

*West Virginia Department of Environmental Protection
Division of Air Quality*

Joe Manchin III
Governor

Stephanie R. Timmermeyer
Cabinet Secretary

Permit to Operate



*Pursuant to
Title V
of the Clean Air Act*

Issued to:
Pinnacle Mining Company, LLC
Pinnacle Preparation Plant
R30-10900006-2007

John A. Benedict
Director

Issued: March 19, 2007 • Effective: April 2, 2007

Expiration: March 19, 2012 • Renewal Application Due: September 19, 2011

Permit Number: **R30-10900006-2007**
Permittee: **Pinnacle Mining Company, LLC**
Facility Name: **Pinnacle Preparation Plant**
Mailing Address: **P.O. Box 338, Pineville, West Virginia 24874**

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:	Pineville, Wyoming County, West Virginia
Mailing Address:	P.O. Box 338, Pineville, West Virginia 24874
Telephone Number:	304-732-9720
Type of Business Entity:	LLC
Facility Description:	The facility is a coal preparation plant which processes raw coal from an associated underground bituminous coal mine plus other raw coal sources. The preparation involves separating the higher ash reject and pyrite from the rest of the material, leaving a low ash and low sulfur coal. Operations at the plant include breaking, crushing, handling, screening, washing, and drying.
SIC Codes:	1222
UTM Coordinates:	456.10 km Easting • 4,155.40 km Northing • Zone 17

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the Secretary may appeal such action of the Secretary to the Air Quality Board pursuant to article one [§§ 22B-1-1 et seq.], Chapter 22B of the Code of West Virginia. West Virginia Code §22-5-14.

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

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ATTACHMENT A – Monthly Processing Rate Report

ATTACHMENT B – Monthly Delivery Rate Report from Outside Suppliers

ATTACHMENT C – Monthly Transfer Rate Report

ATTACHMENT D – Monthly Refuse Storage (ST-12) Report

Certification of Data Accuracy

1.0 Emission Units

The following table provides a list of regulated sources of air pollutant emissions authorized to operate by this permit at the subject facility:

Equipment ID Number	Design Capacity	Year Installed / Modified (2)	Description	Method of Control (1)	Associated Transfer Points or Equipment		
					Location: B - Before A - After	ID. No.	Method of Control (1)
Saw Mill Storage Addition							
OS1	631,000 tons	I - 1998 M- 1999 M-2000,2001, 2002	Open Stockpile OS-1 - Receives coal via dump truck. A front-endloader is used to move coal from the Open Stockpile OS-1 to trucks for hauling to Stockpiles ST-2, ST-11, ST-13, ST-14, ST-15 or Storage Pit ST-10.	N	B	T65	MD
					A	T92	N

Equipment ID Number	Design Capacity	Year Installed / Modified (2)	Description	Method of Control (1)	Associated Transfer Points or Equipment		
					Location: B - Before A - After	ID. No.	Method of Control (1)
Rotary Breakers (C11-1 & C11-2) Circuit							
ST-14	54,000 Tons	I - 2001 M-2002	Raw Coal Open Stockpile ST-14 - Receives coal by truck from Stockpile OS-1 and off site suppliers and transfers it via front-endloader to Dump Hopper DH-3 and/or front endloader to truck.	N	B	T93	MC
					A	T94 T104	PE MC
DH-3	45 Tons	I - 2001	Dump Hopper DH-3 - Receives coal via truck and/or front-endloader from Raw Coal Open Stockpile ST-14 and transfers it to Conveyor C10-3.	PE	B	T94	PE
					A	T95	PE
C10-3	1,000 TPH	I - 2001	Conveyor C10-3 - Receives coal from Dump Hopper DH-3 and transfers it to Mine Car Dump MCD-1.	PE	B	T95	PE
					A	T96	FE
MCD-1	40 Tons	I - 2001	Mine Car Dump MCD-1 - Receives coal from Conveyor C10-3 and transfers it to Conveyors C11 - 1 and/or C11-2 via feeders in the bottom of MCD-1.	PE	B	T96	PE
					A	T72A, T72B	FE FE

Equipment ID Number	Design Capacity	Year Installed / Modified (2)	Description	Method of Control (1)	Associated Transfer Points or Equipment		
					Location: B - Before A - After	ID. No.	Method of Control (1)
C11-1	1,000 TPH	I - 1970	Conveyor C11-1 - Receives coal from Mine Car Dump MCD-1, Conveyor S3A and Conveyor C11-4, and transfers it to Rotary Breaker 13-1.	PE	B A	T72A T73 T75 T111	FE PE PE PE
C11-2	1,000 TPH	I - 1970	Conveyor C11-2 - Receives coal from Mine Car Dump MCD-1, Conveyor C11-4, and Conveyor S3A and transfers it to Rotary Breaker 13-2.	PE	B A	T72B T74 T76 T112	FE PE PE PE
C11-4	800 TPH	I-1979	Conveyor C11-4 - Receives coal from the Storage Pit ST-10 and transfers it to Belt Conveyor C11-1 and/or Belt Conveyor C11-2.	PE	B A	T4-9 T73 T74	PE PE PE
Rotary Breaker 13-1	1,000 TPH	I - 1970	Rotary Breaker 13-1 - Receives coal from Conveyor C11-1. Transfers refuse to Belt Conveyor 8A. Transfers coal through a feeder to the 60" Raw Coal Belt Conveyor C24.	FE	B A	T75 T8-1 T9-1A	PE PE PE
Rotary Breaker 13-2	1,000 TPH	I - 1970	Rotary Breaker 13-2 - Receives coal from Conveyor C11-2. Transfers refuse to Belt Conveyor 8A. Transfers coal through a feeder to the 60" Raw Coal Belt Conveyor C24.	FE	B A	T76 T8-2 T9-1B	PE PE PE
8A	Continued Under Refuse Circuit						
C24	Continued Under Raw Coal Handling System						
Raw Coal Handling System							
S10	4000 TPH	I - 1986 M - 1998 M - 2006	Conveyor S10 - Receives coal from No. 50 Mine and transfers it to Scalping Screen SS-1. Added SS-1 bypass chute to divert coal directly to ST-11	PE	B A A	---- T50 T120	---- FE N
S3A	2,500 TPH	I-1986 M-2002	Conveyor S3A - Receives coal from Scalping screen SS-1 and transfers it to Belt Conveyor C11-1 and/or C11-2.	PE	B A	T110 T111 T112	FE PE PE

