

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

*Joe Manchin, III  
Governor*

*Randy C. Huffman  
Cabinet Secretary*

# Permit to Operate



*Pursuant to  
Title V  
of the Clean Air Act*

*Issued to:*  
**Mononghela Power Company  
Fort Martin Power station  
R30-06100001-2009**

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*John A. Benedict  
Director*

*Issued: June 23, 2009 • Effective: July 07, 2009  
Expiration: June 23, 2014 • Renewal Application Due: December 23, 2013*

**Permit Number: R30-06100001-2009**  
**Permittee: Monongahela Power Company**  
**Facility Name: Fort Martin Power station**  
**Permittee Mailing Address: 800 Cabin Hill Drive, Greensburg, PA 15601**

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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:	Maidsville, Monongalia County, West Virginia
Facility Mailing Address:	State Route 53, Maidsville, WV 26541
Telephone Number:	724-838-6133
Type of Business Entity:	Limited Liability Company
Facility Description:	Electric generating Service
SIC Codes:	Primary – 4911; Secondary – N/A; Tertiary - N/A
UTM Coordinates:	592.91 Km Easting • 4395.95 Km Northing • Zone 17

Permit Writer: Beena Modi

*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 – 45CSR2 & 45CSR10 Monitoring Plans**

**APPENDIX B – Acid rain Permits**

**APPENDIX C –CAIR Permit Application**

**APPENDIX D –Compliance Oder**

**APPENDIX E- 45CSR13 G60-B Class II General permit**

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

**Table 1.1:**

Source ID	Emission Point ID	Equipment Description	Design Capacity	Year Installed / Modified	Pollution Control Device ID	Fugitive Dust Control System/ Control Device <sup>1</sup>
B1	STACK 1	Boiler # 1 – Combustion Engineering, tangentially fired, balanced-draft, supercritical boiler.	4460 mmBtu/hr	1967	ESP # 1p – Universal Oil Products – High Efficiency, Collection plate area – 276,480 sq.ft. Particulate loading – 3.55 grains/cu.ft. Installed 1967. ESP # 1s – In series with ESP #1p -Belco – Model No. 39(12-33x13)4x39-24, Collection plate area – 474,552 sq.ft. Particulate loading – 0.15 grains/cu.ft. Installed 1982.	N/A
B2	STACK 2	Boiler # 2 – Babcock & Wilcox.	4634 mmBtu/hr	1968	ESP # 2p – Universal Oil Products – High Efficiency, Collection plate area – 276,480 sq.ft. Particulate loading – 3.55 grains/cu.ft. Installed 1967. ESP # 2s – In series with ESP #2p -Belco – Model No. 39(12-33x13)4x39-24, Collection plate area – 474,552 sq.ft. Particulate loading – 0.15 grains/cu.ft. Installed 1982.	N/A
BU-1	BU-1	Barge Unloader	1400 TPH	1967	PE	PE
SB-1	SB-1	Surge Bin	900 Tons	1967	FE	FE
BC-1	BC-1	Conveyor # 1 - Conveyor from Coal Barge Unloader to Surge Bin	1400 TPH	1967	PE	PE
BC-2	BC-2	Conveyor # 2 - Conveyor from Surge Bin to Bradford Breaker	950 TPH	1967	PE	PE
BB-1	BB-1	Bradford Breaker	950 TPH	1967	FE	FE
RC-1 RC-2	RC-1 RC-2	Reclaim Hoppers	475 TPH each	1967	PE	PE
BC-3	BC-3	Conveyor # 3 – Conveyor from Reclaim Hopper to Bradford Breaker	950 TPH	1967	PE	PE

Source ID	Emission Point ID	Equipment Description	Design Capacity	Year Installed / Modified	Pollution Control Device ID	Fugitive Dust Control System/ Control Device <sup>1</sup>
BC-4	BC-4	Conveyor # 4- Conveyor from Bradford Breaker to BC-5	950 TPH	1967	PE	PE
BC-5 BC-5A	BC-5 BC-5A	Conveyors #5/5A – conveyors from Bradford Breaker to Coal Storage Pile	950 TPH each	1967	PE	PE
BC-7A BC-7B	BC-7A BC-7B	Conveyors #7A/7B – Conveyors from Coal Storage pile to Transfer house	500 TPH each	1967	PE	PE
BC-8A BC-8B	BC-8A BC-8B	Conveyors #8A/8B – Conveyors from Transfer House to Boiler House Conveyors	500 TPH each	1967	PE	PE
BC-9A1 BC-9A2 BC-10A BC-10B	BC-9A1 BC-9A2 BC-10A BC-10B	Conveyors # 9A1/9A2 Conveyors # 10A/10B – Boiler House Conveyors to Unit # 1 Coal Storage Silos	500 TPH each	1967	PE	PE
BC-9B1 BC-9B2 BC-11A BC-11B	BC-9B1 BC-9B2 BC-11A BC-11B	Conveyors # 9B1/9B2 Conveyors # 11A/11B – Boiler House Conveyors to Unit # 2 Coal Storage Silos	500 Tons each	1967	PE	PE
CS-1	AS-1	Unit 1 Coal Silos (1A,B,C,D,E,F)	500 Tons each	1967	N/A	Dust Collector
CS-2	AS-1	Unit 2 Coal Silos (2A,B,C,D,E)	550 Tons each	1967	N/A	Dust Collector
FAS-1	FAS-1	Unit # 1 Fly Ash Silo	1650 Tons	1967	FE	FE
FAS-2	FAS-2	Unit # 2 Fly Ash Silo	1650 Tons	1967	FE	FE
BAS-1A BAS-1B	BAS-1A BAS-1B	Unit # 1 Bottom Ash Silos	12,000 cu.ft	1967	FE/WS	FE/WS
BAS-2A BAS-2B	BAS-2A BAS-2B	Unit # 2 Bottom Ash Silos	12,000 cu.ft	1967	FE/WS	FE/WS
ES-1	ES-1	Economizer Ash Silos	2,093 cu.ft	1967	FE/WS	FE/WS
CT-1 CT-2	CT-1 CT-2	2 Cooling Towers (once through) – Marley (Manufacturer)	250,000 gpm each	1967	N/A	NA
CCB	CCB	Ash/CCB Disposal area	N/A	1967	N/A	WT
CST-1	Coal Stockpile	Coal Stockpile	1,000,000 Tons	1967	N/A	MD

Source ID	Emission Point ID	Equipment Description	Design Capacity	Year Installed / Modified	Pollution Control Device ID	Fugitive Dust Control System/ Control Device <sup>1</sup>
EDG-1	Emergency Diesel Generator No. 1	Emergency Diesel Generator No. 1	320KW	1987	N/A	N/A
EDG-2	Emergency Diesel Generator No. 2	Emergency Diesel Generator No. 2	350 KW	1989	N/A	N/A
PR	PR	Paved Roadways	NA	1967	N/A	WT
UPR	UPR	Unpaved Roadways	NA	1967	N/A	WT
WASTE-WATER	Fort Martin Wastewater Operations	Fort Martin Wastewater Treatment Operations (Insignificant Activity)	2,812 MMgal/year	N/A	N/A	N/A
Insig Tanks	N/A	Insignificant Storage Tanks (Insignificant Activity)	N/A	N/A	N/A	N/A

Note: MD=Minimize Drop Height, FE=Fully Enclosed, PE=Partially Enclosed, WS=Water Spray, WT=Water Truck

**Table: 1.2:**

Source ID	Equipment Description / Location	Design Capacity	Year Installed/ Modified
A5FM	<i>Sulfuric Acid Bulk Storage</i>	10,000 gallons	1967
A6FM	<i>Unit 2 Sulfuric Acid Day Tank</i>	150 gallons	1967
A8FM	<i>Cooling Tower Water Treatment</i>	1450 gallons	1988
A9FM	<i>Cooling Tower Water Treatment</i>	1450 gallons	1988
A12FM	<i>Xfer House third floor Glycol Storage Tank</i>	250 gallons	1978
A13FM	<i>Stacker for Blt Glycol Storage Tank</i>	360 gallons	1978
A14FM	<i>Xfer House Ground Floor Glycol Storage Tank</i>	1000 gallons	1978
A15FM	<i>Breaker Room Third Floor Glycol Storage Tank</i>	1000 gallons	1978
A16FM	<i>Unit 1 Head Tank Glycol Storage Tank</i>	3,000 gallons	1967
A17FM	<i>Unit 2 Head Tank Glycol Storage Tank</i>	3,000 gallons	1967
A18FM	<i>Glycol Bulk Storage Tank</i>	5,000 Gallons	1967
A22FM	<i>Em. Diesel Gen. # 1 Fuel Oil Storage Tank</i>	450 gallons	1967
A23FM	<i>Dozer No. 2 Fuel Oil Storage Tank</i>	15,000 gallons	1967

<b>Source ID</b>	<b>Equipment Description / Location</b>	<b>Design Capacity</b>	<b>Year Installed/ Modified</b>
A25FM	<i>Emer. Fire Pump No. 2 Fuel Oil Storage Tank</i>	500 gallons	1967
A26FM	<i>Unit 1 Turbine Oil Storage Tank</i>	10000 gallons	1967
A27FM	<i>Unit 2 Turbine Oil Storage Tank</i>	10,000 gallons	1967
A28FM	<i>Unit 1 Turbine Oil Reservoir</i>	7,500 gallons	1967
A29FM	<i>Unit 2 Turbine Oil Reservoir</i>	7,500 gallons	1967
A30FM	<i>Waste Oil</i>	1,000 gallons	1991
A35FM	<i>Magnesium Hydroxide Tank, Wastewater</i>	5,000 gallons	1992
A356FM	<i>Unit 1 Boiler Feed Pump Turbine Oil Reserv</i>	1,600 gallons	1967
A38FM	<i>Barge Unloaded Glycol Storage Tank</i>	500 gallons	1978
A39FM	<i>Em. Diesel generator No. 2 Fuel Oil Tank</i>	275 gallons	1991
A49FM	<i>Unit 2 Boiler Feed Pump Turbine Oil Reserv</i>	1,600 gallons	1967
A51FM	<i>Sodium Hydroxide Day Tank</i>	30 gallons	1967
A52FM	<i>Sulfuric acid Day Tank, Unit 1 Demineralization</i>	60 gallons	1985
A54FM	<i>Kerosene Storage tank, Coal Handling</i>	550 gallons	1985*
A141FM	<i>Boiler feed Pump Turbine Oil Reser. 1A</i>	700 gallons	1967
A142FM	<i>Boiler Feed Pump Turbine Oil Reserv. 1B</i>	700 gallons	1967
A139FM	<i>Boiler Feed Pump Turbine Oil Reserv. 2A</i>	700 gallons	1967
A140FM	<i>Boiler Feed Pump Turbine Oil Reserv. 2B</i>	700 gallons	1967
A144FM	<i>Unit 1 Turbine Oil Filter</i>	200 gallons	1997
A145FM	<i>Unit 2 Turbine Oil Filter</i>	200 gallons	1997
A61FM	<i>No. 1 Cooling Tower Chemical Tank</i>	1300 gallons	1985*
A66FM	<i>No. 2 Cooling Tower Chemical Tank</i>	1300 gallons	1995*
A60FM	<i>No. 1 Cooling Tower Chemical Tank</i>	1300 gallons	2002*
A65M	<i>No. 2 Cooling Tower Chemical Tank</i>	1300 gallons	2002*
A50FM	<i>Caustic Storage day tank</i>	30 gallons	1967*
A01FM	<i>Caustic Bulk Storage tank</i>	10,000 gallons	1967
A55FM	<i>No. 2 Fuel Oil Storage Tank</i>	100,000 gallons	1995

<b>Source ID</b>	<b>Equipment Description / Location</b>	<b>Design Capacity</b>	<b>Year Installed/ Modified</b>
A56FM	<i>No. 2 Fuel Oil Storage tank</i>	100,000 gallons	1995
A57FM	<i>Dielectric Oil</i>	50,000 gallons	1967
A58FM	<i>Sulfuric Acid – Unit # 2</i>	60 gallons	1967
A59FM	<i>Ammonium Hydroxide 30%</i>	2,500 gallons	1998
A63FM	<i>Glycol</i>	500 gallons	1967*
A68FM	<i>Solvent</i>	220 gallons	1990*
A69FM	<i>Magnesium Hydroxide</i>	8,000 gallons	1998*
A70FM	<i>Dust Control Agent</i>	10,500 gallons	1986*
A71FM	<i>Equipment Oil – Unit 1</i>	650 gallons	1967
A72FM	<i>Ammonia – Unit 1</i>	230 gallons	1967
A74FM	<i>Equipment Oil – Unit 2</i>	650 gallons	1968*
A75FM	<i>Ammonia – Unit 2</i>	230 gallons	1968*
U7FM	<i>Gasoline Storage Tank</i>	2000 gallons	1988
U8FM	<i>Kerosene Storage Tank</i>	2000 gallons	1988

\* Approximate installation date

**Table: 1.3:**

<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</b>
Blr 1A	Aux Blr Stack	Auxiliary Boiler 1A	2007	115.3 mmbtu/hr	Low NO <sub>x</sub> burners & FGR
Blr 1B	Aux Blr Stack	Auxiliary Boiler 1B	2007	115.3 mmbtu/hr	Low NO <sub>x</sub> burners & FGR

