

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

*Joe Manchin, III  
Governor*

*Stephanie R. Timmermeyer  
Cabinet Secretary*

# Permit to Operate



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

*Issued to:*  
**Pocahontas Coal Company, LLC**  
**East Gulf Preparation Plant / Rhodell, WV**  
**R30-08100012-2007**

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*John A. Benedict  
Director*

*Issued: October 16, 2007 • Effective: October 30, 2007  
Expiration: October 16, 2012 • Renewal Application Due: April 16, 2012*

Permit Number: **R30-08100012-2007**  
Permittee: **Pocahontas Coal Company, LLC**  
Facility Name: **East Gulf Preparation Plant**  
Mailing Address: **109 Appalachian Drive, Beckley WV 25801**

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

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Facility Location:	Rhodell, Raleigh County, West Virginia
Mailing Address:	Same as above
Telephone Number:	(304) 255-9030
Type of Business Entity:	LLC
Facility Description:	Coal Preparation Plant with Thermal dryer
SIC Codes:	Primary 1221; Secondary NA; Tertiary NA
UTM Coordinates:	474.80 km Easting • 4164.16 km Northing • Zone 17

Permit Writer: Frederick Tipane

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

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

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**APPENDIX A** – ~~“Attachment Appendix A, from Permit R13-2484”~~

**[APPENDICES B through D – Appendices B through D, from permit R13-2484](#)**

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

### 1.1 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device <sup>1</sup>
RCTD1 (25S)	T8 & T9	Raw Coal Truck Dump No. 1 – 200 Ton Bin	GF (1972)	600 TPH 5.3 MM tpy	PE
RCTD2 (26S)	T1, & T2	Raw Coal Truck Dump No. 2 – 150 Ton Bin	1978	600 TPH 5.3 MM tpy	PE
RB-1 (24S)	T3, T4 & T15	Prep. Plant Rotary Breaker- Pennsylvania Crusher – Model No. RMD 9' x 16'	1978	600 TPH 5.3 MM tpy	FE
TD1 (31S)	T33, T34, T35, T36 & 001	Thermal Dryer – J. O. Lively Fluid bed Dryer, Model No. H & P 80, Design capacity – 80 MM BTU per hour heat input. Double Butterfly Cyclone – 106,000 acfm. Venturi Scrubber – Flex-Kleen, Model # 60 – 1156 HP fan – Water Supply – 503 gal/min. Flex-Kleen High Velocity Mist Eliminator	1972 (Mod. '82– 90)	320 TPH 2.8 MM tpy	MCS/WSS
ENF1 (32S)	T17 & T18	Endloader Feeder No.1 (refuse)	1978	10 TPH 30,000 tpy	PE
RRCD (36S)	T10, T11 & T12	Railcar Unloading Facility	FUTURE (2002)	600 TPH 5.3 MM tpy	PE
SC-1 (007)	T7A, T7B, T7C, and T13	Double Deck Screen	GF (1972)	750 TPH	FE
PP1 (38S)	T46	Preparation Plant	GF (1972 -?)	600 TPH 3.71 MM tpy	FE
<b>CONVEYOR BELTS</b>					
RCC1 (1S)	T2 & T3	Raw Coal Conveyor No.1	1978	600 TPH 5.3 MM tpy	FE
RCC2 (2S)	T4 & T5	Raw Coal Conveyor No. 2	1978	540 TPH 4.77 MM tpy	FE
RCC3 (3S)	T6 & T7	Plant Feed Conveyor No. 3	1978	600 TPH 4.7 MM tpy	FE
RCC4 (4S)	T9 & T13	Raw Coal Conveyor No. 4	GF (1972)	600 TPH 5.3 MM tpy	PE
RCC5 (5S)	T13 & T3	Raw Coal Conveyor No. 5	1978	600 TPH 5.3 MM tpy	FE

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

<b>Emission Unit ID</b>	<b>Emission Point ID</b>	<b>Emission Unit Description</b>	<b>Year Installed</b>	<b>Design Capacity</b>	<b>Control Device<sup>1</sup></b>
RC1 (6S)	T14 & T15	Refuse Conveyor No. 1	1986	294 TPH 2.6 MM tpy	PE
RC2 (7S)	T16 & T19	Refuse Conveyor No. 2	1986	294 TPH 2.6 MM tpy	PE
RC3 (8S)	T19 & T20	Refuse Conveyor No. 3	1986	294 TPH 2.6 MM tpy	PE
RC4 (9S)	T20 & T21	Refuse Conveyor No. 4	1986	294 TPH 2.6 MM tpy	PE
RC5 (10S)	T21 & T22	Refuse Conveyor No. 5	1986	294 TPH 2.6 MM tpy	PE
RC6 (11S)	T22 & T23	Refuse Conveyor No. 6	1986 (Mod 2001)	294 TPH 2.6 MM tpy	PE
RC7 (12S)	T23 & T24	Refuse Conveyor No. 7	1986 (Mod2001)	294 TPH 2.6 MM tpy	PE
RC8 (13S)	T24 & T25	Refuse Conveyor No. 8	Permitted but not installed	294 TPH 2.6 MM tpy	PE
RC9 (14S)	T25 & T26	Refuse Conveyor No. 9	Permitted but not installed	294 TPH 2.6 MM tpy	PE
RC10 (15S)	T26 & T27	Refuse Conveyor No. 10	Permitted but not installed	294 TPH 2.6 MM tpy	PE
RC11 (16S)	T27 & T28	Refuse Conveyor No. 11	Permitted but not installed	294 TPH 2.6 MM tpy	PE
RC14 (17S)	T30 & T31	Refuse Stacking Conveyor No. 14	1986 (Mod2001)	294 TPH 2.6 MM tpy	MC
CC1 (18S)	T32 & T33	Clean Coal Conveyor No. 1	GF (1972)	320 TPH 2.6 MM tpy	PE
CC2 (19S)	T36 & T37	Clean Coal Conveyor No. 2	GF (1972)	320 TPH 2.6 MM tpy	PE
CC3 (20S)	T37, T35 & T38	Clean Coal Conveyor No. 3	GF (1972)	320 TPH 2.6 MM tpy	PE
CC4 (21S)	T40 T41 & T42	Clean Coal Conveyor No. 4	1983	430 TPH 3.71 MM tpy	PE
CC5 (22S)	T44 & T45	Clean Coal Conveyor No. 5	1983	800 TPH 3.71 MM tpy	PE
CC6 (23S)	T38 T39 T41 & T45	Clean Coal Reversing Conveyor No. 6	1983	800 TPH 3.71 MM tpy	PE/FE

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device <sup>1</sup>
RCC6 (33S)	T11 & T12	Railcar Unloading Conveyor No. 1	Permitted but not installed	600 TPH 5.3 MM tpy	PE
<a href="#">RCC7</a>	<a href="#">T48</a>	<a href="#">Raw Coal Conveyor Belt</a>	<a href="#">2009</a>	<a href="#">500 tons per hour</a>	<a href="#">PE</a>
<a href="#">RCC8</a>	<a href="#">T49</a>	<a href="#">Raw Coal Conveyor Belt</a>	<a href="#">2009</a>	<a href="#">500 tons per hour</a>	<a href="#">PE</a>
<a href="#">RCC9</a>	<a href="#">T50</a>	<a href="#">Raw Coal Conveyor Belt</a>	<a href="#">2009</a>	<a href="#">500 tons per hour</a>	<a href="#">PE</a>
<a href="#">RCC10</a>	<a href="#">T51</a>	<a href="#">Raw Coal Conveyor Belt</a>	<a href="#">2009</a>	<a href="#">500 tons per hour</a>	<a href="#">PE</a>
RC12 (34S)	T28 & T29	Refuse Conveyor No. 12	Permitted but not installed	294 TPH 2.6 MM tpy	PE
RC13 (35S)	T29 & T30	Refuse Conveyor No. 13	Permitted but not installed	294 TPH 2.6 MM tpy	PE
CC1-A (37S)	T33 & T34	Clean Coal Conveyor No. 1A	1972	3 TPH 26,280 tpy	FE
<b>STORAGE</b>					
RCS1 (27S)	T5 & T6	Raw Coal Silo	1978	5,500 Tons 4.8 MM tpy	FE
RB1 (28S)	T15 & T16	Refuse Bin No. 1	1978	150 Tons 2.6 MM tpy	FE/FE
CB1 (29S)	T39 & T46	Clean Coal Loadout Bin No. 1	1972	20 Tons 3.71 MM tpy	FE
CCOS1 (30S)	T42, T43* & T44	Clean Coal Open Stockpile No. 1 with Stacking Tube 120,000 Sq. Ft. area * Emergency Wet Clean out	1983	150,000 Tons 3.71 MM tpy	MC / MD
<b>HAULROADS</b>					
UPHR1	T8	Haulroad to Raw Coal Truck Dump No. 1 (Unpaved) 0.67 miles round trip.	GF (1972)	N/A	RWMW
UPHR2	T1	Haulroad to Raw Coal Truck Dump No. 2 (Unpaved) <del>0.26</del> <a href="#">0.41</a> miles round trip.	1978	N/A	RWMW
<a href="#">UPHR3</a>	<a href="#">T8</a>	<a href="#">Haulroad to Raw Coal Truck Dump No. 1 (Unpaved) 5.054 miles round trip.</a>	<a href="#">2003</a>	<a href="#">N/A</a>	<a href="#">RWMW</a>

