

Fact Sheet



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

This Fact Sheet serves to address the changes specific to this Minor Modification, and shall be considered a supplement to the Fact Sheet corresponding with the Title V operating permit issued on April 21, 2009.

Permit Number: **R30-05100005-2009**
Application Received: **September 16, 2011**
Plant Identification Number: **03-54-05100005**
Permittee: **Ohio Power Company (d.b.a. American Electric Power)**
Facility Name: **Mitchell Plant**
Mailing Address: **1 Riverside Plaza, Columbus, Ohio 43215-2373**

Permit Action Number: *MM01* Revised: *June 11, 2012*

Physical Location: Cresap/Moundsville, Marshall County, West Virginia
UTM Coordinates: 516.00 km Easting • 4409.00 km Northing • Zone 17
Directions: From Charleston take Interstate 77 North to Exit 179. Travel north on
US Route 2 approximately 70 miles to Cresap. Facility is located on
Route 2 approximately nine (9) miles south of Moundsville, WV.

Facility Description

General

The Mitchell Plant is a fossil fuel fired electric generation facility and operates under Standard Industrial Classification (SIC) code 4911. The facility consists of two (2) coal-fired steam generators with a rated design capacity of 7020 mmBtu/hr each, one (1) oil-fired auxiliary boiler with a rated design capacity of 663 mmBtu/hr, various supporting operations such as coal and ash handling, limestone handling, and various tanks with insignificant emissions. The facility has the potential to operate seven (7) days per week, twenty-four (24) hours per day and fifty-two (52) weeks per year.

Project Description¹

This permit revision incorporates the applicable requirements for the Dry Fly Ash Conversion Project, which will convert the existing vacuum conveying system, utilizing a HYDROVEYOR[®] and dilute slurry system, to a complete dry ash handling system designed to convey dry, free flowing Fly Ash and Economizer Ash from Units 1 and 2 to three new concrete Fly Ash Silos for storage and transport. The project is composed of three major systems: Unit 1 Fly Ash Removal System, Unit 2 Fly Ash Removal System, and the Fly Ash Silo System. In conjunction with this project, a new dry fly ash landfill and associated haul road are being constructed for disposal of the fly ash.

Emissions Summary

According to Attachment P in the application, the changes in potential emissions for this action are:

Pollutant	Change in Potential Emissions (+ or -) TPY
Particulate Matter (PM)	+ 24.710
Particulate Matter < 10µm (PM ₁₀) ¹	+ 11.281
Particulate Matter < 2.5µm (PM _{2.5}) ¹	+ 6.633

¹ Note that PM_{2.5} is a component of PM₁₀, which are components of PM.

According to the fact sheet for the renewal operating permit issued on April 21, 2009, potential PM₁₀ emissions are 3,286.13 tpy. Therefore, the revised potential PM₁₀ emissions will be (3,286.13 tpy + 11.281 tpy) = 3,297.41 tpy.

Title V Program Applicability Basis

With the proposed changes associated with this modification, this facility maintains the potential to emit 5,738.68 tpy of CO; 36,785.35 tpy of NO_x; 3,297.41 tpy of PM₁₀; 98,727.42 tpy of SO₂; 571.04 tpy of VOC; 12,337 tpy of HCl; 1,071 tpy of HF; 48.49 tpy of Se; and 13.38 tpy of Be. Due to this facility's potential to emit over 100 tons per year of criteria pollutant, over 10 tons per year of a single HAP, and over 25 tons per year of aggregate HAPs, Ohio Power Company's Mitchell Plant is required to have an operating permit pursuant to Title V of the Federal Clean Air Act as amended and 45CSR30.

Legal and Factual Basis for Permit Conditions

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

The modification to this facility has been found to be subject to the following applicable rules:

Federal and State:	45CSR13	Construction permit requirements
	45CSR30	Operating permit requirements
	45CSR34	Emission Standards for HAPs
	40 C.F.R. 63 Subpart ZZZZ	NESHAPs-MACT for RICE
	40 C.F.R. 63 Subpart DDDDD	NESHAPs-MACT for Boilers
State Only:	45CSR4	No objectionable odors

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

¹ Transcribed from Attachment G of the minor modification application.