**Table: 1.4:**

<b>Emission Unit ID</b>	<b>Emission Unit Description</b>	<b>Year Installed</b>	<b>Control Device</b>
LUC-1	Limestone Unloading Crane	2007	PE
LSH-1	Limestone Surge Hopper	2007	WS
LBF-1	Weigh Belt Feeder 1	2007	WS

LBF-2	Weigh Belt Feeder 2	2007	WS
L-1	Limestone Receiving and Stacker Conveyor	2007	FE
TC-1	Limestone Pile Telescopic Chute	2007	WS
LSP	Limestone Storage Pile	2007	
LRH-1	Limestone Reclaim Hopper 1	2007	Underground
LRH-2	Limestone Reclaim Hopper 2	2007	Underground
LRH-3	Limestone Reclaim Hopper 3	2007	Underground
LBF-3	Limestone Belt Feeder 3	2007	Underground
LBF-4	Limestone Belt Feeder 4	2007	Underground
LBF-5	Limestone Belt Feeder 5	2007	Underground
L-2	Limestone Reclaim Conveyor	2007	WS/FE
L-3A	Limestone Transfer Conveyor	2007	WS/FE
GTT-3	Gypsum Transfer Tower (shared)	2007	WS/FE
L-3B	Limestone Transfer Conveyor	2007	WS/FE
LTT-1	Limestone Transfer Tower	2007	WS/FE
L-4	Limestone Transfer Conveyor	2007	WS/FE
L-5	Limestone Reversing Fill Conveyor	2007	WS/FE
DC-1	Limestone Day Silo 1	2007	Bin Vent Filter
DC-2	Limestone Day Silo 2	2007	Bin Vent Filter
DC-3	Limestone Day Silo 3	2007	Bin Vent Filter
BM-1	Ball Mill 1	2007	WS
BM-2	Ball Mill 2	2007	WS
VBF-1	Gypsum Vacuum Belt Filter 1	2007	PE
VBF-2	Gypsum Vacuum Belt Filter 2	2007	PE
VBF-3	Gypsum Vacuum Belt Filter 3	2007	PE
G-1A	Gypsum Conveyor	2007	FE
G-1B	Gypsum Conveyor	2007	FE
GTT-1	Gypsum Transfer Tower	2007	FE
G-2A	Gypsum Conveyor	2007	FE
G-2B	Gypsum Conveyor	2007	FE
GTT-2	Gypsum Transfer Tower	2007	FE

G-3A	Gypsum Conveyor	2007	FE
G-3B	Gypsum Conveyor	2007	FE
G-4A	Gypsum Conveyor	2007	FE
G-4B	Gypsum Conveyor	2007	FE
ES-1	Eurosilos	2007	FE
G-5	Gypsum Conveyor	2007	FE
GPC-1	Gypsum Pipe Conveyor	2007	FE
G-6	Reversing Gypsum Conveyor	2007	FE
GB-1	Gypsum Bin	2007	PE
GB-2	Gypsum Bin	2007	PE
GSP	Gypsum Storage Pile	2010	N/A

**Table: 1.5**

Emission Unit ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
CRU-01	Coal Crusher	2004	150 tph	N
BC-0	Coal Conveyor Belt System	2004	150 tph	N
SP-02	Crushed Coal Storage Pile	2004	2,500 sq. ft.	N
SP-01	Oversize Coal Storage Pile	2004	10,000 sq. ft	N
DG-CRU	Diesel Generator	2004	227 hp	N

**Table 1.6:**

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity (bhp/rpm)
EDQP-1	EDQP-1	Clarke/JW6H-UF38 Emergency Generator	2008	252/1750
EDQP-2	EDQP-2	Clarke/JW6H-UF38 Emergency Generator	2008	252/1750
EDQP-T001	EDQP-T001	#2 Fuel Oil Storage Tank (300 gal)	2008	NA
EDQP-T002	EDQP-T002	#2 Fuel Oil Storage Tank (300 gal)	2008	NA

## 1.2 Active R13, R14, and R19 Permits

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

<b>Permit Number</b>	<b>Date of Issuance</b>
R13-2705	6/22/2007
R13-2711A	9/24/2007
R13-2729	2/7/2008
G60-B006	6/10/08

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

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

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

### **2.4. Permit Actions**

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

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

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

## **2.6. Administrative Permit Amendments**

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

## **2.7. Minor Permit Modifications**

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

## **2.8. Significant Permit Modification**

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

## **2.9. Emissions Trading**

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

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

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

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

**[45CSR§30-5.9.]**

## **2.11. Operational Flexibility**

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

**[45CSR§30-5.8]**

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

**[45CSR§30-5.8.a.]**

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

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

**[45CSR§30-5.8.c.]**

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

**[45CSR§30-2.39]**

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

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

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

**[45CSR§30-5.1.i.]**

## **2.13. Duty to Comply**

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

**[45CSR§30-5.1.f.1.]**

## **2.14. Inspection and Entry**

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

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

**[45CSR§30-5.3.b.]**

## **2.15. Schedule of Compliance**

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

[45CSR§30-5.3.d.]

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

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

[45CSR§30-5.1.f.2.]

## **2.17. Emergency**

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

[45CSR§30-5.7.a.]

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

[45CSR§30-5.7.b.]

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

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

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

[45CSR§30-5.7.c.]

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

[45CSR§30-5.7.d.]

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

[45CSR§30-5.7.e.]

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

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

[45CSR§30-5.2.a.]

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

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

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

[45CSR§30-5.1.f.5.]

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

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

[45CSR§30-4.2.]

## **2.21. Permit Shield**

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

identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.

**[45CSR§30-5.6.a.]**

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

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

**[45CSR§30-5.6.c.]**

## **2.22. Credible Evidence**

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

**[45CSR§30-5.3.e.3.B. and 45CSR38]**

## **2.23. Severability**

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

**[45CSR§30-5.1.e.]**

## **2.24. Property Rights**

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

**[45CSR§30-5.1.f.4]**

## **2.25. Acid Deposition Control**

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

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

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

**[45CSR§30-5.1.d.]**

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

**[45CSR§30-5.1.a.2.]**

### **3.0 Facility-Wide Requirements**

#### **3.1. Limitations and Standards**

- 3.1.1. **Open burning.** The open burning of refuse by any person, 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 must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.  
[40 C.F.R. 61]
- 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. **Reserved**
- 3.1.10. **Fugitive Particulate Matter Control.** No person shall cause, suffer, allow, or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:
- a. Stockpiling of ash or fuel either in the open or in enclosures such as silos;
  - b. Transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and
  - c. Ash or fuel handling systems and ash disposal areas.  
**[45CSR§2-5.1]**
  - d. “Fugitive Particulate Matter” under 3.1.10. means any and all particulate matter generated by any operation involving or associated with the combustion of fuel in fuel burning units which, if not confined, would be emitted directly into the open air from points other than a stack outlet. **[45CSR§2-2.11]**
- 3.1.11. **MACT 112(j) Hammer Application.**  
If US EPA has not already promulgated a standard pursuant to 40 C.F.R. 63 for industrial, commercial, institutional boilers and process heaters, the facility shall submit a Part 1 112(j) “equivalent emission limitation by permit” application for case-by-case MACT determination containing the information required in 40 C.F.R. §63.53(a), after July 15, 2010 but no later than August 15, 2010. The Part 1 112(j) application shall identify each affected unit, and address HAP emissions from each of the boilers and process heaters. If the facility determines there are no affected units (boilers or process heaters), a statement of non-applicability must be submitted in lieu of a Part 1 application. A Part 2 112(j) “equivalent emission limitation by permit” application for case-by-case MACT determination containing information required in 40 C.F.R. §63.53(b) is due within 60 days of the Part 1 112(j) application submittal. All 112(j) “equivalent emission limitation by permit” applications must be submitted to both WVDEP-Division of Air Quality, and Chief of Permits and Technical Branch, US EPA Region III, Mail Code 3AP11, 1650 Arch Street, Philadelphia, PA, 19103-2029.  
**[45CSR34, 40 C.F.R. §63.52]**
- 3.1.12 **CAMR Mercury Budget Trading Program.** The permittee shall comply with the standard requirements set forth in their Hg Budget Permit Application and the Hg Budget Permit requirements set forth in 45CSR37 for each Hg Budget source. The complete Hg Budget Permit Application shall be the CAMR Permit portion of the Title V permit administered in accordance with 45CSR30.  
**[45CSR§§37-6.1.b. and 20.1.; CO-R37-C-2008-4; State-Enforceable only.]**
- a. The CAMR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§37-2 and, upon recordation by the Administrator under sections 51 through 57, 60 through 62 of 45CSR37, every allocation, transfer or deduction of a Hg allowance to or from the compliance account of the Hg Budget source covered by the permit.  
**[45CSR§37-23.2.; CO-R37-C-2008-4; State-Enforceable only.]**

- b. Except as provided in 45CSR§37-23.2, the Secretary will revise the CAMR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.  
**[45CSR§37-24.1.; CO-R37-C-2008-4; State-Enforceable only.]**
- 3.1.13 **CAIR NO<sub>x</sub> Annual Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix C) and the CAIR permit requirements set forth in 45CSR39 for each CAIR NO<sub>x</sub> Annual source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.  
**[45CSR§§39-6.1.b. and 20.1.]**
- a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§39-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR39, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Annual allowance to or from the compliance account of the CAIR NO<sub>x</sub> Annual source covered by the permit.  
**[45CSR§39-23.2.]**
- b. Except as provided in 45CSR§39-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.  
**[45CSR§39-24.1.]**
- 3.1.14 **CAIR SO<sub>2</sub> Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix C) and the CAIR permit requirements set forth in 45CSR41 for each CAIR SO<sub>2</sub> source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.  
**[45CSR§§41-6.1.b. and 20.1.]**
- a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§41-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO<sub>2</sub> allowance to or from the compliance account of the CAIR SO<sub>2</sub> source covered by the permit.  
**[45CSR§41-23.2.]**
- b. Except as provided in 45CSR§41-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.  
**[45CSR§41-24.1.]**
- 3.1.15 **CAIR NO<sub>x</sub> Ozone Season Trading Program.** The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix C) and the CAIR permit requirements set forth in 45CSR40 for each CAIR NO<sub>x</sub> Ozone Season source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.  
**[45CSR§§40-6.1.b. and 20.1.]**
- a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§40-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR40, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from the compliance account of the CAIR NO<sub>x</sub> Ozone Season source covered by the permit.  
**[45CSR§40-23.2.]**
- b. Except as provided in 45CSR§40-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.  
**[45CSR§40-24.1.]**

### 3.2. Monitoring Requirements

None

### 3.3. Testing Requirements

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

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

[WV Code § 22-5-4(a)(15) and 45CSR13]

### 3.4. Recordkeeping Requirements

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

- a. The date, place as defined in this permit and time of sampling or measurements;
- b. The date(s) analyses were performed;

- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

**[45CSR§30-5.1.c.2.A., 45CSR13, R13-2705, 4.3.1, R13-2711, 4.4.1, R13-2729, 4.2.3]**

- 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. Such record shall contain an assessment of the validity of the complaints as well as any corrective actions taken.  
**[45CSR§30-5.1.c. State-Enforceable only.]**

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

**[45CSR§30-5.1.c.]**

### **3.5. Reporting Requirements**

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

**[45CSR§§30-4.4. and 5.1.c.3.D.]**

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

**[45CSR§30-5.1.c.3.E.]**

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

or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

**If to the DAQ:**

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

**If to the US EPA:**

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

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

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

**[45CSR§30-5.1.c.3.C.]**

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

**[45CSR§30-5.1.c.3.B.]**

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

**[45CSR§30-4.3.h.1.B.]**

- 3.5.10. **Stationary RICE subject to limited requirements.** (1) An affected source which meets either of the criteria in paragraph (b)(1)(i) through (ii) of this section does not have to meet the requirements of this subpart and of subpart A of this part except for the initial notification requirements of §63.6645(h).

(i) The stationary RICE is a new or reconstructed emergency stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions; or

(ii) The stationary RICE is a new or reconstructed limited use stationary RICE with a site rating of more than 500 brake HP located at a major source of HAP emissions.

**[45CSR34, 40 C.F.R.§63.6590(b)(i) & (ii)]**

### **3.6. Compliance Plan**

None

### **3.7. Permit Shield**

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

- a. The tanks (except for tank A56FM) listed in Section 1.0 (Emission Units) do not have any applicable requirements.
- b. 45CSR17- Rule to Prevent and Control Particulate Matter Air Pollution from Material Handling, Preparation, Storage, and Other Sources of Fugitive Particulate Matter is not applicable to the facility because 45 CSR 2 is applicable, as stated in section 6.1 of 45CSR17.
- c. 40 C.F.R Part 60, Subpart OOO - Standards of Performance for Non-Metallic Mineral Processing Plants are not applicable to the Fort Martin Limestone Handling system based upon the Initial Crushing capacity to the Limestone system being 100 tons/hour, which is less than 150 tons/hour threshold of applicability for Subpart OOO(as defined in 40C.F.R. 60.670(c)(2)).
- d. 40C.F.R Part 60, Subpart Dc is not applicable to this facility because the auxiliary boilers were constructed before June 9, 1989 and are greater than 100 MMBTU/hr.

