

West Virginia Department of Environmental Protection
Division of Air Quality

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Operate



Pursuant to
Title V
of the Clean Air Act

Issued to:
Monongahela Power Company
Albright Power Station / Albright
R30-07700001-2014

William F. Durham
Acting Director

Issued: June 3, 2014 • Effective: June 17, 2014
Expiration: June 3, 2019 • Renewal Application Due: December 3, 2018

Permit Number: **R30-07700001-2014**
Permittee: **Monongahela Power Company**
Facility Name: **Albright Power Station**
Permittee Mailing Address: **800 Cabin Hill Drive, Greensburg, PA 15601**

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

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

Permit Writer: Robert Mullins

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

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

Table of Contents

1.0	Emission Units and Active R13, R14, and R19 Permits.....	4
1.1.	Emission Units.....	4
1.2.	Active R13, R14, and R19 Permits.....	7
2.0	General Conditions.....	8
2.1.	Definitions.....	8
2.2.	Acronyms.....	8
2.3.	Permit Expiration and Renewal.....	9
2.4.	Permit Actions.....	9
2.5.	Reopening for Cause.....	9
2.6.	Administrative Permit Amendments.....	10
2.7.	Minor Permit Modifications.....	10
2.8.	Significant Permit Modification.....	10
2.9.	Emissions Trading.....	10
2.10.	Off-Permit Changes.....	10
2.11.	Operational Flexibility.....	11
2.12.	Reasonably Anticipated Operating Scenarios.....	12
2.13.	Duty to Comply.....	12
2.14.	Inspection and Entry.....	12
2.15.	Schedule of Compliance.....	13
2.16.	Need to Halt or Reduce Activity not a Defense.....	13
2.17.	Emergency.....	13
2.18.	Federally-Enforceable Requirements.....	14
2.19.	Duty to Provide Information.....	14
2.20.	Duty to Supplement and Correct Information.....	14
2.21.	Permit Shield.....	15
2.22.	Credible Evidence.....	15
2.23.	Severability.....	15
2.24.	Property Rights.....	15
2.25.	Acid Deposition Control.....	15
3.0	Facility-Wide Requirements.....	17
3.1.	Limitations and Standards.....	17
3.2.	Monitoring Requirements.....	19
3.3.	Testing Requirements.....	19
3.4.	Recordkeeping Requirements.....	20
3.5.	Reporting Requirements.....	21
3.6.	Compliance Plan.....	23
3.7.	Permit Shield.....	23
4.0	Source-Specific Requirements [Boiler#1 (STACK 1), Boiler#2 (STACK 2) & Boiler#3 (STACK3)].....	24
4.1.	Limitations and Standards.....	24
4.2.	Monitoring Requirements.....	26
4.3.	Testing Requirements.....	28
4.4.	Recordkeeping Requirements.....	29

4.5.	Reporting Requirements	29
5.0	Source-Specific Requirements [Co-Firing of Biomass in Boilers 1, 2, and 3].....	31
5.1.	Limitations and Standards	31
5.2.	Monitoring Requirements	31
5.3.	Testing Requirements	32
5.4.	Recordkeeping Requirements	32
5.5.	Reporting Requirements	33
6.0.	Source-Specific Requirements [Emergency Diesel Generator (EDG)].....	34
6.1.	Limitations and Standards	34
6.2.	Monitoring Requirements	35
6.3.	Testing Requirements	35
6.4.	Recordkeeping Requirements	35
6.5.	Reporting Requirements	35
APPENDIX A	36
APPENDIX B	51
APPENDIX C	56

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

1.1 Emission Units

Source ID	Emission Point ID	Equipment Description	Design Capacity	Year Installed / Modified	Pollution Control Device ID	Fugitive Dust Control System/ Control Device ¹
B1	STACK 1	Boiler # 1 - Riley Stoker, Wall fired Boiler, Model (NA)	954 mmBtu/hr	1952/1993	ESP # 1- Buell – High Efficiency, Model No. BA2.1x40K343-3P Collection plate area – 148,800 sq.ft. Particulate loading – 3 grains/cu.ft. Installed 1974	N/A
B2	STACK 2	Boiler # 2 - Riley Stoker, Wall Fired Boiler, Model (NA)	954 mmBtu/hr	1952/1993	ESP # 2 - Buell – High Efficiency, Model No. BA2.1x40K343-3P Collection plate area – 148,800 sq.ft. Particulate loading – 3 grains/cu.ft. Installed 1974	N/A
B3	STACK 3	Boiler # 3 – Combustion Engineering, Tangentially Fired Boiler	1342 mmBtu/hr	1953/1994	ESP # 3- Buell – High Efficiency, Model No. BA2.2x30K444-3P Collection plate area – 259,200 sq.ft. Particulate loading – 2 grains/cu.ft. Installed 1974	N/A
RH-1	RH-1	Reclaim Hopper – Receives coal from coal Stockpile. Transfer coal to Conveyor # 1	500 TPH	1952	N/A	PE (open only where coal goes in)
BC-1	BC-1	Conveyor # 1 - Conveyor from Reclaim Hopper to Crusher (CR-1)	500 TPH	1952	N/A	PE
CR-1	CR-1	Crusher (Pennsylvania Crusher)	250 TPH	1952	N/A	FE
BC-2	BC-2	Conveyor # 2 - Conveyor from Crusher to Conveyor # 3	500 TPH	1952	N/A	PE
BC-3	BC-3	Conveyor # 3 - Gets coal from Conveyor # 2 .Delivers coal to 3 coal bunkers for boilers	500 TPH	1952	N/A	PE
CB-1,CB-2,CB-3	CB-1,CB-2,CB-3	3 Coal Bunkers for Boilers 1, 2 & 3	7800 Ton each	1952	CBDC-1, CBDC-2, CBDC-3	Dust Collectors
AS-1	AS-1	Ash Silos #1	400 Tons	1952	ASDC-1,	Dust Collector
AS-2	AS-2	Ash Silos #2	400 Tons	1952	ASDC-2	Dust Collector
AS-3	AS-3	Ash Silos #3	700 Tons	1954	ASDC-3	Dust Collector
RB	RB	Reject Bin	5 Tons	1952	RBDC-1	Dust Collector
AS	AS	Auger Coal Sampler	N/A	1979	N/A	FE

