West Virginia Department of Environmental Protection
Division of Air Quality

Joe Manchin, III
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Operate

Pursuant to

Title V

of the Clean Air Act

Issued to:

Big Sandy Peaker Plant, LLC

R30-09900080-2009

John A. Benedict
Director

Issued: February 27, 2009 • Effective: March 14, 2009
Expiration: February 27, 2014 • Renewal Application Due: August 27, 2013

Permit Number: **R30-09900080-2009**
Permittee: **Big Sandy Peaker Plant, LLC**
Mailing Address: **1044 North 115th Street, Suite 400, Omaha, NE 68154**

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:	Kenova, Wayne County, West Virginia
Telephone Number:	402-691-9500
Type of Business Entity:	LLC
Facility Description:	330 Megawatt (MW) natural gas-fired electric generating peaking station.
SIC Codes:	Primary; 4911
UTM Coordinates:	360.9 km Easting • 4245.0 km Northing • Zone 17

Permit Writer: Wayne Green

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 and Active R13, R14, and R19 Permits

1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
GS-01	GS-01-1 GS-01-2	Pratt & Whitney FT8 Twin Pac Natural Gas Turbine	2000	599.02 MMBtu/hr	Water Injection & Oxidation Catalyst
GS-02	GS-02-1 GS-02-2	Pratt & Whitney FT8 Twin Pac Natural Gas Turbine	2000	599.02 MMBtu/hr	Water Injection & Oxidation Catalyst
GS-03	GS-03-1 GS-03-2	Pratt & Whitney FT8 Twin Pac Natural Gas Turbine	2000	599.02 MMBtu/hr	Water Injection & Oxidation Catalyst
GS-04	GS-04-1 GS-04-2	Pratt & Whitney FT8 Twin Pac Natural Gas Turbine	2000	599.02 MMBtu/hr	Water Injection & Oxidation Catalyst
GS-05	GS-05-1 GS-05-2	Pratt & Whitney FT8 Twin Pac Natural Gas Turbine	2000	599.02 MMBtu/hr	Water Injection & Oxidation Catalyst
GS-06	GS-06-1 GS-06-2	Pratt & Whitney FT8 Twin Pac Natural Gas Turbine	2000	599.02 MMBtu/hr	Water Injection & Oxidation Catalyst
G1	E1	Cummins Model QSK23-G3 NR1 Black-Start No.2 Fuel Oil Generator	2007	750kW	N/A

1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-0123). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-2583B	January 9, 2007

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.

2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments
CBI	Confidential Business Information
CEM	Continuous Emission Monitor
CES	Certified Emission Statement
C.F.R. *or* CFR	Code of Federal Regulations
CO	Carbon Monoxide
C.S.R. *or* CSR	Codes of State Rules
DAQ	Division of Air Quality
DEP	Department of Environmental Protection
FOIA	Freedom of Information Act
HAP	Hazardous Air Pollutant
HON	Hazardous Organic NESHAP
HP	Horsepower
lbs/hr *or* lb/hr	Pounds per Hour
LDAR	Leak Detection and Repair
m	Thousand
MACT	Maximum Achievable Control Technology
mm	Million
mmBtu/hr	Million British Thermal Units per Hour
mmft^3/hr *or* mmcf/hr	Million Cubic Feet Burned per Hour
NA *or* N/A	Not Applicable
NAAQS	National Ambient Air Quality Standards
NESHAPS	National Emissions Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standards
PM	Particulate Matter
PM_{10}	Particulate Matter less than 10μm in diameter
pph	Pounds per Hour
ppm	Parts per Million
PSD	Prevention of Significant Deterioration
psi	Pounds per Square Inch
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO_2	Sulfur Dioxide
TAP	Toxic Air Pollutant
TPY	Tons per Year
TRS	Total Reduced Sulfur
TSP	Total Suspended Particulate
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator
VEE	Visual Emissions Evaluation
VOC	Volatile Organic Compounds

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 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 or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40 C.F.R. §61.145(b) 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_X Budget Trading Program.** The permittee shall comply with the standard requirements set forth in the attached NO_X Budget Permit Application (see Attachment C) and the NO_X Budget Permit requirements set forth in 45CSR26 for each NO_X budget source. The complete NO_X Budget Permit Application shall be the NO_X Budget Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§26-6.1.b. and 20.1.]

a. The NO_X Budget portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§26-2 and, upon recordation by the Administrator under 45CSR§26-50 through 45CSR§26-57 or 45CSR§26-60 through 45CSR§26-62, every allocation, transfer or deduction of a NO_X allowance to or from the compliance accounts of the NO_X Budget units covered by the permit or the overdraft account of the NO_X budget source covered by the permit.
[45CSR§26-23.2.]

b. Except as provided in 45CSR§26-23.2, the Secretary will revise the NO_X Budget portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.
[45CSR§26-24.1.]

3.1.10. **CAIR NO_x Annual Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Attachment D) and the CAIR permit requirements set forth in 45CSR39 for each CAIR NO_x Annual source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§39-6.1.b. and 20.1.]

a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§39-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR39, every allocation, transfer, or deduction of a CAIR NO_x Annual allowance to or from the compliance account of the CAIR NO_x Annual source covered by the permit.
[45CSR§39-23.2.]

b. Except as provided in 45CSR§39-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.
[45CSR§39-24.1.]

3.1.11. **CAIR NO_x Ozone Season Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Attachment D) and the CAIR permit requirements set forth in 45CSR40 for each CAIR NO_x Ozone Season source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§40-6.1.b. and 20.1.]

a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§40-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR40, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from the compliance account of the CAIR NO_x Ozone Season source covered by the permit.
[45CSR§40-23.2.]

b. Except as provided in 45CSR§40-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.
[45CSR§40-24.1.]

3.1.12. **CAIR SO_2Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Attachment D) and the CAIR permit requirements set forth in 45CSR41 for each CAIR SO_2 source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§41-6.1.b. and 20.1.]

a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§41-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO_2 allowance to or from the compliance account of the CAIR SO_2 source covered by the permit.
[45CSR§41-23.2.]

b. Except as provided in 45CSR§41-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.
[45CSR§41-24.1.]

3.1.13. The permitted facility shall be constructed and operated in accordance with information filed in Permit Applications R13-2383, R13-2383A, R13-2383B, and any amendments thereto. The Director may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[45CSR13, R13-2383, C.3.]

3.2. Monitoring Requirements

3.2.1. *Reserved*

3.3. Testing Requirements

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

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, 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]

3.4. 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.]

3.5. 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.]

3.6. Compliance Plan

3.6.1. None

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.