## **4.0 Source-Specific Requirements [Boiler # 1(STACK 1), Boiler # 2(STACK 2)), Auxiliary Boiler 1A (Aux Boiler Stack), Auxiliary Boiler 1B (Aux Boiler Stack)**

### **4.0.1. Emergency Operating Scenarios**

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

**[45CSR§2-10.1]**

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

**[45CSR§10-9.1]**

## **4.1 Limitations and Standards**

### Particulate Matter

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

**[45CSR§2-3.1.]**

4.1.2. Compliance with the visible emission requirements of 45CSR§2-3.1 (Section 4.1.1 of this permit) shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 and as described in the approved monitoring plan. Continuous opacity monitors shall not be required on fuel burning units which employ wet scrubbing systems for emission control.

**[45CSR§2-3.2, 45CSR§2A-6]**

4.1.3. Particulate matter emissions from each stack (*STACK1* & *STACK2*) shall not exceed 249.2 lb/hr.

**[45CSR§2-4.1.a.]**

4.1.4. Particulate matter emissions from Auxiliary Boiler Stack shall not exceed 20.2 lb/hr.

**[45CSR§2-4.1.b.]**

4.1.5. The addition of sulfur oxides to a combustion unit exit gas stream for the purpose of improving emissions control equipment efficiency shall be reviewed by the Director. No person shall cause, suffer, allow or permit the addition of sulfur oxides as described above unless written approval for such addition is provided by the Director.

**[45CSR§2-4.4.]**

- 4.1.6. The owner or operator of a fuel burning unit(s) shall demonstrate compliance with 45CSR§2-3 by periodic testing in accordance with 40 CFR Part 60, Appendix A, Method 9, or a certified continuous opacity monitoring system, as approved by the Director, and 45CSR§2-4 by periodic particulate matter stack testing, conducted in accordance with the appropriate test method set forth in the Appendix to 45CSR2 or other equivalent EPA approved method approved by the Director. The owner or operator shall conduct such testing at a frequency to be established by the Director.  
**[45CSR§2-8.1.a.]**
- 4.1.7. The owner or operator of a fuel burning unit(s) shall monitor compliance with 45CSR§2-3 (Sections 4.1.1 & 4.1.2 of this permit) as set forth in an approved monitoring plan (attached in Appendix A) for each emission unit.  
**[45CSR§2-8.2.a.]**
- 4.1.8. The owner or operator of a fuel burning unit(s) shall maintain on-site all records of monitored data established in the monitoring plan pursuant to 45CSR§2-8.2.a (Section 4.1.7 of this permit). Such records shall be made available to the Director or his duly authorized representative upon request. Such records shall be retained on-site for a minimum of five years.  
**[45CSR§2-8.3.a.]**
- 4.1.9. The owner or operator shall submit a periodic exception report to the Director, in a manner and at a frequency to be established by the Director. Such exception report shall provide details of all excursions outside the range of measured emissions or monitored parameters established in an approved monitoring plan, and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken.  
**[45CSR§2-8.3.b, 45CSR2A]**
- 4.1.10. The visible emission standards set forth in 45CSR§2-3 (Section 4.1.1 of this permit) shall apply at all times except in periods of start-ups, shutdowns and malfunctions. Where the Director believes that start-ups and shutdowns are excessive in duration and/or frequency, the Director may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shutdowns are necessary.  
**[45CSR§2-9.1.]**
- 4.1.11. At all times, including periods of start-ups, shutdowns and malfunctions, owners and operators shall, to the extent practicable, maintain and operate any fuel burning unit(s) including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, visible emission observations, review of operating and maintenance procedures and inspection of the source.  
**[45CSR§2-9.2, 45CSR16]**

Nitrogen Oxides (NO<sub>2</sub>)

- 4.1.12. Nitrogen oxides emissions from *STACK1* & *STACK2* shall not exceed NO<sub>x</sub> limits specified in the Acid Rain Permit (Appendix B).  
**[45CSR33]**

Sulfur Dioxide (SO<sub>2</sub>)

- 4.1.13. Sulfur dioxide emissions from each stack (*STACK1* & *STACK2*) shall not exceed 15,451 lb/hr.  
**[45CSR§10-3.3.a.]**

- 4.1.14. Sulfur dioxide emissions from the Auxiliary Boiler Stack shall not exceed 719.4 lb/hr.  
**[45CSR§10-3.1.e.]**
- 4.1.15. Compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on a continuous twenty-four (24) hour averaging time. Emissions shall not be allowed to exceed the weight emissions standards for sulfur dioxide as set forth in 45CSR10, except during one (1) continuous twenty-four (24) hour period in each calendar month. During this one (1) continuous twenty-four hour period, emissions shall not be allowed to exceed such weight emission standards by more than ten percent (10%) without causing a violation of 45CSR10. A continuous twenty-four (24) hour period is defined as one (1) calendar day.  
**[45CSR§10-3.8.]** (*STACK1, STACK2, Aux Boiler Stack*)

**Acid Rain Program**

- 4.1.16. Unit No. 1 and Unit No. 2 are Phase II Acid Rain affected units under 45CSR33, as defined by 40 C.F.R § 72.6, and as such are required to meet the requirements of 40 CFR §§ 72, 73, 74, 75, 76, 77 and 78. These requirements include, but are not limited to:
- a. Hold an Acid Rain permit (Acid Rain Permit is included in Appendix B);
  - b. Hold allowances, as of the allowance transfer deadline, in the unit’s compliance sub-account of not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit;
  - c. Comply with the applicable Acid Rain emissions for sulfur dioxide;
  - d. Comply with the applicable Acid Rain emissions for nitrogen oxides;
  - e. Comply with the monitoring requirements of 40 CFR 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;
  - f. Submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR 72, Subpart I and 40 CFR 75.
- [45CSR33, 40 CFR. Parts 72, 73, 74, 75, 76, 77, 78.]**

**Auxiliary Boilers Only**

- 4.1.17. Emissions from the Boilers (1A&1B) shall not exceed the following:

Pollutant	Boiler 1A		Boiler 1B		Total	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
SO <sub>2</sub>	64.19	28.12	64.19	28.12	128.38	56.24
NO <sub>x</sub>	20.44	8.95	20.44	8.95	40.88	17.9
CO	4.09	1.79	4.09	1.79	8.18	3.58
VOC	0.16	0.07	0.16	0.07	0.32	0.14
PM	2.72	1.19 <sup>1</sup>	2.72	1.19 <sup>1</sup>	5.44	2.38
PM <sub>10</sub>	1.88	0.82	1.88	0.82	3.76	1.64

Formaldehyde	0.03	0.02	0.03	0.02	0.06	0.02
Total HAPs	0.05	0.02	0.05	0.02	0.10	0.03

<sup>1</sup>PM filterable plus PM<sub>10</sub> condensable

[45CSR13, R13-2705, 4.1.1]

- 4.1.18 The auxiliary boilers shall fire exclusively No. 2 fuel oil with a maximum sulfur content of 0.50%.  
[45CSR13, R13-2705, 4.1.2]
- 4.1.19 Annual fuel use for each auxiliary boiler shall not exceed 716,279 gallons per year.  
[45CSR13, R13-2705, 4.1.3]
- 4.1.20 Annual hours of operation for each auxiliary boiler shall not exceed 876 hours per year.  
[45CSR13, R13-2705, 4.1.4]
- 4.1.21 Emissions of HCl from the auxiliary boiler stack shall not exceed 0.0009 lbs HCl per mmbtu.  
[45CSR34, 40CFR§63.7500, 45CSR13, R13-2705, 4.1.5]
- 4.1.22 Emission of PM from the auxiliary boiler stack shall not exceed 0.03 lbs PM per mmbtu.  
[45CSR34, 40CFR§63.7500, 45CSR13, R13-2705, 4.1.6]
- 4.1.23 Emission of CO from the auxiliary boiler stack shall not 400 ppm at 3% Oxygen.  
[45CSR34, 40CFR§63.7500, 45CSR13, R13-2705, 4.1.7]
- 4.1.24 Visible emissions from the auxiliary boiler stack shall not exceed 10% opacity based on a six minute block average.  
[45CSR§2-3.1., 45CSR13, R13-2705, 4.1.8]
- 4.1.25 **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate pollution control equipment- low NOx Burners & FGR 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, R13-2705, 4.1.9]

## 4.2. Monitoring Requirements

- 4.2.1. Compliance with the visible emission requirements for *STACK1*, *STACK2* & *Aux Boiler Stack* shall be determined as outlined in section I.A. of the *Revision 2* “Monitoring and Recordkeeping Plan 45CSR2 and 45CSR10” submitted on November 18, 2003 and which is attached in Appendix A of this permit. (Monitoring Plan Approval Date –11-18-03)  
[45CSR§§2-3.2. & 8.2.]
- 4.2.2 The Electrostatic Precipitator (ESP) secondary voltage and secondary current shall be measured continuously using a voltmeter and ammeter integrated into the ESP Unit, and both shall be recorded no less than four times per hour, equally spaced over each hour. The total power (P) input to the ESP is the sum of the products of secondary voltage (V) and current (I) in each field and shall be calculated and recorded in accordance with Section 4.4.7 of this permit.  
[45CSR§30-5.1.c., 40 C.F.R. § 64.3(b)(1), and 40 C.F.R. § 64.3(b)(4)(ii)]
- 4.2.3 The permittee shall calibrate, maintain, and operate the instrumentation used to measure the secondary voltage and secondary current in Section 4.2.2. of this permit in accordance with manufacturer’s

specifications.

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

- 4.2.4 The CAM related testing and CAM plan implementation will be conducted according to the following schedule \*:
1. Monongahela Power Company shall submit a CAM testing protocol to the Department within 45 days of the issuance of the Title V Permit.
  2. Monongahela Power Company will complete the CAM testing within 120 days of the issuance of this permit.
  3. Testing results, including the excursion limits, and the generated opacity to particulate matter correlation curve will be submitted to the Department within 45 days after completion of testing.
  4. Within 60 days of completing the CAM testing, Monongahela Power shall implement the CAM plan\* and begin operation of the monitoring\*.

*\*Note: Pursuant to 40CFR§64.4(e) the schedule to begin monitoring shall not exceed 180 days after the approval of the Title V permit*

**[45CSR§30-5.1.c. and 40 C.F.R. § 64.4(e)]**

- 4.2.5. **Proper Maintenance** – At all times, the permittee shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.  
**[40 C.F.R. § 64.7(b); 45CSR§30-5.1.c.]**
- 4.2.6. **Continued Operation** – Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of 40 C.F.R. Part 64, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions  
**[40 C.F.R. § 64.7(c); 45CSR§30-5.1.c.]**
- 4.2.7. **Documentation of Need for Improved Monitoring** – After approval of monitoring under 40 C.F.R. Part 64, if the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director and, if necessary, submit a proposed modification to the permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.  
**[40 C.F.R. § 64.7(e); 45CSR§30-5.1.c.]**

4.2.8. **Quality Improvement Plan (QIP)** – Based on the results of a determination made under permit condition 4.4.8.(2), the Administrator or the Director may require the permittee to develop and implement a QIP. Consistent with 40 C.F.R. §64.6(c)(3), the permittee is limited to an accumulation of exceedances or excursions no greater than five (5) percent of the operating time for the boilers during a reporting period, prior to requiring the implementation of a QIP. If a QIP is required, then it shall be developed, implemented, and modified as required according to 40 C.F.R. §§ 64.8(b) through (e). Refer to permit condition 4.5.5.(2)(iii) for the reporting required when a QIP is implemented.  
**[40 C.F.R. § 64.8; 45CSR§30-5.1.c.]**

4.2.9. **Excursions** – An excursion shall be defined as opacity greater than eight (8) percent during any six-minute period during any one-hour period. Refer to conditions 4.4.8., 4.4.9., and 4.5.5. for recordkeeping and reporting requirements for excursions.  
**[40 C.F.R. § 64.6(c)(2); 45CSR§30-5.1.c.]**

**4.3. Testing Requirements**

4.3.1. The owner or operator shall conduct, or have conducted, tests to determine the compliance of Boiler # 1 (STACK 1) & Boiler # 2 (STACK 2) with the particulate matter weight emission standards (in lbs/hr). Such tests shall be conducted in accordance with the appropriate method set forth in 45CSR2 Appendix - Compliance Test Procedures for 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such tests shall be conducted in accordance with the schedule set forth in the following table. (Note: The latest compliance test was conducted for Unit # 1 on 11-1-2007 and Unit # 2 on 10-30-2007. Both results were less than 50% of weight emission standard (in lb/hr), therefore the time frame for next test for Unit #1 will be 11/1/2010 and for Unit # 2 will be 10/30/2010).

