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:

Appalachian Power Company
Mountaineer Plant/New Haven, WV
R30-05300009-2009

John A. Benedict
Director

Issued: April 17, 2009 • Effective: May 1, 2009
Expiration: April 17, 2014 • Renewal Application Due: October 17, 2013

Permit Number: **R30-05300009-2009**
Permittee: **Appalachian Power Company (d.b.a. American Electric Power)**
Facility Name: **Mountaineer Plant**
Permittee Mailing Address: **1 Riverside Plaza, Columbus, OH 43215**

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:	New Haven, Mason County, West Virginia
Facility Mailing Address:	P.O. Box 419, New Haven, WV 25265
Telephone Number:	(304) 882-2151
Type of Business Entity:	Corporation
Facility Description:	Electric Generation Service
SIC Codes:	Primary 4911; Secondary N/A; Tertiary N/A
UTM Coordinates:	419.04 km • 4314.70 km • Zone 17

Permit Writer: Beena Modi

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.

Table of Contents

1.0. Emission Units and Active R13, R14, and R19 Permits 4
1.1 Emission units 4
1.2 Active R13, R14, and R19 Permits 12

2.0. General Conditions 13
2.1. Definitions 13
2.2. Acronyms 13
2.3. Permit Expiration and Renewal 14
2.4. Permit Actions 14
2.5. Reopening for Cause 14
2.6. Administrative Permit Amendments 15
2.7. Minor Permit Modifications 15
2.8. Significant Permit Modification 15
2.9. Emissions Trading 15
2.10. Off-Permit Changes 15
2.11. Operational Flexibility 16
2.12. Reasonably Anticipated Operating Scenarios 17
2.13. Duty to Comply 17
2.14. Inspection and Entry 17
2.15. Schedule of Compliance 17
2.16. Need to Halt or Reduce Activity not a Defense 18
2.17. Emergency 18
2.18. Federally-Enforceable Requirements 19
2.19. Duty to Provide Information 19
2.20. Duty to Supplement and Correct Information 19
2.21. Permit Shield 19
2.22. Credible Evidence 20
2.23. Severability 20
2.24. Property Rights 20
2.25. Acid Deposition Control 20

3.0. Facility-Wide Requirements 21
3.1. Limitations and Standards 21
3.2. Testing Requirements 24
3.3. Recordkeeping Requirements 24
3.4. Reporting Requirements 26
3.5. Compliance Plan 28
3.6. Permit Shield 28

4.0. Boilers 30
4.1. Limitations and Standards 30
4.2. Monitoring Requirements 33
4.3. Testing Requirements 36
4.4. Recordkeeping Requirements 37
4.5. Reporting Requirements 38
4.6 Compliance Plan 40

5.0. Coal & Ash Handling 41
5.1. Limitations and Standards 41
5.2. Monitoring Requirements 41
5.3. Testing Requirements 41
5.4. Recordkeeping Requirements 41
5.5. Reporting Requirements 41
5.6 Compliance Plan 41
6.0. Limestone Handling system 42
6.1. Limitations and Standards 42
6.2. Monitoring Requirements 42
6.3. Testing Requirements 43
6.4. Recordkeeping Requirements 43
6.5. Reporting Requirements 43
6.6 Compliance Plan 43
7.0. Gypsum & WWTP and Mitigation Material Handling System 44
7.1. Limitations and Standards 44
7.2. Monitoring Requirements 45
7.3. Testing Requirements 45
7.4. Recordkeeping Requirements 45
7.5. Reporting Requirements 46
7.6 Compliance Plan 46

APPENDIX A – NOx Budget Permit Applications

APPENDIX B – 45CSR2 & 45CSR10 Monitoring Plans

APPENDIX C – Acid Rain Permit

APPENDIX D – CAIR Permit Application

APPENDIX E – Compliance Order # CO-R37-C-2008-4

1.0 Emission Units and Active R13, R14, and R19 Permits:

1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Boiler & Associated Equipment					
Unit 1(1S)	MT1(3E)	Boiler: Babcock & Wilcox, Model # UP-108 (Steam Generator # 1)	1974	11960 mmBtu/hr	High efficiency ESP; LNB, SCR, FGD
Aux 1(2S)	CS012(2E)	Auxiliary Boiler: Babcock & Wilcox, Model PFI-3171	1974	598 mmBtu/hr	N/A
Aux 2(3S)	CS012(2E)	Auxiliary Boiler: Babcock & Wilcox, Model PFI-3171	1974	598 mmBtu/hr	N/A
4S	4E	Quench Pump	2007	80 hp	N/A
Coal & Ash Handling, CPS Wastewater Treatment Plant Sludge Handling					
Coal Handling System (System)					
BU	BU	Barge unloader (unload barge onto Conveyor 1)	1974	4000 TPH	WS
Station 1	Sta-1	Conveyor 1 and Drop Points to Conveyor 15	1974	4000 TPH	PE, WS
C-15	C-15	Conveyor 15 (transfer to Station5)	1974	4000TPH	FE, MC
RCSU	RCSU	Rail Car Shaker Unloader (unload rail cars to Feeders F3N-1 through F3N-10)	1974	3360TPH	BH-CSH D1 BH-CSH D2
F3N-1, -2, -5, -6, -9, -10	F3N-1, -2, -5, -6, -9, -10	Feeders F3N-1, F3N-2, F3N-5, F3N-6, F3N-9, F3N-10 and transfer points to Conveyor 3N	1974	300 TPH (ea.)	FE
F3N-3, -4, -7, -8	F3N-3, -4, -7, -8	Feeders F3N-4, F3N-4, F3N-7, F3N-8 and transfer points to Conveyor 3N	1974	390 TPH (ea.)	FE
C-3N	C-3N	Conveyor 3N (transfer to Station 3N)	1974	3000 TPH	FE
Station 3N	Sta-3N	Drop point to Conveyor 3N5	1974	N/A	BH-CS 3 D1, FE
C-3N5	C-3N5	Conveyor 3N5 (transfer to Station5)	1974	3000 TPH	FE

[1] "Year Installed" reflects the "commenced" construction or modification date as defined in 40 CFR 60.
[2] Rated Design Capacity
[3] Control Device/Control System abbreviations: ESP = Electrostatic Precipitators, LNB = Low NOx Burners, SCR = Selective Catalytic Reduction, FGD = Flue Gas Desulfulization, FE = Full enclosure, PE = Partial Enclosure, BH = Station Dust Control, MC = Moisture Content, WS = Wetting Spray, RF = Rotary Filter, WC = Water Curtain

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Station5	Sta-5	Conveyor 5 and Drop point to Coal Crusher or Conveyors 56S and/or 56N	1974	N/A	BH-CS 5 D1, FE, WS
CR5-1, CR5-2	CR5-1, CR5-2	Coal Crushers	1974	4000 TPH (ea.)	WS
C-56S, C-56N	C-56S, C-56N	Conveyors 56S, 56N (transfer to Station 6)	1974	4000 TPH (ea.)	BH-CS 5 D1, WS
Station 6	Sta-6	Drop point to Conveyor 6S or to Conveyors 67S and/or 67N	1974	N/A	BH-DS 6 D1, FE, WS
C-6S	C-6S	Conveyor 6S (transfer to Radial Stacker 6S	1974	3000 TPH	MC
RS-6S	RS-6S	Radial Stacker 6S (transfer to temporary Coal Storage Area # 1	1974	3000 TPH	MC
C-67S/C-67N	C-67S/C-67N	Conveyors 67Sand 67N (transfer to Stacker/Reclaimer or to Station 7)	1974	4000/2500 TPH (ea.)	BH-CS 6 D1, BH-CS 7 D4, PE, WS
SR-67SS	SR-67SS	Stacker-Reclaimer (Transfer coal to or recover coal from Storage Area #1, Or Storage Area #2	1974	4000/2500 TPH stacking / reclaiming	MC
CSA-1	CSA-1	Coal Storage Area #1	1974	42 Acres	N/A
CSA-2	CSA-2	Coal Storage Area #2	1974	42 Acres	N/A
F7N, F7S	F7N, F7S	Reclaim Hoppers/Feeders (Reclaim Area #1 surge pile)	1974	310 - 1800 TPH (variable) & 1345-1480 TPH (fixed) (ea.)	BH-CS 7S D1, BH-CS 7S D1A; FE
F67S	F67S	Reclaim Hoppers/Feeders (Reclaim Area #1 surge pile)	1974	2100 TPH	BH-CS 7S D1, FE
F7S-1 through F& S-10	F7S-1 through F& S-10	Reclaim Hoppers/Feeders (Reclaim Area #1 surge pile)	1974	300 – 1200 TPH (variable) (ea.)	BH-CS 7S D1, FE
C-7S	C-7S	Conveyor 7S (transfer to Station 7S)	1974	2000TPH	BH-CS 7S D1 BH-CS 7S D2
Station 7S	Sta-7	Drop point to Conveyor 7S7	1974	N/A	BH-CS 7S D2, FE
C-7S7	C-7S7	Conveyor 7S7 (transfer to Station 7 surge bin)	1974	2000 TPH	BH-CS 7S D2
Station 7	Sta-7	Drop point to Conveyors 78S and/or 78N	1974	N/A	BH-CS 7S D4 BH-CS 8 D1, FE
C-78S, C-78N	C-78S, C-78N	Conveyors 78S and/or 78N (transfer to Station 8)	1974	2000 TPH (ea.)	BH-CS 8 D1

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Station 8	Sta-8	Drop point to Crusher or Conveyors 89E and/or 89W	1974	N/A	BH-CS 8 D1, FE, WS
CR8-1 & CR8-2	CR8-1 & CR8-2	Coal Crushers	1974	4000 TPH (ea.)	WS
C-89E, C-89W	C-89E, C-89W	Conveyors 89E and/or 89W (transfer to Station 9)	1974	2000 TPH (ea.)	BH-CS 8 D1, BH-CS 8 D2, BH-DS 9 D1, BH-CS 9 D2
Station 9	Sta-9	Drop point for Sample System; and Conveyor 910; and/or Conveyor 9B	1974	N/A	BH-CS 9 D2, FE
C-910	C-910	Conveyor 910 (transfer to Station 10)	1974	2000 TPH	BH-CS 9 D2, BH-CS 10 D1
C-9B	C-9B	Conveyor 9B (transfer to Station B)	1974	2000 TPH	BH-CS 9 D2, BH-CS 9 D3, BH-CS B D1
Station B	Sta-B	Drop point to North Silos via various conveyors or to Station A and B Cross-tie Conveyor	1974	N/A	BH-CS B D1, FE
Station 10	Sta-10	Drop point to Conveyor 10A	1974	N/A	BH-CS 10 D1, FE
C-10A	C-10A	Conveyor 10A (transfer to Station A)	1974	2000 TPH	BH-CS 10 D1, BH-CS 10 D2, BH-CS A D1
Station A	Sta-A	Drop point to South Silos via various conveyors or to Station A and B Cross-tie Conveyor	1974	N/A	BH-CS A D1, FE
C-AB	C-AB	Station A and B Cross-tie Conveyor (reversible conveyor: transfer between Stations A and B)	1974	2000 TPH	BH-CS A D1, BH-CS B D1
C-M5	C-M5(M5)	Coal Conveyor M5	2007	1800 TPH	BH-CS 5 D1, FE, WS, PE
Ash Handling System (System)					
1, 2, 3, 4	1, 2, 3, 4	Fly Ash Silos	1974	96,000 ft^3 (ea.)	RF, WC
1 through 16	1 through 16	Fly Ash Rotary Unloaders	1974	300 TPH (ea.)	MC
Ash Handling System and Chloride Purge Stream Treatment System (12S)					
Haul Roads	Haul Roads	Chloride Purge Stream Wastewater Treatment Plant Sludge and Fly Ash Haul Roads	N/A	N/A	Water Truck

