

West Virginia Department of Environmental Protection  
Division of Air Quality

*Earl Ray Tomblin*  
Governor

*Randy C. Huffman*  
Cabinet Secretary

# Permit to Operate



Pursuant to  
**Title V**  
of the Clean Air Act

*Issued to:*  
Kepler Processing Company, LLC  
Pocahontas No. 51 Preparation Plant  
R30-10900013-2012

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*John A. Benedict*  
Director

*Issued: July 24, 2012 • Effective: August 7, 2012*  
*Expiration: July 24, 2017 • Renewal Application Due: January 24, 2017*

Permit Number: **R30-10900013-2012**  
Permittee: **Kepler Processing Company, LLC**  
Facility Name: **Pocahontas No. 51 Preparation Plant**  
Permittee Mailing Address: **P.O. Box 1392, Pineville, WV 24874**

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*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.*

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Facility Location:	Pineville, Wyoming County, West Virginia
Facility Mailing Address:	Same as above
Telephone Number:	(304) 732-6452
Type of Business Entity:	LLC
Facility Description:	The Pocahontas No. 51 Preparation Plant is a coal preparation plant with thermal dryer. It has the ability to screen, break/size, wash, thermally dry, store, and load out/in coal. The maximum capacity of the preparation plant is 1,000 tons per hour of raw coal feed.
SIC Codes:	Primary 1221; Secondary NA; Tertiary NA
UTM Coordinates:	449.67 km Easting • 4158.67 km Northing • Zone 17

Permit Writer: Frederick Tipane

*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.*

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

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**APPENDIX A (Attachment A, Attachment B, and Attachment C from Permit R13-2104)**

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

### 1.1 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device <sup>1</sup>
<b>CRUSHING AND SCREENING</b>					
SC1	T5, T6, & T7	Vibrating Scalping Screen	1968	800 TPH	FE
SC2	T15, T16, & T17	Raw Coal Screen	1976	700 TPH	PE
HMCR1	T16 & T18	Hammermill Crusher	1976	700 TPH	FE
RB1	T6, T8, & T20A	Rotary Breaker	1968	600 TPH	FE
<b>STORAGE (Piles)</b>					
OS1	T38 & T39	Raw Coal Stockpile	1982	100,000 Ft <sup>2</sup> / 20,000 Tons	MC
OS2	T35, T37, T13 & T14	Raw/Clean Coal Stockpile	1996	100,000 Ft <sup>2</sup> / 30,000 Tons	MC
OS3	T22	Emergency Refuse Stockpile	1996	200 Ft <sup>2</sup> /400 Tons	MC
OS4	T47 & T48	Lime Stockpile	1999	500 Ft <sup>2</sup> /50 Tons	MC
OS5	T16 & T53	Raw Coal Stockpile	2004	2,544 Ft <sup>2</sup> /500 Tons	MC
<b>STORAGE (Bins and Hoppers)</b>					
B1	T33 & T34	Train Loadout Bin	1997	450 Tons	FE
B2	T26 & T27	Refuse Bin	1997	200 Tons	FE
B3	T1 & T3	Truck Dump Hopper	1976	50 Tons	PE
B4	T2 & T4	Truck Dump Hopper	1976	50 Tons	PE
B5	T40, T41 & T46	Refuse Bin	1997	200 Tons	FE
B6	T10 & T11	Raw Coal Silo	1968	5,000 Tons	FE
B7	T22, T23 & T44	Plant Refuse Bin	1997	175 Tons	FE

<sup>1</sup> Transfer points (TP) have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System/Control Device abbreviations: FE = Full Enclosure, FE/FE = Full Enclosure in Building, PE = Partial Enclosure, ST = Stacking Tube, MC = Moisture Content, UC = Underground reclaim feeder, TC = Telescoping Chute, EM = Enclosure and evacuation to mechanical collector, ES = Enclosure and evacuation to a scrubber, NE = No Equipment, RWMW = Water Truck with Manufactured pressurized sprays, WS = Water Spray, WSS = Flooded Disc Scrubber, MCS = Multiclone System, ME = Mist Eliminator.

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device <sup>1</sup>
B8	T48 & T49	Lime Bin	1999	25 Tons	PE
THERMAL DRYER					
TD1	001, T30, T31 & T32	Thermal Dryer	1968	130MMBtu/Hr <i>Actual Maximum</i> – 105 MMBtu/Hr	Multi-Clone, Wet Scrubber, Mist Eliminator
HAULROADS					
UPR1	T1, T2, T37, T38 & T39	Raw/Clean Coal Truck Traffic	NA	0.5 Mile per trip	WS
UPR2	T27	Refuse Truck Traffic	NA	0.5 Mile per trip	WS
UPR3	T41	Refuse Truck Traffic	NA	1 Mile per trip	WS
UPR4	T13, T39, T48 & T51	Endloader/Dozer Traffic	NA	1 Mile per trip	WS
UPR5	T47	Lime Truck Traffic	NA	0.5 Mile per trip	WS
UPR6	T53	Refuse Truck Traffic	NA	6 Mile per trip	WS
PVD1	T47	Lime Truck Traffic	NA	0.5 Mile per trip	WS
CONVEYORS					
C-1	T3, T4, & T5	Truck Dump Conveyor to SC1	1976	800 TPH	PE
C-2	T21, T45 & T22	Refuse Conveyor to B7	1968	500 TPH	PE
C-3	T6 & T43	Raw Coal Conveyor to C-17	1996	500 TPH	PE
C-4	T6, T7, T8 & T9	Raw Coal Conveyor to C-5	1968	800 TPH	PE
C-5	T9 & T10	Raw Coal Conveyor to B6	1968	800 TPH	PE
C-6	T11 & T12	Silo Recovery Conveyor	1997	1,000 TPH	PE
C-7	T14 & T15	Raw Coal Conveyor to SC2 or C-8	1976	700 TPH	MC
C-8	T15 & T36A	Clean Coal Recycle Conveyor	1996	700 TPH	PE
C-9	T17, T18, T12 & T19	Raw Coal Conveyor to Wet Wash	1997	1,000 TPH	PE
C-10	T44 & T26	Refuse Conveyor to B2 or C-15	1997	500 TPH	PE
C-12	T29 & T30	Clean Coal to Thermal Dryer	1968	550 TPH	PE
C-13A	T28, T30, T31, T36 T32 & T36A	Clean Coal Conveyor to C-13B	1997	700 TPH	PE