Annual	after three successive tests indicate mass emission rates $\leq$ 50% of weight emission standard	Once/3 years
Annual	after two successive tests indicate mass emission rates between 50% and 80 % of weight emission standard	Once/2 years
Annual	any tests indicates a mass emission rate $\geq$ 80% of weight emission standard	Annual
Once/2 years	after two successive tests indicate mass emission rates $\leq$ 50% of weight emission standard	Once/3 years
Once/2 years	any tests indicates a mass emission rate between 50% and 80 % of weight emission standard	Once/2 years
Once/2 years	any tests indicates a mass emission rate $\geq$ 80% of weight emission standard	Annual
Once/3 years	any tests indicates a mass emission rate $\leq$ 50% of weight emission standard	Once/3 years
Once/3 years	any test indicates mass emission rates between 50% and 80 % of weight emission standard	Once/2 years
Once/3 years	any test indicates a mass emission rate $\geq$ 80% of weight emission standard	Annual

**[45CSR§2-8.1., 45CSR§2A-5.2.]**

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

- 4.4.1. The owner or operator shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit as outlined in “45CSR2 Monitoring Plan” attached as Appendix A of this permit. Such records are to be maintained on-site and made available to the Director or his duly authorized representative upon request.

**[45CSR§2-8.3.c.]**

##### **Auxiliary Boilers Only**

- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For air pollution control equipment, low NO<sub>x</sub> Burners & FGR, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

**[45CSR13, R13-2705, 4.3.2]**

- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For air pollution control equipment, low NO<sub>x</sub> Burners & FGR, 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, R13-2705, 4.3.3]**

- 4.4.4. In order to determine compliance with condition 4.1.19 of this permit the permittee shall keep certified monthly records of the amount of fuel consumed by each auxiliary boiler.

**[45CSR13, R13-2705, 4.3.4]**

- 4.4.5. In order to determine compliance with condition 4.1.20 of this permit the permittee shall keep certified daily records of the number of hours of operation of each auxiliary boiler.

**[45CSR13, R13-2705, 4.3.5]**

- 4.4.6. In order to determine compliance with conditions 4.1.21, 4.1.22 and 4.1.23 of this permit the permittee shall meet the requirements of 40 CFR 63.7506.

**[45CSR13, R13-2705, 4.3.6]**

- 4.4.7. The total secondary Electrostatic Precipitator power input (in kW) shall be calculated and recorded no less than four times per hour, equally spaced over each hour, in an electronic data acquisition system and averaged on a 3 hour basis.

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

4.4.8. **Response to Excursions or Exceedances**

- (1) Upon detecting an excursion or exceedance, the permittee shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable

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

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

4.4.9. **General recordkeeping requirements for 40 C.F.R. Part 64 (CAM)**

The permittee shall comply with the recordkeeping requirements specified in permit conditions 3.4.1. and 3.4.2. The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 C.F.R. §64.8 (4.2.8.) and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 C.F.R. Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).

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

## 4.5. Reporting Requirements

- 4.5.1. The designated representative shall electronically report SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions data and information as specified in 40 C.F.R. § 75.64 to the Administrator of USEPA, quarterly. Each electronic report must be submitted within thirty (30) days following the end of each calendar quarter.

**[45CSR33, 40 C.F.R. § 75.64]**

- 4.5.2. Compliance with the periodic exception reporting of permit condition 4.1.9. shall be demonstrated as outlined in “45CSR2 Monitoring Plan” attached as Appendix A of this permit. **[45CSR§2-8.3.b.]**

- 4.5.3. The owner or operator of a fuel burning unit(s) subject to this rule (45CSR2) shall report to the Director any malfunction of such unit or its air pollution control equipment which results in any excess particulate matter emission rate or excess opacity (i.e., emissions exceeding the standards in 45CSR§2-3 and 45CSR§2-4) as provided in one of the following subdivisions:

- 4.5.3.1. Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Director:

The excess opacity period does not exceed thirty (30) minutes within any 24-hour period; and

Excess opacity does not exceed 40%.

- 4.5.3.2. The owner or operator shall report to the Director any malfunction resulting in excess particulate matter or excess opacity, not meeting the criteria set forth in subdivision 45CSR§2- 9.3.a (Section 4.5.3.1 of this permit), by telephone, telefax, or e-mail by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Director within thirty (30) days providing the following information:

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

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

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

The maximum opacity measured or observed during the malfunction;

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

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

**[45CSR§2-9.3]**

**Auxiliary Boilers Only**

- 4.5.4. In order to determine compliance with conditions 4.1.21, 4.1.22 and 4.1.23 of this permit the permittee shall meet the requirements of 40 CFR 63.7506.

**[45CSR13, R13-2705, 4.4.1]**

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

- (1) On and after the date specified in 40 C.F.R. §64.7(a) by which the permittee must use monitoring that meets the requirements of 40 C.F.R. 64, the permittee shall submit CAM monitoring reports with the quarterly excess emissions reports. A copy of the CAM monitoring reports generated within the semi-annual monitoring report period shall be included with the semi-annual monitoring report under permit condition 3.5.6. Incorporation by reference within the semi-annual monitoring report is not acceptable.
- (2) A report for monitoring under 40 C.F.R. 64 shall include, at a minimum, the information required under permit condition 3.5.8. and the following information, as applicable:
  - (i) Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
  - (ii) Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and

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

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

- 4.5.6 For an affected facility that combusts residual oil and meets the criteria under §§60.46b(e)(4), 60.44b(j), or (k), the owner or operator shall maintain records of the nitrogen content of the residual oil combusted in the affected facility and calculate the average fuel nitrogen content for the reporting period. The nitrogen content shall be determined using ASTM Method D4629 (incorporated by reference, see §60.17), or fuel suppliers. If residual oil blends are being combusted, fuel nitrogen specifications may be prorated based on the ratio of residual oils of different nitrogen content in the fuel blend.

**[45CSR16, 40C.F.R § 60.49b(e)]**

- 4.5.7 The owner or operator of an affected facility who elects to demonstrate that the affected facility combusts only very low sulfur oil, natural gas, wood, a mixture of these fuels, or any of these fuels (or a mixture of these fuels) in combination with other fuels that are known to contain an insignificant amount of sulfur in §60.42b(j) or §60.42b(k) shall obtain and maintain at the affected facility fuel receipts from the fuel supplier that certify that the oil meets the definition of distillate oil and gaseous fuel meets the definition of natural gas as defined in §60.41b and the applicable sulfur limit. For the purposes of this section, the distillate oil need not meet the fuel nitrogen content specification in the definition of distillate oil. Reports shall be submitted to the Administrator certifying that only very low sulfur oil meeting this definition, natural gas, wood, and/or other fuels that are known to contain insignificant amounts of sulfur were combusted in the affected facility during the reporting period.

**[45CSR16, 40C.F.R § 60.49b(r)(1)]**

#### **4.6 Compliance Plan**

None

## **5.0 Source-Specific Requirements [A55FM & A56FM]**

### **5.1 Limitations and Standards**

5.1.1. The owner or operator of each storage vessel shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. These records shall be kept for the life of the source.

**[45CSR16, 40 C.F.R 60.116b(b)]**

### **5.2. Monitoring Requirements**

5.2.1 The owner or operator of each storage vessel with a design capacity greater than or equal to 151 cubic meter (39,890 gallons) storing a liquid with a maximum true vapor pressure that is normally less than 5.2 kPa (0.754 psi) shall notify the Administrator and Director within 30 days when the maximum true vapor pressure of the liquid exceeds 5.2 kPa (0.754psi).

**[45CSR16, 40 C.F.R 60.116b(d)]**

### **5.3 Testing Requirements**

None

### **5.4 Recordkeeping Requirements**

None

### **5.5 Reporting Requirements**

None

### **5.6 Compliance Plan**

None

## 6.0. Source-Specific Requirements [Coal Handling]

### 6.1 Limitations and Standards

6.1.1. Emissions from the equipment covered in this permit shall not exceed the following:

	PM		NO <sub>x</sub>		CO		SO <sub>2</sub>		VOCs	
	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy	lb/hr	tpy
Coal Handling <sup>(1)</sup>	0.63	0.11	--	--	--	--	--	--	--	--
Coal Crushing <sup>(2)</sup>	9.0	1.5	--	--	--	--	--	--	--	--
Unpaved Haul Road	6.75	1.35	--	--	--	--	--	--	--	--
Stockpiles <sup>(3)</sup>	0.09	0.41	--	--	--	--	--	--	--	--
227 HP Diesel Engine <sup>(4)</sup>	0.50	0.10	7.04	1.41	1.52	0.30	0.47	0.09	0.57	0.11
<b>Total</b>	<b>16.97</b>	<b>3.47</b>	<b>7.04</b>	<b>1.41</b>	<b>1.52</b>	<b>0.30</b>	<b>0.47</b>	<b>0.09</b>	<b>0.57</b>	<b>0.11</b>

[45CSR13, R13-2729, 4.1.1]

Notes: (1) Coal Conveyor Belt System (Em unit ID BC-0)  
 (2) Coal Crusher (Em unit ID-CRU-01)  
 (3) Crushed Coal Storage Pile(Em unit ID-SP-02), Oversize Coal Storage Pile (Em unit ID, SP-01)  
 (4) Diesel Generator (Em unit ID-DG-CRU)

6.1.2 Throughput of coal to the crusher shall not exceed 150 tons per hour nor 50,000 tons per year. Compliance with the coal throughput limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the throughput at any given time for the previous twelve (12) consecutive calendar months.  
 [45CSR13, R13-2729, 4.1.2]

6.1.3. The crusher shall not operate more than 400 hours per year. Compliance with the limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the number of hours of operation at any given time for the previous twelve (12) consecutive calendar months.  
 [45CSR13, R13-2729, 4.1.3]

6.1.4 No person shall cause, suffer, allow or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:  
 [45CSR§2-5.1, 45CSR13, R13-2729, 4.1.4]

6.1.5 Ash or fuel handling systems and ash disposal areas.  
 [45CSR§2-5.1.c, 45CSR13, R13-2729, 4.1.5]

## **6.2. Monitoring and Recordkeeping Requirements**

6.2.1. For the purposes of determining compliance with maximum throughput limits set forth in 6.1.2 , the permittee shall maintain a certifiable record of the total throughput of coal through the crusher on a daily and monthly basis. These records are to be maintained onsite for a period not less than five (5) years. The records shall be certified by a responsible official and made available, upon request, to the Director or his / her authorized representative.

**[45CSR13, R13-2729, 4.2.1]**

6.2.2. For the purposes of determining compliance with maximum operational limits set forth in 6.1.3 , the permittee shall maintain a certifiable record of the number of hours of crusher operation on a daily and monthly basis. These records are to be maintained onsite for a period not less than five (5) years. The records shall be certified by a responsible official and made available, upon request, to the Director or his / her authorized representative.

**[45CSR13, R13-2729, 4.2.2]**

## **6.3. Testing Requirements**

None

## **6.4. Recordkeeping Requirements**

None

## **6.5. Reporting Requirements**

None

## **6.6. Compliance Plan**

None

## 7.0. Source-Specific Requirements For Gypsum Handling

### 7.1. Limitations and Standards

7.1.1. Emissions from the bin vent filters covered by this permit shall not exceed the following:

Source	PM		PM <sub>10</sub>	
	gr/dscf	tpy	gr/dscf	tpy
VBF-1 <sup>(1)</sup>	0.01	0.04	0.01	0.04
VBF-2 <sup>(2)</sup>	0.01	0.04	0.01	0.04
VBF-3 <sup>(3)</sup>	0.01	0.04	0.01	0.04

[45CSR13, R13-2711, 4.1.1]

*Notes: (1) Bin Vent Filter is a control device for Limestone Day Silo 1(Em unit ID DC-1)*

*(2) Bin Vent Filter is a control device for Limestone Day Silo 2(Em unit ID DC-2)*

*(3) Bin Vent Filter is a control device for Limestone Day Silo 3(Em unit ID DC-3)*

7.1.2 The amount of limestone unloaded from barges shall not exceed 500 tons per hour nor 543,120 tons per year based on a 12 month rolling total. For the purposes of this permit a 12 month rolling total means the sum of material throughput at the end of any given month for the previous 12 months.

[45CSR13, R13-2711, 4.1.2]

7.1.3 The amount of gypsum produced shall not exceed 981,120 tons per year based on a 12 month rolling total.

[45CSR13, R13-2711, 4.1.3]

7.1.4 The permittee shall not cause, suffer, allow or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter.

[45CSR§2.5.1, 45CSR13, R13-2711, 4.1.4]

7.1.5 The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spraybar shall be equipped with spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

The pump delivering the water shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water 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.

Additionally, as often as is necessary to minimize emissions the permittee shall apply a mixture of water and an environmentally acceptable dust control additive hereafter referred to as solution to all unpaved haul roads. The solution shall have a concentration of dust control additive sufficient to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads.