## 1.2. Active R13, R14, and R19 Permits

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

Permit Number	Date of Issuance
R13-2484BC	<del>June 5, 2007</del> <a href="#">February 8, 2011</a>

## 2.0 General Conditions

### 2.1. Definitions

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

### 2.2. Acronyms

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

**VEE** Visual Emissions Evaluation  
**VOC** Volatile Organic Compounds

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

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

### **2.4. Permit Actions**

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

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

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

**[45CSR§30-6.6.a.]**

## **2.6. Administrative Permit Amendments**

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

## **2.7. Minor Permit Modifications**

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

## **2.8. Significant Permit Modification**

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

## **2.9. Emissions Trading**

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

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

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:
- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
  - b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
  - c. The change shall not qualify for the permit shield.
  - d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

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

**[45CSR§30-5.9.]**

## **2.11. Operational Flexibility**

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

**[45CSR§30-5.8]**

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

**[45CSR§30-5.8.a.]**

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

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

**[45CSR§30-5.8.c.]**

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

**[45CSR§30-2.39]**

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

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

**[45CSR§30-5.1.i.]**

## **2.13. Duty to Comply**

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

**[45CSR§30-5.1.f.1.]**

## **2.14. Inspection and Entry**

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

**[45CSR§30-5.3.b.]**

## **2.15. Schedule of Compliance**

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

**[45CSR§30-5.3.d.]**

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

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

**[45CSR§30-5.1.f.2.]**

## **2.17. Emergency**

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

**[45CSR§30-5.7.a.]**

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

**[45CSR§30-5.7.b.]**

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

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

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

**[45CSR§30-5.7.c.]**

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

**[45CSR§30-5.7.d.]**

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

**[45CSR§30-5.7.e.]**

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

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

**[45CSR§30-5.2.a.]**

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

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

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

**[45CSR§30-5.1.f.5.]**

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

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

**[45CSR§30-4.2.]**

## **2.21. Permit Shield**

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

**[45CSR§30-5.6.a.]**

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

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

**[45CSR§30-5.6.c.]**

## **2.22. Credible Evidence**

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

**[45CSR§30-5.3.e.3.B. and 45CSR38]**

## **2.23. Severability**

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

**[45CSR§30-5.1.e.]**

## **2.24. Property Rights**

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

**[45CSR§30-5.1.f.4]**

## **2.25. Acid Deposition Control**

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

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

**[45CSR§30-5.1.d.]**

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

**[45CSR§30-5.1.a.2.]**

### 3.0 Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.  
**[45CSR§6-3.1.]**
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
**[45CSR§6-3.2.]**
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
**[40 C.F.R. §61.145(b) and ~~45CSR15~~ [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 No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.

**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, [4.1.10](#) and 45CSR§5-3.4.]**

- 3.1.10 No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air. All fugitive dust control systems shall remain functional year-round, to the maximum extent practicable, including winter months and cold weather.

**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, [4.1.10](#) and 45CSR§5-6.1.]**

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

**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, [4.1.10](#) and 45CSR§5-6.2.]**

- 3.1.12 At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Secretary which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

**[45CSR16, 40 CFR §60.11(d), [45CSR13, R13-2484, 4.1.17](#)]**

- 3.1.13 The permittee shall inspect all fugitive dust control systems weekly 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. Such records shall state any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

**[45CSR§30-5.1.c.]**

- [3.1.14. When emissions on an annual basis of one or more of the greenhouse gases listed below are greater than the \*de minimis\* amounts listed below, all greenhouse gases emitted above the \*de minimis\* amounts shall be reported to the Secretary under 45CSR§42-4. \(see Section 3.5.\):](#)

<a href="#">Greenhouse Gas Compound</a>	<a href="#">tons/year</a>
<a href="#">carbon dioxide</a>	<a href="#">10,000</a>
<a href="#">methane</a>	<a href="#">476</a>
<a href="#">nitrous oxide</a>	<a href="#">32.6</a>
<a href="#">hydrofluorocarbons</a>	<a href="#">0.855</a>
<a href="#">perfluorocarbons</a>	<a href="#">1.09</a>
<a href="#">sulfur hexafluoride</a>	<a href="#">0.42</a>

[\[45CSR§42-3.1., State-Enforceable only.\]](#)

- 3.1.15. **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 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary. \[45CSR§13-5.11., 45CSR13, R13-2484, 4.1.13\]](#)

### 3.2. Monitoring Requirements

- 3.2.1. *[Reserved]*

### 3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 CFR 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 sixty (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; and,
  3. A statement of compliance or noncompliance with each permit or rule condition.

**[WV Code § 22-5-4(a)(14-15), 45CSR13 - Permit R13-2484 §§B.2., B.5. & C.4., 3.3.1 and 4.1.11, 45CSR§13-6.1., 45CSR§§10-8.1.a. & 8.1.b.]**

- 3.3.2. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part, any alternative method that is approved by the Administrator, or as provided in paragraph (e)(5) of 40CFR§60.11. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).  
**[45CSR16, 40CFR§60.11(b), 45CSR13, R13-2484, 4.3.3]**
- 3.3.3 Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests. An owner or operator of each affected facility that commenced construction, reconstruction, or modification on or before April 28, 2008, must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emission standards using the methods identified in § 60.257.  
**[45CSR16, 40CFR§60.255(a), 45CSR13, R13-2484, 4.3.4]**
- 3.3.4 Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests. An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008, must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emission standards in Subpart Y as specified in paragraph (2) of this section.  
**[40CFR§60.255(b)]**
  - (2) For each affected facility subject to an opacity standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs

(2)(i) and (ii) of this section, as applicable, except as provided for in 40C.F.R. §§60.255 (e) and (f). Performance test and other compliance requirements for coal truck dump operations are specified in 40C.F.R. §60.255(h)  
[40CFR§60.255(b)(2)]

(i) If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.  
[40CFR§60.255(b)(2)(i)]

(ii) If all 6-minute average opacity readings in the most recent performance are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.  
[40CFR§60.255(b)(2)(ii)]

[45CSR16, 45CSR13, R13-2484, 4.3.5.]

3.3.5 Performance Tests and Other Compliance Requirements for Subpart Y. If any affected coal processing and conveying equipment (e.g., breakers, crushers, screens, conveying systems), coal storage systems, or other coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.  
[45CSR16, 40CFR§60.255(c), 45CSR13, R13-2484, 4.3.6]

3.3.6 Performance Tests and Other Compliance Requirements for Subpart Y - Monitoring Visible Emissions or Digital Opacity Compliance System. As an alternative to meeting the requirements in 40 C.F.R. §60.255(b)(2) [see permit condition 3.3.4. above], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in paragraph (1) of this section.  
[40CFR§60.255(f)]

(1) Monitor visible emissions from each affected facility according to the requirements in paragraphs (1)(i) through (iii) of this section.

[40CFR§60.255(f)(1)]

(i) Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within 45 operating days.  
[40CFR§60.255(f)(1)(i)]

(ii) Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.  
[40CFR§60.255(f)(1)(ii)]

(iii) Conduct a performance test using Method 9 of Appendix A-4 of this part at least once every 5 calendar years for each affected facility.  
[40CFR§60.255(f)(1)(iii)]

(2) Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administration or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, see OAQPS “Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems.” This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator delegated authority shall be implemented by the owner or operator.

