

*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:
**Monongahela Power Company
Albright Power Station / Albright
R30-07700001-2009**

*John A. Benedict
Director*

*Issued: February 26, 2009 • Effective: March 12, 2009
Expiration: February 26, 2014 • Renewal: August 26, 2013*

Permit Number: **R30-07700001-2009**
Permittee: **Monongahela Power Company**
Facility Name: **Albright Power Station**
Mailing Address: **800 Cabin Hill Drive, Greensburg, PA 15601**

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:	Albright, Preston County, West Virginia
Mailing Address:	State Route 26, Albright, WV 26519
Telephone Number:	(304) 329-4200 / (304) 329-4278
Type of Business Entity:	LLC
Facility Description:	Electric Generating Service
SIC Codes:	Primary - 4911; Secondary – N/A; Tertiary – N/A
UTM Coordinates:	617.00 km Easting • 4372.00 km Northing • Zone 17

Permit Writer: Jesse Hanshaw, P.E.

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

Source ID	Emission Point ID	Equipment Description	Design Capacity	Year Installed / Modified	Pollution Control Device ID	Fugitive Dust Control System/ Control Device ¹
B1	STACK 1	Boiler # 1 - Riley Stoker, Wall fired Boiler, Model (NA)	954 mmBtu/hr	1952/1993	ESP # 1- Buell – High Efficiency, Model No. BA2.1x40K343-3P Collection plate area – 148,800 sq.ft. Particulate loading – 3 grains/cu.ft. Installed 1974	N/A
B2	STACK 2	Boiler # 2 - Riley Stoker, Wall Fired Boiler, Model (NA)	954 mmBtu/hr	1952/1993	ESP # 2 - Buell – High Efficiency, Model No. BA2.1x40K343-3P Collection plate area – 148,800 sq.ft. Particulate loading – 3 grains/cu.ft. Installed 1974	N/A
B3	STACK 3	Boiler # 3 – Combustion Engineering, Tangentially Fired Boiler	1342 mmBtu/hr	1953/1994	ESP # 3- Buell – High Efficiency, Model No. BA2.2x30K444-3P Collection plate area – 259,200 sq.ft. Particulate loading – 2 grains/cu.ft. Installed 1974	N/A
RH-1	RH-1	Reclaim Hopper – Receives coal from coal Stockpile. Transfer coal to Conveyor # 1	500 TPH	1952	N/A	PE (open only where coal goes in)
BC-1	BC-1	Conveyor # 1 - Conveyor from Reclaim Hopper to Crusher (CR-1)	500 TPH	1952	N/A	PE
CR-1	CR-1	Crusher (Pennsylvania Crusher)	250 TPH	1952	N/A	FE
BC-2	BC-2	Conveyor # 2 - Conveyor from Crusher to Conveyor # 3	500 TPH	1952	N/A	PE
BC-3	BC-3	Conveyor # 3 - Gets coal from Conveyor # 2 .Delivers coal to 3 coal bunkers for boilers	500 TPH	1952	N/A	PE
CB-1,CB-2,CB-3	CB-1,CB-2,CB-3	3 Coal Bunkers for Boilers 1, 2 & 3	7800 Ton each	1952	CBDC-1, CBDC-2, CBDC-3	Dust Collectors
AS-1	AS-1	Ash Silos #1	400 Tons	1952	ASDC-1,	Dust Collector
AS-2	AS-2	Ash Silos #2	400 Tons	1952	ASDC-2	Dust Collector
AS-3	AS-3	Ash Silos #3	700 Tons	1954	ASDC-3	Dust Collector
RB	RB	Reject Bin	5 Tons	1952	RBDC-1	Dust Collector

Source ID	Emission Point ID	Equipment Description	Design Capacity	Year Installed / Modified	Pollution Control Device ID	Fugitive Dust Control System/ Control Device ¹
AS	AS	Auger Coal Sampler	N/A	1979	N/A	FE
CCB	CCB	Ash/CCB Disposal area	N/A	1952	N/A	Hydroseeding
CS	CS	Coal Stockpile	80,000 to 200,000 Tons	1952	N/A	WT
PR	PR	Paved Roadways	App. 0.5 Miles	1952 to present	N/A	WT
UPR	UPR	Unpaved Roadways	App. 0.75 Miles	1952 to present	N/A	WT, WS
WFC	Fugitive	Walking floor Conveyor	30 Hp	2001		n/a ⁽²⁾
DB	Fugitive	Doffing Bin	7.5 Hp	2001		n/a ⁽²⁾
OFC-1	Fugitive	Out-feed Conveyer	7.5 Hp	2001		n/a ⁽²⁾
SIFC	Fugitive	Screen In-feed Conveyor	7.5 Hp	2001		n/a ⁽²⁾
DS	Fugitive	Disk Screen	30 TPH	2001		n/a ⁽²⁾
GM		Grinding Mill	30 TPH	2001	Cyclone, Dust Collector	
SOFC	Fugitive	Screen Out-feed Conveyer	7.5 Hp	2001		n/a ⁽²⁾
HSC	Fugitive	Horizontal Screw Conveyer	10 Hp	2001		n/a ⁽²⁾
ISC	Fugitive	Incline Screw Conveyer	15 Hp	2001		n/a ⁽²⁾
SFB	Fugitive	Silo Feed Blower	100 Hp	2001		n/a ⁽²⁾
SFA	Fugitive	Silo Feed Airlock	3 Hp	2001		n/a ⁽²⁾
SF	Fugitive	Silo Filter		2001		n/a ⁽²⁾
FS-1	Fugitive	Fuel Silo	270 tons	2001		n/a ⁽²⁾
RC	Fugitive	Reclaim Conveyer	15 Hp	2001		n/a ⁽²⁾
OFC-2	Fugitive	Out-feed Conveyer	7.5 Hp	2001		n/a ⁽²⁾
SBIFC	Fugitive	Surge Bin In-feed Conveyer	2 Hp	2001		n/a ⁽²⁾
SB-1	Fugitive	Surge Bin		2001		n/a ⁽²⁾
WBF	Fugitive	Weigh Belt Feeder	0.75 Hp	2001		n/a ⁽²⁾
INJB	Fugitive	Injection Bin		2001		n/a ⁽²⁾
IB-1 to IB-6	Fugitive	Injection Blowers	40 Hp	2001		n/a ⁽²⁾
RAV-1 to RAV4	Fugitive	Rotary Airlock Valves	2 Hp	2001		n/a ⁽²⁾
SC-1 to SC-4	Fugitive	Screw Conveyers	3 Hp	2001		n/a ⁽²⁾
Lines 1A, 1B, 2A, 2B, 3A, 3B	Fugitive	Hard Piping	3 TPH	2001		n/a ⁽²⁾

Source ID	Equipment Description / Location	Design Capacity	Year Installed/ Modified
A7AL	Turbine Oil Settling Tank No. 1 / Inside Plant	4,500 gallons	1952
A8AL	Turbine Oil Settling Tank No. 2 / Inside Plant	4,500 gallons	1952
A9AL	Sludge Tank No. 1 / Inside Plant	938 gallons	1952
A10AL	Turbine Oil Reservoir #3 / Inside Plant	3800 gallons	1954
A11AL	Turbine Oil Reservoir #1 / Inside Plant	2800 gallons	1952
A12AL	Turbine Oil Reservoir #2 / Inside Plant	2800 gallons	1952
A85AL	Hydraulic Oil Tank – Inside Coal Auger Bldg.	150 gallons	1979
A14AL	Degreaser Tank (Maintenance Shop) / Inside Plant	90 gallons	during 1970s
A15AL	Degreaser Tank (Electric Shop) / Inside Plant	18 gallons	1990
A84AL	Ethylene Glycol Storage Tank – Inside Crusher House	275 gallons	1986
A13AL	Fire Pump Fuel Oil Tank – Inside Fire Pump Bldg	275 gallons	1990
Oil House	Oil House (storage of 55 gal drums: and dispensing) - Indoors	Varies (3300 gallons)	1986
A29AL	Waste Oil Tank / Inside plant	550 gallons	1992
A17AL	Kerosene tank for Space Heaters - Outside Plant	275 gallons	1982
A90AL, A91AL	Hydrazine – boiler water treatment Mix Tank #1, #2 / Inside Plant	14 gallons each	1995
A92AL	Hydrazine – boiler water treatment Mix Tank #3 / Inside Plant	55 gallons	1995
1TOC	Turbotoc, Unit 1(Turbine Oil Conditioner) / Inside Plant	15 gpm off, 30 gpm on	1997
2TOC	Turbotoc, Unit 2(Turbine Oil Conditioner) / Inside Plant	15 gpm off, 30 gpm on	1994
3TOC	Bowser, Unit 3(Turbine Oil Filter) / Inside Plant	20 gpm	1987
A93AL	Bowser reservoir / Inside Plant	643 Gallons	1987
WTS-01	Grit Chamber containing waste water - Outside Plant	17,000 gallons	approx. 1976
WTS-02	Neutralization Basin containing waste water - Outside Plant	16,000 gallons	approx. 1976
WTS-03	Neutralization Basin Pump Pit containing waste water – Outside Plant	10,000 gallons	approx. 1976
WTS-04	North Lagoon containing waste water - Outside Plant	4,803,990 gallons	1952

Source ID	Equipment Description / Location	Design Capacity	Year Installed/ Modified
WTS-05	South Lagoon containing waste water - Outside Plant	6.3 million gallons	1952
A83AL	Diesel Fuel Tank (divided tank – 2000 gal off-road & 1000 gal on road) - Outside Plant	3000 gallons	1998
A82AL	Sulfuric Acid Tank – Outside Plant	5000 gallons	2000
A19AL	EDG-No. 2 Fuel Oil Tank / Inside Emergency Generator Building	240 gallons	1992
EDG	Emergency Diesel Generator – Cummins, Model 680F0C40DA, uses No. 2 Fuel Oil - Inside Emergency Generator Bldg	350 KW 469 HP	1952
	Replacement Fuel Oil Tank (above ground)	20,000	
	Replacement Fuel Oil Tank (above ground)	20,000	
	Gasoline Tank (above ground)	1,500	

¹ WT= Water Truck, PE = Partially Enclosed, WS = Water Spray.

