West Virginia Department of Environmental Protection
Division of Air Quality

Joe Manchin, III
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Operate

Pursuant to

Title V

of the Clean Air Act

Issued to:

Ohio Power Company
Kammer Plant/ Cresap, WV
R30-05100006-2009

John A. Benedict
Director

Issued: May 12, 2009 • Effective: May 26, 2009
Expiration: May 12, 2014 • Renewal Application Due: November 12, 2013

Permit Number: **R30-05100006-2009**
Permittee: **Ohio Power Company (d.b.a. American Electric Power)**
Facility Name: **Kammer Plant**
Permittee Mailing Address: **1 Riverside Plaza, Columbus, OH 43215-2373**

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:	Cresap, Marshall County, West Virginia
Facility Mailing Address:	PO Box K, Moundsville, WV 26041
Telephone Number:	(304) 843-6100
Type of Business Entity:	Corporation
Facility Description:	Electric Generation Service
SIC Codes:	Primary 4911; Secondary N/A; Tertiary N/A
UTM Coordinates:	515.52 km Easting • 4410.48 km Northing • Zone 17

Permit Writer: U.K.Bachhawat

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

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

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

1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Boiler & Associated Equipment					
Unit 1	CS013	Boiler: Babcock & Wilcox, Model # RB-280	1958	2156 mmBtu/hr	High efficiency ESP; OFA
Unit 2	CS013	Boiler: Babcock & Wilcox, Model # RB-280	1958	2156 mmBtu/hr	High efficiency ESP; OFA
Unit 3	CS013	Boiler: Babcock & Wilcox, Model # RB-280	1959	2156 mmBtu/hr	High efficiency ESP; OFA
Coal, Ash, & Limestone Handling Equipment					
STA-3	STA-3	Surge Pile to F3A, F3B, F3C, F3D to C-4E, C-4W	2009	350 TPH	FE, WES1
CRH	CRH	C-4E, C-4W to Crushers CR-42, CR-43	2009	525 TPH each	FE, BH1
STA-2	STA-2	C-1 to C-7	2009	350 TPH	FE,WSRB
Transfer House 2	TH-2	C-7 to C-8	2009	350 TPH	FE
Crusher House	CRH	C-8 to Crushers CR-42, CR-43	2009	525 TPH each	FE,BH1
CR-42, CR-43	CR-42, CR-43	Crushers CR-42, CR-43	2009	525 TPH each	FE,BH1
Crusher House	CRH	Crushers CR-42, CR-43 to C-4AE, C-4AW	2009	525 TPH each	FE,BH1
Transfer House 1	TH-1	C-4AE, C-4AW to C-5E, C-5W	2009	525 TPH each	FE,BH1
STA-5	STA-5	C-5E, C-5W to C-6N, C-6S	2009	350 TPH	FE, PE, WES2
Bunker Room	Bunker Room	C-6N, C-6S trippers	2009	350 TPH	FE, WES2
		C-6N, C-6S to Coal Bunkers	2009	350 TPH	FE, WES3A,WES3B, WES3C

[1] "Year Installed" reflects the "commenced" construction or modification date as defined in 40 CFR 60.
[2] Rated Design Capacity
[3] Control Device/Control System abbreviations: ESP = Electrostatic Precipitators, OFA = Over Fire Air Low NOx System, SCR = Selective Catalytic Reduction, FE = Full enclosure, PE = Partial Enclosure, BH = Dry Baghouse(s), MC = Moisture Content, WS = Water Sprays, WES = Wet Dust Extraction System, WSRB = Wet Suppression with Residual Binder

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
1S	1e	Wheel Barge Unloader to BC1	1994	4,000 TPH	WS, PE
BC1	BC1	Gathering Conveyor BC1 (transfer to Transfer Building #1)	1994	4,000 TPH	PE
2S	2e	Transfer from BC1 to BC2	1994	4,000 TPH	FE
BC2	BC2	Transfer Conveyor #1 (BC2) (transfer to Surge Bin)	1994	4,000 TPH	PE
3S	3e	BC2 to Surge Bin	1994	4,000 TPH	FE
4S	4e	Surge Bin to BC3	1994	2,500 TPH	FE
BC3	BC3	Transfer Conveyor #2	1994	2,500 TPH	PE
5S	5e	Transfer/Sample Building	1994	2,500 TPH	FE
BC4	BC4	Surge Pile Loadout Conveyor	1994	2,000 TPH	PE
11S	11e	Loadout to Surge Pile	1994	2,000 TPH	WS
CSA-1	CSA-1	Coal Storage Area #1 (surge pile)	1958	Approx 20 Acres	MC
BC8	BC8	North Storage Pile Kick Out Conveyor	1994	2,000 TPH	PE
12S	12e	Kick Out to North Storage Pile	1994	2,000 TPH	WS
CSA-2	CSA-2	Coal Storage Area #2 (North Storage Pile)	1958	Approx 15 Acres	MC
BC5 (future)	BC5	Future Transfer Conveyor #4	Future	2,500 TPH	PE
7S (future)	7e	Future Transfer from BC5 to BC6	Future	2,500 TPH	FE
BC6 (future)	BC6	Future Silo Feed Conveyor	Future	2,500 TPH	PE
8S (future)	8e	Future Transfer from BC6 to Silo	Future	2,500 TPH	FE
9S (future)	9e	Future Transfer to Reclaim Belt BC7	Future	2,500 TPH	FE
8S/9S (future)	8S/9S	Future Storage Silo	Future	10,000 Tons Storage	FE
BC7 (future)	BC7	Future Silo Reclaim Conveyor	Future	2,500 TPH	PE
10S (future)	10e	Transfer from BC7	Future	2,500 TPH	FE
Station 1	STA-1	Drop Point from Reclaim Hoppers (North Storage Pile) to Feeder F-1	Approx. 1957	N/A	FE
Feeder F-1	F-1	Feeder F-1 (transfer to Conveyor 1)	Approx. 1957	1340 TPH	FE
C-1	C-1	Conveyor 1 (transfer to Station 2)	Approx. 1957	1340 TPH	PE
Station 2	STA-2	Drop point to sampling system and stack out conveyors 3	Approx. 1957	N/A	FE

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
C-3	C-3	Stack out Conveyor 3 (transfer to Surge Pile – Station 3)	Approx. 1957	1,650 TPH	PE
Station 3	STA-3	Drop point from Surge Pile to Feeders F3A, F3B, F3C, and F3D	Approx. 1957	N/A	MC
F3A, F3B, F3C, F3D	F3A, F3B, F3C, F3D	Feeders F3A, F3B, F3C, and F3D (transfer to Conveyors 4E and/or 4W)	Approx. 1957	175 TPH each	FE
Station 3A	STA-3A	Drop point from emergency reclaim hopper to Feeder F3E	Approx. 1957	N/A	MC
F3E	F3E	Feeder F3E (transfer to Conveyors 4E or 4W)	Approx. 1957	345 TPH	FE
C-4E, C-4W	C-4E, C-4W	Conveyors 4E and 4W (transfer to Station 4)	Approx. 1957	345 TPH each	PE
Station 4	STA-4	Drop point through Crusher and Conveyors 5E and/or 5W	Approx. 1957	NA	FE,WS
CR-40, CR-41	CR-40, CR-41	Coal Crushers CR-40 and CR-41	Approx. 1957	350 TPH each	FE
C-5E, C-5W	C-5E, C-5W	Conveyors 5E and 5W (transfer to Station 5)	Approx. 1957	345 TPH each	PE
Station 5	STA-5	Drop point to sampling system and Conveyors 6N and/or 6S	Approx. 1957	N/A	FE
C-6N, C-6S	C-6N, C-6S	Conveyors 6N and 6S (transfer to Units 1, 2, and 3 coal bunkers)	Approx. 1957	345 TPH each	PE
14S	16e, 17e, 18e, 19e	Limestone/Coal Stockpile	1994	2,400 Tons total storage	WS
15S	20e, 21e	Limestone/Coal Feed Hopper	1994	200 TPH	WS
16S	22e	Limestone/Coal Conveyor LF-1	1994	200 TPH	PE
17S	23e	Limestone/Coal Transfer to C5	1994	200 TPH	FE
18S	24e	Limestone/Coal Conveyor C5	1994	325 TPH[4]	PE
19S	25e	Limestone/Coal Transfer to C6	1994	325 TPH[4]	FE
20S	26e	Limestone/Coal Conveyor C6	1994	325 TPH[4]	PE
21S	27e, 28e	Conveyors Over Limestone/Coal Bunkers	1994	325 TPH[4]	FE
22S	29e	Unpaved Haul Roads	1994	N/A	WS
23S	30e	Paved Haul Roads	1994	N/A	WS

[4] While the design capacity of this equipment is 325 TPH, the operation of the equipment is limited to 200 TPH by a federally enforceable limit under permit R13-1679.

