west virginia department of environmental protection

Division of Air Quality
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Charleston, WV 25304
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Jim Justice, Governor
Austin Caperton, Cabinet Secretary
www.dep.wv.gov

May 8, 2017

Greg Nair, Power of Attorney
Wolf Run Mining Company
100 Tygart Drive
Grafton, WV 26354

Re: Application Status: Approved
Wolf Run Mining Company
Sentinel Preparation Plant
Permit Application R13-0119D
Plant ID No. 001-00005

Dear Mr. Nair:

Your application for a modification permit as required by Section 5 of 45CSR13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permit, General Permit, and Procedures for Evaluation" has been approved. The enclosed permit R13-0119D is hereby issued pursuant to Subsection 5.7 of 45CSR13. Please be aware of the notification requirements in the permit which pertain to commencement of construction, modification, or relocation activities; startup of operations; and suspension of operations.

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

In accordance with 45CSR30 - Operating Permit Program, the permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

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.

Should you have any questions, please contact me at (304) 926-0499, ext. 1210.

Sincerely,

Daniel P. Roberts, Engineer Trainee
NSR Permitting Section

Enclosures

c: Greg Nair, gnair@archcoal.com

West Virginia Department of Environmental Protection
Division of Air Quality

Jim Justice
Governor

Austin Caperton
Cabinet Secretary

Permit to Modify

R13-0119D

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:

Wolf Run Mining Company

Sentinel Preparation Plant

001-00005

William F. Durham
Director

Effective: May 8, 2017

This permit will supersede and replace permit R13-0119C approved on February 7, 2012.

Facility Location:	Philippi, Barbour County, West Virginia
Mailing Address:	100 Tygart Drive, Grafton, WV 26354
Facility Description:	Wet Wash Coal Preparation Plant
SIC Code:	1221 (Bituminous Coal & Lignite - Surface)
NAICS Code:	212111 (Bituminous Coal and Lignite Surface Mining)
UTM Coordinates:	Easting: 581.2 km • Northing: 4339.2 km • NAD83 Zone 17N
Lat/Lon Coordinates:	Latitude: 39.198267 • Longitude: -80.059645 • NAD83
Permit Type:	Modification
Description of Change:	Modification to do the following: add radial stacking belt conveyor BC-20; add clean coal belt conveyor BC-21 and open storage pile OS-08 to be fed by the new belt plow on existing belt conveyor BC-6; declare refuse belt conveyors BC-10 and BC-11 inactive; remove refuse belt conveyor BC-12; relocate refuse belt conveyor BC-13 and open storage pile OS-3 to the clean coal conveying system to be fed by the new belt plow on existing belt conveyor BC-6 (if BC-13 and OS-3 are not relocated, then they will be removed from the facility); and increase the size of the existing open storage piles OS-1 through OS-7.

Subject to 40CFR60 Subpart Y? Yes
Subject to 40CFR60 Subpart IIII? No
Subject to 40CFR60 Subpart JJJJ? No

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.