Equipment ID Number	Design Capacity	Year Installed / Modified (2)	Description	Method of Control (1)	Associated Transfer Points or Equipment		
					Location: B - Before A - After	ID. No.	Method of Control (1)
SS-1	4000 TPH	I - 1998	Scalping Screen SS-1 - Receives coal from Conveyor S10. Oversized coal is routed to the Shawnee Rotary Breaker S6. Undersized coal goes to a two-way flop gate which can transfer coal to Conveyor RCT-1 or Conveyor S3B.	FE	B A	T50 T54 T51 T53 T110	FE FE FE FE
S6	1500 TPH	I-1986	Shawnee Rotary Breaker S6 - Receives coal from Scalping Screen SS-1. Refuse is transferred to Conveyor S7. Coal exiting the Rotary Breaker is transferred to Conveyor S5.	FE	B A	T54 T28-3, T27-5	FE PE PE
S7 Continued under Refuse Circuit							
RCT-1	4000 TPH	I - 1998	Conveyor RCT-1 - Receives coal from Scalping Screen SS-1 and transfers it to Conveyor S5.	FE	B A	T51 T52	FE FE
S5	4000 TPH	I - 1986 M - 1998	Conveyor S5 - Receives coal from Conveyor RCT-1 and Rotary Breaker S6, and transfers it to a Stack Tube/Stockpile ST-11. Note that Conveyor S5 was lengthened and its design capacity increased to 4,000 TPH.	PE	B A	T52, T27-5 T49	FE PE MD
ST-11	1,106,000 Tons	I - 1986 M-1998, 2001 M-2006	Stack Tube/Stockpile ST-11 - Receives coal from Conveyor S5, truck, and SS-1 bypass chute and transfers via underground feeder to Conveyor S3 and/or via front endloader to truck.	N	B B B A A	T49 T120 T103 T32 T102	MD N N FE N
S3	2,500 TPH	I - 1986	Conveyor S3 - Receives coal from underground feeder located beneath Stack Tube/Stockpile ST-11 and transfers it to Conveyor S3B.	PE	B A	T32 T33	FE PE
S3B	4,000 TPH	I - 1986 M - 1998	Conveyor S3B - Receives coal from Conveyor S3 and Scalping Screen SS-1 two-way flop gate, and routes it to 60" Raw Coal Belt Conveyor C24. Design capacity increased to 4,000 TPH.	PE	B A	T33 T53 T34	PE FE PE

Equipment ID Number	Design Capacity	Year Installed / Modified (2)	Description	Method of Control (1)	Associated Transfer Points or Equipment		
					Location: B - Before A - After	ID. No.	Method of Control (1)
C24	4,000 TPH	I- 1970 M- 1994	Conveyor C24 - Receives coal from Conveyor S3B and Rotary Breakers 13-1 and 13-2 and transfers it to Raw Coal Storage Silo A ST-3, Conveyor C31, or Conveyor C31-A.	FE	B A	T34, T8-1, T8-2 T10-3, T10-2, T10-1	PE PE PE FE FE PE
Raw Coal to Storage and to Preparation Plant							
ST-3	6,000 Tons	I- 1970	6,000 Ton Raw Coal Storage Silo A ST-3 - Receives coal from Conveyor C24 and transfers it via one mass flow feeder and six 48" reciprocating feeders to a 48" Raw Coal Belt C37.	N	B A	T10-3 T12-1	FE FE
C31	4,000 TPH	I- 1970 M- 1994	Conveyor C31 - Receives coal from Conveyor C24 and transfers it to Raw Coal Storage Silo ST-4.	FE	B A	T10-2 T10-4	FE FE
ST-4	6,000 Tons	I- 1970	Raw Coal Storage Silo B ST-4 - Receives coal from Conveyor C31 and transfers it via one mass flow feeder and six 48" reciprocating feeders to a 48" Raw Coal Belt C37.	N	B A	T10-4 T12-2	FE FE
C31-A	4,000 TPH	I- 1981	Conveyor C31-A - Receives coal from Conveyor C24 and transfers coal to Stack Tube/Raw Coal Storage Stockpile ST-2.	PE	B A	T10-1 T11	PE MC
ST-2	77,000 Tons	I- 1981 M- 2001	Raw Coal Storage Stockpile ST-2 - Receives coal from Conveyor C31-A and truck dump and transfers it via front-endloader to Feeder C36, Storage Pit ST-10, trucks, and/or railcar.	N	B A	T11 T101 T100, T77 T113	MD MD MD MD, PE MD
C36	500 TPH	I- 1981	Feeder C36 - Receives coal from Raw Coal Storage Stockpile ST-2 and transfers it to the 48" Raw Coal Belt Conveyor C37.	PE	B A	T77 T12-3	PE FE
C37	1,500 TPH	I- 1970	48" Raw Coal Belt Conveyor C37 - Receives coal from the 48" Reciprocating Feeders from Raw Coal Storage Silos A and B (ST-3 and ST-4) and Feeder C36, and transfers it to Conveyor C45.	FE	B A	T12-1, T12-2, T12-3 T13	FE FE FE FE
C45	1,500 TPH	I- 1970	Conveyor C45 - Receives coal from Conveyor C37 and transfers it into the preparation plant.	PE	B A	T13 ----	FE ----

Equipment ID Number	Design Capacity	Year Installed / Modified (2)	Description	Method of Control (1)	Associated Transfer Points or Equipment		
					Location: B - Before A - After	ID. No.	Method of Control (1)
Refuse Circuit							
8A	400 TPH	I - 1992	Conveyor 8A - Receives refuse from Rotary Breakers 13-1 and 13-2. Refuse is transferred to Conveyor C8.	N	B A	T9-1a T9-1b T46-2	PE PE FE
C8	Continued below under C8						
S7	800 TPH	I - 1986	Conveyor S7 - Receives refuse from the Rotary Breaker S6 and transfers it to the 80 ton Rock Bin.	PE	B A	T28-3 T29	PE PE
Rock Bin	80 Ton	I - 1970	Rock Bin - Receives refuse from Conveyor S7 and transfers it to a 72" Reciprocating Feeder.	FE	B A	T29 -----	PE -----
Rock Crusher #6	280 TPH	I - 1970	Rock Crusher #6 - Receives refuse from Rock Bin and transfers it to 36" Rock Belt Conveyor C8.	FE	B A	T34-2a T35	FE FE
C8	400 TPH	I - 1970	36" Rock Belt Conveyor C8 - Receives refuse from Rock Bin #6, Rock Crusher #6, and Conveyor 8A. Transfers refuse to the 400 ton Refuse Bin ST-7.	PE	B A	T34-2b, T35, T46-2 T36	FE FE FE FE
C125	463 TPH	I - 1970	36" Plant Refuse Belt Conveyor C125 - Transfers refuse from the Preparation Plant's Washing Circuit to the 400 ton Refuse Bin ST-7.	PE	B A	----- T37	----- FE
ST-7	400 Ton	I - 1970	400 Ton Refuse Bin ST-7 - Receives coal refuse from 36" Rock Belt Conveyor C8 and 36" Plant Refuse Belt Conveyor C125 and transfers it to feeder 127 and then to Refuse Belt Conveyor C128-1 or the Emergency Refuse Stockpile.	FE	B A	T36 T37 -----	FE FE -----
C128-1	400 TPH	I - 1970	Conveyor - Receives refuse from Refuse Bin ST-7 and transfers it Point "A" Storage Bin ST-8.	PE	B A	T38 T39	FE FE
ST-8	85 Tons	I - 1970	Point "A" Storage Bin ST-8 - Receives refuse from Conveyor C128-1 and transfers it to Belt Conveyor C128-2.	FE	B A	T39 -----	FE -----
C128-2	400 TPH	I - 1970	Conveyor C128-2 - Receives refuse from Storage Bin ST-8 and transfers it to Conveyor C128-3.	PE	B A	T40 T41	PE PE
C128-3	400 TPH	I - 1983	Conveyor C128-3 - Receives refuse from Conveyor C128-2 and transfers it to Conveyor C128-4.	N	B A	T41 T42	PE PE