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Miscellaneous Other					
Tank #1	Tank #1	Ignition Oil Tank	1974	1,500,000 gal.	N/A
Tank #2	Tank #2	Ignition Oil Tank	1974	1,500,000 gal.	N/A
Tank #3	Tank #3	Barge unloader oil spill container	1974	10,000 gal.	N/A
Tank #4	Tank #4	C. H. Station Heating Oil	1990	5,000 gal.	N/A
Tank #5	Tank #5	C. H. Station Heating Oil	1990	5,000 gal.	N/A
Tank #6	Tank #6	Steam Cleaning Area –Diesel tank	1974	275 gal.	N/A
Tank #7	Tank #7	Gasoline Storage Tank	1990	2,000 gal.	N/A
Tank #8	Tank #8	Gasoline Storage Tank	1974	500 gal.	N/A
Tank #9	Tank #9	10W Oil Tank	1974	1,500 gal.	N/A
Tank #10	Tank #10	15-40W Oil Tank	1974	1,500 gal.	N/A
Tank #11	Tank #11	10W Oil Tank	1974	1,000 gal.	N/A
Tank #12	Tank #12	30W Oil Tank	1974	1,000 gal.	N/A
Tank #13	Tank #13	Used Oil Bulk Tank	1990	8,000 gal.	N/A
Tank #14	Tank #14	Used Oil Bulk Tank	1990	1,600 gal.	N/A
Tank #15	Tank #15	Used Oil Bulk Tank	1990	1,000 gal.	N/A
Tank #16	Tank #16	C.H. Station Kerosene Tanks	1974	493 gal.	N/A
Tank #17	Tank #17	C.H. Station Kerosene Tanks	1974	493 gal.	N/A
Tank #18	Tank #18	C.H. Station Kerosene Tanks	1974	493 gal.	N/A
Tank #19	Tank #19	C.H. Station Kerosene Tanks	1974	493 gal.	N/A
Tank #20	Tank #20	C.H. Station Kerosene Tanks	1974	493 gal.	N/A
Tank #21	Tank #21	C.H. Station Kerosene Tanks	1974	493 gal.	N/A
Tank #22	Tank #22	Diesel Oil Storage	1990	4,000 gal.	N/A
Tank #23	Tank #23	Diesel Oil Storage	1990	500 gal.	N/A
Tank #24	Tank #24	#1 Fire Protection Pump Diesel Fuel Tank	1974	275 gal.	N/A
Tank #25	Tank #25	#2 Fire Protection Pump Diesel Fuel Tank	1974	275 gal.	N/A
Tank #26	Tank #26	Transmission Oil	1974	1,000 gal.	N/A
Tank #27	Tank #27	Pretreatment Sulfuric Acid	1974	16,500 gal.	N/A
Tank #28	Tank #28	Pretreatment Caustic	1974	22,500 gal.	N/A
Tank #29	Tank #29	Unit Caustic Vault	1974	12,000 gal.	N/A
Tank #30	Tank #30	Metal Cleaning Waste	1985	1,500,000 gal.	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Tank #31	Tank #31	HEDP Near Cooling Tower	1985	3,000 gal.	N/A
Tank #32	Tank #32	HEDP Near Cooling Tower	1985	3,000 gal.	N/A
Tank #33	Tank #33	Diethylene Glycol near Coal Handling Stations	1974	250 gal.	N/A
Tank #34	Tank #34	Diethylene Glycol near Coal Handling Stations	1974	250 gal.	N/A
Tank #35	Tank #35	Diethylene Glycol near Coal Handling Stations	1974	250 gal.	N/A
Tank #36	Tank #36	Diethylene Glycol near Coal Handling Stations	1974	250 gal.	N/A
Tank #37	Tank #37	Diethylene Glycol near Coal Handling Stations	1974	250 gal.	N/A
Tank #38	Tank #38	Diethylene Glycol near Coal Handling Stations	1974	250 gal.	N/A
Tank #39	Tank #39	Diethylene Glycol near Coal Handling Stations	1974	250 gal.	N/A
Tank #40	Tank #40	Diethylene Glycol near Coal Handling Stations	1974	250 gal.	N/A
Tank #41	Tank #41	Betz FS-20 near Ignition Oil		1,000 gal.	N/A
Tank #42	Tank #42	Aqua Ammonia	1974	10,000 gal.	N/A
Tank #43	Tank #43	C.H. Station 5 Heating Oil	1990	5,000 gal.	N/A
Tank #44	Tank #44	C.H. Station 7S Heating Oil	1990	5,000 gal.	N/A
Tank #45	Tank #45	C.H. Station 8 Heating Oil	1990	5,000 gal.	N/A
Tank #46	Tank #46	C.H. Station 9 Heating Oil	1990	5,000 gal.	N/A
Tank #47	Tank #47	C.H. Station 10 Heating Oil	1990	5,000 gal.	N/A
Tank #48	Tank #48	Barge Unloader Dust Suppressant	1974	4,000 gal.	N/A
Tank #49	Tank #49	Coal Station 8 Dust Suppressant	1974	3,000 gal.	N/A
Tank #50	Tank #50	Ignition Fuel Oil Drain Receiver	1974	2,000 gal.	N/A
Tank #51	Tank #51	Ignition Oil Pump Skid Drainage Collection Tank	1974	3,000 gal.	N/A
Tank #52	Tank #52	Main Turbine Lubricating Oil Tank	1974	25,000 gal.	N/A
Tank #53	Tank #53	Urea Mix Tank	2003	3,300 gal.	N/A
Tank #54	Tank #54	Urea Mix Tank	2003	3,300 gal.	N/A
Tank #55	Tank #55	Urea Recycle Tank	2003	94,200 gal.	N/A
Tank #56	Tank #56	Urea Storage Tank	2003	140,800 gal.	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Tank #57	Tank #57	SO_3 Mitigation Hydrated Lime Day Bin	Future	_____ ton	BH
Tank #58	Tank #58	SO_3 Mitigation Magnesium Hydroxide	Future	_____ gal.	N/A
Tank #59	Tank #59	SO_3 Mitigation Trona Storage Silo	2007	430 ton	BH
Tank #60 (12S)	Tank #60	CPS WWTP Hydrated Lime Day Bin (2)	2007	83 Ton (ea.)	BH
Tank #61 (12S)	Tank #61	CPS WWTP Ferric Chloride	2007	8800 gal.	N/A
Tank #62 (12S)	Tank #62	CPS WWTP Hydrochloric Acid	Future	_____ gal.	N/A
Tank #63 (12S)	Tank #63	CPS WWTP Sulfuric Acid	2007	10600 gal.	N/A
Tank #64	Tank #64	Emergency Quench Pump Diesel Tank	2007	70 gal.	N/A
Tank #65	Tank #65	Gypsum Transfer Station #5 Heating Oil Tank	2007	1,000 gal.	N/A
Tank #66	Tank #66	Gypsum Transfer Station #6 Heating Oil Tank	2007	500 gal.	N/A
Tank #67	Tank #67	Gypsum Transfer Station #7 Heating Oil Tank	2007	500 gal.	N/A
Tank #68	Tank #68	Gypsum Transfer Station #8 Heating Oil Tank	2007	1,000 gal.	N/A
Tank #69	Tank #69	Gypsum Transfer Station #9 Heating Oil Tank	2007	1,000 gal.	N/A
Tank #70	Tank #70	Gypsum Transfer Station #10 Heating Oil Tank	2008	1,000 gal.	N/A
Tank #71	Tank #71	Gypsum Transfer Station #7 Diethylene Glycol Tank	2007	250 gal.	N/A
Tank #72	Tank #72	Gypsum Transfer Station #8 Diethylene Glycol Tank	2007	250 gal.	N/A
Tank #73	Tank #73	Gypsum Transfer Station #9 Diethylene Glycol Tank	2007	250 gal.	N/A
Tank #74	Tank #74	FGD Building West Heating Oil Tank	Future	2000 gal.	N/A
Tank #75	Tank #75	FGD Building East Heating Oil Tank #1	Future	1000 gal.	N/A
Tank #76	Tank #76	FGD Building East Heating Oil Tank #2	Future	1000 gal.	N/A
Limestone Handling System					
Limestone Material Handling System (5S)					
BUC-01	ZU-CN-70001	Limestone/Gypsum Unloading Crane	2007	1500 TPH	
HOP-20	ZU-QQ-70002	Limestone Unloading Hopper	2007	1500 TPH	WS
F-20	ZU-CV-70001	Limestone Unloading Feeder	2007	1500 TPH	PE, MC
STA-15	STA-15	Limestone Transfer Station 1	2007	1500 TPH	WS, TE
C-21	ZU-CV-70002	Limestone Stackout Conveyor	2007	1500 TPH	PE, MC, TC

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
SP-10	SP-10	Limestone Active Stockpile	2007	15,000 Tons	MC
SP-11	SP-11	Limestone Long-Term Stockpile	2007	68,000 Tons	MC
Limestone Processing System(7S)					
HOP-3	HOP-3	Frozen Limestone Reclaim Hopper	2009	40 Tons	
FL3-3	FL3-3	Frozen Limestone Reclaim Conveyor	2009	350 TPH	FE
CRL-3	CRL-3	Frozen Limestone Crusher/Breaker	2009	350 TPH	FE
F-21A	ZU-CV-70003	Limestone Reclaim Feeder A	2007	400 TPH	FE, TE
F-21B	ZU-CV-70004	Limestone Reclaim Feeder B	2007	400 TPH	FE, TE
STA-17	ZU-QQ-70006	Limestone Transfer Chutes 3A	2007	400 TPH	WS, TE
STA-18	ZU-QQ-70007	Limestone Transfer Chutes 3B	2007	400 TPH	WS, TE
C-22	ZU-CV-70005	Limestone Reclaim Conveyor	2007	400 TPH	PE, MC
STA-20	STA-20	Limestone Transfer Station 4	2007	400 TPH	CF, TE
C-24	ZU-CV-70006	Limestone Plant Feed Conveyor	2007	400 TPH	PE, MC
STA-21	STA-21	Limestone Transfer Station 6	2007	400 TPH	TE, BH
C-25	ZU-CV-70007	Limestone Silo Feed Conveyor	2007	400 TPH	TE, BH
STA-22	STA-22	Limestone Transfer Station 7	2007	400 TPH	TE, BH
SIL-10A	SIL-10A	Limestone Day Bin 01	2007	1,500 Tons	BH
SIL-10B	SIL-10B	Limestone Day Bin 02	2007	1,500 Tons	BH
HOP-21	ZU-QQ-70014	Emerg. Loading Hopper	2007	16 Ton	MC
F-22	ZU-CV-70008	Emerg. Limestone Feeder	2007	200 TPH	FE
STA-24	STA-24	Limestone Transfer Station 8	2007	200 TPH	FE
C-28	ZU-CV-70009	Emerg. Bucket Conveyor	2007	200 TPH	FE
STA-25	STA-25	Limestone Transfer Station 9	2007	200 TPH	FE
		Vibrating Bin Discharger (2)	2007	86.7 TPH (ea.)	TE, MC
		Limestone Weigh Feeder (2)	2007	86.7 TPH (ea.)	TE, BH, MC
		Wet Ball Mill (2)	2007	86.7 TPH (ea.)	TE, MC, WS
Gypsum Handling System					
Gypsum Material Handling System (6S)					
STA-26	STA-26	Gypsum Discharge from Belt Filter A	2007	160 TPH	MC, FE
STA-27	STA-27	Gypsum Discharge from Belt Filter B	2007	160 TPH	MC, FE
STA-28	STA-28	Gypsum Discharge from Belt Filter C	2007	160 TPH	MC, FE
C-30	ZB-CV-70009	Gypsum Filter Discharge Conveyor	2007	450 TPH	MC, FE

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
STA-29	STA-29	Transfer Station	2007	450 TPH	MC, FE
C-31	ZB-CV-70010	Gypsum Transfer Tripper Conveyor	2007	450 TPH	MC, FE
STA-30	STA-30	Transfer Station	2007	450 TPH	MC, FE
SP-12	SP-12	Gypsum Pile	2007	12,000 tons	MC, FE
STA-26 A	STA-26 A	Alternative Gypsum Discharge from Belt Filter A	2007	160 TPH	MC, FE
STA-27 A	STA-27 A	Alternative Gypsum Discharge from Belt Filter B	2007	160 TPH	MC, FE
STA-28 A	STA-28 A	Alternative Gypsum Discharge from Belt Filter C	2007	160 TPH	MC, FE
BK-10	BK-10	Emergency Discharge Bunker	2007	200 tons	
STA-37	STA-37	Transfer Tower #3	2007	1,500 TPH	MC, FE
C-35	ZB-CV-70011	Gypsum Loadout Conveyor	2007	1,500 TPH	MC, FE
BL-01	STA-38	Barge Loadout	2007	1,500 TPH	MC
HOP-30	ZB-QQ-70002	Gypsum Unloading Hopper	2007	100 ton	WS
F-30	ZB-CV-70001	Gypsum Unloading Feeder	2007	1,500 TPH	WS, MC, FE
STA-39	STA-39	Transfer Station	2007	1,500 TPH	MC, FE
C-39	ZB-CV-70002	Waste Gypsum Transfer Conveyor	2007	1,500 TPH	MC, FE
STA-40	STA-40	Transfer Tower #4	2007	1,500 TPH	MC, FE
C-40	ZB-CV-70003	Gypsum Overland Conveyor #1	2007	1,500 TPH	MC, FE
STA-41	STA-41	Transfer Tower #6	2007	1,500 TPH	MC, FE
C-41	ZB-CV-70004	Gypsum Overland Conveyor #2	2007	1,500 TPH	MC, FE
STA-42	STA-42	Transfer Tower #7	2007	1,500 TPH	MC, FE
C-42	ZB-CV-70005	Gypsum Overland Conveyor #3	2007	1,500 TPH	MC, FE
STA-43	STA-43	Transfer Tower #8	2007	1,500 TPH	MC, FE
C-43	ZB-CV-70006	Gypsum Overland Conveyor #4	2007	1,500 TPH	MC, FE
STA-44	STA-44	Transfer Tower #9	2007	1,500 TPH	MC, FE
C-44	ZB-CV-70007	Gypsum Overland Conveyor #5	2007	1,500 TPH	MC, FE
STA-45	STA-45	Transfer Tower #10	2007	1,500 TPH	MC, FE
C-45	ZB-CV-70008	Waste Gypsum Radial Stacker	2007	1,500 TPH	MC, FE
STA-46	STA-46	Gypsum Discharge Chute	2007	1,500 TPH	MC, FE
Pile	Pile	Landfill Staging Pile	2007	20,000 Ton	