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

Active Permits/Consent Orders

Permit or Consent Order Number	Date of Issuance	Permit Determinations or Amendments That Affect the Permit (<i>if any</i>)
R13-2608B	March 9, 2012	

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

Determinations and Justifications

- I. **NSR Permit No. R13-2608B.** This permit was issued by the Director on March 9, 2012. The following changes have been made in the operating permit to incorporate this underlying permit revision.
 - a. The new sources have been added to the emission units table in permit subsection 1.1. New control device acronyms (TC, BVF, and TS) have been added at the end of the emission units table.
 - b. The permit number alphabetic suffix has been revised, as well as the issue date in permit subsection 1.2.
 - c. The table below lists Title V permit conditions changed or added based upon the NSR permit revision.

R13-2608B	Title V	Comment
4.1.17.	5.1.17.	Underlying requirement was modified to increase frequency of chemical treatment.
4.1.20.	5.1.19.	Requirement added to operating permit.
4.1.21.	5.1.20.	Requirement added to operating permit.
4.1.22.	5.1.21.	Requirement added to operating permit.
4.1.23.	5.1.22.	Requirement added to operating permit.
4.1.24.	5.1.23.	Requirement added to operating permit.
4.1.25.	3.1.13.	Since conditions 4.1.20. through 4.1.24. were added in the underlying permit revision, the operations and maintenance of APCE requirement 4.1.20. was renumbered to 4.1.25., which is why the citation of authority is revised in the operating permit.
4.2.7.	5.2.7.	Requirement added to operating permit. Reference to 4.1.20. changed to 5.1.19. for incorporating into Title V permit.
4.2.8.	5.2.8.	Requirement added to operating permit. Reference to 4.1.17. changed to 5.1.17. for incorporating into Title V permit.
4.3.2.	5.3.1.	The requirement added to operating permit.
4.4.12.	5.4.9.	Requirement added to operating permit. Reference to 4.1.20. changed to 5.1.19. for incorporating into Title V permit.

- d. Reference condition 5.1.19. is renumbered to 5.1.24.
- e. In condition 5.1.24., the parenthetical reference to condition 3.1.11. is corrected to 3.1.12.

II. **45CSR30 – Operating Permits.** In the “Monitoring of Operations” section of the engineering evaluation for permit R13-2608B, three monitoring requirements are described. The first and third are covered by NSR permit conditions 4.4.12. and 4.2.8., respectively. However, the second monitoring was not embodied in an NSR permit requirement. That monitoring is:

A regular fugitive fly ash emissions inspection program shall be implemented and properly documented. The permittee at a minimum, shall inspect all fly ash fugitive dust control systems weekly to ensure that they are operated as necessary and maintained in good working order. The inspection program shall include provisions to document any observed accumulations of fly ash on or around facility control equipment and proximate areas. The inspections shall be documented and maintained on-site for a minimum of five years.

The above monitoring has been added to the operating permit as condition 5.2.9.

III. **CAIR Programs: 45CSR39, 45CSR40, 45CSR41.** The CAIR trading programs ceased on January 1, 2012. Therefore, the CAIR requirements of conditions 3.1.14. through 3.1.16. have been removed and the condition numbers have been reserved in order to maintain the numbering of subsequent permit condition 3.1.17. These units will continue reporting of NO_x and SO₂ mass emissions under 40 CFR Part 75. The CAIR permit application (Attachment G) has been removed from the permit. Note that the removal of the CAIR requirements meets all criteria for minor modification procedures in 45CSR§30-6.5.a.1.

IV. **40 C.F.R. 63 Subpart ZZZZ – National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.** The current permit shield in 3.7.2.1. is no longer accurate because, “existing compression ignition (CI) stationary RICE” are not listed in §§63.6590(b)(3)(i) through (viii) of the current version of the regulation. The permit shield was given in the 2009 renewal permit because in the then-current January 18, 2008 version of the rule, “an existing compression ignition (CI) stationary RICE” was listed in §§63.6590(b)(3). Since the renewal permit was issued the regulation has been modified. Therefore, the regulation must be examined to determine which requirements are applicable to the Emergency Quench Water System pumps that are powered by compression ignition (CI) engines (Em. Unit IDs: 6S, 7S).