<b>Emission Unit ID</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed</b>	<b>Design Capacity</b>	<b>Control Device<sup>1</sup></b>
C-13B	T36 & T33	Clean Coal Conveyor to B1	1997	700 TPH	PE
C-14	T33 & T35	Clean Coal Conveyor to OS2	1996	700 TPH	PE
C-15	T26 & T40	Refuse Conveyor to B5 or C-16	1997	500 TPH	PE
C-16	T41 & T42	Refuse Conveyor to Refuse Embankment	1997	500 TPH	MC
C-17	T43, T20A, T50 & T21	Refuse Conveyor to OS3 or C-2	1968	500 TPH	PE
C-18	T52 & T45	Refuse Conveyor to C-2	1968	500 TPH	PE
C-19	T49 & T50	Lime Conveyor	1999	25 TPH	PE
Retired "In-place" Equipment					
NA	NA	Crusher (by-passed since 2005)	1968	NA	FE

## 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.

<b>Permit Number</b>	<b>Date of Issuance</b>
R13-2104D	June 22, 2006

## 2.0 General Conditions

### 2.1 Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

### 2.2 Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NSPS</b>	New Source Performance Standards
<b>CBI</b>	Confidential Business Information	<b>PM</b>	Particulate Matter
<b>CEM</b>	Continuous Emission Monitor	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>CES</b>	Certified Emission Statement	<b>pph</b>	Pounds per Hour
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>ppm</b>	Parts per Million
<b>CO</b>	Carbon Monoxide	<b>PSD</b>	Prevention of Significant Deterioration
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>psi</b>	Pounds per Square Inch
<b>DAQ</b>	Division of Air Quality	<b>SIC</b>	Standard Industrial Classification
<b>DEP</b>	Department of Environmental Protection	<b>SIP</b>	State Implementation Plan
<b>FOIA</b>	Freedom of Information Act	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>HAP</b>	Hazardous Air Pollutant	<b>TAP</b>	Toxic Air Pollutant
<b>HON</b>	Hazardous Organic NESHAP	<b>TPY</b>	Tons per Year
<b>HP</b>	Horsepower	<b>TRS</b>	Total Reduced Sulfur
<b>lbs/hr or lb/hr</b>	Pounds per Hour	<b>TSP</b>	Total Suspended Particulate
<b>LDAR</b>	Leak Detection and Repair	<b>USEPA</b>	United States Environmental Protection Agency
<b>m</b>	Thousand	<b>UTM</b>	Universal Transverse Mercator
<b>MACT</b>	Maximum Achievable Control Technology	<b>VEE</b>	Visual Emissions Evaluation
<b>mm</b>	Million	<b>VOC</b>	Volatile Organic Compounds
<b>mmBtu/hr</b>	Million British Thermal Units per Hour		
<b>mmft<sup>3</sup>/hr or mmcf/hr</b>	Million Cubic Feet Burned per Hour		
<b>NA or N/A</b>	Not Applicable		
<b>NAAQS</b>	National Ambient Air Quality Standards		
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		
<b>NO<sub>x</sub></b>	Nitrogen Oxides		

### **2.3. Permit Expiration and Renewal**

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

### **2.4. Permit Actions**

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

### **2.5. Reopening for Cause**

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

- d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

## **2.6. Administrative Permit Amendments**

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

[45CSR§30-6.4.]

## **2.7. Minor Permit Modifications**

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

[45CSR§30-6.5.a.]

## **2.8. Significant Permit Modification**

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

[45CSR§30-6.5.b.]

## **2.9. Emissions Trading**

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

[45CSR§30-5.1.h.]

## **2.10. Off-Permit Changes**

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

- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
- b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
- c. The change shall not qualify for the permit shield.

- d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
- e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.
- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

**[45CSR§30-5.9.]**

## **2.11. Operational Flexibility**

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

**[45CSR§30-5.8]**

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

**[45CSR§30-5.8.a.]**

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

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

**[45CSR§30-5.8.c.]**

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

[45CSR§30-2.39]

## **2.12. Reasonably Anticipated Operating Scenarios**

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

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

[45CSR§30-5.1.i.]

## **2.13. Duty to Comply**

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

[45CSR§30-5.1.f.1.]

## **2.14. Inspection and Entry**

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

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

## **2.15. Schedule of Compliance**

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

[45CSR§30-5.3.d.]

## **2.16. Need to Halt or Reduce Activity not a Defense**

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

[45CSR§30-5.1.f.2.]

## **2.17. Emergency**

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

[45CSR§30-5.7.a.]

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

[45CSR§30-5.7.b.]

- 2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

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

[45CSR§30-5.7.d.]