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

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1.0 Emission Units

Equipment ID No.	Date of Construction, Reconstruction or Modification[1]	Description	Maximum Capacity		Control Device [2]	Associated Transfer Points		
			TPH	TPY		Location: B -Before A -After	ID. No.	Control Device [2]
Deep Mine Raw Coal Circuit								
BC-1	M 2011	54" Raw Coal Belt Conveyor - receives raw coal from the deep mine and transfers it to CR-1	1,350	3,600,000	PE	B A	N/A TP-1	N/A FE
CR-1	M 2011 C 2008	McLanahan 30" x 60" Heavy Duty Double Roll Crusher - HDDR3060001 - receives raw coal from BC-1, crushes it and then drops it onto S-1	1,350	3,600,000	FE	B A	TP-1 TP-2	FE FE
S-1	M 2011 C 2008	2-8' x 16' Double Deck Incline Vibrating Screen - Serial No. 4701 - receives crushed raw coal from CR-1, classifies it and then drops it onto BC-2	1,350	3,600,000	FE	B A	TP-2 TP-3	FE FE
BC-2	M 2011	54" Raw Coal Belt Conveyor - receives sized raw coal from S-1 and transfers it onto S-2	1,350	3,600,000	PE	B A	TP-3 TP-4	FE FE
S-2	M 2011 C 2008	8' x 16' Double Deck Incline Vibrating Screen - Serial No. 4702 - receives sized raw coal from BC-2, classifies it and then drops it onto S-3	1,350	3,600,000	FE	B A	TP-4 TP-4A	FE FE
S-3	M 2011 C 2008	8' x 16' Double Deck Incline Vibrating Screen - Serial No. 4702 - receives sized raw coal from S-2, classifies it and then drops the pass through coal onto BC-3 and the oversize refuse onto BC-9 (see Refuse Circuit below)	1,350	3,600,000	FE	B A A	TP-4A TP-5 TP-19	FE FE FE
BC-3	M 2011	48" Raw Coal Belt Conveyor - receives sized raw coal from S-3 and transfers it onto OS-1	1,350	3,600,000	PE	B A	TP-5 TP-6	FE FE
OS-1	M 2016 M 2011	Raw Coal Open Storage Pile with a Stacking Tube - maximum 50,000 tons capacity, 37,500 ft^2 base area and 20' height - receives raw coal from BC-3 and OS-6 via a dozer (see Trucked Raw Coal Circuit below), stores it and then a dozer pushes it into an underground feeder which reclaims it to BC-4	1,350 in 600 out	4,400,000	WS	B B A A	TP-6 TP-42 TP-7 TP-8	FE N UC FE
BC-4	M 2016 M 2011	30" Raw Coal Belt Conveyor - receives sized raw coal from OS-1 and transfers it to the wet wash prep plant	600	4,400,000	PE	B A	TP-8 TP-9	FE FE
Trucked Raw Coal Circuit								
OS-4	M 2016 C 2011	Raw Coal Open Storage Pile - maximum 50,000 tons capacity, 37,500 ft^2 base area and 15' height - receives raw coal from trucks, stores it and then an endloader transfers it to CR-2	360	800,000	WS	B A A	TP-32 TP-33 TP-34	N N PE
CR-2	C 2011	Tesab Double Roll Crusher - 1012T 707 - receives raw coal from OS-4 via an endloader, crushes it and the oversize refuse drops onto BC-15 while the crushed raw coal drops onto BC-16	600	3,600,000	PE	B A A	TP-34 TP-35 TP-40	PE PE PE
BC-15	C 2011	Clean Coal Belt Conveyor - receives +2" oversize refuse from CR-2 and transfers it onto OS-5	360	400,000	PE	B A	TP-35 TP-36	PE N
OS-5	M 2016 C 2011	Oversize Refuse Open Storage Pile - maximum 50,000 tons capacity, 37,500 ft^2 base area and 15' height - receives oversize refuse from BC-15, stores it and then an endloader loads it to trucks which transport and dump it in the refuse disposal area	360	400,000	WS	B A A A	TP-36 TP-37 TP-38 TP-39	N N N N
BC-16	C 2011	Clean Coal Belt Conveyor - receives sized raw coal from CR-2 and transfers it onto OS-6	360	800,000	PE	B A	TP-40 TP-41	PE N
OS-6	M 2016 C 2011	Sized Raw Coal Open Storage Pile - maximum 50,000 tons capacity, 37,500 ft^2 base area and 15' height - receives sized raw coal from BC-16, stores it and then a dozer pushes it to the underground feeder at OS-1 (see Deep Mine Raw Coal Circuit above)	360	800,000	WS	B A	TP-41 TP-42	N N
Clean Coal Circuit								
BC-19	C 2011	Clean Coal Belt Conveyor - receives middlings clean coal from the wet wash prep plant and transfers it to BC-17	360	800,000	PE	B A	 TP-43	 PE
BC-17	C 2011	Clean Coal Belt Conveyor - receives middlings clean coal from BC-19 and transfers it to BC-18	360	800,000	PE	B A	TP-43 TP-44	PE PE
BC-18	C 2011	Clean Coal Belt Conveyor - receives middlings clean coal from BC-17 and transfers it to BC-20	360	800,000	PE	B A	TP-44 TP-48	PE PE
BC-20	C 2016	Clean Coal Radial Stacker - receives middlings clean coal from BC-18 and transfers it onto OS-7	360	800,000	PE	B A	TP-48 TP-45	PE N