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Ash Handling System	Ash Handling System	The Ash Handling System at Kammer Plant is a Wet System		N/A	Wet System
Miscellaneous Other					
Tank #1	Tank #1	No.2 Fuel Oil Tank – Station No. 2	1995	4,000	N/A
Tank #2	Tank #2	No.2 Fuel Oil Tank – Station No. 4	1995	4,000	N/A
Tank #3	Tank #3	Sodium Hydroxide Tank – N. of Plant Entrance	1988	15,000	N/A
Tank #4	Tank #4	Sodium Bromide Tank – S. of U1	1991	1,450	N/A
Tank #5	Tank #5	Sodium Hypochlorite Tank – S. of U1	1991	2,250	N/A
Tank #6	Tank #6	Sodium Hypochlorite Tank – S. of U1	1991	2,250	N/A
Tank #7	Tank #7	Sodium Hypochlorite Tank – S. of U1	1991	2,250	N/A
Tank #8	Tank #8	Used Oil Tank – N. of U1	~1997	550	N/A
Tank #9	Tank #9	Used Oil Tank – N. of U1	~1997	550	N/A
Tank #10	Tank #10	Chemical Cleaning Solution Tank – E. of U3	~1978	25,000	N/A
Tank #11	Tank #11	Chemical Cleaning Solution Tank – E. of U3	~1978	25,000	N/A
Tank #12	Tank #12	Chemical Cleaning Solution Tank – E. of U3	~1978	25,000	N/A
Tank #13	Tank #13	No.2 Fuel Oil Tank – NW corner of U1	1958	40,000	N/A
Tank #14	Tank #14	No.2 Fuel Oil Tank – NW corner of U1	1958	40,000	N/A
Tank #15	Tank #15	Gasoline Tank – Near Plant Entrance	1991	10,000	N/A
Tank #16	Tank #16	Diesel Fuel Tank – Tractor Shed	1991	8,000	N/A
Tank #17	Tank #17	Oil Storage Tank – Tractor Shed	~ 1996	500	N/A
Tank #18	Tank #18	Oil Storage Tank – Tractor Shed	~1996	350	N/A
Tank #19	Tank #19	Oil Storage Tank – Tractor Shed	~1996	350	N/A
Tank #20	Tank #20	Oil Storage Tank – Tractor Shed	~1996	180	N/A
Tank #21	Tank #21	Turbine Oil Tank – U1	1958	7,500	N/A
Tank #22	Tank #22	Turbine Oil Tank – U2	1958	7,500	N/A
Tank #23	Tank #23	Turbine Oil Tank – U3	1958	7,500	N/A
Tank #24	Tank #24	Turbine Oil Storage Tank	1958	9,750	N/A
Tank #25	Tank #25	Turbine Oil Storage Tank	1958	9,750	N/A
Tank #26	Tank #26	Turbine Oil Clean Oil Makeup Tank	1958	1,000	N/A
Tank #27	Tank #27	BFP Turbine Oil Tank – U1	1958	350	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed[1]	Design Capacity[2]	Control Device[3]
Tank #28	Tank #28	BFP Turbine Oil Tank – U2	1958	350	N/A
Tank #29	Tank #29	BFP Turbine Oil Tank – U3	1958	350	N/A
Tank #30	Tank #30	Used oil at tractor shed	~1990	250	N/A

1.2. Active R13, R14, and R19 Permits

The underlying authority for any conditions from R13, R14, and/or R19 permits contained in this operating permit is cited using the original permit number (e.g. R13-1234). The current applicable version of such permit(s) is listed below.

Permit Number	Date of Issuance
R13-1582C	February 12, 2009
R13-1679A	May 12, 2006
CO-R37-C-2008-4	April 7, 2008
U.S District Court Consent Decree	December 10, 2007

2.0 General Conditions

2.1. Definitions

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

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

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

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

2.2. Acronyms

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

2.3. Permit Expiration and Renewal

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

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

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

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

2.4. Permit Actions

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

2.5. Reopening for Cause

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

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

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

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

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

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

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

2.7. Minor Permit Modifications

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

2.8. Significant Permit Modification

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

2.9. Emissions Trading

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

2.10. Off-Permit Changes

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

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

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

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

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

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

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

[45CSR§30-5.9.]

2.11. Operational Flexibility

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

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

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

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

b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

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

2.12. Reasonably Anticipated Operating Scenarios

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

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

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

c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

2.13. Duty to Comply

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

2.14. Inspection and Entry

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

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

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

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

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

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

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

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

b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

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

2.17. Emergency

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

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

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

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

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

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

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

[45CSR§30-5.7.c.]

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

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

2.18. Federally-Enforceable Requirements

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

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

2.19. Duty to Provide Information

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

2.20. Duty to Supplement and Correct Information

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

2.21. Permit Shield

2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically

identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.
[45CSR§30-5.6.a.]

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

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

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

c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

[45CSR§30-5.6.c.]

2.22. Credible Evidence

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

2.23. Severability

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

2.24. Property Rights

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

2.25. Acid Deposition Control

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

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

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

c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

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

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. **[45CSR§6-3.1.]**

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.
[40 C.F.R. §61.145(b) and 45CSR15]

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]

3.1.5. Reserved

3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]

3.1.7. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]

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

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

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

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

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

3.1.10. Reserved

3.1.11. Reserved

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

a. Stockpiling of ash or fuel either in the open or in enclosures such as silos;

b. Transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and

c. Ash or fuel handling systems and ash disposal areas.

[45CSR§2-5.1 and 45CSR13, R13-1679, B.2.]

3.1.13. **Operation and Maintenance Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in condition 5.1.5 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR13, R13-1582, 4.1.9.]

Note: Section 3.1.13 is not applicable to equipment STA-3 to Bunker Room in section 5.1.5 table until fuel blending project is constructed.

3.1.14. **CAMR Mercury Budget Trading Program (*UNIT 1, UNIT 2 & UNIT 3*).** The permittee shall comply with the standard requirements set forth in an Hg Budget Permit Application and the Hg Budget Permit requirements set forth in 45CSR37 for each Hg Budget source. The complete Hg Budget Permit Application shall be the CAMR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§37-6.1.b. and 20.1. State-Enforceable only.]

a. The CAMR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§37-2 and, upon recordation by the Administrator under sections 51 through 57, 60 through 62 of 45CSR37, every allocation, transfer or deduction of a Hg allowance to or from the compliance account of the Hg Budget source covered by the permit. **[45CSR§37-23.2. State-Enforceable only.]**

b. Except as provided in 45CSR§37-23.2, the Secretary will revise the CAMR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30. **[45CSR§37-24.1. State-Enforceable only.]**

Note: The DAQ Director concluded in Compliance Order #CO-R37-C-2008-4 (Appendix D of this permit) that the only 45CSR37 requirement applicable after the Federal CAMR program was vacated was to obtain a Hg budget permit, which is contained in Section 21 of the rule (cf. FINDINGS OF FACT, Item #12, in Appendix D). Refer to Compliance Order # CO-R37-C-2008-4 (Appendix D), which holds the requirements of 45CSR37, Section 21, in abeyance pending resolution of the ongoing CAMR litigation or final action is taken by the State to revoke this order or to repeal, revise, or replace 45CSR37.

3.1.15. **CAIR NO_x Annual Trading Program (*UNIT 1, UNIT 2 & UNIT 3*).** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix E) and the CAIR permit requirements set forth in 45CSR39 for each CAIR NO_x Annual source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30. **[45CSR§§39-6.1.b. and 20.1.]**

a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§39-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR39, every allocation, transfer, or deduction of a CAIR NO_x Annual allowance to or from the compliance account of the CAIR NO_x Annual source covered by the permit. **[45CSR§39-23.2.]**

b. Except as provided in 45CSR§39-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30. **[45CSR§39-24.1.]**

3.1.16. **CAIR NO_x Ozone Season Trading Program (*UNIT 1, UNIT 2 & UNIT 3*).** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix E) and the CAIR permit requirements set forth in 45CSR40 for each CAIR NO_x Ozone Season source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30. **[45CSR§§40-6.1.b. and 20.1.]**

a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§40-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR40, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from the compliance account of the CAIR NO_x Ozone Season source covered by the permit. **[45CSR§40-23.2.]**

b. Except as provided in 45CSR§40-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30. **[45CSR§40-24.1.]**

3.1.17. **CAIR SO_2Trading Program (*UNIT 1, UNIT 2 & UNIT 3*).** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix E) and the CAIR permit requirements set forth in 45CSR41 for each CAIR SO_2 source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30. **[45CSR§§41-6.1.b. and 20.1.]**

a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§41-2 and, upon recordation by the Administrator under sections 51 through 57, or 60

through 62 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO_2 allowance to or from the compliance account of the CAIR SO_2 source covered by the permit.
[45CSR§41-23.2.]

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

3.2. Testing Requirements

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

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

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.2.1.a. of this permit.

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), 45CSR2, 45CSR10 and 45CSR13]

3.3. Recordkeeping Requirements

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

a. The date, place as defined in this permit and time of sampling or measurements;

b. The date(s) analyses were performed;

c. The company or entity that performed the analyses;

d. The analytical techniques or methods used;

e. The results of the analyses; and

f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.][45CSR13, R13-1582C, 4.4.1]

3.3.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.
[45CSR§30-5.1.c.2.B.]

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

3.3.4. The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. The permittee shall also inspect all fugitive dust control systems weekly from May 1 through September 30 and monthly from October 1 through April 30 to ensure that they are operated as necessary and maintained in good working order. The permittee shall maintain records of all scheduled and non-scheduled maintenance and shall state any maintenance or corrective actions taken as a result of the weekly and/or monthly inspections, the times the fugitive dust control system(s) were inoperable and any corrective actions taken.
[45CSR§30-5.1.c.]

3.4. Reporting Requirements

3.4.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§§30-4.4. *and* 5.1.c.3.D.]

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

3.4.3. All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when

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

If to the DAQ:

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

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

If to the US EPA:

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

3.4.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]

3.4.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]

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

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

3.4.8. **Deviations.**

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

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

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

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

4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

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

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

3.5. Permit Shield

3.5.1. 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.

