

Permit to Construct



R13-3333

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:
Perennial CMM West Virginia LLC
Panther Lick Run
049-00193

William F. Durham
Director

Issued: **D - R - A - F - T** 10/6/16

This permit will not affect any existing Rule 13 individual permits or general permit registrations.

Facility Location: Panther Lick Run, near Grant Town, Marion County, West Virginia
Mailing Address: 1375 County Road 8690, West Plains, MO 65775
Facility Description: Utility Flare
NAICS Codes: 333999
UTM Coordinates: Easting: 570.430 km • Northing: 4,381.141 km • NAD83 Zone 17N
Latitude/Longitude: Latitude: 39.577089 • Longitude: -80.179942 • NAD83
Permit Type: Construction
Description: Construction of a Perennial Energy Model CSF6-750 750 ft³/minute (scfm) coal or 18 MMBtu/hr coal mine methane utility flare.

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 not subject to 45CSR30.

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1.0 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
1S	1E	Perennial Energy Model CSF6-750 Flare	2016	750 scfm 18 MMBtu/hr	n/a

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	NSPS	New Source Performance Standards
CBI	Confidential Business Information	PM	Particulate Matter
CEM	Continuous Emission Monitor	PM _{2.5}	Particulate Matter less than 2.5µm in diameter
CES	Certified Emission Statement	PM ₁₀	Particulate Matter less than 10µm in diameter
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 ppmv	Parts per million by volume
DEP	Department of Environmental Protection	PSD	Prevention of Significant Deterioration
dscm	Dry Standard Cubic Meter	psi	Pounds per Square Inch
FOIA	Freedom of Information Act	SIC	Standard Industrial Classification
HAP	Hazardous Air Pollutant	SIP	State Implementation Plan
HON	Hazardous Organic NESHAP	SO ₂	Sulfur Dioxide
HP	Horsepower	TAP	Toxic Air Pollutant
lbs/hr	Pounds per Hour	TPY	Tons per Year
LDAR	Leak Detection and Repair	TRS	Total Reduced Sulfur
M	Thousand	TSP	Total Suspended Particulate
MACT	Maximum Achievable Control Technology	USEPA	United States Environmental Protection Agency
MDHI	Maximum Design Heat Input	UTM	Universal Transverse Mercator
MM	Million	VEE	Visual Emissions Evaluation
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	VOC	Volatile Organic Compounds
MMCF/hr or mmcf/hr	Million Cubic Feet per Hour	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		

2.3. Authority

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

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

2.4. Term and Renewal

- 2.4.1. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

2.5. Duty to Comply

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-3333 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 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

- 3.2.1. **Emission Limit Averaging Time.** Unless otherwise specified, compliance with all annual limits shall be based on a rolling twelve month total. A rolling twelve month total shall be the sum of the measured parameter of the previous twelve calendar months. Compliance with all hourly emission limits shall be based on the applicable NAAQS averaging times or, where applicable, as given in any approved performance test method.

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the

permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within sixty (60) days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1.; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
 1. The permit or rule evaluated, with the citation number and language;
 2. The result of the test for each permit or rule condition; and,
 3. A statement of compliance or noncompliance with each permit or rule condition.

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

3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
- 3.4.2. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§4. *State-Enforceable only.*]

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304-2345

If to the USEPA:

Associate Director
Office of 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 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate has been issued, and shall be made

immediately available for inspection by the Secretary or his/her duly authorized representative.

- 3.5.4.2. In accordance with 45CSR22 – Air Quality Management Fee Program, enclosed with this permit is an Application for Certificate to Operate (CTO). The CTO will cover the time period beginning with the date of initial startup through the following June 30. Said application and the appropriate fee shall be submitted to this office prior to the date of initial startup. For any startup date other than July 1, the permittee shall pay a fee or prorated fee in accordance with Section 4.5 of 45CSR22. A copy of this schedule may be found on the reverse side of the CTO application.
- 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. Only those emission units/sources as identified in Table 1.0, with the exception of any *de minimis* sources as identified under Table 45-13B of 45CSR13, are authorized at the permitted facility by this permit. In accordance with the information filed in Permit Application R13-3333, the emission units/sources identified under Table 1.0 of this permit shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants, shall not exceed the listed maximum design capacities, shall use the specified control devices, and comply with any other information provided under Table 1.0.

