

Fact Sheet



*For Final Permitting Action Under 45CSR30 and
Title V of the Clean Air Act*

Permit Number: **R30-04900026-2009**
Application Received: **May 16, 2008**
Plant Identification Number: **04900026**
Permittee: **American Bituminous Power Partners, L.P.**
Facility Name: **Grant Town Power Plant**
Mailing Address: **P. O. Box 159, Grant Town, WV 26574**

Physical Location: Grant Town, Marion County, West Virginia
UTM Coordinates: 572.40 km Easting • 4,379.25 km Northing • Zone 17
Directions: US Route 19 north from Fairmont. Turn left in Rivesville onto State Route 17 and follow Paw Paw Creek for 4 miles.

Facility Description

American Bituminous Power Partners' Grant Town Power Plant is a coal refuse-fired electric generation facility with a total output of 80 MWe. The facility consists of two 551.9 MMBTU/hr coal refuse-fired circulation fluidized bed boilers and various supporting operations such as coal handling, ash handling, limestone handling, and various tanks with insignificant emissions. The boilers are designed to accommodate a variety of fuels, but the primary fuel is coal refuse (gob) supplemented with pond fines. Natural gas is used as a start up fuel.

Emissions Summary

Plantwide Emissions Summary [Tons per Year]		
Regulated Pollutants	Potential Emissions	2007 Actual Emissions
Carbon Monoxide (CO)	821.89	780
Nitrogen Oxides (NO _x)	1,933.86	1,016.60
Lead	0.59	0.01
Particulate Matter (PM _{2.5})	74.34	12.07
Particulate Matter (PM ₁₀)	159.3	27.72
Total Particulate Matter (TSP)	212.4	54.50
Sulfur Dioxide (SO ₂)	4,012.75	2,272
Volatile Organic Compounds (VOC)	38.68	37.28

PM₁₀ is a component of TSP.

Hazardous Air Pollutants	Potential Emissions	2007 Actual Emissions
Mercury	0.087	0.01
Beryllium	0.00395	3.2 x 10 ⁻⁵
Hydrogen Chloride	541	5.5
Hydrogen Fluoride	53.6	2.4
Chromium Compounds	0.87	0.02
Manganese Compounds	0.65	0.03

Some of the above HAPs may be counted as PM or VOCs.

Title V Program Applicability Basis

This facility has the potential to emit 821.89 tons per year of CO, 1,933.86 tons per year of NO_x, 159.3 tons per year of PM₁₀, 4,012.75 tons per year of SO₂, 541 tons per year of HCl, and 53.6 tons per year of HF. Due to this facility's potential to emit over 100 tons per year of criteria pollutant, over 10 tons per year of a single HAP, and over 25 tons per year of aggregate HAPs, American Bituminous Power Partners' Grant Town Power Plant is required to have an operating permit pursuant to Title V of the Federal Clean Air Act as amended and 45CSR30.

Legal and Factual Basis for Permit Conditions

The State and Federally-enforceable conditions of the Title V Operating Permits are based upon the requirements of the State of West Virginia Operating Permit Rule 45CSR30 for the purposes of Title V of the Federal Clean Air Act and the underlying applicable requirements in other state and federal rules.

This facility has been found to be subject to the following applicable rules:

Federal and State:	45CSR2	Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers.
	45CSR6	Open burning prohibited.
	45CSR10	To Prevent and Control Air Pollution from the Emission of Sulfur Oxides.
	45CSR11	Standby plans for emergency episodes.
	45CSR14	Permits for Construction and Major Modification of Major Stationary Sources of Air Pollution for the Prevention of Significant Deterioration.
	45CSR16	Standards of Performance for New Stationary Sources Pursuant to 40 C.F.R. 60.
	WV Code § 22-5-4 (a) (14)	The Secretary can request any pertinent information such as annual emission inventory reporting.
	45CSR30	Operating permit requirement.
	40 C.F.R. 60, Subpart Da	Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced after September 18, 1978.
	40 C.F.R. 60, Subpart Y	Standards of Performance for Coal Preparation Plants.
	40 C.F.R. 60, Subpart OOO	Standards of Performance for Nonmetallic Mineral Processing Plants.
	40 C.F.R. Part 61	Asbestos inspection and removal
	40 C.F.R. 75	Continuous Emission Monitoring
	40 C.F.R. Part 82, Subpart F	Ozone depleting substances
State Only:	45CSR4	No objectionable odors.
	45CSR37	Mercury Budget Trading Program to Reduce Mercury Emissions
	45CSR39	Control of Annual NO _x Emissions to Mitigate Interstate Transport of Fine PM and NO _x .
	45CSR40	Control of Ozone Season NO _x Emissions to Mitigate Interstate Transport of Ozone and NO _x .
	45CSR41	Control of Annual SO ₂ Emissions to Mitigate Interstate Transport of Fine PM and SO ₂ .