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

a. 45CSR1 – *NO_x Budget Trading Program As A Means Of Control And Reduction Of Nitrogen Oxides From Non-Electric Generating Units*: The Kammer Plant does not have any fossil fuel-fired "Non-Electric Generating Units" as defined in this rule.

b. 45CSR5 – *To Prevent And Control Air Pollution From The Operation Of Coal Preparation Plants, Coal Handling Operations And Coal Refuse Disposal Areas*: The Kammer Plant is subject to the requirements of 45CSR2 and is therefore exempt from the provisions of 45CSR5 as outlined in 45CSR§§5-2.4.b. & 14.

c. 45CSR17 – *To Prevent And Control Particulate Matter Air Pollution From Materials Handling, Preparation, Storage And Other Sources Of Fugitive Particulate Matter*: The Kammer Plant is subject to the fugitive particulate matter emission requirements of 45CSR2 and is therefore exempt from the provisions of 45CSR17 as outlined in 45CSR§17-6.1.

d. 40 C.F.R. 60 Subpart D –*Standards of Performance for Fossil-Fuel-Fired Steam Generators for which Construction is Commenced After August 17, 1971*: Kammer's steam generators commenced construction prior to 1971.

e. 40 C.F.R. 60 Subpart Da – *Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced After September 18, 1978*: Kammer's steam generators commenced construction prior to September 18, 1978.

f. 40 C.F.R. 60 Subpart K – *Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior May 18, 1978*: The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 CFR 60.111(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after June 11, 1973 and prior to May 19, 1978.

g. 40 C.F.R. 60 Subpart Ka – *Standards of Performance for Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced After May 18, 1978 and Prior to July 23,1984:* The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 CFR 60.111a(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after May 18, 1978 and prior to July 23, 1984.

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

i. 40 C.F.R. 60 Subpart Y – *Standards of Performance for Coal Preparation Plants*: The coal handling equipment potentially affected by this rule has not been constructed or modified after October 24, 1974.

Note: This permit shield will apply up until the time that the fuel blending project permitted under R13-1582 is constructed.

j. 40 C.F.R. 63 Subpart Q – *National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers*: The facility does not include industrial process cooling towers that have operated with chromium-based water treatment chemicals on or after September 8, 1994.

k. 40 CFR 60 Subpart OOO - While this facility does contain limestone handling equipment, it is not a nonmetallic mineral processing plant, as defined in Subpart OOO. A subpart OOO nonmetallic mineral processing plant means any combination of equipment that is used to crush or grind any nonmetallic mineral (i.e. limestone). The Kammer Plant equipment does not crush or grind the limestone.

3.6. Monitoring Requirements

3.6.1. N/A

3.7. Compliance Plan

3.7.1. N/A

4.0 Source-Specific Requirements [Boilers (*CS013*)]

4.0.1. Emergency Operating Scenarios

a. In the event of an unavoidable shortage of fuel having characteristics or specifications necessary to comply with the visible emission requirements or any emergency situation or condition creating a threat to public safety or welfare, the Secretary may grant an exemption to the otherwise applicable visible emission standards for a period not to exceed fifteen (15) days, provided that visible emissions during that period do not exceed a maximum six (6) minute average of thirty (30) percent and that a reasonable demonstration is made by the owner or operator that the weight emission requirements will not be exceeded during the exemption period.
[45CSR§2-10.1.]

b. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, emissions exceeding those provided for in 45CSR10 may be permitted by the Secretary for periods not to exceed ten (10) days upon specific application to the Secretary. Such application shall be made within twenty-four (24) hours of the equipment malfunction or fuel shortage. In cases of major equipment failure or extended shortages of conforming fuels, additional time periods may be granted by the Secretary, provided a corrective program has been submitted by the owner or operator and approved by the Secretary.
[45CSR§10-9.1.]

4.0.2. Thermal Decomposition Of Boiler Cleaning Solutions

The thermal decomposition of boiler cleaning solutions is permitted in accordance with the WVDAQ letter dated September 3, 2002 addressed to Mr. Greg Wooten and signed by Jesse D. Adkins and subject to the DAQ notification requirements as outlined in the document titled "American Electric Power Boiler Chemical Cleaning Process Evaporation Notification Procedure." Records pertaining to the thermal decomposition of boiler cleaning solutions shall be kept on site for a period of no less than five (5) years and shall be made available, in a suitable form for inspection, to the Secretary upon request.
[WVDAQ Letter dated September 3, 2002 addressed to Mr. Greg Wooten and signed by Jesse D. Adkins - State-Enforceable only]

4.0.3. Combustion of Demineralizer Resins

The combustion of demineralizer resins is permitted in accordance with the WVDAQ letter dated January 21, 2004 addressed to Mr. Frank Blake and signed by Jesse D. Adkins and subject to the DAQ notification requirements as outlined in the document titled "American Electric Power Demineralizer Resin Burn Notification Procedure." Records pertaining to the combustion of demineralizer resins shall be kept on site for a period of no less than five (5) years and shall be made available, in a suitable form for inspection, to the Secretary upon request.
[WVDAQ Letter dated January 21, 2004 addressed to Mr. Frank Blake and signed by Jesse D. Adkins - State-Enforceable only]

4.1. Limitations and Standards

4.1.1. Any fuel burning unit(s) including associated air pollution control equipment, shall at all times, including periods of start-up, shutdowns, and malfunctions, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions.
[45CSR§2-9.2.]

4.1.2. Visible Emissions from Unit 1, 2 & 3 stack (CS013) shall not exceed ten (10) percent opacity based on a six minute block average.
[45CSR§2-3.1.]

4.1.3. The visible emission standards set forth in Section 4.1.2 shall apply at all times except in periods of start-ups, shutdowns and malfunctions.
[45CSR§2-9.1.]

4.1.4. Particulate matter emissions from Unit 1, 2 & 3 stack (CS013) shall not exceed 323.4 lb/hr. The averaging time shall be as outlined in 45CSR2 Appendix §§ 4.1.b. & 4.1.c.
[45CSR§2-4.1.a., 45CSR2-Appendix §§ 4.1.b. & 4.1.c.]

4.1.5. Sulfur dioxide emissions from Unit 1, 2 & 3 stack (*CS013*) shall not exceed 17,463.6 lb/hr.
[45CSR§§10-3.1. & 3.1.a.]

4.1.6. Compliance with the allowable sulfur dioxide emission limitations from the Unit 1, 2 & 3 boilers shall be based on a continuous twenty-four (24) hour averaging time. Emissions shall not be allowed to exceed the weight emissions standards for sulfur dioxide as set forth in Section 4.1.5, except during one (1) continuous twenty-four (24) hour period in each calendar month. During this one (1) continuous twenty-four hour period, emissions shall not be allowed to exceed such weight emission standards by more than ten percent (10%) without causing a violation of 45CSR10. A continuous twenty-four (24) hour period is defined as one (1) calendar day.
[45CSR§§10-3.8.]

4.1.7. Plant-Wide Annual Tonnage Limitation for SO2 at Kammer. Beginning on January 1, 2010, and continuing annually thereafter, Defendants shall limit their total annual SO_2 emissions at the Kammer plant to a Plant-Wide Annual Tonnage Limitation of 35,000 tons.
[U.S. District Court Consent Decree – Civil Action C2-99-1182, 12-13-2007, Paragraph 89.]

4.2. Monitoring Requirements

4.2.1. Compliance with the visible emission requirements for *CS013* shall be determined as outlined in section I.A.2. of the DAQ approved "45CSR2 Monitoring Plan" attached in Appendix B of this permit.
[45CSR§§2-3.2., 8.1.a & 8.2., 45CSR§2A-6]

4.2.2. The owner or operator shall install, calibrate, certify, operate, and maintain continuous monitoring systems that measure opacity and all SO_2, and NO_x, emissions from emission point *CS013* as specified in 40 C.F.R. Part 75 and measure CO_2 emissions from emission point *CS013* as specified in 40 C.F.R. Part 75.
[45CSR33, 40 C.F.R. § 75.10]

4.2.3. Compliance with the operating and fuel usage requirements for Units 1, 2 & 3 shall be demonstrated as outlined in section I.A.3. of the DAQ approved "45CSR2 Monitoring Plan" attached in Appendix B of this permit.
[45CSR§§2-8.3.c., 8.4.a. & 8.4.a.1.]

4.2.4. The owner or operator shall implement a Compliance Assurance Monitoring program in accordance with the following:

a. The permittee shall monitor and maintain 6-minute opacity averages measured by a continuous opacity monitoring system, operated and maintained pursuant to 40 C.F.R. Part 75, including the minimum data requirements, in order to determine 3-hour block average opacity values. The permittee may also use

COMS that satisfy Section 51.214 and appendix P of Part 51, or Section 60.13 and appendix B of Part 60, to satisfy the general design criteria under 40 C.F.R. §§64.3(a) and (b).
[45CSR§30-5.1.c.; 40 C.F.R. § 64.6(c)(1)(i) and (ii)]

b. The COM QA/QC procedures shall be equivalent to the applicable requirements of 40 C.F.R. Part 75. The permittee may also use COMS that satisfy Section 51.214 and appendix P of Part 51, or Section 60.13 and appendix B of Part 60, to satisfy the general design criteria under 40 C.F.R. §§64.3(a) and (b).
[40 C.F.R. §75.21; 40 C.F.R. § 64.6(c)(iii); 45CSR§30-5.1.c.]

c. The 6-minute opacity averages from permit condition 4.2.4.(a) shall be used to calculate 3-hour block average opacity values. Data recorded during monitoring malfunctions, associated repairs and QA/QC activities shall not be used for calculating the 3-hour averages. All other available qualified data consisting of 6-minute opacity averages will be used to calculate a 3-hour average. Data availability shall be at least of 50% of the operating time in the 3-hour block to satisfy the data requirements to calculate the 3-hour average opacity. However, the number of invalid 3-hour blocks shall not exceed 15% of the total 3-hour blocks during unit operation for a quarterly reporting period**.**

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

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

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

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

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

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

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

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

4.2.7. **Response to Excursions or Exceedances**

a. Upon detecting an excursion or exceedance, the permittee shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or

shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

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

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

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

4.2.9. **Quality Improvement Plan (QIP)**

(1) Based on the results of a determination made under permit condition 4.2.7.b. or 4.2.9.(2), the Administrator or the Director may require the permittee to develop and implement a QIP. If a QIP is required, then it shall be developed, implemented, and modified as required according to 40 C.F.R. §§ 64.8(b) through (e). Refer to permit condition 4.5.6.(b)(iii) for the reporting required when a QIP is implemented.