Equipment ID Number	Design Capacity	Year Installed / Modified (2)	Description	Method of Control (1)	Associated Transfer Points or Equipment		
					Location: B - Before A - After	ID. No.	Method of Control (1)
C128-4	400 TPH	I - 1983	Conveyor C128-4 - Receives refuse from Conveyor C128-3 and transfers it to Conveyor C128-5.	N	B A	T42 T43	PE PE
C128-5	400 TPH	I - 2001	Conveyor C128-5 - Receives refuse from Conveyor C128-4 and transfers it to Conveyor C128-6.	N	B A	T43 T44	PE PE
C128-6	400 TPH	I-2006	Conveyor C128-6 - Receives refuse from Conveyor C128-5 and transfers it to Stacking Belt Conveyor.	PE	B A	T44 T121	PE PE
Stacking Belt Conveyor	400 TPH	I - 1970	Stacking Belt Conveyor - Receives refuse from Conveyor C128-6 and transfers it to the Refuse Stockpile ST-12.	PE	B A	T121 T45	PE MC
ST-12	26,000 Tons	I - 1970	Refuse Stockpile ST-12.	N	B A	T45 ----	MC ----
Rotary Breakers (13-1 & 13-2) Bypass							
Raw Coal Auger Sampler	N/A	I - 1998	Raw Coal Auger Sampler - Samples coal from dump trucks at the truck scales. Emissions are expected to be minimal.	N	B A	---- ----	---- ----
ST-10	50 Tons	I - 1979 M - 2001	Raw Coal Storage Pit ST-10 - Receives coal by Truck Dumping and front-endloader and transfers it to Conveyor C11-4.	PE	B A	T4-8 T105 T4-9	MC MC PE
C11-4	Continued Under Rotary Breakers (13-1 & 13-2) Circuit						
RC-5	4000 TPH	I - 1998 M - 1999 M - 2001	Belt Conveyor RC-5 - Receives coal from the DTE's Synfuel Stockpile and transfers it to Belt Conveyor RC-1.	N	B A	T98 T81	FE PE
RC-1	Continued under Clean Coal Circuit						

Equipment ID Number	Design Capacity	Year Installed / Modified (2)	Description	Method of Control (1)	Associated Transfer Points or Equipment		
					Location: B - Before A - After	ID. No.	Method of Control (1)
Clean Coal Circuit							
TD1	800 TPH	I- 1970 M- 1996	McNally Fluidized bed Thermal Dryer with two cyclones and two venturi scrubbers.	CY,SC, ME	B A	T15 001-2A,B	PE CY,SC,ME
C100	800 TPH	I- 1970	42" Dryer Feed Belt Conveyor C100 - Transfers wet coal from Preparation to Thermal Dryer.	PE	B A	----- T15	----- PE
C118	800 TPH	I- 1970 M-1995	54" Coarse Clean Coal Belt Conveyor - Receives coarse clean coal from inside Preparation Plant and transfers it to Horizontal Axis Mixer No. 120.	PE	B A	T48 T16	PE FE, SC
ST-15	1,500 tons	I-2002	Storage Stockpile ST-15 – Receives coal via dump truck and transfers it via end loader to Dump Hopper DH118-1 and/or to truck.	MC	B A	T116 T117	MD MD
DH118-1	45 Tons	I-2002	Dump Hopper DH118-1 – Receives coal via Dump Truck and/or end loader and transfers it to Conveyor C118-1.	N	B A	T107 T117 T108	N MD PE
C118-1	800 TPH	I-2002	Conveyor C118-1 – Receives coal from Dump Hopper DH 118-1 and transfers it to C132.	FE	B A	T108 T109	PE FE
Horizontal Axis Mixer No. 120	320 TPH	I- 1970	Horizontal Axis Mixer No. 120. Receives coarse clean coal from Conveyor C118 and clean coal from Thermal Dryer, and transfers coal to 72" Clean Coal Transfer Belt Conveyor C119.	FE	B A	T16 T17	FE, SC FE, SC
C119	1,000 TPH	I- 1970	72" Clean Coal Transfer Belt Conveyor C119 - Receives coal from the Horizontal Axis Mixer No. 120 and transfers coal to 48" Clean Coal Belt Conveyor C132.	FE	B A	T17 T18	FE, SC FE, SC
C132	1,000 TPH	I- 1970	48" Clean Coal Belt Conveyor C132 - Receives coal from the 72" Clean Coal Transfer Belt Conveyor C119 and Conveyor C118-1 and transfers it to the 10,000 Ton Clean Storage Silo ST-5 and/or Conveyor SC-1.	FE	B A	T18 T109 T19, T19A	FE, SC FE FE
ST-5	10,000 Ton	I – 1970	Storage 4 - 10,000 Ton Clean Coal Storage Silo ST-5. Receives coal from the 48" Clean Coal Belt Conveyor C132 and transfers it through one mass flow feeder and six 48" reciprocating feeders to a 72" Collecting Belt Conveyor C139.	FE	B A	T19 T20	FE FE, SC
C139	5,000 TPH	I- 1970 M - 1998	72" Collecting Belt Conveyor C139 - Receives coal from Storage 4 (ST-5) through one mass flow feeder and six 48" reciprocating feeders. Transfers coal to the 72" Belt Conveyor to Sampling Tower C141. Design capacity increased to 5,000 TPH.	FE	B A	T20 T21	FE, SC FE

