

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:
Morgantown Energy Associates
R30-06100027-2008

John A. Benedict
Director

Issued: December 9, 2008 • Effective: January 1, 2009
Expiration: December 9, 2013 • Renewal Application Due: June 9, 2013

Permit Number: **R30-06100027-2008**
Permittee: **Morgantown Energy Associates**
Permittee Mailing Address: **555 Beechurst Avenue, Morgantown, West Virginia 26505**

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

Facility Location:	Morgantown, Monongalia County, West Virginia
Facility Mailing Address:	555 Beechurst Avenue, Morgantown, West Virginia 26505
Telephone Number:	304-284-2500
Type of Business Entity:	Partnership
Facility Description:	Cogeneration (Steam and Electric) Service
SIC Codes:	Primary: 4911; Secondary: N/A; Tertiary: N/A
UTM Coordinates:	589.20 km Easting • 4388.10 km Northing • Zone 17

Permit Writer: Denton McDerment

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

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

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

1.1 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Fuel Handling					
S001A	Vents 1 & 2	Elevating Conveyor 1	1989	500 TPH	ES 1 / BH 1 & 2
S001B	Vents 1 & 2	TP001B - Elevating Conveyor 1 to Reversible Feed Conveyor 1	1989	500 TPH	ES 1 / BH 1 & 2
S001C	Vents 1 & 2	Reversible Feed Conveyor 1	1989	500 TPH	ES 1 / BH 1 & 2
S001D	Vent 1	TP001D - Reversible Feed Conveyor 1 to Coal Silo 1	1989	500 TPH	ES 1 / BH 1
S001E	Vent 1	Coal Silo 1	1989	2,100 Tons	ES 1 / BH 1
S001F	Vents 1 & 2	TP001F - Elevating Conveyor 1 to Emergency Bypass Conveyor	2001	120 TPH	ES 1 / BH 1 & 2
S002A	Vent 2	TP002A - Reversible Feed Conveyor 1 to Gob Storage Silo 1	1989	500 TPH	ES 1 / BH 2
S002B	Vent 2	Gob Storage Silo 1	2001	2,100 Tons	ES 1 / BH 2
S003A	Vent 3	TP003A – Coal Silo 1 to Weigh Belt Conveyor 1	1989	60 TPH	ES 2 / BH 3
S003B	Vent 3	TP003B – Gob Storage Silo 1 to Weigh Belt Conveyor 2	1989	60 TPH	ES 2 / BH 3
S003C	Vent 3	Weigh Belt Conveyor 1	1989	60 TPH	ES 2 / BH 3
S003D	Vent 3	Weigh Belt Conveyor 2	2001	60 TPH	ES 2 / BH 3
S003E	Vent 3	TP003E - Weigh Belt Conveyor 1& 2 to Grinding Mill	1989	60 TPH	ES 2 / BH 3
S003F	Vent 3	TP003F - Weigh Belt Conveyor 1& 2 to Hammer Mill	1989	60 TPH	ES 2 / BH 3
S003G	Vent 3	TP003G – Emergency Mill Feed System Hopper 1 to En-mass Elevating Conveyor 1	1989	60 TPH	ES 2 / BH 3
S003H	Vent 3	En-mass Elevating Conveyor 1	1989	60 TPH	ES 2 / BH 3
S003I	Vent 3	TP003I – En-mass Elevating Conveyor 1 to Mill Inlet Chute System	1989	60 TPH	ES 2 / BH 3
S003J	Vent 3	Grinding Mill 1	1989	60 & 90 TPH	ES 2 / BH 3
S003K	Vent 3	Hammer Mill 1	1989	60 TPH	ES 2 / BH 3