[40CFR§60.255(f)(2)]

[45CSR16, 45CSR13, R13-2484, 4.3.7]

3.3.7 Performance Tests and Other Compliance Requirements for Subpart Y - COMS. As an alternative to meeting the requirements in 40C.F.R. §60.255(b)(2) [*see permit condition 3.3.4. above*], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in 40C.F.R. §§60.255(g)(1) and (2)

[45CSR16, 40CFR§60.255(g), 45CSR13, R13-2484, 4.3.8]

3.3.8. Performance Tests and Other Compliance Requirements for Subpart Y - Truck Dump Operation.

The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in paragraphs (1) through (3) of this section.

[40CFR§60.255(h)]

(1) Conduct an initial performance test using Method 9 of appendix A-4 of this part according to the requirements in paragraphs 3.3.8(1)(i) and (ii).

[40CFR§60.255(h)(1)]

(i) Opacity reading shall be taken during the duration of three separate truck dump events. Each truck dump event commences when the truck bed begins to elevate and concluded when the truck bed returns to a horizontal position.

[40CFR§60.255(h)(1)(i)]

(ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.

[40CFR§60.255(h)(1)(ii)]

(2) Conduct monthly visual observations of all process and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

[40CFR§60.255(h)(2)]

(3) Conduct a performance test using Method 9 of appendix A-4 of this part at least once every 5 calendar years for each affected facility.

[40CFR§60.255(h)(3)]

[45CSR16, 45CSR13, R13-2484, 4.3.9]

3.3.9. Test Methods and Procedures for Subpart Y. The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (1) through (3) of this section.  
[40CFR§60.257(a)]

- (1) Method 9 of appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in paragraphs 3.3.9(1)(i) and (ii).  
[40CFR§60.257(a)(1)]
  - (i) The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).  
[40CFR§60.257(a)(1)(i)]
  - (ii) If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.  
[40CFR§60.257(a)(1)(ii)]
- (2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in paragraphs 3.3.9(2)(i) through (iii) must be used.  
[40CFR§60.257(a)(2)]
  - (i) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.  
[40CFR§60.257(a)(2)(i)]
  - (ii) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.  
[40CFR§60.257(a)(2)(ii)]
  - (iii) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.  
[40CFR§60.257(a)(2)(iii)]
- (3) A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in paragraphs (3)(i) through (iii) of this section are met.  
[40CFR§60.257(a)(3)]
  - (i) No more than three emissions points may be read concurrently.  
[40CFR§60.257(a)(3)(i)]
  - (ii) All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.  
[40CFR§60.257(a)(3)(ii)]
  - (iii) If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.  
[40CFR§60.257(a)(3)(iii)]  
[45CSR16, 45CSR13, R13-2484, 4.3.10]

3.3.10. [Test Methods and Procedures for Subpart Y.](#) The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in 40C.F.R. §§60.257(b)(1) through (8) [45CSR16, 40CFR§60.257(b), 45CSR13, R13-2484, 4.3.11]

### **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., [45CSR13, R13-2484, 4.4.1](#)]

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 daily records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility.

[45CSR§30-5.1c.]

3.4.5. [Record of Maintenance of Air Pollution Control Equipment.](#) For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

[45CSR13, R13-2484, 4.4.2]

3.4.6. Record of Malfunctions of Air Pollution Control Equipment. For all air pollution control equipment listed in Section 1.0, 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, R13-2484, 4.4.3]

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

**If to the DAQ:**

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

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

**If to the US EPA:**

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

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. **[45CSR§30-8.]**
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: [R3\\_APD\\_Permits@epa.gov](mailto:R3_APD_Permits@epa.gov). The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification. **[45CSR§30-5.3.e.]**
- 3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4. **[45CSR§30-5.1.c.3.A.]**
- 3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.
- 3.5.8. **Deviations.**
- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
  2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions

or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

**[45CSR§30-5.1.c.3.C.]**

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

**[45CSR§30-5.1.c.3.B.]**

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

**[45CSR§30-4.3.h.1.B.]**

- 3.5.10. **Greenhouse Gas Reporting Requirements.** When applicable, as determined in permit section 3.1., greenhouse gas emissions shall be reported pursuant to 45CSR§42-4. as follows:

- a. In accordance with a reporting cycle provided by the Secretary, affected sources shall report to the Secretary the quantity of all greenhouse gases emitted above *de minimis* amounts in the years specified by the Secretary.

**[45CSR§42-4.1., State-Enforceable only.]**

- b. Affected sources shall only be required to report annual quantities of anthropogenic non-mobile source greenhouse gases emitted at the stationary source, and shall not be required to report biogenic emissions of greenhouse gases.

**[45CSR§42-4.2., State-Enforceable only.]**

- c. Reports of greenhouse gas emissions submitted to the Secretary under 45CSR§42-4. shall be signed by a responsible official and shall include the following certification statement: “I, the undersigned, hereby certify that the data transmitted to the West Virginia Department of Environmental Protection is true, accurate, and complete, based upon information and belief formed after reasonable inquiry.

**[45CSR§42-4.5., State-Enforceable only.]**

- 3.5.11. **Reporting for Subpart Y - Opacity Exceedances.** For the purposes of reports required under section 60.7(c), any owner or operator subject to the provisions of Subpart Y also shall report semiannually periods of excess emissions as follow:

**[40CFR§60.258(b)]**

(3) All 6-minute average opacities that exceed the applicable standard.

**[40CFR§60.258(b)(3)]**

**[45CSR16, 45CSR13, R13-2484, 4.5.4]**

- 3.5.12. Reporting for Subpart Y - Results of Initial Performance Tests. The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.  
**[45CSR16, 40CFR§60.258(c), 45CSR13, R13-2484, 4.5.5]**
- 3.5.13. Reporting for Subpart Y - WebFIRE Data Base. After July 11, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test date to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>. For performance tests that cannot be entered into WebFIRE (i.e. Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code D243-01; RTP, NC 27711.  
**[45CSR16, 40CFR§60.258(d), 45CSR13, R13-2484, 4.5.6]**
- 3.5.14. With regard to any testing required by the Director, the permittee shall submit to the Director of Air Quality and the Associate Director - Office of Enforcement and Permit Review (3AP12) of the U.S. EPA a test protocol detailing the proposed test methods, the date, and the time the proposed testing is to take place, as well as identifying the sampling locations and other relevant information. The test protocol must be received by the Director and the Associate Director no less than thirty (30) days prior to the date the testing is to take place. Test results shall be submitted to the Director and the Associate Director no more than sixty (60) days after the date the testing takes place.  
**[45CSR13, R13-2484, 4.5.1]**
- 3.5.15. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observation using 40 CFR Part 60, Appendix A, Method 9 must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.  
**[45CSR13, R13-2484, 4.5.2]**
- 3.5.16. Any owner or operator subject to the provisions of this part shall furnish written notification as follows:  
**[40CFR§60.7(a)]**
- A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date.  
**[40CFR§60.7(a)(1)]**
- A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.  
**[40CFR§60.7(a)(3)]**  
**[45CSR16, 45CSR13, R13-2484, 4.5.3]**

### **3.6. Compliance Plan**

3.6.1. *[Reserved]*

### **3.7. Permit Shield**

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.
- a. 45CSR1 (NOx Budget Trading Program for Non-EGUs) - does not meet the definition of NOx Budget Unit
  - b. 45CSR19 (Non-attainment NSR) - Not located in a non-attainment area or will not contribute to a violation of section
  - c. 45CSR26 (NOx Budget Trading Program for EGUs) - not an EGU.
  - d. 45CSR27 (Toxic air pollutants - BAT) – does not meet definition of chemical processing unit.
  - e. 45CSR28 (Emission Trading and Banking) - not involved in this program.
  - f. Section 112 (Hazardous Air Pollutants) - no MACT standard has been promulgated for thermal dryers.
  - g. Section 129 (Solid waste combustion) - facility does not combust solid waste.
  - h. Section 183(f) (Tank vessel standards) - no tanks/vessels utilized at this facility.
  - i. Section 183 (e) - facility is not a regulated entity as defined by Section 183 (e)(C).
  - j. NAAQS increments or visibility (temp. sources) – facility has no temporary sources.
  - k. Federal Implementation Plan (FIP) - none in place
  - l. Title IV of the CAA (Acid Rain) - not an EGU.

