

West Virginia Department of Environmental Protection
Division of Air Quality

Joe Manchin III
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

Permit to Operate



Pursuant to
Title V
of the Clean Air Act

Issued to:
Consolidation Coal Company
Robinson Run Preparation Plant/Shinnston
R30-03300018-2006

John A. Benedict
Director

Issued: February 14, 2006 • Effective: February 28, 2006

Expiration: February 14, 2011 • Renewal Application Due: August 14, 2010

Permit Number: **R30-03300018-2006**
Permittee: **Consolidation Coal Company**
Facility Name: **Robinson Run Preparation Plant**
Mailing Address: **Route 1, Box 26**
Shinnston, WV 26431

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Facility Location:	Shinnston, Harrison County, West Virginia
Mailing Address:	Same as above
Telephone Number:	(304) 795-1214
Type of Business Entity:	Corporation
Facility Description:	Coal Preparation Plant
SIC Codes:	1222
UTM Coordinates:	554.82 km Easting • 4361.54 km Northing • Zone 17

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.

Issuance of this Title V Operating Permit does not supersede or invalidate any existing permits under 45CSR13, 14 or 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V Operating Permit.

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1.0. Emission Units

Source ID	Emission Point ID	Equipment Description	Design Capacity	Year Installed	Control Device ID	Control Device ¹
037	037, 037A, 038, 039, 040, 041	Clean/Raw Coal Stockpile 2 (wind erosion, grading, pan load-in, pan reclaim, truck load-in, endloader loadout)	240,000 TONS	1968	N/A	MC
001	001,001C	Rotary Dump and Truck Dump	1,200 TPH	1968	D001	PE
001A	001A	Screen 1	1,000 TPH	1968	D002	FE
001B	001B	Crusher 1	1,200 TPH	1968	D002	FE
002	002A, 003B	Conveyor and Transfer Points (raw coal to silo or conveyor)	1,200 TPH	1968	D004	FE
A002, A004, A008	A001, A003, A005, A009	Conveyors (3) and Transfer Points (raw coal onto A002, drop from A002, drop from A004, drop from A008)	4,000 TPH	1994	DA001, DA003, DA005, D004	FE
A006	A006	Screen A1 (rotary breaker building)	4,000 TPH	1994	DA005	FE
A006A	A006A, A007, A010, A011	Crusher A1 (rotary breaker building) and Transfer Points (drop to A008, drop to rock bin, drop to pan)	1,000 TPH	1994	DA005, DA008	FE
006	006, 012, 006A, 042, 043	Raw Coal Stockpile 1(wind erosion, pan reclaim, grading, truck load-in, pan load-in)	250,000 TONS	1968	D011	ST, UC
004	005	Conveyor and Transfer Point (raw coal to stockpile)	4,000 TPH	1994	D006	FE
003	003A	Raw Coal Silo 1	6,000 TONS	1968	D005	FE
C3, C4	007, 009	Conveyors (2) and Transfer Points (plant feed)	2,800 TPH	2002	D007, D009	FE, PE(TP-007)
010B	010C	Preparation Plant (raw&wet)	2,800 TPH	2002	D040, D041	MC, EM, ES
D040	P003	Dust Collector 1; removes PM from prep plant	N/A	1968	N/A	N/A
D041	P003	Scrubber; removes PM from prep plant	N/A	1968	N/A	N/A
044	046, 046B	Conveyor and Transfer Point (main conveyor from prep plant to power plant or clean coal silo conveyors)	1,300 TPH	1968	D032	FE
045	046A	Conveyor and Transfer Point (alternate conveyor from prep plant to clean coal silo conveyors)	1,000 TPH	1968	D032	FE
013, 015	014, 016	Conveyors (2) and Transfer Points (clean coal to silo 1)	1,000 TPH	1968	D013, D015	FE