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

[45CSR§30-5.7.e.]

## **2.18. Federally-Enforceable Requirements**

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

[45CSR§30-5.2.a.]

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

## **2.19. Duty to Provide Information**

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

[45CSR§30-5.1.f.5.]

## **2.20. Duty to Supplement and Correct Information**

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

[45CSR§30-4.2.]

## **2.21. Permit Shield**

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

**[45CSR§30-5.6.a.]**

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

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

**[45CSR§30-5.6.c.]**

## **2.22. Credible Evidence**

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

**[45CSR§30-5.3.e.3.B. and 45CSR38]**

## **2.23. Severability**

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

**[45CSR§30-5.1.e.]**

## **2.24. Property Rights**

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

**[45CSR§30-5.1.f.4]**

## **2.25. Acid Deposition Control**

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

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

**[45CSR§30-5.1.d.]**

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

**[45CSR§30-5.1.a.2.]**

### 3.0 Facility-Wide Requirements

#### 3.1 Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person 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 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. [45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. [W.Va. Code § 22-5-4(a)(14), 45CSR13 - Permit R13-2104-§C.11.]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

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

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

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

**[40 C.F.R. 68]**

- 3.1.9. Water spray systems for the purpose of fugitive particulate dust control shall be designed, installed, operated, and maintained so as to minimize the generation of fugitive particulate emissions from the wind erosion of stockpiles and material transfer points.

The permittee shall maintain pressurized water spray bars on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, 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 spray bar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated. The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, 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.

A properly designed, installed, and maintained winterization system on each of the water spray systems shall be in place so to functionally maintain all fugitive particulate dust control during periods when ambient temperature falls to or below 32 degrees Fahrenheit.

**[45CSR13 - Permit R13-2104-§A.4.]**

- 3.1.10. The permittee shall maintain a water truck on site at the facility and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haul roads, stockpiles and other work areas where mobile equipment is used.

**[45CSR13 - Permit R13-2104-§A.5.]**

- 3.1.11. The permitted facility shall be constructed and operated in accordance with information filed in Permit Application R13-2104, R13-2104A, R13-2104B, R13-2104C and R13-2104D, and any amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.

**[45CSR13 - Permit R13-2104-§ B.8. and §C.3.]**

- 3.1.12. No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.

**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-6.1.]**

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

[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-6.2.]

3.1.14. In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations, either in whole or in part, authorized by Permit R13-2104, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.

[45CSR13 - Permit R13-2104-§C.5.]

### 3.2. Monitoring Requirements

3.2.1. [Reserved]

### 3.3. Testing Requirements

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

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
  1. The permit or rule evaluated, with the citation number and language.
  2. The result of the test for each permit or rule condition.
  3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15), 45CSR13 and 45CSR10]

### 3.4. Recordkeeping Requirements

- 3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:
  - a. The date, place as defined in this permit and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;
  - d. The analytical techniques or methods used;
  - e. The results of the analyses; and
  - f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.]

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

[45CSR§30-5.1.c.2.B.]

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

- 3.4.4. The permittee shall maintain 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 monthly to ensure that they are operated and maintained in conformance with their designs. The permittee

shall maintain records of all scheduled and non-scheduled maintenance and shall state any maintenance or corrective actions taken as a result of the monthly inspections, the times the fugitive dust control system(s) were inoperable and any corrective actions taken.

[45CSR§30-5.1.c.]

### 3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

[45CSR§§30-4.4. and 5.1.c.3.D.]

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

[45CSR§30-5.1.c.3.E.]

3.5.3. Except for the electronic submittal of the annual certification to the USEPA as required in 3.5.5 below, 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 57<sup>th</sup> Street SE  
Charleston, WV 25304  
  
Phone: 304/926-0475  
FAX: 304/926-0478

**If to the US EPA:**

Associate Director  
Office of Air Enforcement and Compliance  
Assistance (3AP20)  
U. S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.

[45CSR§30-8.]

3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: [R3\\_APD\\_Permits@epa.gov](mailto:R3_APD_Permits@epa.gov). The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.

[45CSR§30-5.3.e.]

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

[45CSR§30-5.1.c.3.A.]

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

3.5.8. **Deviations.**

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

1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

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

[45CSR§30-5.1.c.3.B.]

3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.

[45CSR§30-4.3.h.1.B.]

### **3.6. Compliance Plan**

3.6.1. None.

### **3.7. Permit Shield**

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

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

- a. 45CSR19 (Non-attainment NSR) - Not located in a non-attainment area or will not contribute to a violation of section
- b. 45CSR27 (Toxic air pollutants - BAT) – does not meet definition of chemical processing unit.
- c. 45CSR28 (Emission Trading and Banking) - not involved in this program.
- d. Section 112 (Hazardous Air Pollutants) - no MACT standard has been promulgated for thermal dryers.
- e. Section 129 (Solid waste combustion) - facility does not combust solid waste.
- f. Section 183(f) (Tank vessel standards) - no tanks/vessels utilized at this facility.
- g. Section 183 (e) - facility is not a regulated entity as defined by Section 183 (e)(C).
- h. NAAQS increments or visibility (temp. sources) – facility has no temporary sources.
- i. Federal Implementation Plan (FIP) - none in place
- j. Title IV of the CAA (Acid Rain) - not an EGU.