Each State and Federally-enforceable condition of the draft Title V Operating Permit references the specific relevant requirements of 45CSR30 or the applicable requirement upon which it is based. Any condition of the draft Title V permit that is enforceable by the State but is not Federally-enforceable is identified in the draft Title V permit as such.

The Secretary's authority to require standards under 40 C.F.R. Part 60 (NSPS), 40 C.F.R. Part 61 (NESHAPs), and 40 C.F.R. Part 63 (NESHAPs MACT) is provided in West Virginia Code §§ 22-5-1 *et seq.*, 45CSR16, 45CSR34 and 45CSR30.

Active Permits/Consent Orders

Permit or Consent Order Number	Date of Issuance	Permit Determinations or Amendments That Affect the Permit (if any)
R14-0005D	December 22, 2003	N/A
CO-R37-C-2008-4	April 7, 2008	N/A

Conditions from this facility's Rule 13 permit(s) governing construction-related specifications and timing requirements will not be included in the Title V Operating Permit but will remain independently enforceable under the applicable Rule 13 permit(s). All other conditions from this facility's Rule 13 permit(s) governing the source's operation and compliance have been incorporated into this Title V permit in accordance with the "General Requirement Comparison Table B," which may be downloaded from DAQ's website.

Determinations and Justifications

Changes to the Initial Title V Permit

- 1) **Changes Resulting from the Issuance of R14-0005D.** The initial Title V permit was issued on December 22, 2003. On the same day the initial Title V Permit was issued, Class II administrative update R14-0005D was issued for the addition of a 3,000 ton silt stockpile. Particulate emissions from the new stockpile were estimated to be less than 0.5 tons per year. The only change made to the requirements of R14-0005D was the addition of the 3,000 ton silt stockpile to the listing of storage areas in condition A.7. The initial Title V permit included conditions from R14-0005C and was never updated to include the changes approved under R14-0005D. In fact, the initial Title V permit was never modified during its term. The changes approved under R14-0005D will be included in the Title V renewal permit R30-04900026-2009.

- 2) **Requirement to monitor carbon monoxide emissions using CEMS (Condition 4.2.5) or compliance testing (Condition 4.2.6) replaced with the requirement to conduct carbon monoxide performance testing once every five years (Condition 4.3.10).** The initial Title V permit required the permittee to monitor carbon monoxide (CO) emissions using a CEMS (Condition 4.2.5). This condition was added to the Title V permit under 45CSR§30-5.1.c. The initial Title V permit also included an alternative method of demonstrating compliance with the CO emission limits through performance testing conducted in accordance with 40 C.F.R. 60, Appendix A, Method 10 (Condition 4.2.6). This requirement to conduct testing was specified in R14-0005D, Condition B.16, but it did not specify a testing schedule. American Bituminous has requested that they no longer be required to use CEMS to monitor CO emissions and instead be required to demonstrate compliance with the CO emission limits by conducting performance testing at least once every 5 years. If the requirement to monitor emissions using CEMS were to remain, they asked that the DAQ establish an averaging period associated with the CO emission limit.