Equipment ID Number	Design Capacity	Year Installed / Modified (2)	Description	Method of Control (1)	Associated Transfer Points or Equipment		
					Location: B - Before A - After	ID. No.	Method of Control (1)
C141	5,000 TPH	I - 1970 M - 1998	72" Belt Conveyor C141 - Receives coal from 72" Collecting Belt Conveyor C139 and Conveyor RC-1, and transfers it to the 72" Belt Conveyor C152. Design capacity increased to 5,000 TPH. A small portion of coal from Conveyor C141 is transferred to and from the Clean Coal Sampler System.	FE	B A	T21, T23 T24	FE FE FE
Clean Coal Sampler System (F01 & F02)	N/A	I - 1970 M - 1998	Clean Coal Sampler System - Receives coal from 72" Belt Conveyor C141 via Primary Sample Belt Conveyor and transfers it to the Primary Sample Crusher and the Nuclear Analyzer and subsequently back to Conveyor C141.	FE	B A	----- -----	----- -----
C152	5,000 TPH	I - 1970 M - 1998	72" Belt Conveyor to Loading Bin C152 - Receives coal from 72" Belt Conveyor C141 and transfers it to the 200 Ton Loading Bin ST-6. Design capacity increased to 5,000 TPH.	FE	B A	T24 T25	FE FE
ST-6	200 Ton	I - 1970 M - 2001	200 Ton Loading Bin ST-6 - Receives coal from the 72" Belt Conveyor C152 and transfer it to railroad cars.	FE	B A	T25 T26	FE FE, DSS
SC-1	1,000 TPH	I - 1991	Belt Conveyor SC-1 - Receives coal from the 48" Clean Coal Belt Conveyor C132 and transfer it to the Stack Tube/Clean Coal Storage Stockpile ST-13.	PE	B A	T19A T19B	FE MC
ST-13	514,000 Tons	I - 1991 M - 1998 M - 2002	Stack Tube/Clean Coal Storage Stockpile ST-13 - Receives clean coal from Conveyor SC-1 and transfers it using six vibrating feeders to Belt Conveyor RC-1 and/or via front end loader to the underground bunker that feeds the DTE Synfuel Plant and/or to truck. Up to 360,000 TPY combined may be trucked to and from ST-13.	N	B A	T19B T114 T22 T115	MC N FE N
RC-1	4,000 TPH	I - 1991 M - 1998	Belt Conveyor RC-1 - Receives coal from six vibrating feeders located underneath the Clean Coal Storage Stockpile ST-13 and also from Belt Conveyor RC-5, and transfers it to the 72" Belt Conveyor C141.	PE	B A	T22 T81 T23	FE PE FE
Roadways							
PRP	N/A	I - 1970 M - 2001	Paved Roadways and parking lots.	RWMW	N/A	N/A	N/A
URP	N/A	I - 1970 M - 2001	Unpaved Roadways and parking lots	RWMW	N/A	N/A	N/A

- (1) Method of Control abbreviations: FE - Full Enclosure, PE - Partial Enclosure, MD - Minimization of Material Drop Height, N - None, MC - Moisture Control, DSS - Dust suppressant Spray, CY - Cyclones, SC - Scrubbers, ME - Mist Eliminator, RWMW - Water Truck with Manufactured Pressurized sprays
(2) I - Year Installed, M - Year Modified

2.0 General Conditions

2.1. Definitions

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

2.2. Acronyms

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

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, firm, corporation, association or public agency 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, suffer, allow or permit 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, owners, 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). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.
[40 C.F.R. §61.145(b) and 45CSR15]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

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

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

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

[40 C.F.R. 68]

- 3.1.9. Fugitive dust control methods, such as full enclosures, partial enclosures, and water sprays, proposed in Permit Applications R13-2183J, R13-2183I, R13-2183G, R13-2183F, R13-2183E, R13-2183D, R13-2183C, R13-2183B (PD99-169), R13-2183A (PD99-062), R13-2183, and R13-1831 and any amendments or supplements thereto shall be installed, operated, and maintained in such a manner so as to minimize the generation and atmospheric entrainment of fugitive particulate emissions. A freeze protection plan shall be incorporated to insure that the wet suppression systems remain operational at all times. In accordance with the information filed, the methods of control given in the Equipment Table in Section 1.0. of this permit shall be installed, maintained, and operated so as to minimize the emission of PM (particulate matter) and PM₁₀ (particulate matter less than ten microns in diameter).

[45CSR13, R13-2183J, A.10.]

- 3.1.10. The permittee shall maintain a water truck 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 spraybar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the surface 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.

[45CSR13, R13-2183J, A.12.]

- 3.1.11. No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system, coal processing and conveying equipment, coal storage system, or coal transfer and loading system which is twenty percent (20%) opacity or greater. These opacity standards shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard. Note that the regulatory citations 40 C.F.R. §§ 60.252(c), 60.11(c), and 45CSR16 (below) apply only to the 40 C.F.R. 60 Subpart Y affected facilities listed in Section 5.0. of this permit.

[45CSR13, R13-2183J, B.2.; 45CSR§5-3.4.; 40 C.F.R. §60.252(c); 40 C.F.R. §60.11(c); 45CSR16]

- 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. All fugitive dust control systems shall remain functional year-round, to the maximum extent practicable, including winter months and cold weather.

[45CSR13, R13-2183J, B.2., 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, R13-2183J, B.2., and 45CSR§5-6.2.]

- 3.1.14. The permitted facility shall be constructed and operated in accordance with information filed in Permit Applications R13-2183J, R13-2183I, R13-2183G, R13-2183F, R13-2183E, R13-2183D, R13-2183C, R13-2183B (PD99-169), R13-2183A (PD99-062), R13-2183, and R13-1831 and any amendments thereto.

[45CSR13, R13-2183J, A.1.]

3.2. Monitoring Requirements

- 3.2.1. The permittee shall conduct monitoring/recordkeeping/reporting as follows: [Not required for stockpiles and haulroads – OS1, ST-14, ST-2, ST-11, ST-12, ST-13, PRP, URP] To determine compliance with the opacity limit of permit condition 3.1.11., 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. Records of all observations shall be maintained in accordance with permit condition 3.4.4.

[45CSR§30-5.1.c.]

- 3.2.2. The permittee shall 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, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

[45CSR§30-5.1.c.]

- 3.2.3. The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility.

[45CSR§30-5.1.c.]

3.3. Testing Requirements

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

with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

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

[WV Code § 22-5-4(a)(15) and 45CSR13]

- 3.3.2. 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.

[45CSR13, R13-2183J, B.2., 45CSR§5-12.6.]

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. A record of each visible emissions observation required by permit condition 3.2.1. 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.

[45CSR§30-5.1.c.]

3.5. Reporting Requirements

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

[45CSR§§30-4.4. and 5.1.c.3.D.]

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

[45CSR§30-5.1.c.3.E.]

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

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone: 304/926-0475
FAX: 304/926-0478

If to the US EPA:

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

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]
- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]
- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.
- 3.5.8. **Deviations.**
- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

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

[45CSR§30-5.1.c.3.B.]

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

[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

- 3.6.1. There is no compliance plan since the permittee certified compliance with all applicable requirements in the renewal application.

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.