45CSR2	To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers. According to R13-2383B the natural gas turbines are subject to 45CSR2. However, the turbines are not indirect heat exchangers and by definition are not fuel burning units. The turbines use the combustion gases to turn the turbine blades. Therefore, 45CSR2 is not listed as an applicable requirement for the turbines in the Title V permit.
40 C.F.R. Part 60 Subpart KKK	Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plant. The Big Sandy Peaker Plant is not engaged in the extraction or fractionation of natural gas liquids from field gas, the fractionation of mixed natural gas liquids to natural gas products, or both.
40 C.F.R. Part 60 Subpart KKKK	Standards of Performance for Stationary Combustion Turbines. Big Sandy Peaker Plant's turbines were installed in 2000. The Big Sandy Peaker Plant is not subject to 40 C.F.R. Part 60 Subpart KKKK, which is for turbines that commenced construction, modification or reconstruction after February 18, 2005.
40 C.F.R. Part 63 Subpart HH	National Emission Standards for Hazardous Air Pollutants From Oil and Natural Gas Production Facilities. The Big Sandy Peaker Plant is not subject to Subpart HH since The Big Sandy Peaker Plant is not a natural gas production facility.
40 C.F.R. Part 63 Subpart HHH	National Emission Standards for Hazardous Air Pollutants From Natural Gas Transmission and Storage Facilities. The Big Sandy Peaker Plant is not subject to Subpart HHH since the station does not have a dehydration facility as well as the station is not a major source of HAPs.
40 C.F.R. Part 63 Subpart YYYY	National Emissions Standards for Hazardous Air Pollutants for Stationary Combustion Turbines. The Big Sandy Peaker Plant is not subject to Subpart YYYY since it is not a major source of HAPs.

4.0 Source-Specific Requirements [6 Pratt & Whitney FT8 Twin Pac Turbines GS-01, GS-02, GS-03, GS-04, GS-05, GS-06, and One Cummings Generator G1]

4.1. Limitations and Standards

4.1.1. The following table provides a list of turbines authorized to operate at the subject facility by this permit. In accordance with the information filed in Permit Application R13-2383, and any amendments or revisions thereto, the sources shall not exceed the specified Maximum Design Heat Input (MDHI), shall utilize the specified control device, and shall combust only the specified fuel:

Source ID	Source Description	MDHI (1) (MMBtu/hr)	Fuel Combusted	Control Technology
GS-01	Pratt & Whitney FT8 Twin Pac	599.02	Natural Gas	Water Injection & Oxidation Catalyst
GS-02	Pratt & Whitney FT8 Twin Pac	599.02	Natural Gas	Water Injection & Oxidation Catalyst
GS-03	Pratt & Whitney FT8 Twin Pac	599.02	Natural Gas	Water Injection & Oxidation Catalyst
GS-04	Pratt & Whitney FT8 Twin Pac	599.02	Natural Gas	Water Injection & Oxidation Catalyst
GS-05	Pratt & Whitney FT8 Twin Pac	599.02	Natural Gas	Water Injection & Oxidation Catalyst
GS-06	Pratt & Whitney FT8 Twin Pac	599.02	Natural Gas	Water Injection & Oxidation Catalyst

(1) As measured @ 32 degrees Fahrenheit, 40% relative humidity, 100% load, and based on a natural gas heating value of 1,020 Btu/scf.

[45CSR13, R13-2383, A.1., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.2. The hourly emission rates from each natural-gas fired turbine shall not exceed:

Pollutant	Hourly Emission Limit (pounds/hour)
Carbon Monoxide (CO)	19.95
Oxides of Nitrogen (NOx)	31.10
Particulate Matter < 10 microns (PM_{10})	3.00
Total Suspended Particulate (TSP)	3.00
Sulfur Dioxide (SO2)	0.68
Volatile Organic Compounds (VOCs)	3.30
Formaldehyde	0.04

[45CSR13, R13-2383, A.2., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.3. The combined annual emission rates from the Pratt & Whitney FT8 Twin Pac units shall not exceed:

Pollutant	Annual Emission Limit (tons/year)
Carbon Monoxide (CO)	156.74
Oxides of Nitrogen (NOx)	245.00
Particulate Matter < 10 microns (PM_{10})	26.17
Total Suspended Particulate (TSP)	26.17
Sulfur Dioxide (SO2)	5.31
Volatile Organic Compounds (VOCs)	18.46
Formaldehyde	0.30

[45CSR13, R13-2383, A.3., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.4. The combined annual consumption of natural gas in the Pratt & Whitney FT8 Twin Pac units shall not exceed 4,614,124,883 standard cubic feet. Compliance with the annual natural gas consumption limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the natural gas consumed at any given time for the previous twelve (12) consecutive months.
[45CSR13, R13-2383, A.4., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.5. A water-injection system shall be maintained and operated for the control of NO_x emissions from each natural-gas fired turbine. The water-injection system shall be monitored pursuant to Section 4.2.2.
[45CSR13, R13-2383, A.5., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.6. An in-stack integrated oxidation catalyst shall be maintained and operated for the control of CO emissions from each natural-gas fired turbine. At such times that are necessary to maintain the performance of the oxidation catalyst, the catalyst shall be replaced.
[45CSR13, R13-2383, A.6., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.7. The sulfur content of the natural gas as fired in each natural-gas fired turbine shall not exceed 0.53 grains per 100 scf of gas. Compliance with this requirement shall be in accordance with Section 4.2.3.
[45CSR13, R13-2383, A.7., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.8. The permittee shall install, maintain, and operate a system to monitor emissions of NO_x from each natural-gas fired turbine pursuant to the procedures under 40 C.F.R. § 60.13 and 40 C.F.R. Part 75.
[45CSR13, R13-2383, A.8., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.9. On and after the date of the performance test required by 40 C.F.R.**§** 60.8 is completed, every owner or operator subject to the provisions of 40 C.F.R. 60 Subpart GG as specified in 40 C.F.R.§§ 60.332 (b), (c) and (d) , except as provided in 40 C.F.R. §§ 60.332 (e), (f), (g), (h), (I), (j), (k), and (l) shall comply with Sections 4.1.10 through 4.1.12.
[45CSR16, 40 C.F.R. § 60.332 (a), 45CSR13, R13-2383, B.5., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.10. No owner or operator subject to the provisions 40 C.F.R. 60 Subpart GG shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of:

$$STD = 0.0075^* (14.4/Y) + F$$

where:

STD = allowable NOx emissions (percent volume at 15 percent oxygen and on a dry basis)

Y = manufacturer's rated heat rate at manufacturers rated load (kilojoules per watt hour) or, actual measured heat rate based on lower heating value of fuel as measured at actual peak load for the facility. The value of Y shall not to exceed 14.4 kilojoules per watt hour.

