



Permit / Application Information Sheet
Division of Environmental Protection
West Virginia Office of Air Quality

Company:	The Marion County Coal Co		Facility:	Marion Cnty Prep Plnt	
Region:	6	Plant ID:	049-00019	Application #:	13-0760F
Engineer:	Kessler, Joe		Category:	Coal	
Physical Address:	Rt 17, Fairview WV 26570		SIC: [1222] COAL MINING - BITUMINOUS COAL & LIGNITE - UNDERGROUND		
County:	Marion		NAICS: [212112] Bituminous Coal Underground Mining		
Other Parties:	DIRECTOR - Scott, Crellin 740-338-3100				

Information Needed for Database and AIRS
1. Need valid physical West Virginia address with zip

Regulated Pollutants	
CO Carbon Monoxide	178.700 TPY
PM10 Particulate Matter < 10 um	159.500 TPY
SO2 Sulfur Dioxide	586.000 TPY
VOC Volatile Organic Compounds (Reactive organic gases)	945.400 TPY
PM2.5 Particulate Matter < 2.5 um	126.600 TPY
PT Total Particulate Matter	202.300 TPY
HAPOT Hazardous Air Pollutants Other	17.700 TPY
NOX Nitrogen Oxides (including NO, NO2, NO3, N2O3, N2O4, and N2O5)	239.400 TPY

Summary from this Permit 13-0760F		
Air Programs	Applicable Regulations	
NSPS		
TITLE V		
Title V/Major		
Fee Program	Fee	Application Type
7C	\$2,000.00	MODIFICATION

Notes from Database
Permit Note: Reduction on MDHI of thermal dryer and increase of short-term sulfur content of the coal.
Permit Note: Waiting on permit application revision to address removal of several modifications they no longer need in the application.
Permit Note: Revised permit application submitted on 4/15/16 to: (1) increase allowable short-term sulfur content of coal combusted in the thermal dryer, (2) lower the hourly credit heat input of the dryer to 130 mmBtu, and correct several miscellaneous errors in the permit.
Permit Note: No increase in annual emissions as a result of this permitting action. Only reuest increase in hourly SO2 emissions from dryer of 40 lbs/hr.

Activity Dates	
APPLICATION RECIEVED	03/14/2016
ASSIGNED DATE	03/14/2016
APPLICATION FEE PAID	03/14/2016
APPLICATION INCOMPLETE	04/13/2016
APPLICANT PUBLISHED LEGAL AD	05/03/2016
ADDITIONAL INFO RECEIVED	05/15/2016
APPLICATION DEEMED COMPLETE	05/25/2016

NOTICE

NON-CONFIDENTIAL

Please note, this information sheet is not a substitute for file research and is limited to data entered into the AIRTRAX database.

Company ID: 049-00019
 Company: The Marion County Coal Co
 Printed: 06/09/2016
 Engineer: Kessler, Joe

IPR FILE INDEX

Applicant : The Marion County Coal Company **Plant ID No.:** 049-00019
Facility : Marion County Preparation Plant **R13-0760F**

Chronological Order - Add Index Pages As Necessary

Date	To	From	Subject	# of pages
3/14/16	MCCC	Sandra Adkins	48-Hour Letter	
3/17/16	Bev McKeone	MCCC	CDs	
4/13/16	MCCC	Joe Kessler	Incompleteness E-mail	
5/23/16	Joe Kessler	MCCC	Affidavit of Publication	
5/25/16	MCCC	Joe Kessler	Completeness Determination	
6/27/16	File	Joe Kessler	DAQ/MCCC E-mails	
6/27/16	File	Joe Kessler	Draft Permit R13-0760F, Evaluation/Fact Sheet, Tracking Manifest	
6/27/16	Various	Sandra Adkins	Public Notice Documents	

JRK
 6/27/16

AIR QUALITY PERMIT NOTICE

Notice of Intent to Approve

On March 14, 2016, The Marion County Coal Company applied to the WV Department of Environmental Protection, Division of Air Quality (DAQ) for a permit to modify the Marion County Preparation Plant located on Sugar Run Road, Fairview, Marion County, WV at latitude 39.60263 and longitude -80.28249. A preliminary evaluation has determined that all State and Federal air quality requirements will be met by the modified facility. The DAQ is providing notice to the public of its preliminary determination to issue the permit as R13-0760F.

No changes in annual potential emissions will be authorized by this permit action.

Written comments or requests for a public meeting must be received by the DAQ before 5:00 p.m. on **XXXXXX**. A public meeting may be held if the Director of the DAQ determines that significant public interest has been expressed, in writing, or when the Director deems it appropriate.

The purpose of the DAQ's permitting process is to make a preliminary determination if the proposed modification will meet all State and Federal air quality requirements. The purpose of the public review process is to accept public comments on air quality issues relevant to this determination. Only written comments received at the address noted below within the specified time frame, or comments presented orally at a scheduled public meeting, will be considered prior to final action on the permit. All such comments will become part of the public record.

Joe Kessler, PE
WV Department of Environmental Protection
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304
Telephone: 304/926-0499, ext. 1219
FAX: 304/926-0478

Entire Document
NON-CONFIDENTIAL

Additional information, including copies of the draft permit, application and all other supporting materials relevant to the permit decision may be obtained by contacting the engineer listed above. The draft permit and engineering evaluation can be downloaded at:

www.dep.wv.gov/daq/Pages/NSRPermitsforReview.aspx

Kessler, Joseph R

From: Adkins, Sandra K
Sent: Tuesday, June 28, 2016 8:47 AM
To: 'wentworth.paul@epa.gov'; 'bradley.megan@epa.gov'; cscott@coalsource.com; mburr@trinityconsultants.com
Cc: Durham, William F; McKeone, Beverly D; McCumbers, Carrie; Hammonds, Stephanie E; Rice, Jennifer L; Kessler, Joseph R; Taylor, Danielle R; Tephabock, Brian S
Subject: WV Draft Permit R13-0760F for The Marion County Coal Company; Marion County Prep Plant
Attachments: 0760F.pdf; Eval0760F.pdf; Notice.pdf

Please find attached the Draft Permit R13-0760F, Engineering Evaluation and Public Notice for The Marion County Coal Company's Marion County Preparation Plant located in Marion County.

The notice will be published in the *Times West Virginian* on Thursday, June 30, 2016, and the thirty day comment period will end on Monday, August 1, 2016.

Should you have any questions or comments, please contact the permit writer, Joe Kessler, at 304 926-0499 x1219.

Kessler, Joseph R

From: Adkins, Sandra K
Sent: Tuesday, June 28, 2016 8:47 AM
To: Wheeler, Cathy L
Cc: Kessler, Joseph R
Subject: DAQ Public Notice

Please see below the Public Notice for Draft Permit R13-0760F for The Marion County Coal Company's Marion County Preparation Plant located in Marion County.

The notice will be published in the *Times West Virginian* on Thursday, June 30, 2016, and the thirty day public comment period will end on Monday, August 1, 2016.

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Kessler, Joseph R

From: Adkins, Sandra K
Sent: Monday, June 27, 2016 1:34 PM
To: bamiller@timeswv.com
Cc: Kessler, Joseph R
Subject: Publication of Class I Legal Ad for the WV Division of Air Quality

Please publish the information below as a Class I legal advertisement (one time only) in the Thursday, June 30, 2016, issue of the *Times West Virginian*. Please let me know that this has been received and will be published as requested. Thank you.

Send the invoice for payment and affidavit of publication to:

Sandra Adkins

**WV Department of Environmental Protection
DIVISION OF AIR QUALITY**

601- 57th Street

Charleston, WV 25304

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West Virginia Department of Environmental Protection

*Earl Ray Tomblin
Governor*

Division of Air Quality

*Randy C. Huffman
Cabinet Secretary*

Permit to Modify



Entire Document

R13-0760F NON-CONFIDENTIAL

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:

**The Marion County Coal Company
Marion County Preparation Plant
049-00019**

DRAFT

*William F. Durham
Director*

*Effective: **DRAFT***

This permit will supersede and replace Permit R13-0760E approved on March 5, 2015.

Facility Location: Sugar Run Rd., Fairview, Marion County, West Virginia
Mailing Address: 46226 National Road W, St. Clairsville, OH 43950
Facility Description: Coal Preparation Plant with a Thermal Dryer
SIC Codes: 1222 (Bituminous Coal & Lignite - Underground)
NAICS Codes: 212112 (Bituminous Coal Underground Mining)
UTM Coordinates: 561.6 km Easting • 4383.9 km Northing • Zone 17
Lat/Lon Coordinates: Latitude 39.60263 • Longitude -80.28249 • NAD83
Permit Type: Modification
Description of Change: Modification to: (1) increase allowable short-term sulfur content of coal combusted in the thermal dryer, (2) lower the hourly heat input of the dryer to 130 mmBtu, and correct several miscellaneous errors in the permit.

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

The source is subject to 45CSR30. Changes authorized by this permit must also be incorporated into the facility's Title V operating permit. Commencement of the operations authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.