Source ID	Emission Point ID	Equipment Description	Design Capacity	Year Installed	Control Device ID	Control Device ¹
017	017A	Clean Coal Silo 1	10,000 TONS	1968	D016	FE
C7	019, 021A	Conveyor and Transfer Points (clean coal to rail loadout or by-pass)	4,000 TPH	1968 2002	D018	FE
020	021	Railroad Loadout 1	3,000 TPH	1968	D019	FE, TC
C8	023	Conveyor and Transfer Point (rail loadout by-pass belt)	1,200 TPH	1968	D023	PE(conveyor), FE (TP)
C9	024A	Conveyor and Transfer Point (initial belt in power plant feed)	1,300 TPH	1968	D042	PE, EM
D042	P002	Dust Collector 2; removes PM from transfer point	N/A	1968	N/A	N/A
C10	N/A	Conveyor and Transfer Point (second belt in power plant feed)	1,300 TPH	1968	N/A	FE
032	032, 033, 032A, 033A, 035, 036	Clean Coal Stockpile 1 (wind erosion, reclaim to conveyor, grading, dozer to reclaim, truck load-in, pan load-in)	40,000 TONS	1986	D028	MC, UC
C12 (034)	034A	Conveyor and Transfer Point (clean coal destock feeder)	1,200 TPH	1986	D023	PE(conveyor), FE (TP)
C11 (026)	027	Conveyor and Transfer Point (refuse)	200 TPH	1981	D027	FE
028	029, 030	Refuse Bin and Transfer Points	200 TPH	1981	N/A	FE
031	031, 031A	Refuse Disposal Area 1(wind erosion, grading)	N/A	1968	D033	WT
048A	048A	Lime Storage Silo 1	50 TONS	1971	N/A	FE
048B	048B	Lime Storage Silo 2	50 TONS	1971	N/A	FE
047	047	Rock Dust Bin 1	50 TONS	1968	N/A	FE
052A-F	052A-F	Haulroads	N/A	N/A	D033	WT
054	053E, 054E, 055E	Clean Coal Blending Stockpile (truck load-in, wind erosion, endloader reclaim)	50,000 TONS	2000	053C, 054C, 055C	MC, MD
056, 058	056E, 057E, 059E	Stamler Feeder and Clean Coal Reclaim Conveyor and Transfer Points (clean coal drop into 056 from endloader, feeder to reclaim conveyor, reclaim conveyor to loadout belt)	1,500 TPH	2000	N/A	MC, MD
C7A	067	Conveyor and Transfer Point	4,000 TPH	2002	D067	FE
C15	060	Conveyor and Transfer Point	2,800 TPH	2002	D060	FE
C16	061	Conveyor and Transfer Point	1,800 TPH	2002	D061	FE

Source ID	Emission Point ID	Equipment Description	Design Capacity	Year Installed	Control Device ID	Control Device ¹
C17	062	Conveyor and Transfer Point	600 TPH	2002	D062	FE
C18	063	Conveyor and Transfer Point	1,800 TPH	2002	D063	FE
C19	064	Conveyor and Transfer Point	1,800 TPH	2002	D064	FE
C20	066	Conveyor and Transfer Point	4,000 TPH	2002	D066	FE
C21	068	Conveyor and Transfer Point	500 TPH	2002	D068	FE
C22	080	Conveyor and Transfer Point	1,800 TPH	2002	D080	FE
C23	081	Conveyor and Transfer Point	1,800 TPH	2002	D081	FE
069	065	Clean Coal Silo	4000 TPH	2002	D065	FE
MB1	E-MB1(TP1)	Mine Portal Belt	5,000 TPH	2005	NA	FE
MB2	E-MB2(TP2)	Silo Feed Belt	5,000 TPH	2005	NA	FE
MB3	E-MB3(TP3)	Silo Transfer Belt	5,000 TPH	2005	NA	FE
RCS2	E-RCS2(TP4)	Raw Coal Storage Silo 2	10,000 TONS	2005	NA	FE
RCS3	E-RCS3(TP5)	Raw Coal Storage Silo 3	10,000 TONS	2005	NA	FE
MB4	E-MB4(TP6)	Silo Reclaim Belt	4,000 TPH	2005	NA	FE
MB5	E-MB5(TP7)	Overland Mine Belt 1	4,000 TPH	2005	NA	FE
MB6	E-MB6(TP8)	Overland Mine Belt 2	4,000 TPH	2005	NA	FE

¹Transfer points (TP) have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System/Control Device abbreviations: FE = Full Enclosure, PE = Partial Enclosure, ST = Stacking Tube, MC = Moisture Content, UC = Underground reclaim feeder, TC = Telescoping Chute, EM = Enclosure and evacuation to mechanical collector, ES = Enclosure and evacuation to a scrubber, WT = Water truck

2.0. General Conditions

2.1. Definitions

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

2.2. Acronyms

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

2.3. Permit Expiration and Renewal

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
[45CSR§30-5.1.f.3.]