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

Source ID	Equipment Description / Location	Design Capacity	Year Installed/ Modified
A7AL	Turbine Oil Settling Tank No. 1 / Inside Plant	4,500 gallons	1952
A8AL	Turbine Oil Settling Tank No. 2 / Inside Plant	4,500 gallons	1952
A9AL	Sludge Tank No. 1 / Inside Plant	938 gallons	1952
A10AL	Turbine Oil Reservoir #3 / Inside Plant	3800 gallons	1954
A11AL	Turbine Oil Reservoir #1 / Inside Plant	2800 gallons	1952
A12AL	Turbine Oil Reservoir #2 / Inside Plant	2800 gallons	1952
A85AL	Hydraulic Oil Tank – Inside Coal Auger Bldg.	150 gallons	1979
A14AL	Degreaser Tank (Maintenance Shop) / Inside Plant	90 gallons	during 1970s
A15AL	Degreaser Tank (Electric Shop) / Inside Plant	18 gallons	1990
A84AL	Ethylene Glycol Storage Tank – Inside Crusher House	275 gallons	1986
A13AL	Fire Pump Fuel Oil Tank – Inside Fire Pump Bldg	275 gallons	1990
Oil House	Oil House (storage of 55 gal drums: and dispensing) - Indoors	Varies (3300 gallons)	1986
A29AL	Waste Oil Tank / Inside plant	550 gallons	1992
A17AL	Kerosene tank for Space Heaters - Outside Plant	275 gallons	1982
A90AL, A91AL	Hydrazine – boiler water treatment Mix Tank #1, #2 / Inside Plant	14 gallons each	1995
A92AL	Hydrazine – boiler water treatment Mix Tank #3 / Inside Plant	55 gallons	1995
1TOC	Turbotoc, Unit 1(Turbine Oil Conditioner) / Inside Plant	15 gpm off, 30 gpm on	1997
2TOC	Turbotoc, Unit 2(Turbine Oil Conditioner) / Inside Plant	15 gpm off, 30 gpm on	1994
3TOC	Bowser, Unit 3(Turbine Oil Filter) / Inside Plant	20 gpm	1987
A93AL	Bowser reservoir / Inside Plant	643 Gallons	1987
WTS-01	Grit Chamber containing waste water - Outside Plant	17,000 gallons	approx. 1976
WTS-02	Neutralization Basin containing waste water - Outside Plant	16,000 gallons	approx. 1976
WTS-03	Neutralization Basin Pump Pit containing waste water – Outside Plant	10,000 gallons	approx. 1976
WTS-04	North Lagoon containing waste water - Outside Plant	4,803,990 gallons	1952
WTS-05	South Lagoon containing waste water - Outside Plant	6.3 million gallons	1952

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

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

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

1.2. Active R13, R14, and R19 Permits

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

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

2.0 General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the 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	NSPS	New Source Performance Standards
CBI	Confidential Business Information	PM	Particulate Matter
CEM	Continuous Emission Monitor	PM₁₀	Particulate Matter less than 10µm in diameter
CES	Certified Emission Statement	pph	Pounds per Hour
C.F.R. or CFR	Code of Federal Regulations	ppm	Parts per Million
CO	Carbon Monoxide	PSD	Prevention of Significant Deterioration
C.S.R. or CSR	Codes of State Rules	psi	Pounds per Square Inch
DAQ	Division of Air Quality	SIC	Standard Industrial Classification
DEP	Department of Environmental Protection	SIP	State Implementation Plan
FOIA	Freedom of Information Act	SO₂	Sulfur Dioxide
HAP	Hazardous Air Pollutant	TAP	Toxic Air Pollutant
HON	Hazardous Organic NESHAP	TPY	Tons per Year
HP	Horsepower	TRS	Total Reduced Sulfur
lbs/hr or lb/hr	Pounds per Hour	TSP	Total Suspended Particulate
LDAR	Leak Detection and Repair	USEPA	United States Environmental Protection Agency
m	Thousand	UTM	Universal Transverse Mercator
MACT	Maximum Achievable Control Technology	VEE	Visual Emissions Evaluation
mm	Million	VOC	Volatile Organic Compounds
mmBtu/hr	Million British Thermal Units per Hour		
mmft³/hr or mmcf/hr	Million Cubic Feet Burned per Hour		
NA or N/A	Not Applicable		
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

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

2.4. Permit Actions

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

2.5. Reopening for Cause

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

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

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

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

[45CSR§30-6.4.]

2.7. Minor Permit Modifications

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

[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

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

[45CSR§30-6.5.b.]

2.9. Emissions Trading

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

[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

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

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

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

[45CSR§30-5.9.]