- **Non-applicability of 40 C.F.R. 64 to certain control devices**

The control devices listed in the following table are not subject to 40 C.F.R. Part 64

Description	Control Device ID	Rationale
Cyclones	001-01A 001-01B	These two cyclones pre-clean the thermal dryer exhaust gas before it enters the exhaust fan that pushes it through two (2) parallel venturi scrubbers (Control Device IDs 001-02A, 001-02B). Finer dried coal from the thermal dryer exhaust is removed by the cyclones. This dried coal reporting to the cyclones is used as fuel in the thermal dryer furnace because it is finer and thus requires less processing by the pulverized coal feed system. Because the cyclones are a critical part of the product recovery and furnace fuel system, they are deemed <i>inherent process equipment</i> in accordance with the definition in 40 C.F.R. §64.1, and therefore the cyclones do not require a CAM Plan.
Mixer Scrubber	004	This scrubber controls PM emissions from transfer points T16 (horizontal axis mixer), T17, and T18. According to the permittee's calculations in the application, the aggregate pre-control PTE for these three transfer points is 785 lb/yr + 7,513 lb/yr + 7,513 lb/yr = 15,811 lb/yr = 7.91 ton/yr. This is less than 100 ton/yr, and therefore is not a pre-control "major source". Therefore the Mixer Scrubber 004 is not subject to 40 C.F.R. 64.
Clean Coal Scrubber	0011	This scrubber controls PM emissions from transfer point T21. According to the permittee's calculations in the application, the aggregate pre-control PTE for this transfer point is 2,254 lb/yr. This is less than 100 ton/yr, and therefore is not a pre-control "major source". Therefore the Clean Coal Scrubber 0011 is not subject to 40 C.F.R. 64.

4.0 Source-Specific Requirements [Thermal Dryer, emission unit ID: TD1]

4.1. Limitations and Standards

4.1.1. The thermal dryer shall not be operated more than 7,083 hours per year. The permittee shall maintain records showing the number of hours each calendar day the thermal dryer was in operation.
[45CSR13, R13-2183J, A.2.]

4.1.2. Emissions from the thermal dryer shall not exceed the following hourly and annual limits:

Pollutant	Emissions Limitations	
	One-Hour Average (lb/hour)	Annual (ton/year)
Volatile Organic Compounds (VOCs)	41.3	146
SO ₂	50.3	178
NO _x	93.9	332
CO	50.3	178
Particulate Matter (PM)	77.0	272

[45CSR13, R13-2183J, A.4.]

4.1.3. Scrubber water flow shall be maintained at a minimum of 2,240 gpm. The scrubber water system shall receive clean water from the clarifier water sump, and shall discharge dirty water to the clarifier centerwell for solids removal. Pressure drop across the scrubber shall be adjusted as required to control particulate matter emissions. Alkaline agents may be added to the scrubber water to control sulfur dioxide emissions.
[45CSR13, R13-2183J, A.5.]

4.1.4. No person shall cause, suffer, allow, or permit the emission into open air from any source operation an in-stack sulfur dioxide concentration exceeding 2,000 ppmv by volume from existing source operations.
[45CSR13, R13-2183J, B.3., and 45CSR§10-4.1.]

4.1.5. No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any stack which is twenty percent (20%) opacity or greater, except as noted in 45CSR§5-3.2.
[45CSR13, R13-2183J, B.2., and 45CSR§5-3.1.]

4.1.6. The provisions of permit condition 4.1.5. 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, R13-2183J, B.2., and 45CSR§5-3.2.]

4.1.7. The provisions permit conditions 4.1.5. and 4.1.6. 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, R13-2183J, B.2., and 45CSR§5-3.3.]

- 4.1.8. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from the thermal dryer exhaust in excess of 0.083 grains per standard cubic foot.
[45CSR13, R13-2183J, B.2., 45CSR§5-4.1.b., and 45CSR5 Appendix 1.2.]
- 4.1.9. No person shall circumvent 45CSR§5-4.1.b. (permit condition 4.1.8) by adding additional gas to any dryer exhaust or group of dryer exhaust for the purpose of reducing the grain loading.
[45CSR13, R13-2183J, B.2., and 45CSR§5-4.2.]
- 4.1.10. No person shall cause, suffer, allow or permit the exhaust gases from a thermal dryer to 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, R13-2183J, B.2., and 45CSR§5-4.3.]

4.2. Monitoring Requirements

Note: For purposes of complying with 40 C.F.R. Part 64 Compliance Assurance Monitoring (CAM), the words “*indicator*” or “*indicators*” shall mean the specific parameters to be monitored, measured, polled, or sampled (as applicable). Operation of the equipment while each indicator is within the acceptable range (defined below for each indicator) will provide a reasonable assurance of compliance with applicable emission limitations or standards for the anticipated range of operations of the equipment.

- 4.2.1. **Thermal Dryer Exhaust Temperature** – The permittee shall install, calibrate, maintain, and continuously operate a monitoring device for the continuous measurement of the temperature of the gas stream at the exit of the thermal dryer between the dryer exhaust fan and the venturi scrubbers. An excursion shall be defined as a 1-hour average temperature outside of the acceptable thermal dryer exhaust temperature defined as 170°F to 240°F. Excursions trigger an inspection and evaluation, corrective action, recordkeeping and reporting requirements (permit conditions 4.2.10., 4.4.3., and 4.5.1.). The monitoring device is to be certified by the manufacturer to be accurate within plus or minus three degrees Fahrenheit (± 3 °F) and be recalibrated as necessary, but at least semi-annually. The monitoring system shall continually sense the indicator, poll the indicator several times per minute, compute 1-minute averages, and use these 1-minute averages to compute and record a 1-hour average. This is Indicator 1 of 3 for particulate matter control under the proposed 40 C.F.R. 64 plan.
[45CSR13, R13-2183J, B.2.; 45CSR§5-4.1.b. and 45CSR5 Appendices 2.1. and 2.3.; 40 C.F.R. §§64.3(a), 64.3(b) and 64.6(c)(2); 45CSR§30-12.7.]
- 4.2.2. **Scrubber Water Supply Pressure** – The permittee shall install, calibrate, maintain, and continuously operate a monitoring device for the continuous measurement of the water supply pressure to the scrubber. An excursion shall be defined as a 1-hour average pressure less than the minimum acceptable scrubber water supply pressure defined as 7-psig. Excursions trigger an inspection and evaluation, corrective action, recordkeeping and reporting requirements (permit conditions 4.2.10., 4.4.3., and 4.5.1.). The monitoring device is to be certified by the manufacturer to be accurate within plus or minus five percent (5%) water column and be recalibrated as necessary, but at least semi-annually. The monitoring system shall continually sense the indicator, poll the indicator several times per minute, compute 1-minute averages, and use these 1-minute averages to compute and

record a 1-hour average. This is Indicator 2 of 3 for particulate matter control, and also Indicator 1 of 3 for sulfur dioxide control, under the proposed 40 C.F.R. 64 plan.