**4.0 Crushing, Screening, Storage and Conveying [emission point ID(s): SC1, SC2, HMCRI, RBI, OS1-OS5, BI-B8, CI-C19]**

**4.1. Limitations and Standards**

4.1.1. In accordance with the information filed in Permit Applications R13-2104, R13-2104A, R13-2104B, R13-2104C, the following transfer rates shall not be exceeded, and the following methods of control shall be installed, maintained, and operated so as to minimize particulate matter (PM) emissions:

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10 <sup>6</sup>		Location:	ID No.	Control Equipment*
B3	500	4.3	PE	After	T3	FE
B4	500	4.3	PE	After	T4	FE
C-1	800	4.3	PE	Before	T3/T4	FE,FE
				After	T5	FE/FE
SC1	800	4.3	FE/FE	Before	T5	FE/FE
				After	T6/T7	FE/FE,FE
OS5	500	4.3	MC	Before	T5A	MC
C-9	1,000	4.3	PE	Before	T12	FE
				Before	T17	FE
				Before	T18	FE
				After	T19	FE, FE
C-14	700	3.01	PE	Before	T33	FE
				After	T35	FE
C-18	500	1.85	PE	Before	T52	FE
				After	T45	PE
C-19	25	0.219	PE	Before	T49	PE
				After	T50	FE
Truck Dump (UPR5)	25	0.219	MC	After	T47	MC
B8	25	0.219	PE	Before	T48	MC
				After	T49	PE
OS4	25	0.219	MC	Before	T47	MC
				After	T48	MC
PVD1	25	0.219	WS	After	T47	MC
C-10	500	1.85	PE	Before	T26	FE
				After	T44	FE, FE
C-12	550	3.01	PE	Before	T30	FE
				After	T29	FE, FE

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10 <sup>6</sup>		Location:	ID No.	Control Equipment*
C-13B	700	3.01	PE	Before	T33	FE
				After	T36	PE
C-7	700	4.3	PE	Before	T14	FE
				After	T15	PE
SC2	700	4.3	PE	Before	T15	PE
				After	T16	FE
				After	T17	FE
HMCR1	700	4.3	FE	Before	T16	FE
				After	T18	FE
C-6	1,000	4.3	PE	Before	T11	PE
				After	T12	PE
C-8	700	3.01	PE	Before	T15	PE
				After	T36	PE
C-13A	700	3.01	PE	After	T36	PE
				Before	T28	FE/FE
				Before	T30	FE
				Before	T31	FE
				Before	T32	FE
				Before	T36A	FE
C-3	500	4.3	PE	Before	T6	FE
				After	T43	FE
OS3	500	0.1	MC	Before	T22	MC
C-15	500	1.85	PE	Before	T26	FE
				After	T40	FE
B5	500	1.85	FE	Before	T40	FE
				After	T41	PE
				After	T46	MC
C-16	500	1.85	PE	Before	T41	FE
				After	T42	MC

\* N - None, FE - Full Enclosure, PE - Partial Enclosure, BH – Baghouse, MC – Moisture Content  
**[45CSR13 - Permit R13-2104-§A.1.]**

- 4.1.2. Compliance with all annual throughput limits shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the amount of material received, processed, and/or shipped at any given time during the previous twelve (12) consecutive calendar months.  
**[45CSR13 - Permit R13-2104-§A.2.]**

- 4.1.3. All particulate matter emissions from all coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems shall be limited to a maximum twenty (20) percent opacity. *[40 CFR 60 Subpart Y is applicable to storage bins and hoppers (B1, B2, B3, B4, B5, B7, B8), Screen (SC2), Crusher (HMCR1) and conveyors (C-1, C-3, C-6, C-7, C-8, C-9, C-10, C-13A, C-13B, C-14, C-15, C-16, C-19)].*  
**[45CSR13 - Permit R13-2104-§§A.3. & B.1. 45CSR§5-3.4., 45CSR16 and 40 CFR §60.254(a)]**
- 4.1.4. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility [i.e. *Storage: (B1, B2, B3, B4, B5, B7, B8), Screen: (SC2), Crusher: (HMCR1), Conveyors: (C-1, C-3, C-6, C-7, C-8, C-9, C-10, C-13A, C-13B, C-14, C-15, C-16, C-19)*] including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.  
**[45CSR13 - Permit R13-2104-§B.2., 45CSR16, and 40 CFR §60.11(d)]**
- 4.1.5. In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by 45CSR§5-7.(conditions 4.1.6 through 4.1.12. below) (*Refuse Stockpile OS3*)  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-7.1.]**
- 4.1.6. Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse. (*Refuse Stockpile OS3*)  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-7.2.]**
- 4.1.7. Coal refuse disposal areas shall not be so located with respect to mine openings, tipples or other mine buildings, unprotected coal outcrops or steam lines, that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas. (*Refuse Stockpile OS3*)  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-7.3.]**
- 4.1.8. Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site. (*Refuse Stockpile OS3*)  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-7.4.]**
- 4.1.9. Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution. (*Refuse Stockpile OS3*)  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-7.5.]**
- 4.1.10. Materials with low ignition points used in the production or preparation of coal, including, but not limited to, wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area. (*Refuse Stockpile OS3*)  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-7.6.]**
- 4.1.11. Garbage, trash, household refuse and like materials shall not be deposited on or near any coal refuse disposal area. (*Refuse Stockpile OS3*)  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-7.7.]**
-