(2) If five (5) percent or greater of the three (3) hour average COMS opacity values, determined in accordance with 4.2.4.c. of this permit, indicate excursions of the 10% opacity threshold during a calendar quarter, the permittee shall develop and implement a QIP. The Director may waive this QIP requirement upon a demonstration that the cause(s) of the excursions have been corrected, or may require stack tests at any time pursuant to permit condition 3.3.1.

[40 C.F.R. §§ 64.8 and 64.7(d); 45CSR§30-5.1.c.]

4.2.10. **Continued operation.** Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any

sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.
[40 C.F.R. § 64.7(c); 45CSR§30-5.1.c.]

4.3. Testing Requirements

4.3.1. The owner or operator shall conduct, or have conducted, tests to determine the compliance of Unit 1, Unit 2 & Unit 3 with the particulate matter mass emission limitations. Such tests shall be conducted in accordance with the appropriate method set forth in 45CSR2 Appendix - Compliance Test Procedures for 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such tests shall be conducted in accordance with the schedule set forth in the following table.

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

[45CSR§2-8.1., 45CSR§2A-5.2.]

Note: A test was completed on July 13, 2006 and resulted in mass emission rates <50% of the weight emission standard. Therefore, the current testing frequency is "Once/3 years."

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

4.4. Recordkeeping Requirements

4.4.1. Records of monitored data established in the monitoring plan (see Appendix B) shall be maintained on site and shall be made available to the Secretary or his duly authorized representative upon request.
[45CSR§2-8.3.a]

4.4.2. Records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit, shall be maintained on-site in a manner to be established by the Secretary and made available to the Secretary or his duly authorized representative upon request.
[45CSR§2-8.3.c]

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

4.4.4. **General recordkeeping requirements for 40 C.F.R. Part 64 (CAM)**
The permittee shall comply with the recordkeeping requirements specified in permit conditions 3.3.1 and 3.3.2. The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 C.F.R. §64.8 (condition 4.2.9.) and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 C.F.R. Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
[40 C.F.R. § 64.9(b); 45CSR§30-5.1.c.]

4.5. Reporting Requirements

4.5.1. The designated representative shall electronically report SO_2, NO_x, and CO_2 emissions data and information as specified in 40 C.F.R. § 75.64 to the Administrator of USEPA, quarterly. Each electronic report must be submitted within thirty (30) days following the end of each calendar quarter.
[45CSR33, 40 C.F.R. § 75.64]

4.5.2. A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. Compliance with this periodic exception reporting requirement shall be demonstrated as outlined in sections I.A.4. and II.A.4 of the DAQ approved "45CSR2 & 10 Monitoring Plan" attached in Appendix B of this permit.
[45CSR§2-8.3.b.][45CSR§10-8.3.b.]

4.5.3. Excess opacity periods resulting from any malfunction of Unit 1, Unit 2, or Unit 3 or their air pollution control equipment, meeting the following conditions, may be reported on a quarterly basis unless otherwise required by the Secretary:

a. The excess opacity period does not exceed thirty (30) minutes within any twenty-four (24) hour period; and
b. Excess opacity does not exceed forty percent (40%).

[45CSR§2-9.3.a.]

4.5.4. Except as provided in permit condition 4.5.3. above, the owner or operator shall report to the Secretary by telephone, telefax, or e-mail any malfunction of Unit 1, Unit 2, or Unit 3 or their associated air pollution control equipment, which results in any excess particulate matter or excess opacity, by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Secretary within thirty (30) days providing the following information:

a. A detailed explanation of the factors involved or causes of the malfunction;

b. The date, and time of duration (with starting and ending times) of the period of excess emissions;

c. An estimate of the mass of excess emissions discharged during the malfunction period;

d. The maximum opacity measured or observed during the malfunction;

e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and

f. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3.b.]

Acid Rain Program

4.5.5. Unit 1, Unit 2 & Unit 3 are Phase II Acid Rain affected units under 45CSR33, as defined by 40 C.F.R § 72.6, and as such are required to meet the requirements of 40 C.F.R. Parts 72, 73, 74, 75, 76, 77 and 78. These requirements include, but are not limited to:

a. Hold an Acid Rain permit ~~(Acid Rain Permit is included in Appendix C)~~;

b. Hold allowances, as of the allowance transfer deadline, in the unit's compliance sub-account of not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit;

c. Comply with the applicable Acid Rain emissions for sulfur dioxide;

d. Comply with the applicable Acid Rain emissions for nitrogen oxides;

e. Comply with the monitoring requirements of 40 C.F.R. Part 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;

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

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

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

(a) On and after the date specified in 40 C.F.R. §64.7(a) by which the permittee must use monitoring that meets the requirements of 40 C.F.R. 64, the permittee shall submit monitoring reports to the DAQ in accordance with permit condition 3.5.6.

(b) A report for monitoring under 40 C.F.R. 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) provided in accordance with 40 C.F.R. Part 75; and

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

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

4.5.7. Plant-Wide Tonnage Limitation for SO_2 at Kammer
Beginning on March 31, 2011, and continuing annually thereafter, Defendants shall report: (a) the actual tons of SO_2 emitted from all Units at the Kammer plant as specified in Paragraph 48 of the consent decree for the prior calendar year; and (b) the Plant-Wide Tonnage Limitation for SO_2 at the Kammer plant for that calendar year. **[U.S. District Court Consent Decree – Civil Action C2-99-1182, 12-13-2007, Paragraph 89.]**

Paragraph 48 of the consent decree states: "Plant-Wide Annual Tonnage Limitation for SO2 at Kammer" means the sum of the tons of SO2 emitted during all periods of operation from the Kammer plant, including, without limitation, all SO2 emitted during periods of startup, shutdown, and Malfunction, during the relevant calendar year (i.e., January 1 through December 31). A new Plant-Wide Annual Tonnage Limitation shall be calculated for each new calendar year."

4.6. Compliance Plan

4.6.1. N/A

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

5.1. Limitations and Standards

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

5.1.2. The maximum amount of coal unloaded from barges at the permitted facility shall not exceed 4000 tons per hour or 4,000,000 tons per year. Compliance with the processing limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the coal processed at any given time for the previous twelve (12) consecutive calendar months.
[45CSR13, R13-1582, 4.1.1.]

5.1.3. The maximum amount of limestone unloaded from barges at the permitted facility shall not exceed 4,000 tons per hour or 50,400 tons per year. Compliance with the processing limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the limestone unload at any given time for the previous twelve (12) consecutive calendar months.
[45CSR13, R13-1582, 4.1.2.]

5.1.4. The maximum amount of limestone in long term storage (North Yard) shall not exceed 6,000 tons at any time.
[45CSR13 – Permit No. R13-1582, 4.1.7.]

5.1.5. In accordance with the information filed in Permit Application R13-1582, and any amendments thereto, the following control equipment shall be installed, maintained, and operated so as to minimize particulate matter emissions on the specified transfer points:

ID	Description	Location	Control Device/Method[(1)]
1S	Transfer Point	Bucket Transfer to Belt	WS, PE
2S	Transfer Point	BC1 to BC2	FE
3S	Transfer Point	BC2 to Surge Bin	FE
4S	Transfer Point	Surge Bin to BC3	FE
5S	Transfer Point	Transfer/Sample Building	FE
7S	Transfer Point	BC5 to BC6	FE
8S	Transfer Point	BC6 to Silo	FE
9S	Transfer Point	Reclaim to BC7	FE
10S	Transfer Point	Transfer from BC7	FE
11S	Transfer Point	Loadout to Surge Pile	WS
12S	Transfer Point	Kickout to N. Storage Pile	WS
STA-3	Transfer Point	Surge Pile to F3A, F3B, F3C, F3D to C-4E, C-4W	FE, WES1
CRH	Transfer Point	C-4E, C-4W to Crushers CR-42, CR-43	FE, BH1

STA-2	Transfer Point	C-1 to C-7	FE,WSRB
TH-2	Transfer Point	C-7 to C-8	FE
CRH	Transfer Point	C-8 to Crushers CR-42, CR-43	FE,BH1
CR-42, CR-43	Coal Crushers	Crushers CR-42, CR-43	FE,BH1
CRH	Transfer Point	Crushers CR-42, CR-43 to C-4AE, C-4AW	FE,BH1
TH-1	Transfer Point	C-4AE, C-4AW to C-5E, C-5W	FE,BH1
STA-5	Transfer Point	C-5E, C-5W to C-6N, C-6S	FE, PE, WES2
Bunker Room	Transfer Point	C-6N, C-6S trippers	FE, WES2
Bunker Room	Transfer Point	C-6N, C-6S to Coal Bunkers	FE, WES3A,WES3B, WES3C

(1) FE = Full Enclosure; PE = Partial Enclosure; WS = Water Sprays, WES = Wet Dust Extraction System; BH = Dry Baghouse; WSRB = Wet Suppression with Residual Binder

Water sprays shall be used as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from the applicable transfer points noted above.
[45CSR13 - Permit No. R13-1582, 4.1.8.]