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1.0 Emission Units

Source ID	Emission Point ID	Equipment Description	Date of Construction, Reconstruction or Modification ¹	Maximum Design Capacity		Fugitive Control System/ Device ²
				IPH	IPY	
RAW COAL CIRCUIT						
001	Z01	Conveyor 1 - Mine slope belt to Raw Coal Transfer Building	pre 1974	3,000	26,280,000	FE
005	Z01	Conveyor 3 - Belt from Raw Coal Transfer Building to Raw Coal Storage Bin 1	pre 1974	3,000	26,280,000	FE
006	Z01	Storage Bin 1 - Raw Coal storage silo from Conveyor 3 and transfers to Conveyor 4; Storage capacity is 15,000 tons	pre 1974	2,000	17,520,000	FE
008	Z01	Conveyor 4 - Belt from Raw Coal Storage Bin 1 to Prep Plant	pre 1974	2,000	12,000,000	FE
002	Z01	Conveyor 2 - Belt from Raw Coal Transfer Building to Raw Coal Stockpile 1 Stacking Tube 1	1989	3,000	900,000	FE
003A	Z01	Raw Coal Stockpile 1 - Stockpile equipped with Stacking Tube 1 and Stacking Tube 2; Stockpile footprint is 9.55 acres with a storage capacity of 450,000 tons	2005	3,000	26,280,000	ST
052	Z01	Conveyor 21 - Belt from Raw Coal Transfer Building to Raw Coal Stockpile 1 Stacking Tube 2	2005	3,000	12,000,000	FE
053	Z01	Conveyor 22 - Belt from Raw Coal Stockpile 1 to Conveyor 4	2005	3,000	12,000,000	FE
007	Z01	Raw Coal Stockpile 2 - Stockpile footprint is 3.8 acres with a storage capacity of 70,000 tons	1993	1,800	210,000	MC
STOKER COAL CIRCUIT						
037	Z01	Conveyor 19 - Belt from Prep Plant to Stoker Coal Truck Loadout	pre 1974	300	1,800,000	FE
051A	Z01	Conveyor 20 - Belt from Prep Plant to Stoker Coal Railcar Loadout	pre 1974	300	1,800,000	FE
046	P003	Lime Storage Silo 1	pre 1974	NA	NA	NA
048	P004	Rock Dust Silo 1	pre 1974	NA	NA	NA
CLEAN COAL THERMAL DRYER CIRCUIT						
034	Z01	Conveyor 15 - Belt from Prep Plant to Thermal Dryer 1	1985	600	3,600,000	FE
045A	P002	Thermal Dryer - ENI Eng. Co. Fluidized Bed Dryer rated at 130 MMBTU/hr Heat Input	1985	max 600 normal 450	3,600,000	4 Parallel Cyclones
045C	Z01	Thermal Dryer Furnace - Bigelow Liptak forced draft burner rated at 130 MM BTU/hr Heat Input	1985	4.35 (TPH)	26,100	Horizontal Venturi Scrubber
035	Z01	Conveyor 16 - Belt from Thermal Dryer to Conveyor 17	1985	600	3,600,000	FE
036	Z01	Conveyor 17 - Belt from Conveyor 16 to Conveyor 18	1985	600	3,600,000	FE
036B	Z01	Conveyor 18 - Belt from Conveyor 17 to Conveyor 6	1985	600	3,600,000	FE
CLEAN COAL CIRCUIT						
013	Z01	Conveyor 5 - Belt from Prep Plant to Conveyor 6	pre 1974	1,800	10,800,000	FE
015	Z01	Conveyor 6 - Belt from Conveyor 5 and Conveyor 18 to Clean Coal Silo 1 or Conveyor 7	pre 1974	1,800	10,800,000	FE
CLEAN COAL STORAGE						
017	Z01	Clean Coal Silo 1 - Clean Coal storage silo from Conveyor 6 and transfers to Conveyor 8; Storage capacity is 10,500 tons	pre 1974	3,000	18,000,000	FE
030	Z01	Conveyor 7 - Belt from Conveyor 6 to Clean Coal Silo 2 or Conveyor 7A	1981	1,800	10,800,000	FE
044	Z01	Clean Coal Silo 2 - Clean Coal storage silo from Conveyor 6 and transfers to Conveyor 8; Storage capacity is 10,500 tons	1981	3,000	18,000,000	FE
031	Z01	Conveyor 13 - Belt from Clean Coal Silo 2 to Conveyor 8	1981	3,000	18,000,000	FE
030A	Z01	Conveyor 7A - Belt from Conveyor 7 to Clean Coal Silo 3	2006	1,800	10,800,000	FE

The Marion County Coal Company • Marion County Preparation Plant

Source ID	Emission Point ID	Equipment Description	Date of Construction, Reconstruction or Modification ¹	Maximum Design Capacity		Fugitive Control System/ Device ²
				TPH	TPY	
044A	Z01	Clean Coal Silo 3 - Clean Coal storage silo from Conveyor 6 and transfers to Conveyor 8; Storage capacity is 10,500 tons	2006	1,800 in / 3,000 out	10,800,000	FE
031A	Z01	Conveyor 13A - Belt from Clean Coal Silo 3 to Conveyor 8	2006	3,000	18,000,000	FE
CLEAN COAL SHIPPING BY TRUCK AND RAILCAR						
018	Z01	Conveyor 8 - Belt from Clean Coal Silo 1, Conveyor 13 and Conveyor 13A to Conveyor 8A or Conveyor 9	pre 1974/2006	3,000	18,000,000	FE
018A	Z01	Conveyor 8A - Belt from Conveyor 8 to Batch Weigh Loadout	C 2014	3,500	9,198,000	PE
032	Z01	Conveyor 9 - Belt from Conveyor 8 to Unit Train Loadout 1	M 2014 pre 1974/2006	3,500	18,000,000	FE
REFUSE CIRCUIT						
021	Z01	Conveyor 10 - Coarse refuse belt from Prep Plant to Conveyor 11	pre-1974	400	2,400,000	FE
023	Z01	Conveyor 11 - Coarse refuse belt from Conveyor 10 to Refuse Bin 2	pre-1974	400	2,400,000	FE
027A	Z01	Refuse Bin 2 - Coarse refuse bin from Conveyor 11 to Pan Truck Loading	pre-1974	400	2,400,000	FE
025	Z01	Conveyor 12 - Coarse refuse belt from Conveyor 11 to Conveyor 14	pre-1974	400	2,400,000	FE
033	Z01	Conveyor 14 - Coarse refuse belt from Conveyor 12 to Refuse Bin 1	1983	400	2,400,000	FE
027	Z01	Refuse Bin 1 - Coarse refuse belt from Conveyor 14 to Pan Truck Loading	1983	400	2,400,000	FE
HAULROADS						
049A	Z01	Unpaved Haulroad	pre-1974	NA	NA	WT
049B	Z01	Unpaved Haulroad	pre-1974	NA	NA	WT
049C	Z01	Unpaved Haulroad	pre-1974	NA	NA	WT
049D	Z01	Unpaved Haulroad	pre-1974	NA	NA	WT
049E	Z01	Unpaved Haulroad	pre-1974	NA	NA	WT
049F	Z01	Unpaved Haulroad	pre-1974	NA	NA	WT
049G	Z01	Unpaved Haulroad	1993	NA	NA	WT
049H	Z01	Unpaved Haulroad	1993	NA	NA	WT
VOC EMISSION SOURCES						
009B	Z01	Froth Floatation Cell	1985		NA	None
009	P001	Vacuum Filter	1985		NA	None
047	Z01	Thickener	1985		NA	None
038A	Z01	Railcar Anti-Freeze Spray	Pre 1974		NA	None
051C	Z01	Stoker Coal Anti-Freeze Spray	Pre 1974		NA	None
S050A	Z01	No. 2 Diesel Fuel Storage Tank 1	1985		5,000 Gallons	None
S050B	Z01	No. 2 Diesel Fuel Storage Tank 2	1985		3,000 Gallons	None
S050C	Z01	No. 2 Diesel Fuel Storage Tank 3	1985		3,000 Gallons	None
S050D	Z01	No. 2 Diesel Fuel Storage Tank 4	1985		Gallons	None
S050E	Z01	Froth Floatation Agent Storage Tank 1	1985		Gallons	None
S050F	Z01	Anionic Flocculant Storage Tank 1	1985		Gallons	None
S050G	Z01	Antifreeze Storage Tank 1	1985		Gallons	None
S050H	Z01	Antifreeze Storage Tank 2	1985		Gallons	None
S050I	Z01	Dustrol Storage Tank 1	1985		Gallons	None
S050J	Z01	Dustrol Storage Tank 2	1985		Gallons	None
S050K	Z01	30 wt. Motor Oil Storage Tank 1	1985		Gallons	None
S050L	Z01	30 wt. Motor Oil Storage Tank 2	1985		Gallons	None
NA	None	Underground Mine	pre-1974		NA	None

¹ In accordance with 40 CFR 60 Subpart Y: all emissions from thermal dryers constructed, re-constructed or modified on or before April 28, 2008 shall be less than 20% opacity; coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified on or before April 28, 2008 shall not discharge gases which exhibit 20 percent opacity or greater; and coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified after April 28, 2008 shall not discharge gases which exhibit 10 percent opacity or greater.

² Control Device abbreviations: FE - Full Enclosure; PE - Partial Enclosure; ST - Stacking Tube; WS - Water Sprays; WT - Water Truck; MC - Moisture Control; MD - Minimize Drop Height; N - None; NA - Not Applicable.

2.0. General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

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

2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*

2.4. Term and Renewal

- 2.4.1. This permit supercedes and replaces previously issued Permit R13-0718E approved on March 5, 2015. 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 Applications R13-0760 through R13-0760F 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 to this permit as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§14-7 or 45CSR§19-14]

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 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.
[WV Code § 22-5-4(a)(15)]
- 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 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 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 (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

- 4.1.1. The permittee shall not exceed the maximum hourly and annual throughput rates and other criteria outlined in the table in Section 1.0 Emission Units.
- 4.1.2. Compliance with all annual throughput limits shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the amount of material received, processed, and/or shipped at any given time during the previous twelve (12) consecutive calendar months.
- 4.1.3. Any and all records, such as throughput, hours of operation of the thermal dryer, SO₂ data, etc., shall be completed, certified and kept on site for a period of no less than five (5) years. Such records shall be made available to the Director or his or her duly authorized representative upon request.
- 4.1.4. Emissions from the permitted fluidized bed coal dryer stack shall not exceed the following rates:

Pollutant	pounds/hour	tons/year
Particulate Matter (PM) ⁽¹⁾	40.0	120.0
Sulfur Dioxide (SO ₂)	235.0	586.0
Nitrogen Oxides (NO _x)	63.6	190.8
Volatile Organic Compounds (VOC)	135.6	406.8
Carbon Monoxide (CO)	57.6	172.8

(1) All PM emissions are assumed to be PM_{2.5} or smaller.

- 4.1.5. Operation of the thermal dryer shall be in accordance with the following requirements:
 - a. The furnace shall be limited to a maximum combustion rate of 4.35 tons-coal/hour and 26,100 tons-coal/year (rolling twelve month basis);
 - b. The furnace shall be limited to a maximum combustion rate of 130,000 cubic feet-coal bed methane or natural gas/hour and 1,139 x 10⁶ cubic feet-coal bed methane or natural gas/year (rolling twelve month basis);
 - c. The sulfur content of the coal fired in the furnace shall not exceed 3.90% by weight as based on a composite daily sample or a rolling 365 daily weighted average of 3.40% by weight as determined under 4.2.2.
 - d. Coal combustion shall be limited to providing 120 MMBtu/hr heat input into the furnace;
 - e. At all times coal combustion is providing over 90 MMBtu/hr heat input into the furnace a 20% solution of sodium hydroxide (NaOH) shall be sprayed downstream of the venturi scrubber to provide for additional SO₂ control;
 - f. Additional heat input to the furnace above 120 MMBtu/hr shall be provided by the combustion of coal bed methane or natural gas;
 - g. Heat input to the furnace shall not exceed 130 MMBtu/hr; and
 - h. The scrubber shall be operated at all times coal is combusted in the furnace.

- 4.1.6. The permittee shall not emit particulate matter into the open air from any stack which is twenty percent (20%) opacity or greater, except as noted in (a) or (b) below.
- a. The provisions of subsection 3.1 shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period or periods aggregating no more than five (5) minutes in any sixty (60) minute period during operation.
 - b. The provisions of subsections 3.1 and 3.2 shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period of up to eight (8) minutes in any operating day for the purposes of building a fire of operating quality in the fuel burning equipment of a thermal dryer.
[45CSR§5-3.1, 3.2, 3.3]

- 4.1.7. The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used.

The spraybar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated. The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

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 functional during winter months and cold weather.