According to the non-applicability determination for the 2009 renewal permit, the following relevant facts characterize both engines:

- Compression ignition (CI)
- Combust No. 2 fuel oil
- Rated at approximately 60-hp each
- No post-combustion pollution controls are utilized
- Construction commenced on or about June 14, 2004

The non-applicability determination also states that according to technical correspondence from the permittee (10/01/2008 e-mail), June 14, 2004 was the date of requisition for engineering services related to the Emergency Quench Water System. Such requisition constitutes *commenced* construction according to the definition in 40 C.F.R. §63.2. These important facts have been added as footnotes in permit subsection 1.1. since this date is different than the installation year given (i.e., 2007), and have bearing on determining applicable requirements. The facility is a major source of HAPs. Using these horsepower and construction commencement date criteria, the

engines are *Existing stationary RICE* pursuant to §63.6590(a)(1)(ii). Furthermore, it is determined from their names that these engines 6S and 7S are used in emergency situations. This characteristic is important for determining applicable requirements. Table ZZZZ below provides an analysis of the applicability (and non-applicability) of the subpart sections to the engines and references the permit conditions that set forth the applicable requirements.

Table ZZZZ

Section	Condition	Discussion
Compliance Date		
§63.6595(a)(1)	6.1.1.	Each affected engine is considered an “existing stationary CI RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions.” Therefore, the compliance date is May 3, 2013. Since the compliance date is future at the time of this modification, all other Subpart ZZZZ permit conditions end with a statement that makes each condition subject to the compliance date. This means that the conditions will not become effective until the compliance date.
Emission and Operating Limitations		
§63.6600	None	This section is not applicable since the engines are rated less than 500 brake HP.
§63.6601	None	This section is not applicable since the engines are existing and are compression ignition type.
§63.6602	6.1.2.	<p>This section is applicable since the engines are existing; are rated less than 500 brake HP; and are located at a major source of HAP. This section refers to applicable emissions limitations in Table 2c to Subpart ZZZZ. In Table 2c, the applicable requirements are for an emergency CI RICE, which are given in Row #1 of the table. None of the other requirements in Rows 2 through 12 of Table 2c are applicable to the engines.</p> <p>Since the engines are not subject to non-startup emission limitations, this non-applicable language is not included in the last paragraph of the permit condition. Similarly, the language regarding black start stationary CI RICE is not included.</p> <p>The applicable requirements of Table 2c, Row 1, are considered “Work Practice Requirements”. These are not the same as emission limitations and operating limitations described elsewhere in the regulation. Emission limitations are items such as reduction of carbon monoxide emissions and limiting the concentration of formaldehyde in the exhaust stream (cf. non-applicable Table 2a of the subpart). Operating limitations are items such as maintaining pressure drop across a catalyst, and maintaining exhaust gas temperature in a specified range (cf. non-applicable Table 2b of the subpart). However, work practices pertain to frequencies of oil changes, inspections of air cleaners and belts and hoses. The notes following Table 2c affirm that these requirements are work practice requirements. Further, §63.6640(a), Table 6, applicable Row 9, describes the requirements as “work or management practices.” Based upon these distinctions, all associated MRR requirements in the regulation that pertain to emission limits and operating limits will not be included in the permit since they are not applicable to the</p>

Section	Condition	Discussion
		engines.
§63.6603	None	This section is not applicable since the engines are located at a major source.
§63.6604	None	This section is not applicable since the engines are emergency units, and each engine's site rating is not more than 300 brake HP.
General Compliance Requirements		
§63.6605(a)	None	This section is not applicable since the engines are not subject to emission limitations and operating limitations of Subpart ZZZZ.
§63.6605(b)	6.1.3.	This general duty requirement is included in the permit.
Testing and Initial Compliance Requirements		
§63.6610	None	This section is not applicable since the engines are rated less than 500 brake HP.
§63.6611	None	This section is not applicable since the engines are existing.
§63.6612	None	<p>This section is applicable since the engines are existing, and rated less than 500 brake HP at a major source. However, no specific requirements in §63.6612 apply to them, as is demonstrated below.</p> <p>§63.6612(a) refers to applicable requirements in Table 4 to Subpart ZZZZ. Row 1 of Table 4 can apply to CI stationary RICE that are complying with the requirement to reduce CO emissions. However, the engines not subject to any requirement to reduce CO emissions; therefore, §63.6612(a) does not apply.</p> <p>§63.6612(b) applies in the case when testing has already been performed. This requirement is not applicable to the engines.</p>
§63.6615	None	This section is not applicable since the engines are not subject to emission limitations and operating limitations under Subpart ZZZZ.
§§63.6620(a) through (i)	None	This section is not applicable since the engines are not subject to emission limitations and operating limitations under Subpart ZZZZ.
§63.6625(a)	None	This section is not applicable since there is no CEMS for the engines.
§63.6625(b)	None	This section is not applicable since there is no CPMS for the engines.
§63.6625(c)	None	This section is not applicable since the engines do not fire landfill gas or digester gas.
§63.6625(d)	None	This section is not applicable since the engines are existing CI RICE.
§63.6625(e)	6.1.4.	The engines meet the criteria of §63.6625(e)(2), and are therefore required to comply with this section. The language of both §63.6625(e) and §63.6625(e)(2) have been combined for the permit condition. The non-applicable language "or black start" has not been included in the condition.
§63.6625(f)	6.1.5.	The engines meet the criteria of §63.6625(f), and are therefore subject to the requirement. The non-applicable language "or an existing emergency stationary RICE located at an area source of HAP emissions" has not been included in the condition.
§63.6625(g)	None	This section is not applicable since the engines are emergency CI