[45CSR13, R13-2183J, B.2.; 45CSR§5-4.1.b.; and 45CSR5 Appendices 2.2.b. and 2.3.; 40 C.F.R. §§64.3(a), 64.3(b) and 64.6(c)(2); 45CSR§30-12.7.]

- 4.2.3. **Scrubber Inlet Static Pressure** – The permittee shall install, calibrate, maintain, and continuously operate a monitoring device for the continuous measurement of the pressure loss through the scrubber. The pressure drop will be measured at the inlet to the scrubber. An excursion shall be defined as a 1-hour average pressure less than the minimum acceptable scrubber inlet static pressure defined as 18 inches of water column. Excursions trigger an inspection and evaluation, corrective action, recordkeeping and reporting requirements (permit conditions 4.2.10., 4.4.3., and 4.5.1.). The monitoring device is to be certified by the manufacturer to be accurate within plus or minus one inch (± 1 in.) water column and be recalibrated as necessary, but at least semi-annually. The monitoring system shall continually sense the indicator, poll the indicator several times per minute, compute 1-minute averages, and use these 1-minute averages to compute and record a 1-hour average. This is Indicator 3 of 3 for particulate matter control under the proposed 40 C.F.R. 64 plan.

[45CSR13, R13-2183J, B.2.; 45CSR§5-4.1.b.; and 45CSR5 Appendices 2.2.a. and 2.3.; 40 C.F.R. §§64.3(a), 64.3(b) and 64.6(c)(2); 45CSR§30-12.7.]

- 4.2.4. **Dryer Fuel Coal Sulfur Content** – The permittee shall sample in accordance with approved ASTM methods on at least a daily basis the fuel coal burned in the furnaces and have the samples analyzed for sulfur and BTU content. The analysis results shall be accurate within ± 0.1 weight percent. Result of these analyses shall be certified by a “responsible official” and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request. If the sulfur content exceeds 1.09 percent on a dry basis, the permittee shall add sodium hydroxide solution in accordance with permit condition 4.2.5. to the scrubber water and/or to the coal being dried to reduce sulfur dioxide emissions. Compliance with the more stringent limit (1.09 weight percent before adding NaOH) proposed by the permittee, and enforceable under 45CSR§30-12.7., ensures compliance with the 1.22 weight percent threshold prior to NaOH addition set forth by R13-2183J, A.3. An excursion shall be defined as exceeding the 1.09 weight percent limit without addition of sodium hydroxide in accordance with permit condition 4.2.5. Excursions trigger an inspection and evaluation, corrective action, recordkeeping and reporting requirements (permit conditions 4.2.10., 4.4.3., and 4.5.1.). This permit condition accounts for Indicator 2 of 3 for sulfur dioxide control under the proposed 40 C.F.R. 64 plan.

[45CSR13, R13-2183J, A.3., and 40 C.F.R. §64.3(b); 45CSR§30-12.7.]

- 4.2.5. **Sodium Hydroxide (NaOH) Addition Rate** – The metering pump shall be used to add 0.51 gallons per minute of 20% sodium hydroxide solution to the scrubber water and/or to the coal being dried based upon sulfur content determined under permit condition 4.2.4. The metering pump used to add NaOH solution shall be calibrated monthly during NaOH addition by measuring the time to deliver a specified volume of the solution. The minimum accuracy of the metering pump shall be ± 0.1 gallons per minute. The monitoring system shall continually sense the indicator (NaOH addition rate), poll the indicator several times per minute, compute 1-minute averages, and use these 1-minute averages to compute and record a 1-hour average. This permit condition accounts for Indicators 3 of 3 for sulfur dioxide control under the proposed 40 C.F.R. 64 plan.

[45CSR13, R13-2183J, A.3., and 40 C.F.R. §64.3(b); 45CSR§30-12.7.]

- 4.2.6. To determine compliance with the opacity limits of permit condition 4.1.5., the permittee shall conduct daily 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.

[45CSR§30-5.1.c.]

- 4.2.7. The thermal dryer unit(s) included in this permit shall be observed visually during periods of building a fire of operating quality and minimization efforts taken 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.]

- 4.2.8. **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.

[40 C.F.R. § 64.7(b)]

- 4.2.9. **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 permittee 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 40 C.F.R. 64, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee 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)]

- 4.2.10. **Response to Excursions or Exceedances**

(1) 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

(2) 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)]

4.2.11. **Documentation of need for improved monitoring.** After approval of monitoring under 40 C.F.R. 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 document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the Title V 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)]

4.2.12. The permittee shall maintain daily records of the coal throughput of the thermal dryer and record the rolling yearly total of coal. A rolling yearly total shall mean the sum of coal throughput at any given time for the previous twelve (12) months.
[45CSR§30-5.1.c.]

4.3. Testing Requirements

4.3.1. At such reasonable times as the Secretary may designate, the owner or operator of a source(s) of any fuel burning unit(s) manufacturing process source(s) or combustion source(s) may be required to conduct or have conducted tests to determine the compliance of such source(s) with the emission limitations of section 3, 4 or 5 of 45CSR10. Such tests shall be conducted in accordance with the appropriate test methods 40 C.F.R. 60, Appendix A, Method 6, Method 15 or other equivalent EPA testing method approved by the Secretary. The Secretary, or his or her duly authorized representative, may at his or her option witness or conduct such tests. Should the Secretary exercise his or her option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such a 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.
[45CSR13, R13-2183J, B.3., and 45CSR§10-8.1.a.]

4.3.2. The Secretary, or his duly authorized representative, may conduct such other tests as he or she may deem necessary to evaluate air pollution emissions other than those noted in 45CSR§10-3.
[45CSR13, R13-2183J, B.3., and 45CSR§10-8.1.b.]

4.3.3. At the request of the Secretary the owner and/or operator of a source shall install such stack gas monitoring devices as the Secretary 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 Secretary may specify. At the request of the Secretary, 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.
[45CSR13, R13-2183J, B.3., and 45CSR§10-8.2.a.]

4.3.4. Prior to the installation of calibrated stack gas monitoring devices, sulfur dioxide emission rates shall be calculated on an equivalent fuel sulfur content basis.
[45CSR13, R13-2183J, B.3., and 45CSR§10-8.2.b.]

4.3.5. The permittee shall conduct particulate matter stack testing no later than September 25, 2007, and shall establish and/or verify existing parameter indicator ranges. The Director shall be furnished with a written report of the results of such testing and established indicator ranges. 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 exhaust temperature of the thermal dryer, water pressure to the scrubber, and the scrubber inlet static pressure. 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 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. Scrubber inlet static pressure. The static pressure at the inlet of the scrubber will be measured.