For paved haulroads, the use of a wet road sweeper is an acceptable alternative to a water truck as long as it is operated in such a manner as to assure minimization of the atmospheric entrainment of fugitive particulate emissions

[45CSR13, R13-2711, 4.1.5]

- 7.1.6 **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 Table 1.4 of 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, R13-2711, 4.1.8]

## 7.2. Monitoring Requirements

- 7.2.1. For the purposes of determining compliance with condition 7.1.2 of this permit, the permittee shall maintain monthly records of the amount of limestone unloaded from barges. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.  
[45CSR13, R13-2711, 4.2.1]
- 7.2.2. For the purposes of determining compliance with condition 7.1.3 of this permit, the permittee shall maintain monthly records of the amount of gypsum produced. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.  
[45CSR13, R13-2711, 4.2.2]
- 7.2.3. For the purposes of determining compliance with condition 7.1.5 of this permit, the permittee shall maintain records of the amount of dust control additive used at the facility and the dates the solution was applied. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.  
[45CSR13, R13-2711, 4.2.3]

## 7.3. Testing Requirements

- 7.3.1. From May 1 through October 30 of each year the permittee will perform weekly visible emissions observations of the fugitive dust control systems in accordance with USEPA Method 9. Records of the VEs shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.  
[45CSR13, R13-2711, 4.3.1]
- 7.3.2. From November 1 through April 30 of each year the permittee will perform monthly visible emissions observations of the fugitive dust control systems in accordance with USEPA Method 9. Records of the VEs shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.  
[45CSR13, R13-2711, 4.3.2]

## 7.4. Recordkeeping Requirements

- 7.4.1. **Record of Maintenance of Air Pollution Control Equipment.** For all air pollution control equipment listed in Table 1.4 of Section 1.0, the permittee shall maintain accurate records of all required pollution

control equipment inspection and/or preventative maintenance procedures.  
[45CSR13, R13-2711, 4.4.2]

7.4.2. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Table 1.4 of 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, R13-2711, 4.4.3]

## 7.5. Reporting Requirements

None

## 7.6 Compliance Plan

None

## 8.0. Source-Specific Requirements [Emergency Generators]

### 8.1 Limitations and Standards

- 8.1.1 The permittee is authorized to operate the emission units in Table 1.6 (Section 1.0) with following emission limits in accordance with all terms and conditions of the 45CSR13 G60-B Class II General Permit (Appendix E).

Source ID#	Nitrogen Oxides		Carbon Monoxide		Volatile Organic Compounds	
	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
EDQP-001	4.13	1.03	0.48	0.12	0.15	0.04
EDQP-002	4.13	1.03	0.48	0.12	0.15	0.04

[45CSR13, G60-B006]

- 8.1.2 Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to subpart IIII, for all pollutants.

[45CSR16, 40CFR 60.4205(c)]

- 8.1.3 Beginning October 1, 2010, owners and operators of stationary CI ICE subject to this subpart with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 80.510(b) for nonroad diesel fuel.

[45CSR16, 40CFR 60.4207(b)]

### 8.2 Monitoring Requirements

N/A

### 8.3 Testing Requirements

N/A

### 8.4 Recordkeeping Requirements

N/A

### 8.5 Reporting Requirements

N/A

### 8.6 Compliance Plan

N/A

## **APPENDIX A**

### **FORT MARTIN POWER STATION**

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

**Approved – November 18, 2003**

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

**Facility Information:**

Facility Name: Fort Martin Power Station

Facility Address: Fort Martin Power Station  
State Route 53  
Maidsville, WV 26541

Facility Contact: Aaron Kitzmiller  
Fort Martin Power Station  
Telephone (304) 598-5227  
FAX # (304) 598-5252

Regional Director: Kevin Geraghty  
Fort Martin Power Station  
Telephone (304) 598-5250

Environmental Manager: Jeannine Hammer  
Monroeville Energy Center  
Telephone (412) 858-1668

**Facility Description:** (Plant ID # 6100001)

Fort Martin Power Station is a coal-fired electric generating facility with two main combustion units (Units 1 & 2) with in-service dates of 1967 and 1968 respectively, discharging through two individual stacks. Stacks 1 & 2 each have a height of approximately 550', with an outlet diameter of approximately 26'. There are two hyperbolic cooling towers that service the two units. Each unit has an electrostatic precipitator (ESP) with 99.5% removal efficiency. Fort Martin Power Station also has two auxiliary boilers (Aux. Boilers 1A and 1B) that discharge to a separate auxiliary stack (Stack 1A). Each unit has a design heat input greater than 10mmBtu/hr making them subject to 45CSR 2 and 45 CSR 10.

**I. 45 CSR 2 Monitoring Plan:**

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

**A. Stacks 1 and 2**

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

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

**B. Auxiliary Stack 1A**

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

Fort Martin Power Station is petitioning the Office of Air Quality (DAQ) Chief for alternative monitoring requirements and exemption from testing for the auxiliary boilers and the associated stack, pursuant to 45 CSR2 Section 8.4.a and 8.4.a.1 (Infrequent Use exception). Based on an average heat content of 141,000 mmBtu/gallon and a design heat input of 112.4 mmBtu/hour, auxiliary boilers 1A and 1B averaged 211.6 and 187.0 hours of operation, respectively, over the 1998-1999 two year time period. This is an average of less than 2.5% of the available hours for each boiler per year. Based on these limited operating hours, we believe that the requirement for COMS installation per 45 CSR2A Section 6.2.a is overly burdensome and sufficient reason for the granting of alternative monitoring methods. Fort Martin Power Station is proposing, as an alternative to COMS monitoring, that Method 9 (visible emission) readings be conducted once a month, for a duration of 30 minutes, provided the following conditions are met: 1) The auxiliary boiler has operated at normal, stable load conditions for at least 24 consecutive hours, and 2) weather/lighting conditions are conducive to taking proper Method 9 readings.

**II. 45 CSR 10 Monitoring Plan:**

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

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**A. Stacks 1 and 2**

1. **Applicable Standard:** The product of 3.1 and the total actual heat inputs for all units discharging through the stacks in million BTU's per hour. Compliance with the SO<sub>2</sub> limit is based on a continuous 24-hour averaging time, 45 CSR 10, § 3.3d.
2. **Primary Monitoring Method:** The primary method of monitoring SO<sub>2</sub> mass emissions from Stacks 1 and 2 will be Continuous Emission Monitors (CEMS). The CEMS are installed, maintained and operated in compliance with 40 CFR Part 75. As specified in 45 CSR 10, § 8.2.e.1, measurement with a certified CEMS shall satisfy the monitoring plan requirements.
3. **Other Credible Monitoring Methods:** While CEMS is the primary monitoring method, in the absence of CEMS, we reserve the right to use ASTM compliant fuel sampling and analysis or any other appropriate method that would produce credible data.

**B. Auxiliary Stack**

1. **Applicable Standard:** The product of 3.2 and the total design heat inputs for Type "b" fuel burning units, discharging through the stacks in million BTU's per hour. Compliance with the SO<sub>2</sub> limit is based on a continuous 24-hour averaging time. Ref 45 CSR 10, § 3.3.f and 3.8.
2. **Monitoring, Recordkeeping, and Exception Reporting Requirements:** The Fort Martin Power Station auxiliary boilers (and stack) are exempt from the Testing, Monitoring, Recordkeeping, and Reporting requirements found under 45 CSR 10, § 8 in accordance with 45 CSR 10 § 10.3 because the fuel burning sources combust only distillate oil. 45 CSR 10, § 3.8 also contains the requirement for the development of a monitoring plan. Because the burning of distillate oil results in an SO<sub>2</sub> emission rate well below the standard, fuel sampling and analysis may continue to be performed at this facility, but will be done so at the discretion of the owner/operator. It is not required by this monitoring plan for the purposes of indicating compliance of the auxiliary boilers with SO<sub>2</sub> standards.

**III. 45 CSR 2 Recordkeeping and Reporting Plan**

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

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

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2. Pipeline quality natural gas only, If used: such record shall include, but not limited to, the date and time of start-up and shutdown, and the quantity of fuel consumed on a monthly basis as determined in 45 CSR 2A, § 7.1.a.1.
3. Distillate oil only: such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a monthly basis as determined in 45 CSR 2A, § 7.1.a.2.
4. Coal only: such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis and an ash, BTU and sulfur content analysis for each shipment as determined in 45 CSR 2A, § 7.1.a.4.
5. Alternative, and/or opportunity fuel(s): such records shall include, but not be limited to, the date and time of start-up and shutdown, and fuel quality analysis as approved by the director as determined by 45 CSR 2A, § 7.1.a.5.
6. Combination of fuels: the owner or operator shall comply with the applicable recordkeeping requirements of §§ 7.1.a.1 through 7.1.a.5 for each fuel burned as determined in 45 CSR 2A, § 7.1.a.6.

**B. Record Maintenance**

1. Records of all required monitoring data and support information shall be maintained on-site for a period of at least five (5) Years from the date of monitoring, sampling, testing, measurement and reporting. Support information includes all calibration and maintenance records, strip charts, and copies of all required reports. In the case of auxiliary boilers, strip chart recordings, etc., are generally not available.

**C. Exception Reporting**

1. Compliance with the reporting and testing requirements under the Appendix to 45 CSR 2 shall fulfill the requirement for a periodic exception report under subdivision 8.3.b or 45 CSR 2 – 45 CSR 2A, § 7.2.a.
2. COMS: “Summary Report and/or Monitoring System Performance Report”: Each owner or operator employing COMS as the method for monitoring opacity shall submit a summary report and /or an excursion and COMS monitoring system report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may require more frequent reporting if deemed necessary to accurately assess compliance. The COMS summary report will be in an already established format, or one specified by the Director.
  - a. If the duration of excursions for the reporting period is less than one percent (1%) of the total operating time and monitoring system downtime for the reporting period is less than five percent (5%) of the total operating time, the summary report shall be submitted to

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the Director, the excursion and COMS monitoring system report shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 2A, § 7.2.b.1.

- b. If the total duration of excursions for the reporting period is one percent (1%) or greater of the total operating time, or total monitoring system downtime for the reporting period is five percent (5%) or greater, both reports shall be submitted to the Director. Ref 45 CSR 2A, § 7.2.b.2.
  - c. The excursion and COMS monitoring system report shall be in a format approved by the Director and shall include, but not be limited to the following information, Ref 45 CSR 2A, §§ 7.2.b.3, 7.2.b.3.A, B, C, D, and E.
  - d. The magnitude of each excursion, including the date and time, and the starting and ending times of each excursion.
  - e. Specific identification of each excursion that occurs during start-ups, shutdowns and malfunctions.
  - f. The nature and cause of any excursion (if known), and the corrective action taken and preventative measures adopted (if any).
  - g. The date and time identifying each period during which quality controlled (assured) monitoring data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of repairs or adjustments to the monitoring system.
  - h. When no excursions have occurred or there were no periods of quality controlled data unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report.
3. Non-COMS Based Monitoring, Summary Report and Excursion Report, Each owner or operator employing non-COMS based monitoring shall submit a monitoring summary report and/or an excursion report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may request more frequent reporting if deemed necessary to accurately assess the compliance of the units. The report shall be in a format approved by the Director. Ref. 45 CSR 2A, § 7.2.c.
- a. If the total number of excursions for the reporting period is less than one percent (1%) of the total number of readings for the reporting period and the number of readings missing for the reporting period is less than five percent (5%) of the total number of readings agreed upon in the monitoring plan, the monitoring summary report shall be submitted to the Director, and the

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- excursion report shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 2A, § 7.2.c.1.
- b. If the number of excursions for the reporting period is one percent (1%) or greater of the total number of readings for the reporting period or the number of readings missing for the reporting period is five percent (5%) or greater, the monitoring plan summary report and the excursion report shall both be submitted to the Director. Ref 45 CSR 2A, § 7.2.c.2.
  - c. The excursion and monitoring plan report shall be in a format approved by the Director and shall include, but not be limited to, the information as outlined in Paragraph C.2.d, e, f, g, and h of this plan.
  - d. To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45 CSR 2 shall be followed. Ref. 45 CSR 2A, § 7.2.d.
4. Pursuant to 45 CSR 2, Section 8.4.a and 8.4.a.1, Fort Martin Power Station is petitioning the Office of Air Quality (DAQ) Chief for alternative testing, monitoring, and reporting requirements for the auxiliary boiler and associated stack. The basis for the "infrequent operation" petition is found in the quantity of fuel used during the last few years as detailed earlier in this plan.
- a. As an alternative to the testing and exception reporting requirements for particulate mass emissions from the auxiliary boilers, we propose that the fuel analysis records maintained under the fuel quality analysis and recordkeeping section of this plan provide sufficient evidence of compliance with the particulate mass emission limit. Based on an average heat content of approximately 141,000 Btu/gallon and an AP-42 based particulate mass emissions emission factor of 2 lbs/thousand gallons, the calculated particulate mass emissions of the auxiliary boilers are 0.01 lb/mmBtu for each boiler. For the purpose of meeting exception reporting requirements, any fuel oil analysis indicating a heat content of less than 25,000 Btu/gallon will be reported to the DAQ to fulfill the requirement for a periodic exception report under 45 CSR 2 Section 8.3.b. and 45 CSR 2A, § 7.2.a. A heat content of 25,000 Btu/gal and a particulate emissions factor of 2 lbs/thousand gallons would result in a calculated particulate mass emissions of approximately 90% of the applicable 45 CSR 2 weight emission standard. Ref. 45 CSR 2, § 4.1.b.
  - b. As an alternative to the exception reporting requirements for opacity emissions from the auxiliary boilers, we are proposing to maintain a copy of each properly conducted (appropriate weather and lighting conditions, etc.) Method 9 evaluation on-site. Any properly

*REVISION 2*

conducted Method 9 test that indicates an exceedance shall be submitted to the DAQ on a quarterly basis (within 30 days of the end of the quarter) along with an accompanying description of the excursion cause, any corrective action taken, and the beginning and ending times for the excursion.

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

If no exceptions have occurred during the quarter, then a report will be submitted to the DAQ stating so. The report will identify periods in which no Method 9 tests were conducted (e.g. unit out of service) or when no fuel oil was received.