F = NOx emission allowance for fuel-bound nitrogen as defined in 40 C.F.R. § 60.332 (a) (3).

[45CSR16, 40 C.F.R. § 60.332 (a) (1), 45CSR13, R13-2383, B.5., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.11. Electric utility stationary gas turbines with a heat input at peak load greater than 107.2 gigajoules per hour (100 million Btu/hour) based on the lower heating value of the fuel fired shall comply with Section 4.1.10. **[45CSR16, 40 C.F.R. § 60.332 (b), 45CSR13, R13-2383, B.5., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]**

4.1.12. On and after the date on which the performance test required to be conducted by 40 C.F.R. § 60.8 is completed, every owner or operator subject of the provision of 40 C.F.R. 60 Subpart GG shall comply with one or the other of the following conditions:

a. No owner or operator subject to the provisions of 40 C.F.R. 60 Subpart GG shall cause to be discharged into the atmosphere from any stationary gas turbine any gases which contains sulfur dioxide in excess of 0.015 percent oxygen by volume at 15% O2 and on a dry basis.

b. No owner or operator subject to the provisions of 40 C.F.R. 60 Subpart GG shall burn in any stationary gas turbine any fuel which contains sulfur in excess of 0.8 percent by weight.

[45CSR16, 40 C.F.R. § 60.333, 45CSR13, R13-2383, B.5., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.13. The gas turbines are Phase II Acid Rain affected units under 45CSR33, as defined by 40 C.F.R § 72.6, and as such are required to meet the requirements of 40 C.F.R. Parts 72, 73, 74, 75, 76, 77 and 78. These requirements include, but are not limited to:

a. Hold an Acid Rain permit (Acid Rain Permit is included in Attachment B);

b. Hold allowances, as of the allowance transfer deadline, in the unit's compliance sub-account of not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit;

c. Comply with the applicable Acid Rain emissions for sulfur dioxide;

d. Comply with the applicable Acid Rain emissions for nitrogen oxides;

e. Comply with the monitoring requirements of 40 C.F.R. Part 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;

f. Submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 C.F.R. Part 72, Subpart I and 40 C.F.R. Part 75.

[45CSR33, 40 C.F.R. Parts 72, 73, 74, 75, 76, 77, and 78. GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.14. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate, any affected facility including associated air pollution equipment in a manner consistent with good air pollution control practice for minimizing emissions.
[45CSR16, 40 C.F.R. § 60.11 (d), 45CSR13, R13-2383, B.5., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.1.15. The Cummins Model QSK23-G3 NR1 black-start generator shall not exceed the specified nominal brake horsepower and heat input, shall combust only the specified fuels below the limited sulfur content, and shall not exceed the specified maximum hours of operation in the following table:

Source ID No.	Brake Horsepower	MDHI (mmBTU/hr)	Fuel	Sulfur Content (%-by weight)	Maximum Hours of Operation
G1	1,135	7.01	No. 2 Fuel Oil	0.05	270

[45CSR16, 40 C.F.R. § 60.11 (d), 45CSR13, R13-2383, A.10., G1]

4.1.16. Maximum hourly and annual criteria pollutant emissions from the operation of G1 shall not exceed the limits as specified in the following table:

Pollutant	pounds/hour	tons/year
Carbon Monoxide (CO)	3.23	0.44
Nitrogen Oxides (NO_x)	19.27	2.60
Particulate Matter (PM)	0.40	0.06
Particulate Matter < 10 microns (PM_{10})	0.40	0.06
Sulfur Dioxide (SO2)	0.35	0.05
Volatile Organic Compounds (VOCs)	0.98	0.13

Compliance for Nitrogen Oxides (NO_x) emissions will be shown by the more stringent requirement in Section 4.1.17.

[45CSR16, 40 C.F.R. § 60.11 (d), 45CSR13, R13-2383, A.11., G1]

4.1.17. Maximum hourly emissions calculations based on Table 1 of 40 C.F.R. Part 60 Subpart IIII as specified in 40 C.F.R. § 60.4205 (a) for G1are specified in the following table:

Pollutant	LB/hr
Carbon Monoxide (CO)	21.27
Nitrogen Oxides (NO_x)	17.26
Particulate Matter (PM)	1.00
HC	2.50

[45CSR16, 40 C.F.R. § 60.4205 (a) and Table 1, G1]

4.1.18. G1 shall not be operated greater than 100 hours per year for the purpose of maintenance checks and readiness testing.
[45CSR16, 40 C.F.R. § 60.4211 (e)]

4.1.19. G1 shall only consume diesel fuel meeting the following per-gallon standards until October 1, 2010;

a. Maximum sulfur content of 500 ppm;

b. Cetane index or aromatic content as follows:

(1) A minimum cetane index of 40; or

(2) A minimum aromatic content of 35 % by volume.

[45CSR16, 40 C.F.R. § 60.4207 (a), 40 C.F.R. § 80.510 (a)]

4.1.20. Beginning October 1, 2010, G1 shall only consume diesel fuel meeting following per-gallon standards:

a. Maximum sulfur content of 15 ppm;

b. Cetane index or aromatic content as follows:

(1) A minimum cetane index of 40; or

(2) A minimum aromatic content of 35 % by volume.

[45CSR16, 40 C.F.R. § 60.4207 (b), 40C.F.R. § 80.510 (b)]

4.2. Monitoring Requirements

4.2.1. Compliance with opacity standards in 40 C.F.R. Part 60 Subpart GG shall be determined by conducting observations in accordance with 40 C.F.R. Part 60 Appendix A Method 9. 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. § 60.11 (b), 45CSR13, R13-2383, B.5.]

4.2.2. The owner or operator of any stationary gas turbine subject to the provisions of 40 C.F.R. Part 60 Subpart GG and using water injection to control NO_X emissions shall install, calibrate, maintain, and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water to fuel being fired in the turbine. This system shall be accurate to within + 5.0 percent and shall be approved by the administrator.
[45CSR16, 40 C.F.R. § 60.334 (a), 45CSR13, R13-2383, B.5., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.2.3. For the purposes of determining compliance with the maximum fuel sulfur-content limit set forth in Section 4.1.7, the permittee shall utilize the following custom fuel monitoring schedule:

a. Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels or an approved alternative method. The reference methods are: ASTM D1072-80; ASTM D3031-81; ASTM D3246-81; and ASTM D4084-82 as referenced in 40 C.F.R. § 60.335 (b) (2).

b. Effective 6/12/01, sulfur monitoring shall be conducted once per month during the initial ozone season (May-September). If this monitoring shows little variability in the fuel sulfur content, and indicates consistent compliance with 40 C.F.R. § 60.333, then sulfur monitoring shall be conducted once per ozone season thereafter.

c. Should any sulfur analysis as required in Section 4.2.3.b above indicate noncompliance with 40 C.F.R. § 60.333, the owner or operator shall notify the Director of the Division of Air Quality and the custom schedule (as specified under Section 4.2.3.) shall be re-examined. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.

d. If there is a change in fuel supply, the permittee shall notify the Director of the Division of Air Quality of such change to re-examination of this custom schedule. A substantial change in fuel quality shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined.

e. Records of sample analysis and fuel supply pertinent to this custom schedule shall be retained by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

For the purposes of this permit, records shall be considered "certified" if, prior to filing, the Certification of Data Accuracy is signed as directed and attached to the data that is being certified.