Section	Condition	Discussion
		RICE.
§63.6625(h)	6.1.2.	This section is applicable to the engines, and has already been included in the requirements of §63.6602, Table 2c, Row 1. Thus, this section is cited along with §63.6602 rather than writing a separate and redundant condition.
§63.6625(i)	6.1.6.	The oil analysis program is an option mentioned in footnote 2 to Table 2c of Subpart ZZZZ. The oil analysis program is set forth in a separate permit condition with non-applicable language not included.
§63.6625(j)	None	This section is not applicable since the engines are not SI RICE.
§§63.6630(a) through (c)	None	<p>§63.6630(a) is not applicable since the engines are not subject to emission and operating limitations from Subpart ZZZZ.</p> <p>§63.6630(b) is not applicable since the engines are not subject to operating limitations from Subpart ZZZZ.</p> <p>The NOCS requirement of §63.6630(c) is not applicable since none of the requirements in §§63.6630(a) through (b) are applicable.</p>
Continuous Compliance Demonstration		
§§63.6635(a) through (c)	None	<p>§63.6635(a) is not applicable since the engines are not subject to emission and operating limitations from Subpart ZZZZ.</p> <p>§§63.6635(b) and (c) are not applicable since the engines are not subject to any continuous monitoring in Subpart ZZZZ.</p>
§63.6640(a)	6.1.4.	Since the engines are subject to requirements of Table 2c of Subpart ZZZZ, this section requires compliance with applicable methods in Table 6 to Subpart ZZZZ. In Table 6, the requirements of Row 9 are applicable to the engines. However, it is the same language as in §63.6625(e). Rather than writing a separate and redundant condition, this section is cited with condition 6.1.4.
§63.6640(b)	6.5.1.	This applicable requirement requires the permittee to report deviations from the applicable requirements of Table 2c to Subpart ZZZZ. Non-applicable language in the regulation has not been included in this permit condition. Due to the requirement to report according to §63.6650, a parenthetical reference to the corresponding permit condition has been added at the end of the permit condition.
§63.6640(c)	None	This section is reserved.
§63.6640(d)	None	This section is not applicable since the engines are existing.
§63.6640(e)	6.5.2.	This section requires reporting when an applicable requirement in Table 8 to Subpart ZZZZ is not met. The engines do not meet any of the criteria for exemptions given in this section; therefore, a permit condition has been written.
§63.6640(f)(1)	6.1.7.	This section applies to the engines since they are existing emergency stationary RICE less than 500 brake HP at a major source.
§63.6640(f)(2)	None	This section is not applicable since the engines are rated less than 500 brake HP.