**IV. 45 CSR 10 Recordkeeping and Reporting Plan**

**A. Operating Schedule and Quality/Quantity of Fuel Burned (Main Stacks)**

1. The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule and the quality and quantity of fuel burned in each unit. Such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis, and a periodic fuel quality analysis as set forth below. Ref. 45 CSR 10 A, § 7.1.a:
  - a.  $\geq 90\%$  of Factor      daily
  - b.  $< 90\%$  of Factor      per shipment

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

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

**B. Record Maintenance (Main Stacks)**

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

**C. Exception Reporting (Main Stacks)**

REVISION 2

1. CEMS – each owner or operator employing CEMS for an approved monitoring plan shall submit a CEMS summary report and/or an excursion report quarterly (within 30 days of end of quarter) to the Director. The Director may request more frequent reports if deemed necessary to assess compliance of the units. The CEMS report shall be submitted in a format approved by the Director, or as specified by the Director. Ref 45 CSR 10A, § 7.2.a
  - a. Submittal of 40 CFR Part 75 data in electronic data reporting (EDR) format to the Director shall be deemed to satisfy the requirements of Section 7.2.a. Ref 45 CSR 10A, § 7.2.a.1
2. If the total duration of excursions for the reporting period is less than four percent (4%) of the total source operating time for the reporting period and the total monitoring method downtime for the reporting period is less than five percent (5%) of the total source operating time for the reporting period, only the CEMS summary shall be submitted. The excursion summary shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 10A, § 7.2.a.2.
3. If the total duration of excursions for the reporting period is four percent or greater of the total operating time for the reporting period or the total monitoring method downtime for the reporting period is five percent (5%) or greater of the total operating time for the reporting period, the CEMS summary report and the excursion report shall both be submitted to the Director. Ref. 45 CSR 10A, § 7.2.a.3.
5. The CEMS excursion and monitoring report shall be in format approved by the Director and shall include the following information. Ref. 45 CSR 10 A, § 7.2.a.4.
  - a. The magnitude of each excursion, and the date and time, including starting and ending times of each excursion. Ref. 45 CSR 10A, § 7.2.a.4.A.
  - b. Specific identification of each excursion that occurs during startups, shutdowns, and malfunctions of the facility. Ref. 45 CSR10A, § 7.2.a.4.B.
  - c. The nature and cause of any malfunction (if known), and the corrective action taken and preventive measures adopted. Ref. 45 CSR 10A, § 7.2.a.4.C.
  - d. The date and time identifying each period during which quality assured data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of the repairs or adjustments to the monitoring system. Ref. 45 CSR 10A, § 7.2.a.4.D.

REVISION 2

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

*REVISION 2*

- e. When no excursions have occurred or there were no periods of quality assured unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report. Ref. 45 CSR 10A, § 7.2.b.3.E.

**D. Auxiliary Stack (1A) Recordkeeping and Reporting**

- 1. Recordkeeping, and Exception Reporting Requirements: The Fort Martin Power Station auxiliary boilers (and stack) are exempt from the Testing, Monitoring, Recordkeeping, and Reporting requirements found under 45 CSR 10, § 8 because the fuel burning sources combust only distillate oil.

FORT MARTIN POWER STATION  
REVISION 2

45CSR2A Registration Forms

FORT MARTIN POWER STATION  
 REVISION 2

45CSR2A

<b>Table 1 - Sum of Design Heat Inputs for Similar Units</b>					
<b>Type 'a'</b>		<b>Type 'b'</b>		<b>Type 'c'</b>	
<b>(A) Unit ID</b>	<b>(B) DHI (mmBTU/hr)</b>	<b>(C) Unit ID</b>	<b>(D) DHI (mmBTU/hr)</b>	<b>(E) Unit ID</b>	<b>(F) DHI (mmBTU/hr)</b>
1	4,984	Aux Blr 1A	112.4		
2	4,984	Aux Blr 1B	112.4		
Sum of DHI for all Type 'a' units	9968	Sum of DHI for all Type 'a' units	224.8	Sum of DHI for all Type 'a' units	0

45CSR2A Registration Forms

FORT MARTIN POWER STATION  
 REVISION 2

45CSR2A

<b>Table 2 - Weight Emission Limits for Similar Units</b>			
<b>(A)</b>	<b>(B) Total Design Heat Input (mmBTU/hr)</b>	<b>(C) Factor from 45CSR2, Subsection 4.1 (lb/mmBTU)</b>	<b>(D) Weight Emission Rate (lb/hr)<sup>1,2</sup></b>
Sum of DHI for all Type 'a' units	9,968	0.05	498.4
Sum of DHI for all Type 'b' units	224.8	0.09	20.2
Sum of DHI for all Type 'c' units		N/A, look up lb/hr limit in 45CSR2, Table 45-2	

<sup>1</sup> If the calculated weight emission limit for Type 'a' units is greater than 1200 lbs/hr, then 1200 lbs/hr is the limit.

<sup>2</sup> If the calculated weight emission limit for Type 'b' units is greater than 600 lbs/hr, then 600 lbs/hr is the limit.

45CSR2A Registration Forms

FORT MARTIN POWER STATION  
 REVISION 2

45CSR2A

<b>Table 3 - Registration of Standard Individual Stack Emission Rates</b>				
(A) Stack ID	(B) Sum of DHI for all units venting thru stack (mmBTU/hr)	(C) Sum of DHI for all Similar Units (Table 2, Column B) (mmBTU/hr)	(D) Wt. Emission Rate for all Similar Units (Table 2, Column D) (mmBTU/hr)	(E) Stack Emission Rate (lb/hr) [(B/C)*D=E]
1	4,984	9,968	498.4	249.2
2	4,984	9,968	498.4	249.2
Stack Allowable Emission Rate (lb/hr)				498.4

45CSR2A Registration Forms

FORT MARTIN POWER STATION  
 REVISION 2

45CSR2A

<b>Table 3 - Registration of Standard Individual Stack Emission Rates</b>				
(A) Stack ID	(B) Sum of DHI for all units venting thru stack (mmBTU/hr)	(C) Sum of DHI for all Similar Units (Table 2, Column B) (mmBTU/hr)	(D) Wt. Emission Rate for all Similar Units (Table 2, Column D) (mmBTU/hr)	(E) Stack Emission Rate (lb/hr) [(B/C)*D=E]
Aux Stack 1A	224.8	224.8	20.2	20.2
<b>Stack Allowable Emission Rate (lb/hr)</b>				20.2

45CSR2A Registration Forms



FORT MARTIN POWER STATION  
REVISION 2

45CSR10A Registration Forms

FORT MARTIN POWER STATION  
 REVISION 2

45CSR10A

Table 1 - Sum of Design Heat Inputs for Similar Units					
Type 'a'		Type 'b'		Type 'c'	
(A) Unit ID	(B) DHI (mmBTU/hr)	(C) Unit ID	(D) DHI (mmBTU/hr)	(E) Unit ID	(F) DHI (mmBTU/hr)
1	4,984	Aux Blr 1A	112.4		
2	4,984	Aux Blr 1B	112.4		
Sum of DHI for all Type 'a' units	9968	Sum of DHI for all Type 'a' units	224.8	Sum of DHI for all Type 'a' units	0

45CSR10A Registration Forms

FORT MARTIN POWER STATION  
 REVISION 2

45CSR10A

<b>Table 2 - Weight Emission Limits for Similar Units</b>			
<b>(A)</b>	<b>(B) Total Design Heat Input (mmBTU/hr)</b>	<b>(C) Factor from 45CSR10, Section 3 (lb/mmBTU)</b>	<b>(D) Weight Emission Rate (lb/hr) [B * C = D]</b>
Sum of DHI for all Type 'a' units	9,968	3.1	30,901
Sum of DHI for all Type 'b' units	224.8	3.2	719.4
Sum of DHI for all Type 'c' units			0

Note: In accordance with 45CSR10 Section 3.3.d, the weight emission rate for type "a" units will be based upon actual operating heat inputs, not design heat inputs. Therefore, the emission rate in column D for type "a" units may vary slightly from the value shown.

45CSR10A Registration Froms:

FORT MARTIN POWER STATION  
 REVISION 2

45CSR10A

<b>Table 3 - Registration of Standard Individual Stack Emission Rates</b>					
(A) Stack ID	(B) Identify each unit venting thru stack	(C) Sum of DHI for all units venting thru stack (mmBTU/hr)	(D) Sum of DHI for all Similar Units (Table 2, Column B) (mmBTU/hr)	(E) Wt. Emission Rate for all Similar Units (Table 2, Column D) (mmBTU/hr)	(F) Stack Emission Rate (lb/hr) [(C/D)*E=F]
1	1	4,984	9,968	30,901	15,451
2	2	4,984	9,968	30,901	15,451
<b>Stack Allowable Emission Rate (lb/hr)</b>					30,901

45CSR10A Registration Forms

FORT MARTIN POWER STATION  
 REVISION 2

45CSR10A

Table 3 - Registration of Standard Individual Stack Emission Rates					
(A) Stack ID	(B) Identify each unit venting thru stack	(C) Sum of DHI for all units venting thru stack (mmBTU/hr)	(D) Sum of DHI for all Similar Units (Table 2, Column B) (mmBTU/hr)	(E) Wt. Emission Rate for all Similar Units (Table 2, Column D) (mmBTU/hr)	(F) Stack Emission Rate (lb/hr) [(C/D)*E=F]
Aux Stack 1A	Aux Blr 1A, 1B	224.8	224.8	719.36	719.36
Stack Allowable Emission Rate (lb/hr)					719.4

45CSR10A Registration Forms

FORT MARTIN POWER STATION  
 REVISION 2

45CSR10A

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

**Table 4 - Registration of Alternative Stack Emission Rates**

(A) Stack ID	(B) Identify each unit venting thru stack	(C) Alternative Stack Emission Rate (lb/hr)
<b>Sum of Alternative Stack Emission Rates (lb/hr)<sup>1</sup></b>		<b>0</b>

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

45CSR10A Registration Forms

## **APPENDIX B – Acid rain Permits**



west virginia department of environmental protection  
Division of Air Quality

## Phase II Acid Rain Permit

Plant Name: <b>Fort Martin Power Station</b>	Permit #: <b>R33-3943-2012-3</b>
Affected Unit(s): <b>1, 2</b>	
Operator: <b>Monongahela Power Company</b>	ORIS Code: <b>3943</b>
Effective Date From: <b>January 1, 2008</b>	To: <b>December 31, 2012</b>

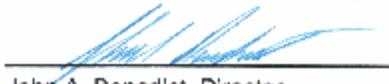
### Contents:

1. Statement of Basis.
2. SO<sub>2</sub> allowances allocated under this permit and NO<sub>x</sub> requirements for each affected unit.
3. Comments, notes and justifications regarding permit decisions and changes made to permit application forms during the review process, and any additional requirements or conditions.
4. The permit application forms submitted for this source, as corrected by the West Virginia Division of Air Quality. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.

### 1. Statement of Basis

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

### Permit Approval

  
\_\_\_\_\_  
John A. Benedict, Director  
Division of Air Quality

  
\_\_\_\_\_  
Date

Promoting a healthy environment



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

Plant Name: <b>Fort Martin Power Station</b>	Permit #: <b>R33-3943-2012-3</b>
--	----------------------------------

**2. SO<sub>2</sub> Allocations and NO<sub>x</sub> Requirements for each affected unit**

Unit No. <b>1</b>
-------------------

SO <sub>2</sub> Allowances	Year				
	2008	2009	2010	2011	2012
<b>Table 2 allowances, as adjusted by 40CFR Part 73</b>	17935*	17935*	17965	17965	17965
<b>Repowering plan allowances</b>	N/A	N/A	N/A	N/A	N/A

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

NO <sub>x</sub> Requirements	2008	2009	2010	2011	2012
<b>NO<sub>x</sub> Limit (lb/mmBtu)</b>	0.31	0.31	0.31	0.31	0.31

Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves five (5) NO<sub>x</sub> emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2008, 2009, 2010, 2011 and 2012. Under each plan, the unit's NO<sub>x</sub> emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.31 lb/mmBtu. In addition, this unit shall not have an annual heat input less than 35,426,000 mmBtu.

Under the plan, the actual Btu-weighted annual average NO<sub>x</sub> emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO<sub>x</sub> emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR §76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.

In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control and the Maryland Department of Environment, Air and Radiation Management Administration have also approved this averaging plan.

In addition to the described NO<sub>x</sub> compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.

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

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

**4. Permit application forms:**

Attached.

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

<b>Plant Name: Fort Martin Power Station</b>	<b>Permit #: R33-3943-2012-3</b>
--	----------------------------------

**2. SO<sub>2</sub> Allocations and NO<sub>x</sub> Requirements for each affected unit**

Unit No. <b>2</b>
-------------------

<b>SO<sub>2</sub> Allowances</b>	<b>Year</b>				
	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>Table 2 allowances, as adjusted by 40CFR Part 73</b>	17767*	17767*	17797	17797	17797
<b>Repowering plan allowances</b>	N/A	N/A	N/A	N/A	N/A
The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO <sub>2</sub> allowance allocations identified in this permit (See 40 CFR §72.84). *Note: 2008 and 2009 allowances are the sum of Column "(B)" and Column "(C)" of Table 2 of 40CFR§73.10.					