[45CSR13, R13-2383, B.9., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.2.4. **CAM monitoring requirement**. The permittee shall calibrate, maintain, and operate a continuous temperature monitoring system with recorder consisting of nine (9) thermocouples to determine "calculated daily average Combustion Turbine Exhaust Gas Temperature (EGT)" at each Combustion Turbine Exhaust before the gases enter the power turbine inlet. The thermocouples used in the monitoring system are to be accurate within plus or minus two (±2) degrees Fahrenheit per the thermocouple manufacturer's information.
[45CSR§30-5.1.c. and 40 C.F.R. §§ 64.3 (a), 64.3 (b) and 64.6 (c) (2)]

4.2.5. **CAM monitoring requirement**. Compliance with the CO hourly emission limits set forth in Requirement 4.1.2 will be demonstrated if the "calculated daily average Combustion Turbine Exhaust Gas Temperature" generated by the continuous monitoring system in Section 4.2.4 is maintained between 800 to 1369 degree F during normal operations (not including periods of system startup, shutdown or malfunction). An excursion shall be defined as: if during normal operation, the daily average of the "calculated daily average Combustion Turbine Exhaust Gas Temperature" drops below 800 ºF or exceeds 1369 ºF. The Combustion Turbine Exhaust Gas Temperature shall be recorded once each clock hour at half-past the hour during the normal operating periods. Daily average temperature will be defined as the average of all valid hourly temperature recordation in a calendar day. Temperatures which fall outside the typical operating range for the system will be investigated to determine if the reading is accurate or if there is a thermocouple or other monitoring system malfunction.
[45CSR§30-12.7. and 40 C.F.R. §§ 64.3 (a), 64.3 (b) and 64.6 (c) (2)]

4.2.6. At a minimum of once a permit term, to determine compliance with Section 4.1.6, the permittee shall analyze the catalyst activity for one of the natural-gas fired turbines. The analysis should be completed following the manufacturer's recommended procedures. If problems are found during the catalyst activity test, the permittee must perform testing on the remaining eleven (11) catalyst beds and replace the catalyst beds that need to be replaced or take other corrective action consistent with the manufacturer's recommendations. The permittee shall test for catalyst activity on a different turbine each permit term. The analysis shall be completed within 18 months prior to this permits' expiration date.
[45CSR§30-5.1.c., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.3. Testing Requirements

4.3.1. Tests that are required by the Director to determine compliance with the emission limitations set forth in Sections 4.1.2, 4.1.3, and 4.1.16 shall be conducted in accordance with the methods as set forth below. The Director may approve a different test method or approve an alternative method upon written submission of such plan within the protocol submitted under Section 4.3.2. Compliance testing shall be conducted at the maximum permitted operating conditions corrected for ambient temperature unless otherwise specified by the Director. Compliance testing shall be conducted at maximum permitted capacity (in the absence of limits on a piece of equipment, the testing shall be conducted at maximum design capacity) unless otherwise approved by the Director in the protocol submitted under Section 4.3.2.

a. Tests to determine compliance with TSP and PM10 emission limits shall be conducted in accordance with 40 C.F.R. Part 60 Appendix A Method 5, 5A, 5B, 5C, 5D, 5E, 5F, 5G, or 5H.

b. Tests to determine compliance with SO_2 emission limits shall be conducted in accordance with 40 C.F.R. Part 60 Appendix A Method 6, 6A, 6B, or 6C.

c. Tests to determine compliance with CO emission limits shall be conducted in accordance with 40 C.F.R. Part 60 Appendix A Method 10, 10A, or 10B.

d. Tests to determine compliance with NO_x emission limits shall be conducted in accordance with 40 C.F.R. Part 60 Appendix A Method 7, 7A, 7B, 7C, 7D, or 7E.

e. Tests to determine compliance with VOC emission limits shall be conducted in accordance with 40 C.F.R. Part 60 Appendix A Method 25, or 25A.

[45CSR13, R13-2383, B.7., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.3.2. With regard to any testing required by the Director, the permittee shall submit to the Director of Air Quality a test protocol detailing the proposed test methods, the date, and the time the proposed testing is to take place, as well as identifying the sampling locations and other relevant information. The test protocol must be received by the Director no less than thirty (30) days prior to the date the testing is to take place. Test results shall be submitted to the Director no more than sixty (60) days after the date the testing takes place.
[45CSR13, R13-2383, B.8., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.3.3. For the purposes of determining compliance with the maximum sulfur content limits set forth in Section 4.1.15, the applicant shall, at a minimum of once per calendar year, obtain from the No. 2 fuel oil supplier a certification of the sulfur content of the fuel supplied. An alternative means of determining compliance with Section 4.1.15 shall be subject to prior approval from the Director.
[45CSR13, R13-2383, B.12., G1]

4.3.4. The permittee shall stack test three of the combustion turbines to determine NO_x and CO emissions. The results of the testing shall be used to demonstrate compliance with the NO_x and CO emissions limits set forth Sections 4.1.2 and 4.1.3. The permittee shall alternate stack testing different set of three combustion turbines per permit term. Stack testing shall be completed within 18 months of the expiration of the Title V permit.
[45CSR§30-5.1.c., GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.4. Recordkeeping Requirements

4.4.1. For the purposes of determining compliance with the maximum natural gas consumption limit set forth in Section 4.1.4, the permittee shall maintain certified daily and monthly records. An example form is included as Attachment A. Such records shall be retained by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.
[45CSR13, R13-2383, B.10. GS-01, GS-02, GS-03, GS-04, GS-05, GS-06]

4.4.2. For the purposes of determining compliance with the maximum hours of operation limit set forth in Section 4.1.15, the permittee shall maintain certified daily and monthly records of the generator hours of operation. An example form is included as Attachment A. Such records shall be retained by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.
[45CSR13, R13-2383, B.11., G1]

4.4.3. General recordkeeping requirements for CAM,

(1) The owner or operator shall comply with the recordkeeping requirements of Sections 3.4.1 and 3.4.2. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 C.F.R. § 64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 C.F.R. Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

(2) Instead of paper records, the owner or operator may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements.