- 4.1.12. The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited. (*Refuse Stockpile OS3*)  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-7.8.]**
- 4.1.13. With respect to all burning coal refuse disposal areas, the person responsible for the coal refuse disposal areas or the land on which the coal refuse disposal areas are located shall use due diligence to control air pollution from the coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for the coal refuse disposal area or the land on which the coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent or reduce the air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including, completion dates, to establish that the corrective measures can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W. Va. Code §§ 22-5-1 et seq. If the report is not submitted as requested or if the Director determines that the methods and procedures set forth in the report are not adequate to reasonably control the air pollution he or she shall issue an order requiring the elimination, prevention or reduction of the air pollution. (*Refuse Stockpile OS3*)  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-8.3.]**

#### **4.2. Monitoring Requirements**

- 4.2.1. [*Reserved*]

#### **4.3. Testing Requirements**

- 4.3.1. To determine compliance with the opacity limits of permit condition 4.1.3., the permittee shall conduct weekly visual emission observations in accordance with Method 22 of 40 CFR 60, Appendix A for all coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems. These observations shall be conducted during periods of normal facility operation for a sufficient time interval to determine if the unit has visible emissions using procedures outlined in 40CFR60 Appendix A, Method 22. If sources of visible emissions are identified during the survey, the permittee shall conduct an opacity evaluation in accordance with 40CFR60 Appendix A, Method 9, within 24 hours. A 40CFR60 Appendix A, Method 9 evaluation shall not be required if the visible emission condition is corrected in a timely manner and the units are operated at normal operating conditions with no visible emissions being observed  
**[45CSR13 - Permit R13-2104-§§A.3. & B.2., 45CSR16, 40 CFR §60.257(a) & §60.11]**

#### **4.4. Recordkeeping Requirements**

- 4.4.1. To demonstrate compliance with the operating limits set forth under permit condition 4.1.1. (section A.1. of Permit R13-2104), the permittee shall maintain daily throughput records using the sample record keeping format appended to Permit R13-2104 as Attachment A, B, and C (see Appendix A of this permit). 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 R13-2104-§B.4.]**

- 4.4.2. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the daily inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

**[45CSR13 - Permit R13-2104-§A.3., 45CSR§30-5.1.c.]**

#### **4.5. Reporting Requirements**

- 4.5.1. Upon observing any visible emissions in excess of twenty percent (20%) opacity under 4.3.1. above, the Company shall submit a written report, certified by a responsible official, to the Director of the Division of Air Quality within five (5) days after taking said reading.

**[45CSR13 - Permit R13-2104-§A.3.]**

#### **4.6. Compliance Plan**

- 4.6.1. None

## **5.0 Thermal Dryer [emission point ID: *TDI*]**

*\*Note – “CAM” in this section shall mean Compliance Assurance Monitoring.*

### **5.1. Limitations and Standards**

- 5.1.1. The maximum fuel feed rate to the thermal dryer shall not exceed 105 mmbtu per hour.  
**[45CSR13 - Permit R13-2104-§A.7.]**
- 5.1.2. To demonstrate compliance with the operating limits set forth under 5.1.1. above, the permittee shall continue to use a Riley #350 pulverizer which limits the dryer to 105 mmbtu/hr fuel feed rate.  
**[45CSR13 - Permit R13-2104-§B.7.]**

### **Particulate Matter (PM) Requirements**

- 5.1.3. In accordance with 45CSR5, Section 3.1., all particulate matter emissions from all coal processing (i.e. thermal dryer *TDI*) systems shall be limited to a maximum of twenty (20) percent opacity.  
**[45CSR13 - Permit R13-2104-§§A.3. & B.1. and 45CSR§5-3.1.]**
- 5.1.4. The provisions of 5.1.3. above shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period or periods aggregating no more than five (5) minutes in any sixty (60) minute period during operation.  
**[45CSR13 - Permit R13-2104-§B.1. and 45CSR§5-3.2.]**
- 5.1.5. The provisions of 5.1.3. and 5.1.4. above shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period of up to eight (8) minutes in any operating day for the purposes of building a fire of operating quality in the fuel burning equipment of a thermal dryer.  
**[45CSR13 - Permit R13-2104-§B.1., 45CSR§5-3.3.]**
- 5.1.6. Particulate matter vented into the open air from the thermal dryer exhaust, shall not exceed 0.12 grains per [dry] standard cubic foot (gr/DSCF).  
**[45CSR13 - Permit R13-2104-§B.1., 45CSR§5-4.1.b. and 45CSR5 – Appendix §1.1.]**
- 5.1.7. No person shall circumvent 45CSR5 by adding additional gas to any dryer exhaust or group of dryer exhaust for the purpose of reducing the grain loading.  
**[45CSR13 - Permit R13-2104-§B.1., 45CSR§5-4.2.]**
- 5.1.8. Exhaust gases from a thermal dryer shall not be vented into the open air at an altitude of less than eighty (80) feet above the foundation grade of the structure containing the dryer or less than ten (10) feet above the top of the said structure or any adjacent structure, whichever is greater. In determining the desirable height of a plant stack, due consideration shall be given to the local topography, meteorology, the location of nearby dwellings and public roads, the stack emission rate, and good engineering practice as set forth in 45CSR20.  
**[45CSR13 - Permit R13-2104-§B.1., 45CSR§5-4.3.]**
- 5.1.9. A monitoring device for the continuous measurement of the temperature of the gas stream at the exit of the thermal dryer shall be installed, calibrated, maintained, and continuously operated. The monitoring device

is to be certified by the manufacturer to be accurate within plus or minus three degrees Fahrenheit ( $\pm 3^{\circ}\text{F}$ ) and is to be recalibrated at least once annually or as necessary.