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
R13-0075~~F~~G	~~4/24/2006~~ 9/28/2009

General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

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

2.2. Acronyms

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

2.3. Permit Expiration and Renewal

2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]

2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]

2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]

2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

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

2.5. Reopening for Cause

2.5.1. This permit shall be reopened and revised under any of the following circumstances:

a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.

b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.

c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.
[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

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

2.7. Minor Permit Modifications

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

2.8. Significant Permit Modification

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

2.9. Emissions Trading

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

2.10. Off-Permit Changes

2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

a. The change must meet all applicable requirements and may not violate any existing permit term or condition.

b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

c. The change shall not qualify for the permit shield.

d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

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

2.11. Operational Flexibility

2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.
[45CSR§30-5.8]

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

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

a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or

b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.
[45CSR§30-5.8.c.]

2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.

a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.

b. The permit shield shall extend to all terms and conditions under each such operating scenario; and

c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.
[45CSR§30-5.1.i.]

2.13. Duty to Comply

2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:

a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;

c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.
[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:

a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.
[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

2.16.1. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.
[45CSR§30-5.1.f.2.]

2.17. Emergency

2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
[45CSR§30-5.7.a.]

2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.
[45CSR§30-5.7.b.]

2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
[45CSR§30-5.7.c.]

2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
[45CSR§30-5.7.d.]

2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.
[45CSR§30-5.2.a.]

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

2.19. Duty to Provide Information

2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.
[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.
[45CSR§30-4.2.]

2.21. Permit Shield

2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.
[45CSR§30-5.6.a.]

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

a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or

b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.

c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.
[45CSR§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.
[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.
[45CSR§30-5.1.e.]

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.
[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

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

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.

b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.
[45CSR§30-5.1.d.]

2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.
[45CSR§30-5.1.a.2.]

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 Reserved

3.1.6. **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]

3.1.7 **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)]

3.1.8 **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.
[40 C.F.R. 82, Subpart F]

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

3.1.10 Reserved

3.1.11 Reserved

3.1.12 **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, 45CSR13, R13-0075, 4.1.15]

3.1.13 **CAMR Mercury Budget Trading Program.** The permittee shall comply with the standard requirements set forth in their Hg Budget Permit Application and the Hg Budget Permit requirements set forth in 45CSR37 foreach Hg Budget source. The complete Hg Budget Permit Application shall be the CAMR Permit portion of theTitle V permit administered in accordance with 45CSR30.
[45CSR§§37-6.1.b. and 20.1.; CO-R37-C-2008-4; 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.; CO-R37-C-2008-4; 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.; CO-R37-C-2008-4; State-Enforceable only.]

The DAQ Director concluded in Compliance Order #CO-R37-C-2008-4 (Appendix E of this permit) that the only 45CSR37 requirement applicable after the Federal CAMR program was vacated was to obtain a Hg budget permit, which is contained in Section 21 of the rule (cf. FINDINGS OF FACT, Item #12, in Appendix E). Refer to Compliance Order # CO-R37-C-2008-4, which holds the requirements of 45CSR37, Section 21, 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.

3.1.14 **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.]

3.1.15 **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.]

3.1.16 **CAIR SO_2Trading 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 SO_2 source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§41-6.1.b. and 20.1.]

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

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

3.1.17 **Operation and Maintenance of Air Pollution Control Equipment**. The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment (with Emission Unit IDs-1S, 6S, 7S, 10S. 11S,12S,15S) listed Section 1.0 of R13-0075 and 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.
[45CSR13 , R13-0075, 4.1.~~20~~21]

3.2 Testing Requirements

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

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. 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 3.2.1.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), 45CSR13]

3.3 Recordkeeping Requirements

3.3.1 **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., 45CSR13, R13-0075, 4.4.1]

3.3.2 **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.]

3.3.3 **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§30-5.1.c. State-Enforceable only.]

3.3.4 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 as necessary and maintained in good working order. 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.]

3.3.5 **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment (with Emission Unit IDs-1S, 6S, 7S, 10S. 11S, 12S, 15S) listed in Section 1.0 of R13-0075, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13 , R13-0075, 4.4.2]

3.3.6. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment (with Emission Unit IDs-1S, 6S, 7S, 10S. 11S, 12S, 15S) listed in Section 1.0 of R13-0075, 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 , R13-0075, 4.4.3]

3.4 Reporting Requirements

3.4.1 **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.]

3.4.2 **Confidential information**. 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.]

3.4.3 **Correspondence**. All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

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

If to the US EPA:

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

3.4.4 **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.]

3.4.5 **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.]

3.4.6 **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]

3.4.7 **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.4.8 **Deviations.**

a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:

1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.

4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.
[45CSR§30-5.1.c.3.C.]

b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.
[45CSR§30-5.1.c.3.B.]

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

3.5 Compliance Plan

3.5.1. None.

3.6 Permit Shield

3.6.1 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.

3.6.2 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.

a. 40 C.F.R. 63 Subpart Q – *National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers*: Mountaineer's Cooling Tower does not use chromium-based water treatment chemicals.

b. 40 C.F.R. 60 Subpart Y – *Standards of Performance for Coal Preparation Plants:* The Mountaineer coal crushers were installed prior to October 24, 1974 and have not undergone a "modification" as defined in 40 CFR 60.

c. 40 C.F.R. 60 Subpart OOO – *Standards of Performance for Non-Metallic Minerals Processing*: The Mountaineer Limestone unloading system, from the river barge unloader to and including the storage pile do not apply since no processing occurs in this portion of the system.

d. 45CSR5 – *To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas*: The facility is subject to 45CSR2 in lieu of 45CSR5. 45CSR17 - *To Prevent and Control Particulate Matter Air Pollution from Materials Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter*: The facility is subject to 45CSR2 in lieu of 45CSR17.

e. 40 C.F.R. 60 Subpart Da – *Standards of Performance for Electric Utility Steam Generating Units for Which Construction is Commenced After September 18, 1978:* The Mountaineer Plant electric utility steam generating unit commenced construction prior to September 18, 1978 and have not undergone a "modification" as defined in 40 C.F.R. 60.

f. 40 C.F.R. 60 Subpart K – *Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973 and Prior to May 19, 1978:* The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 C.F.R. § 60.111(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after June 11, 1973 and prior to May 19, 1978.

g. 40 C.F.R. 60 Subpart Ka – *Standards of Performance for Storage Vessels for Petroleum Liquids for Which*

Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23, 1984: The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 C.F.R. § 60.111(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after May 18, 1978 and prior to July 23, 1984.

h. 40 C.F.R. 60 Subpart Kb – *Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984:* The facility storage vessels that are potentially affected by this rule are exempted because they contain liquids with a maximum true vapor pressure of less than 3.5 kPa, have a storage capacity of less than 75 cubic meters, or have not commenced construction, reconstruction or modification after July 23, 1984.

4.0. Boilers (Emission Point IDs *MT1, CS012*)

4.0.1. Emergency Operating Scenarios

a. In the event of an unavoidable shortage of fuel having characteristics or specifications necessary to comply with the visible emission requirements 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 requirements will not be exceeded during the exemption period.
[45CSR§2-10.1.]

b. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, SO_2 emissions from the auxiliary boilers exceeding those provided for in 45CSR§10-3.3.f. may be permitted by the Secretary for periods not to exceed ten (10) days upon specific application to the Secretary. Such application shall be made within twenty-four (24) hours of the equipment malfunction or fuel shortage. In cases of major equipment failure or extended shortages of conforming fuels, additional time periods may be granted by the Secretary, provided a corrective program has been submitted by the owner or operator and approved by the Secretary.
[45CSR§10-9.1.]

4.0.2. Thermal Decomposition Of Boiler Cleaning Solutions

The thermal decomposition of boiler cleaning solutions is permitted upon notification to the Secretary, provided that records are maintained which show that the solutions are non-hazardous materials and that the combustion of such solutions does not produce hazardous compounds or emissions. Such records shall be kept on site for a period of no less than five (5) years and shall be made available, in a suitable form for inspection, to the Secretary upon request.
[WVDAQ Letter dated September 3, 2002 addressed to Mr. Greg Wooten and signed by Jesse D. Adkins - State-Enforceable only]

4.1 Limitations and Standards

Boiler

4.1.1. 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., 45CSR16, 40 C.F.R. § 60.11(d)]

4,1.2. 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.]

Unit 1 Steam Generator (MT1)

Visible Emissions and Particulate Matter

4.1.3 Visible Emissions from Unit 1 stack *(MTI)* shall not exceed ten (10) percent opacity based on a six minute block average. *Compliance with this streamlined VE limit assures compliance with 40 CFR 60 Subpart D.*
[45CSR§2-3.1.]

4.1.4. The visible emission standards shall apply at all times except in periods of start-ups, shutdowns and malfunctions.

[45CSR§2-9.1.]

4.1.5. Particulate matter emissions from Unit 1 stack *(MTI)* shall not exceed 598 lb/hr and 2,620 tons/year. The averaging time shall be six (6) hours. *Compliance with this streamlined PM limit assures compliance with 40 CFR 60 Subpart D.*
[45CSR§2-4.1.a., 45CSR2-Appendix §4.1.c., 45CSR13 - Permit No. R.13-0075 Specific Requirement 4.1.1]

4.1.6. Maximum PM-10 emissions to the atmosphere from Steam Generator #1 (ID # 15) [Unit 1] shall not exceed 138 lb/hr and 603 tons/year. The averaging time shall be 6 hours.
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.1]

Nitrogen Oxides (NO,)

4.1.7. Nitrogen oxides emissions, expressed as NO_2, from Unit 1 stack *(MT1)* shall not exceed 0.70 lb/mmBTU, based on a three (3) hour rolling average.

[45CSR16, 40 C.F.R. § 60.44(a)(3) & §60.45(g)(3)]

4.1.8. Maximum nitrogen oxide emissions to the atmosphere from Steam Generator #1 (ID # I S) [Unit 1] shall not exceed 10,514 lb/hr and 46,051 tons/ year. The averaging time shall be 3 hours.
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.1]

Sulfur Dioxide (SO_2)

4.1.9. Sulfur dioxide emissions from Unit 1 stack (*MT1*) shall not exceed 1.2 lb/mmBtu, based on a three (3) hour rolling average. Also, sulfur dioxide emissions from Unit 1 stack (*MT1*) shall not exceed 1.0 lb/mmBtu SO_2 of actual heat input on a 3-hour block average. Compliance with the 1.0 lb/mmBtu SO_2 of actual heat input on a 3-hour block average limitation will assure compliance with the 45CSR16 and 40 C.F.R. § 60.43(a)(2) limitation of 1.2 lb.mmBtu.
[45CSR16 and 40 C.F.R. § 60.43(a)(2), 40 C.F.R. § 60.45(g)(2), 45CSR§30-12.7]

4.1.10. Maximum sulfur dioxide emissions to the atmosphere from Steam Generator #1 (ID #1S) [Unit 1] shall not exceed 18,024 lb/hr and 78,945 tons/year. The averaging time shall be 3 hours. Also, Steam Generator #1 (ID #1S) [Unit 1] shall be permitted to emit SO_2 up to a 3-hour maximum mass of 40,272 lb SO_2 on a 3-hour block average. Compliance with the 3-hour maximum mass of 40,272 lb SO_2 on a 3-hour block average will assure compliance with Permit No. R13-0075 Specific Requirement 4.1.1.
[45 CSR 13 – Permit No. R13-0075 Specific Requirement 4.1.1, 45CSR§30-12.7]

Rule 13 Permit

Note: PM, PM-10, Nitrogen Oxide and Sulfur Dioxide limits are listed under their respective sections above.