² The biomass fuel typically has a high moisture content which in itself minimizes the potential for the release of fugitive particulate matter.

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. R13-1234). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-2752	7-30-2008

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	NSPS	New Source
CBI	Confidential Business Information		Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM₁₀	Particulate Matter less than 10µm in diameter
C.F.R. or CFR	Code of Federal Regulations		
CO	Carbon Monoxide	pph	Pounds per Hour
C.S.R. or CSR	Codes of State Rules	ppm	Parts per Million
DAQ	Division of Air Quality	PSD	Prevention of Significant Deterioration
DEP	Department of Environmental Protection	psi	Pounds per Square Inch
FOIA	Freedom of Information Act	SIC	Standard Industrial Classification
HAP	Hazardous Air Pollutant		
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower		
lbs/hr or lb/hr	Pounds per Hour	SO₂	Sulfur Dioxide
LDAR	Leak Detection and Repair	TAP	Toxic Air Pollutant
m	Thousand	TPY	Tons per Year
MACT	Maximum Achievable Control Technology	TRS	Total Reduced Sulfur
mm	Million	TSP	Total Suspended Particulate
mmBtu/hr	Million British Thermal Units per Hour	USEPA	United States Environmental Protection Agency
mmft³/hr or mmcf/hr	Million Cubic Feet Burned per Hour	UTM	Universal Transverse Mercator
NA or N/A	Not Applicable	VEE	Visual Emissions Evaluation
NAAQS	National Ambient Air Quality Standards	VOC	Volatile Organic Compounds
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-6.3.b.
[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.

- a. 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.
- b. The change shall not qualify for the permit shield.
- c. 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.
- d. 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.
- e. 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 should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

[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§30-8.7.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 45CSR§38]

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 (by the due date of the Acid Rain compliance certification) 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 40C.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 40C.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 40C.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 part 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 part 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. **Fugitive Particulate Matter Control.** No person shall cause, suffer, allow, or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:

- a. Stockpiling of ash or fuel either in the open or in enclosures such as silos;
- b. Transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and
- c. Ash or fuel handling systems and ash disposal areas.

[45CSR§2-5.1]

- 3.1.10. **NO_x Budget Trading Program.** The permittee shall comply with the standard requirements set forth in the attached NO_x Budget Permit Application (see Appendix A) 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.]

- 3.1.11. **CAMR Mercury Budget Trading Program.** The permittee shall comply with the standard requirements set forth in an Hg Budget Permit Application and the Hg Budget Permit requirements set forth in 45CSR37 for each Hg Budget source. The complete Hg Budget Permit Application shall be the CAMR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§37-6.1.b. and 20.1. State enforceable only]
- a. The CAMR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§37-2 and, upon recordation by the Administrator under sections 51 through 57, 60 through 62 of 45CSR37, every allocation, transfer or deduction of a Hg allowance to or from the compliance account of the Hg Budget source covered by the permit.
[45CSR§37-23.2. State enforceable only]
- b. Except as provided in 45CSR§37-23.2, the Secretary will revise the CAMR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.
[45CSR§37-24.1. State enforceable only]
- 3.1.12. **CAIR NO_x Annual Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix 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.]
- 3.1.13. **CAIR NO_x Ozone Season Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix 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.]
- 3.1.14. **CAIR SO₂ Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix D) and the CAIR permit requirements set forth in 45CSR41 for each CAIR SO₂ 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 SO₂ allowance to or from the compliance account of the CAIR SO₂ 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.]

3.2. Monitoring Requirements

- 3.2.1. None

3.3. Testing Requirements

- 3.3.1 **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with 45CSR§30-6.4. or 45CSR§30-6.5 as applicable.

- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with 45CSR§30-6.4. or 45CSR§30-6.5 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

[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. Such record shall contain an assessment of the validity of the complaints as well as any corrective actions taken.

[45CSR§30-5.1.c. State-Enforceable only.]

3.4.4 The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. The permittee shall also inspect all fugitive dust control systems weekly from May 1 through September 30 and monthly from October 1 through April 30 to ensure that they are operated and maintained in conformance with their designs. The permittee shall maintain records of all scheduled and non-scheduled maintenance and shall state any maintenance or corrective actions taken as a result of the weekly and/or monthly inspections, the times the fugitive dust control system(s) were inoperable and any corrective actions taken.

[45CSR§30-5.1.c.]

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, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
7012 MacCorkle Avenue, SE
Charleston, WV 25304-2943

Phone: 304/926-3727
FAX: 304/926-3739

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. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
[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 September 15 for the reporting period January 1 to June 30 and 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.]

- c. Every report submitted under this subsection shall be certified by a responsible official.

[45CSR§30-5.1.c.3.D.]

- 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.

40 C.F.R. 60 Subpart K, Ka	All tanks are below 40,000 gallons in capacity.
40 C.F.R. 60, Subpart Kb	All new tanks constructed after July 23, 1984 are less than the capacity threshold of 19813 gallons and/or have a vapor pressure less than 2.2 psi.
40 C.F.R. 60, Subpart D:	Albright's main boilers were constructed prior to August 17, 1971
40 C.F.R. 60, Subpart Da:	Albright's Units 1 and 2 boilers constructed before September 18, 1978
40 C.F.R. 60, Subpart Db:	Albright's Unit 3 boiler was constructed prior to June 19, 1984

40 C.F.R. 60, Subpart OOO:	Crushing, grinding, and screening equipment was installed and in operation prior to August 31, 1983
40 C.F.R. 60, Subpart Y:	Coal preparation equipment was not installed or modified after October 24, 1974; coal handling and storage equipment is not interfaced with coal breakers or coal crushers.
40 C.F.R. 63, Subpart Q:	Albright's new cooling tower started construction in 2007, however was designed not to use any chromium treatment compounds.
45CSR5:	The Rule to Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations, and Coal Disposal Areas is not applicable to the facility since 45CSR2 applies.
45CSR17:	The Rule to Prevent and Control Particulate Matter Air Pollution from Material Handling Preparation, Storage, and Other Sources of Fugitive Particulate Matter is not applicable to the facility since 45CSR2 applies.

4.0. Source-Specific Requirements [Boiler#1 (STACK 1), Boiler#2 (STACK 2)&Boiler#3(STACK3)]

4.0.1. Emergency Operating Scenarios

In the event of an unavoidable shortage of fuel having characteristics or specifications necessary to comply with the visible emission standard set forth in permit condition 4.1.1. of this permit, or any emergency situation or condition creating a threat to public safety or welfare, the Secretary may grant an exemption to the otherwise applicable visible emission standards for a period not to exceed fifteen (15) days, provided that visible emissions during that period do not exceed a maximum six (6) minute average of thirty (30) percent and that a reasonable demonstration is made by the owner or operator that the weight emission standards under permit conditions 4.1.3. of this permit, will not be exceeded during the exemption period.

[45CSR§2-10.1. State-Enforceable only]

4.1. Limitations and Standards

Particulate Matter

4.1.1. Visible Emissions from each stack shall not exceed ten (10) percent opacity based on a six minute block average.

[45CSR§2-3.1.]

4.1.2. Compliance with the visible emission requirements of 45CSR2 section 3.1. shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 or as described in the approved monitoring plan.

[45CSR§2-3.2, 45CSR§2A-6]

4.1.3. Particulate matter emissions from each stack (*STACK1* & *STACK2*) shall not exceed 47.7 lb/hr. particulate matter emissions from stack (*STACK 3*) shall not exceed 67.1 lb/hr.

[45CSR§2-4.1.a.]

4.1.4. The addition of sulfur oxides to a combustion unit exit gas stream for the purpose of improving emissions control equipment is prohibited unless written approval for such addition is provided by the Secretary.

[45CSR§2-4.4.]

4.1.5. Compliance with the visible emission limit shall be demonstrated by periodic testing in accordance with 40 CFR Part 60, Appendix A, Method 9, or a certified continuous opacity monitoring system, as approved by the Secretary. Compliance with the weight emission limit shall be demonstrated by periodic particulate matter stack testing, conducted in accordance with the appropriate test method set forth in the Appendix to 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such testing shall be conducted at a frequency to be established by the Secretary.

[45CSR§2-8.1.a.]