**[45CSR13 - Permit R13-2104-§B.1., 45CSR§§5-4.1.b. & 9.2. and 45CSR5 – Appendix §§2.1. & 2.3]**

- 5.1.10. A monitoring device for the continuous measurement of the pressure loss in the inlet airflow to the scrubber shall be installed, calibrated, maintained, and continuously operated. The pressure drop shall be measured between the inlet airflow to the scrubber and outlet airflow of the scrubber which is atmospheric. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus one inch ( $\pm 1$  in.) water gauge and is to be recalibrated at least once annually or as necessary.

**[45CSR13 - Permit R13-2104-§B.1., 45CSR§§5-4.1.b. & 9.2. and 45CSR5 – Appendix §§2.2.a. & 2.3.]**

- 5.1.11. A monitoring device for the continuous measurement of the water supply pressure to the scrubber shall be installed, calibrated, maintained, and continuously operated. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus five percent ( $\pm 5\%$ ) water gauge and is to be recalibrated at least once annually or as necessary.

**[45CSR13 - Permit R13-2104-§B.1., 45CSR§§5-4.1.b. & 9.2. and 45CSR5 – Appendix §§2.2.b. & 2.3.]**

- 5.1.12. Any stack venting thermal dryer exhaust gases and/or air table exhaust gases or exhaust gases or air from any air pollution control device shall include straight runs of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures. Flow straightening devices shall be required where cyclonic gas flow would exist in the absence of such devices.

**[45CSR§5-12.6.]**

### **Sulfur Dioxide (SO<sub>2</sub>) Requirements**

- 5.1.13. Emissions of Sulfur Dioxide from the thermal dryer shall not exceed 56.85 pounds per hour or 249 tons per year. Compliance with the annual emission limit shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the amount of Sulfur Dioxide emitted at any given time during the previous twelve (12) consecutive calendar months.

**[45CSR13 - Permit R13-2104-§A.6.]**

- 5.1.14. The sulfur dioxide emissions into open air from the thermal dryer shall not exceed an in-stack sulfur dioxide concentration of 2000 ppmv by volume.

**[45CSR§10-4.1.]**

- 5.1.15. Compliance with the allowable sulfur dioxide concentration limitations contained in 5.1.14. above, shall be based on a block three (3) hour averaging time.

**[45CSR§10-4.2.]**

- 5.1.16. At the request of the Director the owner and/or operator of a source shall install such stack gas monitoring devices as the Director deems necessary to determine compliance with the provisions of 45CSR§10-4.1. The data from such devices shall be readily available at the source location or such other reasonable location that the Director may specify. At the request of the Director, or his or her duly authorized representative, such data shall be made available for inspection or copying. Failure to promptly provide such data shall constitute a violation of 45CSR10.

**[45CSR§10-8.2.a.]**

## 5.2. Monitoring Requirements

- 5.2.1. The permittee shall demonstrate compliance with the SO<sub>2</sub> emission limits set forth under conditions 5.1.13. and 5.1.14. above, by complying with the stipulations as stated below:
- a. The owner or operator of a thermal dryer shall meet the following minimum coal sampling requirements:
    1. The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the dryer may be obtained
    2. Coal shall be sampled at least once per day
    3. Minimum sample size shall be five hundred (500) grams.
    4. A composite of the samples shall be analyzed at the end of each calendar month
  - b. Coal samples shall be prepared for analysis in accordance with procedures specified in ASTM D2013-86. "Standard Method of Preparing Coal Samples for Analysis."
  - c. The heat content of coal samples shall be determined in accordance with procedures specified in ASTM D2015-85, "Standard Test Method for Gross Calorific Value of Solid fuel by the Adiabatic Bomb Calorimeter," or ASTM D5865, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter."
  - d. The sulfur content of coal samples shall be determined in accordance with procedures specified in ASTM D3177-84, "Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke", or ASTM D4239-85, "Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods" or any other method approved by the Director.
    1. An excursion shall be defined as sulfur content of fuel greater than 1.18% with a heat content of 13,000 Btu/lb (As the heat content increases the allowable sulfur content increases proportionally) in accordance with "Indicator 1" of the submitted CAM Plan. Upon detecting an excursion or exceedance, the owner or operator 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.
  - e. The owner or operator of a thermal dryer shall calculate the SO<sub>2</sub> emissions for each month based on the Maximum heat input of 105 mmBtu/hr and the results of the analyses for sulfur and heat content for the month according to the following equations:

### Equation 1:

$$\text{SO}_2 \text{ (lb/hr)} = 2 \times (\text{MFR/ HV}) \times S \times (1-\text{CE})$$

Where:

MFR = Maximum heat input of 105,000,000 Btu/hr

HV = Heating value of fuel in Btu/lb

S = Percent sulfur content of fuel divided by 100  
CE = Wet scrubber percent SO<sub>2</sub> control efficiency (i.e., 70%) divided by 100  
2 = 2 lb SO<sub>2</sub> per 1lb S

**Equation 2:**

$$\text{SO}_2 \text{ (ppmv)} = \text{SO}_2 \text{ (lb/hr)} \times (385/64) \times (1/133,620) \times (1/60) \times 10^6$$

Where:

SO<sub>2</sub> (ppmv) = Sulfur dioxide concentration by volume  
SO<sub>2</sub> (lb/hr) = Sulfur dioxide weight rate  
385 = Molar volume in scf/lb-mole  
64 = Molecular weight of Sulfur dioxide in lb/lb-mole  
133,620 = Exhaust fan volumetric flow rate in standard cubic feet per minute (scfm)  
60 = Minutes per hour

If compliance with 45CSR§10-4.1. can be demonstrated with these “worse case” conditions (i.e., by using the maximum design heat input, and the minimum volumetric gas flow rate in the equations), then compliance at lower heat inputs and/or higher stack gas flow rates will be ensured.