**4.0 Source-Specific Requirements [Loading/Unloading (RCTD2, RRCD, ENF1), Crushing (RB-1), Storage (RCSI, RB1, CCOS1), Conveying (RCC1-RCC3, RCC5, RCC6, [RCC7-RCC10](#), RC1-RC14, CC4-CC6), Haulroads (UPHR2, [UPHR3](#)), Refuse Area]**

**4.1. Limitations and Standards**

4.1.1. In accordance with the information filed in permit application R13-2484, R13-2484A, and R13-2484B, the maximum throughputs specified in Table A below shall not be exceeded. Compliance with all annual throughput limits shall be determined using a twelve month rolling total. A twelve-month rolling total shall mean the sum of the amount of coal received, processed, stored, or shipped at any given time for the previous twelve (12) consecutive calendar months.

Table A							
Source					Associated Emission Points		
Source ID	Equipment Description	Maximum Throughput	Fugitive Dust Control System/Control Device	Year Installed	ID No.	Transfer Description	Fugitive Dust Control System/Control Device <sup>1</sup>
<b>PLANT EQUIPMENT</b>							
RCTD2 (26S)	Raw Coal Truck Dump No. 2 – 150 Ton Bin	600 TPH 5.3 MM tpy	PE	1978	T1 T2	Truck – RCTD2 RCTD2 – RCC1	MC FE
RB-1 (24S)	Prep. Plant Rotary Breaker- Pennsylvania Crusher – Model No. RMD 9' x 16'	600 TPH 5.3 MM tpy	FE	1978	T3 T4 T15	RCC1, RCC5 - RB1 RB1 – RCC2 RB-1-RB1	PE FE/FE FE/FE
ENF1 (32S)	Endloader Feeder No.1 (refuse)	10 TPH 30,000 tpy	PE	1978	T17 T18	Endloader – ENF1 ENF1 – RC2	MC PE
RRCD (36S)	Railcar Unloading Facility	600 TPH 5.3 MM tpy	PE	FUTURE (2002)	T10 T11 T12	Train – RRCD RRCD – RCC6 RCC6-RCC4	MC/PE FE/PE PE
<b>CONVEYOR BELTS</b>							
RCC1 (1S)	Raw Coal Conveyor No.1	600 TPH 5.3 MM tpy	PE	1978	T2 T3	RCTD2 - RCC1 RCC1 - RB-1	FE PE
RCC2 (2S)	Raw Coal Conveyor No. 2	540 TPH 4.77 MM tpy	FE	1978	T4 T5	RB-1 - RCC2 RCC2 - RCS1	FE/FE PE
RCC3 (3S)	Plant Feed Conveyor No. 3	600 TPH 4.77 MM tpy	FE	1978	T6 T7	RCS1 - RCC3 RCC3 - PP1	FE/FE PE/FE
RCC5 (5S)	Raw Coal Conveyor No. 5	600 TPH 5.3 MM tpy	FE	1978	T13 T3	RCC4 – RCC5 RCC5 – RB-1	PE/FE PE
RC1 (6S)	Refuse Conveyor No. 1	294 TPH 2.6 MM tpy	PE	1986	T14 T15	PP1 (WET) – RC1 RC1 – RB1 (Refuse Bin 1)	PE/FE FE/FE
RC2 (7S)	Refuse Conveyor No. 2	294 TPH 2.6 MM tpy	PE	1986	T16 T19	RB1 – RC2 RC2 – RC3	FE/FE PE
RC3 (8S)	Refuse Conveyor No. 3	294 TPH 2.6 MM tpy	PE	1986	T19 T20	RC2 – RC3 RC3 – RC4	PE PE
RC4 (9S)	Refuse Conveyor No. 4	294 TPH 2.6 MM tpy	PE	1986	T20 T21	RC3 – RC4 RC4 – RC5	PE PE
RC5 (10S)	Refuse Conveyor No. 5	294 TPH 2.6 MM tpy	PE	1986	T21 T22	RC4 – RC5 RC5 – RC6	PE PE

Table A							
Source					Associated Emission Points		
Source ID	Equipment Description	Maximum Throughput	Fugitive Dust Control System/Control Device	Year Installed	ID No.	Transfer Description	Fugitive Dust Control System/Control Device <sup>1</sup>
RC6 (11S)	Refuse Conveyor No. 6	294 TPH 2.6 MM tpy	PE	1986 (Mod2001)	T22 T23	RC5 – RC6 RC6 – RC7	PE PE
RC7 (12S)	Refuse Conveyor No. 7	294 TPH 2.6 MM tpy	PE	1986 (Mod2001)	T23 T24	RC6 – RC7 RC7 – RC8	PE PE
RC8 (13S)	Refuse Conveyor No. 8	294 TPH 2.6 MM tpy	PE	Permitted but not installed	T24 T25	RC7 – RC8 RC8 – RC9	PE PE
RC9 (14S)	Refuse Conveyor No. 9	294 TPH 2.6 MM tpy	PE	Permitted but not installed	T25 T26	RC8 – RC9 RC9 – RC10	PE PE
RC10 (15S)	Refuse Conveyor No. 10	294 TPH 2.6 MM tpy	PE	Permitted but not installed	T26 T27	RC9 – RC10 RC10 – RC11	PE PE
RC11 (16S)	Refuse Conveyor No. 11	294 TPH 2.6 MM tpy	PE	Permitted but not installed	T27 T28	RC10 – RC11 RC11 – RC12	PE PE
RC14 (17S)	Refuse Stacking Conveyor No. 14	294 TPH 2.6 MM tpy	MC	1986 (Mod2001)	T30 T31	RC13 – RC14 RC14 – Refuse Area	PE MC
CC4 (21S)	Clean Coal Conveyor No. 4	430 TPH 3.71 MM tpy	PE	1983	T40 T41 T42	PP1 – CC4 CC6 – CC4 CC4 – CCOS1	PE/FE FE/FE PE
CC5 (22S)	Clean Coal Conveyor No. 5	800 TPH 3.71 MM tpy	PE	1983	T44 T45	CCOS1 – CC5 CC5 – CC6	FE/PE FE/FE
CC6 (23S)	Clean Coal Reversing Conveyor No. 6	800 TPH 3.71 MM tpy	PE/FE	1983	T38 T39 T41 T45	CC3 – CC6 CC6 – CB1 CC6 – CC4 CC5 – CC6	PE/FE PE/FE FE/FE FE/FE
RCC6 (33S)	Railcar Unloading Conveyor No. 1	600 TPH 5.3 MM tpy	PE	Permitted but not installed	T11 T12	RRCD-RCC6 RCC6-RCC4	FE/PE PE
<a href="#">RCC7</a>	<a href="#">Raw Coal Conveyor Belt</a>	<a href="#">500 tons per hour</a>	<a href="#">PE</a>	<a href="#">2009</a>	<a href="#">T48</a>		<a href="#">PE</a>
<a href="#">RCC8</a>	<a href="#">Raw Coal Conveyor Belt</a>	<a href="#">500 tons per hour</a>	<a href="#">PE</a>	<a href="#">2009</a>	<a href="#">T49</a>		<a href="#">PE</a>
<a href="#">RCC9</a>	<a href="#">Raw Coal Conveyor Belt</a>	<a href="#">500 tons per hour</a>	<a href="#">PE</a>	<a href="#">2009</a>	<a href="#">T50</a>		<a href="#">PE</a>
<a href="#">RCC10</a>	<a href="#">Raw Coal Conveyor Belt</a>	<a href="#">500 tons per hour</a>	<a href="#">PE</a>	<a href="#">2009</a>	<a href="#">T51</a>		<a href="#">PE</a>
RC12 (34S)	Refuse Conveyor No. 12	294 TPH 2.6 MM tpy	PE	Permitted but not installed	T28 T29	RC11-RC12 RC12-RC13	PE PE
RC13 (35S)	Refuse Conveyor No. 13	294 TPH 2.6 MM tpy	PE	Permitted but not installed	T29 T30	RC12 – RC13 RC13 – RC14	PE PE
STORAGE							
RCS1 (27S)	Raw Coal Silo	5,500 Tons 4.8 MM tpy	FE	1978	T5 T6	RCC2 – RCS1 RCS1 – RCC3	PE FE/FE
RB1 (28S)	Refuse Bin No. 1	150 Tons 2.6 MM tpy	FE/FE	1978	T15 T16	RC1 – RB1 RB1 – RC2	FE/FE FE/FE

