

*West Virginia Department of Environmental Protection*

*Division of Air Quality*

*Earl Ray Tomblin  
Governor*

*Randy C. Huffman  
Cabinet Secretary*

# Permit to Construct



**R13-2854**

*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:  
**Fayette Coal & Coke, Inc.**  
**Newburg Facility**  
**077-00088**

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*John A. Benedict  
Director*

**Issued: DRAFT • Effective: DRAFT**

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Facility Location: Newburg, Preston County, West Virginia  
Mailing Address: 195 Enterprise Drive, Connellsville, Pennsylvania 15425  
Facility Description: Crushing and screening plant.  
NAICS Codes: 212311  
UTM Coordinates: 595.333 km Easting • 4371.686 km Northing • Zone 17  
Permit Type: Construction (After-the-Fact)  
Description: After-the-fact permit for a crushing and screening operation that consists of one (1) crusher, two (2) screens, three (3) open stockpiles, one (1) diesel engine, and one (1) storage tank.

*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.*

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## 1.0 Emission Units

Equipment ID No.	Emission Unit Description	Year Installed	Design Capacity	
			Tons / Hour	Tons / Year <sup>2</sup>
JC1	Jaw Crusher – Metso/Nordberg LT-105	2004	300	25,000
S1	Screen -- Spyder/Primary	2009	300	25,000
S2	Screen -- Spyder/Secondary	2009	180	15,000
<b>Engine</b>				
E1	Diesel Engine -- Deutz BF4M2012	2007	300 hp	
<b>Tank</b>				
T1	Storage Tank -- diesel fuel	2007	100 gallons	50,000 gal / yr
<b>Stockpiles</b>		<b>Max. Base Area (sq. ft.)</b>	<b>Max. Capacity Tons</b>	<b>Max Capacity Tons / Year</b>
OS1	Open Stockpile – 1½”	1,600	10,000	10,000
OS2	Open Stockpile – ¾”	1,600	10,000	10,000
OS3	Open Stockpile – sand	1,600	5,000	5,000

## 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>pph</b>	Pounds per Hour
<b>CBI</b>	Confidential Business Information	<b>ppm</b>	Parts per Million
<b>CEM</b>	Continuous Emission Monitor	<b>Ppmv or ppmv</b>	Parts per million by volume
<b>CES</b>	Certified Emission Statement	<b>PSD</b>	Prevention of Significant Deterioration
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>psi</b>	Pounds per Square Inch
<b>CO</b>	Carbon Monoxide	<b>SIC</b>	Standard Industrial Classification
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>SIP</b>	State Implementation Plan
<b>DAQ</b>	Division of Air Quality	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>DEP</b>	Department of Environmental Protection	<b>TAP</b>	Toxic Air Pollutant
<b>dscm</b>	Dry Standard Cubic Meter	<b>TPY</b>	Tons per Year
<b>FOIA</b>	Freedom of Information Act	<b>TRS</b>	Total Reduced Sulfur
<b>HAP</b>	Hazardous Air Pollutant	<b>TSP</b>	Total Suspended Particulate
<b>HON</b>	Hazardous Organic NESHAP	<b>USEPA</b>	United States Environmental Protection Agency
<b>HP</b>	Horsepower	<b>UTM</b>	Universal Transverse Mercator
<b>lbs/hr</b>	Pounds per Hour	<b>VEE</b>	Visual Emissions Evaluation
<b>LDAR</b>	Leak Detection and Repair	<b>VOC</b>	Volatile Organic Compounds
<b>M</b>	Thousand	<b>VOL</b>	Volatile Organic Liquids
<b>MACT</b>	Maximum Achievable Control Technology		
<b>MDHI</b>	Maximum Design Heat Input		
<b>MM</b>	Million		
<b>MMBtu/hr or mmbtu/hr</b>	Million British Thermal Units per Hour		
<b>MMCF/hr or mmcf/hr</b>	Million Cubic Feet per Hour		
<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		
<b>NSPS</b>	New Source Performance Standards		
<b>PM</b>	Particulate Matter		
<b>PM<sub>2.5</sub></b>	Particulate Matter less than 2.5µm in diameter		
<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter		
<b>Ppb</b>	Pounds per Batch		