4.1.11. Maximum carbon monoxide emissions to the atmosphere from Steam Generator #1 (ID # 1S) [Unit 1] shall not exceed 427 lb/hr and 1,870 tons/year. The averaging time shall be 24 hours.
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.1]

4.1.12. Maximum volatile organic compounds emissions to the atmosphere from Steam Generator #1 (ID # 1S) [Unit 1] shall not exceed 51 lb/hr and 224 tons/year. The averaging time shall be 24 hours.
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.1]

4.1.13. Emissions from the Steam Generator *#1* (ID #1S) [Unit 1] shall be vented to and controlled by the electrostatic precipitator (ID

#1C) [ESP], prior to the release to the atmosphere. The electrostatic precipitator shall be designed to achieve a minimum collection efficiency of 99.7% for particulate matter.
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.2]

4.1.14. **Dry Sorbent Injection.** The permittee shall operate the SO_3 dry-sorbent injection control system consistent with the technological capabilities and limitations of the system and with good operation and maintenanace practices whenever Unit1 is operating, except during periods of startup, shut-down, malfunction, and maintenance.
[45CSR§30-12.7., State-enforceable only]

Auxiliary Boilers (CS012)

Visible Emissions and Particulate Matter

4.1.15. Visible Emissions from the auxiliary boilers AUXl & AUX2 stack *(CS012)* shall not exceed ten (10) percent opacity based on a six minute block average. *Compliance with this streamlined VE limit assures compliance with 40 CFR 60 Subpart D.*
[45CSR§2-3.1.]

4.1.16. The visible emission standards shall apply at all times except in periods of start-ups, shutdowns and malfunctions.
[45CSR§2-9.1.]

4.1.17. Particulate matter emissions from the auxiliary boilers AUXl & AUX2 stack *(CS012)* shall not exceed 107.64 lb/hr. The averaging time shall be a minimum of six (6) hours. *Compliance with this streamlined PM limit assures compliance with 40 CFR 60 Subpart D.*
[45CSR§2-4.1.b., 45CSR2-Appendix §4.1.c.]

4.1.18. Maximum PM-10 emissions to the atmosphere from Auxiliary Boiler #1 (ID # 2S) [AUXl] shall not exceed 6 lb/hr and 27 tons/year.
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.3]

Nitrogen Oxides (NO2)

4.1.19. Nitrogen oxides emissions, expressed as NO_2, from the auxiliary boilers AUX1 & AUX2 stack *(CS012)* shall not exceed 0.30 lb/mmBtu, based on a three (3) hour rolling average.

[45CSR16, 40 C.F.R. § 60.44(a)(3) & §60.45(g)(3)]

4.1.20. Maximum nitrogen oxides emissions to the atmosphere from Auxiliary Boiler #1 (ID # 2S) [AUXl] or Auxiliary Boiler #2 (ID # 3S) [AUX2] shall not exceed 113 lb/hr and 495 tons/year.
[45CSR13 - Permit No. R13-0075 Specific Requirements 4.1.3 & 4.1.4]

Sulfur Dioxide (SO)

4.1.21. Sulfur dioxide emissions from the auxiliary boilers AUX1 & AUX2 stack *(CS012)* shall not exceed 0.8 lb/mmBtu, based on a three (3) hour rolling average.
[45CSR16, 40 C.F.R. § 60.43(2)(1)]

4.1.22. Maximum sulfur dioxide emissions to the atmosphere from Auxiliary Boiler #1 (ID # 2S) [AUXl] or Auxiliary Boiler #2 (ID # 3S) [AUX2] shall not exceed 401 lb/hr and 1,757 tons/year. *Compliance with this streamlined $S0_2$ limit assures compliance with 45CSR§10-3.3.f.*
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.3 &4.1.4]

4.1.23. Compliance with the allowable sulfur dioxide emission limitations from the auxiliary boilers, AUX1 & AUX2, 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.
[45CSR§10-3.8.]

Rule 13 Permit

Note: PM-I0, Nitrogen Oxide and Sulfur Dioxide limits are listed under their respective sections above

4.1.24. Maximum carbon monoxide emissions to the atmosphere from Auxiliary Boiler *#1* (ID#2S) [AUX1] and Auxiliary Boiler *#2* (ID#3S) [AUX2] shall not exceed 28 lb/hr and 123 tons/year.
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.3]

4.1.25. Maximum volatile organic compounds emissions to the atmosphere from Auxiliary Boiler *#1* (ID#2S) [AUX1] and Auxiliary Boiler *#2* (ID#3S) [AUX2] shall not 1 lb/hr and 5 tons/year.
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.3]

4.1.26. Maximum fuel feed rate to Auxiliary Boiler *#1* (ID#2S) [AUX1] and Auxiliary Boiler #2 (ID#3S) [AUX2] shall not exceed 135,500 gallons of fuel oil per day respectively. The percent sulfur of the fuel oil shall not exceed 1.0%.
[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.5]

4.1.27. The emergency quench pump (4S) shall not be operated more than 500 hours per year.
[45CSR13, R13-0075, 4.1.6]

4.2 Monitoring Requirements

4.2.1 To determine compliance with requirements 4.1.8, 4.1.10 of this permit, the permittee shall monitor and maintain Continuous Emission Monitors (CEMs) for Nitrogen Oxides (NOx) and Sulfur Dioxide (SO_2) on Steam Generator #1 (ID # 1S). These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-0075, 4.2.1]

4.2.2 To determine compliance with conditions 4.1.18, 4.1.20, 4.1.22, 4.1.24, 4.1.25 and 4.1.26 the perrnittee shall monitor and maintain records of the maximum fuel feed rate to Auxiliary Boiler #1 (ID# 2S) [AUXl] and Auxiliary Boiler #2 (ID# 3S) [AUX2] and sulfur content of the fuel oil. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13 -Permit No. R13-0075 Specific Requirement 4.2.2]

4.2.3 Compliance with the visible emission requirements for *MT1* shall be determined as outlined in section I.A.2. of the "DAQ approved 45CSR2 Monitoring Plan" attached in Appendix B of this permit.
[45CSR§§2-3.2., 8.1.a & 8.2., 45CSR§2A-6]

4.2.4 The owner or operator shall install, calibrate, certify, operate, and maintain continuous monitoring systems that measure opacity and all SO_2, and NO_x, emissions from emission point *MT1* as specified in 40 C.F.R. Part 60, Subpart D and in 40 C.F.R. Part 75 and measure CO_2 emissions from emission point *MT1* as specified in 40 C.F.R. Part 75. *Compliance with these streamlined measurements of SO_2 and NO_x emissions assures compliance with Requirement 4.2.1.*
[45CSR16, 45CSR33, 40 C.F.R. § 75.10, 40 C.F.R. § 60.45, 40 C.F.R. §§ 64.3(b)(1) and 64.3(b)(4)(ii)]

4.2.5 Compliance with the auxiliary boiler stack (*CSO12*) particulate matter mass emission requirements and the operating and fuel usage requirements (*MT1* & *CSO12*), shall be demonstrated as outlined in sections I.A.3. and I.B.3. of the "DAQ approved 45CSR2 Monitoring Plan" attached in Appendix B of this permit.
[45CSR§§2-8.3.c., 8.4.a. & 8.4.a.1.]

4.2.6 Compliance with the auxiliary boiler stack (*CSO12*) particulate matter mass emission requirements, the NO_x mass emissions requirements, and the SO_2 mass emission requirements shall be demonstrated by fuel sampling and analysis as outlined in the DAQ "Policy on Regulations 2 and 10 Record Keeping and Reporting Requirements".
[45CSR16, 40 CFR 60.13(i)(2), Letter of approval to AEP dated June 9, 1999 for Alternative Monitoring Request]

4.2.7 The permittee shall perform daily monitoring and recordkeeping of the total daily dry sorbent usage rate (pounds /tons per day) and startups, shutdowns, malfunctions, and maintenance associated with the dry sorbent injection system.
[45CSR§30-5.1.c., State-enforceable only]

4.2.8 Compliance with the visible emission requirements for *CS012* shall be determined as outlined in section I.B.2. of the DAQ approved "45CSR2 Monitoring Plan" attached in Appendix B of this permit.
[45CSR§§2-3.2., 8.1.a & 8.2., 45CSR§2A-6] [CS012]

4.2.9 The owner or operator shall implement a Compliance Assurance Monitoring (CAM) program in accordance with the following:

(a) The permittee shall monitor and maintain 6-minute opacity averages measured by a continuous opacity monitoring system, operated and maintained pursuant to 40 C.F.R. Part 75, including the minimum data requirements, in order to determine 3-hour block average opacity values.
[45CSR§30-5.1.c. and 40 C.F.R. § 64.6(c)(1)(i) and (ii)] [Unit 1]

(b) The COM QA/QC procedures shall be equivalent to the applicable requirements of 40 C.F.R. Part 75.
[40 C.F.R. §75.21 and 40 C.F.R. § 64.6(c)(iii)] [Unit 1]

(c) The 6-minute opacity averages from permit condition 4.2.9.(a) shall be used to calculate 3-hour block average opacity values. Data recorded during monitoring malfunctions, associated repairs and QA/QC activities shall not be used for calculating the 3-hour averages. All other available qualified data consisting of 6-minute opacity averages will be used to calculate a 3-hour average. Data availability shall be at least of 50% of the operating time in the 3-hour block to satisfy the data requirements to calculate the 3-hour average opacity. However, the number of invalid 3-hour blocks shall not exceed 15% of the total 3-hour blocks during unit operation for a quarterly reporting period.

An excursion of the indicator range shall be defined as two consecutive 3-hour block average opacity values that exceed 10%.

[45CSR§30-5.1.c. 40 C.F.R. § 64.6(c)(2) and (4) and 40 C.F.R. § 64.7(c)] [Unit 1]

4.2.10 The CAM-related testing and CAM plan implementation shall be conducted according to the following schedule:

(a) The permittee shall submit a CAM testing protocol to the Department at least 30 days prior to the proposed testing date.

(b) A test report, presenting testing results, shall be submitted to the Director within 60 days after completion of testing.

(c) The permittee shall complete the CAM testing and implement the CAM monitoring within 180 days of the issuance of this permit.

[45CSR§30-5.1.c., 40 C.F.R. § 64.6(d), and 40 C.F.R. § 64.7(a)] [Unit 1]

4.1.11 **Proper Maintenance.** The permittee shall maintain monitoring at all times, including maintaining necessary spare parts for routine repairs of the monitoring equipment.
[45CSR§30-5.1.c. and 40 C.F.R. § 64.7(b)] [Unit 1]

4.2.12 **Response to Excursions or Exceedances**

(a) Upon detecting an excursion or exceedance, the permittee shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

(b) Determination of whether the permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

[40 C.F.R. § 64.7(d); 45CSR§30-5.1.c. (*Unit 1*)]

4.2.13 **Documentation of Need for Improved Monitoring** – After approval of monitoring under 40 C.F.R. Part 64, if the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing (permit conditions 4.3.2. and 4.3.3.) document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director and, if necessary, submit a proposed modification to the permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.
[40 C.F.R. § 64.7(e); 45CSR§30-5.1.c. (*Unit 1*)]

4.2.14 **Quality Improvement Plan (QIP) –** Based on the results of a determination made under permit condition 4.2.12.(b) or 4.3.2., the Administrator or the Director may require the permittee to develop and implement a

QIP. If a QIP is required, then it shall be developed, implemented, and modified as required according to 40 C.F.R. §§ 64.8(b) through (e). Refer to permit condition 4.5.7.(b)(iii) for the reporting required when a QIP is implemented.
[40 C.F.R. § 64.8; 45CSR§30-5.1.c. (*Unit 1*)]

4.2.15 **Continued operation.** Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.
[40 C.F.R. § 64.7(c); 45CSR§30-5.1.c. (*Unit 1*)]

4.3 Testing Requirements

4.3.1. The owner or operator shall conduct, or have conducted, tests to determine the compliance of Unit 1 with the particulate matter mass emission limitations. 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. The last test was performed on 10/3/2007. According to the cover letter transferring the report to the DAQ and based on the results of the test, the next test shall be performed by 10/3/2010.