Table A							
Source					Associated Emission Points		
Source ID	Equipment Description	Maximum Throughput	Fugitive Dust Control System/Control Device	Year Installed	ID No.	Transfer Description	Fugitive Dust Control System/Control Device <sup>1</sup>
CCOS1 (30S)	Clean Coal Open Stockpile No. 1 with Stacking Tube* 120,000 Sq. Ft. area * Emergency Bypass	150,000 Tons 3.71 MM tpy	MC / MD	1983	T42 T43* T44	CC4 – CCOS1 CC4 – CCOS1 CCOS1 – CC5	PE,ST MC,ST FE/PE
HAULROADS							
UPHR3	<del>Haulroad to Raw Coal Truck Dump No. 1 (Unpaved) 5.054 miles round trip.</del>	N/A	RWMW	2003	T8	UPHR3 – RCTD1	MC
UPHR2	Haulroad to Raw Coal Truck Dump No. 2 (Unpaved) <del>0.26</del> <u>0.41</u> miles round trip.	N/A	RWMW	1978	T1	UPHR2 – RCTD2	MC

<sup>1</sup> Transfer points (TP) have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System/Control Device abbreviations: FE = Full Enclosure, FE/FE = Full Enclosure in Building, PE = Partial Enclosure, ST = Stacking Tube, MC = Moisture Content, MD = Minimum Drop height, UC = Underground reclaim feeder, NE = No Equipment, RWMW = Water Truck with Manufactured pressurized sprays, WSS = Flooded Disc Scrubber, MCS = Multiclone System, ME = Mist Eliminator, MM – Million, tpy – tons per year.

**[45CSR13 - Permit R13-2484-~~§A.5.,~~ 4.1.1]**

4.1.2. Fugitive dust control methods, such as full enclosures and partial enclosures proposed in Permit Applications R13-2484 R13-2484A, ~~and~~ R13-2484B and R13-2484C and any amendments or supplements thereto shall be installed, operated, and maintained in such a manner so as to minimize the generation and atmospheric entrainment of fugitive particulate emissions. A freeze protection plan shall be incorporated to insure that the wet suppression systems remain operational at all times. In accordance with the information filed, the methods of control specified in Table A above shall be installed, maintained, and operated so as to minimize the emission of particulate matter (PM) and particulate matter less than ten microns in diameter (PM<sub>10</sub>).

**[45CSR13 - Permit R13-2484-~~§A.6.,~~ 4.1.6]**

~~4.1.3. The permittee shall maintain fixed pressurized spray bars with spray nozzles at less than 15 feet interval along one side of haulroad UPHR2. The permittee shall maintain the spray bars in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from the haulroad.~~

~~The spray nozzles shall be of sufficient size and number, so as to provide adequate coverage to the haulroad being treated.~~

~~The pump delivering the water or solution shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure. A freeze protection plan shall be incorporated to insure that the wet suppression systems remain operational at all times.~~

**[45CSR13 – Permit R13-2484-~~§A.7.~~]**

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

[The permittee shall maintain pressurized water spray bars on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spray bar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated. The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle\(s\) an adequate quantity of water, or solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.](#)

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

[\[45CSR13 - Permit R13-2484, 4.1.7\]](#)

- 4.1.4. At all times except during periods of startup, shutdown and malfunction, the permittee shall not cause to be discharged into the atmosphere from ~~the equipment and transfer points, any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008,~~ excluding Stockpile *CCOS1* and Haulroad *UPHR2*, listed in Table A above, gases which exhibit 20 percent opacity or greater.  
[\[45CSR13 - Permit R13-2484-~~§§B.2. & B.6.~~, 4.1.15, 45CSR16, 40 CFR~~§§60.252\(e\)254\(a\) and 60.11\(c\)~~\]](#)
- 4.1.5. In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by 45CSR§5-7. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
[\[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, 4.1.10, 45CSR§5-7.1.\]](#)
- 4.1.6. Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
[\[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, 4.1.10, 45CSR§5-7.2.\]](#)
- 4.1.7. Coal refuse disposal areas shall not be so located with respect to mine openings, tipples, or other mine buildings, unprotected coal outcrops or steam lines that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
[\[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, 4.1.10, 45CSR§5-7.3.\]](#)
- 4.1.8. Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
[\[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, 4.1.10, 45CSR§5-7.4.\]](#)
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- 4.1.9. Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, [4.1.10](#), 45CSR§5-7.5.]**
- 4.1.10. Materials with low ignition points used in the production or preparation of coal, including but not limited to wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, [4.1.10](#), 45CSR§5-7.6.]**
- 4.1.11. Garbage, trash, household refuse, and like materials shall not be deposited on or near any coal refuse disposal area. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, [4.1.10](#), 45CSR§5-7.7.]**
- 4.1.12. The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, [4.1.10](#), 45CSR§5-7.8.]**
- 4.1.13. Each burning coal refuse disposal area which causes air pollution shall be considered on an individual basis by the Director. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, as well as the established facts and circumstances of the particular case, the Director shall determine and may order the effectuation of those air pollution control measures which are adequate for each such coal refuse disposal area. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, [4.1.10](#), 45CSR§5-8.2.]**
- 4.1.14. With respect to all burning coal refuse disposal areas, the person responsible for the coal refuse disposal areas or the land on which the coal refuse disposal areas are located shall use due diligence to control air pollution from the coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for the coal refuse disposal area or the land on which the coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent or reduce the air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including, completion dates, to establish that the corrective measures can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W. Va. Code §§ 22-5-1 et seq. If the report is not submitted as requested or if the Director determines that the methods and procedures set forth in the report are not adequate to reasonably control the air pollution he or she shall issue an order requiring the elimination, prevention or reduction of the air pollution. (*Refuse Area, Refuse Stockpile and Refuse Bin RB1*)  
**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4.~~, [4.1.10](#), 45CSR§5-8.3.]**
- 4.1.15. Water Truck Requirement. The permittee shall maintain a water truck on site at the facility and in good operating condition, and shall utilize same to apply a mixture of water and an environmentally acceptable**

chemical dust suppressant, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haul roads, stockpiles and other work areas where mobile equipment is used.

The spray bar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the surface being treated. The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure.

Daily and monthly records will be kept on site for the amount of water and chemical dust suppressant applied. Said records shall be certified by a “responsible official” and maintained on site for a period of no less than 5 years. Said records shall be made available to the Director or his/her duly authorized representative upon request.

[45CSR13, R13-2484, 4.1.8]

4.1.16 **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (1) and (3) of this section.

[40CFR§60.254(b)]

(1) Except as provided in paragraph (3) of this section, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.

[40CFR§60.254(b)(1)]

(3) Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (1) of this section.

[40CFR§60.254(b)(3)]

[45CSR16, 45CSR13, R13-2484, 4.1.16]

## **4.2. Monitoring Requirements**

4.2.1 For the purpose of determining compliance with the opacity limits of 45CSR5 and 40 CFR 60 Subpart Y, the permittee shall conduct weekly visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

Compliance with the visible emission requirements of permit condition 4.1.4. shall be determined by conducting weekly Method 22-like visible emission checks. The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40 CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar week with a maximum of ten (10) days between consecutive readings. ~~The visible emission~~ These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) during periods of ~~normal~~ facility operation and

appropriate weather conditions and for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present.

If visible emissions are present at a source(s) for three (3) consecutive weekly checks, an opacity reading at that source(s) using the procedures and requirements of 40 CFR Part 60, Appendix A, Method 9 shall be conducted as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A 40 CFR Part 60, Appendix A, Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

[45CSR13 - Permit R13-2484-~~§§B.2. & B.6.~~[4.2.1](#), 45CSR16, 40 CFR §60.254(b)(2) & §60.11, 45CSR§30-5.1.c.]