4.1.2. Flare

The flare, identified as 1S, shall operate according to the following requirements:

- a. The flare shall be non-assisted and the maximum capacity of the flare shall not exceed 750 scfm or a heat input of 18 MMBtu/hr;
- b. The flare shall be operated with a flame present at all times when coal mine methane is vented to it, as determined by the methods specified in 4.2.1;
- c. The permittee shall meet the general control device and work practice requirements as given under 40 CFR 60, Section §60.18;
- d. The maximum combustion exhaust emissions from the flare shall not exceed the limits given in the following table;

Table 4.1.2(f): Flare Combustion Exhaust Emission Limits

Pollutant	PPH	TPY
CO	5.58	24.44
NO _x	1.22	5.36
VOCs	10.26	44.94

e. 45CSR6

The flare are subject to 45CSR6. The requirements of 45CSR6 include but are not limited to the following:

- (1) The permittee shall not cause, suffer, allow or permit particulate matter to be discharged from the flares into the open air in excess of the quantity determined by use of the following formula:

$$\text{Emissions (lb/hr)} = F \times \text{Incinerator Capacity (tons/hr)}$$

Where, the factor, F, is as indicated in Table I below:

Table I: Factor, F, for Determining Maximum Allowable Particulate Emissions

<u>Incinerator Capacity</u>	<u>Factor F</u>
A. Less than 15,000 lbs/hr	5.43
B. 15,000 lbs/hr or greater	2.72

[45CSR§6-4.1]

- (2) No person shall cause, suffer, allow or permit emission of smoke into the atmosphere from any incinerator which is twenty (20%) percent opacity or greater.

[45CSR6§4.3]

- (3) The provisions of paragraph (i) shall not apply to smoke which is less than forty (40%) percent opacity, for a period or periods aggregating no more than eight (8) minutes per start-up.

[45CSR6§4.4]

- (4) No person shall cause or allow the emission of particles of unburned or partially burned refuse or ash from any incinerator which are large enough to be individually distinguished in the open air.

[45CSR6§4.5]

- (5) Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.

[45CSR6§4.6]

- (6) Due to unavoidable malfunction of equipment, emissions exceeding those provided for in this rule may be permitted by the Director for periods not to exceed five (5) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the malfunction. In cases of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.

[45CSR6§8.2]

4.2. Monitoring, Compliance Demonstration, Recording and Reporting Requirements

4.2.1. Flare

The permittee shall meet the following Monitoring, Compliance Demonstration, Recording and Reporting Requirements for the flare:

- a. To demonstrate compliance with 4.1.2(a), the permittee shall install instrumentation to monitor and record, at a minimum of fifteen (15) minute intervals, the flow of coal mine methane to the flare and BTU content of the coal mine methane sent to the flare;
- b. To demonstrate compliance with the flame requirements of 4.1.2(b), the presence of a flame (either pilot or main flame) shall be continuously monitored by thermocouples or any other equivalent device to detect the presence of a flame when coal mine methane is vented to it. The flare shall be equipped such that it closes the fuel shutdown valve, ceases venting to the atmosphere and sends an alarm notification if a flame is not present;
- c. For any absence of the flame, or other indication of smoking or improper equipment operation, you must ensure the equipment is returned to proper operation as soon as practicable after the event occurs. At a minimum, you must: (1) Check the air vent for obstruction. If an obstruction is observed, you must clear the obstruction as soon as practicable; and (2) Check for liquid reaching the combustor;
- d. For the purpose of demonstrating compliance with the continuous flame requirements in 4.1.2(b), the permittee shall maintain records of the times and duration of all periods when the flame was not present and coal mine methane was vented to the device. If the permittee is demonstrating

compliance to 4.2.1(c) with visual inspections, the permittee shall maintain records of the inspections; and

- e. Any time the flare is not operating when coal mine methane is vented to it, the event shall be reported in writing to the Director of the DAQ as soon as practicable, but within ten (10) calendar days of the discovery.

4.3. Testing Requirements

4.3.1. Flare

The permittee shall meet the following Performance Testing Requirements for the flare:

- a. To demonstrate compliance with the visible emissions requirements of 4.1.2(e)(2) and (3), the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for each flare.
 - (1) The visible emission check shall determine the presence or absence of visible emissions. The observations shall be conducted according to Section 11 of EPA Method 22. 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. The observation period shall be:
 - (i) a minimum of two (2) hours at initial commissioning;
 - (ii) a minimum of two (2) hours during periods of annual testing; and
 - (iii) a minimum of 15 minutes each time the flare is manually started.
 - (2) The visible emission check shall be conducted initially within 180 days of start-up and thereafter at a minimum of at least once per each period of 12 months. Additionally, a visible emission check shall be conducted each time the flare is manually started.