Test	Test Results	Retesting Frequency
Annual	after three successive tests indicate mass emission rates ≤50% of weight emission standard	Once/3 years
Annual	after two successive tests indicate mass emission rates <80 % of weight emission standard	Once/2 years
Annual	any tests indicates a mass emission rate ≥80% of weight emission standard	Annual
Once/2 years	after two successive tests indicate mass emission rates ≤50% of weight emission standard	Once/3 years
Once/2 years	any tests indicates a mass emission rate <80 % of weight emission standard	Once/2 years
Once/2 years	any tests indicates a mass emission rate ≥80% of weight emission standard	Annual
Once/3 years	any tests indicates a mass emission rate ≤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

Test	Test Results	Retesting Frequency
Once/3 years	any test indicates a mass emission rate ≥80% of weight emission standard	Annual

[45CSR§2-8.1.,45CSR§2A-5.2.]

4.3.2. If five (5) percent or greater of the three (3) hour average COMS opacity values, determined in accordance with 4.2.9.(c) of this permit, indicate excursions of the 10% opacity threshold during a calendar quarter, the permittee shall develop and implement a QIP. The Director may waive this QIP requirement upon a demonstration that the cause(s) of the excursions have been corrected, or may require stack tests at any time pursuant to permit condition 3.2.1.
[45CSR§30-5.1.c. and 40 C.F.R. § 64.7(d)] [Unit 1]

4.3.3. Data collected during future periodic 45CSR2 mass emissions tests under permit condition 4.3.1 will be used to supplement the existing data set in order to verify the continuing appropriateness of the 10% indicator range value.
[45CSR§30-5.1.c. and 40 C.F.R. § 64.6(b)] [Unit 1]

4.3.4 The owner or operator shall conduct tests to determine the compliance of the Unit 1 boiler with the particulate matter ≤ 10μm (PM-10) limitations. Such tests shall be conducted in accordance with the appropriate EPA approved test method and in conjunction with any particulate matter test required under condition 4.3.1. above. Emission factors shall be determined from the test results and updated from the results of each subsequent test. The emission factor shall be used for compliance demonstration for periods between tests.
[45CSR§30-5.1.c.]

4.3.5 The owner or operator shall conduct tests at least once every five (5) years, to determine the compliance of the Unit 1 boiler with the carbon monoxide (CO) and volatile organic compounds (VOC) limitations. Such tests shall be conducted in accordance with the appropriate EPA approved test methods. Emission factors shall be determined from the test results and updated from the results of each subsequent test. The emission factor shall be used for compliance demonstration for periods between tests.
[45CSR§30-5.1.c.]

4.4 Recordkeeping Requirements

4.4.1. 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.]

4.4.2. 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.]

4.4.3. Records of the block 3-hour COMS opacity averages and corrective actions taken during excursions of the CAM plan indicator range shall be maintained on site and shall be made available to the Director or his duly authorized representative upon request. COMS performance data will be maintained in accordance with 40 C.F.R. Part 75 recordkeeping requirements**.**
[45CSR§30-5.1.c. and 40 C.F.R. §64.9(b) (*Unit 1*)]

4.4.4 **General recordkeeping requirements for 40 C.F.R. Part 64 (CAM)**
The permittee shall comply with the recordkeeping requirements specified in permit conditions 3.3.1. and 3.3.2.The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 C.F.R. §64.8 (condition 4.2.14) and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 C.F.R. Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
[40 C.F.R. § 64.9(b); 45CSR§30-5.1.c. (*Unit 1*)]

4.4.5. For the purposes of determining compliance with condition 4.1.27 of this permit, the permittee shall maintain monthly records of the number of hours the emergency quench pump is operated. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-0075, 4.2.3]

4.5 Reporting Requirements

4.5.1. Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions as defined in 40 C.F.R. Part 60 Subpart D) and-or summary report form (see 40 C.F.R. §60.7(d)), to the Administrator and the Secretary quarterly, except when: a different frequency of reporting is specifically required by an applicable subpart of 40 C.F.R. Part 60 or the Administrator and-or the Secretary, on a case-by-case basis, determines that a different frequency of reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the information as outlined in 40 C.F.R. §60.7(c). The summary report form shall contain the information and be in the format as outlined in 40 C.F.R. §60.7(d) unless otherwise specified by the Administrator or Secretary. One summary report form shall be submitted for each pollutant monitored.
[45CSR16, 40 C.F.R. §§ 60.7(c) & (d)]

4.5.2. The designated representative shall electronically report SO_2, NO_x, and CO_2 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]

4.5.3. A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. Compliance with this periodic exception reporting requirement shall be demonstrated as outlined in sections I.A.4. and I.B.4. of the "DAQ approved 45CSR2 Monitoring Plan" attached in Appendix B of this permit.
[45CSR§2-8.3.b.]

4.5.4. Excess opacity periods resulting from any malfunction of Unit 1, Aux 1, Aux 2 or their air pollution control equipment, 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.]

4.5.5. Except as provided in permit condition 4.5.4. above, the owner or operator shall report to the Secretary by telephone, telefax, or e-mail any malfunction of Unit 1 or its 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.]

<u>Acid Rain Program</u>

4.5.6. Unit 1 is a Phase II Acid Rain affected unit under 45CSR33, as defined by 40 C.F.R § 72.6, and as such is 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. Part 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;

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

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

4.5.7. **General reporting requirements for 40 C.F.R. Part 64 (CAM)**

(a) On and after the date specified in 40 C.F.R. §64.7(a) by which the permittee must use monitoring that meets the requirements of 40 C.F.R. 64, the permittee shall submit monitoring reports to the DAQ in accordance with permit condition 3.4.6.

(b) A report for monitoring under 40 C.F.R. 64 shall include, at a minimum, the information required under permit condition 3.4.8. and the following information, as applicable:

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

(ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable) provided in accordance with 40 C.F.R. Part 75; and

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

[40 C.F.R. § 64.9(a); 45CSR§30-5.1.c. (*Unit 1*)]

4.6 Compliance Plan

None

5.0. Source-Specific Requirements [Coal and Ash Handling *(Emission points listed in section 1.0. Table)]*

5.1. Limitations and Standards

5.1.1 The Coal and Ash handling systems are subject to 45CSR§2-5 as outlined in the facility wide section of this permit (condition 3.1.12) regarding fugitive dust control system.

5.1.2 The permitted facility (Emission Unit ID# 15S-Conveyor C-M5) shall comply with all the applicable standard provisions of the 40CFR60 Subpart Y *Standards of Performance for Coal Preparation Plants*, provided, however, that compliance with any more stringent limitations, is demonstrated:

§ 60.252 Standards for particulate matter.

On and after the date on which the performance test required to be conducted by 40 C.F.R. § 60.8 is completed, an owner or operator subject to the provisions of 40 C.F.R. Part 60 Subpart Y shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.

[45CSR16 & 40CFR§60.252 (c), C-M5]

5.1.3 The amount of coal unloaded from the mine conveyor (M5) shall not exceed 1800 tons per hour nor 3,000,000 tons per year based on a 12 month rolling total.

[45CSR13, R13-0075, 4.1.19]

5.2. Monitoring Requirements

5.2.1. To demonstrate compliance with condition 5.1.2, the permittee shall perform monthly visible emissions observations. The monthly visible emission observations shall consist of Method 22 like visible emissions checks. The checks shall be performed during periods of normal operation and appropriate weather conditions, and for a sufficient time interval, but no less than one minute, to determine if any visible emissions are present. If visible emissions are observed, the permittee shall conduct an opacity evaluation in accordance with Method 9 of 40 CFR 60, Appendix A within 24 hours unless the visible emissions are corrected beforehand.

[45CSR§30-5.1.c.]

5.3. Testing Requirements

None

5.4 Recordkeeping Requirements

5.4.1 For the purposes of determining compliance with Section 5.1.3, the permittee shall maintain monthly records of the amount of coal received from the mine conveyor. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.

[45CSR13, R13-0075, 4.2.15]

5.5 Reporting Requirements

None

5.6 Compliance Plan

None

6.0 Limestone Handling System

6.1. Limitations and Standards

6.1.1 The permitted facility (Limestone processing system) shall comply with all the applicable standard provisions of the 40CFR60 Subpart OOO *Standards of Performance for Nonmetallic Mineral Processing Plants*, provided, however, that compliance with any more stringent limitations, is demonstrated:

§ 60.672 Standard for particulate matter.

(a) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any transfer point on belt conveyors or from any other affected facility any fugitive emissions which exhibit greater than 10 percent opacity, except as provided in paragraphs (c), (d), and (e) of this section.

(b) If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a), (b) and (c) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:

(1) No owner or operator shall cause to be discharged into the atmosphere from any building enclosing any transfer point on a conveyor belt or any other affected facility any visible fugitive emissions except emissions from a vent as defined in §60.671.

(2) No owner or operator shall cause to be discharged into the atmosphere from any vent of any building enclosing any transfer point on a conveyor belt or any other affected facility emissions which exceed the stack emissions limits in paragraph (a) of this section.

(c) On and after the sixtieth day after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11 of this part, no owner or operator shall cause to be discharged into the atmosphere from any baghouse that controls emissions from only an individual, enclosed storage bin, stack emissions which exhibit greater than 7 percent opacity.

[45CSR16, 40CFR60.672(b),(e),(f)]

6.1.2 The limestone handling system is subject to 45CSR§2-5 as outlined in the facility wide section of this permit (condition 3.10) regarding fugitive dust control systems.

6.1.3 The amount of limestone unloaded from barges (conveyor ZU-CV-70001) shall not exceed 1500 tons per hour nor 1,092,000 tons per year based on a 12 month rolling total. For the purposes of this permit a 12 month rolling total means the sum of material throughput at the end of any given month for the previous 12 months.
[45CSR13, R13-0075, 4.1.7]

6.1.4 The amount of limestone processed at the facility (conveyor ZU-CV-70005) shall not exceed 400 tons per hour nor 802,560 tons per year based on a 12 month rolling total.
[**45CSR13, R13-0075, 4.1.8]**

6.1.5. The amount of limestone processed through Roll Crusher 7S shall not exceed 350 tons per hour nor 216,000 tons per year based on a 12 month rolling total.
[45CSR13, R13-0075, 4.1.20]

6.2. Monitoring requirements

None

6.3. Testing Requirements

None

6.4. Recordkeeping Requirement:

6.4.1. For the purposes of determining compliance with condition 6.1.4 of this permit, the permittee shall maintain monthly records of the amount of limestone processed at the facility. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-0075, 4.2.5]

6.4.2 For the purpose of determining compliance with condition 6.1.3.of this permit, the permittee shall maintain monthly records of the amount of limestone unloaded from barges. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-0075, 4.2.4]

6.4.3 The permitted facility (Limestone processing system) shall comply with all the applicable recordkeeping provisions of the 40CFR60 Subpart OOO *Standards of Performance for Nonmetallic Mineral Processing Plants*, provided, however, that compliance with any more stringent limitations, is demonstrated:

§ 60.676 Reporting and recordkeeping.