- 4.1.8. **Opacity Limit.** No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.
[45CSR§5-3.4]
- 4.1.9. **Fugitive Dust Control System.** No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.
[45CSR§5-6.1]
- 4.1.10. **Dust Control.** The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment.
[45CSR§5-6.2]
- 4.1.11. No person shall construct, modify or relocate any coal preparation plant or coal handling operation without first obtaining a permit in accordance with the provisions of W. Va. Code §22-5-1 et seq. and the Director's rules for review and permitting of new or modified sources.
[45CSR§5-10.1.]
- 4.1.12. **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.]

- 4.1.13. At the time a stationary source is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests the Secretary may specify shall be conducted to determine compliance.

[45CSR§13-6.1.]

- 4.1.14. The Secretary may suspend or revoke a permit or general permit registration if, after six (6) months from the date of issuance, the holder of the permit cannot provide the Secretary, at the Secretary's request, with written proof of a good faith effort that construction, modification, or relocation, if applicable, has commenced. Such proof shall be provided not later than thirty (30) days after the Secretary's request. If construction or modification of a stationary source is discontinued for a period of eighteen (18) months or longer, the Secretary may suspend or revoke the permit or general permit registration.

[45CSR§13-10.2.]

- 4.1.15. The Secretary may suspend or revoke a permit or general permit registration if the plans and specifications upon which the approval was based or the conditions established in the permit are not adhered to. Upon notice of the Secretary's intent to suspend, modify or revoke a permit, the permit holder may request a conference with the Secretary in accordance with the provisions of W.Va Code § 22-5-5 to show cause why the permit or general permit registration should not be suspended, modified or revoked.

[45CSR§13-10.3.]

- 4.1.16. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

[40 CFR§60.11(d)]

- 4.1.17. **Standard for Thermal Dryers.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of a thermal dryer constructed, reconstructed, or modified on or before April 28, 2008, subject to the provisions of this subpart must meet the requirements in paragraphs (a)(1) and (a)(2) of this section.

[40CFR§60.252(a)]

- (1) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which contain PM in excess of 0.070 g/dscm (0.031 grains per dry standard cubic feet (gr/dscf)); and

[40CFR§60.252(a)(1)]

- (2) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which exhibit 20 percent opacity or greater.

[40CFR§60.252(a)(2)]

- 4.1.18. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.

[40CFR§60.254(a)]

4.1.19. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (b)(1) through (3) of this section. *[Conveyor CB8A, Conveyor C9 and Batch Weigh Loadout Bin BWL]*

[40CFR§60.254(b)]

(1) Except as provided in paragraph (b)(3) of this section, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.

[40CFR§60.254(b)(1)]

(2) The owner or operator must not cause to be discharged into the atmosphere from any mechanical vent on an affected facility gases which contain particulate matter in excess of 0.023 g/dscm (0.010 gr/dscf).

[40CFR§60.254(b)(2)]

(3) Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (b)(1) of this section.

[40CFR§60.254(b)(3)]

4.2. Monitoring Requirements

4.2.1. For the purposes of demonstrating compliance with maximum coal and coal bed methane or natural gas usage limits set forth in 4.1.5(a) and 4.1.5(b), respectively, the permittee shall maintain monthly and rolling twelve month records of the amount of coal and coal bed methane or natural gas usage that is consumed by the furnace.

4.2.2. For the purposes of demonstrating continuing compliance with the coal sulfur content limits given under 4.1.3(c), the permittee shall daily obtain a composite sample of coal to be combusted in the thermal dryer furnace. This sample shall be tested according to the appropriate test methods as approved in a protocol submitted pursuant to 3.3.1.c to determine the sulfur content of the coal. The annual sulfur content shall be calculated by the weighted average the daily sulfur content readings of the preceding 365 days.

4.2.3. The permittee shall install, evaluate, operate, and maintain instrumentation to measure the heat input into the furnace.

4.2.4. Instruments will be installed for measuring the pH of the scrubber inlet water and effluent water and pH monitors will be installed in the operating room so that the dryer operator can maintain the necessary influent pH to attain the required minimum SO₂ removal efficiency.

4.2.5. *[Reserved]*

4.2.6. For the purpose of determining compliance with the opacity limits of 45CSR5 and 40 CFR 60 Subpart Y, the permittee shall conduct visible emissions checks and/or opacity monitoring for all emissions units subject to an opacity standard *[Except for the following: Conveyor CB8A (018A), Conveyor C9 (032) and Batch Weigh Loadout Bin BWL (038B), which are subject to the certification of compliance requirements in 40 CFR§60.255(b) found in Section 4.3.5. of this permit]:*

- a. An initial visible emissions evaluation in accordance with 40 CFR 60 Appendix A-4, Method 9 shall be performed within ninety (90) days of permit issuance for each emission unit with a visible emissions requirement in this permit unless such evaluation was performed within the consecutive 12-month period preceding permit issuance. This initial evaluation shall consist of three 6-minute averages during one

consecutive 60 minute period. The initial evaluation shall be conducted at each emissions unit during the period of maximum expected visible emissions under normal unit and facility operations.

- b. Each emissions unit with a visible emissions limit contained in this permit shall be observed visually at least once each calendar week during periods of normal facility operation for a sufficient time interval to 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 40 CFR Part 60, Appendix A-7, Method 22 or from the lecture portion of the 40 CFR Part 60, Appendix A-4, Method 9 certification course.

If visible emissions from any of the emissions units are observed during these weekly observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 CFR 60 Appendix A-4, Method 9 shall be conducted as soon as practicable, but no later than seventy-two (72) hours from the time of the observation. A Method 9 evaluation shall not be required if the visible emissions condition is corrected as expeditiously as possible, but no later than twenty-four (24) hours from the time of the observation; the emissions unit is operating at normal operating conditions; and, the dates and times, causes and corrective measures taken are recorded.

- c. If the initial, or any subsequent, visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a given emission unit, a visible emissions evaluation in accordance with 40 CFR 60 Appendix A-4, Method 9 shall be performed for that unit at least once every consecutive 14-day period. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the emission unit for 3 consecutive evaluation periods, the emission unit may comply with the visible emissions testing requirements in Section 4.2.4.b. of this permit in lieu of those established in this condition.
- d. A visual emissions evaluation shall be conducted on all process and control equipment at least once each calendar month. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.
- e. A visible emissions evaluation shall be conducted for each emission unit at least once every consecutive 12-month period in accordance with 40 CFR 60 Appendix A-4, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for each emission unit.
- f. A record of each visible emissions observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.

4.2.7. Continuous Monitoring Requirements for Thermal Dryer. The owner or operator of each affected facility constructed, reconstructed, or modified on or before April 28, 2008, must meet the monitoring requirements specified in paragraphs (a)(1) and (2) of this section, as applicable to the affected facility.
[40CFR§60.256(a)]

- (1) The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:
[40CFR§60.256(a)(1)]

- (i) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within ± 1.7 °C (± 3 °F).
[40CFR§60.256(a)(1)(i)]
- (ii) For affected facilities that use wet scrubber emission control equipment:
[40CFR§60.256(a)(1)(ii)]
 - (A) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 inch water gauge.
[40CFR§60.256(a)(1)(i)(A)]
 - (B) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator shall have discretion to grant requests for approval of alternative monitoring locations.
[40CFR§60.256(a)(1)(i)(B)]
- (2) All monitoring devices under paragraph (a) of this section are to be recalibrated annually in accordance with procedures under §60.13(b).
[40CFR§60.256(a)(2)]

4.3. Testing Requirements

- 4.3.1. Within 60 days of permit issuance, the permittee shall conduct, or have conducted, in accordance with a protocol submitted pursuant to 3.3.1(c), a performance test on the thermal dryer to determine compliance with the emission limits as given under Table 4.1.4. The performance tests will be performed in accordance with the following:
 - a. The performance test shall be in accordance with a methodology proposed by the permittee in the protocol so that the test shall take place during firing conditions as close as possible to the maximum permitted furnace parameters as given under 4.1.5;
 - b. The permittee shall propose in the protocol a methodology for, if needed, scaling the performance test results to be valid for determining compliance with the emission limits given under Table 4.1.4. so as to account for firing conditions not reasonably close the maximum permitted furnace parameters as given under 4.1.5.; and
 - c. During any required compliance testing, the permittee shall install flow straightening devices in the stack of the fluidized bed thermal dryer to insure that cyclonic flow does not occur.
- 4.3.2. *[Reserved]*
- 4.3.3. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, the owner or operator of such facility shall conduct performance test(s) and furnish a written report of the results of such performance test(s).
[40CFR§60.8(a)]

- 4.3.4. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
[40CFR§60.11(b)]
- 4.3.5. **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification on or before April 28, 2008, must conduct performance tests required by §60.8 to demonstrate compliance with the applicable emission standards using the methods identified in §60.257.
[40CFR§60.255(a)]
- 4.3.6. **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008 [Belt Conveyor CB18, Belt Conveyor CB18A, Truck Loadout Bin TLB, Belt Conveyor CB10, Refuse Loadout Bin 1 (024), Belt Conveyor CB19A and Batch Weigh Loadout Bin BWL], must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emission standards in Subpart Y as specified in paragraphs (b)(1) and (b)(2) of this section.
[40CFR§60.255(b)]
- (1) For each affected facility subject to a PM, SO₂, or combined NO_x and CO emissions standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (b)(1)(i) through (iii) of this section, as applicable.
[40CFR§60.255(b)(1)]
- (i) If the results of the most recent performance test demonstrate that emissions from the affected facility are greater than 50 percent of the applicable emissions standard, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(1)(i)]
- (ii) If the results of the most recent performance test demonstrate that emissions from the affected facility are 50 percent or less of the applicable emissions standard, a new performance test must be conducted within 24 calendar months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(1)(ii)]
- (iii) An owner or operator of an affected facility that has not operated for the 60 calendar days prior to the due date of a performance test is not required to perform the subsequent performance test until 30 calendar days after the next operating day.
[40CFR§60.255(b)(1)(iii)]
- (2) For each affected facility subject to an opacity standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (b)(2)(i) through (iii) of this section, as applicable, except as provided for in paragraphs (e) and (f) of this section. Performance test and other compliance requirements for coal truck dump operations are specified in paragraph (h) of this section.
[40CFR§60.255(b)(2)]
- (i) If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(2)(i)]

- (ii) If all 6-minute average opacity readings in the most recent performance are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.

[40CFR§60.255(b)(2)(ii)]

- 4.3.7. **Performance Tests and Other Compliance Requirements for Subpart Y.** If any affected coal processing and conveying equipment (e.g., breakers, crushers, screens, conveying systems), coal storage systems, or other coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.

[40CFR§60.255(c)]

- 4.3.8. An owner or operator of an affected facility (other than a thermal dryer) that commenced construction, reconstruction, or modification after April 28, 2008, is subject to a PM emission standard and uses a control device with a design controlled potential PM emissions rate of 1.0 Mg (1.1 tons) per year or less is exempted from the requirements of paragraphs (b)(1)(i) and (ii) of this section provided that the owner or operator meets all of the conditions specified in paragraphs (d)(1) through (3) of this section. This exemption does not apply to thermal dryers.