**[45CSR§30-5.1.c., 45CSR§10-8.2.c., 45CSR10A - Monitoring Plan, 45CSR13 - Permit R13-2104-§§B.5. & B.6., and 40CFR§§64.6(c) & 64.7(d)]**

5.2.2. **Proper Maintenance** – At all times, the permittee shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.

**[45CSR§30-5.1.c., 40 C.F.R. §64.7(b)]**

### 5.3. Testing Requirements

5.3.1. To determine compliance with the opacity limits of permit condition 5.1.3., the permittee shall conduct weekly visual emission observations in accordance with Method 22 of 40 CFR 60, Appendix A for the thermal dryer. These observations shall be conducted during periods of normal facility operation for a sufficient time interval to determine if the unit has visible emissions using procedures outlined in 40CFR60 Appendix A, Method 22. If sources of visible emissions are identified during the survey, the permittee shall conduct an opacity evaluation in accordance with 40CFR60 Appendix A, Method 9, within 24 hours. A 40CFR60 Appendix A, Method 9 evaluation shall not be required if the visible emission condition is corrected in a timely manner and the units are operated at normal operating conditions with no visible emissions being observed.

**[45CSR13 - Permit R13-2104-§A.3.]**

5.3.2. The thermal dryer unit included in this permit shall be observed visually during periods of building a fire of operating quality to ensure particulate matter emissions of sixty percent (60 %) opacity for a period of up to 8 minutes in any operating day is not exceeded during such activities

**[45CSR§30-5.1.c.]**

5.3.3. The permittee shall conduct tests to determine compliance with the particulate matter (PM) emission limitations in accordance with the frequency established in the following table and the results of the most recent tests already conducted. The permittee shall use Method 5 or an alternative method approved by the Director for such testing. Parameter indicator ranges shall be re-established or verified for the exit temperature of the thermal dryer, water pressure to the control equipment, and the pressure loss of the inlet airflow to the scrubber. The permittee shall re-establish and/or verify these indicator ranges and operate

within these ranges to provide a reasonable assurance that the thermal dryer unit is in compliance with opacity and particulate loading limits. The permittee shall take immediate corrective action when a parameter falls outside the indicator range established for that parameter and shall record the cause and corrective measures taken. The Director shall be furnished with a written report of the results of such testing and established indicator ranges. The permittee shall also record the following parameters during such testing:

- a. Opacity readings on the exhaust stack following the procedures of Method 9;
- b. Amount of coal burned and the amount of coal dried;
- c. Coal drying temperature and residence time in the dryer;
- d. Temperature of the gas stream at the exit of the thermal dryer;
- e. Flow rate through the dryer and converted to dry standard cubic feet;
- f. Water pressure to the control equipment; and
- g. Pressure loss of the inlet airflow to the scrubber. The pressure drop will be measured between the inlet airflow to the scrubber and outlet airflow of the scrubber, which is atmospheric loss through the venturi constriction of the control equipment.

Subsequent testing to determine compliance with the particulate loading limitations of 5.1.6. above, shall be conducted in accordance with the schedule set forth in the following table:

Test	Test Results	Testing Frequency
Annual	If annual testing is required, after two successive tests indicate mass emission rates between 50% and 90 % of particulate loading limit	Once/3 years
Annual	If annual testing is required, after three successive tests indicate mass emission rates $\leq$ 50% of particulate loading limit	Once/5 years
Once/3 years	If testing is required once/3 years, after two successive tests indicate mass emission rates $\leq$ 50% of particulate loading limit	Once/5 years
Once/3 years	If testing is required once/3 years and any test indicates a mass emission rate $\geq$ 90% of particulate loading limit	Annual
Once/5 years	If testing is required once /5 years and any test indicates mass emission rates between 50% and 90% of particulate loading limit	Once/3 years
Once/5 years	If testing is required once/5 years and any test indicates a mass emission rate $\geq$ 90% of particulate loading limit	Annual

The current inlet water pressure parameter is set at 10.1 psi and the pressure drop is set at 23 inches of H<sub>2</sub>O. An excursion per the 40CFR64 CAM Plan is defined as values below these current values based on a 3-hour rolling average. Upon detecting an excursion or exceedance, the owner or operator 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.

If during the next scheduled test or subsequent testing thereafter, the parameter set points are re-established the permittee shall submit a modification to the CAM Plan

[45CSR§30-5.1.c., 40 CFR §64.7(d)]

#### **5.4. Recordkeeping Requirements**

- 5.4.1. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the daily inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

[45CSR13 - Permit R13-2104-§A.3., 45CSR§30-5.1.c.]

- 5.4.2. The fuel usage being continuously measured with a rotary counter shall be recorded and compiled at the end of each day on a lbs/day basis. The operation of the rotary counter shall be verified by daily visual inspection.

[45CSR§30-5.1.c., 40 CFR §64.6(c)]

- 5.4.3. The measured pressure drop of 5.1.10. above, and the measured water supply pressure of 5.1.11 above, shall be continuously recorded by a strip chart(s) and manually recorded once every 12 hours.

[45CSR§30-5.1.c., 40 CFR §64.6(c)]

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

[45CSR§30-5.1.c., 40 CFR §64.9(b)]

#### **5.5. Reporting Requirements**

- 5.5.1. Upon observing any visible emissions in excess of twenty percent (20%) opacity, or excess of forty (40%) for any period or periods aggregating more than five (5) minutes in any sixty (60) minute period, the company shall submit a written report, certified by a responsible official, to the Director of the Division of Air Quality within five (5) days after taking said reading.