2.5. Reopening for Cause

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
- a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.
 - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
 - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 - d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.
[45CSR§30-6.4.]

2.7. Minor Permit Modifications

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.
[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.
[45CSR§30-6.5.b.]

2.9. Emissions Trading

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.
[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:
- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
 - b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
 - c. The change shall not qualify for the permit shield.
 - d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
 - e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

[45CSR§30-5.9.]

2.11. Operational Flexibility

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

[45CSR§30-5.8]

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

[45CSR§30-5.8.a.]

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

- 2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.
- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
 - b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
 - c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

- 2.13.1. 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; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

- 2.14.1. 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.

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
 - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

- 2.16.1. It shall not be a defense for a permittee in an enforcement action that it would 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.

[45CSR§30-5.1.f.2.]

2.17. Emergency

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably 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.

[45CSR§30-5.7.a.]

- 2.17.2. 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 45CSR§30-5.7.c. are met.

[45CSR§30-5.7.b.]

- 2.17.3. 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. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, 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, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

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

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

[45CSR§30-5.2.a.]

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

- 2.19.1. 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 modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required 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.

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

- 2.20.1. 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.

[45CSR§30-4.2.]

2.21. Permit Shield

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically

identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

[45CSR§30-5.6.a.]

2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. 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 defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.

[45CSR§30-5.1.e.]

2.24. Property Rights

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

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.

[45CSR§30-5.1.a.2.]

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 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). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.
[40 C.F.R. 61 and 45CSR15]
- 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. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

[40 C.F.R. 68]

- 3.1.9. No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.

[45CSR§5-3.4; 45CSR13, R13-2306C, B.1, B.2]

- 3.1.10. No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air. All fugitive dust control systems shall remain functional year-round, to the maximum extent practicable, including winter months and cold weather.

[45CSR§5-6.1; 45CSR13, R13-2306C, B.1, B.2]

- 3.1.11. The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment.

[45CSR§5-6.2; 45CSR13, R13-2306C, B.1, B.2]

- 3.1.12. The permittee shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal that commences construction or modification after October 24, 1974, gases which exhibit 20 percent opacity or greater. These opacity standards shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.

[45CSR16; 40 C.F.R. § 60.252(c); 40 C.F.R. § 60.11(c); 45CSR13, R13-2306C, B.4] [(Transfer Points (A001, A003, A005, A007, A009, A010, A011, 005, 027, 029, 030, 034A), Screen (A006), Crusher (A006A), 056E, 057E, 059E). (Conveyors (C3, C4, C7, C7A, C15, C16, C17, C18, C19, C20, C21, C22, C23, MB1, MB2, MB3, MB4, MB5, MB6), Raw Coal Silos (RCS2, RCS3), Clean Coal Silo (069))]

- 3.1.13. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

[45CSR16; 40 C.F.R. § 60.11(d); 45CSR13, R13-2306C, B.4] [(Transfer Points (A001, A003, A005, A007, A009, A010, A011, 005, 027, 029, 030, 034A), Screen (A006), Crusher (A006A), 056E, 057E, 059E). (Conveyors (C3, C4, C7, C7A, C15, C16, C17, C18, C19, C20, C21, C22, C23, MB1, MB2, MB3, MB4, MB5, MB6), Raw Coal Silos (RCS2, RCS3), Clean Coal Silo (069))]

- 3.1.14. The owner or operator shall determine compliance with the particulate matter standards in 40 C.F.R § 60.252 as follows: Method 9 and the procedures in 40 C.F.R § 60.11 shall be used to determine opacity. Compliance

with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of 40 CFR 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