(c)During the initial performance test of a wet scrubber, and daily thereafter, the owner or operator shall record the measurements of both the change in pressure of the gas stream across the scrubber and the scrubbing liquid flow rate.
[45CSR16, 40CFR60.676 (c)]

6.4.4. For the purposes of determining compliance with condition 6.1.5 of this permit, the permittee shall maintain monthly records of the amount of limestone processed through the roll crusher. Alternatively, the permittee may keep records certifying the maximum hourly capacity of the crusher and the daily hours of operation of said crusher. These records shall be maintained on site for a period of not less than five (5) years. These records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-0075, 4.2.16]

6.5 Reporting Requirements

None

6.6 Compliance Plan

None

7.0 Gypsum, WWTP and Mitigation Material Handling System

7.1. Limitations and Standards

7.1.1 The amount of gypsum loaded out to barge (conveyor ZB-CV-70011) shall not exceed 250 tons per hour nor 1,448,000 tons per year based on a 12 month rolling total.
[**45CSR1 , R13-0075, 4.1.9]**

7.1.2 The amount of gypsum and Chloride Purge Stream Waste Water Treatment Plant solids belted to the landfill (Conveyor ZB-CV-70003) shall not exceed 1700 tons per hour nor 4,026,000 tons per year based on a 12 month rolling total.
[**45CSR13, R13-0075, 4.1.10]**

7.1.3 The amount of gypsum and CPS Waste Water Treatment Plant solids trucked to the landfill shall not exceed 694 tons per hour nor 4,026,000 tons per year based on a 12 month rolling total.
[**45CSR13, R13-0075, 4.1.11**]

7.1.4 The amount of gypsum from the emergency pile and CPS WWTP solids trucked to the landfill shall not exceed 694 tons per hour nor 162,400 tons per year based on a 12 month rolling total.
[**45CSR13, R13-0075, 4.1.17]**

7.1.5 The amount of chemicals received for the CPS WWTP shall not exceed the following:

Chemical	Hourly Rate	Annual Rate
Ferric Chloride	20 gal. per hour	74,000 gal/yr
Hydrochloric. Acid	25 gal. per hour	108,000 gal/yr
Sulfuric Acid	10 gal. per hour	43,000 gal/yr
Hydrated Lime	920 lb/hr	2000 ton/yr

[45CSR13, R13-0075, 4.1.18]

7.1.6 The amount of magnesium hydroxide used at the facility shall not exceed 10,512,000 gallons per year based on a 12 month rolling total.
[45CSR13, R13-0075 section 4.1.12]

7.1.7 The amount of hydrated lime used at the facility shall not exceed 35,916 tons per year based on a 12 month rolling total.
[45CSR13, R13-0075 section 4.1.13]

7.1.8 The amount of Trona used at the facility shall not exceed 21,900 tons per year based on a 12 month rolling total.
[45CSR13, R13-0075 section 4.1.14]

7.1.9 The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The sprayhar shall be equipped with spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

The pump delivering the water shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of' water and at a sufficient pressure, so as to assure that the treatment process will minimize the

atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.
Additionally, at least twice per year the permittee shall apply a mixture of water and an environmentally acceptable dust control additive hereafter referred to as solution to all unpaved haul roads. The solution shall have a concentration of dust control additive sufficient to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads.

For paved haulroads, the use of a wet road sweeper is an acceptable alternative to a water truck as long as it is operated in such a manner as to assure minimization of the atmospheric entrainment of fugitive particulate emissions.
[**45CSR13, R13-0075, 4.1.16]**

7.2. Monitoring requirements:

None

7.3. Testing Requirements:

None

7.4 Recordkeeping Requirements:

7.4.1. For the purposes of determining compliance with condition 7.1.1 of this permit, the permittee shall maintain monthly records of the amount of gypsum loaded out to barges. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[**45CSR13 , R13-0075, 4.2.6]**

7.4.2 For the purposes of determining compliance with condition 7.1.2. of this permit, the permittee shall maintain monthly records of the amount of gypsum and CPS WWTP Solids belted to the landfill. These records shall he maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[**45CSR13, R13-0075, 4.2.7]**

7.4.3 For the purposes of determining compliance with condition 7.1.3 of this permit, the permittee shall maintain monthly records of the amount of gypsum and CPS WWTP solids trucked to the landfill. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[**45CSR13, R13-0075, 4.2.8]**

7.4.4 For the purposes of determining compliance with condition 7.1.4 of this permit, the permittee shall maintain monthly records of the amount of gypsum from the emergency pile and CPS WWTP solids trucked to the landfill. These records shall be maintained on site for a period of not less than five (5) years. These records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[**45CSR13, R13-0075, 4.2.13]**

7.4.5 For the purposes of determining compliance with condition 7.1.5 of this permit, the permittee shall maintain monthly records of the amount of chemicals used at the CPS WWTP facility. These records shall be maintained on site for a period of not less than five (5) years. These records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
[**45CSR13, R13-0075, 4.2.14]**

7.4.6 For the purposes of determining compliance with condition 7.1.6 of this permit, the permittee shall maintain monthly records of the amount of magnesium hydroxide used at the facility. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-0075, 4.2.9]

7.4.7 For the purposes of determining compliance with condition 7.1.7 of this permit, the permittee shall maintain monthly records of the amount of hydrated lime used at the facility. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-0075, 4.2.10]

7.4.8 For the purposes of determining compliance with condition 7.1.8 of this permit, the permittee shall maintain monthly records of the amount of Trona used at the facility. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-0075, 4.2.11]

7.4.9 For the purposes of determining compliance with condition 7.1.9 of this permit, the permittee shall maintain records of the amount of dust control additive used at the facility and the dates the solution was applied. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13, R13-0075, 4.2.12]

7.5 Reporting Requirements:

None

7.6 Compliance Plan

None

APPENDIX A

NOx Budget Permit Applications

NO_X Budget Permit Application

Page 1

DAQ
Division of Air Quality

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

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

This submission is: ☒ New ☐ Revised

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

Mountaineer Plant Plant Name	053-00009 Company ID Number	6264 ORIS/Facility Code

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

Unit ID#	Description
1	Mountaineer Plant Unit 1

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

Standard Requirements

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

Mountaineer Plant
Plant Name (from Step 1)

NO_x Budget Permit Application
Page 2

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

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

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

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

Mountaineer Plant Plant Name (from Step 1)

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

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

Certification

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

John M. McManus Name	
Signature John M. McManus	Date 4/7/08

Mountaineer Plant
Plant Name (from Step 1)

NO_x Budget Permit Application
Page 4

STEP 4 (For sources with opt-in units only).

For each unit listed under Step 2 that is an opt-in unit, re-enter the unit ID#, and indicate if this is an initial permit application for that unit by checking the box.

Unit ID#	Check box if initial permit application

Step 5 (For sources with opt-in units only).

Read the certification, enter the name of the NO_x authorized account representative, sign and date.

I certify that each unit for which this permit application is submitted under 45CSR1-80 and/or subpart I of 40 CFR part 97, as applicable, is not a NO_x Budget unit under 45CSR1-4.1 and/or 40 CFR 97.4(a) and is not covered by an exemption under subsection 4.2 or section 5 of 45CSR1, and/or 40 CFR part 97.4(b) or 97.5 that is in effect.

Name	
Signature	Date

STEP 6 (For sources submitting an initial NO_x Budget opt-in permit application).

Read the certification, enter the name of the NO_x authorized account representative, sign and date.

I certify that each unit for which this permit application is submitted under 45CSR1-80 and/or subpart I of 40 CFR part 97, as applicable, is operating, as that term is defined under 45CSR1-2 and/or 40 CFR 97.2.

Name	
Signature	Date

137

NO_X Budget Permit Application

Page 1

DAQ
Division of Air Quality

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

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

This submission is: ☒ New ☐ Revised

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

Mountaineer Plant Plant Name	053-00009 Company ID Number	6264 ORIS/Facility Code

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

Unit ID#	Description
AUX1	Mountaineer Plant Auxiliary Boiler 1
AUX2	Mountaineer Plant Auxiliary Boiler 2

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

Standard Requirements

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

Mountaineer Plant
Plant Name (from Step 1)

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

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

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

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

Mountaineer Plant Plant Name (from Step 1)

NO_x Budget Permit Application
Page 3

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

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

Certification

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

John M. McManus Name	
Signature John M. McManus	Date 4/7/08

Mountaineer Plant Plant Name (from Step 1)

NO_x Budget Permit Application
Page 4

STEP 4 (For sources with opt-in units only).

For each unit listed under Step 2 that is an opt-in unit, re-enter the unit ID#, and indicate if this is an initial permit application for that unit by checking the box.

Unit ID#	Check box if initial permit application

Step 5 (For sources with opt-in units only).

Read the certification, enter the name of the NO_x authorized account representative, sign and date.

I certify that each unit for which this permit application is submitted under 45CSR1-80 and/or subpart I of 40 CFR part 97, as applicable, is not a NO_x Budget unit under 45CSR1-4.1 and/or 40 CFR 97.4(a) and is not covered by an exemption under subsection 4.2 or section 5 of 45CSR1, and/or 40 CFR part 97.4(b) or 97.5 that is in effect.

Name	
Signature	Date

STEP 6 (For sources submitting an initial NO_x Budget opt-in permit application).

Read the certification, enter the name of the NO_x authorized account representative, sign and date.

I certify that each unit for which this permit application is submitted under 45CSR1-80 and/or subpart I of 40 CFR part 97, as applicable, is operating, as that term is defined under 45CSR1-2 and/or 40 CFR 97.2.

Name	
Signature	Date

APPENDIX B

45CSR2 & 45CSR10 Monitoring Plan

45 CSR 2 and 45 CSR 10
Monitoring and Recordkeeping Plan

Mountaineer Plant

Facility Information:

Facility Name: Mountaineer Plant

Facility Address: P.O. Box 419
State Route 62
New Haven, WV 25265

Facility Environmental Contact: R.D. Thompson

A. Facility Description:

Mountaineer Plant is a coal-fired electric generating facility with one main combustion unit (Unit 1) discharging through a single main stack (MT1). Mountaineer plant also has two auxiliary boilers (Aux. 1 and 2) that discharge through an independent auxiliary stack (CS012). Unit 1, Aux. Boiler 1 and Aux. Boiler 2 each have a design heat input greater than 10 mm Btu/hr making both 45 CSR 2A (Interpretive Rule for 45 CSR 2) and 4 CSR 10A (Interpretive Rule for 45 CSR 10) applicable to these sources. However, each of these boilers are regulated by subpart D of the New Source Performance Standards and have limited applicability under 45 CSR 10 and 45 CSR 10A.

I. 45 CSR 2 Monitoring Plan:

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

A. Main Stack (MT1)

1. Applicable Standard:

45 CSR 2, §3.1. *No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.*

2. Monitoring Method(s):

45 CSR 2, §8.2.a.1. *Direct measurement with a certified continuous opacity monitoring system (COMS) shall be deemed to satisfy the requirements for a monitoring plan. Such COMS shall be installed,*

calibrated, operated and maintained as specified in 40 CFR Part 60, Appendix B, Performance Specification 1 (PS1). COMS meeting the requirements of 40 CFR Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS1.

a. Primary Monitoring Method: While a Continuous Opacity Monitors (COMS) would not be required on a wet scrubbed fuel burning unit, Mountaineer has chosen to employ COMS on the fuel burning unit upstream of the wet scrubber and located in the plant ductwork. As such, the primary method of monitoring opacity at Mountaineer Plant will be Continuous Opacity Monitors (COMS). The COMS are installed, maintained and operated in compliance with requirements of 40 CFR Part 75.

b. Other Credible Monitoring Method(s): While Mountaineer Plant will use COMS as the primary method of monitoring opacity of the fuel burning unit, we are also 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.

3. Recordkeeping:

a. **Operating Schedule and Quality/Quantity of Fuel Burned**

45 CSR 2A §7.1.a. *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 specified in paragraphs 7.1.a.1 through 7.1.a.6, as applicable.*

The applicable paragraphs for Mountaineer Plant are the following:

§7.1.a.2: *For fuel burning unit(s) which burn only distillate oil, 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 and a BTU analysis for each shipment.*

§7.1.a.4: *For fuel burning unit(s) which burn only coal, 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 and BTU analysis for each shipment.*

§7.1.a.6: *For fuel burning unit(s) which burn a combination of fuels, the owner or operator shall comply with the applicable Recordkeeping requirements of paragraph 7.1.a.1 through 7.1.a.5 for each fuel burned.*

The date and time of each startup and shutdown of Unit 1 will be maintained. The quantity of coal burned on a daily basis as well as the ash and Btu content will also be maintained. From a fuel oil perspective, the quantity of fuel oil burned on a monthly basis, as well as the Btu content will be maintained. The fuel oil analysis will generally be one that is provided by the supplier for a given shipment but in some cases, we may use independent sampling and analyses. The quantity of fuel oil burned on a monthly basis may be maintained on a facility wide basis.

b. **Record Maintenance**

45 CSR 2A §7.1.b. *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 for continuous monitoring instrumentation, and copies of all required reports.

Records of all required monitoring data and support information will be maintained on-site for at least five (5) years. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.