Subsequent testing to determine compliance with the particulate loading limitations permit condition 4.1.8. shall be conducted in accordance with the schedule set forth in the following table:

Test	Test Results	Testing Frequency
Initial	≤ 50% of particulate loading limit	Once/5 years
Initial	between 50% and 90 % of particulate loading limit	Once/3 years
Initial	≥ 90% of particulate loading limit	Annual
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 ≤ 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 ≤ 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 ≥ 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 ≥ 90% of particulate loading limit	Annual

[45CSR§30-5.1.c.]

4.4. Recordkeeping Requirements

- 4.4.1. 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.

[45CSR§30-5.1.c.]

- 4.4.2. All thermal dryer scrubber malfunctions must be documented in writing. Records shall be certified by a “responsible official” and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request. At a minimum, the following information must be documented for each malfunction:

- a. Cause of malfunction
- b. Steps taken to:
 - i. correct the malfunction
 - ii. minimize emissions during malfunction
- c. Duration of malfunction in hours
- d. Estimated increase in emissions during the malfunction
- e. Any change/modifications to equipment or procedures that would help prevent future recurrence of malfunction.

[45CSR13, R13-2183J, B.1.]

4.4.3. General Recordkeeping Requirements for 40 C.F.R. Part 64 (CAM)

- (1) The permittee shall comply with the recordkeeping requirements specified in permit conditions 3.4.1. and 3.4.2. 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 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 C.F.R. Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
- (2) Instead of paper records, the permittee may maintain records on alternative media, such as microfilm, computer files, magnetic tape disks, or microfiche, provided that the use of such alternative media allows for expeditious inspection and review, and does not conflict with other applicable recordkeeping requirements.

[40 C.F.R. §64.9(b)]

4.5. Reporting Requirements

4.5.1. General Reporting Requirements for 40 C.F.R. Part 64 (CAM)

- (1) 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. Part 64, the permittee shall submit monitoring reports to the Director in accordance with permit condition 3.5.6.
- (2) A report for monitoring under 40 C.F.R. Part 64 shall include, at a minimum, the information required under permit condition 3.5.8. and the following information, as applicable:
 - (i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
 - (ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
 - (iii) A description of the actions taken to implement a QIP during the reporting period as specified in 40 C.F.R. §64.8. Upon completion of a QIP, the 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)]

4.6. Compliance Plan

- 4.6.1. There is no compliance plan since the permittee certified compliance with all applicable requirements in the renewal application.

5.0 Source-Specific Requirements [Emission point ID(s)- Transfer Points: Truck Dumping [at ST-10 (T4-8), DH-3 (T93), DH118-1 (T107)], Endloader [at OS-1 (T92), ST-2 (T77), ST-10 (T4-8 and T4-9), ST-11 (T102), ST-13 (T115 and T119), ST-14 (T104), ST-15 (T118), DH-3 (T94), DH118-1 (T117)], Rail Car Loading Bin ST-6 (T25 and T26), DH-3 (T95), Mine Car Dump MCD-1 (T72a and T72b), DH118-1, **Conveyors:** C24 (T10-1, T10-2 and T10-3), C31 (T10-4), C31A (T11), C36 Feeder (T12-3), C118 (T16), C118-1 (T109), C132 (T19, T19A), SC-1 (T19-B), ST-5 Reclaim System (T20), C139 (T21), ST-13 Reclaim System (T22), RC-1 (T23), C141 (T24), C152 (T25), ST-6 Reclaim System (T26), S3A (T111 and T112), S-7 (T29), ST-11 Reclaim System (T32), S3 (T33), S3B (T34), C128-3 (T42), C128-4 (T43), 8A (T46-2), S5 (T49), S10 (T50), RCT-1 (T52), C11-4 (T73, T74), RC-5 (T81), C10-3 (T96), C128-5 (T44), C128-6 (T121), **Breaker:** S6 (T54, T27-5, and T28-3), **Screen:** SS-1 (T50, T51, T53, and T54)]

5.1. Limitations and Standards

5.1.1. In accordance with the information filed, the following processing limits shall not be exceeded:

Type of Material and Location Where Processed	Maximum Amount to be Processed (TPY)
Raw coal feed from No. 50 Mine to Scalping Screen (SS-1)	6,900,000
Raw coal feed to Wet Wash Circuit/Preparation Plant (1,500 ton/hr * 7,083 hr/yr)	10,630,000
Feed coal from Wash Circuit to Thermal Dryer (800 ton/hr * 7,083 hr/yr)	5,670,000
Synthetic fuel From DTE Smith Branch’s Facility to permittee’s Conveyor RC-5 (309 ton/hr * 8,760 hr/yr)	3,000,000
Clean coal/Synfuel from Loading Bin ST-6 to railroad cars	8,100,000

[45CSR13, R13-2183J, A.6.]

5.1.2. Screen OSS-1 (including associated Dump Hopper DHOS-2) and Conveyors (OSC-1, OSC-2, and OSC-3) used to screen coal from Stockpile OS-1 before it is trucked to Storage Pit ST-10 is to be disconnected and removed from active service.

[45CSR13, R13-2183J, A.14.]

5.1.3. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility 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 Secretary which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

[40 C.F.R. §60.11(d), and 45CSR16]

5.2. Monitoring Requirements

- 5.2.1. Refer to permit conditions 3.2.1., and 3.2.2.

5.3. Testing Requirements

- 5.3.1. Reserved.

5.4. Recordkeeping Requirements

- 5.4.1. For the purpose of determining compliance with the maximum throughput limits set forth in permit condition 5.1.1., the permittee shall maintain on site certified monthly and annual records of the raw coal, clean coal, and synfuel transfer rates in accordance with the example data forms provided as Attachment A. Records shall be certified by a “responsible official” and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request. Compliance with all annual throughput limits shall be determined using a twelve month rolling total.

[45CSR13, R13-2183J, B.6. and A.9.]

- 5.4.2. Refer to permit conditions 3.4.4.

5.5. Reporting Requirements

- 5.5.1. Reserved.

5.6. Compliance Plan

- 5.6.1. There is no compliance plan since the permittee certified compliance with all applicable requirements in the renewal application.