2.11. Operational Flexibility

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

[45CSR§30-5.8]

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

[45CSR§30-5.8.a.]

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

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

[45CSR§30-5.8.c.]

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

[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

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

[45CSR§30-5.1.i.]

2.13. Duty to Comply

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

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

- 2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:
- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
 - c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;

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

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

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

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

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

[45CSR§30-5.1.f.2.]

2.17. Emergency

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

[45CSR§30-5.7.a.]

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

[45CSR§30-5.7.b.]

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

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

[45CSR§30-5.7.c.]

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

[45CSR§30-5.7.d.]

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

[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

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

[45CSR§30-5.2.a.]

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

2.19. Duty to Provide Information

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

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

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

[45CSR§30-4.2.]

2.21. Permit Shield

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

[45CSR§30-5.6.a.]

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

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

[45CSR§30-5.6.c.]

2.22. Credible Evidence

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

[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

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

[45CSR§30-5.1.e.]

2.24. Property Rights

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

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

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

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

[45CSR§30-5.1.d.]

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

[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1 Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. [45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. [45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them. [40 C.F.R. §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. [45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. [W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

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

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

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

[40 C.F.R. 68]

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

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

[45CSR§2-5.1]

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

- 3.1.11. **CAIR SO₂ Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix B) and the CAIR permit requirements set forth in 45CSR41 for each CAIR SO₂ source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.

[45CSR§§41-6.1.b. and 20.1.]

- a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§41-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from the compliance account of the CAIR SO₂ source covered by the permit.

[45CSR§41-23.2.]

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

[45CSR§41-24.1.]

- 3.1.12. **CAIR NO_x Annual Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix B) 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.]

3.2. Monitoring Requirements

- 3.2.1. None

3.3. Testing Requirements

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

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.

- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
 1. The permit or rule evaluated, with the citation number and language.
 2. The result of the test for each permit or rule condition.
 3. A statement of compliance or non-compliance with each permit or rule condition.

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

3.4. Recordkeeping Requirements

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

[45CSR§30-5.1.c.2.A.]

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

required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

[45CSR§30-5.1.c.2.B.]

- 3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

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

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

[45CSR§30-5.1.c.]

3.5. Reporting Requirements

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

[45CSR§§30-4.4. and 5.1.c.3.D.]

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

[45CSR§30-5.1.c.3.E.]

- 3.5.3. Except for the electronic submittal of the annual certification to the USEPA as required in 3.5.5 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

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

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

If to the US EPA:

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

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: R3_APD_Permits@epa.gov. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]
- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]
- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.
- 3.5.8. **Deviations.**
- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
 2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
 3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
 4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

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

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

3.6. Compliance Plan

- 3.6.1. None

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

40 C.F.R. 60 Subpart K, Ka	All tanks are below 40,000 gallons in capacity.
40 C.F.R. 60 Subpart Kb	All new tanks constructed after July 23, 1984 are less than the capacity threshold of 19,813 gallons and/or have vapor pressure less than 2.2.psi.
40 C.F.R. 60 Subpart D	Albright's boilers (B1, B2, & B3) were constructed prior to August 17, 1971.
40 C.F.R. 60 Subpart Da	Albright's boilers (B1, B2, B3) were constructed before September 19, 1978.
40 C.F.R. 60 Subpart Db	Albright's boilers (B1, B2, B3) were constructed prior to June 19, 1984.
40 C.F.R. 60 Subpart OOO	Crushing, grinding, and screening equipment was installed and in operation prior to August 31, 1983.
40 C.F.R. 60 Subpart Y	Coal preparation equipment was not installed or modified after October 24, 1974; coal handling and storage equipment is not interfaced with coal breakers or crushers.
40 C.F.R. 63 Subpart Q	Albright's new cooling tower started construction in 2007, however was designed not to use any chromium treatment compounds.
45CSR5	The Rule to Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations, and Coal Disposal Areas is not applicable to the facility since 45CSR2 applies.
45CSR17	The Rule to Prevent and Control Particulate Matter Air Pollution from Material Handling Preparation, Storage, and Other Sources of Fugitive Particulate Matter is not applicable to the facility since 45CSR2 applies.

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

4.0.1. Emergency Operating Scenarios

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

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

4.1. Limitations and Standards

Particulate Matter

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

[45CSR§2-3.1.]

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

[45CSR§2-3.2, 45CSR§2A-6]

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

[45CSR§2-4.1.a.]

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

[45CSR§2-4.4.]

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

[45CSR§2-8.1.a.]

4.1.6. Compliance with the visible emissions limit shall be monitored as set forth in the approved monitoring plan (attached in Appendix A) for each emission unit.

[45CSR§2-8.2.a.]

4.1.7. Records of monitored data established in the monitoring plan shall be maintained on site and shall be made available to the Secretary or his duly authorized representative upon request.

[45CSR§2-8.3.a.]

4.1.8. A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. Such exception report shall provide details of all excursions outside the range

of measured emissions or monitored parameters established in an approved monitoring plan, and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken.

[45CSR§2-8.3.b, 45CSR§2A]

- 4.1.9. Records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit, shall be maintained on-site in a manner to be established by the Secretary and made available to the Secretary or his duly authorized representative upon request.

[45CSR§2-8.3.c.]

- 4.1.10. The visible emission standards of condition 4.1.1 shall apply at all times except in periods of start-ups, shutdowns and malfunctions.

[45CSR§2-9.1.]