[45CSR§30-5.1.c. and 40 C.F.R. § 64.9 (b)]

4.4.4. Permittee must comply with the emissions standards specified in 40 C.F.R. § 60.4205 (a) by keeping records of engine manufacturer data indicating compliance with the standards.
[45CSR16, 40 C.F.R. § 60.2411 (b) (3), G1]

4.5. Reporting Requirements

4.5.1. **General reporting requirements for CAM.**

A report for monitoring under 40 C.F.R. Part 64 shall include, at a minimum, the information required in Sections 3.5.6 and 3.5.8 and the following information as applicable:

(i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;

(ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and

(iii) A description of the actions taken to implement a QIP during the reporting period as specified in 40 C.F.R. § 64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

[40 C.F.R. § 64.9 (a) (2)]

4.6. Compliance Plan

4.6.1. None

4.7. CAM Plan Summary of Requirements for In-Stack Integrated Oxidation Catalyst

			Indicator No. 1
I.	**Indicator**		Calculated Daily Average Combustion Turbine Exhaust Gas Temperature (EGT)
	Monitoring Approach		Monitor Combustion Turbine Exhaust Gas Temperature (EGT) via nine thermocouples (Section 4.2.4.) before gases enter the power turbine inlet. The power turbine exhaust gas is the inlet to the oxidation catalyst bed.
II.	**Indicator Range or Designated Condition**		Exhaust gas temperature from the power turbine that are above 800 degree F ensure the catalyst is operating as designed. (Section 4.2.5.)
III.	**Performance Criteria**		Thermocouples used in the monitoring system are accurate to within ±2 ^{o}F per manufacturer's information. (Section 4.2.4.)
	A.	**Data Representativeness**	
	B.	**Verification of Operational Status**	Not Applicable; Temperature thermocouples are unmodified original equipment.
	C.	**QA/QC Practices and Criteria**	Anomalous combustion turbine EGT readings that are outside the known temperature parameters of 800 to 1369 ^{o}F for the current combustion turbine operation mode will be investigated. Those readings found to be accurate (i.e., not in error) will be considered valid and included in the daily average. Thermocouples will be calibrated according to manufacturer's recommendations. (Section 4.2.4.)
	D.	**Monitoring Frequency**	Continuous during normal turbine operation except for periods of start-up, shutdown, and malfunction. (Section 4.2.5.)
		Data Collection Procedures	Temperature data will be recorded once each clock hour at half-past the hour (to avoid most dispatched start-ups occurring at the beginning of the hour). If, at the time of recordation, the combustion turbine is not operating normally (as defined above), the temperature for that hour will be deemed invalid and omitted from the calendar daily average calculation. (Sections 4.2.5 and 4.4.3.)
		Data averaging periods	Calendar day average of up to 24 valid hourly data recordation. A temperature excursion will be defined as a daily average combustion turbine EGT below 800 degrees F or exceeds 1369 ^{o}F. `Daily average temperature will be defined as the average of all valid hourly temperature recordation in a calendar day. See discussion in Monitoring Frequency and Data Collection Procedures for description of valid data. (Section 4.2.5)

Attachment A

Recordkeeping

ATTACHMENT A - EXAMPLE DATA FORM

BIG SANDY MONTHLY NATURAL GAS CONSUMPTION REPORT (1)(2)

Big Sandy Peaker Plant, LLC - Big Sandy Peaker Plant

Permit No. R13-2383, Plant ID No. 09900080

Month, Year: _____

Day of Month	Aggregate Facility-Wide Consumption of Natural Gas (scf/day)	Initials
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
Total (Tons/Mo.)		
12 month Rolling Total (3)		

NON CONFIDENTIAL

Note: (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side of this sheet must be completed within fifteen (15) days of the end of the reporting period.

(2) This record shall be maintained on site for a period of five (5) years from the date of certification. It shall be made available, upon request, to the Chief or his (her) authorized representative.

(3) Twelve month rolling total should not exceed 4,614,124,883 scf.

Attachment B

Acid Rain Permit

west virginia department of environmental protection
Division of Air Quality

Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**		Permit #: **R33-55284-2010-2**
Affected Unit(s): **GS01, GS02, GS 03, GS04, GS05, GS06, GS07, GS08, GS09, GS10, GS11, GS12**		
Operator: **Big Sandy Peaker Plant, LLC**		ORIS Code: **55284**
Effective Date:	From: **January 1, 2006**	To: **December 31, 2010**

Contents:

1. Statement of Basis.
2. SO_2 allowances allocated under this permit for each affected unit.
3. Comments, notes and justifications regarding permit decisions and changes made to permit application forms during the review process, and any additional requirements or conditions.
4. The permit application forms submitted for this source, as corrected by the West Virginia Division of Air Quality. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.

1. Statement of Basis

Statutory and Regulatory Authorities: In accordance with W. Va. Code §22-5-4(a)(16) and Titles IV and V of the Clean Air Act, the West Virginia Department of Environmental Protection, Division of Air Quality issues this permit pursuant to 45 CSR 33 and 45 CSR 30.

Permit Approval

John A. Benedict, Director
Division of Air Quality

12-22-05
Date

Promoting a healthy environment.

Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS01**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

Promoting a healthy environment.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS02**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS03**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS04**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS05**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

Promoting a healthy environment.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS06**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS07**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS08**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS09**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS10**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

Promoting a healthy environment.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS11**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

Promoting a healthy environment.

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Phase II Acid Rain Permit

Plant Name: **Big Sandy Peaker Plant**	Permit #: **R33-55284-2010-2**

2. SO_2 Allocations for each affected unit

Unit No. **GS12**

SO_2 Allowances	Year				
	2006	2007	2008	2009	2010
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	N/A*	N/A*	N/A*	N/A*	N/A*
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

* This unit was not eligible for an SO_2 allowance allocation from U.S. EPA under 40 CFR part 73, but may acquire such allowances from other sources. This unit is still obligated to hold allowances to account for its SO_2 emissions as required under 40 CFR 72.9(c)(1). Allocations and transfers to, as well as deductions from, a unit's allowance account do not necessitate a revision to this permit (see 40 CFR 72.84).

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

Company submitted a permit renewal application dated May 25, 2005.

Promoting a healthy environment.

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United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

Acid Rain Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31

STEP 1

Identify the source by plant name, State, and ORIS code.

This submission is: X New ☐ Revised
(Renewal application)

Big Sandy Peaker Plant; State: WV ORIS: 55284

STEP 2

Enter the unit ID# for every affected unit at the affected source in column "a."
For new units, enter the requested information in columns "c" and "d."

Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	New Units Commence Operation Date	New Units Monitor Certification Deadline
GS01	Yes		
GS02	Yes		
GS03	Yes		
GS04	Yes		
GS05	Yes		
GS06	Yes		
GS07	Yes		
GS08	Yes		
GS09	Yes		
GS10	Yes		
GS11	Yes		
GS12	Yes		

Big Sandy Peaker Plant

Acid Rain - Page 2

STEP 3

Read the standard requirements

Permit Requirements

(1) The designated representative of each affected source and each affected unit at the source shall:
(i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
(ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
(2) The owners and operators of each affected source and each affected unit at the source shall:
(i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
(ii) Have an Acid Rain Permit.

Monitoring Requirements

(1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
(2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
(3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

Sulfur Dioxide Requirements

(1) The owners and operators of each source and each affected unit at the source shall:
(i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
(ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
(2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
(3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
(i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
(ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
(4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
(5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
(6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
(7) An allowance allocated by the Administrator under the Acid Rain Program does not

constitute a property right.

Big Sandy Peaker Plant	Acid Rain - Page 3

STEP 3, Cont'd.

Nitrogen Oxides Requirements The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

Excess Emissions Requirements

(1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
(2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
(i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
(ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

Recordkeeping and Reporting Requirements

(1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
(i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
(ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
(iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
(2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

Liability

(1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
(2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
(3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
(4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

Attachment C

NOx Budget

NO_X Budget Permit Application

Page 1

The West Virginia Department of Environmental Protection, Division of Air Quality has prepared this NO_X Budget Permit Application for affected sources under 45CSR1, 45CSR26, and/or 40 CFR part 97 (Section 126). Please refer to sections 21 & 22 of 45CSR1, 45CSR26 and/or 40 CFR part 97, as applicable.

This NO_X Budget Permit Application is submitted under: ☒ 45CSR1 ☐ 45CSR26 ☐ Section 126
(Please check all that apply)

This submission is: ☒ New ☐ Revised

STEP 1
Identify the source by plant name, State, and ORIS or facility code.

Plant Name	Company ID Number	ORIS/Facility Code
Big Sandy Peaker Plant, LLC	09900080	55284

STEP 2
Enter the unit ID# and description for each NO_X Budget Unit.

Unit ID#	Description
GS01	Simple cycle combustion turbine for peak electric generation Unit 1
GS02	Simple cycle combustion turbine for peak electric generation Unit 2
GS03	Simple cycle combustion turbine for peak electric generation Unit 3
GS04	Simple cycle combustion turbine for peak electric generation Unit 4
GS05	Simple cycle combustion turbine for peak electric generation Unit 5
GS06	Simple cycle combustion turbine for peak electric generation Unit 6
GS07	Simple cycle combustion turbine for peak electric generation Unit 7
GS08	Simple cycle combustion turbine for peak electric generation Unit 8
GS09	Simple cycle combustion turbine for peak electric generation Unit 9
GS10	Simple cycle combustion turbine for peak electric generation Unit 10
GS11	Simple cycle combustion turbine for peak electric generation Unit 11
GS12	Simple cycle combustion turbine for peak electric generation Unit 12

STEP 3
Read the standard requirements and the certification, enter the name of the NO_X authorized account representative, and sign and date.

Standard Requirements

(a) Permit Requirements.
(1) The NO_X authorized account representative of each NO_X Budget source required to have a federally enforceable permit and each NO_X Budget unit required to have a federally enforceable permit at the source shall:
(i) Submit to the Director of the Division of Air Quality (Director) a complete NO_X Budget permit application under 45CSR1-22, 45CSR26-22, and/or § 97.22 in accordance with a deadline specified by the Director under 45CSR1-21.2 and 21.3, 45CSR26-21.2 and 21.3, and/or § 97.21(b) and (c) as applicable;
(ii) Submit in a timely manner any supplemental information that the Director determines is necessary in order to review a NO_X Budget permit application and issue or deny a NO_X Budget permit.
(2) The owners and operators of each NO_X Budget source required to have a federally enforceable permit and each NO_X Budget unit required to have a federally enforceable permit at the source shall have a NO_X Budget permit issued by the Division of Air Quality and operate the unit in compliance with such NO_X Budget permit.

Big Sandy Peaker Plant, LLC
Plant Name (from Step 1)

NO_x Budget Permit Application
Page 2

(b) Monitoring Requirements.
(1) The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of sections 70 through 76 of 45CSR1 or 45CSR26; and/or subpart H of 40 CFR part 97, as applicable.
(2) The emissions measurements recorded and reported in accordance with sections 70 through 76 of 45CSR1 or 45CSR26, and/or subpart H of 40 CFR part 97 shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under paragraph (c).

(c) Nitrogen Oxides Requirements.
(1) The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under subsections 45CSR1-54.1, 54.2, 54.5, or 54.6; 45CSR26-54.1, 54.2, 54.5, or 54.6; and/or § 97.54(a), (b), (e), or (f), as applicable, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the ozone season from the unit, as determined in accordance with sections 70 through 76 of 45CSR1 or 45CSR26 and/or subpart H of 40 CFR part 97, as applicable, plus any amount necessary to account for actual heat input under subsection 42.5 of 45CSR1 or 45CSR26, and/or § 97.42(e) for the ozone season period or to account for excess emissions for a prior ozone season under subsection 54.4 of 45CSR1 or 45CSR26, and/or § 97.54(d), or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status of a NO_x Budget opt-in unit under sections 86 or 87 of 45CSR1, and/or § 97.86 or § 97.87, as applicable.
(2) Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of 45CSR1 or 45CSR26, §§22-5-1 et seq., and/or 40 CFR part 97, and the Clean Air Act.
(3) A NO_x Budget unit shall be subject to the requirements under paragraph (c)(1) starting on the later of: May 31, 2004 for NO_x Budget units under 45CSR1, 45CSR26 and/or 40 CFR part 97; or the date on which the unit commences operation.
(4) NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with sections 40 through 43, 50 through 57, 60 through 62, and 70 through 76 of 45CSR1 or 45CSR26; sections 80 through 88 of 45CSR1, and/or subparts E, F, G, and I of 40 CFR part 97, as applicable.
(5) A NO_x allowance shall not be deducted, in order to comply with the requirements under paragraph (c)(1), for an ozone season in a year prior to the year for which the NO_x allowance was allocated.
(6) A NO_x allowance allocated by the Director or EPA Administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under subsection 4.2 or section 5 of 45CSR1 or 45CSR26, and/or § 97.4(b) or § 97.5, as applicable, and no provision of law shall be construed to limit the authority of the Division of Environmental Protection or the United States to terminate or limit such authorization.
(7) A NO_x allowance allocated by the Director or EPA Administrator under the NO_x Budget Trading Program does not constitute a property right.
(8) Upon recordation by the EPA Administrator, every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is incorporated automatically in any NO_x Budget permit of the NO_x Budget unit.