Equipment ID No.	Date of Construction, Reconstruction or Modification[1]	Description	Maximum Capacity		Control Device [2]	Associated Transfer Points		
			TPH	TPY		Location: B -Before A -After	ID. No.	Control Device [2]
OS-7	M 2016 C 2011	Middlings Clean Coal Open Storage Pile - maximum 50,000 tons capacity, 37,500 ft^2 base area and 20' height - receives clean coal from BC-20, stores it and then a dozer pushes it into an underground feeder which reclaims it onto BC-7 (see below)	360	800,000	WS	B A	TP-48 TP-45	PE N
BC-5	M 2016 C 2011	36" Clean Coal Belt Conveyor - receives clean coal from the wet wash prep plant and transfers it onto BC-6	800	4,400,000	PE	B A	TP-10 TP-11	FE FE
BC-6	M 2011	36" Clean Coal Belt Conveyor - receives clean coal from BC-5 and transfers it onto BC-13 or BC-21 via a belt plow or through a stacking tube onto OS-2	800	3,600,000	PE	B A A	TP-11 TP-49 TP-12	FE PE FE
BC-13	M 2016 C 2008	Clean Coal Belt Conveyor - receives clean coal from BC-6 via a belt plow and transfers it onto OS-3	360	800,000	PE	B A	TP-49 TP-53	PE N
OS-3	M 2016 C 2008	Clean Coal Open Storage Pile with a Stacking Tube - maximum 62,500 tons capacity, 46,875 ft^2 base area and 20' height - receives clean coal from BC-13, stores it and then a dozer pushes it into an underground feeder which reclaims it onto BC-7	360	800,000	WS	B A	TP-53 TP-26	N N
BC-21	C 2016	Clean Coal Radial Stacker - receives clean coal from BC-6 via a belt plow and transfers it onto OS-8	360	800,000	PE	B A	TP-49 TP-50	PE PE
OS-8	C 2016	Clean Coal Open Storage Pile with a Stacking Tube - maximum 62,500 tons capacity, 46,875 ft^2 base area and 20' height - receives clean coal from BC-13, stores it and then an endloader loads it onto trucks for shipment	360	800,000	WS	B A A	TP-50 TP-51 TP-52	PE N N
OS-2	M 2016 M 2011	Clean Coal Open Storage Pile with a Stacking Tube - maximum 50,000 tons capacity, 37,500 ft^2 base area and 20' height - receives clean coal from BC-6, stores it and then a dozer pushes it into an underground feeder which reclaims it to BC-7	800 in 2,500 out	3,600,000	WS	B A A	TP-12 TP-13 TP-14	FE UC FE
BC-7	M 2011	60" Clean Coal Belt Conveyor - receives clean coal from OS-7, OS-3 and OS-2 and transfers it into BS-1	2,500	4,400,000	PE	B B B A	TP-46 TP-26 TP-14 TP-15	FE N FE FE
BS-1	M 2011	Clean Coal Loadout Bin with a Telescopic Chute - 161 tons capacity - receives clean coal from BC-7 and then loads it into rail cars	2,500	4,400,000	FE	B A	TP-15 TP-16	FE PE
Refuse Circuit								
BC-9	C 2008 [3]	42" Refuse Belt Conveyor - receives oversize refuse from S-3 (see Deep Mine Raw Coal Circuit above) and transfers it onto BC-8	244	300,000	PE	B A	TP-19 TP-20	FE PE
BC-8	M 2011	36" Refuse Belt Conveyor - receives oversize refuse from BC-9 and refuse from the wet wash prep plant and transfers it into BS-2	400	2,280,000	PE	B B A	TP-20 TP-17 TP-18	PE FE FE
BS-2	M 2011	Refuse Bin - 161 tons capacity - receives refuse from BC-8 and drops it onto BC-10, BC-14 or into trucks for transport to the disposal area	400	2,280,000	FE	B A A A	TP-18 TP-21 TP-28 TP-47	FE UC UC PE
BC-10	C 2008 [3]	24" Refuse Belt Conveyor - receives refuse from BS-2 and transfers it onto BC-11 (idled as of 2016)	244	300,000	PE	B A	TP-21 TP-22	UC PE
BC-11	C 2008 [3]	24" Refuse Belt Conveyor - receives refuse from BC-10 and previously transferred it onto BC-12 which was removed (idled as of 2016)	244	300,000	PE	B A	TP-22 TP-23	PE PE
BC-14	M 2011	36" Refuse Belt Conveyor - receives refuse from BS-2 and transfers it into BS-3	400	1,980,000	PE	B A	TP-28 TP-29	UC FE
BS-3	M 2011	Refuse Bin - 161 tons capacity - receives refuse from BC-14 and then drops it onto pans which transport and dump it to the disposal area	400	1,980,000	FE	B A A	TP-29 TP-30 TP-31	FE PE N