4. Exception Reporting:

a. **Particulate Mass Emissions:**

45 CSR 2A, §7.2.a. *With respect to excursions associated with measured emissions under Section 4 of 45CSR2, compliance with the reporting and testing requirements under the Appendix to 45CSR2 shall fulfill the requirement for a periodic exception report under subdivision 8.3.b. or 45CSR2.*

Mountaineer Plant will comply with the reporting and testing requirements specified under the Appendix to 45 CSR 2.

b. **Opacity:**

45 CSR 2A, §7.2.b. *COMS – In accordance with the provisions of this subdivision, each owner or operator employing COMS as the method of monitoring compliance with opacity limits shall submit a "COMS Summary Report" and/or an "Excursion and COMS Monitoring System Performance Report" to the Director on a quarterly basis; the Director may, on a case-by-case basis, require more frequent reporting if the Director deems it necessary to accurately assess the compliance status of the fuel burning unit(s). All reports shall be postmarked by the thirtieth (30th) day following the end of each calendar quarter. The COMS Summary Report shall contain the information and be in the format shown in Appendix B unless otherwise specified by the Director.*

45 CSR 2A, §7.2.b.1. *If the total duration of excursions for the reporting period is less than one percent (1%) of the total operating time for the reporting period and monitoring system downtime for the reporting period is less than five percent (5%) of the total operating time for the reporting period, the COMS Summary Report shall be submitted to the Director; the Excursion and COMS Monitoring System Performance report shall be maintained on-site and shall be submitted to the Director upon request.*

45 CSR 2A, §7.2.b.2. *If the total duration of excursions for the reporting period is one percent (1%) or greater of the total operating time for the reporting period or the total monitoring system downtime for the reporting period is five percent (5%) or greater of the total operating time for the reporting period, the COMS Summary Report and the Excursion and COMS Monitoring System Performance Report shall both be submitted to the Director.*

45 CSR 2A, §7.2.b.3. *The Excursion and COMS Monitoring System Performance Report shall be in a format approved by the Director and shall include, but not be limited to, the following information:*

45 CSR 2A, §7.2.b.3.A. *The magnitude of each excursion, and the date and time, including starting and ending times, of each excursion.*

45 CSR 2A, §7.2.b.3.B. *Specific identification of each excursion that occurs during start-ups, shutdowns, and malfunctions of the facility.*

45 CSR 2A, §7.2.b.3.C. *The nature and cause of any excursion (if known), and the corrective action taken and preventative measures adopted (if any).*

45 CSR 2A, §7.2.b.3.D. *The date and time identifying each period during which quality- controlled monitoring 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.*

45 CSR 2A, §7.2.b.3.E. *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.*

Attached, as Appendices A and B are sample copies of the COMS "Summary Report" and "Excess opacity and COM downtime report" that we plan on using to fulfill the opacity reporting requirements. The COMS "Summary Report" will satisfy the conditions under 45 CSR 2A, §7.2.b for the "COMS Summary Report" and will be submitted to the Director according to its requirements. The "Excess opacity and COM downtime report" satisfies the conditions under 45 CSR 2A, §7.2.b.3. for the "Excursion and COMS Monitoring System Performance Report". The "Excess opacity and COM downtime report" shall be submitted to the Director following the conditions outlined in 45 CSR 2A, §7.2.b.1. and §7.2.b.2.

To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45CSR2 shall be followed – 45 CSR 2A, §7.2.d.

B. <u>Aux. Stack (CS012)</u>

1. Applicable Standard:

45 CSR 2, §3.1. *No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.*

2. Monitoring Method:

45 CSR 2, §8.2.a.1. *Direct measurement with a certified continuous opacity monitoring system (COMS) shall be deemed to satisfy the requirements for a monitoring plan. Such COMS shall be installed, calibrated, operated and maintained as specified in 40 CFR Part 60, Appendix B, Performance Specification 1 (PS1). COMS meeting the requirements of 40 CFR Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS1.*

45 CSR 2, §8.4.a. *The owner or operator of a fuel burning unit(s) may petition for alternatives to testing, monitoring, and reporting requirements prescribed pursuant to this rule for conditions, including, but not limited to, the following:*

45 CSR 2, §8.4.a.1. *Infrequent use of a fuel burning unit(s)*

Pursuant to 45 CSR 2, Section 8.4.a and 8.4.a.1, Mountaineer Plant previously petitioned the Office of Air Quality (OAQ) Chief for alternative testing, monitoring, and reporting requirements for the auxiliary boiler and associated stack. Based on limited operating hours, the requirement for COMS installation per Section 6.2.a of interpretive rule 45 CSR 2A was determined to be overly burdensome and sufficient reason for the granting of alternative monitoring methods. The alternative monitoring method based on USEPA Method 9 visible emission readings is described below.

- Primary Monitoring Method: As an alternative to COMS monitoring, a Method 9 reading be conducted one time per month provided the following conditions are met: 1) The auxiliary boiler(s) has 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. With the Mountaineer auxiliary boilers being sans particulate emissions controls, operating parameters of control equipment are nonexistent and unable to be monitored.

3. Recordkeeping:

a. **Operating Schedule and Quality/Quantity of Fuel Burned**

45 CSR 2A §7.1.a. *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 specified in paragraphs 7.1.a.1 through 7.1.a.6, as applicable.*

The applicable paragraph for the Mountaineer Plant auxiliary boilers follows:

§7.1.a.2: *For fuel burning unit(s) which burn only distillate oil, 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 and a BTU analysis for each shipment.*

As such, the date and time of each startup and shutdown of the auxiliary boilers will be maintained. The quantity of fuel oil burned on a monthly basis, as well as the Btu content will be maintained. The fuel oil analysis will generally be one that is provided by the supplier for a given shipment but in some cases, we may use independent sampling and analyses. The quantity of fuel oil burned on a monthly basis may be maintained on a facility wide basis.

b. **Record Maintenance**

45 CSR 2A §7.1.b. *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 for continuous monitoring instrumentation, and copies of all required reports.*

Records of all required monitoring data and support information will be maintained on-site for at least five (5) years. In the case of the auxiliary boilers, strip chart recordings, etc. are generally not available.

4. Exception Reporting:

Pursuant to 45 CSR 2, Section 8.4.a and 8.4.a.1, Mountaineer Plant previously petitioned the Office of Air Quality (OAQ) Chief for alternative testing, monitoring, and reporting requirements for the auxiliary boiler and associated stack.

a. **Particulate Mass Emissions** – As an alternative to the testing and exception reporting requirements for particulate mass emissions from the auxiliary boilers, the following was previously proposed and approved. Based on an average heat content of approximately 138,506 Btu/gallon (calendar year 2000 data) and an AP-42 based particulate mass emissions emission factor of 2 lbs/thousand gallons, the calculated particulate mass emissions of the auxiliary boiler are 0.01 lb/mm Btu. As such, the fuel analysis records maintained under the fuel quality analysis and recordkeeping section of this plan provide sufficient evidence of compliance with the particulate mass emission limit. For the purpose of meeting exception reporting requirements, any fuel oil analysis indicating a heat content of less than 25,000 Btu per gallon will be reported to the OAQ to fulfill the requirement for a periodic exception report under subdivision 8.3.b. or 45 CSR 2 – 45 CSR 2A, §7.2.a. A heat content of 25,000 Btu/gal and a particulate emissions factor of 2 lbs/thousand gallons would result in a calculated particulate mass emissions of approximately 90% of the applicable 45 CSR 2 standard.

b. **Opacity** – As an alternative to the exception reporting requirements for opacity emissions from the auxiliary boiler, we are proposing the following. We will maintain a copy of each properly conducted (correct weather/lighting conditions, etc.) Method 9 evaluation performed. Any properly conducted Method 9 test that indicates an exceedance shall be submitted to the OAQ on a quarterly basis (within 30 days of the end of the quarter) along with an accompanying description of the excursion cause, any corrective action taken, and the beginning and ending times for the excursion.

To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45CSR2 shall be followed – 45 CSR 2A, §7.2.d.

If no exceptions have occurred during the quarter, then a report will be submitted to the OAQ stating so. This will include periods in which no method 9 tests were conducted (e.g. unit out of service) or when no fuel oil was received.

II. <u>45 CSR 10 Monitoring Plan:</u>

A. Main Boiler (MT1)

The Mountaineer main boiler is regulated by subpart D New Source Performance Standards and does not have a SIP limit in section 3 of 45 CSR 10. Accordingly, a monitoring plan demonstrating compliance with weight emission standards in section 3 is not required for the main boiler

B. Aux. Stack (CS012)

1. Applicable Standard:

45 CSR 10, §3.3.f. *For type 'b' and Type 'c' fuel burning units, the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.*

45 CSR 10, §3.8. *Compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on continuous twenty-four (24) hour averaging time…A continuous twenty-four (24) hour period is defined as one (1) calendar day.*

2. Monitoring, Recordkeeping, Exception Reporting Requirements:

45 CSR 10, §10.3. *The owner or operator of a fuel burning unit(s) which combusts natural gas, wood or distillate oil, alone or in combination, shall be exempt from the requirements of section 8.*

As such, Mountaineer Plant auxiliary boilers 1 & 2 (CS012) are exempt from Testing, Monitoring, Recordkeeping, and Reporting requirements found in 45 CSR 10, Section 8 because the fuel burning sources combust only distillate oil. 45 CSR 10, Section 8 also contains the requirement for the development of a monitoring plan. The simple nature of burning distillate oil results in an SO_2 emission rate well below the standard.

While fuel sampling and analysis may continue to be performed at this facility, it is done so at the discretion of the owner/operator and is not required by this monitoring plan for the purposes of indicating compliance with SO_2 standards.

Revisions of Monitoring Plan:

Mountaineer Plant reserves the right to periodically revise the conditions of this monitoring plan. Any revised plan will become effective only after approval by the OAQ.

Implementation of Monitoring Plan:

This revised plan was implemented in concurrence with the installation and operation of the new stack for Unit 1 at Mountaineer Plant.

APPENDIX C

Acid Rain Permit

west virginia department of environmental protection
Division of Air Quality

Phase II Acid Rain Permit

Plant Name: **Mountaineer Power Station**		Permit #: **R33-6264-2012-3**
Affected Unit(s): **1**		
Operator: **Appalachian Power Company**		ORIS Code: **6264**
Effective Date	From: **January 1, 2008**	To: **December 31, 2012**

Contents:

1. Statement of Basis.
2. SO_2 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.

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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

Plant Name: **Mountaineer Power Station**	Permit #: **R33-6264-2012-3**

2. SO_2 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 40 CFR Part 73	35223*	35223*	35285	35285	35285
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 SO_2 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)	0.46	0.46	0.46	0.46	0.46

Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves four (4) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2008, 2009, 2010 and 2011. Under each plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.46 lb/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 Arkansas Department of Environmental Quality, Air Division, Indiana Department of Environmental Management, Office of Air Management, the Kentucky Department of Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control the Oklahoma Department of Environmental Quality, Air Quality Division, Virginia Department of Environmental Quality, Division of Air Program Coordination and the Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration 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.

Pursuant to 40 CFR Part 76 and 45CSR33, the West Virginia Department of Environmental Protection, Division of Air Quality approves a NO_x emissions compliance plan for this unit effective for calendar year 2012. Under this plan the unit's actual annual average NO_x emission rate shall not exceed the applicable limitation of 0.46 lb/mmBtu as set forth in 40 CFR 40 CFR §76.7(a)(2) of 0.46 lb/mmBtu for dry bottom wall-fired.

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 SO_2 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.

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

Acid Rain Permit Application

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

This submission is: ☐ New ☒ Revised

STEP 1

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

Plant Name	State	ORIS Code
Mountaineer Power Station	West Virginia	6264

STEP 2

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

a	b	c	d
Unit ID#	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	New Units Commence Operation Date	New Units Monitor Certification Deadline
1	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		
	Yes		

Acid Rain - Page 2

Mountaineer 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.

Mountaineer Power Station
Plant Name (from Step 1)

Acid Rain - Page 3

STEP 3, Cont'd.

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

Excess Emissions Requirements

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

Recordkeeping and Reporting Requirements

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

Liability

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

Acid Rain - Page 4

Mountaineer 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

Read the certification statement, sign, and date

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	John M. McManus	
Signature	John M. McManus	Date 7/13/07

EPA Form 7610-16 (rev. 12-03)

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

Phase II NO_x Compliance Plan

Page 1 of 1

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	State	ORIS Code
Mountaineer	WV	6264

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 / Type DBW	ID# / Type	ID# / Type	ID# / Type	ID# / Type	ID# / Type
(a) Standard annual average emission limitation of 0.50 lb/mmBtu (for Phase I dry bottom wall-fired boilers)	☐	☐	☐	☐	☐	☐
(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase I tangentially fired boilers)	☐	☐	☐	☐	☐	☐
(c) EPA-approved early election plan under 40 CFR 76.8 through 12/31/07 (also indicate above emission limit specified in plan)	☐	☐	☐	☐	☐	☐
(d) Standard annual average emission limitation of 0.46 lb/mmBtu (for Phase II dry bottom wall-fired boilers)	☐	☐	☐	☐	☐	☐
(e) Standard annual average emission limitation of 0.40 lb/mmBtu (for Phase II tangentially fired boilers)	☐	☐	☐	☐	☐	☐
(f) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)	☐	☐	☐	☐	☐	☐
(g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)	☐	☐	☐	☐	☐	☐
(h) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)	☐	☐	☐	☐	☐	☐
(i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)	☐	☐	☐	☐	☐	☐
(j) NO_x Averaging Plan (include NO_x Averaging form)	☒	☐	☐	☐	☐	☐
(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)	☐	☐	☐	☐	☐	☐
(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)	☐	☐	☐	☐	☐	☐

Mountaineer
Plant Name (from Step 1)

NO_x Compliance - Page 2
Page 1 of 1

STEP 2, cont'd.