[45CSR13 - Permit R13-2104-§A.3.]

- 5.5.2. For CAM, monitoring reports shall be submitted to the director and at a minimum shall include and be in accordance with information in permit conditions 3.5.6. and 3.5.8. as applicable. Also, at a minimum, the following information, as applicable, shall be included:
- a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
  - b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
  - c. A description of the actions taken to implement a QIP during the reporting period as specified in 40 CFR §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

**[45CSR§30-5.1.c., 40 CFR §64.9(a)]**

## **5.6. Compliance Plan**

- 5.6.1. None

## APPENDIX A

(Attachment A, Attachment B, and Attachment C from Permit R13-2104)

**ATTACHMENT A**  
**“Breaker Building Throughput”**  
**Kepler Processing Company, Inc.**  
**Pineville, WV**

Month \_\_\_\_\_ Year \_\_\_\_\_

Day	Operating Schedule (hours)	- Raw Coal - Conveyor C-1 - T5 - (tons)	- Lime - Conveyor C-19 - T50 - (tons)	{Blank}	{Blank}
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
<b>Monthly Total (tons) -</b>					
<b>Rolling Annual Total (tons) -</b>					
<b>Maximum Permitted Annual (tons) -</b>		<b>4,300,000</b>	<b>219,000</b>		

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative after the end of the calendar month. This certified records shall be maintained on-site for a period of five (5) years and be made available to the Chief or his or her representative upon request.

## CERTIFICATION OF DATA ACCURACY

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President, Secretary, Treasurer, General Partner, General Manager; a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the General Permit *Registration Application*. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this General Permit.

*I, the undersigned, hereby certify that all information contained in **ATTACHMENT A**, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

Signature

(please use blue ink)

\_\_\_\_\_ Responsible Official

\_\_\_\_\_ Date

Name & Title

(please print or type)

Signature

(please use blue ink)

\_\_\_\_\_ Authorized Representative (if applicable)

\_\_\_\_\_ Date

Name & Title

(please print or type)

Registrant's Name \_\_\_\_\_

Registrant's Telephone & Fax Numbers \_\_\_\_\_

**ATTACHMENT B**  
**"Plant Throughput"**  
**Kepler Processing Company, Inc.**  
**Pineville, WV**

Month \_\_\_\_\_ Year \_\_\_\_\_

Day	Plant Operating Schedule (hours)	Raw Coal To Prep Plant - T19 - (tons)	Clean Coal To Thermal Dryer - T30 - (tons)	Clean Coal To Loadout - T36 - (tons)	Refuse To Loadout/Embankment - T44 - (tons)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
<b>Monthly Total (tons) -</b>					
<b>Rolling Annual Total (tons) -</b>					
<b>Permitted Total (tons) -</b>		<b>4,300,000</b>	<b>3,010,000</b>	<b>3,010,000</b>	<b>1,840,000</b>

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative after the end of the calendar month. This certified records shall be maintained on-site for a period of five (5) years and be made available to the Chief or his or her representative upon request.

## CERTIFICATION OF DATA ACCURACY

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President, Secretary, Treasurer, General Partner, General Manager; a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the General Permit *Registration Application*. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this General Permit.

*I, the undersigned, hereby certify that all information contained in **ATTACHMENT B**, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

**Signature**

(please use blue ink)

\_\_\_\_\_

Responsible Official

\_\_\_\_\_

Date

**Name & Title**

(please print or type)

\_\_\_\_\_

\_\_\_\_\_

**Signature**

(please use blue ink)

\_\_\_\_\_

Authorized Representative (if applicable)

\_\_\_\_\_

Date

**Name & Title**

(please print or type)

\_\_\_\_\_

\_\_\_\_\_

**Registrant's Name** \_\_\_\_\_

**Registrant's Telephone & Fax Numbers** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**ATTACHMENT C**  
**“Fugitive Emissions Control”**  
**Kepler Processing Company, Inc.**  
**Pineville, WV**

Month \_\_\_\_\_ Year \_\_\_\_\_

Day	Water Spray Source		Maintenance and Repair Records
	Fixed Water Spray System (gallons)	Water Truck (gallons)	
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			
26			
27			
28			
29			
30			
31			

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative after the end of the calendar month. This certified records shall be maintained on-site for a period of five (5) years and be made available to the Chief or his or her representative upon request.

## CERTIFICATION OF DATA ACCURACY

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President, Secretary, Treasurer, General Partner, General Manager; a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the General Permit *Registration Application*. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this General Permit.

*I, the undersigned, hereby certify that all information contained in **ATTACHMENT C**, representing the period beginning \_\_\_\_\_ and ending \_\_\_\_\_ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

Signature \_\_\_\_\_

\_\_\_\_\_  
(please use blue ink)

Responsible Official

\_\_\_\_\_ Date

Name & Title \_\_\_\_\_

\_\_\_\_\_  
(please print or type)

Signature \_\_\_\_\_

\_\_\_\_\_  
(please use blue ink)

Authorized Representative (if applicable)

\_\_\_\_\_ Date

Name & Title \_\_\_\_\_

\_\_\_\_\_  
(please print or type)

Registrant's Name \_\_\_\_\_

\_\_\_\_\_

Registrant's Telephone & Fax Numbers \_\_\_\_\_

\_\_\_\_\_