Section	Condition	Discussion
Notifications		
§63.6645(a)(5)	None	This section provides an exemption to the notification requirements (including the NOCS under 40 C.F.R. §63.9(h)) for an existing stationary emergency RICE. Since the engines meet these criteria, the notifications under §63.6645 do not apply.
§63.6645(b)	None	This section is not applicable since the engines are rated less than 500 brake HP.
§63.6645(c)	None	This section is not applicable since the engines are existing and rated less than 500 brake HP.
§63.6645(d)	None	This section is not applicable since an initial notification is not required. Requirements for initial notification are in §63.9(b), which is not applicable, in accordance with the determination regarding §63.6645(a)(5).
§63.6645(e)	None	This section is not applicable since the engines are existing.
§63.6645(f)	None	This section is not applicable since an initial notification is not required.
§§63.6645(g) and (h)	None	These sections are not applicable to the engines since no performance tests under Subpart ZZZZ are required.
Reporting		
§§63.6650(a) and (b)	None	These sections are not applicable to the engines since they meet none of the criteria in Table 7 to Subpart ZZZZ.
§63.6650(c)	None	This section is not applicable since it pertains to Compliance Reports, which are not required for the engines since they meet none of the criteria in Table 7 to Subpart ZZZZ (cf. §63.6650(a)).
§63.6650(d)	None	This section is not applicable since it pertains to Compliance Reports, which are not required for the engines since they meet none of the criteria in Table 7 to Subpart ZZZZ (cf. §63.6650(a)). Furthermore, this section is not applicable since the engines are not subject to emissions and operating limitations from Subpart ZZZZ.
§63.6650(e)	None	This section is not applicable since the engines are not subject to emissions and operating limitations from Subpart ZZZZ.
§63.6650(f)	6.5.3.	This section is an applicable requirement to report deviations (as defined in 40 C.F.R. §63.6675). This requirement is modified for insertion into the permit.
§63.6650(g)	None	This section is not applicable since the engines are existing and do not fire landfill gas or digester gas.
Recordkeeping		
§63.6655(a)	None	This section does not apply since the engines are not subject to emission and operating limitations.
§63.6655(b)	None	This section does not apply since neither CEMS nor CPMS are employed for the engines.
§63.6655(c)	None	This section is not applicable since the engines are existing and do not fire landfill gas or digester gas.
§63.6655(d)	None	This section does not apply since the engines are not subject to emission and operating limitations.
§63.6655(e)	6.4.1.	This section requires demonstration of continuous compliance using recordkeeping of the information required by §63.6625(e) and §63.6625(e)(2). The engines are existing stationary emergency RICE; therefore, they meet the criteria of §63.6655(e)(2). Hence, this recordkeeping requirement has been

Section	Condition	Discussion
		written in the permit. The regulation language “any of the following stationary RICE” in the last sentence has been replaced with the applicable language “an existing stationary emergency RICE.”
§63.6655(f)	6.4.2.	The engines meet the criteria of §63.6655(f)(1); therefore, this section is applicable. The language of both §63.6655(f) and §63.6655(f)(1) have been combined to create one coherent and applicable condition.
§63.6660(a), (b), and (c)	6.4.3.	These applicable requirements have been written in the permit.

45CSR34 has been cited with each Subpart ZZZZ condition.

- V. **40 C.F.R. 63 Subpart DDDDD – National Emissions Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters.** On February 21, 2011, EPA signed the final rule for the Boiler MACT. This rule was published in the Federal Register on March 21, 2011 which established the existing source compliance date as March 21, 2014 (the new source compliance date was May 20, 2011). The Unit 1 Boiler [Em. Pt. ID No. 1E] is coal-fired with a maximum design heat input of 7,020 MMBtu/hr. The Unit 2 Boiler [Em. Pt. ID No. 2E] is coal-fired with a maximum design heat input of 7,020 MMBtu/hr. The Aux 1 Boiler [Em. Pt. ID No. Aux ML1] is oil-fired with a maximum design heat input of 663 MMBtu/hr. The 40 C.F.R. 63, Subpart DDDDD, “National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters,” placeholder language was included as Condition 4.1.16.

On May 18, 2011 EPA published a Federal Register final rule (76 FR 28662-28664) staying 40 CFR 63, Subpart DDDDD in its entirety along with an indefinite delay of its effective date. However, on January 9, 2012 the US District Court for the District of Columbia declared unlawful EPA’s May 18, 2011 stay and delay of the major source Boiler MACT (40 CFR 63, Subpart DDDDD) and new portions of CISWI (40 CFR 60, Subparts CCCC and DDDD). However, EPA has plans to finalize its reconsidered versions of these rules by Spring 2012, and replace these newly reinstated rules, including re-setting of reporting and compliance timelines. In a January 18, 2012 letter to Senator Wyden of Oregon, EPA Administrator Jackson stated that using its enforcement discretion, EPA does not intend for the recent court decision to impact new or existing sources in the interim before the new rules are promulgated.