A review of the compliance history from the past three years for American Bituminous, with respect to their CO emissions, was conducted. Based on data supplied by American Bituminous, a percentage of the time the boilers were in compliance with the CO emission limits was calculated and are as follows: 2006 – 99.7%; 2007 – 99.3%; and 2008 – 98%. Most, if not all, of the exceedences occurred during a start-up, shutdown, or malfunction event. The initial Title V permit required the use of CEMS to demonstrate compliance with the CO emission limits of 4.1.3, but did not specify an averaging period. 40 C.F.R. 63, Subpart DDDDD (which is not applicable to Boilers #1A and #1B and which has been vacated and remanded by the United States Court of Appeals for the District of Columbia Circuit) requires CEMS to demonstrate compliance with the 400 ppm_v CO emission limit based on a 30-day rolling average. American Bituminous stated that many of the exceedences reported would not have occurred had they had an averaging period specified in the initial Title V permit. Therefore, the percentages they were in

compliance with the CO emission limits could well have exceeded 99.9 % for the past three years. Also, it should be noted that 40 C.F.R. 60, Subpart Da to which Boilers #1A and #1B are subject, does not limit CO emissions and does not require monitoring or testing for CO emissions. It only limits PM, SO₂, and NO_x and also includes averaging periods.

Based on the CO emissions compliance history for American Bituminous, and the fact that the CO emission limits were specified in R14-0005D and CEMS was not the method required by R14-0005D to demonstrate compliance with the CO emission limits; the Title V compliance demonstration method for CO has been changed from CEMS to performance testing. Conditions 4.2.5 and 4.2.6 were removed from the Title V permit and a new requirement, Condition 4.3.10, was added which required baseline compliance testing within six months of the effective date of the permit with subsequent testing required at least once every five years.

- 3) **Addition of maintenance and malfunction recordkeeping requirements as Conditions 4.4.5 and 4.4.6.** American Bituminous requested startup, shutdown, and malfunction provisions, so these boilerplate provisions for maintaining maintenance and malfunction records were added.

- 4) **Appendix B - "45CSR2 and 45CSR10 Monitoring Plan," dated April 11, 2001, was updated.** The 45CSR2 and 45CSR10 Monitoring Plan in Appendix C was updated. The revised plan, dated March 10, 2009, incorporates changes which were approved by US EPA in a letter dated October 12, 2006 from Ms. Judith M. Katz, Director, of the Air Protection Division to Mr. Shawn Jennings of American Bituminous Power Partners, L.P. The changes reflect US EPA's approval to monitor NO_x and SO₂ emissions at the common stack of the two boilers in addition to monitoring in the duct work for each individual boiler; and also includes recent changes to the monitoring equipment. The revised plan, dated March 10, 2009, was approved by WV DAQ on March 18, 2009.

- 5) **Conditions from Consent Order CO-R2E-2002-30 were removed.**

On September 13, 2001, American Bituminous conducted a stack test to determine the particulate matter emissions from the common stack serving the two circulating fluidized bed boilers. The particulate matter emission limits from R14-0005B were 33.1 lbs/hr and 0.03 lb/MMBTU. The results of the stack test indicated that particulate matter emissions from the common stack were 310 lb/hr and 0.25 lbs/MMBTU. As a result of the particulate emissions exceeding their R14-0005B emission limits, American Bituminous entered into Consent Order CO-R2E-2002-30. The Consent Order required the facility to implement a Baghouse Inspection and Maintenance Plan and also required the facility to retest the boilers within 60 days of restart.

Provision IV.13 of Consent Order CO-R2E-2002-30 states that the Consent Order will terminate after the first three years from the effective date (August 6, 2002) that the Company operates continuously without a violation of the particulate matter emission limits set forth in R14-0005B. American Bituminous conducted additional performance testing on July 16, 2002; April 22, 2003; May 16 & 17, 2005; and April 24, 2008. The results of these performance tests indicated they were in compliance with their particulate matter emission limits. Since it has been over six years since the effective date of Consent Order CO-R2E-2002-30 and performance testing has indicated compliance, the conditions from the Consent Order were removed from the Title V permit except for the requirement to comply with the Baghouse Inspection and Maintenance Plan which is now required under 45CSR§30-5.1.c.