6.0 Source-Specific Requirements [Coal Storage and Stockpiles, emission unit ID(s) OS-1, ST-2, ST-10, ST-11, ST-13, ST-14, ST-15]

6.1 Limitations and Standards

6.1.1. In accordance with the information filed, the following storage and truck delivery limits shall not be exceeded:

Stockpile/Bin ID No.	Material Stored	Maximum in Storage (tons)	Maximum to be Delivered (TPY) ¹
Stockpile OS-1	raw coal	631,000	250,000
Stockpile ST-2	raw coal	77,000	180,000
Storage Pit ST-10	raw coal	≈ 50	550,000 ^{2, 3, 6}
Stockpile ST-11	raw coal	1,106,000	100,000 ⁴
Stockpile ST-13	clean coal	514,000	360,000 ⁵
Stockpile ST-14	raw coal	54,000	750,000 to 1,000,000 ⁶
Stockpile ST-15	clean or raw coal	1,500	300,000

- (1) Maximum quantity of coal to be delivered via trucks by other suppliers from outside sources.
- (2) Less the amount delivered directly to Stockpile ST-2.
- (3) 0 TPY up to 250,000 TPY of the 550,000 TPY will pass over the truck scale near the refuse road.
- (4) Less the amount transferred from other stockpiles.
- (5) Up to 360,000 TPY combined may be received at or shipped from ST-13 by truck.
- (6) The sum of coal trucked to Storage Pit ST-10 via the truck scale and the coal trucked to Stockpile St-14 shall not exceed 1.0 million TPY.

[45CSR13, R13-2183J, A.7.]

6.1.2. In accordance with the information filed, the following transfer limits between coal storage areas shall not be exceeded:

Originating Stockpile ID No.	Maximum Amount to be Transferred to Stockpiles Listed Below (TPY) ¹						
	OS-1	ST-2	ST-10	ST-11	ST-13	ST-14	ST-15
OS-1	-----	100,000	350,000	100,000	100,000	100,000	100,000
ST-2	100,000	-----	280,000 ³	100,000	100,000	100,000	100,000
ST-10	0	0	-----	0	0	0	0
ST-11	100,000	100,000	100,000	-----	100,000	100,000	100,000
ST-13	100,000	100,000	100,000	100,000	-----	100,000	100,000
ST-14	100,000	100,000	100,000	100,000	100,000	-----	100,000
ST-15	100,000	100,000	100,000	100,000	100,000	100,000	-----
All Areas²	100,000	100,000	530,000	100,000	100,000	100,000	100,000

- (1) The quantities to be received for any single storage area are not additive.
- (2) The last row summarizes the maximum amount that could be transferred to each storage area from all other storage areas.
- (3) The permittee has the option to alternatively load up to 180,000 TPY into a railcar at ST-2 in lieu of transferring it to ST-10.

[45CSR13, R13-2183J, A.8.]

6.1.3. In accordance with the information filed in permit determination PD02-019, the permittee shall remove coal from stockpile ST-9 and stop using the area for coal storage. Dump Hopper DHRC-3 shall be removed from service but will not be physically removed from the facility.

[45CSR13, R13-2183J, A.11.]

6.1.4. The permittee shall maintain and operate a vacuum truck along the paved entrance(s) to Stockpile OS-1 at all times during which truck traffic is present, either receiving or shipping coal.

[45CSR13, R13-2183J, A.13.]

6.2. Monitoring Requirements

6.2.1. Reserved.

6.3. Testing Requirements

6.3.1. Reserved.

6.4. Recordkeeping Requirements

6.4.1. For the purpose of determining compliance with the maximum throughput limits set forth in permit conditions 6.1.1. and 6.1.2., the permittee shall maintain on site certified monthly and annual records of the raw coal, clean coal, and synfuel transfer rates in accordance with the example data forms provided as Attachments B and C. Records shall be certified by a “responsible official” and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request. Compliance with all annual throughput limits shall be determined using a twelve month rolling total.

[45CSR13, R13-2183J, B.6. and A.9.]

6.5. Reporting Requirements

6.5.1. Reserved.

6.6. Compliance Plan

6.6.1. There is no compliance plan since the permittee certified compliance with all applicable requirements in the renewal application.

7.0 Source-Specific Requirements [Refuse Bin, Refuse Area, Refuse Stockpile, emission unit ID(s) ST-7, ST-8, ST-12]

7.1. Limitations and Standards

- 7.1.1. 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 (7.1.2. through 7.1.8.).
[45CSR13, R13-2183J, B.2., and 45CSR§5-7.1.]
- 7.1.2. 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.
[45CSR13, R13-2183J, B.2., and 45CSR§5-7.2.]
- 7.1.3. 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.
[45CSR13, R13-2183J, B.2., and 45CSR§5-7.3.]
- 7.1.4. 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.
[45CSR13, R13-2183J, B.2., and 45CSR§5-7.4.]
- 7.1.5. 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.
[45CSR13, R13-2183J, B.2., and 45CSR§5-7.5.]
- 7.1.6. 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.
[45CSR13, R13-2183J, B.2., and 45CSR§5-7.6.]
- 7.1.7. Garbage, trash, household refuse, and like materials shall not be deposited on or near any coal refuse disposal area.
[45CSR13, R13-2183J, B.2., and 45CSR§5-7.7.]
- 7.1.8. 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.
[45CSR13, R13-2183J, B.2., and 45CSR§5-7.8.]

- 7.1.9. Each burning coal refuse disposal area which allegedly causes air pollution shall be investigated by the Secretary in accordance with the following: With respect to all burning coal refuse disposal areas, the person responsible for such coal refuse disposal areas or the land on which such coal refuse disposal areas are located shall use due diligence to control air pollution from such coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in section one of chapter twenty-two, article five of the code of West Virginia, as amended, the Secretary 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 Secretary establishes that air pollution exists or may be created, the person responsible for such coal refuse disposal area or the land on which such coal refuse disposal area is located shall submit to the Secretary a report setting forth satisfactory methods and procedures to eliminate, prevent, or reduce such air pollution. The report shall be submitted within such time as the Secretary shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including completion dates, to establish that such program can be executed with due diligence. If approved by the Secretary, 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 such report is not submitted as requested or if the Secretary determines that the methods and procedures set forth in such report are not adequate to reasonably control such air pollution, then a hearing will be held pursuant to the procedures established by W.Va. Code 22-5.

[45CSR13, R13-2183J, B.2., and 45CSR§§5-8.1. and 8.3.]

- 7.1.10. The maximum amount of refuse in storage at the Refuse Storage ST-12 shall not exceed 26,000 tons.
[45CSR13, R13-2183J, A.7.]

7.2. Monitoring Requirements

- 7.2.1. Reserved.

7.3. Testing Requirements

- 7.3.1. Reserved.

7.4. Recordkeeping Requirements

- 7.4.1. For the purpose of determining compliance with the maximum storage limit set forth in permit condition 7.1.10., the permittee shall maintain daily records of the amount (in tons) of refuse in storage at the beginning of each day, the amounts transferred to and from ST-12 each day, and the amount of refuse in storage at the end of each day. To facilitate this recordkeeping, an example data form is provided as Attachment D.
[45CSR§30-5.1.c.]

7.5. Reporting Requirements

- 7.5.1. Reserved.

7.6. Compliance Plan

- 7.6.1. There is no compliance plan since the permittee certified compliance with all applicable requirements in the renewal application.