[40CFR§60.255(d)]

- (1) PM emissions, as determined by the most recent performance test, are less than or equal to the applicable limit,

[40CFR§60.255(d)(1)]

- (2) The control device manufacturer's recommended maintenance procedures are followed, and

[40CFR§60.255(d)(2)]

- (3) All 6-minute average opacity readings from the most recent performance test are equal to or less than half the applicable opacity limit or the monitoring requirements in paragraphs (e) or (f) of this section are followed.

[40CFR§60.255(d)(3)]

- 4.3.9. For an owner or operator of a group of up to five of the same type of affected facilities that commenced construction, reconstruction, or modification after April 28, 2008, that are subject to PM emissions standards and use identical control devices, the Administrator or delegated authority may allow the owner or operator to use a single PM performance test for one of the affected control devices to demonstrate that the group of affected facilities is in compliance with the applicable emissions standards provided that the owner or operator meets all of the conditions specified in paragraphs (e)(1) through (3) of this section.

[40CFR§60.255(e)(1)]

- (1) PM emissions from the most recent performance test for each individual affected facility are 90 percent or less of the applicable PM standard;

[40CFR§60.255(e)(1)]

- (2) The manufacturer's recommended maintenance procedures are followed for each control device; and

[40CFR§60.255(e)(2)]

- (3) A performance test is conducted on each affected facility at least once every 5 calendar years.

[40CFR§60.255(e)(3)]

- 4.3.10. **Performance Tests and Other Compliance Requirements for Subpart Y - Monitoring Visible Emissions or Digital Opacity Compliance System.** As an alternative to meeting the requirements in paragraph (b)(2)

of this section [see permit condition 4.3.5. above], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in paragraph (f)(1) or (f)(2) of this section.

[40CFR§60.255(f)]

- (1) Monitor visible emissions from each affected facility according to the requirements in paragraphs (f)(1)(i) through (iii) of this section.

[40CFR§60.255(f)(1)]

- (i) Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within 45 operating days.

[40CFR§60.255(f)(1)(i)]

- (ii) Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

[40CFR§60.255(f)(1)(ii)]

- (iii) Conduct a performance test using Method 9 of Appendix A-4 of this part at least once every 5 calendar years for each affected facility.

[40CFR§60.255(f)(1)(iii)]

- (2) Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administration or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, see OAQPS "Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems." This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator delegated authority shall be implemented by the owner or operator.

[40CFR§60.255(f)(2)]

- 4.3.11. **Performance Tests and Other Compliance Requirements for Subpart Y - COMS.** As an alternative to meeting the requirements in paragraph (b)(2) of this section [see permit condition 4.3.5. above], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in paragraphs (g)(1) and (2) of this section.

[40CFR§60.255(g)]

4.3.12. **Coal Truck Dump Operations.** The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in paragraphs (h)(1) through (3) of this section.
[40CFR§60.255(h)]

(1) Conduct an initial performance test using Method 9 of appendix A-4 of this part according to the requirements in paragraphs (h)(1)(i) and(ii).
[40CFR§60.255(h)(1)]

(i) Opacity readings shall be taken during the duration of three separate truck dump events. Each truck dump event commences when the truck bed begins to elevate and concludes when the truck bed returns to a horizontal position.
[40CFR§60.255(h)(1)(i)]

(ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.
[40CFR§60.255(h)(1)(ii)]

(2) Conduct monthly visual observations of all process and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.
[40CFR§60.255(h)(2)]

(3) Conduct a performance test using Method 9 of appendix A-4 of this part at least once every 5 calendar years for each affected facility.
[40CFR§60.255(h)(3)]

4.3.13. **Test Methods and Procedures for Subpart Y.** The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (a)(1) through (3) of this section.
[40CFR§60.257(a)]

(1) Method 9 of Appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in paragraphs (a)(1)(i) and (ii).
[40CFR§60.257(a)(1)]

(i) The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).
[40CFR§60.257(a)(1)(i)]

(ii) If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.
[40CFR§60.257(a)(1)(ii)]

(2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in paragraphs (a)(2)(i) through (iii) must be used.
[40CFR§60.257(a)(2)]

(i) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.
[40CFR§60.257(a)(2)(i)]

(ii) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.

[40CFR§60.257(a)(2)(ii)]

(iii) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.

[40CFR§60.257(a)(2)(iii)]

(3) A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in paragraphs (a)(3)(i) through (iii) of this section are met.

[40CFR§60.257(a)(3)]

(i) No more than three emissions points may be read concurrently.

[40CFR§60.257(a)(3)(i)]

(ii) All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.

[40CFR§60.257(a)(3)(ii)]

(iii) If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.

[40CFR§60.257(a)(3)(iii)]

4.3.14. **Test Methods and Procedures for Subpart Y.** The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in paragraphs (b)(1) through (8) of this section.

[40CFR§60.257(b)]

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 of this permit, 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 of this permit, 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. The permittee shall maintain records of all monitoring data required by Section 4.2.6 of this permit by 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 A. Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements of Method 9. 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 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. Any violation(s) of the allowable SO₂ requirements in Section 4.1.4 of this permit and recorded in Appendix A 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 testing, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.
- 4.5.3. With regard to any testing required by the Director, the permittee shall submit to the Director of Air Quality and the Associate Director - Office of Enforcement and Permit Review (3AP12) of the U.S. EPA a test protocol detailing the proposed test methods, the date, and the time the proposed testing is to take place, as well as identifying the sampling locations and other relevant information. The test protocol must be received by the Director and the Associate Director no less than thirty (30) days prior to the date the testing is to take place. Test results shall be submitted to the Director and the Associate Director no more than sixty (60) days after the date the testing takes place.
- 4.5.4. **Notification and Record Keeping.** Any owner or operator subject to the provisions of this part shall furnish written notification as follows:
[40CFR§60.7(a)]
- (1) A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date.
[40CFR§60.7(a)(1)]
- (3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
[40CFR§60.7(a)(3)]
- 4.5.5. The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain in a logbook (written or electronic) on-site and make it available upon request. The logbook shall record the following:
[40CFR§60.258(a)]
- (1) The manufacturer's recommended maintenance procedures and the date and time of any maintenance and inspection activities and the results of those activities. Any variance from manufacturer recommendation, if any, shall be noted.
[40CFR§60.258(a)(1)]
- (2) The date and time of periodic coal preparation and processing plant visual observations, noting those sources with visible emissions along with corrective actions taken to reduce visible emissions. Results from the actions shall be noted.
[40CFR§60.258(a)(2)]
- (3) The amount and type of coal processed each calendar month.
[40CFR§60.258(a)(3)]
- (4) The amount of chemical stabilizer or water purchased for use in the coal preparation and processing plant.
[40CFR§60.258(a)(4)]
- (5) Monthly certification that the dust suppressant systems were operational when any coal was processed and that manufacturer's recommendations were followed for all control systems. Any variance from the manufacturer's recommendations, if any, shall be noted.
[40CFR§60.258(a)(5)]
- (6) Monthly certification that the fugitive coal dust emissions control plan was implemented as described. Any variance from the plan, if any, shall be noted. A copy of the applicable fugitive coal dust emissions control

plan and any letters from the Administrator providing approval of any alternative control measures shall be maintained with the logbook. Any actions, e.g. objections, to the plan and any actions relative to the alternative control measures, e.g. approvals, shall be noted in the logbook as well.
[40CFR§60.258(a)(6)]

- (7) For each bag leak detection system, the owner or operator must keep the records specified in paragraphs (a)(7)(i) through (iii) of this section.
[40CFR§60.258(a)(7)]
- (i) Records of the bag leak detection system output;
[40CFR§60.258(a)(7)(i)]
 - (ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection settings; and
[40CFR§60.258(a)(7)(ii)]
 - (iii) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the cause of the alarm was alleviated within 3 hours of the alarm.
[40CFR§60.258(a)(7)(iii)]
- (8) A copy of any applicable monitoring plan for a digital opacity compliance system and monthly certification that the plan was implemented as described. Any variance from plan, if any, shall be noted.
[40CFR§60.258(a)(8)]
- (9) During a performance test of a wet scrubber, and each operating day thereafter, the owner or operator shall record the measurements of the scrubber pressure loss, water supply flow rate, and pH of the wet scrubber liquid.
[40CFR§60.258(a)(9)]
- (10) During a performance test of control equipment other than a wet scrubber, and each operating day thereafter, the owner or operator shall record the measurements of the reagent injection flow rate, as applicable.
[40CFR§60.258(a)(10)]

4.5.6. For the purpose of reports required under section 60.7(c), any owner operator subject to the provisions of this subpart also shall report semiannually periods of excess emissions as follow:
[40CFR§60.258(b)]

- (1) The owner or operator of an affected facility with a wet scrubber shall submit semiannual reports to the Administrator or delegated authority of occurrences when the measurements of the scrubber pressure loss, water supply flow rate, or pH of the wet scrubber liquid vary by more than 10 percent from the average determined during the most recent performance test.
[40CFR§60.258(b)(1)]
- (2) The owner or operator of an affected facility with control equipment other than a wet scrubber shall submit semiannual reports to the Administrator or delegated authority of occurrences when the measurements of the reagent injection flow rate, as applicable, vary by more than 10 percent from the average determined during the most recent performance test.
[40CFR§60.258(b)(2)]
- (3) All 6-minute average opacities that exceed the applicable standard.
[40CFR§60.258(b)(3)]

4.5.7. **Reporting for Subpart Y - Results of Initial Performance Tests.** The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report

identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.

[40CFR§60.258(c)]

- 4.5.8. **Reporting for Subpart Y - WebFIRE Data Base.** After July 11, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test data to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>. For performance tests that cannot be entered into WebFIRE (i.e. Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code D243-01; RTP, NC 27711.

[40CFR§60.258(d)]

CERTIFICATION OF DATA ACCURACY

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

Signature¹ _____
(please use blue ink) Responsible Official or Authorized Representative Date

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

Telephone No. _____ Fax No. _____

- ¹ This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:
- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
 - (ii) the delegation of authority to such representative is approved in advance by the Director;
 - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
 - d. The designated representative delegated with such authority and approved in advance by the Director.



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ENGINEERING EVALUATION / FACT SHEET

BACKGROUND INFORMATION

Application No.: R13-0760F
Plant ID No.: 049-00019
Applicant: The Marion County Coal Company
Facility Name: Marion County Preparation Plant
Location: Marion County
SIC/NAICS Code: 1222/212112
Application Type: Modification
Received Date: March 14, 2016
Engineer Assigned: Joe Kessler
Fee Amount: \$2,000
Date Received: March 14, 2016
Complete Date: May 25, 2016
Due Date: August 23, 2016
Applicant Ad Date: May 3, 2016
Newspaper: *Times West Virginian*
UTM's: 561.6 km Easting • 4,383.9 km Northing • Zone 17
Latitude/Longitude: 39.60263/-80.28249
Description: Modification to: (1) increase allowable short-term sulfur content of coal combusted in the thermal dryer, (2) lower the hourly heat input of the dryer to 130 mmBtu, and correct several miscellaneous errors in the permit.