4.4. Recordkeeping Requirements

- 4.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:
 - a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.
- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:
- a. The equipment involved.
 - b. Steps taken to minimize emissions during the event.
 - c. The duration of the event.
 - d. The estimated increase in emissions during the event.

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

- e. The cause of the malfunction.
 - f. Steps taken to correct the malfunction.
 - g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.
- 4.4.4. For the purpose of demonstrating compliance with the visible emissions and opacity requirements, the permittee shall maintain records of the visible emission opacity tests and checks. The permittee shall maintain records of all monitoring data required by 4.3.1(a) 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). 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 evaluation, the record of observation may note "out of service" (O/S) or equivalent.

4.5. Reporting Requirements

- 4.5.1. Any deviation of the allowable visible emission requirement for any emission source discovered during observation using 40CFR Part 60, Appendix A, Method 9 per 4.1.2.(e)(2) and (3) must be reported in writing to the Director of the DAQ 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.

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

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

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.

Roberts, Daniel P

From: Adkins, Sandra K
Sent: Thursday, October 6, 2016 10:10 AM
To: classads@dominionpost.com
Cc: Roberts, Daniel P
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 Monday, October 10, 2016, issue of *The Dominion Post*. 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

I.D. No. 049-00193 Reg. R13-3333
Company Perennial CMM West Virginia LLC
Facility Panther Lick Run 6
Initials DP

AIR QUALITY PERMIT NOTICE

Notice of Intent to Approve

On July 22, 2016, Perennial CMM West Virginia LLC applied to the WV Department of Environmental Protection, Division of Air Quality (DAQ) for a permit to construct a coal mine methane utility flare to be located approximately 1.3 miles north of Grant Town on Panther Lick Run (County Route 28), Marion County, WV at latitude 39.577089 and longitude -80.179942. 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 R13-3333.

The following potential emissions will be authorized by this permit action: Oxides of Nitrogen (NO_x), 5.4 TPY; Carbon Monoxide (CO), 24.4 TPY; Volatile Organic Compounds (VOC), 44.9 TPY.

Written comments or requests for a public meeting must be received by the DAQ before 5:00 p.m. on Wednesday, November 9, 2016. 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 construction 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.

Dan Roberts
WV Department of Environmental Protection
Division of Air Quality

601 57th Street, SE
Charleston, WV 25304
Telephone: 304/926-0499, ext. 1210
FAX: 304/926-0478

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

Permit Writer	Dan Roberts
Email Address	daniel.p.roberts@wv.gov
Company Name	Perennial CMM West Virginia LLC
Company ID	049-00193
Facility Name	Panther Lick Run
Permit Number	R13-3333
County	Marion
Newspaper	<i>The Dominion Post</i>
Company Contact & Email	Robbie Whittingham, President & CEO rwhittingham@perennialenergy.com Edward T. Boys eboys@perennialenergy.com
Consultant Email Address	n/a
Regional Office (if applicable)	North Central Regional Office
New or Modified Source?	New
Construction, Modification, or Relocation?	Construction
Type of Facility	Utility Flare
“Located” or “To Be Located”?	To Be Located
Place where I can find electronic versions of your notice, engineering evaluation, and draft permit	Q:\Air_Quality\D_Rober\Rule 13\Perennial CMM\



west virginia department of environmental protection

Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone (304) 926-0475 • FAX: (304) 926-0479

Earl Ray Tomblin, Governor
Randy C. Huffman, Cabinet Secretary
www.dep.wv.gov

ENGINEERING EVALUATION / FACT SHEET

BACKGROUND INFORMATION

Application No.: R13-3333
Plant ID No.: 049-00193
Applicant: Perennial CMM West Virginia LLC
Facility Name: Panther Lick Run
Location: Marion County
NAICS Code: 333999
Application Type: Construction
Received Date: July 22, 2016
Engineer Assigned: Dan Roberts
Fee Amount: \$1,000
Date Received: July 25, 2016
Applicant Ad Date: July 27, 2016
Newspaper: *The Dominion Post*
Complete Date: August 11, 2016
UTM Coordinates: Easting: 570.430 km • Northing: 4,381.141 km • NAD83 Zone 17N
Lat/Lon Coordinates: Latitude: 39.577089 • Longitude: -80.179942 • NAD83
Description: Construction of a Perennial Energy Model CSF6-750 750 ft³/minute (scfm) or 18 MMBtu/hr coal mine methane utility flare.