### **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 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 R13-2854 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.
- 3.5.4.2. In accordance with 45CSR30 – Operating Permit Program, enclosed with this permit is a Certified Emissions Statement (CES) Invoice, from the date of initial startup through the following June 30. Said invoice and the appropriate fee shall be submitted to this office no later than 30 days prior to the date of initial startup. For any startup date other than July 1, the permittee shall pay a fee or prorated fee in accordance with the Section 4.5 of 45CSR22. A copy of this schedule may be found attached to the Certified Emissions Statement (CES) Invoice.
- 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. Sandstone throughput at the Metso Jaw Crusher shall not exceed 300 tons per hour or 25,000 tons per year. Compliance with the throughput limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of sandstone throughput at any given time for the previous twelve (12) consecutive calendar months.
- 4.1.2. The maximum operation time shall not exceed 3,120 hours per year. Compliance with the yearly operation limit shall be determined using a rolling total year. A rolling yearly total shall mean the sum of the tonnage processed at any given time for the previous twelve (12) consecutive calendar months.
- 4.1.3. In accordance with the information filed in permit application R13-2854, all amendments attached thereto, and all subsequent revisions submitted, the maximum throughputs shown in the Emission Units table of this permit, Section 1.0., shall not be exceeded at any time.
- 4.1.4. All water sprays shall be designed and maintained so as to minimize the atmospheric entrainment of fugitive particulate matter. The pump delivering the water shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) and 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. A freeze protection plan to insure the wet suppression system remains operational must be in place.
- 4.1.5. One (1) diesel engines shall be utilized at this facility. The maximum diesel fuel consumption of the 300 hp Deutz engine (E1) shall not exceed 6 gallons per hour (gal/hr) and 9,600 gallons per year (gal/yr) based on 1,600 hours per year (hr/yr) of operation.
- 4.1.6. Emissions from the engine shall not exceed the values specified in the table below:

Emission Point	Equipment Description	Pollutant	Maximum Emission Limit	
			(lb/hr)*	(ton/yr)**
E1	Deutz 300 hp engine	NO <sub>x</sub>	3.2	2.53
		CO	0.40	0.32
		VOC	0.75	0.60
		SO <sub>2</sub>	0.62	0.50
		PM <sub>10</sub>	0.05	0.04

\* Based on a maximum consumption rate of 6 gal/hr of diesel fuel per engine.

\*\* Based on a maximum operation 1,600 hr/yr

##### 4.1.7. Engine fuel requirements

- a. Beginning October 1, 2010, the permittee must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for non road diesel fuel.  
**[40CFR§60.4207b]**
- b. The permittee of pre-2011 model year stationary CI ICE subject to this subpart may petition the Administrator for approval to use remaining non-compliant fuel that does not meet the fuel requirements of paragraphs (a) and (b) of this section beyond the dates required for the purpose of using up existing fuel inventories. If approved, the petition will be valid for a period of up to 6 months. If additional time is needed, the permittee is required to submit a new petition to the Administrator.  
**[40 CFR §60.4207b]**

**4.1.8. Engine compliance requirements**

- a. If you are a permittee and must comply with the emission standards specified in this subpart, you must operate and maintain the stationary CI internal combustion engine and control device according to the manufacture's written instructions or procedures developed by the permittee that are approved by the engine manufacturer. In addition, the permittee may only change those settings that are permitted by the manufacturer. You must also meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.  
**[40CFR §60.4211a]**
- b. If you are a permittee of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in §60.4204(b) or §60.4205(b), you must comply by purchasing an engine certified to the emission standards in §60.4204(b), or §60.4205(b) or ( c ), as applicable, for the same model year and maximum engine power. The engine must be installed and configured according to the manufacture's specifications.  
**[40 CFR §60.4211c]**