<b>NO<sub>x</sub> Requirements</b>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b>NO<sub>x</sub> Limit (lb/mmBtu)</b>	0.31	0.31	0.31	0.31	0.31
Pursuant to 40 CFR §76.11, the West Virginia Department of Environmental Protection, Division of Air Quality approves five (5) NO <sub>x</sub> emissions averaging plans for this unit. Each plan is effective for one calendar year for the years 2008, 2009, 2010, 2011 and 2012. Under each plan, the unit's NO <sub>x</sub> emissions shall not exceed the annual alternative contemporaneous emission limitation (ACEL) of 0.31 lb/mmBtu. In addition, this unit shall not have an annual heat input less than 33,811,000 mmBtu.					
Under the plan, the actual Btu-weighted annual average NO <sub>x</sub> emission rate for the units in the plan shall be less than or equal to the Btu-weighted annual average NO <sub>x</sub> emission rate for the same units had they each been operated, during the same period of time, in compliance with the applicable emission limitations under 40 CFR §76.5, 76.6 or 76.7, except that for early election units, the applicable emission limitations shall be under 40 CFR §76.7. If the designated representative demonstrates that the requirement of the prior sentence (as set forth in 40 CFR §76.11(d)(1)(ii)(A)) is met for a year under the plan, then this unit shall be deemed to be in compliance for that year with its alternative contemporaneous annual emission limitation and annual heat input limit.					
In accordance with 40 CFR §72.40(b)(2), approval of the averaging plan shall be final only when the Pennsylvania Department of Environmental Resources, Bureau of Air Quality Control and the Maryland Department of Environment, Air and Radiation Management Administration have also approved this averaging plan.					
In addition to the described NO <sub>x</sub> compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO <sub>x</sub> compliance plan and requirements covering excess emissions.					

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

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

**4. Permit application forms:**

Attached.



ORIGINAL

Acid Rain - Page 2

Fort Martin Power Station  
Plant Name (from Step 1)

**STEP 3**

**Read the  
standard  
requirements**

**Permit Requirements**

- (1) The designated representative of each affected source and each affected unit at the source shall:
  - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
  - (ii) Have an Acid Rain Permit.

**Monitoring Requirements**

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

**Sulfur Dioxide Requirements**

- (1) The owners and operators of each source and each affected unit at the source shall:
  - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

ORIGINAL

Acid Rain - Page 3

Fort Martin Power Station  
Plant Name (from Step 1)

**STEP 3,  
Cont'd.**

**Nitrogen Oxides Requirements** The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

**Excess Emissions Requirements**

- (1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
  - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

**Recordkeeping and Reporting Requirements**

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

**Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

ORIGINAL

Acid Rain - Page 4

Fort Martin Power Station  
Plant Name (from Step 1)

Step 3,  
Cont'd.

**Liability, Cont'd.**

(5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.

(6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO<sub>x</sub> averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.

(7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

(1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;

(2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;

(3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;

(4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,

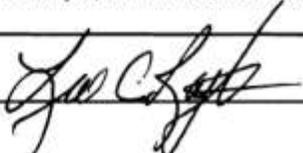
(5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

STEP 4

**Certification**

Read the  
certification  
statement,  
sign, and  
date

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

Leo C. Rajter, Vice President Generation Operations	
Name	
Signature	
Date	6/26/07

ORIGINAL

United States  
 Environmental Protection Agency  
 Acid Rain Program

OMB No. 2060-0258



# Phase II NO<sub>x</sub> Averaging Plan

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

Page 1

This submission is:  New  Revised

Page 1 of 3

## STEP 1

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

Plant Name	State	ID#	(a) Emission Limitation	(b) ACEL	(c) Annual Heat Input Limit
Albright	WV	1	0.50	0.69	9,005,000
Albright	WV	2	0.50	0.70	9,005,000
Albright	WV	3	0.45	0.40	8,294,000
Armstrong	PA	1	0.50	0.40	10,571,000
Armstrong	PA	2	0.50	0.36	10,841,000
Fort Martin	WV	1	0.45	0.31	35,426,000
Fort Martin	WV	2	0.68	0.31	33,811,000
Harrison	WV	1	0.50	0.42	42,311,000
Harrison	WV	2	0.50	0.42	42,513,000

## STEP 2

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

Btu-weighted annual emission rate averaged over the units if they are operated in accordance with the proposed averaging plan

Btu-weighted annual average emission rate for same units operated in compliance with 40 CFR 76.5, 76.6 or 76.7

0.43

≤

0.56

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

≤

$$\frac{\sum_{i=1}^n [R_{i1} \times HI_i]}{\sum_{i=1}^n HI_i}$$

Where,

- R<sub>Li</sub> = Alternative contemporaneous annual emission limitation for unit i, in lb/mmBtu, as specified in column (b) of Step 1;
- R<sub>i1</sub> = Applicable emission limitation for unit i, in lb/mmBtu, as specified in column (a) of Step 1;
- HI<sub>i</sub> = Annual heat input for unit i, in mmBtu, as specified in column (c) of Step 1;
- n = Number of units in the averaging plan

ORIGINAL

Albright, Armstrong, Ft. Martin, Harrison, Hatfield, Mitchell, Pleasants,  
Rivesville, Rt. Paul Smith, and Willow Island  
Plant Name (from Step 1)

NO<sub>x</sub> Averaging - Page 2

**STEP 3**

Mark one of the two options and enter dates.

- This plan is effective for calendar year \_\_\_\_\_ through calendar year \_\_\_\_\_ unless notification to terminate the plan is given.
- Treat this plan as  identical plans, each effective for one calendar year for the following calendar years: 2008, 2009, 2010, 2011 and 2012 unless notification to terminate one or more of these plans is given.

**STEP 4**

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

**Special Provisions**

Emission Limitations

Each affected unit in an approved averaging plan is in compliance with the Acid Rain emission limitation for NO<sub>x</sub> under the plan only if the following requirements are met:

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

Liability

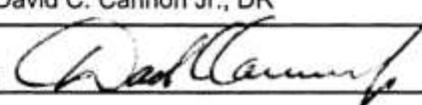
The owners and operators of a unit governed by an approved averaging plan shall be liable for any violation of the plan or this section at that unit or any other unit in the plan, including liability for fulfilling the obligations specified in part 77 of this chapter and sections 113 and 411 of the Act.

Termination

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

**Certification**

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

Name	David C. Cannon Jr., DR
Signature	
Date	6/22/2007



ORIGINAL



United States  
 Environmental Protection Agency  
 Acid Rain Program

OMB No. 2060-0258

# Phase II NO<sub>x</sub> Compliance Plan

Page 1 of 2

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

This submission is:  New  Revised

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

Plant Name	Fort Martin Power Station	State	WV	ORIS Code	3943
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**STEP 2**

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

ID#	ID#	ID#	ID#	ID#	ID#
1	2				
Type	Type	Type	Type	Type	Type
T	CB				

(a) Standard annual average emission limitation of 0.50 lb/mmBtu (for Phase I dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase I tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) EPA-approved early election plan under 40 CFR 76.8 through 12/31/07 (also indicate above emission limit specified in plan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Standard annual average emission limitation of 0.46 lb/mmBtu (for Phase II dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Standard annual average emission limitation of 0.40 lb/mmBtu (for Phase II tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(j) NO <sub>x</sub> Averaging Plan (include NO <sub>x</sub> Averaging form)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO <sub>x</sub> Averaging (check the NO <sub>x</sub> Averaging Plan box and include NO <sub>x</sub> Averaging form)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

ORIGINAL

Plant Name (from Step 1) <b>Fort Martin Power Station</b>
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NO<sub>x</sub> Compliance - Page 2  
 Page 2 of 2

**STEP 2, cont'd.**

ID#	ID#	ID#	ID#	ID#	ID#
Type	Type	Type	Type	Type	Type

(m) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17 (a)(2)(i)(C), (a)(2)(iii)(B), or (b)(2)	<input type="checkbox"/>					
(n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)	<input type="checkbox"/>					
(o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing	<input type="checkbox"/>					
(p) Repowering extension plan approved or under review	<input type="checkbox"/>					

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

**Standard Requirements**

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

**Special Provisions for Early Election Units**

Nitrogen Oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO<sub>x</sub> as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(iii).

Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.

Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7.

**Certification**

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

Name <b>David C. Cannon Jr., DR</b>	
Signature	Date <b>6/22/2007</b>

## **APPENDIX C –CAIR Permit Application**



Environment, Health & Safety

800 Cabin Hill Drive  
Greensburg, PA 15601

CERTIFIED MAIL

06-25-07P02:33 RCVB

June 25, 2007

Mr. John A. Benedict, Director  
Division of Air Quality  
West Virginia Department of Environmental Protection  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304

RE: Allegheny Energy Supply Company LLC / Monongahela Power Company  
CAIR Permit Applications

Dear Mr. Benedict:

Pursuant to your letter dated February 20, 2007 please find enclosed a completed CAIR Permit Application for each of the following Allegheny Energy Supply Company LLC / Monongahela Power Company power stations:

Albright Power Station	Pleasants Power Station
Fort Martin Power Station	Rivesville Power Station
Harrison Power Station	Willow Island Power Station

Included with each application is a copy of the EPA CAMD CAIR/Acid Rain Certificate of Representation report (completed electronically through the EPA CAMD system).

You can contact me at 724-838-6004 if you require additional information or have any questions regarding this application.

Sincerely,

A handwritten signature in cursive script that reads 'Randy Cain'.

Randy D. Cain  
Alternate Designated Representative

Enclosures



**STEP 3,  
continued**

Plant Name **Fort Martin Power Station**

CAIR Permit Application  
Page 2

**(b) Monitoring, reporting and recordkeeping requirements.**

(1) The owners and operators and the CAIR designated representative, of each CAIR NO<sub>x</sub> Annual source, CAIR NO<sub>x</sub> Ozone Season source and CAIR SO<sub>2</sub> source (as applicable) and each CAIR NO<sub>x</sub> Annual unit, CAIR NO<sub>x</sub> Ozone Season unit and CAIR SO<sub>2</sub> unit (as applicable) at the source shall comply with the monitoring, reporting and recordkeeping requirements of sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable).

(2) The emissions measurements recorded and reported in accordance with sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) shall be used to determine compliance by each CAIR NO<sub>x</sub> Annual source, CAIR NO<sub>x</sub> Ozone Season source and CAIR SO<sub>2</sub> source (as applicable) with the CAIR NO<sub>x</sub> Annual emissions limitation, CAIR NO<sub>x</sub> Ozone Season emissions limitation and CAIR SO<sub>2</sub> emissions limitation (as applicable) under 45CSR§39-6.3, 45CSR§40-6.3 and 45CSR§41-6.3 (as applicable).

**(c) Nitrogen oxides annual emissions requirements.**

(1) As of the allowance transfer deadline for the 2009 control period and each control period thereafter, the owners and operators of each CAIR NO<sub>x</sub> Annual source and each CAIR NO<sub>x</sub> Annual unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> Annual allowances available for compliance deductions for the control period under 45CSR§39-54.1 in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO<sub>x</sub> Annual units at the source, as determined in accordance with sections 70 through 75 of 45CSR39.

(2) A CAIR NO<sub>x</sub> Annual unit shall be subject to the requirements under 45CSR§39-6.3.a for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, or 70.2.e of 45CSR39, and for each control period thereafter.

(3) A CAIR NO<sub>x</sub> Annual allowance shall not be deducted, for compliance with the requirements under 45CSR§39-6.3.a, for the control period in a calendar year before the year for which the CAIR NO<sub>x</sub> Annual allowance was allocated.

(4) CAIR NO<sub>x</sub> Annual allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Allowance Tracking System accounts in accordance with sections 50 through 62, and 80 through 88 of 45CSR39.

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

(6) A CAIR NO<sub>x</sub> Annual allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 40 through 62, and 80 through 88 of 45CSR39, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Annual allowance to or from a CAIR NO<sub>x</sub> Annual source's compliance account is incorporated automatically in any CAIR permit of the source.

**(d) Nitrogen oxides ozone season emissions requirements.**

(1) As of the allowance transfer deadline for the 2009 ozone season and each ozone season thereafter, the owners and operators of each CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO<sub>x</sub> Ozone Season allowances available for compliance deductions for the ozone season under 45CSR§40-54.1 in an amount not less than the tons of total nitrogen oxides emissions for the ozone season from all CAIR NO<sub>x</sub> Ozone Season units at the source, as determined in accordance with sections 70 through 75 of 45CSR40.

(2) A CAIR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under 45CSR§40-6.3.a for the ozone season starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under subdivisions 70.2.a, 70.2.b, 70.2.c or 70.2.g of 45CSR40 and for each ozone season thereafter.

(3) A CAIR NO<sub>x</sub> Ozone Season allowance shall not be deducted, for compliance with the requirements under 45CSR§40-6.3.a, for an ozone season in a calendar year before the year for which the CAIR NO<sub>x</sub> Ozone Season allowance was allocated.

(4) CAIR NO<sub>x</sub> Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System accounts in accordance with sections 50 through 62, and 80 through 88 of 45CSR40.

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

(6) A CAIR NO<sub>x</sub> Ozone Season allowance does not constitute a property right.