- 6) **Addition of 40 C.F.R. 60, Appendix A, Method 17 as an applicable test method in Conditions 4.3.2 and 4.3.9.**

American Bituminous requested that language be included in the Title V renewal permit which allows the use of either 40 C.F.R. 60, Appendix A, Method 5 or 40 C.F.R. 60, Appendix A, Method 17 for demonstration of compliance with the particulate matter emission limits for the boilers. The Title V

renewal application stated that during the DAQ's review of a recent stack test protocol, it was discovered that there was a conflict between the specified test methods in Conditions 4.3.2 and 4.3.9. Condition 4.3.2 states that testing shall be conducted in accordance with 40 C.F.R. §60.50Da and 45CSR2; and Condition 4.3.9 states that testing shall be conducted in accordance with 45CSR2. While the Appendix to 45CSR2 allows for the use of either Method 5 or Method 17, American Bituminous stated that 40 C.F.R. §60.50Da(b)(2) does not allow for the use of Method 17. Upon review of the particulate matter emissions testing requirements under 40 C.F.R. §60.50Da, it was discovered that such allowance for the use of Method 17 is specified in 40 C.F.R. §60.50Da(e)(1). 40 C.F.R. §60.50Da(e)(1) states that "the owner or operator may use the following as alternatives to the reference methods and procedures specified in this section: For Method 5 or 5B of appendix A-3 of this part, Method 17 of appendix A-6 of this part may be used at facilities with or without wet FGD systems if the stack temperature at the sampling location does not exceed an average temperature of 160 °C (320 °F). The procedures of sections 8.1 and 11.1 of Method 5B of appendix A-3 of this part may be used in Method 17 of appendix A-6 of this part only if it is used after wet FGD systems. Method 17 of appendix A-6 of this part shall not be used after wet FGD systems if the effluent is saturated or laden with water droplets." Since both 45CSR2, Appendix, Section 4.1 and 40 C.F.R. §60.50Da(e)(1) allow the use of 40 C.F.R. 60, Appendix A, Method 17, a note was added to both Conditions 4.3.2 and 4.3.9 which states this fact.

- 7) **Modification of the 5.2.1 and 6.2.1 Monitoring Requirements.** Conditions 5.2.1.a and 6.2.1.a in the initial Title V permit required an initial visible emissions evaluation using 40 C.F.R. 60, Appendix A, Method 9 to be performed within 90 days of permit issuance, with subsequent visible emissions evaluations to be conducted at least once every consecutive 12-month period. Since the initial visible emissions evaluations have already been conducted and the facility is now conducting the 40 C.F.R. 60, Appendix A, Method 9 visible emissions evaluations on an annual basis, the requirements to conduct the initial evaluations within 90 days of permit issuance were removed from Conditions 5.2.1.a and 6.2.1.a.

The permittee was required by Conditions 5.2.1.b and 6.2.1.b of the initial Title V permit to conduct visible emissions observations on a weekly basis to determine if each emissions unit had visible emissions. If visible emissions were observed during the weekly observations that appeared to exceed 50 percent of the allowable visible emissions requirements, then the permittee was required to conduct a 40 C.F.R. 60, Appendix A, Method 9 evaluation. These Method 9 evaluations were required by Conditions 5.2.1.c and 6.2.1.c to be conducted at least once every consecutive 14 day period until at least three consecutive Method 9 evaluations indicated visible emissions less than or equal to 50 percent of the allowable visible emissions requirement. At that time, the permittee could go back to the weekly Method 22 evaluations.

American Bituminous requested in the Title V renewal application that the frequency of the Method 22 observations be changed from weekly to monthly. Since the permittee will still be required to conduct the annual Method 9 evaluations; will have to conduct additional Method 9 evaluations if emissions appear to be more than 50 percent of the unit's limit; and will have to continue with the Method 9 evaluations every 14 days until three consecutive tests indicate that the visible emissions are 50 percent or less of the allowable visible emissions requirement; it appears that even if the Method 22 observations are changed from weekly to monthly, that adequate monitoring will remain in place to identify periods when emissions are close to or exceed the visible emissions limit. Therefore, the frequency of Method 22 observations has been changed from weekly to monthly.

- 8) **Removal of Condition 5.5.1 and removal of the requirement in Condition 5.3.1 to conduct an initial performance test.** Conditions 5.3.1 and 5.5.1 required the facility to conduct initial performance testing for the coal equipment subject to 40 C.F.R. 60, Subpart Y (Emission Points 2E, 3E, 4E, 6E, 17E, and 18E). This testing was to be conducted within sixty (60) days of the effective date of the Title V permit. Since the testing was conducted on May 3 through May 8, 2004 and May 13, 2004 and indicated the facility met the requirements of Subpart Y; Condition 5.5.1 was removed and Condition 5.3.1 was modified such that it only specifies the testing method to be used for any future testing to be conducted.