### 4.3. Testing Requirements

- 4.3.1 [Except as specified in paragraphs \(a\)\(1\),\(a\)\(2\), \(a\)\(3\), and \(a\)\(4\) of 40C.F.R.60.8, within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, and at such other times that may be required by the Administrator under Section 114 of the Act, the owner or operator of such facility shall conduct performance test\(s\) and furnish the Administrator a written report of the results of such performance test\(s\).\[RCC7, RCC8, RCC9, RCC10\]](#)  
[\[45CSR16, 40CFR§60.8\(a\), 45CSR13, R13-2484, 4.3.2\]](#)

### 4.4. Recordkeeping Requirements

- 4.4.1. ~~Daily and monthly records will be kept on site for the amount of water and dust control additive used for haulroad UPHR2~~ [For the purpose of determining compliance with the water truck requirement set forth in Section 4.1.15, the permittee shall maintain on site certified daily and monthly records of the water truck usage and amount of water and chemical dust suppressant applied to the haulroads in accordance with an example data form provided as Appendix C.](#) Said records shall be certified by a “responsible official” and maintained on site for a period of no less than 5 years. Said records shall be made available to the Director or his/her duly authorized representative upon request.  
[\[45CSR13 - Permit R13-2484-~~§A.7.~~ 4.4.5\]](#)
- 4.4.2. The permittee shall maintain daily records of the coal throughput and the hours of operation.
- a. For the purpose of determining compliance with the maximum ~~annual~~ throughput limits set forth in permit condition 4.1.1, the permittee shall maintain on site certified [daily](#), monthly and annual records of the raw coal & clean coal transfer rates in accordance with the example data forms provided as ~~Appendices Attachments A and B~~ [Appendices A and B](#) of Permit R13-2484 (~~Appendices A and B~~ of this permit). Records shall be certified by a responsible official and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.
- b. Compliance with the hourly throughput limit shall be demonstrated by dividing the calendar month’s total throughput by the number of hours operated in the same calendar month to obtain an hourly average. By the fifteenth day of each calendar month, the permittee shall calculate the hourly averaged throughput of the previous calendar month.

[\[45CSR13 - Permit R13-2484-~~§B.8.~~ 4.4.4, 45CSR§30-5.1c\]](#)

- 4.4.3. Records of all monitoring data required by permit condition 4.2.1. shall be maintained on site. Such records shall document the date and time of each [weekly](#) visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The records shall also document the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visual emission check(s). [An example form is supplied as Appendix D.](#) Should a visible emission observation be required to be performed per the requirements specified in 40 CFR Part 60, Appendix A, Method 9, the data records of each observation shall be maintained per the requirements of Method 9. For an emission unit out of service during the normal weekly evaluation, the record of observation may note “out of service” (O/S) or equivalent  
[\[45CSR§30-5.1.c., 45CSR13, R13-2484, 4.4.6\]](#)

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

- 4.5.1. *[Reserved]*

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

- 4.6.1. Not Applicable

## 5.0 Source-Specific Requirements [Thermal Dryer (TDI)]

*\*Note – “CAM” in this section shall mean Compliance Assurance Monitoring. (See fact sheet for CAM Plan monitoring table)*

### 5.1. Limitations and Standards

5.1.1. In accordance with the information filed in permit application R13-2484, the maximum throughputs for the thermal dryer TDI shall not exceed 320 TPH or 2.8 MM tons/yr. Compliance with the annual throughput limit shall be determined using a twelve month rolling total. A twelve-month rolling total shall mean the sum of the amount of coal received, processed, stored, or shipped at any given time for the previous twelve (12) consecutive calendar months.

**[45CSR13 - Permit R13-2484-~~§A.5., 4.1.1.~~]**

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

Pollutant	Emissions Limitations	
	One-Hour Average (lb/hour)	Annual (ton/year)
Volatile Organic Compounds (VOCs)	31.36	137.36
SO <sub>2</sub>	<del>134.42</del> <u>59.4<sup>1</sup></u>	<del>588.76</del> <u>260.4<sup>1</sup></u>
NO <sub>x</sub>	46.10	201.83
CO	17.41	76.26
Particulate Matter (PM)	54.40	238.27
PM-10	27.20	119.13

<sup>1</sup> Based on SO<sub>2</sub> mass balance equation. The calculated values based on the AP 42 emission factor of 1.4 lbs/ton would equate to maximum emission rates for SO<sub>2</sub> of 134.40 lb/hour and 588.67 tons/year.

**[45CSR13 - Permit R13-2484-~~§A.2., 4.1.3.~~]**

5.1.3. At all times except during periods of startup (see 5.1.4. below), shutdown or malfunctions (see 5.1.5. below), gasses discharged to the atmosphere from the thermal dryer shall not exhibit 20-percent opacity or greater. *Compliance with this streamlined limit assures compliance with 45CSR§5-3.1.*

**[45CSR13 - Permit R13-2484-~~§§B.2. & B.6., 4.1.14 & 4.1.10,~~ 45CSR16, 40 CFR §60.252(a) & §60.11(c), [45CSR§5-3.1.](#)]**

5.1.4. The provisions of permit condition 5.1.3. shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period of up to eight (8) minutes in any operating day for the purposes of building a fire of operating quality in the fuel burning equipment of a thermal dryer. *Compliance with this streamlined limit assures compliance the less stringent “startup” exception of 40 CFR §60.11(c).*

**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4., 4.1.10,~~ 45CSR§5-3.3.]**

5.1.5. The provisions of permit condition 5.1.3. shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period or periods aggregating no more than five (5) minutes in any sixty (60) minute period during periods of shutdown and malfunction.

**[45CSR13 - Permit R13-2484-~~§§B.2. & B.4., 4.1.10,~~ 45CSR§5-3.2., 45CSR16, 40 CFR §60.11(c)]**

5.1.6. Gases discharged to the atmosphere from the thermal dryer shall not contain particulate matter in excess of 0.070 g/dscm(0.031gr/dscf).

**[45CSR13 - Permit R13-2484-~~§§B.2., B.4. & B.6., 4.1.14 & 4.1.10,~~ 45CSR§§5-4.1. & 4.1.a., 45CSR16, 40 CFR §60.252(a)]**

- 5.1.7. West Virginia State Rule 45CSR5 shall not be circumvented by adding additional gas to the dryer exhaust for the purpose of reducing the grain loading.  
**[45CSR13 - Permit R13-2484 - ~~§§B.2. & B.4.~~, [4.1.10](#), 45CSR§5-4.2.]**
- 5.1.8. The exhaust gases from a thermal dryer shall not to be vented into the open air at an altitude of less than eighty (80) feet above the foundation grade of the structure containing the dryer or less than ten (10) feet above the top of the said structure or any adjacent structure, whichever is greater. In determining the desirable height of a plant stack, due consideration shall be given to the local topography, meteorology, the location of nearby dwellings and public roads, the stack emission rate, and good engineering practice as set forth in  
**[45CSR13 - Permit R13-2484 - ~~§§B.2. & B.4.~~, [4.1.10](#), 45CSR§5-4.3.]**
- 5.1.9. Monitoring devices for the thermal dryer shall be installed, calibrated, maintained, and continuously operated as follows:
- a. A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 1.7$  °C ( $\pm 3$  °F).
  - b. A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the venturi scrubber. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 1$  inch water gauge.
  - c. A monitoring device for the continuous measurement of the water supply pressure to the venturi scrubber. The monitoring device is to be certified by the manufacturer to be accurate within  $\pm 5$  percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Director may be consulted for approval of alternative locations.
- All monitoring devices above are to be recalibrated annually in accordance with procedures under 40 CFR § 60.13(b)  
**[45CSR13 - Permit R13-2484 - ~~§§B.2., B.4. & B.6.~~, [4.2.2.](#), 45CSR§§5-4.1. & 4.1.a., 45CSR16, 40 CFR §60.253256(a)]**
- 5.1.10. The scrubber water system shall receive clean water from the clarifier water sump, and shall discharge dirty water to the clarifier centerwell for solids removal. Pressure drop across the scrubber shall be adjusted as required to control particulate matter emissions. Alkaline agents may be added to the scrubber water or to the coal being dried to control sulfur dioxide emissions.  
**[45CSR13 - Permit R13-2484 - ~~§A.4.~~, [4.1.5](#)]**
- 5.1.11. Any stack venting thermal dryer exhaust gases and/or air table exhaust gases or exhaust gases or air from any air pollution control device shall include straight runs of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures. Flow straightening devices shall be required where cyclonic gas flow would exist in the absence of such devices  
**[45CSR13 - Permit R13-2484 - ~~§§B.2. & B.4.~~, [4.1.10](#), 45CSR§5-12.6.]**
- 5.1.12. Sulfur Dioxide (SO<sub>2</sub>) emissions into open air from the thermal dryer shall not exceed an in-stack sulfur dioxide concentration of 2000 ppm by volume.  
**[45CSR13 - Permit R13-2484 - ~~§§B.2. & B.5.~~, [4.1.11](#), 45CSR§10-4.1.]**
- 5.1.13. Compliance with the allowable sulfur dioxide concentration limitations contained in 5.1.12. above, shall be based on a block three (3) hour averaging time.  
**[45CSR13 - Permit R13-2484 - ~~§§B.2. & B.5.~~, [4.1.11](#), 45CSR§10-4.2.]**