- VI. **Minor Changes**
- a. The table of contents is revised to reflect current standard permit format that does not list subsections.
 - b. Stack Testing. Condition 3.2.1.d. was added and citation of authority was revised to match current standard permit language.
 - c. U.S. EPA Reporting. Conditions 3.4.3. and 3.4.5. have been revised to match current standard permit language.
 - d. The spelling of “maintenance” has been corrected in condition 4.1.15.
 - e. The permit number suffix has been revised for proposed permit shield section 3.7.2.1.

Non-Applicability Determinations

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

1. **45CSR7 – To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations.** The emission sources associated with the Dry Fly Ash Conversion Project (i.e., MM01 of operating permit R30-05100005-2009) are subject to 45CSR§2-5. Therefore, the PM emissions associated with MM01 are exempt from this rule in accordance with the exemption allowed in 45CSR§7-10.1.
2. **Prevention of Significant Deterioration and Title V Greenhouse Gas Tailoring Rule.** The facility has not made any changes for this permitting action (MM01) that trigger a PSD modification; therefore, the requirements of the GHG tailoring rule are non-applicable.
3. **40 C.F.R. 60 Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants.** Fly ash is not a *nonmetallic mineral* as defined in 40 C.F.R. §60.671; therefore, the emission sources associated the Dry Fly Ash Conversion Project (i.e., MM01 of operating permit R30-05100005-2009) are not subject to this regulation.

Request for Variances or Alternatives

None.

Insignificant Activities

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

Comment Period

Beginning Date: Not Applicable for minor modifications.
Ending Date: N/A

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

Denton B. McDerment, PE
Title V Permit Writer
West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

Procedure for Requesting Public Hearing

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

Point of Contact

Denton B. McDerment, PE
West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone: 304/926-0499 ext. 1221 • Fax: 304/926-0478

Response to Comments (Statement of Basis)

There is no official comment period for the public, which includes the permittee. However, DAQ gave the permittee opportunity to review the permit revision (from 3/29/2012 to 4/6/2012) prior to entering the proposed period. No reply was returned by the permittee during the allowed time period. The permit went to proposed status on 4/9/2012 when it was emailed to U.S. EPA. On 5/11/2012 and 5/21/2012 the permittee submitted a total of six comments on the proposed permit modification. Although the comments were received late, they are transcribed below, with a response following.

1. Permit Conditions 3.1.14, 3.1.15, 3.1.16: On December 30, 2011, the United States Court of Appeals for the D.C. Circuit issued its ruling to stay the Cross-State Air Pollution Rule (CSAPR) pending judicial review. While this decision will delay implementation of the CSAPR, it will also leave the Clean Air Interstate Rule (CAIR) in place while the Court considers the merits of the challenges to the CSAPR. All the requirements in CAIR, the CAIR Federal Implementation Plans (FIPs) and EPA-approved CAIR State Implementation Plans (SIPs) are federally enforceable and all sources that are covered by the three CAIR trading programs - the ozone-season NO_x trading program, the annual NO_x trading program, and the annual SO₂ trading program - must continue to comply with the requirements of those programs. Accordingly, AEP believes that it is not appropriate to delete the CAIR provisions currently cited in the Mitchell Title V permit at this time.

RESPONSE: The current CAIR conditions and application (Appendix G) will be reinstated in the final permit.

2. Permit Condition 3.1.17: AEP believes that CAMR provisions currently cited in the Mitchell Title V permit are no longer valid. 45 CSR 37 (Mercury Budget Trading Program To Reduce Mercury Emissions) was repealed by the West Virginia Legislature, effective June 1, 2009.

RESPONSE: The current CAMR condition 3.1.17. will be stricken in the final permit, and Compliance Order CO-R37-C-2008-4 (permit Appendix F), removed from the final permit. The CAIR application will be changed from Appendix G to F, and references to it in the Table of Contents, and in the CAIR permit conditions 3.1.14. through 3.1.16. revised.