1 In accordance with 40 CFR 60 Subpart Y, 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. For open storage piles constructed, reconstructed, or modified after May 27, 2009, the permittee shall prepare and operate in accordance with a fugitive coal dust emissions control plan that is appropriate for site conditions.

2 Control Device Abbreviations: FE - Full Enclosure; PE - Partial Enclosure; PW - Partial Enclosure with Water Sprays; WS - Water Sprays; and N - None.

3 This equipment was approved to be constructed under application R13-0119A, which was received on May 29, 2008 and approved on September 22, 2009. Therefore, it was constructed after April 28, 2008.

2.0 General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments
CBI	Confidential Business Information
CEM	Continuous Emission Monitor
CES	Certified Emission Statement
C.F.R. *or* CFR	Code of Federal Regulations
CO	Carbon Monoxide
C.S.R. *or* CSR	Codes of State Rules
DAQ	Division of Air Quality
DEP	Department of Environmental Protection
dscm	Dry Standard Cubic Meter
FOIA	Freedom of Information Act
HAP	Hazardous Air Pollutant
HON	Hazardous Organic NESHAP
HP	Horsepower
lbs/hr	Pounds per Hour
LDAR	Leak Detection and Repair
M	Thousand
MACT	Maximum Achievable Control Technology
MDHI	Maximum Design Heat Input
MM	Million
MMBtu/hr *or* mmbtu/hr	Million British Thermal Units per Hour
MMCF/hr *or* mmcf/hr	Million Cubic Feet per Hour
NA	Not Applicable
NAAQS	National Ambient Air Quality Standards
NESHAPS	National Emissions Standards for Hazardous Air Pollutants
NOX	Nitrogen Oxides
NSPS	New Source Performance Standards
PM	Particulate Matter
PM2.5	Particulate Matter less than 2.5 μm in diameter
PM10	Particulate Matter less than 10μm in diameter
Ppb	Pounds per Batch
Pph	Pounds per Hour
Ppm	Parts per Million
PpmV or ppmv	Parts per Million by Volume
PSD	Prevention of Significant Deterioration
Psi	Pounds per Square Inch
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO2	Sulfur Dioxide
TAP	Toxic Air Pollutant
TPY	Tons per Year
TRS	Total Reduced Sulfur
TSP	Total Suspended Particulate
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator
VEE	Visual Emissions Evaluation
VOC	Volatile Organic Compounds
VOL	Volatile Organic Liquids

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 R13-0119C which was approved on February 7, 2012. 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 R13-0119D, R13-0119C, R13-0119B, R13-0119A and R13-0119 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to;
[45CSR§§13-5.11 and 13-10.3.]

2.5.2. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA;

2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;

2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e., local, state, and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

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

2.7. Duty to Supplement and Correct Information

Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in

any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-4.]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.
[45CSR§13-5.4.]

2.10 Major Permit Modification

The permittee may request a major modification as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.
[45CSR§13-5.1]

2.11. Inspection and Entry

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

a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

2.12. Emergency

2.12.1. An "emergency" means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

2.12.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of Section 2.12.3 are met.