	ID# 1	ID#	ID#	ID#	ID#	ID#
	Type DBW	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)	☐	☐	☐	☐	☐	☐
(n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)	☐	☐	☐	☐	☐	☐
(o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing	☐	☐	☐	☐	☐	☐
(p) Repowering extension plan approved or under review	☐	☐	☐	☐	☐	☐

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)(ii).
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.

John M. McManus Name	
Signature John M. McManus	December 19, 2006 Date

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

EPA

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 1

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
Rockport	IN	MB1	0.46	0.46	88,636,400
Rockport	IN	MB2	0.46	0.46	93,566,400
Tanners Creek	IN	U1	0.80	0.80	8,960,400
Tanners Creek	IN	U2	0.80	0.80	9,839,600
Tanners Creek	IN	U3	0.80	0.80	10,605,200
Tanners Creek	IN	U4	0.86	0.86	28,043,800
Big Sandy	KY	BSU1	0.46	0.46	16,002,200
Big Sandy	KY	BSU2	0.46	0.46	51,126,800
Conesville	OH	3	0.50	0.50	3,518,200

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		Btu-weighted annual average emission rate for same units operated in compliance with 40 CFR 76.5, 76.6 or 76.7
.56	≤	.56

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

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

Mountaineer
Plant Name (from Step 1)

NO_x Averaging - Page 2

STEP 3

Mark one of the two options and enter dates.

[X] This plan is effective for calendar year 2007 through calendar year 2011 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: _____, _____, _____, _____ and _____ 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.

John M. McManus	
Name	
Signature *John M. McManus*	December 19, 2006 Date

Mountaineer
Plant Name (from Step 1)

NO_x Averaging - Page 3

STEP 1

Continue the identification of units from Step 1, page 1, here.

Plant Name	State	ID#	(a) Emission Limitation	(b) Alt. Contemp. Emission Limitation	(c) Annual Heat Input Limit
Conesville	OH	4	0.45	0.45	44,976,190
Conesville	OH	5	0.40	0.40	25,434,200
Conesville	OH	6	0.40	0.40	24,905,400
Muskingum	OH	1	0.84	0.84	8,796,800
Muskingum	OH	2	0.84	0.84	8,181,600
Muskingum	OH	3	0.86	0.86	8,251,800
Muskingum	OH	4	0.86	0.86	8,143,200
Muskingum	OH	5	0.68	0.68	35,606,400
Picway	OH	9	0.50	0.50	3,432,400
Clinch River	VA	1	0.80	0.80	11,366,000
Clinch River	VA	2	0.80	0.80	14,350,000
Clinch River	VA	3	0.80	0.80	14,544,000
Glen Lyn	VA	51	0.40	0.40	1,581,500
Glen Lyn	VA	52	0.40	0.40	1,581,500
Glen Lyn	VA	6	0.46	0.46	5,930,000
John E Amos	WV	1	0.46	0.46	52,512,000
John E Amos	WV	2	0.46	0.46	52,031,200
John E Amos	WV	3	0.68	0.68	88,228,800
Kammer	WV	1	0.86	0.86	11,214,400
Kammer	WV	2	0.86	0.86	11,570,600
Kammer	WV	3	0.86	0.86	11,498,000
Kanawha	WV	1	0.80	0.80	10,392,600
Kanawha	WV	2	0.80	0.80	9,018,200
Mitchell	WV	1	0.50	0.50	50,415,600
Mitchell	WV	2	0.50	0.50	53,611,600
Mountaineer	WV	1	0.46	0.46	97,048,400
Sporn	WV	11	0.80	0.80	7,467,000

Mountaineer
Plant Name (from Step 1)

NO_x Averaging - Page 4

STEP 1

Continue the identification of units from Step 1, page 1, here.

Plant Name	State	ID#	(a) Emission Limitation	(b) Alt. Contemp. Emission Limitation	(c) Annual Heat Input Limit
Sporn	WV	21	0.80	0.80	7,203,600
Sporn	WV	31	0.80	0.80	7,733,800
Sporn	WV	41	0.80	0.80	8,083,200
Sporn	WV	51	0.46	0.46	13,054,800
Cardinal	OH	1	0.68	0.68	37,568,400
Cardinal	OH	2	0.68	0.68	39,809,200
Cardinal	OH	3	0.46	0.46	39,209,000
Gavin	OH	1	0.68	0.68	86,301,600
Gavin	OH	2	0.68	0.68	93,845,000
Flint Creek	AR	1	0.46	0.46	37,879,000
Northeastern	OK	3313	0.40	0.40	33,560,000
Northeastern	OK	3314	0.40	0.40	35,524,000
Oklaunion	TX	1	0.46	0.46	44,826,000
Pirkey	TX	1	0.46	0.46	51,699,000
Welsh	TX	1	0.46	0.46	37,588,000
Welsh	TX	2	0.46	0.46	37,923,000
Welsh	TX	3	0.46	0.46	39,080,000

APPENDIX D

CAIR Permit Application

CAIR Permit Application

Page 1

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

This submission is: 0 New X Revised

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

Plant Name **Mountaineer Plant** West Virginia ID Number **053-00009** ORIS/Facility Code **6264**

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
1	X	X	X
AUX1		X	
AUX2		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 SO_2 source (as applicable) required to have a Title V operating permit and each CAIR NO_X Annual unit, CAIR NO_X Ozone Season unit and CAIR SO_2 unit (as applicable) required to have a Title V operating permit at the source shall:

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

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

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

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

Plant Name **Mountaineer Plant**

CAIR Permit Application
Page 2

STEP 3, continued

(b) Monitoring, reporting and recordkeeping requirements.

(1) The owners and operators and the CAIR designated representative, of each CAIR NO_X Annual source, CAIR NO_X Ozone Season source and CAIR SO_2 source (as applicable) and each CAIR NO_X Annual unit, CAIR NO_X Ozone Season unit and CAIR SO_2 unit (as applicable) at the source shall comply with the monitoring, reporting and recordkeeping requirements of sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable).

(2) The emissions measurements recorded and reported in accordance with sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) shall be used to determine compliance by each CAIR NO_X Annual source, CAIR NO_X Ozone Season source and CAIR SO_2 source (as applicable) with the CAIR NO_X Annual emissions limitation, CAIR NO_X Ozone Season emissions limitation and CAIR SO_2 emissions limitation (as applicable) under 45CSR§39-6.3, 45CSR§40-6.3 and 45CSR§41-6.3 (as applicable).

(c) Nitrogen oxides annual emissions requirements.

(1) As of the allowance transfer deadline for the 2009 control period and each control period thereafter, the owners and operators of each CAIR NO_X Annual source and each CAIR NO_X Annual unit at the source shall hold, in the source's compliance account, CAIR NO_X Annual allowances available for compliance deductions for the control period under 45CSR§39-54.1 in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_X Annual units at the source, as determined in accordance with sections 70 through 75 of 45CSR39.

(2) A CAIR NO_X Annual unit shall be subject to the requirements under 45CSR§39-6.3.a for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, or 70.2.e of 45CSR39, and for each control period thereafter.

(3) A CAIR NO_X Annual allowance shall not be deducted, for compliance with the requirements under 45CSR§39-6.3.a, for the control period in a calendar year before the year for which the CAIR NO_X Annual allowance was allocated.

(4) CAIR NO_X Annual allowances shall be held in, deducted from, or transferred into or among CAIR NO_X Allowance Tracking System accounts in accordance with sections 50 through 62, and 80 through 88 of 45CSR39.

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

(6) A CAIR NO_X Annual allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 40 through 62, and 80 through 88 of 45CSR39, every allocation, transfer, or deduction of a CAIR NO_X Annual allowance to or from a CAIR NO_X Annual source's compliance account is incorporated automatically in any CAIR permit of the source.

(d) Nitrogen oxides ozone season emissions requirements.

(1) As of the allowance transfer deadline for the 2009 ozone season and each ozone season thereafter, the owners and operators of each CAIR NO_X Ozone Season source and each CAIR NO_X Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO_X Ozone Season allowances available for compliance deductions for the ozone season under 45CSR§40-54.1 in an amount not less than the tons of total nitrogen oxides emissions for the ozone season from all CAIR NO_X Ozone Season units at the source, as determined in accordance with sections 70 through 75 of 45CSR40.

(2) A CAIR NO_X Ozone Season unit shall be subject to the requirements under 45CSR§40-6.3.a for the ozone season starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, 70.2.c or 70.2.g of 45CSR40 and for each ozone season thereafter.

(3) A CAIR NO_X Ozone Season allowance shall not be deducted, for compliance with the requirements under 45CSR§40-6.3.a, for an ozone season in a calendar year before the year for which the CAIR NO_X Ozone Season allowance was allocated.

(4) CAIR NO_X Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO_X Ozone Season Allowance Tracking System accounts in accordance with sections 50 through 62, and 80 through 88 of 45CSR40.

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

(6) A CAIR NO_X Ozone Season allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subdivision 43.3, sections 51 through 57, 60 through 62, and 80 through 88 of 45CSR40, every allocation, transfer, or deduction of a CAIR NO_X Ozone Season allowance to or from a CAIR NO_X Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

(e) Sulfur dioxide annual emission requirements.

(1) As of the allowance transfer deadline for the 2010 control period and each control period thereafter, the owners and operators of each CAIR SO_2 source and each CAIR SO_2 unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO_2 allowances available for compliance deductions for the control period, as determined in accordance with subsections 54.1 and 54.2 of 45CSR§41 in an amount not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO_2 units at the source, as determined in accordance with sections 70 through 75 of 45CSR41.

(2) A CAIR SO_2 unit shall be subject to the requirements under 45CSR§41 -6.3.a for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, or 70.2.e of 45CSR41 and for each control period thereafter.

(3) A CAIR SO_2 allowance shall not be deducted, for compliance with the requirements under 45CSR§41 -6.3.a, for a control period in a calendar year before the year for which the CAIR SO_2 allowance was allocated.

(4) CAIR SO_2 allowances shall be held in, deducted from, or transferred into or among CAIR SO_2 Allowance Tracking System accounts in accordance with sections 51through 62, and 80 through 88 of 45CSR41.

(5) A CAIR SO_2 allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO_2 Trading Program. No provision of the CAIR SO_2 Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 45CSR§41 -5 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR SO_2 allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 51 through 57, 60 through 62, and 80 through 88 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO_2 allowance to or from a CAIR SO_2 source's compliance account is incorporated automatically in any CAIR permit of the source.

Plant Name **Mountaineer Plant**

CAIR Permit Application
Page 3

STEP 3, continued

(f) Excess emissions requirements.

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

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

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

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

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

(ii) Each ton of such excess emissions and each day of such control period shall constitute a separate violation of 45CSR40, the Clean Air Act, and West Virginia Code §22-5-1 et seq.

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

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

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

(g) Recordkeeping and Reporting Requirements.

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

(i) The certificate of representation under 45CSR§39-1 3, 45CSR§40-1 3 and 45CSR§41 -13 (as applicable) for the CAIR designated representative for the source and each CAIR NO_X Annual unit, CAIR NO_X Ozone Season unit and CAIR SO_2 unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 45CSR§39-1 3, 45CSR§40-1 3 and 45CSR§41 -13 (as applicable) changing the CAIR designated representative.

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

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

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

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

(h) Liability.

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

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

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

(i) Effect on Other Authorities.

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

CAIR Permit Application
Page 4

Plant Name **Mountaineer Plant**

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 **John M. McManus**	
Signature John M. McManus	Date 4/7/08

APPENDIX E

Compliance Order # 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].

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CO-R37-C-2008-4
Page 2

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 SO_2 and NO_x emissions under Phase I of the Clean Air Interstate Rule (CAIR) [70FR25162, 12MAY2005]. CAIR requires SO_2 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 identifed 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

CO-R37-C-2008-4
Page 3

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 SO_2 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.

CO-R37-C-2008-4
Page 4

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

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