Note: Requirements applicable to equipment STA-3 to Bunker Room in the above table do not become effective until fuel blending project is constructed.

5.1.6. The amount of limestone handled by the permitted conveying system shall not exceed 200 tons per hour or 34,320 tons per calendar year.
[45CSR13, R13-1679, (A).(1).]

5.1.7. The amount of limestone in storage shall not exceed 2,400 tons at any time.
[45CSR13, R13-1679, (A).(2).]

5.1.8. Particulate emission control measures as outlined in Permit Application R13-1679, R13-1679A, and any supplements or amendments, shall be installed and maintained in such a manner as to minimize generation and atmospheric entrainment of particulate matter. Such measures include:

a. a three-sided enclosure of feed bin,
b. covered conveyors,
c. fully enclosed transfer points,
d. water suppression at feed bin and stockpile, and
e. water truck used for fugitive dust control of haulroads.

[45CSR13, R13-1679, (A).(3).]

5.1.9. The amount of coal handled by the permitted conveying system shall not exceed 200 tons per hour nor 750,000 tons per calendar year. **[45CSR13, R13-1679, (A).(4).]**

5.1.10. The maximum amount of coal transferred from CSA-1 (surge pile) to Crushers CR-42 and CR-43 shall not exceed 700 tons per hour nor 6,132,000 tons per year. Compliance with the throughput limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the coal transferred at any given time for the previous twelve (12) consecutive calendar months.
[45CSR13, R13-1582, 4.1.3.]

5.1.11. The maximum amount of coal transferred from CSA-2 (north surge pile) to Crushers CR-42 and CR-43 shall not exceed 350 tons per hour nor 3,066,000 tons per year. Compliance with the throughput limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the coal transferred at any given time for the previous twelve (12) consecutive calendar months.
[45CSR13, R13-1582, 4.1.4.]

5.1.12. The maximum amount of coal transferred from Crushers CR-42 and CR-43 to the Kammer plant coal bunkers shall not exceed 700 tons per hour nor 6,132,000 tons per year. Compliance with the throughput limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the coal transferred at any given time for the previous twelve (12) consecutive calendar months.
[45CSR13, R13-1582, 4.1.5.]

5.1.13. For equipment subject to 40 CFR 60 Subpart Y, the facility shall comply with the applicable coal processing and conveying equipment standards for particulate matter.

[45CSR16; 40 C.F.R. § 60.252(c); 45CSR13, R13-1582, 4.1.6.][STA-3, CRH (C-4E, C-4W to Crushers CR-42, CR-43), STA-2, TH-2, CRH (C-8 to Crushers CR-42, CR-43), CR-42, CR-43, CRH (Crushers CR-42, CR-43 to C-4AE, C-4AW), TH-1, STA-5, Bunker Room]

Note: Sections 5.1.10 to 5.1.13 do not become effective until fuel blending project is constructed.

5.2. Monitoring Requirements

5.2.1. Compliance with the fugitive dust requirements is contained in condition 3.3.4 of this permit.

5.2.2 For equipment subject to 40 CFR 60 Subpart Y the facility shall comply with the applicable coal processing and conveying equipment requirements for monitoring operations.

[45CSR16; 40 C.F.R. 60 Subpart Y; 45CSR13, R13-1582, 4.2.2.][STA-3, CRH (C-4E, C-4W to Crushers CR-42, CR-43), STA-2, TH-2, CRH (C-8 to Crushers CR-42, CR-43), CR-42, CR-43, CRH (Crushers CR-42, CR-43 to C-4AE, C-4AW), TH-1, STA-5, Bunker Room]

Note: Section 5.2.2 does not become effective until fuel blending project is constructed.

5.3. Recordkeeping Requirements

5.3.1. For the purposes of determining compliance with the maximum processing limit set forth in 5.1.2, 5.1.3, 5.1.10, 5.1.11, 5.1.12, the permittee shall maintain monthly (and calculated rolling yearly total) records of the amount of coal and limestone unloaded by the operations authorized by this permit. For the purposes of determining compliance with the water spray requirement for transfer points 1S, 11S and 12S in 5.1.5, the permittee shall maintain a record of the times when the water sprays were not used while coal was being unloaded and the

reason for not being used. Such records shall be maintained in accordance with 5.3.8. Certified records shall be made available to the Director or his/her duly authorized representative upon request.
[45CSR13, R13-1582, 4.2.1, 45CSR§30-5.1.c.]

5.3.2. For the purposes of determining compliance with the limestone handling limits set forth in condition 5.1.6 above, the permittee shall maintain monthly (and calculated rolling yearly total) records of the amount of limestone conveyed by the operations authorized by this permit. Such records shall be retained by the permittee in accordance with section 3.3.2.
[45CSR§30-5.1.c.]

5.3.3. For the purposes of demonstrating compliance with the maximum amount of limestone in storage at any time (condition 5.1.7.), records of the amount of limestone in storage shall be maintained.
[45CSR§30-5.1.c.]

5.3.4. For the purpose of demonstrating compliance with permit condition 5.1.9, the permittee shall maintain monthly and rolling yearly total records of the amount of coal handled by the permitted conveying system. Said records shall be retained on-site for a period of five (5) years. Certified records, signed by a Responsible Official or an Authorized Representative shall be made available to the Secretary or a duly authorized representative upon request.
[45CSR13, R13-1679, B.4.]

5.3.5. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 5.1.5, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13, R13-1582, 4.4.2.]

5.3.6. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 5.1.5, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

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

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13, R13-1582, 4.4.3.]

Note: Sections 5.3.1, 5.3.5 and 5.3.6 do not apply to equipments STA-3, CRH (C-4E, C-4W to Crushers CR-42, CR-43), STA-2, TH-2, CRH (C-8 to Crushers CR-42, CR-43), CR-42, CR-43, CRH (Crushers CR-42, CR-43 to C-4AE, C-4AW), TH-1, STA-5, Bunker Room until fuel blending project is constructed.

5.3.7. For equipment subject to 40 CFR 60 Subpart Y the facility shall comply with the applicable coal processing and conveying equipment requirements for recordkeeping.

[45CSR13, R13-1582, 4.4.4.][STA-3, CRH (C-4E, C-4W to Crushers CR-42, CR-43), STA-2, TH-2, CRH (C-8 to Crushers CR-42, CR-43), CR-42, CR-43, CRH (Crushers CR-42, CR-43 to C-4AE, C-4AW), TH-1, STA-5, Bunker Room]

Note: Sections 5.3.7 do not become effective until fuel blending project is constructed.

5.3.8. The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by Sections 5.3.1, 5.3.5, 5.3.6 and 5.3.7 recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.
[45CSR13, R13-1582, 3.4.1.]

5.4. Reporting Requirements

5.4.1. In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by permit R13-1582, the permittee shall notify the Director, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.
[45CSR13, R13-1582, 2.14]

5.4.2. The permittee shall submit a summary report of the data collected as required in condition 5.3.1 to the Director on a annual basis. This report shall be submitted no later than sixty (60) days following the end of the calendar year. Data shall be considered "certified" when accompanied by the Certification of Data Accuracy attached to R13-1582 (Appendix F of this Title V permit).
[45CSR13, R13-1582, 4.5.1.]

5.4.3. For equipment subject to 40 CFR 60 Subpart Y the facility shall comply with the applicable coal processing and conveying equipment requirements for reporting.

[45CSR16; 40 C.F.R. Subpart Y; 45CSR13, R13-1582, 4.5.2.][STA-3, CRH (C-4E, C-4W to Crushers CR-42, CR-43), STA-2, TH-2, CRH (C-8 to Crushers CR-42, CR-43), CR-42, CR-43, CRH (Crushers CR-42, CR-43 to C-4AE, C-4AW), TH-1, STA-5, Bunker Room]

Note: Sections 5.4.3 do not become effective until fuel blending project is constructed.

5.5. Testing Requirements

5.5.1. For equipment subject to 40 CFR 60 Subpart Y the facility shall comply with the applicable coal processing and conveying equipment requirements for test methods and procedures.

[45CSR16; 40 C.F.R. § 60.254; 45CSR13, R13-1582, 4.3.1.][STA-3, CRH (C-4E, C-4W to Crushers CR-42, CR-43), STA-2, TH-2, CRH (C-8 to Crushers CR-42, CR-43), CR-42, CR-43, CRH (Crushers CR-42, CR-43 to C-4AE, C-4AW), TH-1, STA-5, Bunker Room]

Note: Sections 5.5.1 do not become effective until fuel blending project is constructed.

5.6. Compliance Plan

5.6.1. N/A

APPENDIX A

Reserved

APPENDIX B

45CSR2 & 45CSR10 Monitoring Plan

45 CSR 2 and 45 CSR 10
Monitoring and Recordkeeping Plan

Kammer Plant

Facility Information:

Facility Name: Kammer Plant

Facility Address: P.O. Box K
State Route 2
Moundsville, WV 26041

Facility Environmental Contact: J. W. Palmer

A. Facility Description:

Kammer Plant is a coal-fired electric generating facility with three main combustion units (Units 1, 2 and 3) discharging through a common stack (CS013). Unit 1, Unit 2, and Unit 3 each have a design heat input greater than 10 mmBtu/hr making both 45 CSR 2A (Interpretive Rule for 45 CSR 2) and 4 CSR 10A (Interpretive Rule for 45 CSR 10) applicable to these sources.