- 5.1.14 At the request of the Director the owner and/or operator of a source shall install such stack gas monitoring devices as the Director deems necessary to determine compliance with the provisions of 45CSR10. The data from such devices shall be readily available at the source location or such other reasonable location that the Director may specify. At the request of the Director, or his or her duly authorized representative, such data shall be made available for inspection or copying. Failure to promptly provide such data shall constitute a violation of 45CSR10.  
**[45CSR13 - Permit R13-2484-~~§§B.2. & B.5.~~, [4.1.11](#), 45CSR§10-8.2.a.]**
- 5.1.15 Prior to the installation of calibrated stack gas monitoring devices, sulfur dioxide emission rates shall be calculated on an equivalent fuel sulfur content basis.  
**[45CSR13 - Permit R13-2484-~~§§B.2. & B.5.~~, [4.1.11](#), 45CSR§10-8.2.b.]**
- 5.1.16 The sulfur content of the fuel coal burned in the furnace will not exceed 1.61%. The permittee shall sample in accordance with approved ASTM methods on at least a daily basis the fuel coal burned in the furnaces and have the samples analyzed for sulfur, BTU and Volatile matter content. Result of these analyses shall be certified by a responsible official and maintained on site for a period of not less than five (5) years and shall be made available to the Director or a duly authorized representative upon request. *Compliance with this streamlined daily sampling frequency assures compliance the less stringent monthly sampling frequency of the 45CSR10A Approved Monitoring Plan*  
**[45CSR13 - Permit R13-2484-~~§A.1.~~, [4.1.2](#)]**

## 5.2. Monitoring Requirements

- 5.2.1. The following parameters will be continuously monitored and recorded at least once per minute and the limits adhered to:
- Temperature of the gas stream at the exit of the thermal dryer shall be less than 1,464 °F.
  - Pressure loss through the scrubber shall be greater than 23 inches of water.
  - Water supply pressure shall be greater than 7.8 psig
- Charts and records shall be certified by a responsible official and maintained on site for a period of not less than five (5) years and shall be made available to the Director or a duly authorized representative upon request. The permittee shall take immediate corrective action when a parameter falls outside the indicator range established for that parameter and shall record the cause and corrective measures taken. Operating parameter limits do not apply during DAQ approved performance tests.  
**[45CSR13 - Permit R13-2484-~~§A.3.~~, [4.1.4](#)]**
- 5.2.2. Compliance with the SO<sub>2</sub> emission limits set forth under permit conditions 5.1.2. and 5.1.12. shall be demonstrated by complying with the stipulations as stated below:
- The owner or operator of a thermal dryer shall meet the following minimum coal sampling requirements:
    - The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the dryer may be obtained.
    - Coal shall be sampled at least once per day

3. Minimum sample size shall be five hundred (500) grams.
  4. A composite of the samples shall be analyzed at the end of each calendar month
- b. Coal samples shall be prepared for analysis in accordance with procedures specified in ASTM D2013-86. "Standard Method of Preparing Coal Samples for Analysis."
  - c. The heat content of coal samples shall be determined in accordance with procedures specified in ASTM D2015-85, "Standard Test Method for Gross Calorific Value of Solid fuel by the Adiabatic Bomb Calorimeter," or ASTM D5865, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter."
    1. An excursion shall be defined as a heat input to the thermal dryer greater than 80 MMBtu/hr in accordance with "Indicator 2" of the submitted CAM Plan. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions
  - d. The sulfur content of coal samples shall be determined in accordance with procedures specified in ASTM D3177-84, "Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke", or ASTM D4239-85, "Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods."
    1. An excursion shall be defined as sulfur content of fuel greater than 1.61% in accordance with "Indicator 1" of the submitted CAM Plan. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions

**[45CSR§30-5.1.c., 40CFR§§64.6(c) & 64.7(d)]**

[5.2.3](#) [For the purpose of determining compliance with the opacity limits of 45CSR5 and 40 CFR 60 Subpart Y, the permittee shall conduct weekly visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.](#)

~~Compliance with the visible emission requirements shall be demonstrated by conducting weekly Method 22 like visible emission checks. The visible emission check shall determine the presence or absence of visible emissions.~~ At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40 CFR Part 60, Appendix A, Method 9 certification course.

[Visible emission checks shall be conducted at least once per calendar week with a maximum of ten \(10\) days between consecutive readings. The visible emission check of the thermal dryer These checks shall be performed at each source \(stack, transfer point, fugitive emission source, etc.\) during periods of normal facility operation and appropriate weather conditions and for a sufficient time interval, but no less than one \(1\) minute, to determine if any visible emissions are present. If visible emissions are present at a source\(s\) for three \(3\) consecutive weekly checks, an opacity](#)

reading at that source(s) using the procedures and requirements of 40 CFR Part 60, Appendix A, Method 9 shall be conducted as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A 40 CFR Part 60, Appendix A, Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

[45CSR13 - Permit R13-2484 - ~~§§B.2. & B.6. 4.2.1~~, 45CSR16, 40 CFR §60.254(b)(2) & §60.11, 45CSR§30-5.1.c.]

- 5.2.4 The thermal dryer shall be observed visually during periods of building a fire of operating quality and minimization efforts taken to ensure particulate matter emissions of sixty percent (60 %) opacity for a period of up to 8 minutes in any operating day is not exceeded during such activities.  
[45CSR§30-5.1.c.]

### 5.3. Testing Requirements

- 5.3.1. Stack testing shall be conducted for the purpose of determining compliance with emission limits set forth in permit conditions 5.1.2. (VOCs, SO<sub>2</sub>, NO<sub>x</sub>, CO, PM, PM<sub>10</sub>) and 5.1.6. (PM Concentration). A written report of the results of such testing shall be furnished to the Director. Promulgated test methods as specified in 40 CFR 60 Appendix A or an alternative method approved in writing by the Director for such testing shall be used. The following parameters shall also be recorded during such testing:

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

These records shall be maintained on site for a period of no less than five (5) years.

Based on previous test results, stack testing to determine compliance with the emission limitations for VOC, NO<sub>x</sub>, CO and SO<sub>2</sub> shall be conducted no later than August 15, 2008. Stack testing to determine compliance with the emission limitations for PM Concentration, PM and PM<sub>10</sub> shall be conducted no later than September 14, 2008.

Subsequent testing to determine compliance with the emission limitations of permit conditions 5.1.2. (VOCs, SO<sub>2</sub>, NO<sub>x</sub>, CO, PM, PM<sub>10</sub>) and 5.1.6. (PM Concentration) shall be conducted in accordance with the schedule set forth in the following table:

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

The current inlet water pressure parameter is set at 7.8 psi and the pressure drop (taken at the inlet of the scrubber and at a location between the scrubber and the mist eliminator) is set at 23 inches of H<sub>2</sub>O. An excursion per the 40CFR64 CAM Plan is defined as values below these current values based on a 3-hour rolling average. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

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

[45CSR§30-5.1.c., 45CSR13 - Permit R13-2484 - §§~~B.2.~~ & ~~B.9.~~, [4.3.1](#), 40CFR§§64.6(c) & 64.7(d)]

#### 5.4. Recordkeeping Requirements

5.4.1. Recordkeeping for the monitoring devices shall be recorded at least once every 12 hours during periods of normal operation.

[45CSR§30-5.1.c.]

5.4.2. The permittee shall maintain daily records of the coal throughput and the hours of operation.

- a. For the purpose of determining compliance with the maximum annual throughput limits set forth in permit condition 5.1.1, the permittee shall maintain on site certified [daily](#), monthly and annual records of the raw coal & clean coal transfer rates in accordance with the example data forms provided as [Attachments Appendices A and B](#) of Permit R13-2484 ([Appendices A and B](#) of this permit). Records shall be certified by a responsible official and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon

request.