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
S004A	Vent 4	TP004A – Grinding Mill 1 to Mill Collecting Conveyor 1	1989	60 & 90 TPH	ES 3 / BH 4
S004B	Vent 4	TP004B – Hammer Mill 1 to Mill Collecting Conveyor 1	1989	60 TPH	ES 3 / BH 4
S004C	Vent 4	TP004C – Baghouse 4 Dust Discharge to Mill Collecting Conveyor 1	1989	5 TPH (est.)	ES 3 / BH 4
S004D	Vent 4	Mill Collecting Conveyor 1	2001	120 TPH	ES 3 / BH 4
S004E	Vent 4	TP004E – Mill Collecting Conveyor 1 to Elevating Conveyor 2	1989	120 TPH	ES 3 / BH 4
S004F	Vent 4	TP004F – Baghouse 3 Dust Discharge to Elevating Conveyor 2	1989	12 TPH	ES 3 / BH 4
S004G	Vent 4	Elevating Conveyor 2 (Bottom Half)	2001	120 TPH	ES 3 / BH 4
S005A	Vent 5	Elevating Conveyor 2 (Top Half)	1989	120 TPH	ES 4 / BH 5
S005B	Vent 5	TP005B – Elevating Conveyor 2 to Fuel Bin 1	1989	120 TPH	ES 4 / BH 5
S005C	Vent 5	TP005C – Elevating Conveyor 2 to Fuel Bin 2	1989	120 TPH	ES 4 / BH 5
S005D	Vent 5	Fuel Bin 1	1989	375 Tons	ES 4 / BH 5
S005E	Vent 5	Fuel Bin 2	1989	375 Tons	ES 4 / BH 5
S005F	Vent 5	Emergency Bypass Conveyor	2001	120 TPH	ES 4 / BH 5
Limestone Handling					
S006A	Vent 6	TP006A – Transfer from Truck to Limestone Unloading Hopper 1	1989	37.5 TPH	BE 2 / BH 6
S006B	Vent 6	TP006B – Transfer from Truck to Limestone Unloading Hopper 2	1989	37.5 TPH	BE 2 / BH 6
S006C	Vent 6	Limestone Unloading Hopper 1	1989	75 TPH	BE 2 / BH 6
S006D	Vent 6	Limestone Unloading Hopper 2	1989	75 TPH	BE 2 / BH 6
S007A	Vent 7 & 8	TP007A – Transfer from Limestone Unloading Hopper 1 to Pneumatic Conveying System 1	1989	75 TPH	PCS 1
S007B	Vent 7 & 8	TP007B – Transfer from Limestone Unloading Hopper 2 to Pneumatic Conveying System 1	1989	75 TPH	PCS 1
S007C	Vent 7 & 8	TP007C – Transfer from Truck to Pneumatic Conveying System 1	1989	75 TPH	PCS 1

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
S007D	Vent 7	TP007D – Transfer from Pneumatic Conveying System 1 to Limestone Silo 1	1989	75 TPH	ES 5 / BVF 1
S007E	Vent 7	Limestone Silo 1	1989	1,160 Tons	ES 5 / BVF 1
S008A	Vent 8	TP008A – Transfer from Limestone Silo 1 to Pneumatic Conveying System 1	1989	75 TPH	PCS 1
S008B	Vent 8	TP008B – Transfer from Pneumatic Conveying System 1 to Limestone Bin 1	1989	75 TPH	ES 6 / BVF 2
S008C	Vent 8	Limestone Bin 1	1989	250 Tons	ES 6 / BVF 2
S008D	Vent 8	TP008D– Limestone Bin 1 to Gravimetric Feeder/Conveyor A	1989	10 TPH	ES 6 / BVF 2
S008E	Vent 8	Gravimetric Feeder/Conveyor A	1989	10 TPH	ES 6 / BVF 2
S008F	Vent 8	TP008F– Gravimetric Feeder/Conveyor A to Rotary Valve A	1989	10 TPH	ES 6 / BVF 2
S008G	Vent 8	TP008G– Limestone Bin 1 to Gravimetric Feeder/Conveyor B	1989	10 TPH	ES 6 / BVF 2
S008H	Vent 8	Gravimetric Feeder/Conveyor B	1989	10 TPH	ES 6 / BVF 2
S008I	Vent 8	TP008I– Gravimetric Feeder/Conveyor B to Rotary Valve B	1989	10 TPH	ES 6 / BVF 2
Boiler & Associated Equipment					
S009A	STACK1	TP009A - Limestone Feeder Rotary Valve A to Pneumatic Conveying System 2	1989	10 TPH	PCS / BH 7 & 8
S009B	STACK1	TP009B - Limestone Feeder Rotary Valve B to Pneumatic Conveying System 2	1989	10 TPH	PCS / BH 7 & 8
S009C	STACK1	TP009C - Pneumatic Conveying System 2 to CFB Boiler 1	1989	10 TPH	PCS / BH 7 & 8
S009D	STACK1	TP009D - Pneumatic Conveying System 2 to CFB Boiler 2	1989	10 TPH	PCS / BH 7 & 8
S009E	STACK1	TP009E – Fuel Bin 1 to Enclosed Conveying System 7	1989	46 TPH	ES / BH 7 & 8
S009F	STACK1	TP009F – Fuel Bin 2 to Enclosed Conveying System 7	1989	46 TPH	ES / BH 7 & 8
S009G	STACK1	Enclosed Conveying System 7 to CFB Boiler 1	1989	46 TPH	ES / BH 7 & 8