I. 45 CSR 2 Monitoring Plan:

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

A. Main Stack (CS012)

1. Applicable Standard:

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

2. Monitoring Method(s):

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

a. Primary Monitoring Method: The primary method of monitoring opacity at Kammer Plant will be Continuous Opacity Monitors (COMS). The COMS are installed, maintained and operated in compliance with requirements of 40 CFR Part 75.

b. Other Credible Monitoring Method(s): While Kammer Plant will use COMS as the primary method of monitoring opacity of the stack CS013, we are also reserving the right to use Method 9 readings or any other appropriate method that would produce credible data. These "other monitoring methods" will generally be used in the absence of COMS data or as other credible evidence used in conjunction with COMS data.

3. Recordkeeping:

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

45 CSR 2A §7.1.a. *The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule, and the quality and quantity of fuel burned in each fuel burning unit as specified in paragraphs 7.1.a.1 through 7.1.a.6, as applicable.*

The applicable paragraphs for Kammer Plant are the following:

§7.1.a.2: *For fuel burning unit(s) which burn only distillate oil, such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a monthly basis and a BTU analysis for each shipment.*

§7.1.a.4: *For fuel burning unit(s) which burn only coal, such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis and an ash and BTU analysis for each shipment.*

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

The date and time of each startup and shutdown of Units 1, 2 and 3 will be maintained. The quantity of coal burned on a daily basis as well as the ash and Btu content will also be maintained. From a fuel oil perspective, the quantity of fuel oil burned on a monthly basis, as well as the Btu content will be maintained. The fuel oil analysis will generally be one that is provided by the supplier for a given shipment but in some cases, we may use independent sampling and analyses. The quantity of fuel oil burned on a monthly basis may be maintained on a facility wide basis.

b. **Record Maintenance**

45 CSR 2A §7.1.b. *Records of all required monitoring data and support information shall be maintained on-site for a period of at least five (5) years from the date of monitoring, sampling, measurement or reporting. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of*

all required reports.

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

4. Exception Reporting:

a. **Particulate Mass Emissions:**

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

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

b. **Opacity:**

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

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

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

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

following information:

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

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

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

45 CSR 2A, §7.2.b.3.D. *The date and time identifying each period during which quality- controlled monitoring data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of the repairs or adjustments to the monitoring system.*

45 CSR 2A, §7.2.b.3.E. *When no excursions have occurred or there were no periods of quality-controlled data unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report.*

The COMS "Summary Report" will satisfy the conditions under 45 CSR 2A, §7.2.b for the "COMS Summary Report" and will be submitted to the Director according to its requirements. The "Excess opacity and COM downtime report" satisfies the conditions under 45 CSR 2A, §7.2.b.3. for the "Excursion and COMS Monitoring System Performance Report". The "Excess opacity and COM downtime report" shall be submitted to the Director following the conditions outlined in 45 CSR 2A, §7.2.b.1. and §7.2.b.2.

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

II. 45 CSR 10 Monitoring Plan:

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

A. Main Stack (CS012)

1. Applicable Standard:

45 CSR 10, §3.1.a. *For fuel burning units of the Kammer Plant of Ohio Power Company, located in Air Quality Control Region I, the product of 2.7 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.*

45 CSR 10, §3.8. *Compliance with the allowable sulfur dioxide emission limitations from fuel*

burning units shall be based on continuous twenty-four (24) hour averaging time…A continuous twenty-four (24) hour period is defined as one (1) calendar day.

2. Monitoring Method:

45 CSR 10, §8.2.c.1. *The installation, operation and maintenance of a continuous monitoring system meeting the requirements 40 CFR Part 60, Appendix B, Performance Specification 2 (PS2) or Performance Specification 7 (PS7) shall be deemed to fulfill the requirements of a monitoring plan for a fuel burning unit(s), manufacturing process source(s) or combustion source(s). CEMS meeting the requirements of 40 CFR Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS2.*

a. Primary Monitoring Method: The primary method of monitoring SO_2 mass emissions from CS013 will be Continuous Emissions Monitors (CEMS). Data used in evaluating the performance of the Kammer Units with the applicable standard will be unbiased, unsubstituted data as specified in definition 45 CSR 10A, §6.1.b.1. We are proposing that data capture of more than 50% constitute sufficient data for the daily mass emissions to be considered valid. The CEMS are installed, maintained and operated in compliance with requirements of 40 CFR Part 75. Because Units 1, 2 and 3 discharge through a common stack (CS013) and both are "Type a" fuel burning units as defined in 45 CSR 10, the stack limit is effectively the same as the plant-wide limit.

b. Other Credible Monitoring Method(s): While Kammer Plant will use CEMS as the primary method of monitoring SO_2 mass emissions of the stack CS013, we are also reserving the right to use ASTM compliant fuel sampling and analysis or any other appropriate method that would produce credible data. These "other monitoring methods" will generally be used in the absence of CEMS data or as other credible evidence used in conjunction with CEMS data.

3. Recordkeeping:

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

45 CSR 10A, §7.1.a. *Fuel burning units - The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule and the quality or quantity of fuel burned in each unit…*

45 CSR 10A, §7.1.c. *The owner or operator of a fuel burning unit or combustion source which utilizes CEMS shall be exempt from the provisions of subdivision 7.1.a. or 7.1.b, respectively.*

As such, Kammer plant will not maintain records of the operating schedule and the quality and quantity of fuel burned in each unit for purposes of meeting the requirements for a monitoring plan under 45 CSR 10. While fuel sampling and analysis may continue to be

performed at this facility, it is done so at the discretion of the owner/operator and is not required by this monitoring plan for the purposes of indicating compliance with SO_2 standards.

b. **Record Maintenance**

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

As such, CEMS records at Kammer Plant will be maintained for at least five years.

4. Exception Reporting:

45 CSR 10A, §7.2.a. *CEMS - Each owner or operator employing CEMS for an approved monitoring plan, shall submit a "CEMS Summary Report" and/or a "CEMS Excursion and Monitoring System Performance Report" to the Director quarterly; the Director may, on a case-by-case basis, require more frequent reporting if the Director deems it necessary to accurately assess the compliance status of the source. All reports shall be postmarked no later than forty-five (45) days following the end of each calendar quarter. The CEMS Summary Report shall contain the information and be in the format shown in Appendix A unless otherwise specified by the Director.*

45 CSR 10A, §7.2.a.1. *Submittal of 40 CFR Part 75 data in electronic data (EDR) format to the Director shall be deemed to satisfy the requirements of subdivision 7.2.a.*

As such, Kammer Plant will submit the 40 CFR 75 quarterly electronic data reports (EDRs) to the OAQ to meet the requirements for a CEMS Summary Report and the CEMS Excursion and Monitoring System Performance Report. The EDR reports will be submitted to the OAQ no later than 45 days following the end of the quarter.

When no excursions of the 24 SO_2 standard have occurred, such information shall be stated in the cover letter of the EDR submittal.

Revisions of Monitoring Plan:

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

Implementation of Monitoring Plan:

Upon approval of this monitoring plan or any subsequent revisions to the plan, it is certain that a period of time will be necessary to implement new testing, monitoring, recordkeeping or reporting commitments.

Note: This is revision 4.0 dated May 8, 2008

APPENDIX C ~~B~~

Reserved ~~Acid Rain Permit~~

west virginia department of environmental protection
Division of Air Quality

Phase II Acid Rain Permit

Plant Name: **Kammer Power Station**		Permit #: **R33-3947-2012-3**
Affected Unit(s): **1, 2, 3**		
Operator: **Ohio Power Company**		ORIS Code: **3947**
Effective Date	From: **January 1, 2008**	To: **December 31, 2012**

DELETED From Permit

Contents:

1. Statement of Basis
2. SO_2 allowances allocated under this permit and NO_x requirements for each affected unit.
3. Comments, notes and justifications regarding permit decisions and changes made to permit application forms during the review process and any additional requirements or conditions.
4. The permit application forms submitted for this source, as corrected by the West Virginia Division of Air Quality. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.

1. Statement of Basis

Statutory and Regulatory Authorities: In accordance with W. Va. Code §22-5-4(a)(16) and Titles IV and V of the Clean Air Act, the West Virginia Department of Environmental Protection, Division of Air Quality issues this permit pursuant to 45CSR33 and 45CSR30.

Permit Approval

John A. Benedict, Director
Division of Air Quality

12-18-07
Date

Promoting a healthy environment

West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: **Kammer Power Station**	Permit #: **R33-3947-2012-3**

2. SO_2 Allocations and NO_x Requirements for each affected unit

Unit No. **1**

DELETED From Permit

SO_2 Allocations	Year				
	2008	2009	2010	2011	2012
Table 2 allowances, as adjusted by 40CFR Part 73	8082*	8082*	8095	8095	8095
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO_2 allowance allocations identified in this permit (See 40 CFR §72.84). ***Note: 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10***

NO_x Requirements	2008	2009	2010	2011	2012
NO_x Limit (lb/mmBtu)	0.86	0.86	0.86	0.86	0.86

Pursuant to 40 CFR §76.11 the West Virginia Department of Environmental Protection, Division of Air Quality approves for (4) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2008, 2009, 2010 and 2011. Under each plan, the unit NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.86 lb/mmBtu.