Entire Document
NON-CONFIDENTIAL

On March 14, 2016, The Marion County Coal Company (MCCC) submitted a permit application to modify the Marion County Preparation Plant. The facility was originally constructed in 1957 by the Consolidation Coal Company (CCC) and called the Loveridge Plant until purchased by MCCC and renamed in 2013. The facility has been the subject of many permitting actions since construction as described below:

- On December 16, 1977, Permit Number R13-0345 was issued to CCC for the installation of a thermal dryer at the Loveridge Plant;
- On August 1, 1985, Permit Number R13-0760 (this permit superceded and replaced R13-0345) was issued to CCC for the replacement of the three (3) existing thermal dryers with one (1) fluidized-bed dryer;

- On November 3, 2003, a “no-permit needed” decision was issued (PD03-108) to CCC for the installation of new equipment to allow for methane co-firing of the thermal dryer;
- On November 20, 2003, a “no-permit needed” decision was issued (PD03-112) to CCC for the installation of three (3) gas fired compressors;
- On September 15, 2006, Permit Number R13-0760A was issued to CCC as a Class II Administrative Update for the addition of raw coal Conveyor 21, a second stacking tube at raw coal Stockpile 1, raw coal reclaim Conveyor 22, and an increase in the capacity of raw coal Stockpile 1 from 300,000 tons to 450,000 tons;
- On September 20, 2006, Permit Number R13-0760B was issued to CCC as a Class II Administrative Update for the addition of clean coal Conveyor 7A, the 10,500 ton Clean Coal Silo 3, and reclaim Conveyor 13A;
- On December 8, 2006, Permit Number R13-0760C was issued to CCC to revise the thermal dryer's emission limits in accordance with consent order CO-R13, 14-96-22;
- On May 12, 2008, Permit Number R13-0760D was issued to CCC to increase in the maximum sulfur content of the coal combusted in the thermal dryer furnace from 2.5% to 3.4%;
- On March 5, 2015, Permit Number R13-0760E was issued to MCCC to add conveyor belt CB8A and batch weigh loadout bin BWL; and
- On April 5, 2016, a “no-permit needed” decision was issued (PD16-023) to MCCC for a thermal dryer burner improvement project.

Additionally, on June 20, 2015, MCCC entered into a Consent Order (CO-R30-E-2015-1) that is relevant to this permitting action. Substantively, the DAQ determined that, based on the currently permitted maximum heat input of 182 mmBtu/hr and the emission rates of NO_x and VOCs measured in the most recent approved stack test in 2011 (0.48 lb-NO_x/mmBtu and 0.95 lb-VOC/mmBtu), the thermal dryer would not be in compliance with the NO_x and VOCs emission limits in the permit.

DESCRIPTION OF PROCESS/MODIFICATIONS

Existing Facility Description

MCCC's Marion County Preparation Plant is a typical large coal preparation plant utilizing a primarily coal-fired thermal dryer. The facility is permitted to process up to 3,000 tons per hour (TPH) and 26,280,00 tons per year (TPY) of raw coal. Raw coal is delivered from an existing mine portal and then sized, cleaned, dried, and processed for delivery to customers. The existing thermal dryer is a fluidized bed thermal dryer, manufactured by ENI Engineering Company, that utilizes a Bigelow-Liptak forced draft burner and has a currently maximum permitted heat input of 182 mmBtu/hr (using a combination of coal and coal bed methane).

Proposed Modifications

MCCC is now proposing to make the following substantive modifications at the Marion County Preparation Plant:

- Increase the allowable short-term sulfur content of coal combusted in the thermal dryer from 3.4% to 3.9% by weight;
- Lower the maximum allowable hourly heat input of the thermal dryer to 130 mmBtu; and
- Correct several miscellaneous errors in the permit.

Thermal Dryer Description

The fluidized bed thermal dryer, manufactured by ENI Engineering Company, utilizes a Bigelow-Liptak forced draft burner and has a currently allowable maximum heat input of 182 mmBtu/hr based on the combustion of 4.35 TPH of coal (limited to providing up to 120 mmBtu/hr) and methane (providing an additional 62 mmBtu/hr). However, as proposed in the modification evaluated herein, the furnace is not capable of achieving a heat input of 182 mmBtu and the permitted heat input limit shall be lowered to a proposed 130 mmBtu.

Directly heated air from the furnace is used to dry the wet coal in the following way: combustion gas from the pulverized coal fired furnace is mixed with ambient air. The resulting hot gas is at a temperature of 900-1050°F and contains roughly 85% air and 15% combustion products (~90,000 dscfm). The hot gas fluidizes the coal in a chamber containing a restriction deck. The fluidized coal travels on and across the bed which promotes evaporation of moisture from the coal. Most of the coal then falls over a weir and into air-lock hoppers, which discharge onto a transfer belt that conveys the dried coal to the dryer product belt. Some of the smaller sized coal is carried by the gas to a bank of four cyclones, which remove all but the finest material. Most of the fines collected by the cyclones discharge (via screw feeders) to the dried coal transfer belt. Some of the fines (~3.6 TPH) are used to fire the dryer furnace. Dryer feed rates range from a normal of 450 dry TPH to a maximum of 600 dry TPH, depending on the slack content of the raw coal feed to the plant. Coal processing rates are dependent on a number of parameters including coal quality, coal size, and contract specifications.

Compliance with the particulate matter emissions from the dryer stack is achieved with a venturi scrubber operating at a pressure drop of 30 to 40" wc. The pressure drop occurs across an annular passage created by a restrictive cone centered in the venturi duct. Clarified overflow water from the preparation plant thickener is injected into the venturi at a rate of about 1,300 gpm. The water is atomized across the annular passage and the droplets come into contact with the particulate matter in the gas. The resulting fines-laden water is then removed from the gas by cyclonic separator located at the base of the stack. The relatively particulate matter free gas leaves the stack saturated, at about 120°F, and containing some mist.

The high-energy gas-liquid contact in the venturi scrubber is designed to remove particulate matter, but it also absorbs SO₂. The amount of SO₂ removed by the venturi scrubber depends partly

on the inlet water alkalinity. The natural alkalinity of the plant water does not provide enough removal to comply with the SO₂ limits at furnace fuel feed rates greater than 110 pounds per hour. Therefore, an SO₂ control system was installed to decrease the SO₂ emission from the unit. This is accomplished by spraying a small amount (up to 3 gpm) of caustic solution (20% NaOH) onto the dryer feed coal just before it enters the drying chamber. The caustic solution reacts with the SO₂ in the coal drying chamber, forming the salt Na₂SO₄, which leaves the drying chamber as a solid with the product coal. A metering pump delivers caustic solution to a spray header at the end of the conveyor belt that delivers feed coal to the dryer.

The thermal dryer is not equipped with equipment to control NO_x, VOC, or CO emissions from the stack. NO_x and CO emissions are minimized by controlling the pulverized coal combustion conditions. VOC emission are minimized by controlling the furnace and dryer chamber temperatures.

SITE INSPECTION

Due to the nature of the proposed modification, the author did not perform a site inspection of the facility for this permitting action. The facility was last inspected by DAQ Compliance/Enforcement (C/E) Inspector John Moneyppenny on June 9, 2014. This inspection found the facility be "Status 10 - Out of Compliance" due to the differential pressure gauge on the venturi scrubber not operating. It is noted that the inspector stated that no opacity or fugitive emissions were noted.

AIR EMISSIONS AND CALCULATION METHODOLOGIES

MCCC included in the permit application calculations for the new hourly SO₂ emissions as based on the increased sulfur content of the coal of 3.9% by weight. No change in any annual potential-to-emit (PTE) was proposed as part of this modification. They also included verification that, based on emission factors obtained during a previous stack test, the emission rates of all pollutants limited under Table 4.1.4 of the permit are in compliance at the lowered maximum furnace heat input of 130 mmBtu/hr.

New SO₂ Emission Rate

As emissions of SO₂ from the combustion of coal are based completely on the assumption that all sulfur in the coal is oxidized into SO₂, MCCC calculated the new hourly SO₂ emission rate by increasing the existing emission rate (195 lb-SO₂/hr) by the same ratio as the sulfur content of the coal is proposed for increase. In this case the increase is approximately 15% (1 - (3.9/3.4)). MCCC added a 5% safety factor to calculate a new SO₂ emission rate from the dryer of 235 lb-SO₂/hr. This emission rate is the controlled rate after the exhaust gases are cleaned in the venturi scrubber using, when required, additional caustic as noted above.

At the currently permitted maximum fuel coal throughput of 4.35 TPH and a maximum spot coal limit of 3.9% sulfur by-weight, the new uncontrolled SO₂ emission rate can be calculated by using a mass balance. This mass balance calculation gives an emission rate of 678.60 lb-SO₂/hr. Based on the controlled emission rate as calculated above, the control efficiency of the venturi scrubber would be approximately 65%, which is reasonable for the selected control methodology.

Compliance With Existing Emission Limits

On June 20, 2015, MCCC entered into a Consent Order (CO-R30-E-2015-1) in which the DAQ determined that, based on the currently permitted maximum heat input of 182 mmBtu/hr and the emission rates of NO_x and VOCs measured in the most recent approved stack test in 2011 (0.48 lb-NO_x/mmBtu and 0.95 lb-VOC/mmBtu), the thermal dryer would not be in compliance with the NO_x and VOCs emission limits in the permit: 63.6 and 135.6 lbs/hour, respectively. Therefore, MCCC is requesting a new thermal dryer hourly heat input limit of 130 mmBtu/hr to guarantee compliance with the permitted emission limits at the tested emission rates. It is important to note that MCCC states that 2011 stack test measured NO_x and VOC emission rates of 0.46 lb/mmBtu and 0.38 lb/mmBtu, respectively. MCCC states the discrepancy is due to NO_x rounding and the removal of methane (which is not defined as a VOC) from the VOC emission rate. Based on the new lower heat input limit of the thermal dryer, compliance with the current emission limits should be achieved. MCCC is not proposing to lower any hourly thermal emission limits due to the new lower heat input limit and will accept the higher emission rate as a safety factor.

Emissions Summary

The only emission increase associated with the modifications evaluated herein is the increase in the hourly SO₂ emission rate from the thermal dryer of 40 lb/hr. There is no proposed increase in the facility’s annual PTE. Based on information from the most recent Title V (R30-04900019-2014) Fact Sheet, the facility-wide PTE remains as given in the following table:

Table 1: Facility-Wide PTE

Pollutant	tons/year
NO _x	239.40
CO	178.70
VOC	945.40
PM _{2.5}	126.60
PM ₁₀	159.50
PM	202.30
SO ₂	586.00
HAPs	17.70

REGULATORY APPLICABILITY

The following will discuss each rule applicable or potentially applicable to only the modifications evaluated herein.