- b. Compliance with the hourly throughput limit shall be demonstrated by dividing the calendar month's total throughput by the number of hours operated in the same calendar month to obtain an hourly average. By the fifteenth day of each calendar month, the permittee shall calculate the hourly averaged throughput of the previous calendar month.

**[45CSR13 - Permit R13-2484-~~§B.8.4.4.4~~, 45CSR§30-5.1c]**

~~5.4.3. All thermal dryer scrubber malfunctions must be documented in writing. Records shall be certified by a "responsible official" and maintained on site for a period of not less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request. At a minimum, the following information must be documented for each malfunction:~~

~~a. Cause of malfunction.~~

~~b. Steps taken to correct the malfunction and minimize emissions during malfunction.~~

~~c. Duration of malfunction in hours.~~

~~d. Estimated increase in emissions during the malfunction.~~

~~e. Any change/modifications to equipment or procedures that would help prevent future recurrence of malfunction.~~

**[45CSR13-~~Permit R13-2484-§B.1~~]**

5.4.3 Pursuant to the approved 45CSR10 & 10A Monitoring Plan, records of the following information shall be kept on site:

- a. Operating Hours
  1. Start up time
  2. Shut down time
- b. Daily Fuel Consumption (tons)
- c. Comments or Excursion Incidents
- d. Fuel Analysis
  1. BTU (as received)
  2. Sulfur (as received)

The start-up, shut-down, and operating hours will be kept daily by the thermal dryer operator. The fuel consumption will be based on the average feed to the furnace from studies by the company to determine such feed rates. The fuel analysis will be determined by taking one sample of coal from the furnace hopper and analyzing that coal for BTU and Sulfur on an as received basis. The sample will be collected at least once per day.\*

*\*Note – The Approved Monitoring plan contains a “once per month” fuel sampling frequency. However, Permit R13-2484 requires sampling at least once a day.*

In addition, all continuous monitoring data for the thermal dryer that is recorded on charts or graphs will be stored and available on site for at least 5 years from the ending date of the record. All support information (calibration and maintenance records) will also be maintained for at least 5 years.

**[45CSR§30-5.1.c., 45CSR§§10-8.2.c. & 10-8.3.a., 45CSR10A – *Approved Monitoring Plan*, 45CSR13 - Permit R13-2484-~~§§A.1., B.2. & B.5.~~, [4.1.11](#)]**

- 5.4.4 Records of all monitoring data required by permit condition ~~4.2.1~~[5.2.3](#) shall be maintained on site. Such records shall document the date and time of each [weekly](#) visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The records shall also document the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visual emission check(s). [An example form is supplied as Appendix D](#). Should a visible emission observation be required to be performed per the requirements specified in 40 CFR Part 60, Appendix A, Method 9, the data records of each observation shall be maintained per the requirements of Method 9. For an emission unit out of service during the normal weekly evaluation, the record of observation may note “out of service” (O/S) or equivalent

**[45CSR§30-5.1.c., [45CSR13, R13-2484, 4.4.6](#)]**

- 5.4.5 For CAM, the owner or operator shall comply with the recordkeeping requirements of permit conditions 3.4.1. and 3.4.2. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 CFR §64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 CFR Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions). **[40 CFR §64.9(b)]**

## 5.5. Reporting Requirements

- 5.5.1. Pursuant to the approved 45CSR10 & 10A Monitoring Plan, a “Monitoring Summary Report” and an “Excursion and Monitoring Plan Performance Report” shall be submitted to the Director by the 30<sup>th</sup> day following the end of each calendar quarter.

**[45CSR§30-5.1.c., 45CSR§§10-8.2.c. & 8.3.b., 45CSR10A – *Approved Monitoring Plan*, 45CSR13 - Permit R13-2484-~~§§B.2. & B.5.~~, [4.1.11](#)]**

- 5.5.2 For CAM, monitoring reports shall be submitted to the director and at a minimum shall include and be in accordance with information in permit conditions 3.5.6. and 3.5.8. as applicable. Also, at a minimum, the following information, as applicable, shall be included:

- a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
- b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and
- c. A description of the actions taken to implement a QIP during the reporting period as specified in

40 CFR §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

**[40 CFR §64.9(a)]**

5.5.3. [The owner or operator shall submit a periodic exception report to the Director, in a manner specified by the Director. Such an 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§10-8.3.b.]**

**[45CSR13, R13-2484, 4.1.11]**

## **5.6. Compliance Plan**

5.6.1. Not Applicable

[Appendix Attachment A](#) - Example Data Form

**~~MONTHLY PROCESSING RATE REPORT~~** <sup>(4)</sup>

[Left Fork Processing, LLC](#)  
[East Gulf Preparation Plant](#)  
 Permit No. R13-2484  
 Plant ID No. 08100012

**Daily and Monthly Raw Coal Processing Rate Report** <sup>(1)</sup>

Month, Year: \_\_\_\_\_ / \_\_\_\_\_

Day of Month	Raw Coal							
	Railcar Unloading Facility RRCD		Rotary Breaker RB1		Raw Coal Truck Dumps RCTD1 & RCTD2		To Wet Wash Preparation Plant	
	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation
1								
2								
3								
4								
5								
6								
7								
8								
9								
10								
11								
12								
13								
14								
15								
16								
17								
18								
19								
20								
21								
22								
23								
24								
25								
26								
27								
28								
29								
30								
31								
<b>Monthly Total</b>								
<b>Twelve Month Rolling Total</b> <sup>(2)</sup>								

- Note: (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.
- (2) The Twelve Month Rolling Total shall mean the sum of the amount of coal received, processed, or shipped at any given time during the previous twelve (12) consecutive calendar months. The maximum permitted throughput and operation rates are: Railcar Unloading Facility – 3.71 MM TPY, Rotary Breaker – 5.256 MM TPY, Raw Coal Truck Dump # 1 & #

2 – 5,256,000 TPY, Raw Coal to Wet Wash Prep Plant – 3.71 MM TPY, Clean Coal to Thermal Dryer – 2.6 MM TPY,  
Clean Coal Loading from Bin CB 1 to Railroad Cars – 3.71 MM TPY, Clean Coal Stockpile (CCOS 1) – 3.71 MM TPY.

**APPENDIX B - Example Data Form**

**Daily and Monthly Clean Coal Processing Rate Report (1)**

Month \_\_\_\_\_

Year \_\_\_\_\_

Day of Month	Clean Coal					
	Thermal Dryer Circuit		Railroad Car Loadout at CB1		Clean Coal Stockpile CCOS1	
	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation	Throughput (Tons/day)	Hours of Operation
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
<b>Monthly Total</b>						
<b>Twelve Month Rolling Total <sup>(2)</sup></b>						

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) The Twelve Month Rolling Total shall mean the sum of the amount of coal received, processed or shipped at any given time during the previous twelve (12) consecutive calendar months. The maximum permitted throughputs and operation rates are as follows: Clean Coal to Thermal Dryer - 2.6 MM TPY; clean coal to Railroad Car Loadout CB1 - 3.71 MM TPY; and Clean Coal Stockpile CCOS1 - 3.71 MM TPY.

APPENDIX C - Example Data Form

Water Truck Usage (1)

Month \_\_\_\_\_

Year \_\_\_\_\_

Date	Was the Water Truck Used? (Y/N)	Quantity of Water Applied (gallons) <sup>2</sup>	Quantity of Chemical Suppressants Applied (gallons) <sup>2</sup>	Comments <sup>3</sup>	Initials
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

- (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.
- (2) The quantity of water and chemical dust suppressants used may be estimated based on the volume of the water truck's tank and the number of times the truck's tank was filled.
- (3) Use the comment section to explain why the water truck was not in use or used sparingly.



### CERTIFICATION OF DATA ACCURACY

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

Signature<sup>1</sup>

(please use blue ink)

.....  
Responsible Official or Authorized Representative

.....  
Date

Name and Title.....

(please print or type)

.....  
Name

.....  
Title

Telephone No.....

Fax No. ....

<sup>1</sup> This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
  - (I) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
  - (ii) the delegation of authority to such representative is approved in advance by the Director;
- b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
- c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.