DESCRIPTION OF PROCESS

Perennial CMM West Virginia LLC (PCMMWV), a subsidiary of Perennial CMM, LLC, has submitted a permit application for the construction of a Perennial Energy Model CSF6-750 750 scfm or 18 MMBtu/hr coal mine methane 6" utility flare. An electrically driven centrifugal blower, powered by the local electrical utility, will provide the methane gas to the flare from a closed underground coal mine. Compressed nitrogen shall be used to operate a pneumatic safety shutdown valve on the flare. The proposed flare shall be equipped such that it closes the fuel shutdown valve and ceases venting to the atmosphere and sends an alarm notification if a flame is not present. The flare will be designed to operate 8,760 hours per year.

SITE INSPECTION

On September 21, 2016, Karl Dettinger and Kirk Powroznik of the DAQ's North Central Regional Office conducted an inspection of the proposed location for the Panther Lick Run utility flare. Notes from Mr. Dettinger regarding the inspection are as follows: "We arrived at the site at around 10:45 a.m., and met Colby Staggs, Chrys Fisher, and Larry Connor. The CBM well has already been drilled and cased. They have a methane "buster" on-site (although not connected to the well pipe). According to Mr. Connor, this machine, pulls vacuum on the well to see how much gas flow (scfm) can be expected, and what the composition of the gas is. The flare is not on-site yet. My opinion is that the site is acceptable. The nearest residence is approximately 150 -200 yds. from the site, but this is the residence of the owner of the property where the well is located. The site is approximately 80 yards from Panther Lick Run Road. Both of these distances were checked on Google Earth. I took 2 photos from the hill above the well site. The first shows Panther Lick Run Road in the distance down the hill (the road is behind the white Jeep). The second is looking toward the closest residence. If you look on Google Earth using the coordinates you gave in the earlier e-mail, you will see a building with a red roof (this is the residence in the photo)."

Directions from Charleston, WV are to take I77 North and travel 1.9 miles, keep right to take I19 North and travel 135.0 miles, take Exit 136 for WV-273 North towards Downtown Fairmont and travel 0.4 miles, turn left onto WV-273 and travel 0.8 miles, enter the roundabout and take the 2nd exit onto State St/WV-273 and travel 0.2 miles, enter the next roundabout and take the 2nd exit onto WV-273 and travel 0.2 miles, WV-273 becomes Jefferson St./County Highway 19/73 and travel 0.3 miles, turn right onto Adams St/US-19 N/US-250N and travel 0.1 miles, turn left onto Quincy St/US-19 N/US-250 N and continue to follow Quincy St/US-19 N for 0.1 miles, turn slight right onto Pennsylvania Ave/US-19 N and continue to follow US-19 N for 3.5 miles, turn left onto County Highway-17/County Road-17 and follow County Highway-17 for 4.9 miles to Grant Town. Just past Grant Town, turn right onto Panther Lick Run Road/County Route 28 and travel approximately 1.3 mile and the proposed site will be on the left.

AIR EMISSIONS AND CALCULATION METHODOLOGIES

PCMMWV included in Attachment N of the permit application an emission estimate for the proposed flaring of coal mine methane gas. Emissions of CO, NO_x, and VOCs were based on emission factors as given in AP-42 (AP-42 is a database of emission factors maintained by USEPA) Section 13.5. - "Industrial Flares." However, these emission factors are based on tests using crude propylene containing 80% propylene and 20% propane, not coal mine methane. Therefore, these emission factors may be conservative and overestimate the potential to discharge, specifically for VOCs, but they are the only ones available for a flare. Emissions of particulate matter and SO₂ are expected to be negligible.

Hourly emissions from the flare were based on the MDHI of the unit (18.00 MMBtu/hr). Annual emissions were based on operating 8,760 at MDHI. The following table details the calculated emissions from the proposed flare:

Fact Sheet R13-3333
Perennial CMM West Virginia LLC
Panther Lick Run

Table 1: Perennial Energy Model CSF6-750 Flare PTE

Pollutant	Emission Factor	Source	Hourly (lb/hr)	Annual (ton/yr)
CO	0.31 lb/MMBtu	AP-42, Table 13.5-2	5.58	24.44
NO _x	0.068 lb/MMBtu	AP-42, Table 13.5-1	1.22	5.36
VOCs	0.57 lb/MMBtu	AP-42, Table 13.5-2	10.26	44.94

REGULATORY APPLICABILITY

This section will address the potential regulatory applicability/non-applicability of substantive state and federal air quality rules relevant to the proposed Panther Lick Run utility flare.