- 9) **Removal of Condition 6.6.1.** Condition 6.6.1 required the facility to conduct initial performance testing for the limestone equipment subject to the requirements of 40 C.F.R. 60, Subpart OOO (Emission Points 3E, 5E, 6E, 7E, and 16E). As with Condition 5.5.1, this testing was required to be conducted within sixty (60) days of the effective date of the initial Title V permit. The testing was conducted at the same time as the testing required by Condition 5.5.1 (May 3 through May 8, 2004 and May 13, 2004). The performance test report indicates that the facility met the requirements of 40 C.F.R. 60, Subpart OOO. Since the testing has been conducted and the requirements of Condition 6.6.1 have been met, this requirement was removed.
- 10) **Changes Resulting from the June 13, 2007 Revision to 40 C.F.R. 60, Subpart Da.** 40 C.F.R. 60, Subpart Da was revised on June 13, 2007. This revision caused the following numbering changes to the applicable sections of the rule:
- 40 C.F.R. §60.42a became 40 C.F.R. §60.42Da
 - 40 C.F.R. §60.43a became 40 C.F.R. §60.43Da
 - 40 C.F.R. §60.44a became 40 C.F.R. §60.44Da
 - 40 C.F.R. §60.46a became 40 C.F.R. §60.48Da
 - 40 C.F.R. §60.47a became 40 C.F.R. §60.49Da
 - 40 C.F.R. §60.48a became 40 C.F.R. §60.50Da
 - 40 C.F.R. §60.49a became 40 C.F.R. §60.51Da
- 11) **Addition of the 45CSR§2-3.1 ten percent opacity limit for the Prep Plant Gob Hopper Boiler (00H).** The Prep Plant Gob Hopper Boiler (00H) is fueled by kerosene and has a maximum design heat input of 0.794 MMBTU/hr. This boiler is subject to the ten percent opacity limit of 45CSR§2-3.1, but as specified in 45CSR§2-11.1, it is exempt from Sections 4, 5, 6, 8, and 9 of 45CSR2 because its maximum design heat input is less than 10 MMBTU/hr. This boiler is also not subject to the testing, monitoring, recordkeeping, and reporting requirements of 45CSR2A since its maximum design heat input is less than 10 MMBTU/hr. Because the boiler only combusts kerosene and has a maximum design heat input of less than 1 MMBTU/hr, no monitoring, testing, recordkeeping, and reporting was added to demonstrate compliance with the ten percent opacity limit.
- The Prep Plant Gob Hopper Boiler (00H) is also not subject to the requirements of 45CSR10. 45CSR§10-10.1 exempts fuel burning units with a maximum design heat input of less than 10 MMBTU/hr.
- 12) **Removal of 45CSR26 Requirements.** The CAIR rules 45CSR39 and 45CSR40 effectively provide a budget trading program for the control and reduction of the pollutant NO_x emitted from affected sources. Historically, this pollutant has been regulated under rules 45CSR1 (NO_x Budget Trading program for non-EGUs) and 45CSR26 (NO_x Budget Trading program for EGUs). Since the CAIR rules are providing the NO_x regulation, rules 45CSR1 and 45CSR26 are no longer necessary and will be repealed effective May 1, 2009.
- 13) **Removal of 40 C.F.R. 63, Subpart DDDDD placeholder language.** The initial Title V permit included placeholder language for 40 C.F.R. 63, Subpart DDDDD – “National Emission Standards for Hazardous Air Pollutants for Industrial/Commercial/Institutional Boilers and Process Heaters.” On July 30, 2007, the United States Court of Appeals for the District of Columbia Circuit vacated and remanded the Boiler MACT. As a result of the court’s decision, a MACT for this source category will have to be implemented via a 112(j) case-by-case MACT determination or a subsequent 40 C.F.R. 63 proposal. Per DAQ’s “Interim Guidance for Existing Sources – Boiler and Process Heater MACT Vacature,” dated September 7, 2007, the DAQ does not intend to implement the provisions of the Boiler and Process Heater MACT for existing sources at this time. US EPA will be issuing guidance regarding the 112(j) case-by-case MACT determination of equivalent emission limitation in the future. Due to these facts, all 40 C.F.R. 63, Subpart DDDDD placeholder language has been removed.