45CSR5: To Prevent and Control Air Pollution from Coal Preparation Plants, Coal Handling Operations, and Coal Refuse Disposal Operations

The purpose of 45CSR5 is to prevent and control air pollution from the operation of coal preparation plants, coal handling operations and coal refuse disposal areas. Pursuant to the definition given in §45-5-2.4, thermal drying is defined as a part of a “Coal Preparation Plant.” Section 4.1(a) of 45CSR5 requires that a thermal dryer built after 1974 meet the requirements of 45CSR16 - which in turn adopts the New Source Performance Standards (NSPS). The applicability and compliance with 40 CFR 60, Subpart Y are discussed below.

45CSR10: To Prevent and Control Air Pollution from the Emission of Sulfur Oxides

45CSR10 has requirements limiting in-stack SO₂ concentrations of “manufacturing processes.” Previously, the DAQ has regulated thermal dryers as “manufacturing processes” subject to section 4.1 of 45CSR10.

Section 4.1 of Rule 10 requires that no in-stack SO₂ concentration exceed 2,000 parts per million by volume (ppm_v) from any manufacturing process source operation. As noted, the thermal dryer furnace is defined as a “manufacturing process.” Based on the estimated maximum revised SO₂ emission rate of the furnace (235 lb-SO₂/hr) and the stack parameters given in the application, the estimated worst-case in-stack SO₂ concentration was calculated to be 137.08 ppm_v or 6.85% of the limit.

45CSR13: Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation

The proposed changes to the Marion County Preparation Plant have the potential to increase the PTE of the facility in excess of 144 pounds per day of a regulated pollutant and, therefore, pursuant to §45-13-2.17, the changes are defined as a “modification” under 45CSR13. Pursuant to §45-13-5.1, “[n]o person shall cause, suffer, allow or permit the construction, modification, relocation and operation of any stationary source to be commenced without . . . obtaining a permit to construct.” Therefore, MCCC is required to obtain a permit under 45CSR13 for the modification of the facility.

As required under §45-13-8.3 (“Notice Level A”), MCCC placed a Class I legal advertisement in a “newspaper of *general circulation* in the area where the source is . . . located.” The ad ran on May 3, 2016 in the *Times West Virginian* and the affidavit of publication for this legal advertisement was submitted on May 23, 2016.

45CSR14: Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration

The Marion County Preparation Plant is an existing major stationary source under 45CSR14 and the proposed increase in the short-term sulfur content of the fuel coal is considered, pursuant to §45-14-2.40, a “physical change or a *change in the method of operation.*” As the proposed increase in

sulfur content of the coal is a relaxation of the synthetic minor limit (although the annual limit shall remain at 3.4%) established under Permit Number R13-0760D issued on May 12, 2008, it is appropriate to retroactively review the impact of the change based on the PSD applicability analysis done in 2008. This is based on the language given under §45-14-19.7 that states:

[§45-14-19.7]

Any person who owns or operates any particular source or modification which becomes a major stationary source or major modification solely by virtue of a relaxation in any limitation, enforceable by the Administrator or the Secretary, on the capacity of the source or modification otherwise to emit a pollutant (such as a restriction on hours of operation), shall become subject to the requirements of this rule as though construction had not yet commenced on the source or modification.

During that permitting process, the annual SO₂ limit from the thermal dryer was set at 586 TPY (PTE may be used in lieu of projected actual emissions pursuant to §45-14-2.63(a)(4)) - or 39 TPY over the baseline actual emissions (BAE) as calculated at that time. As there is no proposed increase in the annual SO₂ PTE as a result of this relaxation of that limit, the BAE to PTE difference will remain at 39 TPY - or below the 40 TPY threshold that would define the proposed change as a “modification” under 45CSR14.

45CSR30: Requirements for Operating Permits

45CSR30 provides for the establishment of a comprehensive air quality permitting system consistent with the requirements of Title V of the Clean Air Act. The Marion County Preparation Plant, defined under Title V as a “major source,” was last issued a Title V permit on January 24, 2014. Proposed changes evaluated herein must also be incorporated into the facility's Title V operating permit. Commencement of the operations authorized by this permit shall be determined by the appropriate timing limitations associated with Title V permit revisions per 45CSR30.

40 CFR 60, Subpart Y: Standards of Performance for Coal Preparation Plants

40 CFR 60, Subpart Y applies to the affected facilities identified in §60.250 which are located at coal preparation plants that process more than 200 tons per day where construction, reconstruction, or modification occurred after October 27, 1974. The thermal dryer at the Marion County Preparation Plant is subject to the requirements established in Subpart Y for dryers constructed, reconstructed, or modified on or before April 28, 2008. Although MCCC is requesting an increased short-term SO₂ emission limit to account for brief periods of elevated fuel sulfur, §60.14(e)(4) excludes the following from the definition of “modification” under Subpart Y:

Use of an alternative fuel or raw material if, prior to the date any standard under this part becomes applicable to that source type, as provided by §60.1, the existing facility was designed to accommodate that alternative use. A facility shall be considered to be designed to accommodate an alternative fuel or raw material if that use could be accomplished under the facility's construction specifications as amended prior to the change. Conversion to coal required for energy considerations, as specified in section 111(a)(8) of the Act, shall not be considered a modification.

Given that the thermal dryer was designed to accommodate the higher sulfur coal prior to the effective date (April 28, 2008) of the revised Subpart Y (that first included SO₂ emission standards), the unit is not considered “modified” as defined under the NSPS and subject to the SO₂ emission standards. Therefore, the applicability of Subpart Y to the thermal dryer remains unchanged with this proposed modification and is limited to the particulate matter standards given under §60.252.

TOXICITY ANALYSIS OF NON-CRITERIA REGULATED POLLUTANTS

This section provides an analysis for those regulated pollutants that may be emitted from the proposed modification and that are not classified as “criteria pollutants.” Criteria pollutants are defined as Carbon Monoxide (CO), Lead (Pb), Oxides of Nitrogen (NO_x), Ozone, Particulate Matter (PM), Particulate Matter less than 10 microns (PM₁₀), Particulate Matter less than 2.5 microns (PM_{2.5}), and Sulfur Dioxide (SO₂). These pollutants have National Ambient Air Quality Standards (NAAQS) set for each that are designed to protect the public health and welfare. Other pollutants of concern, although designated as non-criteria and without national concentration standards, are regulated through various federal and programs designed to limit their emissions and public exposure. These programs include federal source-specific Hazardous Air Pollutants (HAPs) limits promulgated under 40 CFR 61 (NESHAPS) and 40 CFR 63 (MACT). Any potential applicability to these programs were discussed above under REGULMCCCRY APPLICABILITY.

There is no increases in, or changes of, non-criteria regulated pollutants as a result of the proposed modifications.

AIR QUALITY IMPACT ANALYSIS

The proposed modification does not meet the definition of a “major modification” pursuant to 45CSR14 and, therefore, an air quality impact (computer modeling) analysis was not required. Additionally, based on the nature of the proposed modification, modeling was not required under 45CSR13, Section 7.

MONITORING, COMPLIANCE DEMONSTRATIONS, RECORD-KEEPING, AND REPORTING REQUIREMENTS

No substantive changes are being made in the monitoring, compliance demonstrations, record-keeping, and reporting requirements in the draft permit.

TESTING OF OPERATIONS

Due to the proposed increase in sulfur content of the fuel coal (short-term) and the thermal dryer burner improvement project approved under PD16-023, the following new performance testing is required under 4.3.1. of the draft permit:

- Within 60 days of permit issuance, the permittee shall conduct, or have conducted, in accordance with a protocol submitted pursuant to 3.3.1(c), a performance test on the thermal dryer to determine compliance with the emission limits as given under Table 4.1.4. The performance tests will be performed in accordance with the following:
 - a. The performance test shall be in accordance with a methodology proposed by the permittee in the protocol so that the test shall take place during firing conditions as close as possible to the maximum permitted furnace parameters as given under 4.1.5;

- b. The permittee shall propose in the protocol a methodology for, if needed, scaling the performance test results to be valid for determining compliance with the emission limits given under Table 4.1.4. so as to account for firing conditions not reasonably close the maximum permitted furnace parameters as given under 4.1.5.; and
- c. During any required compliance testing, the permittee shall install flow straightening devices in the stack of the fluidized bed thermal dryer to insure that cyclonic flow does not occur.

CHANGES TO PERMIT R13-0760E

The substantive changes made to R13-0760E were limited to:

- The thermal dryer SO₂ emission limit given in Table 4.1.4. was revised to 235 lb-SO₂/hr;
- The maximum combustion rate of methane in the thermal dryer was corrected in 4.1.5(b);
- The maximum sulfur content of the fuel coal combusted in the thermal dryer was revised to 3.90% under 4.1.5(c);
- The maximum heat input of the thermal dryer furnace was revised down to 130 mmBtu in 4.1.5(g);
- The methodology of calculating the annual sulfur content of the fuel coal sulfur was added in 4.2.2.; and
- New performance testing replaced the existing testing language under 4.3.1.

RECOMMENDATION TO DIRECTOR

The information provided in the permit application indicates that compliance with all applicable state and federal air quality regulations will be achieved. Therefore, I recommend to the Director the issuance of Permit Number R13-0898C to The Marion County Coal Company for the above discussed changes to the Marion County Preparation Plant located near Fairview, Marion County, WV.



Joe Kessler, PE
Engineer



Date

Fact Sheet R13-0760F
The Marion County Coal Company
Marion County Preparation Plant

INTERNAL PERMITTING DOCUMENT TRACKING MANIFEST

Company Name THE MARION COUNTY COAL COMPANY

Permitting Action Number R13-0760F Total Days 87 DAQ Days 15

Permitting Action:

- | | | |
|---|------------------------------------|---|
| <input type="radio"/> Permit Determination | <input type="radio"/> Temporary | <input checked="" type="radio"/> Modification |
| <input type="radio"/> General Permit | <input type="radio"/> Relocation | <input type="radio"/> PSD (Rule 14) |
| <input type="radio"/> Administrative Update | <input type="radio"/> Construction | <input type="radio"/> NNSR (Rule 19) |

Documents Attached:

- | | |
|---|--|
| <input checked="" type="checkbox"/> Engineering Evaluation/Memo | <input checked="" type="checkbox"/> Completed Database Sheet |
| <input checked="" type="checkbox"/> Draft Permit | <input type="checkbox"/> Withdrawal |
| <input checked="" type="checkbox"/> Notice | <input type="checkbox"/> Letter |
| <input type="checkbox"/> Denial | <input type="checkbox"/> Other (specify) _____ |
| <input type="checkbox"/> Final Permit/General Permit Registration | _____ |

Date	From	To	Action Requested
6/09/16	Joe Kessler	Bev McKeone	NOTICE APPROVAL
6/17	Bev	Joe	Cuto Notice

NOTE: Retain a copy of this manifest for your records when transmitting your document(s).