45CSR6: To Prevent and Control Particulate Air Pollution from Combustion of Refuse

PCMMWV has proposed use of a flare for combusting coal mine methane to generate carbon credits. This flare will meet the definition of an “incinerator” under 45CSR6 and is, therefore, subject to the requirements therein. The substantive requirements applicable to the unit are discussed below.

45CSR6 Emission Standards for Incinerators - Section 4.1

Section 4.1 limits PM emissions from incinerators to a value determined by the following formula:

$$\text{Emissions (lb/hr)} = F \times \text{Incinerator Capacity (tons/hr)}$$

Where, the factor, F, is as indicated in Table I below:

Table I: Factor, F, for Determining Maximum Allowable Particulate Emissions

<u>Incinerator Capacity</u>	<u>Factor F</u>
A. Less than 15,000 lbs/hr	5.43
B. 15,000 lbs/hr or greater	2.72

Based on the maximum capacity of the proposed flare of 750 scfm (45,000 ft³/hour), and using the density of methane (0.0422 lb/scf), the capacity of the flare in lbs/hr would be approximately 1,900 lbs/hour (0.95 tons/hr). Using this value in the above equation produces a PM emission limit of 5.16 lb/hr. When operating correctly, there is expected to be only trace amounts of particulate matter from the flare and, therefore, the flare shall easily meet this limit.

45CSR6 Opacity Limits for - Section 4.3, 4.4

Pursuant to Section 4.3, and subject to the exemptions under 4.4, the flare has a 20% limit

on opacity during operation. As a primary constituent in the vapors combusted in the unit will be clean burning methane, particulate matter emissions from the unit is expected to be nominal. Therefore, the unit should easily meet this requirement.

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 Panther Lick Run utility flare will have a maximum emission rate of a regulated pollutant (VOCs) in excess of six (6) lbs/hour and ten (10) TPY (see Table 1 above) and, therefore, pursuant to §45-13-2.24, the facility is defined as a “stationary source” under 45CSR13. Pursuant to §45-13-5.1, “No person shall cause, suffer, allow or permit the construction . . . and operation of any stationary source to be commenced without . . . obtaining a permit to construct.” Therefore, PCMMWV is required to obtain a permit under 45CSR13 for the construction and operation of the proposed Panther Lick Run utility flare.

As required under §45-13-8.3 (“Notice Level A”), PCMMWV placed a Class I legal advertisement in a “newspaper of general circulation in the area where the source is or will be located.” The applicant published an ad on July 27, 2016 in *The Dominion Post* and the affidavit of publication for this legal advertisement was received on August 4, 2016.

45CSR14 (NON APPLICABILITY)

The facility-wide PTE of the proposed Panther Lick Run utility flare (see Table 1 above) will be below the levels that would define the source as “major” under 45CSR14 and, therefore, the construction evaluated herein is not subject to the provisions of 45CSR14.

45CSR30: Requirements for Operating Permits - (NON APPLICABILITY)

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 facility does not meet the definition of a “major source under § 112 of the Clean Air Act” as outlined under §45-30-2.26 and clarified (fugitive policy) under 45CSR30b. Therefore, the proposed Panther Lick Run utility flare is not subject to 45CSR30.

TOXICITY ANALYSIS OF NON-CRITERIA REGULATED POLLUTANTS

This section provides an analysis for those regulated pollutants that may be emitted from the proposed Panther Lick Run utility flare 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 (with the exception of PM) 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 REGULATORY APPLICABILITY.

The majority of non-criteria regulated pollutants fall under the definition of HAPs which, with some revision since, were 188 compounds identified under Section 112(b) of the Clean Air Act (CAA) as pollutants or groups of pollutants that EPA knows or suspects may cause cancer or other serious human health effects. The proposed Panther Lick Run utility flare will not produce any substantive amount of non-criteria regulated pollutants.