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
S009H	STACK1	Enclosed Conveying System 7 to CFB Boiler 2	1989	46 TPH	ES / BH 7 & 8
S009J	STACK1	Ahlstrom Pyroflow CFB Boiler/Cyclone #1	1989	375 mmBtu/hr	Limestone Injection, BH 8
S009K	STACK1	Ahlstrom Pyroflow CFB Boiler/Cyclone #2	1989	375 mmBtu/hr	Limestone Injection, BH 7
S009L	STACK1	Zurn Auxiliary Boiler #1	1989	132 mmBtu/hr	LNB
S009M	STACK1	Zurn Auxiliary Boiler #2	1989	132 mmBtu/hr	LNB

Ash Handling

S010A	Vent 9	TP010A – CFB Boiler 1 Bottom Ash Screw A to Drag Chain Conveyor 101	1989	16.5 TPH	ES 8 / BVF 3
S010B	Vent 9	TP010C – CFB Boiler 1 Bottom Ash Screw B to Drag Chain Conveyor 101	1989	16.5 TPH	ES 8 / BVF 3
S010C	Vent 9	TP010E – CFB Boiler 1 Bottom Ash Screw C to Drag Chain Conveyor 101	1989	16.5 TPH	ES 8 / BVF 3
S010D	Vent 9	Drag Chain Conveyor 101	1989	16.5 TPH	ES 8 / BVF 3
S010E	Vent 9	TP010I – CFB Boiler 2 Bottom Ash Screw A to Drag Chain Conveyor 201	1989	16.5 TPH	ES 8 / BVF 3
S010F	Vent 9	TP010K – CFB Boiler 2 Bottom Ash Screw B to Drag Chain Conveyor 201	1989	16.5 TPH	ES 8 / BVF 3
S010G	Vent 9	TP010M – CFB Boiler 2 Bottom Ash Screw C to Drag Chain Conveyor 201	1989	16.5 TPH	ES 8 / BVF 3
S010H	Vent 9	Drag Chain Conveyor 201	1989	16.5 TPH	ES 8 / BVF 3
S010I	Vent 9	TP010Q – Drag Chain Conveyor 101 to Clinker Grinder 1	1989	16.5 TPH	ES 8 / BVF 3
S010J	Vent 9	TP010S – Drag Chain Conveyor 201 to Clinker Grinder 3	1989	16.5 TPH	ES 8 / BVF 3
S010K	Vent 9	Clinker Grinder 1	1989	16.5 TPH	ES 8 / BVF 3
S010L	Vent 9	Clinker Grinder 3	1989	16.5 TPH	ES 8 / BVF 3
S010M	Vent 9	TP010Y – Clinker Grinder 1 to Bottom Ash Holding Bin 1	1989	16.5 TPH	ES 8 / BVF 3
S010N	Vent 9	TP010AA – Clinker Grinder 3 to Bottom Ash Holding Bin 1	1989	16.5 TPH	ES 8 / BVF 3
S010O	Vent 9	Bottom Ash Holding Bin	1989	76.5 Tons	ES 8 / BVF 3
S011A	Vent 10	TP011A – Bottom Ash Holding Bin Discharge A to Vacuum Conveying System A	1989	50 TPH	ES 3 / VCS A / FS A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
S011B	Vent 10	TP011B – Bottom Ash Holding Bin Discharge B to Vacuum Conveying System B	1989	50 TPH	ES 3 / VCS B / FS B
S011C	Vent 10	TP011C – Bottom Ash Holding Bin Discharge C to Vacuum Conveying System C	1989	50 TPH	ES 3 / VCS C / FS C
S011D	Vent 10	TP011D – CFB No. 1 Air Heater Hopper to Vacuum Conveying System A	1989	50 TPH	ES 3 / VCS A / FS A
S011E	Vent 10	TP011E – CFB No. 2 Air Heater Hopper to Vacuum Conveying System C	1989	50 TPH	ES 3 / VCS C / FS C
S011F	Vent 10	TP011F – CFB No. 1 Baghouse Row 1 Discharge to Vacuum Conveying System A	1989	50 TPH	ES 3 / VCS A / FS A
S011G	Vent 10	TP011G – CFB No. 1 Baghouse Row 2 Discharge to Vacuum Conveying System B	1989	50 TPH	ES 3 / VCS B / FS B
S011H	Vent 10	TP011H – CFB No. 2 Baghouse Row 1 Discharge to Vacuum Conveying System B	1989	50 TPH	ES 3 / VCS B / FS B
S011I	Vent 10	TP011I – CFB No. 2 Baghouse Row 2 Discharge to Vacuum Conveying System C	1989	50 TPH	ES 3 / VCS C / FS C
S011J	Vent 10	Filter/Separator A Exhaust	1989	50 TPH	ES 3 / VCS A / FS A
S011K	Vent 10	Filter/Separator B Exhaust	1989	50 TPH	ES 3 / VCS B / FS B
S011L	Vent 10	Filter/Separator C Exhaust	1989	50 TPH	ES 3 / VCS C / FS C
S012A	Vent 11	TP012A – Filter/Separator A to Ash Silo1	1989	50 TPH	ES 9 / BH 9
S012B	Vent 11	TP012B – Filter/Separator B to Ash Silo1	1989	50 TPH	ES 9 / BH 9
S012C	Vent 11	TP012C – Filter/Separator A to Ash Silo1	1989	50 TPH	ES 9 / BH 9
S012D	Vent 11	Ash Silo1	1989	1,300 Tons	ES 9 / BH 9
S012E	Vent 11	TP012E – Ash Silo to Truck	1989	300 TPH	BH 9 / BE 4 / AC 1
S012F	Vent 11	TP012FE – Ash Silo to Truck	1989	300 TPH	BH 9 / BE 4 / AC 2