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

In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, Indiana Department of Environmental Management, Office of Air Management, the Kentucky Department of Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control the Oklahoma Department of Environmental Quality, Air Quality Division, Virginia Department of Environmental Quality, Division of Air Program Coordination and the Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration have also approved this averaging plan.

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

Pursuant to 40 CFR Part 76 and 45CSR33, the West Virginia Department of Environmental Protection, Division of Air Quality approves a NO_x emissions compliance plan for this unit effective for calendar year 2012. Under this plan the unit's actual annual average NO_x emission rate shall not exceed the applicable limitation of 0.86 lb/mmBtu as set forth in 40 CFR 76.6(a)(2) for Group 2 cyclone boilers with a Maximum Continuous Steam Flow at 100% of Load of greater than 1060, in thousands of lb/hr.

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

As a result of comments from American Electric Power, the 2008 and 2009 SO_2 allowances have been adjusted to reflect an October 30, 2000 reallocation of allowances by USEPA. The 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.

4. Permit application forms:

Attached.

West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: **Kammer Power Station**	Permit #: **R33-3947-2012-3**

2. SO_2 Allocations and NO_x Requirements for each affected unit

Unit No. **2**

DELETED From Permit

SO_2 Allowances	Year				
	2008	2009	2010	2011	2012
Available allowances, as adjusted by 40CFR Part 73	8390*	8395	8404	8404	8404
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO_2 allowance allocations identified in this permit (See 40 CFR §72.84). **Note: 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10*

NO_X Requirements	2008	2009	2010	2011	2012
NO_X Limit (lb/mmBtu)	0.86	0.86	0.86	0.86	0.86

Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves four (4) NO_x emissions averaging plans for this unit. Each plan is effective for the calendar year for the years 2008, 2009, 2010 and 2011. Under each plan the units NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.86 lb/mmBtu.

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

In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, Indiana Department of Environmental Management, Office of Air Management, the Kentucky Department of Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control the Oklahoma Department of Environmental Quality, Air Quality Division, Virginia Department of Environmental Quality, Division of Air Program Coordination and the Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration have also approved this averaging plan.

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

Pursuant to 40 CFR Part 76 and 45CSR33, the West Virginia Department of Environmental Protection, Division of Air Quality approves a NO_x emissions compliance plan for this unit effective for calendar year 2012. Under this plan the unit's actual annual average NO_x emission rate shall not exceed the applicable limitation of 0.86 lb/mmBtu as set forth in 40 CFR 76.6(a)(2) for Group 2 cyclone boilers with a Maximum Continuous Steam Flow at 100% of Load of greater than 1060, in thousands of lb/hr.

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

As a result of comments from American Electric Power, the 2008 and 2009 SO_2 allowances have been adjusted to reflect an October 30, 2000 reallocation of allowances by USEPA. The 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.

4. Permit application forms:

Attached.

West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: **Kammer Power Station**	Permit #: **R33-3947-2012-3**

2. SO_2 Allocations and NO_x Requirements for each affected unit

Unit No. 3

DELETED From Permit

SO_2 Allowances	**Year**				
	2008	**2009**	**2010**	**2011**	**2012**
Table 2 allowances adjusted by 40CFR Part 73	7499	7499*	7512	7512	7512
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO_2 allowance allocations identified in this permit (See 40 CFR §72.84). **Note: 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10*

NO_x Requirement	**2008**	**2009**	**2010**	**2011**	**2012**
NO_x Limit (lb/mmBtu)	0.86	0.86	0.86	0.86	0.86

Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves four (4) NO_x emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2008, 2009, 2010 and 2011. Under each plan, the unit's NO_x emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.86 lb/mmBtu.

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

In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Arkansas Department of Environmental Quality, Air Division, Indiana Department of Environmental Management, Office of Air Management, the Kentucky Department of Environmental Protection, Division for Air Quality, the Ohio Environmental Protection Agency, Division of Air Pollution Control the Oklahoma Department of Environmental Quality, Air Quality Division, Virginia Department of Environmental Quality, Division of Air Program Coordination and the Texas Commission on Environmental Quality, Office of Permitting, Remediation and Registration have also approved this averaging plan.

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

Pursuant to 40 CFR Part 76 and 45CSR33, the West Virginia Department of Environmental Protection, Division of Air Quality approves a NO_x emissions compliance plan for this unit effective for calendar year 2012. Under this plan the unit's actual annual average NO_x emission rate shall not exceed the applicable limitation of 0.86 lb/mmBtu as set forth in 40 CFR 76.6(a)(2) for Group 2 cyclone boilers with a Maximum Continuous Steam Flow at 100% of Load of greater than 1060, in thousands of lb/hr.

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

As a result of comments from American Electric Power, the 2008 and 2009 SO_2 allowances have been adjusted to reflect an October 30, 2000 reallocation of allowances by USEPA. The 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.

4. Permit application forms:

Attached.

EPA

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

Phase II NO_x Compliance Plan

Page 1 of 1

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

This submission is: ☐ New ☒ Revised

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

Plant Name	State	ORIS Code
Kammer	WV	3947

STEP 2

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

DELETED From Permit

	1	2	3			
	ID#	ID#	ID#	ID#	ID#	ID#
	CY Type	CY Type	CY Type	Type	Type	Type
(a) Standard annual average emission limitation of 0.50 lb/mmBtu (for Phase I dry bottom wall-fired boilers)	☐	☐	☐	☐	☐	☐
(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase I tangentially fired boilers)	☐	☐	☐	☐	☐	☐
(c) EPA-approved early election plan under 40 CFR 76.8 through 12/31/07 (also indicate above emission limit specified in plan)	☐	☐	☐	☐	☐	☐
(d) Standard annual average emission limitation of 0.46 lb/mmBtu (for Phase II dry bottom wall-fired boilers)	☐	☐	☐	☐	☐	☐
(e) Standard annual average emission limitation of 0.40 lb/mmBtu (for Phase II tangentially fired boilers)	☐	☐	☐	☐	☐	☐
(f) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)	☐	☐	☐	☐	☐	☐
(g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)	☐	☐	☐	☐	☐	☐
(h) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)	☐	☐	☐	☐	☐	☐
(i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)	☐	☐	☐	☐	☐	☐
(j) NO_x Averaging Plan (include NO_x Averaging form)	☒	☒	☒	☐	☐	☐
(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack)	☐	☐	☐	☐	☐	☐
(l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO_x Averaging (check the NO_x Averaging Plan box and include NO_x Averaging form)	☒	☒	☒	☐	☐	☐

EPA Form 7610-28 (12-03)

Kammer
Plant Name (from Step 1)

NO_x Compliance - Page 2
Page 1 of 1

STEP 2, cont'd.

	ID# 1	ID# 2	ID# 3	ID#	ID#	ID#
	Type CY	Type CY	Type CY	Type	Type	Type
(m) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17 (a)(2)(i)(C), (a)(2)(iii)(B) or (b)(2)	☐	☐	☐	☐	☐	☐
(n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)	☐	☐	☐	☐	☐	☐
(o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing	☐	☐	☐	☐	☐	☐
(p) Repowering extension plan approved or under review	☐	☐	☐	☐	☐	☐

DELETED From Permit

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

Standard Requirements

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

Special Provisions for Early Election Units

Nitrogen Oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO_x as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(iii).
Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.
Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO_x for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO_x for Phase II units with Group 1 boilers under 40 CFR 76.7.

Certification

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

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

United States
Environmental Protection Agency
Acid Rain Program

OMB No. 2060-0258

EPA

Phase II NO_x Averaging Plan

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

Page 1

This submission is: ☐ New ☒ Revised

Page 1 of 1

DELETED From Permit

STEP 1

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

Plant Name	State	ID#	(a) Emission Limitation	(b) ACEL	(c) Annual Heat Input Limit
Rockport	IN	MB1	0.46	0.46	88,636,400
Rockport	IN	MB2	0.46	0.46	93,566,400
Tanners Creek	IN	U1	0.80	0.80	8,960,400
Tanners Creek	IN	U2	0.80	0.80	9,83[illegible]600
Tanners Creek	IN	U3	0.80	0.80	10,6[illegible]5,20[illegible]
Tanners Creek	IN	U4	0.86	0.86	28,043,800
Big Sandy	KY	BSU1	0.46	0.46	16,002,200
Big Sandy	KY	BSU2	0.46	0.46	51,126,800
Conesville	OH	3	0.50	0.50	3,518,200

STEP 2

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

Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan		Btu-weighted annual average emission rate for same units operated in compliance with 40 CFR 76.5, 76.6 or 76.7
.56	≤	.56

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

Where,

R_{Li} = Alternative contemporaneous annual emission limitation for unit i, in lb/mmBtu, as specified in column (b) of Step 1:

R_{1i} = Applicable emission limitation for unit i, in lb/mmBtu, as specified in column (a) of Step 1;

HI_i = Annual heat input for unit i, in mmBtu, as specified in column (c) of Step 1;

n = Number of units in the averaging plan

Kammer
Plant Name (from Step 1)

NO_x Averaging - Page 2

STEP 3

Mark one of the two options and enter dates.

[X] This plan is effective for calendar year 2007 through calendar year 2011 unless notification to terminate the plan is given.

[ ] Treat this plan as [ ] identical plans, each effective for one calendar year for the following calendar years: _____, _____ and _____ unless notification to terminate one or more of these plans is given.