AIR QUALITY IMPACT ANALYSIS

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

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

The following substantive monitoring, compliance demonstration, reporting, and record-keeping requirements (MRR) shall be required:

- To demonstrate compliance with flow and heat input limits given under 4.1.2(a) of the draft permit, the permittee shall be required to install instrumentation to monitor and record, at a minimum of fifteen (15) minute intervals, the flow of coal mine methane to the flare and BTU content of the coal mine methane sent to the flare;
- Flame compliance demonstration, monitoring and record-keeping is extensive and shall be required as given under 4.2.1(b) through (e) of the draft permit and may be reviewed there; and
- Recording and reporting for visible emissions testing shall be required as given under 4.4.4. and 4.5.1 of the draft permit and may be reviewed there.

PERFORMANCE TESTING OF OPERATIONS

The following substantive performance testing requirements shall be required:

- Visible emissions testing to show compliance with 45CSR6 shall be required initially within 180

Fact Sheet R13-3333
Perennial CMM West Virginia LLC
Panther Lick Run

days of start-up and thereafter at a minimum of at least once per each period of 12 months. Additionally, a visible emission check shall be conducted each time the flare is manually started. Specific visible emissions testing requirements shall be as given under 4.3.1. of the draft permit and may be reviewed there.

RECOMMENDATION TO DIRECTOR

The information provided in permit application R13-3333 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 R13-3333 to Perennial CMM West Virginia LLC for the construction and operation of the proposed Panther Lick Run facility to be located approximately 1.3 miles north of Grant Town on Panther Lick Run (County Route 28), Marion County, WV.



Daniel P. Roberts, Engineer Trainee
NSR Permitting Section

October 6, 2016
Date

INTERNAL PERMITTING DOCUMENT TRACKING MANIFEST

Company Name Perennial CMM West Virginia, LLC

Permitting Action Number R13-3333 Total Days _____ DAQ Days _____

Permitting Action:

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

Documents Attached:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Engineering Evaluation/Memo-
<input checked="" type="checkbox"/> Draft Permit
<input checked="" type="checkbox"/> Notice
<input type="checkbox"/> Denial
<input type="checkbox"/> Final Permit/General Permit Registration | <input type="checkbox"/> Completed Database Sheet
<input type="checkbox"/> Withdrawal
<input type="checkbox"/> Letter
<input type="checkbox"/> Other (specify) _____ |
|--|---|
- ID. No. 049-00193 Proj. R13-3333
 Company Perennial CMM West Virginia LLC
 Facility Parther Lock Run 6
 _____ OPR

Date	From	To	Action Requested
9/23/16	Dan	Bev	Please review. I am requesting permission to go to notice
10/6/16	Bev	Dan	Permission to go to notice

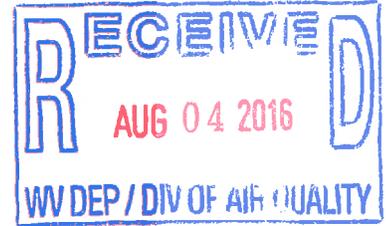
NOTE: Retain a copy of this manifest for your records when transmitting your document(s).

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ID. No. 049-00193 Reg. R13-3333
Company Perennial CMM West Virginia LLC
Facility Panther Lick Run - 6
Initials DPB

2 August, 2016



Dan Roberts
West Virginia Dept of Environmental Protection
Division of Air Quality- Permitting Section
601 57th Street, SE
Charleston, WV 25304

RE: Application Status
Perennial CMM West Virginia LLC
Panther Lick Run
Facility ID No. 049-00193
Application No. R13-3333

Mr. Roberts

Attached is the Original affidavit for Class I legal advertisement for this project.

Please contact me if you have any questions.

Respectfully,

ET Boys

Edward T Boys, PE
Engineering Manager
eboys@perennialenergy.com
417-256-2002 ext 106



Entire Document
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PUBLISHER'S CERTIFICATE



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

27th day of July, 2016 and ending on the

27th day of July, 2016

The publisher's fee for said publication is \$55.35

Given under my hand this 27th day of

July, 2016

(SEAL)

Advertising Director of THE DOMINION POST

Subscribed and sworn to before me this 27th

day of July, 2016

Notary Public of Monongalia County, W. Va.

My commission expires on the 6 day of July
2020

010094861

July 27

Notice is given that Perennial CMM West Virginia, LLC has applied to the West Virginia Department of Environmental Protection, Division of Air Quality, for a Construction Permit for a Utility Flare located on Panther Lick Run Road, near Grant Town, in Marion County, West Virginia. The latitude and longitude coordinates are: 39.577089, -80.179942.