2.12.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

d. The permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

2.12.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

2.12.5 The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Need to Halt or Reduce Activity Not a Defense

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

2.14. Suspension of Activities

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

2.15. Property Rights

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

2.16. Severability

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

2.17. Transferability

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

2.18. Notification Requirements

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

2.19. Credible Evidence

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

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management, and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1. *State Enforceable Only*]

3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or re-application or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]

3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

[Reserved]

3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally

accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

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

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

3.4. Recordkeeping Requirements

3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports, and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be

maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§4. *State Enforceable Only*]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:
Director
WVDEP
Division of Air Quality
601 57th Street
Charleston, WV 25304-2345

DAQ Compliance and Enforcement[1]:
DEPAirQualityReports@wv.gov

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

[1] For all self-monitoring reports (MACT, GACT, NSPS, etc.), stack tests and protocols, Notice of Compliance Status Reports, Initial Notifications, etc.

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. Compliance with all annual throughput limits shall be determined using a 12 month rolling total. For example, a 12 month rolling total shall mean the sum of the raw coal to be transferred by raw coal conveyor BC-4 into the preparation plant to be processed at any given time for the previous twelve (12) consecutive calender months.

4.1.2. 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.

4.1.3. The maximum amount of raw coal to be processed by the facility shall not exceed 1,350 tons per hour or 4,400,000 tons per year.

4.1.4. The maximum amount of raw coal to be processed by double roll crusher CR-1 shall not exceed 1,350 tons per hour or 3,600,000 tons per year.

4.1.5. The maximum amount of raw coal to be processed by double deck screen S-1 shall not exceed 1,350 tons per hour (TPH) or 3,600,000 tons per year.

4.1.6. The maximum amount of raw coal to be processed by double deck vibrating screen S-2 shall not exceed 1,350 tons per hour or 3,600,000 tons per year.

4.1.7. The maximum amount of raw coal to be processed by double deck vibrating screen S-3 shall not exceed 1,350 tons per hour or 3,600,000 tons per year.

4.1.8. The maximum amount of raw coal to be processed by double roll crusher CR-2 shall not exceed 600 tons per hour or 800,000 tons per year.

4.1.9. The maximum amount of raw coal to be conveyed by belt conveyor BC-4 to the wet wash preparation plant to be processed shall not exceed 600 tons per hour or 4,400,000 tons per year.

4.1.10. The maximum amount of clean coal to be shipped from the railcar loadout Bin BS-1 shall not exceed 2,500 tons per hour or 4,400,000 tons per year.

4.1.11. The maximum amount of clean coal to be loaded to trucks and shipped from open storage pile OS-8 shall not exceed 360 tons per hour or 800,000 tons per year.

4.1.12. The maximum amount of refuse to enter refuse Bin BS-2 shall not exceed 400 tons per hour or 2,280,000 tons per year.

4.1.13. The maximum amount of refuse to be loaded to trucks from refuse Bin BS-2 shall not exceed 150 tons per hour or 400,000 tons per year.

4.1.14. The maximum amount of refuse to enter refuse Bin BS-3 shall not exceed 400 tons per hour or 1,980,000 tons per year.

4.1.15. **Water Truck.** 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.

4.1.16. **Control and Prohibition of Fugitive Dust Emissions From Coal Handling Operations and Preparation Plants.** 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]

4.1.17. **Control and Prohibition of Fugitive Dust Emissions From Coal Handling Operations and Preparation Plants.** 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]

4.1.18. **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.]