Also, it should be noted that in the current version of the rule (which was remanded and vacated on July 30, 2007), Boilers #1A and #1B (1S and 2S) and the Prep Plant Gob Hopper Boiler (007-08) are not subject to 40 C.F.R. 63, Subpart DDDDD. 40 C.F.R. §63.7491(c) exempts electric steam generating units (including a unit covered by 40 C.F.R. 60, Subpart Da), such as Boilers #1A and #1B, from the provisions of the rule; and 40 C.F.R. §63.7506(c)(2) exempts existing small liquid fuel boilers and process heaters, such as the Prep Plant Gob Hopper Boiler.

- 14) **Added Recordkeeping Requirements 4.4.3 and 4.4.4.** Condition 4.2.3 requires the permittee to install, calibrate, maintain and operate a continuous nitrogen oxide monitoring system, but the initial Title V Permit did not specify that records of the output of the continuous monitoring system should be maintained, so Condition 4.4.3 was added to require that records of the output of the continuous NO_x monitoring system be maintained in accordance with Condition 3.4.2.

The Baghouse Inspection and Maintenance Plan already required that records be maintained, but did not indicate the manner in which they were to be maintained, so Condition 4.4.4 was added for records to be maintained in accordance with the provisions of Condition 3.4.2.

Required Testing Since Issuance of the Initial Title V Permit

Condition 4.3.9 specifies the particulate matter testing schedule that American Bituminous must follow. The initial baseline compliance test was conducted on September 13, 2001. The results of the September 13, 2001 test required the facility to conduct testing on an annual basis. According to Condition 4.3.9 of the initial Title V Permit, subsequent testing was completed on April 3, 2002, July 16, 2002, and April 22, 2003. The results from the testing conducted on July 16, 2002 and April 22, 2003 indicated that emissions were ≤ 50% of the weight emission standard from 45CSR§2-4.1.a. According to the schedule provided in Condition 4.3.9, the testing frequency became once every 2 years since two successive tests indicated particulate emissions < 80% of the 45CSR§2-4.1.a emission limit. The next performance test was conducted on May 16 and 17, 2005. The results of this test indicated a rate of 2.87 lb/hr of particulate matter, which is ≤ 50% of the weight emission standard from 45CSR§2-4.1.a. Since American Bituminous now had three successive tests (July 16, 2002, April 22, 2003, and May 16 and 17, 2005) in which mass emission rates were ≤ 50% of the weight emission standard from 45CSR§2-4.1.a, the testing frequency changed to once every 3 years. The next test was conducted on April 24, 2008. The results of this test indicated an average particulate emission rate of 10.12 lb/hr. Since the testing indicated that emissions were ≤ 50% of the weight emission standard from 45CSR§2-4.1.a, American Bituminous remains on a testing schedule of once every 3 years. The next test shall be conducted by April 24, 2011.

Conditions 5.5.1 and 6.6.1 required the facility to conduct initial performance testing to demonstrate compliance with the requirements of 40 C.F.R. 60, Subparts Y and OOO within sixty (60) days of the effective date of the initial Title V permit. This testing was conducted on May 3 through May 8, 2004 and May 13, 2004. The performance test report indicates that the facility met the requirements of 40 C.F.R. 60, Subparts Y and OOO.

40 C.F.R. 64 - Compliance Assurance Monitoring (CAM)

American Bituminous conducted a review of their applicability to 40 C.F.R. 64 – “Compliance Assurance Monitoring” (CAM). Based on the information submitted, the facility is not subject to CAM. According to 40 C.F.R. §64.2(a), CAM applies to a pollutant-specific emissions unit at a major source that is required to obtain a part 70 or 71 permit if the unit satisfies all of the following criteria: 1) The unit is subject to an emission limitation or standard for the applicable regulated air pollutant (or a surrogate thereof), other than an emission limitation or standard that is exempt under 40 C.F.R. §64.2(b)(1); 2) The unit uses a control device to achieve compliance with any such emission limitation or standard; and 3) The unit has potential pre-control device emissions of the applicable regulated air pollutant that are equal to or greater than 100 percent of the amount, in tons per year, required for a source to be classified as a major source. 40 C.F.R. §64.2(b)(1)(vi) exempts emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method.