- 4.1.6. Compliance with the visible emissions limit shall be monitored as set forth in the approved monitoring plan (attached in Appendix B) for each emission unit.
[45CSR§2-8.2.a.]
- 4.1.7. Records of monitored data established in the monitoring plan shall be maintained on site and shall be made available to the Secretary or his duly authorized representative upon request.
[45CSR§2-8.3.a.]
- 4.1.8. A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. Such exception report shall provide details of all excursions outside the range of measured emissions or monitored parameters established in an approved monitoring plan, and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken.
[45CSR§2-8.3.b, 45CSR§2A]
- 4.1.9. Records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit, shall be maintained on-site in a manner to be established by the Secretary and made available to the Secretary or his duly authorized representative upon request.
[45CSR§2-8.3.c.]
- 4.1.10. The visible emission standards of condition 4.1.1 shall apply at all times except in periods of start-ups, shutdowns and malfunctions.
[45CSR§2-9.1.]
- 4.1.11. Any fuel burning unit(s) including associated air pollution control equipment, shall at all times, including periods of start-up, shutdowns, and malfunctions, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions.
[45CSR§2-9.2., 45CSR§16]

Nitrogen Oxides (NO₂)

- 4.1.12. Nitrogen oxide emissions from *STACK1*, *STACK2* & *STACK3* shall not exceed NO_x limits specified in the Acid Rain Permit (Appendix C).
[45CSR§33]

Sulfur Dioxide (SO₂)

- 4.1.13. Sulfur dioxide emissions from the Boiler #1 (STACK 1) shall not exceed 3052.8 lb/hr.
[45CSR§10-3.1.e.]
- 4.1.14. Sulfur dioxide emissions from the Boiler # 2 (STACK 2) shall not exceed 3052.8 lb/hr.
[45CSR§10-3.1.e.]
- 4.1.15. Sulfur dioxide emissions from the Boiler # 3 (STACK 3) shall not exceed 4294.4 lb/hr.
[45CSR§10-3.1.e.]

- 4.1.16. Compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on a continuous twenty-four (24) hour averaging time. Emissions shall not be allowed to exceed the weight emissions standards for sulfur dioxide as set forth in 45CSR10, except during one (1) continuous twenty-four (24) hour period in each calendar month. During this one (1) continuous twenty-four hour period, emissions shall not be allowed to exceed such weight emission standards by more than ten percent (10%) without causing a violation of 45CSR10. A continuous twenty-four (24) hour period is defined as one (1) calendar day. (*STACK1, STACK2, STACK3*)
[45CSR§10-3.8.]

Acid Rain Program

- 4.1.17. Boiler No. 1, Boiler No. 2, and Boiler No. 3 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 Appendix C);
 - 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. 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. 72, Subpart I and 40 C.F.R. 75.

[45CSR33, 40 C.F.R. Parts 72, 73, 74, 75, 76, 77, 78.]

4.2. Monitoring Requirements

- 4.2.1. Compliance with the visible emission requirements for *STACK1, STACK2* and *STACK3* shall be determined as outlined in section I.A. of the *Revision 1* "Monitoring and Recordkeeping Plan 45CSR2 and 45CSR10" submitted on January 1, 1998 and which is attached in Appendix B of this permit. (Monitoring Plan Approval Date – August 30, 2001)
[45CSR§§2-3.2. & 8.2.]
- 4.2.2. The owner or operator shall install, calibrate, certify, operate, and maintain continuous monitoring systems that measure and record Opacity and all SO₂, NO_x, and CO₂ emissions from emission points Stack 1, Stack 2, and Stack 3 as specified in 40 C.F.R. Part 75. The one minute average opacity data shall be used as an input to calculate one minute PM emission rates. Opacity shall be measured on a continuous basis with the exception of QC/QA periods, monitor malfunctions periods, and periods where the boiler is off-line.
[45CSR§30-5.1.c., 45CSR33, 40 C.F.R. § 75.10, and 40 C.F.R. § 64.3(b)(1)]

- 4.2.3. The Data Acquisition System shall be programmed to calculate PM emissions (lb/hr) from opacity data. The equation used to calculate TSP emissions will be developed using the opacity vs. TSP concentration correlation curves as determined by particulate testing with the TEOM 7000. The opacity vs. TSP concentration curve will be developed using at least 1,000 paired data points that will attempt to capture a normal full daily cycle of operations. An excursion shall be defined as a 3-hour block average where the calculated PM emission rate exceeds the limit established in 45CSR§2-4.1.a. (47.7 lb/hr for Boilers B1 and B2; 67.1 lb/hr for Unit B3)
[45CSR§30-5.1.c. and 40 C.F.R. § 64.3(b)(1)]
- 4.2.4. The COM QA/QC procedures shall be consistent with the applicable requirements of 40 CFR Part 75.
[40 C.F.R. §75.21 and 40 C.F.R. § 64.3(b)(3)]
- 4.2.5. The TSP emission data collected by the TEOM 7000 shall be validated in accordance with manufacturer's recommendations as approved by EPA in the alternative Reference Method approval letter dated October 3, 2002, from Conniesue B. Oldham, EPA to Mr. Edward C. Burgher of Rupprecht & Patashnick Co., Inc.

Additionally, validation testing shall be conducted at the Albright Station during the next scheduled 45CSR2 stack testing event. At this time, data shall be collected by the TEOM 7000 in an effort to provide validation as an alternative method in accordance with EPA Method 301 (40 CFR 60 Appendix A). The TEOM results shall be compared to those obtained simultaneously, using Method 5 (40 CFR 60, Appendix A). Should the validation testing warrant a bias correction being applied, the existing TEOM 7000 / COM opacity calibration curve shall be updated to incorporate the new test data as well as revised to incorporate any necessary bias.

If, before the scheduled 45CSR2 Method 5 testing, Monongahela Power provides documentation, which supports the use of the TEOM 7000 method as a valid alternative to Method 5, the Method 301 validation testing will not be necessary. Any supporting documentation must be submitted to WV Division of Air Quality at least 90 days prior to the first scheduled 45CSR2 testing event.
[45CSR§30-5.1.c. and 40 C.F.R. § 64.3(b)(3)]

- 4.2.6. The CAM related testing and CAM plan implementation shall be conducted according to the following schedule:
1. MON Power Co. shall submit a CAM testing protocol to the Department at least 30 days prior to the proposed test date.
 2. MON Power Co. shall complete the CAM testing within 120 days of the issuance if this permit.
 3. Testing results, including the excursion limits, and the generated opacity to particulate matter correlation curve shall be submitted to the Department within 45 days after completion of testing.
 4. Within 15 days of submittal of the testing results and the generated opacity to particulate matter correlation curve, Allegheny Energy shall begin implementation of the CAM plan. However, under no circumstances shall the CAM implementation plan, which includes completing installation and beginning operation of the monitoring, exceed 180 days beyond permit issuance.

[45CSR§30-5.1.c. and 40 C.F.R. § 64.4(e)]

4.3. Testing Requirements

- 4.3.1. The owner or operator shall conduct, or have conducted, tests to determine the compliance of Boiler No. 1, Boiler No. 2 and Boiler No. 3 with the particulate matter weight emission standards (in lbs/hr). Such tests shall be conducted in accordance with the appropriate method set forth in 45CSR2 Appendix - Compliance Test Procedures for 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such tests shall be conducted in accordance with the schedule set forth in the following table.

Test	Test Results	Testing Frequency
Annual	After three successive tests indicate mass emission rates $\leq 50\%$ of weight emission standard	Once/3 years
Annual	After two successive tests indicate mass emission rates between 50% and 80 % of weight emission standard	Once/2 years
Annual	Any tests indicates a mass emission rate $\geq 80\%$ of weight emission standard	Annual
Once/2 years	After two successive tests indicate mass emission rates $\leq 50\%$ of weight emission standard	Once/3 years
Once/2 years	Any tests indicates a mass emission rate between 50% and 80 % of weight emission standard	Once/2 years
Once/2 years	Any tests indicates a mass emission rate $\geq 80\%$ of weight emission standard	Annual
Once/3 years	Any tests indicates a mass emission rate $\leq 50\%$ of weight emission standard	Once/3 years
Once/3 years	Any test indicates mass emission rates between 50% and 80 % of weight emission standard	Once/2 years
Once/3 years	Any test indicates a mass emission rate $\geq 80\%$ of weight emission standard	Annual

The last testing event conducted during January 24-27, 2008 show Boilers 1-3 to be less than 50% of the applicable weight emission standards; therefore, the frequency of testing will remain at once every three years as specified above. The next round of compliance tests for particulate matter will be due by January 24, 2011.

[45CSR§2-8.1., 45CSR§2A-5.2.]