3. Permit Condition 4.1.16: AEP believes that it is sufficient to simply address 40 CFR 63, Subpart DDDDD requirement by including proposed condition 4.1.16.a. alone, with a revision as noted below. Permit condition 4.1.16.a. should be revised such that Units 1 and 2 are not included in the condition. Units 1 and 2 are EGU's not affected by this rule. Proposed condition 4.1.16.b. is not necessary, as this requirement would already be addressed by the general requirement noted in 4.1.16.a. If WVDEP believes that 4.1.16.b. is necessary, then AEP requests that the specific requirement to require a "significant" Title V modification be removed from the condition. We believe that if 4.1.16.b. is to remain in the permit, then the condition should simply state that "*If required to conduct an initial compliance demonstration as specified in §63.7530(a), you must submit a Notification of Compliance Status according to §63.9(h)(2)(ii). For each initial compliance demonstration, you must submit the Notification of Compliance Status, including all performance test results and fuel analyses, before the close of business on the 60th day following the completion of the performance test and/or other initial compliance demonstrations according to §63.10(d)(2). The Notification of Compliance Status report must contain all the information specified in §63.7545.*" Section 63.7545 does not specify Title V permitting requirements. If WVDEP feels the proposed language is appropriate, AEP requests that appropriate regulatory citations be included that establish the need to process this as a significant Title V modification and that specifies the permitting and notification deadlines.

RESPONSE: This writer mistakenly included the EGU's Unit 1 and Unit 2. References to these will be removed in the final permit. DAQ has already determined that a significant modification will be required if the permittee is required to submit an NOCS. Thus, DAQ has developed and established standard language regarding submitting an NOCS and significant modification application, which was written as proposed condition 4.1.16.b. The language of 4.1.16.b. will be retained in the final permit without revision.

4. AEP believes permit condition 5.2.9 is arbitrary and unnecessary. The verbage used in 5.2.9 is taken the John E. Amos Plant Title V Permit (R30-07900006-2010: permit condition 3.1.11). The John E. Amos Plant Title V permit condition (3.1.11) is unrelated to Ohio Power Company's Mitchell Plant and was a state-enforceable only requirement, specified in a consent order (CO-R2-E-2005-2 §III.3) applicable only to John E. Amos Plant. This requirement does not apply to Mitchell Plant and is not necessary. The requirement to inspect, operate and maintain the ash handling systems and associated fugitive dust control systems is already addressed by permit conditions 3.1.12 and 3.3.4 in the Mitchell Title V permit.

RESPONSE: The condition was included in the proposed permit based only on the fact that it is mentioned in the engineering evaluation for underlying NSR permit R13-2608B. However, the NSR permit itself did not include it as a requirement. It is not used to demonstrate compliance with any limitation or standard in the proposed permit, and is already addressed by conditions 3.1.12. and 3.3.4. Therefore, proposed condition 5.2.9. will not be included in the final permit.

5. In addition to the Diesel Driven Quench pumps that are affected by 40 CFR 63 Subpart ZZZZ, there are also two diesel driven emergency fire pumps that will have the same applicability. I believe both of these pumps are 230 HP pumps used as an emergency backup in the event that the normal electric motor driven fire pumps are not operable. These fire pump engines where installed much earlier than the June 2006 date, making them existing emergency use engines that are less than 500 HP. I'm not sure of the exact installation date (they are likely original equipment installed back in the early 1970's). If you need exact information, I can make some calls and try to chase that down.

RESPONSE: The permittee's initial comment states that the emergency fire pump engines will have the same applicability as the emergency quench water pump engines. However, the permittee later notified this writer (6/8/2012 email) that there are some details regarding regulatory applicability of the diesel-driven fire pump engines that will take the permittee some time to work through. The permittee requested adding the diesel-driven fire pump engines at a later date. No change will be made in the final permit based upon this comment.

6. I would suggest that permit condition 6.1.7(iii) be simplified by deleting all but the first sentence. It seems that the majority of this condition would apply to emergency generators that may also provide some power to the grid but would not apply to simple engine driven emergency water pumps.

RESPONSE: It is normal and reasonable to exclude non-applicable language, which has already been done in other of the proposed permit conditions. The first sentence of the condition will be retained, and the non-applicable remainder of the condition will be removed for the final permit.

A summary of these above comments were sent to U.S. EPA on 5/22/2012. U.S. EPA responded that they have no comment on the permit, or on the comments submitted by the permittee.