The applicant estimates the potential to discharge the following Regulated Air Pollutants will be: Oxides of Nitrogen (NOX) 5.4 Tons/year, Carbon Monoxide (CO) 24.4 Tons/year, Volatile Organic Compounds (VOCs) 44.9 Tons/year, Particulate Matter (PM) 0.25 Tons/year, Particulate Matter less than 10 Microns (PM 10) 0.11 Tons/year, and Carbon Dioxide 9224 Tons/year.

Startup of operation is planned to begin on or about the 24th day of October, 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 1250, during normal business hours.
Dated this the 27th day of July, 2016.

By: Perennial CMM West Virginia, LLC
Robby Whittingham
President & CEO
1375 County Road 8690
West Plains, MO 65775



Roberts, Daniel P

From: Roberts, Daniel P
Sent: Thursday, August 11, 2016 10:19 AM
To: Rob Whittingham
Cc: 'Edward Boys'; McKeone, Beverly D
Subject: WV DAQ NSR Permit Application Complete for Perennial CMM West Virginia LLC - Panther Lick Run

RE: Application Status: Complete
Perennial CMM West Virginia LLC
Panther Lick Run
Permit Application R13-3333
Plant ID No. 049-00193

Mr. Whittingham,

Your application for a construction permit for a coal mine methane utility flare was received by this Division on July 22, 2016 and assigned to the writer for review. On July 27, 2016, the applicant published a Class I legal advertisement in *The Dominion Post*. On August 4, 2016, the DAQ received an original affidavit of publication. Upon review of said application and additional information received, it has been determined that the application is complete and, therefore, the statutory review period commenced on August 11, 2016.

In the case of this application, the agency believes it will take approximately 90 days to make a final permit determination.

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 Dan Roberts at (304) 926-0499 ext. 1210 or reply to this email.

input coordinates

enter comma delimited coordinates, examples:
 38 15 30.1, -81 25 15.2 (lat, lon as degrees minutes seconds)
 38.123456, -81.123456 (lat, lon as decimal degrees)
 500000, 4100000 (UTM as easting, northing)
 1987654.32, 364123.45 (WV state plane as easting, northing)

570430, 4381141

UTM NAD83 Zone 17N

Convert zoom to point

output coordinates

39.577088, -80.179945

Lat/Lon NAD83

Google Maps

history (for copy/paste/edit)

1570430.0,4381141.0,UTM17N NAD83,39.577088,-80.179945,LL NAD83

notes about datum conversions

Datum conversions between all realizations of NAD27, NAD83, and WGS84 are not practical, or sometimes not strictly possible. Many of the issues are associated with the inability to convert between the original realization of NAD83 and more recent realizations. While error could be reduced by introducing an intermediate HARN conversion, separate transformations would have to be implemented for each state, which significantly increases the complexity of the application. Therefore datum conversions include a few built-in assumptions:

1. *Conversions between NAD27 and NAD83*. This converts between NAD27 and NAD83 (1986) using the NADCON transformation. Never realizations of NAD83, such as NAD83 (COR596) and NAD83(2011) can differ from NAD83(1986) by a meter or so. This conversion uses the East transformation NAD_1927_To_NAD_1983_NADCON.

2. *Conversions between NAD27 and WGS84*. Basically this just applies the NADCON

[Link to previous version](#)



Sources: Esri, HERE, DeLorme, USGS, Intermap, increment P Corp., NRCAN, Esri Japan, M

clear markers street map image topo

ID No. 049-00193 Reg R13-3333
 Company Perennial CMM West Virginia
 Facility Panther Lick Run Region 6
 Initials DRR

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UC Defaulted Accounts Search Results

Sorry, no records matching your criteria were found.

FEIN:	812059993	ID. No. <u>049-00193</u>	Reg. <u>R13-3333</u>
Business name:	PERENNIAL CMM WEST VIRGINIA LLC	Company <u>Perennial CMM West Virginia LLC</u>	
Doing business as/Trading as:		Facility <u>Panther Lick Run</u>	Region <u>6</u>
		Initials <u>OPR</u>	

Please use your browsers back button to try again.

WorkforceWV	Unemployment Compensation	Offices of the Insurance Commissioner
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West Virginia Secretary of State — Online Data Services

Business and Licensing

Online Data Services Help

ID. No. 049-00193 Reg. R13-3333
 Company Perennial CMM West Virginia LLC
 Name Panther Lick Run - 6
 Address OPR

Business Organization Detail

NOTICE: The West Virginia Secretary of State's Office makes every reasonable effort to ensure the accuracy of information. However, we make no representation or warranty as to the correctness or completeness of the information. If information is missing from this page, it is not in the The West Virginia Secretary of State's database.