Baghouses 4C, 5C, 6C, 7C, 8C, 9C, 14C, and 15C control particulate emissions from emission sources 4SC, 4SE, 4SF, 4SG, 7SA, 7SB, 5SA, 5SB, 5SC, 5SD, 5SE, 5SF, 5SG, 6SA, 6SB, 7SC, 8SA, 8SB, 9SA, 9SB, 9SD, 9SE, 14SA, 14SB, 15SA, and 15SB. Emissions from these sources are vented through emission points 3E, 4E, 5E, 6E, 7E, 8E, 13E, and 14E. Each of these emission points have a federally enforceable hourly particulate matter emission limit specified in Conditions 5.1.1, 6.1.1, and 7.1.1; and baghouses 4C, 5C, 6C, 7C, 8C, 9C, 14C, and 15C are used to achieve compliance with these emission limits; however, these control devices are not subject to the requirements of 40 C.F.R. 64 because, based on information submitted by American Bituminous, these sources have pre-control device particulate matter emissions of less than 100 tons per year.

Boilers #1A and #1B have emission limits for particulate matter (Conditions 4.1.1 and 4.1.3) and SO₂ (Conditions 4.1.3 and 4.1.4) and use a control device to achieve compliance with these emission limits. In the case of particulate matter, emissions from Boilers #1A and #1B are controlled by Baghouses 1C and 2C, respectively. For SO₂, emissions are controlled by the injection of limestone. Also, pre-control device emissions of particulate matter and SO₂ are greater than the Title V major source thresholds of 100 tons per year. Since Boilers #1A and #1B meet all of the criteria for CAM applicability, these units are potentially subject to the requirements of 40 C.F.R. 64. However, 40 C.F.R. §64.2(b)(1)(vi) exempts emission limitations or standards for which a part 70 or 71 permit specifies a continuous compliance determination method and since continuous compliance demonstration methods for both particulate matter and SO₂ emissions were specified in the initial Title V permit R30-04900026-2003, Boilers #1A and #1B are not subject to the requirements of 40 C.F.R. 64. To demonstrate compliance with the particulate matter emission limits, American Bituminous is required to continuously monitor the opacity from the boilers using a Continuous Opacity Monitoring System (COMS) (specified in Condition 4.2.1) and to continuously monitor the pressure drop across each baghouse using a Distributive Control System (DCS) (specified in Condition 4.2.4 and Appendix D - Baghouse Inspection and Maintenance Plan). For SO₂ emissions, the permittee is required to continuously monitor the SO₂ emissions using a Continuous Emissions Monitoring System (CEMS) (specified in Condition 4.2.1).

Although Boilers #1A and #1B have the potential to emit more than 100 tons per year of CO and NO_x and are subject to emission limits for CO and NO_x, these boilers do not use a control device to achieve compliance with these emission limits and are therefore not subject to the requirements of CAM for CO and NO_x emissions.

Non-Applicability Determinations

The following requirements have been determined not to be applicable to the subject facility due to the following:

a. **45CSR5 – “To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas.”**

According to 45CSR§§5-2.4.b and 2.14, coal preparation plants and coal handling facilities subject to the requirements of 45CSR2 are not subject to the requirements of 45CSR5. Since the Fuel Group is subject to the fugitive particulate matter emission limitations of 45CSR§2-5.1, the requirements of 45CSR5 do not apply.

b. **45CSR7 – “To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations.”**

Per 45CSR§7-10.1, the requirements of 45CSR7 do not apply to particulate matter emissions regulated by 45CSR2. Since the Limestone Group is subject to the fugitive particulate matter emission limitations of 45CSR§2-5.1, the requirements of 45CSR7 do not apply.