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

[45CSR§2-9.2.]

Nitrogen Oxides (NO_x)

- 4.1.12. Nitrogen oxide emissions from *STACK1*, *STACK2* & *STACK3* shall not exceed NO_x limits specified in the Acid Rain Permit.

[45CSR33]

Sulfur Dioxides (SO₂)

- 4.1.13. Sulfur dioxide emissions from the Boiler #1 (STACK 1) shall not exceed 3052.8 lb/hr.

[45CSR§10-3.3.c.]

- 4.1.14. Sulfur dioxide emissions from the Boiler # 2 (STACK 2) shall not exceed 3052.8 lb/hr.

[45CSR§10-3.3.c.]

- 4.1.15. Sulfur dioxide emissions from the Boiler # 3 (STACK 3) shall not exceed 4294.4 lb/hr.

[45CSR§10-3.3.c.]

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

[45CSR§10-3.8.]

Acid Rain Program

- 4.1.17. Boiler No. 1, Boiler No. 2, and Boiler No. 3 are Phase II Acid Rain affected units under 45CSR33, as defined by 40 C.F.R § 72.6, and as such are required to meet the requirements of 40 C.F.R. Parts 72, 73, 74, 75, 76, 77 and 78. These requirements include, but are not limited to:

- a. Hold an Acid Rain permit;

- b. Hold allowances, as of the allowance transfer deadline, in the unit's compliance sub-account of not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit;
- c. Comply with the applicable Acid Rain emissions for sulfur dioxide;
- d. Comply with the applicable Acid Rain emissions for nitrogen oxides;
- e. Comply with the monitoring requirements of 40 C.F.R. 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;
- f. Submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 C.F.R. 72, Subpart I and 40 C.F.R. 75.

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

4.1.18. Electric Utility Steam Generating Units (EGU) MACT, 40 CFR 63, Subpart UUUUU:

- a. The coal-fired Electric Utility Steam Generating Units B1, B2, and B3 shall comply with all applicable requirements for existing affected sources, pursuant to 40 CFR 63, Subpart UUUUU "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units" no later than the existing source compliance date of April 16, 2015, or as amended by US EPA.
- b. If required to conduct an initial compliance demonstration by performance testing as specified in §63.10011(a), you must submit a Notification of Compliance Status (NOCS) report according to §63.9(h)(2)(ii). The NOCS report must contain all of the information specified in §63.10030(e)(1)-(7), as applicable. If required to submit a Notification of Compliance Status pursuant to 40 CFR 63, Subpart UUUUU, the permittee shall also submit a complete application for significant modification to the Title V permit to incorporate the specific requirements of the rule no later than the maximum time allowed for the NOCS submittal in 40 CFR §63.10030(e). If requested, this Title V permitting deadline may be changed upon written approval by the Director. The permittee shall request the change in writing at least 30 days prior to the application due date.

[45CSR34; 40 CFR 63, Subpart UUUUU, 45CSR§30-6.5.b.]

4.2. Monitoring Requirements

- 4.2.1. Compliance with the visible emission requirements for *STACK1*, *STACK2* and *STACK3* shall be determined as outlined in section I.A. of the *Revision 1* "Monitoring and Recordkeeping Plan 45CSR2 and 45CSR10" submitted on January 1, 1998 and which is attached in Appendix A of this permit. (Monitoring Plan Approval Date – August 30, 2001)

[45CSR§2-3.2. & 8.2.]

- 4.2.2. The owner or operator shall install, calibrate, certify, operate, and maintain continuous monitoring systems that measure and record Opacity and all SO₂, NO_x, and CO₂ emissions from emission points Stack 1, Stack 2, and Stack 3 as specified in 40 C.F.R. Part 75. The one minute average opacity data shall be used as an input to calculate one minute PM emission rates. Opacity shall be measured on a continuous basis with the exception of QC/QA periods, monitor malfunctions periods, and periods where the boiler is off-line.

[45CSR§30-5.1.c., 45CSR33, 40 C.F.R. § 75.10, and 40 C.F.R. § 64.3(b)(1)]

- 4.2.3. The Data Acquisition System shall be programmed to calculate PM emissions (lb/hr) from opacity data. The equation used to calculate TSP emissions will be developed using the opacity vs. TSP concentration

correlation curves as determined by particulate testing with the TEOM 7000. The opacity vs. TSP concentration curve will be developed using at least 1,000 paired data points that will attempt to capture a normal full daily cycle of operations. An excursion shall be defined as a 3-hour block average where the calculated PM emission rate exceeds the limit established in 45CSR§2-4.1.a. (47.7 lb/hr for Boilers B1 and B2; 67.1 lb/hr for Unit B3)

[45CSR§30-5.1.c. and 40 C.F.R. § 64.3(b)(1)]

- 4.2.4. The COM QA/QC procedures shall be consistent with the applicable requirements of 40 CFR Part 75.
[40 C.F.R. §75.21 and 40 C.F.R. § 64.3(b)(3)]
- 4.2.5. The TSP emission data collected by the TEOM 7000 shall be validated in accordance with manufacturer's recommendations as approved by EPA in the alternative Reference Method approval letter dated October 3, 2002, from Conniesue B. Oldham, EPA to Mr. Edward C. Burgher of Rupprecht & Patashnick Co., Inc.

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

If, before the scheduled 45CSR2 Method 5 testing, Monongahela Power provides documentation, which supports the use of the TEOM 7000 method as a valid alternative to Method 5, the Method 301 validation testing will not be necessary. Any supporting documentation must be submitted to WV Division of Air Quality at least 90 days prior to the first scheduled 45CSR2 testing event.