(7) Upon recordation by the Administrator under subdivision 43.3, sections 51 through 57, 60 through 62, and 80 through 88 of 45CSR40, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from a CAIR NO<sub>x</sub> Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

**(e) Sulfur dioxide annual emission requirements.**

(1) As of the allowance transfer deadline for the 2010 control period and each control period thereafter, the owners and operators of each CAIR SO<sub>2</sub> source and each CAIR SO<sub>2</sub> unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO<sub>2</sub> allowances available for compliance deductions for the control period, as determined in accordance with subsections 54.1 and 54.2 of 45CSR§41 in an amount not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO<sub>2</sub> units at the source, as determined in accordance with sections 70 through 75 of 45CSR41.

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

(3) A CAIR SO<sub>2</sub> allowance shall not be deducted, for compliance with the requirements under 45CSR§41-6.3.a, for a control period in a calendar year before the year for which the CAIR SO<sub>2</sub> allowance was allocated.

(4) CAIR SO<sub>2</sub> allowances shall be held in, deducted from, or transferred into or among CAIR SO<sub>2</sub> Allowance Tracking System accounts in accordance with sections 51 through 62, and 80 through 88 of 45CSR41.

(5) A CAIR SO<sub>2</sub> allowance is a limited authorization to emit sulfur dioxide in accordance with the CAIR SO<sub>2</sub> Trading Program. No provision of the CAIR SO<sub>2</sub> Trading Program, the CAIR permit application, the CAIR permit, or an exemption under 45CSR§41-5 and no provision of law shall be construed to limit the authority of the state or the United States to terminate or limit such authorization.

(6) A CAIR SO<sub>2</sub> allowance does not constitute a property right.

(7) Upon recordation by the Administrator under sections 51 through 57, 60 through 62, and 80 through 88 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO<sub>2</sub> allowance to or from a CAIR SO<sub>2</sub> source's compliance account is incorporated automatically in any CAIR permit of the source.

Plant Name **Fort Martin Power Station**

CAIR Permit Application  
Page 3

**STEP 3,  
continued**

(f) Excess emissions requirements.

(1) If a CAIR NO<sub>x</sub> Annual source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> Annual emissions limitation, then:

(i) The owners and operators of the source and each CAIR NO<sub>x</sub> Annual unit at the source shall surrender the CAIR NO<sub>x</sub> Annual allowances required for deduction under 45CSR§39-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

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

(2) If a CAIR NO<sub>x</sub> Ozone Season source emits nitrogen oxides during any ozone season in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:

(i) The owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under 45CSR§40-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

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

(3) If a CAIR SO<sub>2</sub> source emits sulfur dioxide during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, then:

(i) The owners and operators of the source and each CAIR SO<sub>2</sub> unit at the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under 45CSR§41-54.4.a and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act or West Virginia Code §22-5-1 et seq; and

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

(g) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of a CAIR NO<sub>x</sub> Annual source, CAIR NO<sub>x</sub> Ozone Season source and CAIR SO<sub>2</sub> source (as applicable) and each CAIR NO<sub>x</sub> Annual unit, CAIR NO<sub>x</sub> Ozone Season unit and CAIR SO<sub>2</sub> unit (as applicable) at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Secretary or the Administrator.

(i) The certificate of representation under 45CSR§39-13, 45CSR§40-13 and 45CSR§41-13 (as applicable) for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> Annual unit, CAIR NO<sub>x</sub> Ozone Season unit and CAIR SO<sub>2</sub> unit (as applicable) at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation under 45CSR§39-13, 45CSR§40-13 and 45CSR§41-13 (as applicable) changing the CAIR designated representative.

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

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program and CAIR SO<sub>2</sub> Trading Program (as applicable).

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program and CAIR SO<sub>2</sub> Trading Program (as applicable) or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program and CAIR SO<sub>2</sub> Trading Program (as applicable).

(2) The CAIR designated representative of a CAIR NO<sub>x</sub> Annual source, CAIR NO<sub>x</sub> Ozone Season source and CAIR SO<sub>2</sub> source (as applicable) and each CAIR NO<sub>x</sub> Annual unit, CAIR NO<sub>x</sub> Ozone Season unit and CAIR SO<sub>2</sub> unit (as applicable) at the source shall submit the reports required under the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program and CAIR SO<sub>2</sub> Trading Program (as applicable) including those under sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable).

(h) Liability.

(1) Each CAIR NO<sub>x</sub> Annual source, CAIR NO<sub>x</sub> Ozone Season source and CAIR SO<sub>2</sub> source (as applicable) and each NO<sub>x</sub> unit, CAIR NO<sub>x</sub> Ozone Season unit and CAIR SO<sub>2</sub> unit (as applicable) shall meet the requirements of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program and CAIR SO<sub>2</sub> Trading Program (as applicable).

(2) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program or CAIR SO<sub>2</sub> Trading Program (as applicable) that applies to a CAIR NO<sub>x</sub> Annual source, CAIR NO<sub>x</sub> Ozone Season source or CAIR SO<sub>2</sub> source (as applicable) or the CAIR designated representative of a CAIR NO<sub>x</sub> Annual source, CAIR NO<sub>x</sub> Ozone Season source or CAIR SO<sub>2</sub> source (as applicable) shall also apply to the owners and operators of such source and of the CAIR NO<sub>x</sub> Annual units, CAIR NO<sub>x</sub> Ozone Season units or CAIR SO<sub>2</sub> units (as applicable) at the source.

(3) Any provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program or CAIR SO<sub>2</sub> Trading Program (as applicable) that applies to a CAIR NO<sub>x</sub> Annual unit, CAIR SO<sub>2</sub> unit or CAIR NO<sub>x</sub> Ozone Season unit (as applicable) or the CAIR designated representative of a CAIR NO<sub>x</sub> Annual unit, CAIR NO<sub>x</sub> Ozone Season unit or CAIR SO<sub>2</sub> unit (as applicable) shall also apply to the owners and operators of such unit.

(i) Effect on Other Authorities.

No provision of the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program and CAIR SO<sub>2</sub> Trading Program (as applicable), a CAIR permit application, a CAIR permit, or an exemption under 45CSR§39-5, 45CSR§40-5, or 45CSR§41-5 (as applicable) shall be construed as exempting or excluding the owners and operators, and the CAIR designated representative, of a CAIR NO<sub>x</sub> Annual source, CAIR NO<sub>x</sub> Ozone Season source and CAIR SO<sub>2</sub> source (as applicable) or CAIR NO<sub>x</sub> Annual unit, CAIR NO<sub>x</sub> Ozone Season unit and CAIR SO<sub>2</sub> unit (as applicable) from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

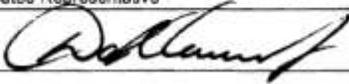
Plant Name	Fort Martin Power Station
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CAIR Permit Application  
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STEP 3,  
continued

**Certification**

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

CAIR Designated Representative	David C. Cannon Jr.	
Signature		Date
		6/24/2007

## **APPENDIX D – Compliance Oder**





west virginia department of environmental protection

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

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

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

DATE: April 7, 2008

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

TO: Allegheny Energy Supply Company, LLC  
American Bituminous Power Partners  
Appalachian Power Company

Dominion Generation  
Morgantown Energy Associates  
Ohio Power Company

**INTRODUCTION**

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

**FINDINGS OF FACT**

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

1. On December 20, 2000, EPA issued a finding pursuant to CAA section 112(n)(1)(A), *Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units* [65FR79825, 20 DEC2000], that it was appropriate and necessary to regulate mercury (Hg) under Section 112 of the Clean Air Act (CAA).
2. On March 29, 2005, EPA published a final agency action which delisted such utility units under section 112(n)(1) of the CAA, *Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List* [70FR15994, 29MAR2005].
3. On May 18, 2005, EPA published *Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units* [70FR28606, 18MAY2005].

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

4. CAMR required Hg reductions in two phases, with Phase I covering 2010 - 2017, and Phase II beginning in 2018. CAMR Phase I did not impose any Hg reduction requirements beyond those required to control SO<sub>2</sub> and NO<sub>x</sub> emissions under Phase I of the Clean Air Interstate Rule (CAIR) [70FR25162, 12MAY2005]. CAIR requires SO<sub>2</sub> and NO<sub>x</sub> reductions in 22 eastern states, including West Virginia.
5. To comply with CAMR, West Virginia implemented 45CSR37 – Mercury Budget Trading Program to Reduce Mercury Emissions – which became effective on May 1, 2006. 45CSR37 is the state counterpart to the federal CAMR.
6. On July 12, 2006, West Virginia submitted 45CSR37 to EPA to meet the 111(d) State Plan requirements of CAMR.
7. On February 8, 2008, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) issued a decision in *New Jersey v. EPA* which vacated two of the rules listed above:
  - (a) 40 CFR Part 63 – Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List [70FR15994, 29MAR2005]; and
  - (b) 40 CFR Parts 60, 72 and 75 – Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units (CAMR) [70FR28606, 18MAY2005].
8. On March 14, 2008, the DC Circuit issued the mandate that the CAMR be vacated.
9. On March 24, 2008, EPA appealed the decision of the DC Circuit to vacate the CAMR. EPA has requested an *en banc* hearing. Litigation is ongoing.
10. The following companies own and/or operate one or more fossil fuel-fired stationary boiler(s) at the identified facilities, serving a generator with nameplate capacity greater than 25 MW<sub>e</sub> which emits mercury (Hg) in West Virginia:

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

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

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

#### **ORDER HOLDING 45CSR37 REQUIREMENTS IN ABEYANCE**

Since the provisions of 45CSR37 are intrinsically tied to the provisions of the federal CAMR rule, which has been vacated, and the Hg reductions required under Phase I of the CAMR will still be obtained since they were predicated on the Hg reduction co-benefit of SO<sub>2</sub> and NO<sub>x</sub> reductions required under the Clean Air Interstate Rule [70FR25162, 12MAY2005], the Director finds that it is appropriate to hold specific requirements of 45CSR37 in abeyance pending resolution of the ongoing federal litigation related to CAMR.

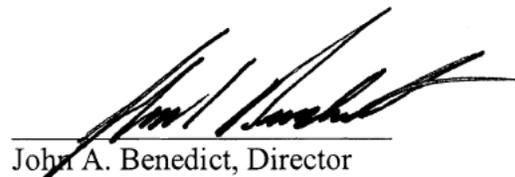
Now, therefore, the Director hereby ORDERS that the requirements of 45CSR37, Section 21 be held in abeyance pending resolution of the ongoing CAMR litigation or final action is taken by the State to revoke this order or to repeal, revise or replace 45CSR37.

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**OTHER PROVISIONS**

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

This Order shall become effective April 7, 2008.

  
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John A. Benedict, Director  
Division of Air Quality

**Appendix E**  
**Monongahela Power Company, Fort Martin Power Plant**  
**Identification Number- 06100001**

45CSR13 G60-B Class II General Permit



*West Virginia Department of Environmental Protection*

*Joe Manchin, III*  
Governor

*Division of Air Quality*

*Randy C. Huffman*  
Cabinet Secretary

**Class II  
General Permit G60-B  
Registration  
to Construct**



*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

**G60-B006**

Issued to:  
**Monongahela Power Company**  
**Fort Martin Power Station**  
**061-00001**

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*John A. Benedict*  
Director

*Issued: June 10, 2008 • Effective: June 10, 2008*

Class II General Permit: G60-B  
Emergency Generators

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This Class II General Permit Registration does not affect any other 45CSR13 permits.

Facility Location: Maidsville, Monongalia County, West Virginia  
Mailing Address: 800 Cabin Hill Drive, Greensburg, PA 15601  
Facility Description: Emergency Generator  
SIC Codes: 4911  
UTM Coordinates: 591.92 km Easting • 4396.18 km Northing • Zone 17  
Registration Type: Construction  
Description of Change: Installation and operation of an emergency generator  
Subject to 40CFR60 Subpart IIII? Yes

*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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*The source is subject to 45CSR30. The permittee has the duty to update the facility's Title V (45CSR30) permit application to reflect the changes permitted herein.*

Class II General Permit: G60-B  
 Emergency Generators

General Permit Registration Number: G60-B006  
 Registrant: Monongahela Power Company  
 Facility Name: Fort Martin Power Station  
 Mailing Address: 800 Cabin Hill Drive, Greensburg, PA 15601

This Class II General Permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §22-5-1 et seq.) and 45CSR13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The registrant 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 the G60-B Class II General Permit.

**Emission Units**

Emission Unit ID	Emission Point ID	Emission Unit Description (Make, Model, Serial No.)	Year Installed	Design Capacity (bhp/rpm)
EDQP-1	EDQP-1	Clarke/JW6H-UF38 Emergency Generator	2008	252/1750
EDQP-2	EDQP-2	Clarke/JW6H-UF38 Emergency Generator	2008	252/1750
EDQP-T001	EDQP-T001	#2 Fuel Oil Storage Tank (300 gal)	2008	NA
EDQP-T002	EDQP-T002	#2 Fuel Oil Storage Tank (300 gal)	2008	NA

**Emission Limitations**

Source ID#	Nitrogen Oxides		Carbon Monoxide		Volatile Organic Compounds	
	lb/hr	ton/yr	lb/hr	ton/yr	lb/hr	ton/yr
EDQP-001	4.13	1.03	0.48	0.12	0.15	0.04
EDQP-002	4.13	1.03	0.48	0.12	0.15	0.04

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 General 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.