- c. **45CSR33 – “Acid Rain Provision and Permits” and the Acid Rain Program Requirements of 40 C.F.R. 72, 73, 74, 76, 77, and 78.**

American Bituminous has the following type of unit specified under 40 C.F.R. §72.6(b)(6) which is not an affected unit subject to the requirements of the Acid Rain Program: An independent power production facility that has, as of November 15, 1990, one or more qualifying power purchase commitments to sell at least 15 percent of its total planned net output capacity; and consists of one or more units designated by the owner or operator with total installed net output capacity not exceeding 130 percent of its total planned net output capacity.

The requirements of 40 C.F.R. 75 apply to the CEMS as specified in 40 C.F.R. §60.49Da.

- d. **40 C.F.R. 60, Subpart D – “Standards of Performance for Fossil-Fuel-Fired Steam Generators for Which Construction is Commenced after August 17, 1971.”**

Per 40 C.F.R. §60.40(e), any facility covered under 40 C.F.R. 60, Subpart Da is not covered under 40 C.F.R. 60, Subpart D. Since the boilers are subject to 40 C.F.R. 60, Subpart Da, they are not subject to 40 C.F.R. 60, Subpart D.

- e. **40 C.F.R. 60, Subpart Db – “Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units.”**

Per 40 C.F.R. §60.40b(e), any facility covered under 40 C.F.R. 60, Subpart Da is not covered under 40 C.F.R. 60, Subpart Db. Since the boilers are subject to 40 C.F.R. 60, Subpart Da, they are not subject to 40 C.F.R. 60, Subpart Db.

- f. **40 C.F.R. 60, Subpart Dc – “Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units.”**

40 C.F.R. 60, Subpart Dc applies to each steam generating unit for which construction, modification, or reconstruction is commenced after June 9, 1989 and that has a maximum design heat input capacity of 29 MW (100 MMBTU/hr) or less, but greater than or equal to 2.9 MW (10 MMBTU/hr). Since both boilers have a maximum design heat input of 551.9 MMBTU/hr, they are not subject to the requirements of 40 C.F.R. 60, Subpart Dc.

- g. **40 C.F.R. 60, Subpart K - “Standards of Performance For Storage Vessels For Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.”**

40 C.F.R. 60, Subpart K applies to petroleum liquid storage tanks constructed between June 11, 1973 and May 19, 1978 with a storage capacity greater than 40,000 gallons. This facility has no petroleum liquid storage tanks meeting the applicability requirements of this rule.

- h. **40 C.F.R. 60, Subpart Ka - “Standards of Performance for Storage Vessels For Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.”**

40 C.F.R. 60, Subpart Ka applies to petroleum liquid storage tanks constructed between May 18, 1978 and July 23, 1984 with a storage capacity greater than 40,000 gallons. This facility has no petroleum liquid storage tanks meeting the applicability requirements of this rule.

- i. **40 C.F.R. 60, Subpart Kb – “Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.”**

40 C.F.R. 60, Subpart Kb applies to volatile organic liquid storage tanks constructed after July 23, 1984 with a storage capacity greater than 75 m³ (19,812 gallons). All volatile organic liquid storage tanks at this facility have a storage capacity of less than 75 m³ (19,812 gallons).

- j. **40 C.F.R. 63, Subpart Q – “National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.”**

Per 40 C.F.R. §63.400(a), 40 C.F.R. 63, Subpart Q only applies to cooling towers operated with chromium-based water treatment chemicals. American Bituminous does not use chromium-based water treatment chemicals, so this rule does not apply.

Request for Variances or Alternatives

None.

Insignificant Activities

Insignificant emission unit(s) and activities are identified in the Title V application.

Comment Period

Beginning Date: April 2, 2009
Ending Date: May 4, 2009

All written comments should be addressed to the following individual and office:

Carrie McCumbers
Title V Permit Writer
West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

Procedure for Requesting Public Hearing

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing, if no public hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Secretary shall grant such a request for a hearing if he/she concludes that a public hearing is appropriate. Any public hearing shall be held in the general area in which the facility is located.

Point of Contact

Carrie McCumbers
West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone: 304/926-0499 ext. 1226 • Fax: 304/926-0478

Response to Comments (Statement of Basis)

No comments were received.