4.4. Recordkeeping Requirements

- 4.4.1. Compliance with the operating and fuel usage requirements of permit condition 4.1.9 shall be demonstrated as outlined in “45CSR2 Monitoring Plan” attached as Appendix B of this permit.
[45CSR§2-8.3.c.]
- 4.4.2. Opacity - one minute average opacity data shall be collected and stored, and hourly averages based on the one minute data shall be calculated and stored on a certified Data Acquisition System (DAS). TSP - The one minute data, calculated from the one minute average opacity data, shall be used to calculate a 1-hour block average which shall be used to calculate a 3-hour rolling average, all of which shall be stored on a certified DAS.
[45CSR§30-5.1.c. and 40 C.F.R. 64.9(b)]

4.5. Reporting Requirements

- 4.5.1. The designated representative shall electronically report SO₂, NO_x, and CO₂ emissions data and information as specified in 40 C.F.R. § 75.64 to the Administrator of USEPA, quarterly. Each electronic report must be submitted within thirty (30) days following the end of each calendar quarter.
[45CSR33, 40 C.F.R. § 75.64]
- 4.5.2. Compliance with the periodic exception reporting of permit condition 4.1.8. shall be demonstrated as outlined in “45CSR2 Monitoring Plan” attached as Appendix B of this permit.
[45CSR§2-8.3.b.]
- 4.5.3. Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Secretary:
- a. The excess opacity period does not exceed thirty (30) minutes within any twenty-four (24) hour period; and
 - b. Excess opacity does not exceed forty percent (40%).
- [45CSR§2-9.3.a.]**
- 4.5.4. Except as provided in permit condition 4.5.3. above, the owner or operator shall report to the Secretary by telephone, telefax, or e-mail any malfunction of Boiler No. 1, Boiler No. 2 or Boiler No. 3 or their associated air pollution control equipment, which results in any excess particulate matter or excess opacity, by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Secretary within thirty (30) days providing the following information:
- a. A detailed explanation of the factors involved or causes of the malfunction;
 - b. The date, and time of duration (with starting and ending times) of the period of excess emissions;

- c. An estimate of the mass of excess emissions discharged during the malfunction period;
- d. The maximum opacity measured or observed during the malfunction;
- e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and
- f. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3.b.]

5.0 Source-Specific Requirements [Co-Firing of Biomass in Boilers 1, 2, and 3]

5.1. Limitations and Standards

- 5.1.1. This permit authorizes the combustion of biomass at the Albright Power Station in accordance with the following requirements:
- a. Co-firing of biomass shall not exceed a per-unit rate of 7.95 tons per hour in Units 1 and 2, and a rate of 11.18 tons per hour in Unit 3.
 - b. Combustion of biomass shall not exceed 60,000 aggregate tons per year (as calculated on a 12 month rolling basis) in Units 1, 2, and 3.
 - c. For the purposes of this permit, “biomass” shall be defined as hogged wood, bark, sawdust, shavings, chips, mill rejects, sanderdust, or wood trim.

[45CSR13, R13-2752 condition 4.1.1., Emission Units (B1, B2, B3)]

- 5.1.2. When co-firing biomass, emissions in pounds per hour shall not exceed those given in the following table:

Table 4.1.3.: Hourly Emission Limits

Pollutant	STACK1	STACK2	STACK3
PM _{2.5}	15.31	15.31	21.53
PM ₁₀	32.06	32.06	45.09
PM	47.39	47.39	66.65
VOCs	2.29	2.29	3.41

[45CSR13, R13-2752 condition 4.1.3., Emission Units (B1, B2, B3)]

- 5.1.3. The permittee shall minimize the entrainment of fugitive particulate matter from the biomass handling operations by operating in accordance with the following:
- a. Trucks that deliver biomass shall be tarped;
 - b. Biomass shall be stored closed silos;
 - c. Biomass shall be introduced to the boilers via a closed piping system.

[45CSR13, R13-2752 condition 4.1.4., Emission Units (B1, B2, B3, FS-1)]

- 5.1.4. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 of R13-2752 as the grinding mill (GM) cyclone, boiler ESPs, and dust collector as well as any associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.

[45CSR§13-5.11., 45CSR13, R13-2752 condition 4.1.5., Emission Units (B1, B2, B3)]

5.2. Monitoring Requirements

- 5.2.1. For the purposes of demonstrating compliance with maximum biomass usage limit set forth in 5.1.1(a), the permittee shall install, evaluate, operate, and maintain instrumentation to record the weight rate of biomass being combusted by each boiler. **[45CSR13, R13-2752 condition 4.2.1., Emission Units (B1, B2, B3)]**
- 5.2.2. For the purposes of demonstrating compliance with maximum biomass usage limit set forth in 5.1.1(b), the permittee shall maintain monthly and rolling twelve month records of the amount of biomass that is combusted in each boiler. **[45CSR13, R13-2752 condition 4.2.2., Emission Units (B1, B2, B3)]**
- 5.2.3. The permittee shall monitor applicable annual emissions as required under 45CSR§14-19.8.
45CSR§14-19.8.c.
The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in 45CSR§14-19.8.a.1. The owner or operator shall calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit. **[45CSR13, R13-2752 condition 4.3.3., 45CSR§14-19.8.c., Emission Units (B1, B2, B3)]**

5.3. Testing Requirements

- 5.3.1. Notwithstanding any other testing requirements, within 60 days after co-firing biomass at a level in excess of 50% of the combustion rate limit specified under 5.1.1(a) for each boiler, but not later than 180 days after co-firing biomass in a boiler, and at such times thereafter as may be required by the Secretary, the permittee shall conduct or have conducted performance test(s) on the boiler in question to determine compliance with the particulate matter emission limits under 5.1.2. Compliance testing shall be conducted at the maximum permitted biomass combustion rate for each boiler unless otherwise specified by the Director. Should the maximum biomass combustion rate allowed in this permit not be attainable during the compliance testing, then the biomass combustion rate attained during compliance testing shall be the maximum biomass combustion rate allowed by this permit for each boiler until such time as a new compliance test is conducted at a higher biomass combustion rate. **[45CSR13, R13-2752 condition 4.3.1., Emission Units (B1, B2, B3)]**

5.4. Recordkeeping Requirements

5.4.1. **Record of Monitoring.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

[45CSR13, R13-2752 condition 4.4.1., Emission Units (B1, B2, B3)]

5.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0 of R13-2752 as the grinding mill (GM) cyclone, boiler ESPs, and dust collector, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

[45CSR13, R13-2752 condition 4.4.2., Emission Units (B1, B2, B3)]

5.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0 of R13-2752 as the grinding mill (GM) cyclone, boiler ESPs, and dust collector, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

- a. The equipment involved.
- b. Steps taken to minimize emissions during the event.
- c. The duration of the event.
- d. The estimated increase in emissions during the event.

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

- e. The cause of the malfunction.
- f. Steps taken to correct the malfunction.
- g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13, R13-2752 condition 4.4.3., Emission Units (B1, B2, B3)]

- 5.4.4. The permittee shall abide by the record-keeping requirements given under 45CSR§14-19.8. Compliance with this record-keeping requirement is determined to be equivalent to that defined within monitoring section 5.2.3. of this permit. Therefore, compliance with 5.2.3. streamlines compliance with 5.4.4.
[45CSR13, R13-2752 condition 4.4.4., 45CSR§14-19.8.c., Emission Units (B1, B2, B3)]

5.5. Reporting Requirements

- 5.5.1. The permittee shall abide by the reporting requirements given under 45CSR§14-19.8.

45CSR§14-19.8.d.

If the unit is an existing electric utility steam generating unit, the owner or operator shall submit a report to the Secretary within 60 days after the end of each year during which records must be generated under 45CSR§14-19.8.c. setting out the unit's annual emissions during the calendar year that preceded submission of the report.

[45CSR13, R13-2752 condition 4.5.1., 45CSR§14-19.8.d., Emission Units (B1, B2, B3)]

APPENDIX A

Albright Power Station NOx Budget Permit Application

Albright Power Station

Plan Attachment Step 1

NO_x Budget Permit Application
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(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 shall hold NO allowances available for compliance deductions under subsections 54.4, 54.5, 54.6 or 54.8 of 45CSR1 or 45CSR26-54.4, 54.5, 54.6 or 54.8 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, 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 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 86 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 file 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 86 of 45CSR1 and/or subparts D, H or I of 40 CFR part 97 as applicable.

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(f) Liability

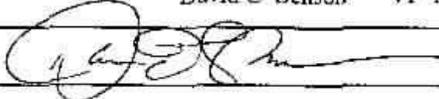
- (1) Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program a NO_x Budget permit or an exemption under subsection 4.2 or section 5 of 45CSR1 or 45CSR26 and/or § 97 4(b) or § 97 5 shall be subject to enforcement pursuant to 16 Pa. Code §§22-5-1 et seq. of 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. of 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.

David C Benson VP Production & Sales	
Name	
Signature	
Date	2-7-02

APPENDIX B

Albright Power Station 45CSR2 & 45CSR10 Monitoring Plan

Revision 1

Approved - August 30, 2001

Monitoring and Recordkeeping Plan 45 CSR 2 and 45 CSR 10 Utility Boilers

Facility Information:

Facility Name: Albright Power Station

Facility Address: Albright Power Station
State Route 26
Albright, WV 26519

Facility Contact: Blair Cox
Albright Power Station
Telephone (304) 329-4220
FAX #(304) 329-4278
Or
Thomas Nutter
Albright Power Station
Telephone (304) 329-4263
FAX # (304) 329-4278

Regional Director: Allen McDonald
Ft. Martin Power Station
Telephone (304) 598-5250

Environmental Manager: Jeannine Hammer
Greensburg Corporate Center
Telephone (724) 838-6064

Facility Description: (Plant ID # 7700001)

Albright Power Station is a coal-fired electric generating facility with three main combustion units (Units 1, 2 & 3) with in-service dates of 1952, 1952, and 1954 respectively, discharging through three individual stacks. Stacks 1 & 2 each have a height of approximately 166', with an outlet diameter of approximately 11.5'. Stack 3 has a height of approximately 225' with an outlet diameter of approximately 13.5'. Each unit has an electrostatic precipitator (ESP) with 99.5% removal efficiency. Albright Power Station does not have any auxiliary boilers. Each unit has a design heat input greater than 10mmBtu/hr making them subject to 45CSR 2 and 45 CSR 10.