4.1.19. 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)]

4.1.20. **Standards for Particulate Matter for Subpart Y**. 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 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, as applicable to the affected facility.
[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)]

(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)]

4.1.21. **Fugitive Coal Dust Emissions Control Plan for Subpart Y - Fugitive Coal Dust Emissions Control Plan.** The owner or operator of an open storage pile, which includes the equipment used in the loading, unloading, and conveying operations of the affected facility, constructed, reconstructed, or modified after May 27, 2009, must prepare and operate in accordance with a submitted fugitive coal dust emissions control plan that is appropriate for the site conditions as specified in paragraphs (c)(1) through (6) of this section.
[40CFR§60.254(c)]

(1) The fugitive coal dust emissions control plan must identify and describe the control measures the owner or operator will use to minimize fugitive coal dust emissions from each open storage pile.
[40CFR§60.254(c)(1)]

(2) For open coal storage piles, the fugitive coal dust emissions control plan must require that one or more of the following control measures be used to minimize to the greatest extent practicable fugitive coal dust: Locating the source inside a partial enclosure, installing and operating a water spray or fogging system, applying appropriate chemical dust suppression agents on the source (when the provisions of paragraph (c)(6) of this section are met), use of a wind barrier, compaction, or use of a vegetative cover. The owner or operator must select, for inclusion in the fugitive coal dust emissions control plan, the control measure or measures listed in this paragraph that are most appropriate for site conditions. The plan must also explain how the measures or measures selected are applicable and appropriate for site conditions. In addition, the plan must be revised as needed to reflect any changing conditions at the source.
[40CFR§60.254(c)(2)]

(3) Any owner or operator of an affected facility that is required to have a fugitive coal dust emissions control plan may petition the Administrator to approve, for inclusion in the plan for the affected facility, alternative control measures other than those specified in paragraph (c)(2) of this section as specified in paragraphs (c)(3)(i) through (iv) of this section.
[40CFR§60.254(c)(3)]

(i) The petition must include a description of the alternative control measures, a copy of the fugitive coal dust emissions control plan for the affected facility that includes the alternative control measures, and information sufficient for EPA to evaluate the demonstrations required by paragraph (c)(3)(ii) of this section.
[40CFR§60.254(c)(3)(i)]

(ii) The owner or operator must either demonstrate that the fugitive coal dust emissions control plan that includes the alternative control measures will provide equivalent overall environmental protection or demonstrate that it is either economically or technically infeasible for the affected facility to use the control measures specifically identified in paragraph (c)(2).
[40CFR§60.254(c)(3)(ii)]

(iii) While the petition is pending, the owner or operator must comply with the fugitive coal dust

emissions control plan including the alternative control measures submitted with the petition. Operation in accordance with the plan submitted with the petition shall be deemed to constitute compliance with the requirement to operate in accordance with a fugitive coal dust emissions control plan that contains one of the control measures specifically identified in paragraph (c)(2) of this section while the petition is pending.
[40CFR§60.254(c)(3)(iii)]

(iv) If the petition is approved by the Administrator, the alternative control measures will be approved for inclusion in the fugitive coal dust emissions control plan for the affected facility. In lieu of amending this subpart, a letter will be sent to the facility describing the specific control measures approved. The facility shall make any such letters and the applicable fugitive coal dust emissions control plan available to the public. If the Administrator determines it is appropriate, the conditions and requirements of the letter can be reviewed and changed at any point.
[40CFR§60.254(c)(3)(iv)]

(4) The owner or operator must submit the fugitive coal dust emissions control plan to the Administrator or delegated authority prior to the startup of the new, reconstructed, or modified affected facility, or 30 days after the effective date of this rule, whichever is later.
[40CFR§60.254(c)(4)]

(5) The Administrator or delegated authority may object to the fugitive coal dust emissions control plan as specified in paragraphs (c)(5)(i) of this section.
[40CFR§60.254(c)(5)]

(i) The Administrator or delegated authority may object to any fugitive coal dust emissions control plan that it has determined does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.
[40CFR§60.254(c)(5)(i)]

(ii) If an objection is raised, the owner or operator, within 30 days from receipt of the objection, must submit a revised fugitive coal dust emissions control plan to the Administrator or delegate authority. The owner or operator must operate in accordance with the revised fugitive coal dust emissions control plan. The Administrator or delegated authority retain the right, under paragraph (c)(5) of this section, to object to the revised control plan if it determines the plan does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.
[40CFR§60.254(c)(5)(ii)]