(d) Excess Emissions Requirements.
(1) The owners and operators of a NO_x Budget unit that has excess emissions in any ozone season shall:
(i) Surrender the NO_x allowances required for deduction under subdivision 54.4.a of 45CSR1 or 45CSR26, and/or § 97.54(d)(1) as applicable; and
(ii) Pay any fine, penalty, or assessment or comply with any other remedy imposed under subdivision 54.4.c of 45CSR1 or 45CSR26, and/or § 97.54(d)(3).

(e) Recordkeeping and Reporting Requirements.
(1) Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Director or the EPA Administrator.
(i) The account certificate of representation under 45CSR1-13 or 45CSR26-13 and/or § 97.13, as applicable, for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation under 45CSR1-13 or 45CSR26-13 and/or § 97.13 (as applicable) changing the NO_x authorized account representative.
(ii) All emissions monitoring information, in accordance with sections 70 through 76 of 45CSR1 or 45CSR26; and/or subpart H of 40 CFR part 97 (as applicable); provided that to the extent that sections 70 through 76 of 45CSR1 or 45CSR26; and/or subpart H of 40 CFR part 97 (as applicable) provides for a 3-year period for recordkeeping, the 3-year period shall apply.
(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.
(iv) Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.
(2) The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under sections 30 and 70 through 76 of 45CSR1 or 45CSR26; sections 80 through 88 of 45CSR1, and/or subparts D, H, or I of 40 CFR part 97, as applicable.

Big Sandy Peaker Plant, LLC
Plant Name (from Step 1)

Page 3

(f) Liability.
(1) Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under subsection 4.2 or section 5 of 45CSR1 or 45CSR26; and/or § 97.4(b) or § 97.5 shall be subject to enforcement pursuant to W. Va. Code §§22-5-1 et seq. or the Clean Air Act.
(2) Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to §§22-5-1 et seq. or the Clean Air Act..
(3) No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
(4) Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
(5) Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.
(6) Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under sections 70 through 76 of 45CSR1 or 45CSR26, and/or subpart H of 40 CFR part 97, as applicable, the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.

(g) Effect on Other Authorities.
No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under subsection 4.2 or section 5 of 45CSR1 or 45CSR26; and/or § 97.4(b) or § 97.5, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

Certification

I am authorized to make this submission on behalf of the owners and operators of the NO_x Budget sources or NO_x Budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name Edward F. Tracey	
Signature Edward F. Tracey	Date 2/13/02

Attachment D

CAIR

CAIR Permit Application

Page 1

For sources subject to the Clean Air Interstate Rule Trading Programs under **45CSR39**, **45CSR40** and **45CSR41**, the West Virginia Department of Environmental Protection, Division of Air Quality has prepared this CAIR Permit Application. Please refer to sections 21 and 22 of **45CSR39**, **45CSR40** and **45CSR41**, as applicable.

This submission is: ☒ New ☐ Revised

STEP 1
Identify the source by plant name, and ORIS or facility code

Plant Name	West Virginia ID Number	ORIS/Facility Code
Big Sandy Peaker Plant, LLC		55284

STEP 2
Enter the unit ID# for each CAIR unit and indicate to which CAIR programs each unit is subject (by placing an "X" in the column)

Unit ID#	NO_x Annual	NO_x Ozone Season	SO_2 Annual
GS01	X	X	X
GS02	X	X	X
GS03	X	X	X
GS04	X	X	X
GS05	X	X	X
GS06	X	X	X
GS07	X	X	X
GS08	X	X	X
GS09	X	X	X
GS10	X	X	X
GS11	X	X	X
GS12	X	X	X

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STEP 3
Read the standard requirements and the certification, enter the name of the CAIR designated representative, and sign and date

Standard Requirements

(a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) required to have a Title V operating permit at the source shall:

(i) Submit to the Secretary a complete CAIR permit application under 45CSR§39-22, 45CSR§40-22 and 45CSR§41-22 (as applicable) in accordance with the deadlines specified in 45CSR§39-21, 45CSR§40-21 and 45CSR§41-21 (as applicable); and

(ii) Submit in a timely manner any supplemental information that the Secretary determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

(2) The owners and operators of each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) required to have a Title V operating permit at the source shall have a CAIR permit issued by the Secretary under sections 20 through 24 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) for the source and operate the source and the unit in compliance with such CAIR permit.

(3) Except as provided in sections 80 through 88 of 45CSR39, 45CSR40 and 45CSR41, the owners and operators of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) that is not otherwise required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) that is not otherwise required to have a Title V operating permit are not required to submit a CAIR permit application and to have a CAIR permit, under sections 20 through 24 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) for such CAIR NO_x Annual source. CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) and such CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable).

Big Sandy Peaker Plant, LLC
Plant Name

CAIR Permit Application
Page 2

STEP 3, continued

(b) Monitoring, reporting and recordkeeping requirements.

(1) The owners and operators and the CAIR designated representative, of each CAIR NO$_x$ Annual source, CAIR NO$_x$ Ozone Season source and CAIR SO$_2$ source (as applicable) and each CAIR NO$_x$ Annual unit, CAIR NO$_x$ Ozone Season unit and CAIR SO$_2$ unit (as applicable) at the source shall comply with the monitoring, reporting and recordkeeping requirements of sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable).

(2) The emissions measurements recorded and reported in accordance with sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) shall be used to determine compliance by each CAIR NO$_x$ Annual source, CAIR NO$_x$ Ozone Season source and CAIR SO$_2$ source (as applicable) with the CAIR NO$_x$ Annual emissions limitation, CAIR NO$_x$ Ozone Season emissions limitation and CAIR SO$_2$ emissions limitation (as applicable) under 45CSR§39-6.3, 45CSR§40-6.3 and 45CSR§41-6.3 (as applicable).

(c) Nitrogen oxides annual emissions requirements.

(1) As of the allowance transfer deadline for the 2009 control period and each control period thereafter, the owners and operators of each CAIR NO$_x$ Annual source and each CAIR NO$_x$ Annual unit at the source shall hold, in the source's compliance account, CAIR NO$_x$ Annual allowances available for compliance deductions for the control period under 45CSR§39-54.1 in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO$_x$ Annual units at the source, as determined in accordance with sections 70 through 75 of 45CSR39.

(2) A CAIR NO$_x$ Annual unit shall be subject to the requirements under 45CSR§39-6.3.a for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, or 70.2.e of 45CSR39, and for each control period thereafter.