I. 45 CSR 2 Monitoring Plan:

In accordance with §. 8.2A of 45 CSR 2, the following proposed plan is for monitoring compliance with opacity limits found in § 3 of that rule:

A. Stacks 1, 2 and 3

1. Applicable Standard: 10% opacity based on a six-minute block average 45 CSR 2, § 3.1.
2. Monitoring Methods(s)
 - a. The primary method for monitoring opacity at the Albright Power Station will be Continuous Opacity Monitors (COMS). The COMS are installed, maintained and operated in compliance with 40 CFR Part 60 (NSPS) and Part 75 (Acid Rain).
 - b. Other Credible Monitoring Method(s): Albright Power Station is reserving the right to use Method 9 readings, or any other appropriate method that would produce credible data. These “other monitoring methods” will generally be used in the absence of COMS data or as other credible evidence used in conjunction with COMS data. If used, Method 9 readings, with a minimum duration of 30 minutes, will be conducted daily when following conditions are met: 1) The boilers have operated at normal, stable load conditions for at least 24 consecutive hours, and 2) weather/lighting conditions are conducive to taking proper Method 9 readings.

II. 45 CSR 10 Monitoring Plan:

In accordance with § 8.2c of 45 CSR 10, following is the proposed plan for monitoring compliance with the sulfur dioxide weight emission standards expressed in § 3 of that of that rule:

A. Stacks 1, 2 and 3

1. Applicable Standard: The product of 3.2 and the total design heat inputs for all units discharging through the stacks in million BTU’s per hour. Compliance with the SO₂ limit is based on a continuous 24-hour averaging time, 45 CSR 10, § 3.3c.
2. Primary Monitoring Method: The primary method of monitoring SO₂ mass emissions from Stacks 1, 2 and 3 will be Continuous Emission Monitors (CEMS). The CEMS are installed, maintained and operated in compliance with 40 CFR Part 75. As specified in 45 CSR 10, § 8.2.c.1, measurement with a certified CEMS shall satisfy the monitoring plan requirements.
3. Other Credible Monitoring Methods: While CEMS is the primary monitoring method, in the absence of CEMS, we reserve the right to use ASTM compliant fuel sampling and analysis or any other appropriate method that would produce credible data.

III. 45 CSR 2 Recordkeeping and Reporting Plan

A. Operating Schedule and Quality/Quantity of Fuel Burned

1. The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule, and the quality and quantity of fuel burned in each fuel burning unit as determined in 45 CSR 2A, § 7.1.a.
2. Pipeline quality natural gas only, If used: such record shall include, but not limited to, the date and time of start-up and shutdown, and the quantity of fuel consumed on a monthly basis as determined in 45 CSR 2A, § 7.1.a.1.
3. Distillate oil only: such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a monthly basis as determined in 45 CSR 2A, § 7.1.a.2.
4. Coal only: such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis and an ash, BTU and sulfur content analysis for each shipment as determined in 45 CSR 2A, § 7.1.a.4.
5. Alternative, and/or opportunity fuel(s): such records shall include, but not be limited to, the date and time of start-up and shutdown, and fuel quality analysis as approved by the director as determined by 45 CSR 2A, § 7.1.a.5.
6. Combination of fuels: the owner or operator shall comply with the applicable recordkeeping requirements of §§ 7.1.a.1 through 7.1.a.5 for each fuel burned as determined in 45 CSR 2A, § 7.1.a.6.

B. Record Maintenance

1. Records of all required monitoring data and support information shall be maintained on-site for a period of at least five (5) Years from the date of monitoring, sampling, testing, measurement and reporting. Support information includes all calibration and maintenance records, strip charts, and copies of all required reports.

C. Exception Reporting

1. Compliance with the reporting and testing requirements under the Appendix to 45 CSR 2 shall fulfill the requirement for a periodic exception report under subdivision 8.3.b or 45 CSR 2 – 45 CSR 2A, § 7.2.a.
2. COMS: “Summary Report and/or Monitoring System Performance Report”: Each owner or operator employing COMS as the method for monitoring opacity shall submit a summary report and /or an excursion and COMS monitoring system report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may require more frequent reporting if deemed necessary to accurately assess compliance. The COMS summary report will be in an already established format, or one specified by the Director.

- a. If the duration of excursions for the reporting period is less than one percent (1%) of the total operating time and monitoring system downtime for the reporting period is less than five percent (5%) of the total operating time, the summary report shall be submitted to the Director, the excursion and COMS monitoring system report shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 2A, § 7.2.b.1.
 - b. If the total duration of excursions for the reporting period is one percent (1%) or greater of the total operating time, or total monitoring system downtime for the reporting period is five percent (5%) or greater, both reports shall be submitted to the Director. Ref 45 CSR 2A, § 7.2.b.2.
 - c. The excursion and COMS monitoring system report shall be in a format approved by the Director and shall include, but not be limited to the following information. Ref 45 CSR 2A, §§. 7.2.b.3, 7.2.b.3.A, B, C, D, and E.
 - d. The magnitude of each excursion, including the date and time, and the starting and ending times of each excursion.
 - e. Specific identification of each excursion that occurs during start-ups, shutdowns and malfunctions.
 - f. The nature and cause of any excursion (if known), and the corrective action taken and preventative measures adopted (if any).
 - g. The date and time identifying each period during which quality controlled (assured) monitoring data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of repairs or adjustments to the monitoring system.
 - h. When no excursions have occurred or there were no periods of quality controlled data unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report.
3. Non-COMS Based Monitoring, Summary Report and Excursion Report. Each owner or operator employing non-COMS based monitoring shall submit a monitoring summary report and/or an excursion report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may request more frequent reporting if deemed necessary to accurately assess the compliance of the units. The report shall be in a format approved by the Director. Ref. 45 CSR 2A, § 7.2.c.
- a. If the total number of excursions for the reporting period is less than one percent (1%) of the total number of readings for the reporting period and the number of readings missing for the reporting period is less than five percent (5%) of the total number of readings agreed upon in the monitoring plan, the monitoring summary report shall be submitted to the Director, and the excursion report shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 2A, § 7.2.c.1.
 - b. If the number of excursions for the reporting period is one percent (1%) or greater of the total number of readings for the reporting period or the number of readings missing for the reporting period is five percent (5%) or greater, the monitoring plan summary report and the

excursion report shall both be submitted to the Director. Ref 45 CSR 2A, § 7.2.c.2.

- c. The excursion and monitoring plan report shall be in a format approved by the Director and shall include, but not be limited to, the information as outlined in Paragraph C.2.d, e, f, g, and h of this plan.
- d. To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45 CSR 2 shall be followed. Ref. 45 CSR 2A, § 7.2.d.

IV. 45 CSR 10 Recordkeeping and Reporting Plan

A. Operating Schedule and Quality/Quantity of Fuel Burned

1. The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule and the quality and quantity of fuel burned in each unit. Such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis, and a periodic fuel quality analysis as set forth below. Ref. 45 CSR 10 A, § 7.1.a:

≥90% of Factor	daily
<90% of Factor	per shipment

The owner or operator shall provide in the monitoring plan a quality control and quality assurance program for the fuel analysis. If a certified independent laboratory is used to provide the fuel analysis, the quality control and assurance program is deemed to be satisfactory. Ref 45 CSR 10A, §7.1.a.1.

The owner/operator of fuel burning units utilizing CEMS shall be exempt from the provisions of Sections 7.1.a and 7.1.b. Reference 45 CSR 10A § 7.1.c.

B. Record Maintenance

1. For fuel burning units, and combustion sources, records of all required monitoring data and support information shall be maintained on-site for a period of at least five (5) years from the date of monitoring, sampling, measurement or reporting. Support information includes all calibration and maintenance records and all strip chart recordings, and copies of all reports. Ref. 45 CSR 10A, § 7.1.d.