(6) Where appropriate chemical dust suppressant agents are selected by the owner or operator as a control measure to minimize fugitive coal dust emissions, (1) only chemical dust suppressants with Occupational Safety and Health Administration (OSHA)-compliant material safety data sheets (MSDS) are to be allowed; (2) the MSDS must be included in the fugitive coal dust emissions control plan; and (3) the owner or operator must consider and document in the fugitive coal dust emissions control plan the site-specific impacts associated with the use of such chemical dust suppressants.
[40CFR§60.254(c)(6)]

4.2. Monitoring Requirements

4.2.1. For the purposes of determining compliance with maximum throughput limits set forth in 4.1.2 through 4.1.13, the permittee shall monitor the raw coal, clean coal and refuse throughput and production rates

and maintain certified daily records, utilizing the form identified as Appendices A, B and C. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

4.2.2. For the purposes of determining compliance with water truck usage set forth in 4.1.14 and water spray usage in 4.1.15, the permittee shall monitor water usage and throughput and maintain certified daily records, utilizing the forms identified as Appendices D and E. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

4.2.3. For the purpose of determining compliance with the opacity limits of 45CSR5 and 40 CFR 60 Subpart Y, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar week. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.

If visible emissions are present at a source(s) for four (4) consecutive weekly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 as soon a practicable, but within seventy-two (72) hours of the final visual emission check. A Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

4.3. Testing Requirements

4.3.1. Except as specified in paragraphs (a)(1),(a)(2), (a)(3), and (a)(4) of this section, 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, and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
[40CFR§60.8(a)]

4.3.2 Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of 40 CFR 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (thirty 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
[§40 CFR 60.11(b)]

4.3.3. **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, 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)]

(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 calender months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(2)(ii)]

4.3.4. **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, 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 calender 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)]

4.3.5. **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 4.3.4. 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)]

4.3.6. **Performance Tests and Other Compliance Requirements for Subpart Y - 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 or (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 dumping 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 processes 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 calender years for each affected facility.
[40CFR§60.255(h)(3)]

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. **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 reduce 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 mine 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 within5 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)]

4.3.9. **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. **Recordkeeping for Subpart Y.** The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain a logbook (written or electronic) on-site which documents the information specified in paragraphs (a)(1) through (10) of this section and make it available upon request.
[40CFR§60.258(a)]

(1) The manufacturer's recommended maintenance procedures and the date and time of any maintenance and inspection 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 calender month.
[40CFR§60.258(a)(3)]

(4) The amount of chemical stabilizer or water purchased for use in the coal preparation plant 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 manufacturer recommendation, 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)]

(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)]

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

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

4.4.3. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

4.4.4. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.
b. Steps taken to minimize emissions during the event.
c. The duration of the event.
d. The estimated increase in emissions during the event.

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

e. The cause of the malfunction.
f. Steps taken to correct the malfunction.
g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

4.4.5. The permittee shall maintain records of all monitoring data required by Section 4.2.3 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 F. 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. 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 USEPA 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.
[40 CFR §60.8]

4.5.2. Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:
[40CFR§60.7(a)]

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. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.
[40CFR§60.7(1)]

A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
[40CFR§60.7(3)]

4.5.3. **Reporting for Subpart Y - Opacity Exceedances.** For the purposes of reports required under section 60.7(c), any owner or operator subject to the provisions of Subpart Y also shall report semiannually periods of excess emissions as specified in paragraphs (b)(1) through (3) of this section.
[40CFR§60.258(b)]

(3) All 6-minute average opacities that exceed the applicable standard.

4.5.4. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observations using 40 CFR 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.