(3) A CAIR NO$_x$ Annual allowance shall not be deducted, for compliance with the requirements under 45CSR§39-6.3.a, for the control period in a calendar year before the year for which the CAIR NO$_x$ Annual allowance was allocated.

(4) CAIR NO$_x$ Annual allowances shall be held in, deducted from, or transferred into or among CAIR NO$_x$ Allowance Tracking System accounts in accordance with sections 50 through 62, and 80 through 88 of 45CSR39.

(5) A CAIR NO$_x$ Annual allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO$_x$ Annual Trading Program. No provision of the CAIR NO$_x$ Annual Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 45CSR§39-5 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR NO$_x$ Annual allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 40 through 62, and 80 through 88 of 45CSR39, every allocation, transfer, or deduction of a CAIR NO$_x$ Annual allowance to or from a CAIR NO$_x$ Annual source's compliance account is incorporated automatically in any CAIR permit of the source.

(d) Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for the 2009 ozone season and each ozone season thereafter, the owners and operators of each CAIR NO$_x$ Ozone Season source and each CAIR NO$_x$ Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO$_x$ Ozone Season allowances available for compliance deductions for the ozone season under 45CSR§40-54.1 in an amount not less than the tons of total nitrogen oxides emissions for the ozone season from all CAIR NO$_x$ Ozone Season units at the source, as determined in accordance with sections 70 through 75 of 45CSR40.

(2) A CAIR NO$_x$ Ozone Season unit shall be subject to the requirements under 45CSR§40-6.3.a for the ozone season starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, 70.2.c or 70.2.g of 45CSR40 and for each ozone season thereafter.

(3) A CAIR NO$_x$ Ozone Season allowance shall not be deducted, for compliance with the requirements under 45CSR§40-6.3.a, for an ozone season in a calendar year before the year for which the CAIR NO$_x$ Ozone Season allowance was allocated.

(4) CAIR NO$_x$ Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO$_x$ Ozone Season Allowance Tracking System accounts in accordance with sections 50 through 62, and 80 through 88 of 45CSR40.

(5) A CAIR NO$_x$ Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO$_x$ Ozone Season Trading Program. No provision of the CAIR NO$_x$ Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 45CSR§40-5 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR NO$_x$ Ozone Season allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subdivision 43.3, sections 51 through 57, 60 through 62, and 80 through 88 of 45CSR40, every allocation, transfer, or deduction of a CAIR NO$_x$ Ozone Season allowance to or from a CAIR NO$_x$ Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

(e) Sulfur dioxide annual emission requirements.

(1) As of the allowance transfer deadline for the 2010 control period and each control period thereafter, the owners and operators of each CAIR SO$_2$ source and each CAIR SO$_2$ unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO$_2$ allowances available for compliance deductions for the control period, as determined in accordance with subsections 54.1 and 54.2 of 45CSR§41 in an amount not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO$_2$ units at the source, as determined in accordance with sections 70 through 75 of 45CSR41.

(2) A CAIR SO$_2$ unit shall be subject to the requirements under 45CSR§41-6.3.a for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, or 70.2.e of 45CSR41 and for each control period thereafter.

(3) A CAIR SO$_2$ allowance shall not be deducted, for compliance with the requirements under 45CSR§41-6.3.a, for a control period in a calendar year before the year for which the CAIR SO$_2$ allowance was allocated.

(4) CAIR SO$_2$ allowances shall be held in, deducted from, or transferred into or among CAIR SO$_2$ Allowance Tracking System accounts in accordance with sections 51 through 62, and 80 through 88 of 45CSR41.

(5) A CAIR SO$_2$ allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO$_2$ Trading Program. No provision of the CAIR SO$_2$ Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 45CSR§41-5 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR SO$_2$ allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 51 through 57, 60 through 62, and 80 through 88 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO$_2$ allowance to or from a CAIR SO$_2$ source's compliance account is incorporated automatically in any CAIR permit of the source.

Big Sandy Peaker Plant, LLC
Plant Name

CAIR Permit Application
Page 3

STEP 3, continued

(f) Excess emissions requirements.

(1) If a CAIR NO_x Annual source emits nitrogen oxides during any control period in excess of the CAIR NO_x Annual emissions limitation, then:

(i) The owners and operators of the source and each CAIR NO_x Annual unit at the source shall surrender the CAIR NO_x Annual allowances required for deduction under 45CSR§39-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

(ii) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 45CSR39, the Clean Air Act, and West Virginia Code §22-5-1 et seq.

(2) If a CAIR NO_x Ozone Season source emits nitrogen oxides during any ozone season in excess of the CAIR NO_x Ozone Season emissions limitation, then:

(i) The owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x Ozone Season allowances required for deduction under 45CSR§40-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

(ii) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 45CSR40, the Clean Air Act, and West Virginia Code 922-5-1 et seq.

(3) If a CAIR SO_2 source emits sulfur dioxide during any control period in excess of the CAIR SO_2 emissions limitation, then:

(i) The owners and operators of the source and each CAIR SO_2 unit at the source shall surrender the CAIR SO_2 allowances required for deduction under 45CSR§41-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

(ii) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 45CSR41, the Clean Air Act, and West Virginia Code §22-5-1 et seq.

(g) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Secretary or the Administrator.

(i) The certificate of representation under 45CSR§39-13, 45CSR§40-13 and 45CSR§41-13 (as applicable) for the CAIR designated representative for the source and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5 year period until such documents are superseded because of the submission of a new certificate of representation under 45CSR§39-13, 45CSR§40-13 and 45CSR§41-13 (as applicable) changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable), provided that to the extent that sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) at the source shall submit the reports required under the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable) including those under sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable).

(h) Liability.

(1) Each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) and each NO_x unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) shall meet the requirements of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable).

(2) Any provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program or CAIR SO_2 Trading Program (as applicable) that applies to a CAIR NO_x Annual source, CAIR NO_x Ozone Season source or CAIR SO_2 source (as applicable) or the CAIR designated representative of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source or CAIR SO_2 source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO_x Annual units, CAIR NO_x Ozone Season units or CAIR SO_2 units (as applicable) at the source.

(3) Any provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program or CAIR SO_2 Trading Program (as applicable) that applies to a CAIR NO_x Annual unit, CAIR SO_2 unit or CAIR NO_x Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit or CAIR SO_2 unit (as applicable) shall also apply to the owners and operators of such unit.

(i) Effect on Other Authorities.

No provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO_2 Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under 45CSR§39-5, 45CSR§40-5, or 45CSR§41-5 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) or CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

Big Sandy Peaker Plant, LLC
Plant Name

CAIR Permit Application
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STEP 3,
continued

Certification

I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of **law that** I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Michael C. Lebens	
CAIR Designated Representative	
Signature	Date 3/21/07

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