- 4.1.9. Affected facilities must meet the stack emission limits and compliance requirements in Table 2 of this subpart within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after the initial startup as required under §60.8. The requirements in Table 2 of this subpart apply for affected facilities with capture systems used to capture and transport particulate matter to a control device.  
**[40 CFR §60.672a]**
- 4.1.10. Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart within 60 days after achieving maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capturing systems.  
**[40 CFR §60.672b]**
- 4.1.11. No person shall cause, suffer, allow or permit visible emissions from any storage structure(s) associated with any manufacturing process(es) that pursuant to subsection 5.1 is required to have a full enclosure and be equipped with a particulate matter control device.  
**[45CSR§7-3.7.]**
- 4.1.12. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A found at the end of this rule.  
**[45CSR§7-4.1.]**
- 4.1.13. No person shall cause, suffer, allow or permit any manufacturing process or storage structure generating fugitive particulate matter to operate that is not equipped with a system, which may include, but not be limited to, process equipment design, control equipment design or operation and maintenance procedures, to minimize the emissions of fugitive particulate matter. To minimize means such system shall be installed, maintained and operated to ensure the lowest fugitive particulate matter emissions reasonably achievable.  
**[45CSR§7-5.1.]**
- 4.1.14. The owner or operator of a plant shall maintain particulate matter control of the plant premises, and plant owned, leased or controlled access roads, by paving, application of asphalt, chemical dust suppressants or other suitable dust control measures. Good operating practices shall be implemented and when necessary particulate matter suppressants shall be applied in relation to stockpiling and general material handling to minimize particulate matter generation and atmospheric entrainment.  
**[45CSR§7-5.2.]**

- 4.1.15. **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 maximum throughput limits set forth in 4.1.1, the permittee shall maintain certified monthly and annual records of the amount of sandstone processed, utilizing the form identified as Appendix A. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

### 4.2.2. Engine monitoring requirements

- a. For the purpose of determining compliance with the maximum fuel usage limits set forth in 4.1.5., the permittee shall maintain monthly diesel fuel records for the 300hp Deutz Engine (E1) utilizing the form identified as Appendix B.
- b. If you are a permittee of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in §60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the permittee when the high backpressure limit of the engine is approached.

[40CFR §60.4209b]

- 4.2.3. For the purposes of determining compliance with water control usage set forth in 4.1.4, the permittee shall monitor water activity and maintain certified daily records, utilizing the forms identified as Appendix C. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

The owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses wet suppression to control emissions from the affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expeditiously as practical if the owner or operator finds that water is not flowing properly during an inspection of the water spray nozzles. The owner or operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under §60.676(b).

[40 CFR §60.674b]

- 4.2.4. For the purpose of determining compliance with the opacity limits of 40 CFR 60 Subpart OOO and 45 CSR 7, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.
- a. The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.
  - b. Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.
  - c. If visible emissions are present at a source(s) for three (3) consecutive monthly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 or 45CSR§7A as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A Method 9 or 45CSR§7A observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

### 4.3. Testing Requirements

#### 4.3.1. Engine testing requirements

The permittee who conducts performance tests pursuant to this subpart must do so according to paragraphs (a) through (d) of this section.  
**[40 CFR §60.4212]**

- a. The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F.  
**[40 CFR §60.4212a]**
- b. Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1030.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.  
**[40 CFR §60.4212b]**
- c. Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8, as applicable, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in 40 CFR 89.112 or 40 CFR 94.8, as applicable, determined from the following equation:

$$\text{NTE Requirement for each pollutant} = (1.25) \times (\text{STD})$$

Where: STD = The standard specified for the pollutant in 40 CFR 89.112 or 40 CFR 94.8, as applicable.

Alternatively, stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR 89.112 or 40 CFR 94.8 may follow the testing procedures specified in §60.4213 of this subpart, as appropriate.