C. Exception Reporting

1. CEMS – each owner or operator employing CEMS for an approved monitoring plan shall submit a CEMS summary report and/or an excursion report quarterly (within 30 days of end of quarter) to the Director. The Director may request more frequent reports if deemed necessary to assess

compliance of the units. The CEMS report shall be submitted in a format approved by the Director, or as specified by the Director. Ref 45 CSR 10A, § 7.2.a

- a. Submittal of 40 CFR Part 75 data in electronic data reporting (EDR) format to the Director shall be deemed to satisfy the requirements of Section 7.2.a. Ref 45 CSR 10A, § 7.2.a.1
2. If the total duration of excursions for the reporting period is less than four percent (4%) of the total source operating time for the reporting period and the total monitoring method downtime for the reporting period is less than five percent (5%) of the total source operating time for the reporting period, only the CEMS summary shall be submitted. The excursion summary shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 10A, § 7.2.a.2.
3. If the total duration of excursions for the reporting period is four percent or greater of the total operating time for the reporting period or the total monitoring method downtime for the reporting period is five percent (5%) or greater of the total operating time for the reporting period, the CEMS summary report and the excursion report shall both be submitted to the Director. Ref. 45 CSR 10A, § 7.2.a.3.
4. The CEMS excursion and monitoring report shall be in format approved by the Director and shall include the following information. Ref. 45 CSR 10 A, § 7.2.a.4.
 - a. The magnitude of each excursion, and the date and time, including starting and ending times of each excursion. Ref. 45 CSR 10A, § 7.2.a.4.A.
 - b. Specific identification of each excursion that occurs during startups, shutdowns, and malfunctions of the facility. Ref. 45 CSR10A, § 7.2.a.4.B.
 - c. The nature and cause of any malfunction (if known), and the corrective action taken and preventive measures adopted. Ref. 45 CSR 10A, § 7.2.a.4.C.
 - d. The date and time identifying each period during which quality assured data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of the repairs or adjustments to the monitoring system. Ref. 45 CSR 10A, § 7.2.a.4.D.
 - e. When no excursions have occurred or there were no periods of quality assured unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report. Ref. 45 CSR 10A, § 7.2.a.4.E.
5. Non-COMS based monitoring – each owner or operator employing non COMS based monitoring shall submit a monitoring summary report and an excursion report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may require more frequent reporting if deemed necessary to assess the compliance of the fuel burning units. The monitoring summary report shall contain the information and be in a format approved by the Director. Ref. 45 CSR 10A, § 7.2.b.
 - a. If the total number of excursions for the reporting period is less than four percent (4%) of the

total number of readings for the reporting period and the number of readings missing for the reporting period is less than five percent (5%) of the total number of readings agreed upon in the monitoring plan, the monitoring summary report shall be submitted to the Director, and the excursion report shall be maintained on-site and shall be submitted to the Director upon request. Ref. 45 CSR 10A, § 7.2.b.1.

- b. If the number of excursions for the reporting period is four percent (4%) or greater of the total number of readings for the reporting period or the number of readings missing for the reporting period is five percent (5%) or greater, the monitoring plan summary report and the excursion report shall both be submitted to the Director. Ref 45 CSR 10A, § 7.2.b.2.
6. The CEMS excursion and monitoring report shall be in format approved by the Director and shall include the following information. Ref. 45 CSR 10 A, § 7.2.b.3.
 - a. The magnitude of each excursion, and the date and time, including starting and ending times of each excursion. Ref. 45 CSR 10A, § 7.2.b.3.A.
 - b. Specific identification of each excursion that occurs during startups, shutdowns, and malfunctions of the facility. Ref. 45 CSR10A, § 7.2.b.3.B.
 - c. The nature and cause of any malfunction (if known), and the corrective action taken and preventive measures adopted. Ref. 45 CSR 10A, § 7.2.b.3.C.
 - d. The date and time identifying each period during which quality assured data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of the repairs or adjustments to the monitoring system. Ref. 45 CSR 10A, § 7.2.b.3.D.
 - e. When no excursions have occurred or there were no periods of quality assured unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report. Ref. 45 CSR 10A, § 7.2.b.3.E.

ALBRIGHT POWER STATION
 REVISION 1

45CSR2A

Table 1 - Sum of Design Heat Inputs for Similar Units

Type 'a'		Type 'b'		Type 'c'	
(A) Unit ID	(B) DHI (mmBtu/hr)	(C) Unit ID	(D) DHI (mmBtu/hr)	(E) Unit ID	(F) DHI (mmBtu/hr)
1	954	N/A	N/A		
2	954				
3	1,342				
Sum of DHI for all Type 'a' units	3,250	Sum of DHI for all Type 'b' units	0	Sum of DHI for all Type 'c' units	0

ALBRIGHT POWER STATION
 REVISION 1
 45CSR2A

Table 2 - Weight Emission Limits for Similar Units

(A) Type of Units	(B) Total Design Heat Input (mmBtu/hr)	(C) Factor from 45 CSR 2 Subsection 4.1 (lb/mmBtu)	(D) Weight Emission Rate (lb/hr)
Sum of DHI for all Type a units	3,250	0.15	162.5
Sum of DHI for all Type b units		0.09	0
Sum of DHI for all Type c units		N/A - 45 CSR 2 Table 4.5 45CSR2 Table 4.5	

¹ If the calculated weight emission limit for Type a units is greater than 1200 lbs/hr then 1200 lbs/hr is the limit
² If the calculated weight emission limit for Type b units is greater than 600 lbs/hr then 600 lbs/hr is the limit

ALBRIGHT POWER STATION
 REVISION 1

45CSR2A

In Table 4 below the owner or operator may register individual stack allowable emission rates differing from those calculated in Table 3 as provided for in 45CSR2, Subsection 4.2

Table 4 - Registration of Alternative Stack Emission Rates		
(A) Stack ID	(B) Identify each unit venting thru stack	(C) Alternative Stack Emission Rate (lb/hr)
Sum of Alternative Stack Emission Rates (lb/hr)		0

¹ The sum of the Alternative Stack Emission Rates for similar units shall not exceed the Weight Emission Rates for all Similar Units in Table 2, Column D

ALBRIGHT POWER STATION
 REVISION 1
 45CSR10A

Table 1 - Sum of Design Heat Inputs for Similar Units

Type 'a'		Type 'b'		Type 'c'	
(A) Unit ID	(B) DHI (mmBtu/hr)	(C) Unit ID	(D) DHI (mmBtu/hr)	(E) Unit ID	(F) DHI (mmBtu/hr)
1	954	N/A	N/A		
2	954				
3	1 342				
Sum of DHI for all Type 'a' units	3,250	Sum of DHI for all Type 'b' units	0	Sum of DHI for all Type 'c' units	0

ALBRIGHT POWER STATION
 REVISION 1
 45CSR10A

Table 2 - Weight Emission Limits for Similar Units

(A)	(B)	(C)	(D)
	Total Design Heat Input (mmBtu/hr)	Factor from 45CSR10 Section 3	Weight Emission Rate (lb/hr) (B * C * D)
Sum of DHEI for all Type a units	3 250	3.2	10 400
Sum of DHEI for all Type b units			0
Sum of DHEI for all Type c units			0

ALBRIGHT POWER STATION
 REVISION 1
 45CSR10A

Table 3 - Registration of Standard Individual Stack Emission Rates

(A) Stack ID	(B) Identify each unit venting thru stack	(C) Sum of DHI for all units venting thru stack (lb/hr)	(D) Sum of DHI for all similar units (max 10,000)	(E) Weighted Emission Rate for all similar units (lb/hr)	(F) Stack Emission Rate (lb/hr)
1	1	954	3,250	10,400	3052.8
2	2	954	3,250	10,400	3052.8
3	3	1,342	3,250	10,400	4294.4
Stack Allowable Emission Rate (lb/hr)					10,400.00

ALBRIGHT POWER STATION
 REVISION 1

45CSR10A

In Table 4 below, the owner or operator may register individual stack allowable emission rates differing from those calculated in Table 3 as provided for in 45CSR10 Subsection 3.4

Table 4 - Registration of Alternative Stack Emission Rates		
(A) Stack ID	(B) Identify each unit venting thru stack	(C) Alternative Stack Emission Rate (lb/hr)
Sum of Alternative Stack Emission Rates (lb/hr)		0

The sum of the Alternative Stack Emission Rates for similar units shall not exceed the Weight Emission Rates for all similar units in Table 2, Column 2.

APPENDIX C

Albright Power Station Acid Rain Permit



west virginia department of environmental protection
Division of Air Quality

Phase II Acid Rain Permit

Plant Name: Albright Power Station		Permit #: R33-3942-2012-3
Affected Unit(s): 1, 2, 3		
Operator: Monongahela Power Company		ORIS Code: 3942
Effective Date	From: January 1, 2008	To: December 31, 2012

Contents:

1. Statement of Basis.
2. SO₂ allowances allocated under this permit and NO_x requirements 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 45CSR33 and 45CSR30.

Permit Approval



John A. Benedict, Director
Division of Air Quality

12-18-07

Date



west virginia department of environmental protection
Division of Air Quality

Phase II Acid Rain Permit

Plant Name: Albright Power Station		Permit #: R33-3942-2012-3
Affected Unit(s): 1, 2, 3		
Operator: Monongahela Power Company		ORIS Code: 3942
Effective Date	From: January 1, 2008	To: December 31, 2012

Contents:

1. Statement of Basis.
2. SO₂ allowances allocated under this permit and NO_x requirements 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 45CSR33 and 45CSR30.

Permit Approval

John A. Benedict, Director
Division of Air Quality

Date

Plant Name: Albright Power Station	Permit #: R33-3942-2012-3
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2. SO₂ Allocations and NO_x Requirements for each affected unit

Unit No. 1

SO ₂ Allowances	Year				
	2008	2009	2010	2011	2012
Table 2 allowances, as adjusted by 40CFR Part 73	1974*	1974*	1978	1978	1978
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO₂ allowance allocations identified in this permit (See 40 CFR §72.84). *Note: 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.

NO _x Requirements	2008	2009	2010	2011	2012
NO_x Limit (lb/mmBtu)	0.69	0.69	0.69	0.69	0.69

Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves five (5) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2008, 2009, 2010, 2011 and 2012. Under each plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.69 lb/mmBtu. In addition, this unit shall not have an annual heat input greater than 9,005,000 mmBtu.

Under the plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR §76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.

In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control and the Maryland Department of Environment, Air and Radiation Management Administration have also approved this averaging plan.

In addition to the described NO_x compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.

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

As a result of comments from American Electric Power, the 2008 and 2009 SO₂ allowances have been adjusted to reflect an October 30, 2000 reallocation of allowances by USEPA. The 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.