Kessler, Joseph R

From: Mike Burr <mburr@trinityconsultants.com>
Sent: Friday, March 11, 2016 11:07 AM
To: McKeone, Beverly D
Cc: Durham, William F; Adkins, Jesse D; Keatley, Robert L; Kessler, Joseph R; Scott, Crellin; Winters, Karen A. (karen.winters@squirepb.com); Nett, Cody (codynett@coalsource.com)
Subject: R13 Permit Modification Application - The Marion County Coal Company
Attachments: MCCC - R13 Permit Modification Application - 03112016.pdf

Hi Beverly,

Please find attached an application for a modification to R13-0760E for the Marion County Coal Company's Marion County Preparation Plant. We will be submitting a signed hard copy of the application in accordance with DAQ procedures within the next few days, but wanted to get a copy of the application to interested parties in advance of a meeting we have scheduled with Mr. Adkins and others this Monday, March 14th.

Please feel free to reach out to myself or Crellin Scott with any questions you might have on the application. Thank you.

Regards,

Mike Burr
Senior Consultant

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Trinity Consultants
8425 Pulsar Pl, Suite 280 | Columbus, Ohio 43240

Office: **614-433-0733**
Email: mburr@trinityconsultants.com | LinkedIn: www.linkedin.com/in/mikejburr

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I.D. No. 019-00019 Reg. 0760F
Company MCCC
Facility Marion Co. Region _____
Initials MB

Kessler, Joseph R

From: Scott, Crellin <cscott@coalsource.com>
Sent: Tuesday, March 15, 2016 9:29 PM
To: Adkins, Jesse D
Cc: Keatley, Robert L; McKeone, Beverly D; Kessler, Joseph R
Subject: Follow-up to Our Meeting

Jesse,

Thank you and your team for meeting with us yesterday. We thought the meeting was a productive one. We have a couple of items of planned follow up:

- Yesterday afternoon, we received an email acknowledgment from the Agency that our application for a modification and our payment of the application fee had been received. We understand that we need to provide two (2) electronic copies of the application to you as quickly as possible and are in the process of doing so. We also understand that the applicable has been assigned to Joe Kessler for review and that we should expect to hear from him within the next thirty (30) days regarding the completeness of the application.
- As discussed, the plant is scheduled for a two week shut down in mid-to-late June. From our perspective, this would be an ideal time to install the burner improvements that we included in the permit application. We understand that permit issuance in order to accommodate that time frame would be aggressive. Consistent with Joe's suggestion regarding the possibility of addressing the burner improvements through an "applicability determination" we plan to share with Joe, early next week, a proposal to do so that includes the specifics of the burner rebuild. The objective would be to determine whether we can "decouple" the burner improvements from the permit modification and proceed with those independently.
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- Finally, we plan to provide you with a markup of the June 7, 2015 Consent Order which more accurately reflects where things stand regarding the sequence and timing of our planned permit modification and associated stack testing. We will provide you with a markup of the Consent Order for your consideration, likely next week as well.

Thanks and we look forward to working with you further to bring these issues to conclusion.

Crellin Scott
Dir. Environmental Compliance
Murray Energy Corporation

Kessler, Joseph R

From: Mike Burr <mburr@trinityconsultants.com>
Sent: Wednesday, May 18, 2016 2:39 PM
To: Kessler, Joseph R
Cc: McKeone, Beverly D
Subject: Marion County Coal Company - R13 Advertisement
Attachments: 20160510081500_20160510081450.pdf; Scanned from a Xerox Multifunction Device.pdf

Joe,

Please find attached two (2) affidavits of publication for the newspaper advertisement that was run in the Dominion Post as well as the Times West Virginian for the R13 modification application that was submitted for The Marion County Coal Company.

Can you please advise as to the status of the application on your end?

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Kessler, Joseph R

From: Mike Burr <mburr@trinityconsultants.com>
Sent: Wednesday, June 08, 2016 1:03 PM
To: Kessler, Joseph R
Subject: RE: R13-0760F Revised Application
Attachments: Marion County R13 Permit Modification - Revision 1 - 04142016.pdf

Joe – see attached. Thanks.

Regards,

Mike Burr
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From: Kessler, Joseph R [mailto:Joseph.R.Kessler@wv.gov]
Sent: Wednesday, June 08, 2016 10:48 AM
To: Mike Burr <mburr@trinityconsultants.com>
Subject: R13-0760F Revised Application

Mike, did you send an electronic copy of the revised application? If so, I don't seem to have it. Could you e-mail me a copy?

Thanks

Joe Kessler, PE
Engineer
West Virginia Division of Air Quality
601-57th St., SE
Charleston, WV 25304
Phone: (304) 926-0499 x1219
Fax: (304) 926-0478
Joseph.r.kessler@wv.gov

IPR FILE INDEX

Applicant : The Marion County Coal Company **Plant ID No.:** 049-00019
Facility : Marion County Preparation Plant **R13-0760F**

Chronological Order - Add Index Pages As Necessary

Date	To	From	Subject	# of pages
3/14/16	MCCC	Sandra Adkins	48-Hour Letter	
3/17/16	Bev McKeone	MCCC	CDs	
4/13/16	MCCC	Joe Kessler	Incompleteness E-mail	
5/23/16	Joe Kessler	MCCC	Affidavit of Publication	
5/25/16	MCCC	Joe Kessler	Completeness Determination	
6/27/16	File	Joe Kessler	DAQ/MCCC E-mails	
6/27/16	File	Joe Kessler	Draft Permit R13-0760F, Evaluation/Fact Sheet, Tracking Manifest	
	Various	Sandra Adkins	Public Notice Documents	

JRK
6/27/16

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I.D. No. 049-00219 Reg. 0760F
Company Marion County Coal Co.
Facility Marion Co. Prep Region
Initials *MB*

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Trinity Consultants
8425 Pulsar Pl, Suite 280 | Columbus, Ohio 43240

Office: **614-433-0733**
Email: mburr@trinityconsultants.com | LinkedIn: www.linkedin.com/in/mikejburr

Stay current on environmental issues. Subscribe today to receive Trinity's free *Environmental Quarterly*.
Learn about Trinity's courses for environmental professionals.



From: Kessler, Joseph R [<mailto:Joseph.R.Kessler@wv.gov>]
Sent: Wednesday, June 08, 2016 10:48 AM
To: Mike Burr <mburr@trinityconsultants.com>
Subject: R13-0760F Revised Application

Mike, did you send an electronic copy of the revised application? If so, I don't seem to have it. Could you e-mail me a copy?

Thanks

Joe Kessler, PE
Engineer
West Virginia Division of Air Quality
601-57th St., SE
Charleston, WV 25304
Phone: (304) 926-0499 x1219
Fax: (304) 926-0478
Joseph.r.kessler@wv.gov

Kessler, Joseph R

From: Kessler, Joseph R
Sent: Wednesday, May 25, 2016 1:22 PM
To: cscott@coalsource.com
Cc: Mike Burr; Kessler, Joseph R
Subject: R13-0760F Permit Applicability Review Status Update

**RE: Application Status: Complete
The Marion County Coal Company
Marion County Prep Plant
Permit Application: R13-0760F
Plant ID No.: 049-00019**

Dear Mr. Scott:

Your application for a modification to the Marion County Prep Plant was received by the Division of Air Quality (DAQ) on March 14, 2016 and assigned to the writer for review. Upon an initial review of the application, it was determined that additional items needed to be addressed prior to the application being deemed complete. The last of that required information was received on May 23, 2016. Therefore, the application has been deemed complete as of the date of this e-mail. The ninety (90) day statutory time frame began on that day.

This determination of completeness shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit determination. Should you have any questions, please contact me at (304) 926-0499 ext. 1219 or reply to this e-mail.

Joe Kessler, PE
Engineer
West Virginia Division of Air Quality
601-57th St., SE
Charleston, WV 25304
Phone: (304) 926-0499 x1219
Fax: (304) 926-0478
Joseph.r.kessler@wv.gov

Entire Document
NON-CONFIDENTIAL

UC Defaulted Accounts Search Results

Sorry, no records matching your criteria were found.

FEIN:

Business name: THE MARION COUNTY COAL COMPANY

Doing business

as/Trading as:

Please use your browsers back button to try again.

WorkforceWV	Unemployment Compensation	Offices of the Insurance Commissioner
-----------------------------	---	---

UC Defaulted Accounts Search Results

Sorry, no records matching your criteria were found.

FEIN: 132566594

Business name:

Doing business as/Trading as:

Please use your browsers back button to try again.

WorkforceWV	Unemployment Compensation	Offices of the Insurance Commissioner
-----------------------------	---	---

Kessler, Joseph R

From: Ward, Beth A
Sent: Monday, March 14, 2016 4:33 PM
To: Smith, Justin; rmoore@coalsource.com; cscott@coalsource.com
Cc: McKeone, Beverly D; Adkins, Sandra K; Kessler, Joseph R
Subject: FW: WV DAQ Permit Application Status for The Marion County Coal Co; Marion Cnty Prep Plant
Attachments: 2016_03_14_16_30_32.pdf

Please see the attached receipt.

OASIS CR 1600100297

Thank You!

From: Adkins, Sandra K
Sent: Monday, March 14, 2016 1:37 PM
To: rmoore@coalsource.com; cscott@coalsource.com
Cc: McKeone, Beverly D <Beverly.D.Mckeone@wv.gov>; Kessler, Joseph R <Joseph.R.Kessler@wv.gov>; Ward, Beth A <Beth.A.Ward@wv.gov>
Subject: WV DAQ Permit Application Status for The Marion County Coal Co; Marion Cnty Prep Plant

**RE: Application Status
The Marion County Coal Co
Marion Cnty Prep Plant
Plant ID No. 049-00019
Application No. R13-0760F**

Mr. Moore,

Your application for a modification permit for the Marion County Preparation Plant was received by this Division on March 14, 2016, and was assigned to Joe Kessler. The following items were not included in the initial application submittal:

Original affidavit for Class I legal advertisement not submitted.

Telephone extension should be 1250

Application fee AND/OR additional application fees:

**\$1,000 Construction, Modification, Relocation or Temporary Permit*

**\$1,000 NSPS*

(You may contact the Accounts Receivable section at 304 926-0499 ext. 4888 or Beth Ward at ext. 1846 to pay via credit card. DEP accepts Visa and MasterCard only.)

Two (2) copies of the application not submitted.

Two electronic versions not submitted – electronic versions should contain signatures

These items are necessary for the assigned permit writer to continue the 30-day completeness review.

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

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

Should you have any questions, please contact the assigned engineer, Joe Kessler, at 304-926-0499, extension 1219.

WV DEP
601 57TH ST SE
CHARLESTON, WV 25304

SALE

MID: 5990 Store: 5430 Term: 7501
REF#: 00000001
Batch #: 041 RRN: 607420609016
03/14/16 18:30:06
AVS: IP MATCH SVC: N
Cst CODE: 0
Invoice #: 04900019
Trans ID: 0314MCFD8DPGR
APPR CODE: 001892
MASTERCARD Manual CNP

AMOUNT \$2,000.00

APPROVED

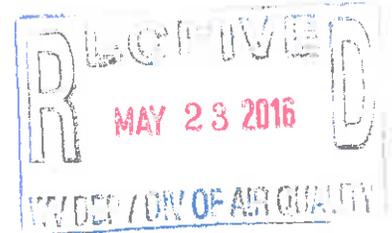
I AGREE TO PAY ABOVE TOTAL AMOUNT
IN ACCORDANCE WITH CARD ISSUER'S
AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)
RETAIN THIS COPY FOR STATEMENT
VERIFICATION

MERCHANT COPY

Murray American Energy
1 Bridge Street
Monongah, WV 26554
phone: 304/534-4726
fax: 304/534-4739
e-mail: davidrodny@coalsource.com

May 19, 2016

Joe Kessler
West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street
Charleston, WV 25304



RE: Marion County Coal Company
Marion County Coal Company's Preparation Plant; Facility ID No. 049-00019
Newspaper Advertisement for R13 Modification

Dear Mr. Kessler

Enclosed are the original Proof of Publications sent by the Dominion Post and Times West Virginian.