PERENNIAL CMM WEST VIRGINIA LLC

Organization Information								
Org Type	Effective Date	Established Date	Filing Date	Charter	Class	Sec Type	Termination Date	Termination Reason
LLC Limited Liability Company	5/6/2016		5/6/2016	Domestic	Profit			

Organization Information			
Business Purpose		Capital Stock	
Charter County	Monongalia	Control Number	
Charter State	WV	Excess Acres	
At Will Term	A	Member Managed	MBR
At Will Term Years		Par Value	
Authorized Shares			

Addresses

Type	Address
Designated Office Address	1375 COUNTY ROAD 8690 WEST PLAINS, MO, 65775
Mailing Address	1375 COUNTY ROAD 8690 WEST PLAINS, MO, 65775 USA
Notice of Process Address	TRAVIS ECKLEY 300 KANAWHA BLVD EAST (25301) CHARLESTON, WV, 25321
Principal Office Address	1375 COUNTY ROAD 8690 WEST PLAINS, MO, 65775 USA
Type	Address

Officers	
Type	Name/Address
Member	CHRYS FISHER 13 COURT SQUARE WEST PLAINS, MO, 65775
Organizer	CHRYS FISHER 13 COURT SQUARE WEST PLAINS, MO, 65775
Type	Name/Address

For more information, please contact the Secretary of State's Office at 304-558-8000.

Monday, July 25, 2016 — 3:22 PM

© 2016 State of West Virginia

Roberts, Daniel P

From: Adkins, Sandra K
Sent: Monday, July 25, 2016 12:31 PM
To: rwhittingham@perennialenergy.com; eboys@perennialenergy.com
Cc: McKeone, Beverly D; Roberts, Daniel P
Subject: WV DAQ Permit Application Status for Perennial CMM West Virginia LLC; Panther Lick Run

RE: Application Status
Perennial CMM West Virginia LLC
Panther Lick Run
Facility ID No. 049-00193
Application No. R13-3333

Mr. Whittington,

Your application for construction permit for the Panther Lick Run location was received by this Division on July 22, 2016, and was assigned to Dan Roberts. The following item was not included in the initial application submittal:

Original affidavit for Class I legal advertisement not submitted.

This item is necessary for the assigned permit writer to continue the 30-day completeness review.

Within 30 days, you should receive a letter from Dan 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, Dan Roberts, at 304-926-0499, extension 1210.

R13-3333
049-00193

R13#
NWID#?

Construction
Dan

45CSR13 Administrative Update, Construction, Modification, Relocation, Temporary Permit or General Permit Registration Incomplete Application

A complete application is demonstrated when all of the information required below is properly prepared, completed and attached. The items listed below are required information which must be submitted with a 45CSR13 permit application. Any submittal will be considered incomplete if the required information is not included. The applicant must submit a complete application in order to receive a 45CSR13 permit.

Class I legal advertisement not published in a newspaper certified to accept legal advertisements and original affidavit submitted.

Application fee AND/OR additional application fees not included:

- \$250 Class I General Permit
- \$300 Class II Administrative Update
- \$1,000 Construction, Modification, Relocation or Temporary Permit
- \$500 Class II General Permit
- \$1,000 NSPS
- \$2,500 NESHAP
- \$2,500 45CSR27 Pollutant
- \$5,000 Major Modification
- \$10,000 Major Construction

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Initials DER

- Original and two (2) copies of the application not submitted.
- File organization – application pages are not numbered or in correct order, application is not bound in some way, etc.
- Confidential Business Information is not properly identified.
- General application forms not completed and signed by a responsible official.
- Authority of Corporation form not included – required if application is signed by someone other than a responsible official.
- Applicant is not registered with the West Virginia Secretary of State's Office.
- Copy of current Business Registration Certificate not included.
- Process description, including equipment and emission point identification numbers, not submitted.
- Process flow diagram, including equipment and emission point identification numbers, not submitted.
- Plot plan, including equipment and emission point identification numbers, not submitted.
- Applicable technical forms not completed and submitted:
 - Emission Point Data Summary Sheets
 - Air Pollution Control Device Sheets
 - Emission Unit Data Sheets
 - Equipment List Form
- Emission calculations not included – emission factors, references, source identification numbers, etc.
- Electronic submittal diskette not included.

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