[45CSR16; 40 C.F.R. § 60.254(b); 40 C.F.R. § 60.11(b); 45CSR13, R13-2306C, B.4] [(Transfer Points (A001, A003, A005, A007, A009, A010, A011, 005, 027, 029, 030, 034A), Screen (A006), Crusher (A006A), 056E, 057E, 059E). (Conveyors (C3, C4, C7, C7A, C15, C16, C17, C18, C19, C20, C21, C22, C23, MB1, MB2, MB3, MB4, MB5, MB6), Raw Coal Silos (RCS2, RCS3), Clean Coal Silo (069)]

3.1.15. The throughput of coal to be handled or processed through the preparation plant, 010B, shall not exceed 2,800 tons per hour.

[45CSR13, R13-2306C, A.2]

3.1.16. The conveyor belts identified in permit application R13-2306B as C5, C6, C13 and C14 shall be removed from the facility.

[45CSR13, R13-2306C, A.7]

3.2. Monitoring Requirements

3.2.1. The permittee shall conduct monitoring/recordkeeping/reporting as follows:

- a. An initial visible emissions evaluation in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be performed within ninety (90) days of permit issuance for each emission unit with a visible emissions requirement in this permit unless such evaluation was performed within the consecutive 12-month period preceding permit issuance. This initial evaluation shall consist of three 6-minute averages during one consecutive 60 minute period. The initial evaluation shall be conducted at each emissions unit during the period of maximum expected visible emissions under normal unit and facility operations. A visible emissions evaluation shall be conducted for each emission unit at least once every consecutive 12-month period in accordance with 40 C.F.R. 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for each emission unit.
- b. Each emissions unit with a visible emissions limit contained in this permit shall be observed visually at least each calendar week during periods of normal facility operation for a sufficient time interval to determine if the unit has any visible emissions using 40 C.F.R. 60 Appendix A, Method 22. If visible emissions from any of the emissions units are observed during these weekly observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than one (1) month from the time of the observation. A Method 9 evaluation shall not be required under condition Section 3.2.1.b. if the visible emissions condition is corrected in a timely manner; the emissions unit is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.
- c. If the initial, or any subsequent, visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a given emission unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive 14-day period in accordance with 40 C.F.R. 60 Appendix A, Method 9. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the emission unit for 3 consecutive evaluation periods, the emission unit may comply with the visible emissions testing requirements of condition 3.2.1.b. in lieu of those established in this condition.
- d. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a

minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.

[45CSR13, R13-2306C, A.3] [Not required for stockpiles and haulroads (037, 037A, 006, 006A, 032, 032A, 031, 031A, 054, and 052A - F)]

- 3.2.2. The permittee shall inspect all fugitive dust control systems weekly to ensure that they are operated and maintained in conformance with their designs. The permittee shall maintain records of all scheduled and non-scheduled maintenance. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

[45CSR13, R13-2306C, A.4]

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

[WV Code § 22-5-4(a)(15) and 45CSR13]

- 3.3.2. At such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).
[45CSR16; 40 C.F.R 60.8(a)]
- 3.3.3. At such reasonable times as the Director may designate, the owner or operator of a coal preparation plant may be required to conduct or have conducted stack tests to determine the dust loading in exhaust gases and mass emission rates of particulate matter. All tests to determine compliance with exhaust gas dust concentrations and particulate matter mass emission rates shall be conducted in accordance with Methods 1-5 of 40 CFR Part 60, Appendix A provided that all compliance tests must consist of not less than three (3) test runs, test run duration shall not be less than sixty (60) minutes, and not less than thirty (30) standard cubic feet of exhaust gas must be sampled during each test run. Should the Director exercise his option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment and the required safety equipment such as scaffolding, railings, ladders, etc., to comply with generally accepted good safety practices.
[45CSR§5-12.1, 45CSR13, R13-2306C, B.1]
- 3.3.4 Any stack venting thermal dryer exhaust gases and/or air table exhaust gases or exhaust gases or air from any air pollution control device shall include straight runs of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures. Flow straightening devices shall be required where cyclonic gas flow would exist in the absence of such devices.
[45CSR§5-12.6, 45CSR13, R13-2306C, B.1]

3.4. Recordkeeping Requirements

- 3.4.1. **Monitoring information.** 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.
- [45CSR§30-5.1.c.2.A.]**
- 3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

[45CSR§30-5.1.c.2.B.]