DELETED

STEP 4

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

Special Provisions

From Permit

Emission Limitations

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

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

Liability

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

Termination

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

Certification

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

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

Kammer
Plant Name (from Step 1)

NO_x Averaging - Page 3

STEP 1

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

DELETED From Permit

Plant Name	State	ID#	(a) Emission Limitation	(b) Alt. Contemp. Emission Limitation	(c) Annual Heat Input Limit
Conesville	OH	4	0.45	0.45	44,976,190
Conesville	OH	5	0.40	0.40	25,434,200
Conesville	OH	6	0.40	0.40	24,905,400
Muskingum	OH	1	0.84	0.84	8,[illegible]6,800
Muskingum	OH	2	0.84	0.84	8,181,600
Muskingum	OH	3	0.86	0.86	8,251,800
Muskingum	OH	4	0.86	0.86	8,143,200
Muskingum	OH	5	0.68	0.68	35,606,400
Picway	OH	9	0.50	0.50	3,4[illegible]2,40[illegible]
Clinch River	VA	1	0.80	0.80	14,566,000
Clinch River	VA	2	0.80	0.80	14,350,000
Clinch River	VA	3	0.80	0.80	14,544,000
Glen Lyn	VA	51	0.40	0.40	1,581,500
Glen Lyn	VA	52	0.40	0.40	1,581,500
Glen Lyn	VA	6	0.46	0.46	5,930,000
John E Amos	WV	1	0.46	0.46	52,512,000
John E Amos	WV	2	0.46	0.46	52,031,200
John E Amos	WV	3	0.68	0.68	88,228,800
Kammer	WV	1	0.86	0.86	11,214,400
Kammer	WV	2	0.86	0.86	11,570,600
Kammer	WV	3	0.86	0.86	11,498,000
Kanawha	WV	1	0.80	0.80	10,392,600
Kanawha	WV	2	0.80	0.80	9,018,200
Mitchell	WV	1	0.50	0.50	50,415,600
Mitchell	WV	2	0.50	0.50	53,611,600
Mountaineer	WV	1	0.46	0.46	97,048,400
Sporn	WV	11	0.80	0.80	7,467,000

Kammer
Plant Name (from Step 1)

NO_x Averaging - Page 4

STEP 1

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

DELETED From Permit

Plant Name	State	ID#	(a) Emission Limitation	(b) Alt. Contemp. Emission Limitation	(c) Annual Heat Input Limit
Sporn	WV	21	0.80	0.80	7,203,600
Sporn	WV	31	0.80	0.80	7,733,300
Sporn	WV	41	0.80	0.80	8,08[illegible],200
Sporn	WV	51	0.46	0.46	13,054,800
Cardinal	OH	1	0.68	0.68	37,568,400
Cardinal	OH	2	0.68	0.68	39,809,200
Cardinal	OH	3	0.46	0.46	9,20[illegible],000
Gavin	OH	1	0.68	0.68	6,30[illegible],600
Gavin	OH	2	0.68	0.68	93,845,000
Flint Creek	AR	1	0.46	0.46	37,879,000
Northeastern	OK	3313	0.40	0.40	33,560,000
Northeastern	OK	3314	0.40	0.40	35,524,000
Oklaunion	TX	1	0.46	0.46	44,826,000
Pirkey	TX	1	0.46	0.46	51,699,000
Welsh	TX	1	0.46	0.46	37,588,000
Welsh	TX	2	0.46	0.46	37,923,000
Welsh	TX	3	0.46	0.46	39,080,000

APPENDIX D

Consent order # CO-R37-C-2008-4

west virginia department of environmental protection

Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone 304/926-0475 • FAX: 304/926-0479

Joe Manchin III, Governor
Stephanie R. Timmermeyer, Cabinet Secretary
www.wvdep.org

COMPLIANCE ORDER
ISSUED UNDER THE
AIR POLLUTION CONTROL ACT
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 5, SECTION 4

DATE: April 7, 2008 ORDER NO.: # CO-R37-C-2008-4

TO: Allegheny Energy Supply Company, LLC
American Bituminous Power Partners
Appalachian Power Company
Dominion Generation
Morgantown Energy Associates
Ohio Power Company

INTRODUCTION

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

FINDINGS OF FACT

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

1. On December 20, 2000, EPA issued a finding pursuant to CAA section 112(n)(1)(A), *Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units* [65FR79825, 20 DEC2000], that it was appropriate and necessary to regulate mercury (Hg) under Section 112 of the Clean Air Act (CAA).

2. On March 29, 2005, EPA published a final agency action which delisted such utility units under section 112(n)(1) of the CAA, *Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List* [70FR15994, 29MAR2005].

3. On May 18, 2005, EPA published *Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units* [70FR28606, 18MAY2005].

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

4. CAMR required Hg reductions in two phases, with Phase I covering 2010 - 2017, and Phase II beginning in 2018. CAMR Phase I did not impose any Hg reduction requirements beyond those required to control SO_2 and NO_x emissions under Phase I of the Clean Air Interstate Rule (CAIR) [70FR25162, 12MAY2005]. CAIR requires SO_2 and NO_x reductions in 22 eastern states, including West Virginia.

5. To comply with CAMR, West Virginia implemented 45CSR37 – Mercury Budget Trading Program to Reduce Mercury Emissions – which became effective on May 1, 2006. 45CSR37 is the state counterpart to the federal CAMR.

6. On July 12, 2006, West Virginia submitted 45CSR37 to EPA to meet the 111(d) State Plan requirements of CAMR.

7. On February 8, 2008, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) issued a decision in *New Jersey v. EPA* which vacated two of the rules listed above:
   (a) 40 CFR Part 63 – Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List [70FR15994, 29MAR2005]; and
   (b) 40 CFR Parts 60, 72 and 75 – Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units (CAMR) [70FR28606, 18MAY2005].

8. On March 14, 2008, the DC Circuit issued the mandate that the CAMR be vacated.

9. On March 24, 2008, EPA appealed the decision of the DC Circuit to vacate the CAMR. EPA has requested an *en banc* hearing. Litigation is ongoing.

10. The following companies own and/or operate one or more fossil fuel-fired stationary boiler(s) at the identifed facilities, serving a generator with nameplate capacity greater than 25 MW_e which emits mercury (Hg) in West Virginia:

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

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Page 3

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

11. Such units are of sufficient capacity to render them subject to the Standard Requirements under 45CSR37, including the requirement to obtain a Hg budget permit, and comply with all applicable provisions of the CAMR program.

12. The applicable provisions of the CAMR program were vacated by the DC Circuit, therefore the only 45CSR37 requirement that is currently applicable is the requirement to obtain a Hg budget permit, which is contained in Section 21 of the rule. The Hg budget permit application is required to be submitted by the applicant's Hg designated representative. However, since such representative must be registered with EPA under the CAMR program and since the federal CAMR program was vacated, there are no Hg budget designated representatives.

13. This Order does not make any finding of violation against the owners or operators listed in this Order.

ORDER HOLDING 45CSR37 REQUIREMENTS IN ABEYANCE

Since the provisions of 45CSR37 are intrinsically tied to the provisions of the federal CAMR rule, which has been vacated, and the Hg reductions required under Phase I of the CAMR will still be obtained since they were predicated on the Hg reduction co-benefit of SO_2 and NO_x reductions required under the Clean Air Interstate Rule [70FR25162, 12MAY2005], the Director finds that it is appropriate to hold specific requirements of 45CSR37 in abeyance pending resolution of the ongoing federal litigation related to CAMR.

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

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Page 4

OTHER PROVISIONS

1. This Order shall not in any way be construed as relieving the owners or operators listed above of the obligation to comply with any other applicable law, permit, order, or any requirement otherwise applicable.

2. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.

This Order shall become effective April 7, 2008.

John A. Benedict, Director
Division of Air Quality

APPENDIX E

CAIR Permit Application

CAIR Permit Application

Page 1

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

This submission is: ☒ **New** ☐ **Revised**

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

Plant Name	West Virginia ID Number	ORIS/Facility Code
Kammer Plant	051-00006	3947

STEP 2
Enter the unit ID# for each CAIR unit and indicate to which CAIR programs each unit is subject (by placing an "X" in the column)

Unit ID#	NO_x Annual	NO_x Ozone Season	SO_2 Annual
1	X	X	X
2	X	X	X
3	X	X	X

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

Standard Requirements

(a) Permit Requirements.

(1) The CAIR designated representative of each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO_2 source (as applicable) required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO_2 unit (as applicable) required to have a Title V operating permit at the source shall:

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

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

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

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

Kammer Plant
Plant Name

CAIR Permit Application
Page 2

STEP 3, continued

(b) Monitoring, reporting and recordkeeping requirements.

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

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

(c) Nitrogen oxides annual emissions requirements.

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

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

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

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

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

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

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

(d) Nitrogen oxides ozone season emissions requirements.

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

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

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

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

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

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

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

(e) Sulfur dioxide annual emission requirements.

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

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

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

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

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

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

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

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(f) Excess emissions requirements.

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

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

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

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

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

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

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

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

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

(g) Recordkeeping and Reporting Requirements.

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

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

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

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

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

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

(h) Liability.

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

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

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

(i) Effect on Other Authorities.

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

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Certification

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

CAIR Designated Representative	John M. McManus		
Signature	John M. McManus	Date	5/25/07

APPENDIX F

Certification of Data Accuracy

CERTIFICATION OF DATA ACCURACY

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

Signature[1] ....
(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title ....
(please print or type) Name Title

Telephone No. ..... Fax No. .....

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[1] This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or

(ii) the delegation of authority to such representative is approved in advance by the Director;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or

d. The designated representative delegated with such authority and approved in advance by the Director.