4. Permit application forms:

Attached.

Plant Name: Albright Power Station	Permit #: R33-3942-2012-3
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2. SO₂ Allocations and NO_x Requirements for each affected unit

Unit No. 2

SO ₂ Allowances	Year				
	2008	2009	2010	2011	2012
Table 2 allowances, as adjusted by 40CFR Part 73	2054*	2054*	2058	2058	2058
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO₂ allowance allocations identified in this permit (See 40 CFR §72.84). *Note: 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.

NO _x Requirements	2008	2009	2010	2011	2012
NO _x Limit (lb/mmBtu)	0.70	0.70	0.70	0.70	0.70

Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves five (5) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2008, 2009, 2010, 2011 and 2012. Under each plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.70 lb/mmBtu. In addition, this unit shall not have an annual heat input greater than 9,005,000 mmBtu.

Under the plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR §76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.

In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control and the Maryland Department of Environment, Air and Radiation Management Administration have also approved this averaging plan.

In addition to the described NO_x compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.

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

As a result of comments from American Electric Power, the 2008 and 2009 SO₂ allowances have been adjusted to reflect an October 30, 2000 reallocation of allowances by USEPA. The 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.

4. Permit application forms:

Attached.

Plant Name: Albright Power Station	Permit #: R33-3942-2012-3
---	----------------------------------

2. SO₂ Allocations and NO_x Requirements for each affected unit

Unit No. 3

SO ₂ Allowances	Year				
	2008	2009	2010	2011	2012
Table 2 allowances, as adjusted by 40CFR Part 73	4598*	4598*	4606	4606	4606
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO₂ allowance allocations identified in this permit (See 40 CFR §72.84). *Note: 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.

NO _x Requirements	2008	2009	2010	2011	2012
NO_x Limit (lb/mmBtu)	0.40	0.40	0.40	0.40	0.40

Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves five (5) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2008, 2009, 2010, 2011 and 2012. Under each plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.40 lb/mmBtu. In addition, this unit shall not have an annual heat input less than 8,294,000 mmBtu.

Under the plan, the actual Btu-weighted annual average NO_x emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO_x emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR §76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.

In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control and the Maryland Department of Environment, Air and Radiation Management Administration have also approved this averaging plan.

In addition to the described NO_x compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO_x compliance plan and requirements covering excess emissions.

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

As a result of comments from American Electric Power, the 2008 and 2009 SO₂ allowances have been adjusted to reflect an October 30, 2000 reallocation of allowances by USEPA. The 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.

4. Permit application forms:

Attached.

Albright Power Station Plant Name (from Step 1)
--

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.

Albright Power Station
Plant Name (from Step 1)

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.

Albright Power Station
Plant Name (from Step 1)

Step 3,
Cont'd.

Liability, Cont'd.

- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

Certification

Read the
certification
statement,
sign, and
date

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected 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.

Leo C. Rajter, Vice President Generation Operations	
Name	
Signature	Date 6/26/07

ORIGINAL



Phase II NO_x Averaging Plan

For more information, see instructions and refer to 40 CFR 76.11

Page 1

This submission is: New Revised

Page 1 of 3

STEP 1

Identify the units participating in this averaging plan by plant name, State, and boiler ID# from NADB. In column (a), fill in each unit's applicable emission limitation from 40 CFR 76.5, 76.6, or 76.7. In column (b), assign an alternative contemporaneous annual emissions limitation (ACEL) in lb/mmBtu to each unit. In column (c), assign an annual heat input limitation in mmBtu to each unit. Continue to page 3 if necessary.

Plant Name	State	ID#	(a) Emission Limitation	(b) ACEL	(c) Annual Heat Input Limit
Albright	WV	1	0.50	0.69	9,005,000
Albright	WV	2	0.50	0.70	9,005,000
Albright	WV	3	0.45	0.40	8,294,000
Armstrong	PA	1	0.50	0.40	10,571,000
Armstrong	PA	2	0.50	0.36	10,841,000
Fort Martin	WV	1	0.45	0.31	35,426,000
Fort Martin	WV	2	0.68	0.31	33,811,000
Harrison	WV	1	0.50	0.42	42,311,000
Harrison	WV	2	0.50	0.42	42,513,000

STEP 2

Use the formula to enter the Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan and the Btu-weighted annual average emission rate for the same units if they are operated in compliance with 40 CFR 76.5, 76.6, or 76.7. The former must be less than or equal to the latter.

Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan

0.43

$$\frac{\sum_{i=1}^n (R_{Li} \times HI_i)}{\sum_{i=1}^n HI_i}$$

Btu-weighted annual average emission rate for same units operated in compliance with 40 CFR 76.5, 76.6 or 76.7

0.56

$$\frac{\sum_{i=1}^n [R_{1i} \times HI_i]}{\sum_{i=1}^n HI_i}$$

≤

Where,

- R_{Li} = Alternative contemporaneous annual emission limitation for unit i, in lb/mmBtu, as specified in column (b) of Step 1;
- R_{1i} = Applicable emission limitation for unit i, in lb/mmBtu, as specified in column (a) of Step 1;
- HI_i = Annual heat input for unit i, in mmBtu, as specified in column (c) of Step 1;
- n = Number of units in the averaging plan

ORIGINAL

Albright, Armstrong, Ft. Martin, Harrison, Hatfield, Mitchell, Pleasants, Rivesville, R. Paul Smith, and Willow Island
Plant Name (from Step 1)

NO_x Averaging - Page 2

STEP 3

Mark one of the two options and enter dates.

This plan is effective for calendar year _____ through calendar year _____ unless notification to terminate the plan is given.

Treat this plan as identical plans, each effective for one calendar year for the following calendar years: 2008, 2009, 2010, 2011 and 2012 unless notification to terminate one or more of these plans is given.

STEP 4

Read the special provisions and certification, enter the name of the designated representative, and sign and date.

Special Provisions

Emission Limitations

Each affected unit in an approved averaging plan is in compliance with the Acid Rain emission limitation for NO_x under the plan only if the following requirements are met:

- (i) For each unit, the unit's actual annual average emission rate for the calendar year, in lb/mmBtu, is less than or equal to its alternative contemporaneous annual emission limitation in the averaging plan, and
 - (a) For each unit with an alternative contemporaneous emission limitation less stringent than the applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year does not exceed the annual heat input limit in the averaging plan,
 - (b) For each unit with an alternative contemporaneous emission limitation more stringent than the applicable emission limitation in 40 CFR 76.5, 76.6, or 76.7, the actual annual heat input for the calendar year is not less than the annual heat input limit in the averaging plan, or
- (ii) If one or more of the units does not meet the requirements of (i), the designated representative shall demonstrate, in accordance with 40 CFR 76.11(d)(1)(ii)(A) and (B), that the actual Btu-weighted annual average emission rate for the units in the plan is less than or equal to the Btu-weighted annual average rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations in 40 CFR 76.5, 76.6, or 76.7.
- (iii) If there is a successful group showing of compliance under 40 CFR 76.11(d)(1)(ii)(A) and (B) for a calendar year, then all units in the averaging plan shall be deemed to be in compliance for that year with their alternative contemporaneous emission limitations and annual heat input limits under (i).

Liability

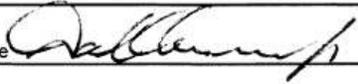
The owners and operators of a unit governed by an approved averaging plan shall be liable for any violation of the plan or this section at that unit or any other unit in the plan, including liability for fulfilling the obligations specified in part 77 of this chapter and sections 113 and 411 of the Act.

Termination

The designated representative may submit a notification to terminate an approved averaging plan, in accordance with 40 CFR 72.40(d), no later than October 1 of the calendar year for which the plan is to be terminated.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected 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 <u>David C. Cannon Jr., DR</u>	
Signature 	Date <u>6/22/2007</u>



Phase II NO_x Compliance Plan

For more information, see instructions and refer to 40 CFR 76.9

This submission is: New Revised

STEP 1
Indicate plant name, State, and ORIS code from NADB, if applicable

Plant Name	Albright Power Station	State	WV	ORIS Code	3942
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STEP 2

Identify each affected Group 1 and Group 2 boiler using the boiler ID# from NADB, if applicable. Indicate boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom. Indicate the compliance option selected for each unit.

ID#	1	ID#	2	ID#	3	ID#		ID#		ID#	
Type	DBW	Type	DBW	Type	T	Type		Type		Type	

(a) Standard annual average emission limitation of 0.50 lb/mmBtu (for Phase I dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase I tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) EPA-approved early election plan under 40 CFR 76.8 through 12/31/07 (also indicate above emission limit specified in plan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Standard annual average emission limitation of 0.46 lb/mmBtu (for Phase II dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Standard annual average emission limitation of 0.40 lb/mmBtu (for Phase II tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Standard annual average emission limitation of 0.65 lb/mmBtu (for cell burner boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(j) NO _x Averaging Plan (include NO _x Averaging form)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>					
(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO _x Averaging (check the NO _x Averaging Plan box and include NO _x Averaging form)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Albright Power Station

Plant Name (from Step 1)

STEP 2, cont'd.