Entire Document
NON-CONFIDENTIAL

If you have any questions or need additional information, please contact me at the above address.

Sincerely

David Roddy
Environmental Engineer

I.D. No. 049-00019 Reg. 760E
Company MARION COUNTY COAL CO.
Facility MARION POCO PLANT Region
Initials *DR*

PUBLISHER'S CERTIFICATE

DAVE
ROOY

vs.

STATE OF WEST VIRGINIA
COUNTY OF MONONGALIA

I Eric Wilson Advertising Director of

THE DOMINION POST, a newspaper of general circulation
published in the City of Morgantown, County and State
aforesaid, do hereby certify that the annexed

Legal Notice

was published in the said THE DOMINION POST once a week

for 1 successive weeks commencing on the

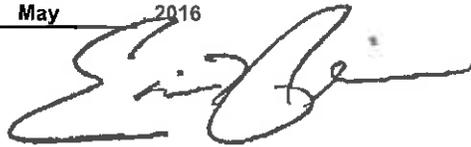
4th day of May, 2016 and ending on the

4th day of May, 2016

The publisher's fee for said publication is \$57.25

Given under my hand this 4th day of

May 2016

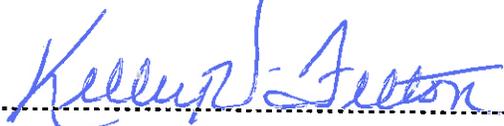


(SEAL)

Advertising Director of THE DOMINION POST

Subscribed and sworn to before me this 4th

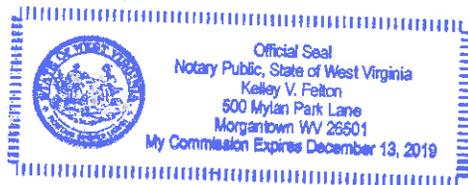
day of May, 2016



Notary Public of Monongalia County, W. Va.

My commission expires on the 13th day of

December 2019



010089741

May 4

AIR QUALITY PERMIT MODIFICATION NOTICE

Notice of Application

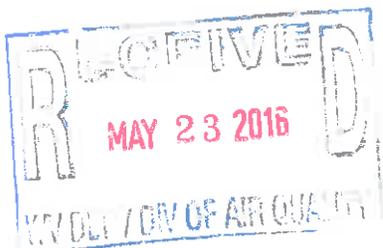
NOTICE IS GIVEN that the Marion County Coal Company has applied to the West Virginia Department of Environmental Protection, Division of Air Quality, for a modification of Permit R13-0760E for the Marion County Preparation Plant on Sugar Run Rd., near Fairview, in Marion County, West Virginia. The latitude and longitude coordinates are approximately 39.606, -80.281. The applicant is not requesting and increase in annual emissions with the application.

Startup of operation is planned to begin on or about the 1st day of July, 2016. Written comments will be received by the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304, for at least 30 calendar days from the date of publication of this notice.

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

Dated this the 04 day of May, 2016.

By: Marion County Coal Company
Robert D. Moore
Vice President
45226 National Road W
St. Clairsville, OH 43950
740-338-3100



AFFIDAVIT OF PUBLICATION

State of West Virginia

County of Marion

AIR QUALITY PERMIT MODIFICATION NOTICE

Notice of Application NOTICE IS GIVEN that the Marion County Coal Company has applied to the West Virginia Department of Environmental Protection, Division of Air Quality, for a modification of Permit R13-0760E for the Marion County Preparation Plant on Sugar Run Rd., near Fairview, in Marion County, West Virginia. The latitude and longitude coordinates are approximately 39.606, -80.281. The applicant is not requesting and increase in annual emissions with the application.

Startup of operation is planned to begin on or about the 1st day of July, 2016. Written comments will be received by the West Virginia Department of Environmental Protection, Division of Air Quality, 601 57th Street, SE, Charleston, WV 25304, for at least 30 calendar days from the date of publication of this notice.

Any questions regarding this permit application should be directed to the DAQ at (304) 926-0499, extension 1227, during normal business hours. Dated this the 03 day of May, 2016.

By: Marion County Coal Company Robert D. Moore Vice President 46226 National Road W St. Clairsville, OH 43950 740-338-3100 Times: May 3, 2016

I, Beverly Miller, being first duly sworn upon my oath, do dispose and say that I am of the TIMES WEST VIRGINIAN, a corporation, publisher of the newspaper entitled the TIMES WEST VIRGINIAN an Independent newspaper:

that I have been duly authorized by the board of directors of such corporation to execute this affidavit of publication; that such newspaper has been published for more than one year prior to publication of the annexed notice described below, that such newspaper is regularly published daily except Saturday and Sunday, for at least fifty weeks during the calendar year, in the Municipality of Fairmont, Marion County, West Virginia; that such newspaper is a newspaper of "general circulation," as that term is defined in article three, chapter fifty-nine of the Code of West Virginia, 1931, as amended, within the publication area or areas of the aforementioned municipality and Marion County; that such newspaper averages in length four or more pages, exclusive of any cover, per issue; that such newspaper is circulated to the general public at a definite price or consideration; that such newspaper is a newspaper to which the general public resorts for passing events of a political, religious, commercial or social nature, and for current happenings, announcements, miscellaneous reading matter, advertisements and other notices.

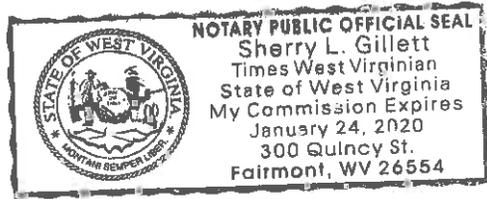
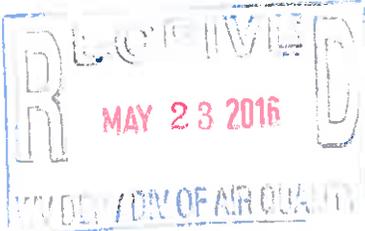
that the annexed notice of Air Quality Permit was duly published in said newspaper once day for 1 successive day (Class I), commencing with the issue of the 3 day of May, 2016, and ending with the issue of the 3 day of May, 2016, and was posted at the front door of the Marion County Courthouse on the 3 day of May, 2016; that said annexed notice was published on the following dates: May 3, 2016

and the cost of publishing said annexed notice as aforesaid was \$ 30.15

Taken, subscribed and sworn to before me in said county this 3 day of May, 2016.

My commission expires Jan 24, 2020

Sherry L. Gillett Notary Public of Marion County, West Virginia



Kessler, Joseph R

From: Kessler, Joseph R
Sent: Wednesday, April 13, 2016 9:30 AM
To: cscott@coalsource.com
Cc: Mike Burr; Kessler, Joseph R
Subject: R13-0760F Permit Applicability Review Status

**RE: Application Status: Incomplete
The Marion County Coal Company
Marion County Prep Plant
Permit Application: R13-0760F
Plant ID No.: 049-00019**

Dear Mr. Scott:

Your application for a modification to the Marion County Prep Plant was received by the Division of Air Quality (DAQ) on March 14, 2016 and assigned to the writer for review. Upon an initial review of the application, it has been determined that the following items needs to be addressed prior to the application being deemed complete:

1. The original affidavit of publication from the required Class I Legal Advertisement has not been submitted; and
2. Pursuant to discussions with MCCC and Trinity, the DAQ is aware that a revision to the permit application is forthcoming which will modify the proposed changes contained in the current permit application. When submitting the revision, please include a completely revised original and one copy (and 2 new electronic copies on separate disks). No additional fee is necessary and the "received date" of the permitting action will remain March 14, 2016 – the date of the first submission.

Please address the above items as quickly as possible in order to facilitate review of the permit application. However, addressing the above items shall not relieve the permit applicant of the requirement to subsequently submit, in a timely manner, any additional or corrected information deemed necessary for a final permit determination. Should you have any questions, please contact me at (304) 926-0499 ext. 1219.

Joe Kessler, PE
Engineer
West Virginia Division of Air Quality
601-57th St., SE
Charleston, WV 25304
Phone: (304) 926-0499 x1219
Fax: (304) 926-0478
Joseph.r.kessler@wv.gov

Entire Document
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Joe

8425 Pulsar Place | Suite 280 | Columbus, OH 43240 | P (614) 433-0733 | F (614) 433-0734

trinityconsultants.com

Trinity
Consultants

March 16, 2016

Ms. Beverly McKeone
Senior Engineer
WV DEP – Division of Air Quality
601 57th Street, SE
Charleston, WV 25304



Re: *R13 Permit Modification Application – The Marion County Coal Company
Plant ID 049-00019*

Dear Ms. McKeone:

Please find enclosed three (3) copies of a CD containing an electronic version of the R13 permit modification application for The Marion County Coal Company’s Marion County Preparation Plant that was submitted to you in hard copy on Monday, March 14, 2016.

If you have any questions or require additional information, please contact Mr. Mike Burr, Trinity Consultants, at 614-433-0733.

Sincerely,

Trinity Consultants

Mike Burr
Senior Consultant

Enclosure:

Entire Document
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ID. No. 049-00019 Reg. 760F
Company MARION COUNTY COAL CO
Facility MARION Co Prep Region _____
Initials JCB

Adkins, Sandra K

From: Adkins, Sandra K
Sent: Monday, March 14, 2016 1:37 PM
To: 'rmoore@coalsource.com'; 'cscott@coalsource.com'
Cc: McKeone, Beverly D; Kessler, Joseph R; Ward, Beth A
Subject: WV DAQ Permit Application Status for The Marion County Coal Co; Marion Cnty Prep Plant

**RE: Application Status
The Marion County Coal Co
Marion Cnty Prep Plant
Plant ID No. 049-00019
Application No. R13-0760F**

Entire Document
NON-CONFIDENTIAL

Mr. Moore,

Your application for a modification permit for the Marion County Preparation Plant was received by this Division on March 14, 2016, and was assigned to Joe Kessler. The following items were not included in the initial application submittal:

Original affidavit for Class I legal advertisement not submitted.

Telephone extension should be 1250

Application fee AND/OR additional application fees:

**\$1,000 Construction, Modification, Relocation or Temporary Permit*

**\$1,000 NSPS*

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

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

Should you have any questions, please contact the assigned engineer, Joe Kessler, at 304-926-0499, extension 1219.