[45CSR§30-5.1.c. and 40 C.F.R. § 64.3(b)(3)]

- 4.2.6. *Proper maintenance.* At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
[40 C.F.R. § 64.7(b) and 45CSR§30-5.1.c]
- 4.2.7. *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) and 45CSR§30-5.1.c]
- 4.2.8. *Response to excursions or exceedances.*
- (1) Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions

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

- (2) Determination of whether the owner or operator 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) and 45CSR§30-5.1.c]

- 4.2.9. *Documentation of need for improved monitoring.* After approval of monitoring under this part, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the part 70 or 71 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) and 45CSR§30-5.1.c]

- 4.2.10. The permittee is subject to the quality improvement plan (QIP) requirements of 40 C.F.R. §64.8.

[40 C.F.R. §64.8 and 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 Boiler No. 1, Boiler No. 2 and Boiler No. 3 with the particulate matter weight emission standards (in lbs/hr). Such tests shall be conducted in accordance with the appropriate method set forth in 45CSR2 Appendix - Compliance Test Procedures for 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such tests shall be conducted in accordance with the schedule set forth in the following table.

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

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

[45CSR§2-8.1., 45CSR§2A-5.2.]

4.4. Recordkeeping Requirements

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

4.5. Reporting Requirements

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

file a certified written report concerning the malfunction with the Secretary within thirty (30) days providing the following information:

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

[45CSR§2-9.3.b.]

4.5.5. *General reporting requirements.*

- a. On and after the date specified in 40 C.F.R. §64.7(a) by which the owner or operator must use monitoring that meets the requirements of this part, the owner or operator shall submit monitoring reports to the permitting authority in accordance with 40 C.F.R. §70.6(a)(3)(iii).
- b. A report for monitoring under this part shall include, at a minimum, the information required under 40 C.F.R. §70.6(a)(3)(iii) and the following information, as applicable:
 - i. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
 - ii. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
 - iii. A description of the actions taken to implement a QIP during the reporting period as specified in 40 C.F.R. §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

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

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

5.1. Limitations and Standards

5.1.1. This permit authorizes the combustion of biomass at the Albright Power Station in accordance with the following requirements:

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

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

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

Table 4.1.3.: Hourly Emission Limits

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

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

5.1.3. The permittee shall minimize the entrainment of fugitive particulate matter from the biomass handling operations by operating in accordance with the following:

- a. Trucks that deliver biomass shall be tarped;
- b. Biomass shall be stored closed silos;
- c. Biomass shall be introduced to the boilers via a closed piping system.

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

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

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

5.2. Monitoring Requirements

5.2.1. For the purposes of demonstrating compliance with maximum biomass usage limit set forth in 5.1.1(a), the permittee shall install, evaluate, operate, and maintain instrumentation to record the weight rate of biomass

being combusted by each boiler.

[45CSR13, R13-2752 condition 4.2.1., Emission Units (B1, B2, B3)]

- 5.2.2. For the purposes of demonstrating compliance with maximum biomass usage limit set forth in 5.1.1(b), the permittee shall maintain monthly and rolling twelve month records of the amount of biomass that is combusted in each boiler.

[45CSR13, R13-2752 condition 4.2.2., Emission Units (B1, B2, B3)]

- 5.2.3. The permittee shall monitor applicable annual emissions as required under 45CSR§14-19.8.

45CSR§14-19.8.c.

The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions unit identified in 45CSR§14-19.8.a.1. The owner or operator shall calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of 5 years following resumption of regular operations after the change, or for a period of 10 years following resumption of regular operations after the change if the project increases the design capacity of or potential to emit that regulated NSR pollutant at such emissions unit.

[45CSR13, R13-2752 condition 4.3.3., 45CSR§14-19.8.c., Emission Units (B1, B2, B3)]

5.3. Testing Requirements

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

[45CSR13, R13-2752 condition 4.3.1., Emission Units (B1, B2, B3)]

5.4. Recordkeeping Requirements

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

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

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

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

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

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

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

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

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

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

- 5.4.4. The permittee shall abide by the record-keeping requirements given under 45CSR§14-19.8. Compliance with this record-keeping requirement is determined to be equivalent to that defined within monitoring section 5.2.3. of this permit. Therefore, compliance with 5.2.3. streamlines compliance with 5.4.4.

[45CSR13, R13-2752 condition 4.4.4., 45CSR§14-19.8.c., Emission Units (B1, B2, B3)]

5.5. Reporting Requirements

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

45CSR§14-19.8.d.