4.5.5. **Reporting for Subpart Y - Notice of Any Performance Tests.** The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local

agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.
[40CFR§60.8(d)]

4.5.6. **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)]

4.5.7. **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 date 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)]

APPENDIX A [1]

Certified Daily and Monthly Amount of Raw Coal to Crusher CR-1, Screen S-1, Screen S-2, Screen S-3, Crusher CR-2 and Prep Plant

Month _____ Year _____

Day of Month	Raw Coal to Crusher CR-1 at TP-1 (in tons)	Raw Coal to Screen S-1 at TP-2 (in tons)	Raw Coal to Screen S-2 at TP-4 (in tons)	Raw Coal to Screen S-3 at TP-4A (in tons)	Raw Coal to Crusher CR-2 at TP-34 (in tons)	Raw Coal to Prep Plant at TP-9 (in tons)	Initials
1							
2							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							
16							
17							
18							
19							
20							
21							
22							
23							
24							
25							
26							
27							
28							
29							
30							
31							
Monthly Total							
12 Month Rolling Total [2]							

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The 12 Month Rolling Total shall mean, for example, the sum of coal crushed by crusher CR-1 at any given time during the previous twelve (12) consecutive calender months. The maximum permitted 12 Month Rolling Totals are as follows: Raw Coal to Crusher CR-1 - 3,600,000 tons, Raw Coal to Screen S-1 - 3,600,000 tons, Raw Coal to Screen S-2 - 3,600,000 tons, Raw Coal to Screen S-3 - 3,600,000 tons, Raw Coal to Crusher CR-2 - 800,000 tons and Raw Coal to Prep Plant - 4,400,000.

APPENDIX B [1]

Certified Daily and Monthly Amount of Clean Coal to Rail and Clean Coal from OS-8 to Trucks

Month _____ Year _____

Day of Month	Clean Coal to Rail at TP-16 (in tons)	Clean Coal from OS-8 to Trucks at TP-52 (in tons)	Initials
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			
Monthly Total			
12 Month Rolling Total [2]			

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The 12 Month Rolling Total shall mean, for example, the sum of coal loaded to rail cars at any given time during the previous twelve (12) consecutive calender months. The maximum permitted 12 Month Rolling Totals are as follows: Clean Coal to Rail - 4,400,000 tons and Clean Coal from OS-8 to Trucks - 800,000 tons.

APPENDIX C [1]

Certified Daily and Monthly Amount of Refuse to Bin BS-2, Refuse From Bin BS-2 to Trucks and Refuse to Bin BS-3

Month _____ Year _____

Day of Month	Refuse to Bin BS-2 at TP-18 (in tons)	Refuse from Bin BS-2 to Trucks at TP-47(in tons)	Refuse to Bin BS-3 at TP-29 (in tons)	Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				
Monthly Total				
12 Month Rolling Total [2]				

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The 12 Month Rolling Total shall mean, for example, the sum of refuse conveyed to Bin BS-2 at any given time during the previous twelve (12) consecutive calender months. The maximum permitted 12 Month Rolling Totals are as follows: refuse to Bin BS-2 - 2,280,000 tons, refuse from Bin BS-2 to truck - 400,000 tons and refuse to Bin BS-3 - 1,980,000 tons.

APPENDIX D [1]

Certified Daily and Monthly Water Usage by the Pressurized Water Spray System

Month _____ Year _____

Day of Month	Water Sprays Used? (Y/N)	Quantity of water used (gallons)	Comments [2]	Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
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26				
27				
28				
29				
30				
31				

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) Use the comment section to explain why the water spray system was not used or was used sparingly.

APPENDIX E [1]

Certified Daily and Monthly Water Usage by the Pressurized Water Truck

Month _____ **Year** _____

Day of Month	Water Truck Used? (Y/N)	Quantity of water used [2] (gallons)	Comments [3]	Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
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31				

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The quantity of water used may be estimated based on the volume of the tank and number of times the water truck was refilled.

(3) Use the comment section to explain why the water truck was not used or was used sparingly.

APPENDIX F [1]

Monthly Opacity Record

Date of Observation:
Data Entered by:
Reviewed by:
Date Reviewed:
Describe the General Weather Conditions:

Stack ID/Vent ID/ Emission Point ID	Stack/Vent/Emission Point Description	Time of Observation	Visible Emissions? Yes/No	Consecutive Months of Visual Emissions	Comments

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

CERTIFICATION OF DATA ACCURACY

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

Signature[1] _____ _____
(please use blue ink) Responsible Official or Authorized Representative Date

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

Telephone No. _____ Fax No. _____

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[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.