**[40 CFR §60.4212e]**

#### 4.4. Recordkeeping Requirements

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
- a. The date, place as defined in this permit and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of the analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.
- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
- a. The equipment involved.
  - b. Steps taken to minimize emissions during the event.
  - c. The duration of the event.
  - d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

- e. The cause of the malfunction.
  - f. Steps taken to correct the malfunction.
  - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.4.4. For the purpose of determining compliance with maximum throughput limits set forth in 4.1.1., the applicant shall maintain certified daily and monthly records. An example form is included as Appendix A. These records shall be maintained on-site for a period of five (5) years and be made available to the Director of the Division of Air Quality or his/her duly authorized representative upon request.
- 4.4.5. For the purpose of determining compliance with maximum operation time limits set forth in 4.1.2., the applicant shall maintain certified daily and monthly records. An example form is included as Appendix A. These records shall be maintained on-site for a period of five (5) years and be made available to the Director of the Division of Air Quality or his/her duly authorized representative upon request.

- 4.4.6. The permittee shall maintain records of all monitoring data required by Section 4.2.4. documenting the date and time of each visible emission check, the emission point or equipment / source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6-10 mph NE wind) during the visual emission check(s). An example form is supplied as Appendix D. Should a visible emission observation be required to be performed per the requirements specified in Method 9 or 45CSR§7A , the data records of each observation shall be maintained per the requirements of Method 9 or 45CSR§7A . For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.

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

- 4.5.1. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observation using 40CFR Part 60, Appendix A, Method 9 or 45CSR§7A must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.
- 4.5.2. The owner or operator of an affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in §60.672 of this subpart.  
**[40 CFR §60.676(f)]**

**APPENDIX A**

**Throughput of Sandstone  
 Fayette Coal & Coke, Inc  
 COMPANY ID NO. 077-00088  
 PERMIT NO. R13-2854**

Month \_\_\_\_\_ Year \_\_\_\_\_

Day of Month	Throughput (Tons)	Hours Operated	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>Monthly Throughput</b>			
<b>12 Month Rolling Total<sup>2</sup></b>			
<b>Yearly Permitted Limit</b>	<b>25,000</b>	<b>3,120</b>	

- Note: (1) The **CERTIFICATION OF DATA ACCURACY** statement appearing on the reverse side shall be completed and kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.
- (2) This record shall be maintained on site for a period of five (5) years from the date of certification. It shall be made available, upon request, to the Director or his/her authorized representative

**APPENDIX B**

**Record of #2 Fuel Oil Consumption and Hours Operated (Deutz Engine E1)  
Fayette Coal & Coke, Inc.  
COMPANY ID NO. 077-00088  
PERMIT NO. R13-2854**

<b>MONTH</b>	<b>Fuel Usage (gal)</b>	<b>HOURS OF OPERATION</b>	<b>12 Month Rolling Avg. (hours)</b>
<b>January</b>			
<b>February</b>			
<b>March</b>			
<b>April</b>			
<b>May</b>			
<b>June</b>			
<b>July</b>			
<b>August</b>			
<b>September</b>			
<b>October</b>			
<b>November</b>			
<b>December</b>			
<b>Sub-Total*</b>			
<b>TOTAL*</b>			

- Note: \* Diesel fuel permitted is 6 gallons per hour based on a maximum annual usage of 1,600 hours of operation per year (maximum fuel usage of 9,600 gallons per year total).
- (1) The **CERTIFICATION OF DATA ACCURACY** statement appearing on the reverse side shall be completed and kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.
  - (2) This record shall be maintained on site for a period of five (5) years from the date of certification. It shall be made available, upon request, to the Director or his/her authorized representative

**APPENDIX C**

**Certified Daily and Monthly Water Usage  
 Fayette Coal & Coke, Inc.  
 COMPANY ID NO. 077-00088  
 PERMIT NO. R13-2854**

Month \_\_\_\_\_ Year \_\_\_\_\_

Day of Month	Water Controls Used (Y/N)	Quantity of Water Used <sup>2</sup> (gallons)	Comments <sup>3</sup>	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				

- (1) The **CERTIFICATION OF DATA ACCURACY** statement appearing on the reverse side shall be completed and kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.
- (2) The quantity of water used may be estimated based on the volume of the tank and the number of times the water truck was refilled.
- (3) Use the comment section to explain why the water truck was not in use or was used sparingly.



### 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.