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

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

6.0. Source-Specific Requirements [Emergency Diesel Generator (EDG)]

6.1. Limitations and Standards

- 6.1.1. The permittee must comply with the general provisions of 40 C.F.R. 63 as shown in Table 8 of 40 C.F.R. 63 Subpart ZZZZ except for the following which do not apply as per 40 C.F.R. §63.6645(a)(5): 40 C.F.R. §§ 63.7(b) and (c), 40 C.F.R. §§ 63.8(e), (f)(4), and (f)(6), and 40 C.F.R. §§ 63.9(b)-(e), (g) and (h).
[45CSR34; 40 C.F.R. §63.6665, 40 C.F.R. §63.6645(a)(5), Table 8 of 40 C.F.R. 63 Subpart ZZZZ]
- 6.1.2. For the existing emergency stationary CI RICE (EDG) located at a major source of HAP emissions, the permittee with the following requirements from Table 2c of 40 C.F.R. 63 Subpart ZZZZ.
- Change oil and filter every 500 hours of operation or annually, whichever comes first.
 - Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary.
 - Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.
 - Minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.
- [45CSR34; 40 C.F.R. §63.6602; Table 2c of 40 C.F.R. 63 Subpart ZZZZ]**
- 6.1.3. Beginning January 1, 2015, if you own or operate an existing emergency CI stationary RICE with a site rating of more than 100 brake HP and a displacement of less than 30 liters per cylinder that uses diesel fuel and operates or is contractually obligated to be available for more than 15 hours per calendar year for the purposes specified in 40 C.F.R. §§63.6640(f)(2)(ii) and (iii) or that operates for the purpose specified in 40 C.F.R. §63.6640(f)(4)(ii), you must use diesel fuel that meets the requirements in 40 CFR §80.510(b) for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to January 1, 2015, may be used until depleted.
[45CSR34; 40 C.F.R. §63.6604(b)]
- 6.1.4. The permittee must comply with the general compliance requirements of 40 C.F.R. §63.6605.
[45CSR34; 40 C.F.R. §63.6605]
- 6.1.5. The permittee must demonstrate continuous compliance with each emission limitation or operating limitation in Table 2c of 40 C.F.R. 63 Subpart ZZZZ that apply according to the following methods from Table 6 of 40 C.F.R. 63 Subpart ZZZZ.
- Operating and maintaining the stationary RICE according to the manufacturer's emission-related operation and maintenance instructions; or
 - Develop and follow your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.
- [45CSR34; 40 C.F.R. §63.6640(a), Table 6 of 40 C.F.R. 63 Subpart ZZZZ]**

6.2. Monitoring Requirements

- 6.2.1. The permittee must comply with the following applicable monitoring requirements of 40 C.F.R. 63 Subpart ZZZZ: 40 C.F.R. §§ 63.6625(e), (f), (h), and (j).
[45CSR34; 40 C.F.R. § 63.6625]

6.3. Testing Requirements

- 6.3.1. *Reserved.*

6.4. Recordkeeping Requirements

- 6.4.1. The permittee must comply with the recordkeeping requirements of 40 C.F.R. §63.6655 with the exception of 40 C.F.R. §63.6655(c) which does not apply.
[45CSR34; 40 C.F.R. §§63.6655 (a), (b), (d), (e), & (f)]

6.5. Reporting Requirements

- 6.5.1. The permittee must comply with the reporting requirements of 40 C.F.R. §63.6650(h).
[45CSR34; 40 C.F.R. §63.6650(h)]
- 6.5.2. The permittee must report each instance in which each applicable emission limitation or operating limitation in Table 2c of 40 C.F.R 63 Subpart ZZZZ was not met. These instances are deviations from the emission and operating limitations of 40 C.F.R 63 Subpart ZZZZ. These deviations must be reported according to the requirements of 40 C.F.R § 63.6650.
[45CSR34; 40 C.F.R. §63.6640(b)]
- 6.5.3. The permittee must report each instance in which the applicable requirements in Table 8 of 40 C.F.R. 63 Subpart ZZZZ were not met.
[45CSR34; 40 C.F.R. §63.6640(e)]
- 6.5.4. The permittee must operate the emergency stationary RICE according to the requirements in 40 C.F.R. §§63.6640(f)(1) through (4). In order for the engine to be considered an emergency stationary RICE under 40 C.F.R. 63 Subpart ZZZZ, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in 40 C.F.R. §§63.6640(f)(1) through (4), is prohibited. If you do not operate the engine according to the requirements in 40 C.F.R. §§63.6640(f)(1) through (4), the engine will not be considered an emergency engine under 40 C.F.R. 63 Subpart ZZZZ and must meet all requirements for non-emergency engines.
[45CSR34; 40 C.F.R. §63.6640(f)]
- 6.5.5. If the emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of 40 C.F.R. 63 Subpart ZZZZ, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.
[45CSR34; Footnote 1 of Table 2c of 40 C.F.R. 63 Subpart ZZZZ]

APPENDIX A

Albright Power Station 45CSR2 & 45CSR10 Monitoring Plan
Revision 1
Approved - August 30, 2001

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

Facility Information:

Facility Name: Albright Power Station

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

Facility Contact: James A. Lefik
Firstenergy Corp.
800 Cabinhill Drive
Greensburg, PA 15601
Telephone (724) 838-6136
FAX # (234)678-2384

Responsible Official: Raymond L. Evans
V.P., Environmental and Technologies
76 S. Main Street
Akron, OH 44308
Telephone (330) 761-8830

Facility Description: (Plant ID # 7700001)

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

I. 45 CSR 2 Monitoring Plan:

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

A. Stacks 1, 2 and 3

1. Applicable Standard: 10% opacity based on a six-minute block average 45 CSR 2, § 3.1.

2. Monitoring Methods(s)

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

II. 45 CSR 10 Monitoring Plan:

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

A. Stacks 1, 2 and 3

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

III. 45 CSR 2 Recordkeeping and Reporting Plan

A. Operating Schedule and Quality/Quantity of Fuel Burned

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

shipment as determined in 45 CSR 2A, § 7.1.a.4.

