Production(tons)	Hours of Operation	Initials
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
<b>TOTAL</b>			

**Rolling Yearly Total Hot Mix Asphalt Production \_\_\_\_\_ tons**

**Rolling Yearly Total Hours of Operation \_\_\_\_\_ hours**



### CERTIFICATION OF DATA ACCURACY

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

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

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

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

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

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