ID#	ID#	ID#	ID#	ID#	ID#
Type	Type	Type	Type	Type	Type

- | | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| (m) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17 (a)(2)(i)(C), (a)(2)(iii)(B), or (b)(2) | <input type="checkbox"/> |
| (n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate) | <input type="checkbox"/> |
| (o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing | <input type="checkbox"/> |
| (p) Repowering extension plan approved or under review | <input type="checkbox"/> |

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

Standard Requirements

General. This source is subject to the standard requirements in 40 CFR 72.9 (consistent with 40 CFR 76.8(e)(1)(i)). These requirements are listed in this source's Acid Rain Permit.

Special Provisions for Early Election Units

Nitrogen Oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO_x as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(iii).

Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.

Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO_x for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO_x for Phase II units with Group 1 boilers under 40 CFR 76.7.

Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected 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	David C. Cannon Jr., DR	
Signature		Date 6/22/2007

APPENDIX D

Albright Power Station CAIR Application



CAIR Permit Application

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

Albright Power Station	7700001	3942
Plant Name	West Virginia ID Number	ORIS/Facility Code

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
Unit 1	X	X	X
Unit 2	X	X	X
Unit 3	X	X	X

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 SO₂ 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 SO₂ 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 SO₂ 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 SO₂ 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 SO₂ 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 SO₂ 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 SO₂ source (as applicable) and such CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable).

Plant Name Albright Power Station

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 SO₂ source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ 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 SO₂ source (as applicable) with the CAIR NO_x Annual emissions limitation, CAIR NO_x Ozone Season emissions limitation and CAIR SO₂ emissions limitation (as applicable) under 45CSR§39-6.3, 45CSR§40-6.3 and 45CSR§41-5.3 (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.c 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, 80 through 82, 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 SO₂ source and each CAIR SO₂ unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO₂ 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 SO₂ units at the source, as determined in accordance with sections 70 through 75 of 45CSR41.

(2) A CAIR SO₂ 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 SO₂ 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 SO₂ allowance was allocated.

(4) CAIR SO₂ allowances shall be held in, deducted from, or transferred into or among CAIR SO₂ Allowance Tracking System accounts in accordance with sections 51 through 62, and 80 through 88 of 45CSR41.

(5) A CAIR SO₂ allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO₂ Trading Program. No provision of the CAIR SO₂ 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 SO₂ allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 51 through 57, 80 through 82, and 80 through 88 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from a CAIR SO₂ source's compliance account is incorporated automatically in any CAIR permit of the source.

Plant Name **Albright Power Station**

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 §22-5-1 et seq.

(3) If a CAIR SO₂ source emits sulfur dioxide during any control period in excess of the CAIR SO₂ emissions limitation, then:

(i) The owners and operators of the source and each CAIR SO₂ unit at the source shall surrender the CAIR SO₂ 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 SO₂ source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ 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 SO₂ 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 SO₂ 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 SO₂ 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 SO₂ Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ 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 SO₂ 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 SO₂ source (as applicable) and each NO_x unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) shall meet the requirements of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO₂ Trading Program (as applicable).

(2) Any provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program or CAIR SO₂ Trading Program (as applicable) that applies to a CAIR NO_x Annual source, CAIR NO_x Ozone Season source or CAIR SO₂ source (as applicable) or the CAIR designated representative of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source or CAIR SO₂ 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 SO₂ 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 SO₂ Trading Program (as applicable) that applies to a CAIR NO_x Annual unit, CAIR SO₂ 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 SO₂ 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 SO₂ 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 SO₂ source (as applicable) or CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ 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.

Plant Name Albright Power Station

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.

CAIR Designated Representative	David C. Cannon Jr.	
Signature		Date 6/22/2007

APPENDIX E

Order NO.: #CO-R37-C-2008-4



west virginia department of environmental protection

Division of Air Quality
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Joe Manchin III, Governor
Stephanie R. Timmermeyer, Cabinet Secretary
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**COMPLIANCE ORDER
ISSUED UNDER THE
AIR POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 5, SECTION 4**

DATE: April 7, 2008

ORDER NO.: # CO-R37-C-2008-4

TO: Allegheny Energy Supply Company, LLC
American Bituminous Power Partners
Appalachian Power Company

Dominion Generation
Morgantown Energy Associates
Ohio Power Company

INTRODUCTION

This Compliance Order is issued by the Director of the Division of Air Quality (hereinafter "Director"), under the authority of West Virginia Code, Chapter 22, Article 5, Section 1 et seq. to the above owners or operators

FINDINGS OF FACT

In support of this Order, the Director hereby finds the following:

1. On December 20, 2000, EPA issued a finding pursuant to CAA section 112(n)(1)(A), *Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units* [65FR79825, 20 DEC2000], that it was appropriate and necessary to regulate mercury (Hg) under Section 112 of the Clean Air Act (CAA).
2. On March 29, 2005, EPA published a final agency action which delisted such utility units under section 112(n)(1) of the CAA, *Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List* [70FR15994, 29MAR2005].
3. On May 18, 2005, EPA published *Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units* [70FR28606, 18MAY2005].

Promoting a healthy environment.

This rule is referred to as the Clean Air Mercury Rule (CAMR). This rule required States to submit a 111(d) State Plan for EPA approval outlining a plan to meet the CAMR requirements.

4. CAMR required Hg reductions in two phases, with Phase I covering 2010 - 2017, and Phase II beginning in 2018. CAMR Phase I did not impose any Hg reduction requirements beyond those required to control SO₂ and NO_x emissions under Phase I of the Clean Air Interstate Rule (CAIR) [70FR25162, 12MAY2005]. CAIR requires SO₂ and NO_x reductions in 22 eastern states, including West Virginia.
5. To comply with CAMR, West Virginia implemented 45CSR37 – Mercury Budget Trading Program to Reduce Mercury Emissions – which became effective on May 1, 2006. 45CSR37 is the state counterpart to the federal CAMR.
6. On July 12, 2006, West Virginia submitted 45CSR37 to EPA to meet the 111(d) State Plan requirements of CAMR.
7. On February 8, 2008, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) issued a decision in *New Jersey v. EPA* which vacated two of the rules listed above:
 - (a) 40 CFR Part 63 – Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List [70FR15994, 29MAR2005]; and
 - (b) 40 CFR Parts 60, 72 and 75 – Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units (CAMR) [70FR28606, 18MAY2005].
8. On March 14, 2008, the DC Circuit issued the mandate that the CAMR be vacated.
9. On March 24, 2008, EPA appealed the decision of the DC Circuit to vacate the CAMR. EPA has requested an *en banc* hearing. Litigation is ongoing.
10. The following companies own and/or operate one or more fossil fuel-fired stationary boiler(s) at the identified facilities, serving a generator with nameplate capacity greater than 25 MW_e which emits mercury (Hg) in West Virginia:

Company	Facility	ID Number
Allegheny Energy Supply Company, LLC	Albright Power Station	077-00001
	Fort Martin Power Station	061-00001
	Harrison Power Station	033-00015
	Pleasants Power Station	073-00005
	Rivesville Power Station	049-00009
	Willow Island Power Station	073-00004

Company	Facility	ID Number
American Bituminous Power Partners	Grant Town Power Plant	049-00026
Appalachian Power Company	John E. Amos	079-00006
	Kanawha River	039-00006
	Mountaineer	053-00009
Dominion Generation	Mt. Storm Power Station	023-00003
	North Branch Power Station	023-00014
Morgantown Energy Associates	Morgantown Powr Plant	061-00027
Ohio Power Company	Kammer	051-00006
	Mitchell	051-00005
	Philip Sporn	053-00001

11. Such units are of sufficient capacity to render them subject to the Standard Requirements under 45CSR37, including the requirement to obtain a Hg budget permit, and comply with all applicable provisions of the CAMR program.
12. The applicable provisions of the CAMR program were vacated by the DC Circuit, therefore the only 45CSR37 requirement that is currently applicable is the requirement to obtain a Hg budget permit, which is contained in Section 21 of the rule. The Hg budget permit application is required to be submitted by the applicant's Hg designated representative. However, since such representative must be registered with EPA under the CAMR program and since the federal CAMR program was vacated, there are no Hg budget designated representatives.
13. This Order does not make any finding of violation against the owners or operators listed in this Order.

ORDER HOLDING 45CSR37 REQUIREMENTS IN ABEYANCE

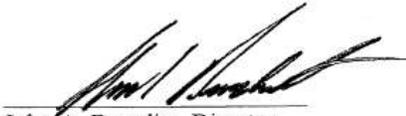
Since the provisions of 45CSR37 are intrinsically tied to the provisions of the federal CAMR rule, which has been vacated, and the Hg reductions required under Phase I of the CAMR will still be obtained since they were predicated on the Hg reduction co-benefit of SO₂ and NO_x reductions required under the Clean Air Interstate Rule [70FR25162, 12MAY2005], the Director finds that it is appropriate to hold specific requirements of 45CSR37 in abeyance pending resolution of the ongoing federal litigation related to CAMR.

Now, therefore, the Director hereby ORDERS that the requirements of 45CSR37, Section 21 be held in abeyance pending resolution of the ongoing CAMR litigation or final action is taken by the State to revoke this order or to repeal, revise or replace 45CSR37.

OTHER PROVISIONS

1. This Order shall not in any way be construed as relieving the owners or operators listed above of the obligation to comply with any other applicable law, permit, order, or any requirement otherwise applicable.
2. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.

This Order shall become effective April 7, 2008.



John A. Benedict, Director
Division of Air Quality