5. Alternative, and/or opportunity fuel(s): such records shall include, but not be limited to, the date and time of start-up and shutdown, and fuel quality analysis as approved by the director as determined by 45 CSR 2A, § 7.1.a.5.
6. Combination of fuels: the owner or operator shall comply with the applicable recordkeeping requirements of §§ 7.1.a.1 through 7.1.a.5 for each fuel burned as determined in 45 CSR 2A, § 7.1.a.6.

B. Record Maintenance

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

C. Exception Reporting

1. Compliance with the reporting and testing requirements under the Appendix to 45 CSR 2 shall fulfill the requirement for a periodic exception report under subdivision 8.3.b or 45 CSR 2 – 45 CSR 2A, § 7.2.a.
2. COMS: “Summary Report and/or Monitoring System Performance Report”: Each owner or operator employing COMS as the method for monitoring opacity shall submit a summary report and /or an excursion and COMS monitoring system report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may require more frequent reporting if deemed necessary to accurately assess compliance. The COMS summary report will be in an already established format, or one specified by the Director.
 - a. If the duration of excursions for the reporting period is less than one percent (1%) of the total operating time and monitoring system downtime for the reporting period is less than five percent (5%) of the total operating time, the summary report shall be submitted to the Director, the excursion and COMS monitoring system report shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 2A, § 7.2.b.1.
 - b. If the total duration of excursions for the reporting period is one percent (1%) or greater of the total operating time, or total monitoring system downtime for the reporting period is five percent (5%) or greater, both reports shall be submitted to the Director. Ref 45 CSR 2A, § 7.2.b.2.
 - c. The excursion and COMS monitoring system report shall be in a format approved by the Director and shall include, but not be limited to the following information. Ref 45 CSR 2A, §§. 7.2.b.3, 7.2.b.3.A, B, C, D, and E.
 - d. The magnitude of each excursion, including the date and time, and the starting and ending times of each excursion.
 - e. Specific identification of each excursion that occurs during start-ups, shutdowns and malfunctions.
 - f. The nature and cause of any excursion (if known), and the corrective action taken and preventative measures adopted (if any).
 - g. The date and time identifying each period during which quality controlled (assured) monitoring data was unavailable, except for zero and span checks, and the reason for data unavailability and

the nature of repairs or adjustments to the monitoring system.

- h. When no excursions have occurred or there were no periods of quality controlled data unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report.
3. Non-COMS Based Monitoring, Summary Report and Excursion Report. Each owner or operator employing non-COMS based monitoring shall submit a monitoring summary report and/or an excursion report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may request more frequent reporting if deemed necessary to accurately assess the compliance of the units. The report shall be in a format approved by the Director. Ref. 45 CSR 2A, § 7.2.c.
 - a. If the total number of excursions for the reporting period is less than one percent (1%) of the total number of readings for the reporting period and the number of readings missing for the reporting period is less than five percent (5%) of the total number of readings agreed upon in the monitoring plan, the monitoring summary report shall be submitted to the Director, and the excursion report shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 2A, § 7.2.c.1.
 - b. If the number of excursions for the reporting period is one percent (1%) or greater of the total number of readings for the reporting period or the number of readings missing for the reporting period is five percent (5%) or greater, the monitoring plan summary report and the excursion report shall both be submitted to the Director. Ref 45 CSR 2A, § 7.2.c.2.
 - c. The excursion and monitoring plan report shall be in a format approved by the Director and shall include, but not be limited to, the information as outlined in Paragraph C.2.d, e, f, g, and h of this plan.
 - d. To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45 CSR 2 shall be followed. Ref. 45 CSR 2A, § 7.2.d.

IV. 45 CSR 10 Recordkeeping and Reporting Plan

A. Operating Schedule and Quality/Quantity of Fuel Burned

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

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

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

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

B. Record Maintenance

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

C. Exception Reporting

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

the report. Ref. 45 CSR 10A, § 7.2.a.4.E.

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

ALBRIGHT POWER STATION
 REVISION 1

45CSR2A

Table 4 - Sum of Design Heat Inputs for Similar Units

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

45CSR2A Registration Forms

ALBRIGHT POWER STATION
 REVISION 1

45CSR2A

Table 2 - Weight Emission Limits for Similar Units

(A)	(B)	(C)	(D)
Total Design Heat Input (mmBtu/hr)	Factor from 45 CSR 2 Subsection 3 (lb/mmBtu)	Weight Emission Rate (lb/hr)	
Sum of DHI for all Type a units	3,250	0.05	162.5
Sum of DHI for all Type b units		0.00	0
Sum of DHI for all Type c units		N/A - 100 k ip 15/hr limit 45CSR2-Table 45	

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

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

45CSR2A Registration Forms

ALBRIGHT POWER STATION
 REVISION 1

45CSR2A

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

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

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

ALBRIGHT POWER STATION
 REVISION 1

45CSR10A

Table 1 - Sum of Design Heat Inputs for Similar Units

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

45CSR10A Registration Forms

ALBRIGHT POWER STATION
 REVISION 1

45CSR10A

Table 2 - Weight Emission Limits for Similar Units

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

45CSR10A Registration Forms

ALBRIGHT POWER STATION
 REVISION 1

45CSR10A

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

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

¹ The sum of the Alternative Stack Emission Rates for similar units shall not exceed the Weight Emission Rates for all similar units in Table 2, Column 4.