3.4.3. **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§30-5.1.c. State-Enforceable only.]

3.4.4. The permittee shall maintain daily records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. These records shall be maintained on site for a period of no less than five (5) years.

[45CSR13, R13-2306C, A.5]

3.4.5. The permittee shall maintain records of the coal throughput and the hours of operation. Compliance with the hourly throughput limit shall be demonstrated by dividing the calendar month's total throughput by the number of hours operated in the same calendar month to obtain an hourly average. By the fifteenth day of each calendar month, the permittee shall calculate the hourly averaged throughput of the previous calendar month. These records shall be maintained on site for a period of no less than five (5) years.

[45CSR13, R13-2306C, A.6]

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.

[45CSR§§30-4.4. and 5.1.c.3.D.]

3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.

[45CSR§30-5.1.c.3.E.]

3.5.3. 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, mailed first class or by private carrier 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

Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

Associate Director
Office of Enforcement and Permits Review
(3AP12)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]
- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]
- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.
- 3.5.8. **Deviations.**
- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
 2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
 3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
 4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.

[45CSR§30-5.1.c.3.B.]

- 3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement. [45CSR§30-4.3.h.1.B.]

- 3.5.10. (a) Any owner or operator subject to the provisions of this part shall furnish the Director written notification or, if acceptable to both the Director and the owner or operator of a source, electronic notification, as follows:

- (1) A notification of the date construction (or reconstruction as defined under 40 C.F.R § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date.

- (2) [Reserved]

- (3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

[40 C.F.R 60.7(a)]

3.6. Compliance Plan

- 3.6.1. As required, the permittee has achieved the activities stated in the Compliance Plan. (Compliance Plan Progress Report submitted July 23, 1999).

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.

- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

4.0. Source-Specific Requirements [Refuse Disposal area]

4.1. Limitations and Standards

- 4.1.1. In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by 45CSR§5-7.
[45CSR§5-7.1.] [Refuse Disposal Area 1 (031)]
- 4.1.2. Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse.
[45CSR§5-7.2.] [Refuse Disposal Area 1 (031)]
- 4.1.3. Coal refuse disposal areas shall not be so located with respect to mine openings, tipples, or other mine buildings, unprotected coal outcrops or steam lines, that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas.
[45CSR§5-7.3.] [Refuse Disposal Area 1 (031)]
- 4.1.4. Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site.
[45CSR§5-7.4.] [Refuse Disposal Area 1 (031)]
- 4.1.5. Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution.
[45CSR§5-7.5.] [Refuse Disposal Area 1 (031)]
- 4.1.6. Materials with low ignition points used in the production or preparation of coal, including but not limited to wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area.
[45CSR§5-7.6.] [Refuse Disposal Area 1 (031)]
- 4.1.7. Garbage, trash, household refuse, and like materials shall not be deposited on or near any coal refuse disposal area.
[45CSR§5-7.7.] [Refuse Disposal Area 1 (031)]
- 4.1.8. The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited.
[45CSR§5-7.8.] [Refuse Disposal Area 1 (031)]
- 4.1.9. With respect to all burning coal refuse disposal areas, the person responsible for the coal refuse disposal areas or the land on which the coal refuse disposal areas are located shall use due diligence to control air pollution from the coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for the coal refuse disposal area or the land on which the coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent or reduce the air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including, completion dates, to establish that the corrective measures can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W. Va. Code §§ 22-5-1 et seq. If the report is not submitted

as requested or if the Director determines that the methods and procedures set forth in the report are not adequate to reasonably control the air pollution he or she shall issue an order requiring the elimination, prevention or reduction of the air pollution.

[45CSR§5-8.3.] [Refuse Disposal Area 1 (031)]

4.2. Monitoring Requirements

N/A

4.3. Testing Requirements

N/A

4.4. Recordkeeping Requirements

N/A

4.5. Reporting Requirements

N/A

4.6. Compliance Plan

N/A