APPENDIX B

Albright Power Station CAIR 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

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

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

Unit ID#	NO _x Annual	NO _x Ozone Season	SO ₂ Annual
Unit 1	X	X	X
Unit 2	X	X	X
Unit 3	X	X	X

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

Standard Requirements
(a) Permit Requirements.
 (1) The CAIR designated representative of each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) required to have a Title V operating permit at the source shall:
 (i) Submit to the Secretary a complete CAIR permit application under 45CSR§39-22, 45CSR§40-22 and 45CSR§41-22 (as applicable) in accordance with the deadlines specified in 45CSR§39-21, 45CSR§40-21 and 45CSR§41-21 (as applicable); and
 (ii) Submit in a timely manner any supplemental information that the Secretary determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.
 (2) The owners and operators of each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) required to have a Title V operating permit at the source shall have a CAIR permit issued by the Secretary under sections 20 through 24 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) for the source and operate the source and the unit in compliance with such CAIR permit.
 (3) Except as provided in sections 80 through 88 of 45CSR39, 45CSR40 and 45CSR41, the owners and operators of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) that is not otherwise required to have a Title V operating permit and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) that is not otherwise required to have a Title V operating permit are not required to submit a CAIR permit application and to have a CAIR permit, under sections 20 through 24 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) for such CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) and such CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable).

STEP 3,
continued

Plant Name Albright Power Station

CAIR Permit Application
Page 2

(b) Monitoring, reporting and recordkeeping requirements.

(1) The owners and operators and the CAIR designated representative, of each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) at the source shall comply with the monitoring, reporting and recordkeeping requirements of sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable).

(2) The emissions measurements recorded and reported in accordance with sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) shall be used to determine compliance by each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) with the CAIR NO_x Annual emissions limitation, CAIR NO_x Ozone Season emissions limitation and CAIR SO₂ emissions limitation (as applicable) under 45CSR§39-6.3, 45CSR§40-6.3 and 45CSR§41-6.3 (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 60 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 60 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 SO₂ source and each CAIR SO₂ unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO₂ allowances available for compliance deductions for the control period, as determined in accordance with subsections 54.1 and 54.2 of 45CSR§41 in an amount not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source, as determined in accordance with sections 70 through 75 of 45CSR41.

(2) A CAIR SO₂ unit shall be subject to the requirements under 45CSR§41-6.3.a for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, or 70.2.e of 45CSR41 and for each control period thereafter.

(3) A CAIR SO₂ allowance shall not be deducted, for compliance with the requirements under 45CSR§41-6.3.a, for a control period in a calendar year before the year for which the CAIR SO₂ allowance was allocated.

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

(5) A CAIR SO₂ allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO₂ Trading Program. No provision of the CAIR SO₂ Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 45CSR§41-5 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR SO₂ allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 51 through 57, 60 through 62, and 80 through 88 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from a CAIR SO₂ source's compliance account is incorporated automatically in any CAIR permit of the source.

Plant Name **Albright Power Station**

CAIR Permit Application
Page 3

**STEP 3,
continued**

(f) Excess emissions requirements.

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

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

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

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

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

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

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

(i) The owners and operators of the source and each CAIR SO₂ unit at the source shall surrender the CAIR SO₂ allowances required for deduction under 45CSR§41-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

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

(g) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Secretary or the Administrator.

(i) The certificate of representation under 45CSR§39-13, 45CSR§40-13 and 45CSR§41-13 (as applicable) for the CAIR designated representative for the source and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 45CSR§39-13, 45CSR§40-13 and 45CSR§41-13 (as applicable) changing the CAIR designated representative.

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

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO₂ Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO₂ Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO₂ Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) and each CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) at the source shall submit the reports required under the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO₂ Trading Program (as applicable) including those under sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable).

(h) Liability.

(1) Each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) and each NO_x unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) shall meet the requirements of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO₂ Trading Program (as applicable).

(2) Any provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program or CAIR SO₂ Trading Program (as applicable) that applies to a CAIR NO_x Annual source, CAIR NO_x Ozone Season source or CAIR SO₂ source (as applicable) or the CAIR designated representative of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source or CAIR SO₂ source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO_x Annual units, CAIR NO_x Ozone Season units or CAIR SO₂ units (as applicable) at the source.

(3) Any provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program or CAIR SO₂ Trading Program (as applicable) that applies to a CAIR NO_x Annual unit, CAIR SO₂ unit or CAIR NO_x Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit or CAIR SO₂ unit (as applicable) shall also apply to the owners and operators of such unit.

(i) Effect on Other Authorities.

No provision of the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program and CAIR SO₂ Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under 45CSR§39-5, 45CSR§40-5, or 45CSR§41-5 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) or CAIR NO_x Annual unit, CAIR NO_x Ozone Season unit and CAIR SO₂ unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

STEP 3,
continued

Plant Name	Albright Power Station
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CAIR Permit Application
Page 4

Certification

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

CAIR Designated Representative	David C. Cannon Jr.	
Signature		Date 6/2/2007

APPENDIX C

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



west virginia department of environmental protection

Division of Air Quality
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Charleston, WV 25304
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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].

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CO-R37-C-2008-4
 Page 2

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

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

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

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CO-R37-C-2008-4

Page 3

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

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

ORDER HOLDING 45CSR37 REQUIREMENTS IN ABEYANCE

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

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

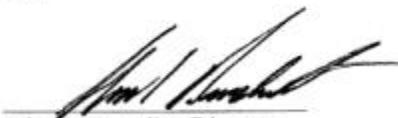
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CO-R37-C-2008-4
Page 4

OTHER PROVISIONS

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

This Order shall become effective April 7, 2008.



John A. Benedict, Director
Division of Air Quality