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Fuel Receiving & Emergency Fuel Feed Fugitives					
S00F1	Fugitive Emission 1	TP00F1 – Transfer from Truck to Fuel Unloading Hopper/Vibratory Feeder 1	1989	250 TPH	BE 1 / WS 1
S00F2	Fugitive Emission 2	Fuel Unloading Hopper 1	1989	250 TPH	BE 1 / WS 1
S00F3	Fugitive Emission 3	Vibratory Feeder 1	1989	250 TPH	BE 1 / ES 1
S00F4	Fugitive Emission 4	TP00F4 – Transfer from Truck to Fuel Unloading Hopper/Vibratory Feeder 2	1989	250 TPH	BE 1 / WS 2
S00F5	Fugitive Emission 5	Fuel Unloading Hopper 2	1989	250 TPH	BE 1 / WS 2
S00F6	Fugitive Emission 6	Vibratory Feeder 2	1989	250 TPH	BE 1 / ES 1
S00F7	Fugitive Emission 7	TP00F7 – Vibratory Feeder 2 to Transfer Conveyor 1	1989	250 TPH	BE 1 / ES 1 / WS 3
S00F8	Fugitive Emission 8	TP00F8 – Vibratory Feeder 1 to Transfer Conveyor 1	1989	250 TPH	BE 1 / ES 1 / WS 4
S00F9	Fugitive Emission 9	Transfer Conveyor 1	1989	500 TPH	BE 1 / ES 1
S00F10	Fugitive Emission 10	TP00F10 – Transfer Conveyor 1 to Elevating Conveyor 1	1989	500 TPH	BE 1 / ES 1 / WS 5
S00F11	Fugitive Emission 11	TP00F11 – Dribble Chute 1 to Dribble Chute Catch Bin 1	1989	N/A	BE 1
S00F12	Fugitive Emission 12	Dribble Chute Catch Bin 1	1989	N/A	BE 1
S00F13	Fugitive Emission 13	TP00F13 – Dribble Chute Catch Bin 1 to Dribble Chute Conveyor 1	1989	N/A	BE 1
S00F14	Fugitive Emission 14	TP00F14 – Dribble Chute Conveyor 1 to Transfer Conveyor 1	1989	N/A	BE 1
S00F15	Fugitive Emission 15	TP00F15 – Front End Loader to Emergency Mill Feed System Hopper 1	1989	60 TPH	N/A
S00F16	Fugitive Emission 16	Emergency Mill Feed System Hopper 1	1989	60 TPH	N/A
Storage Tank Fugitives					
S00F17	Fugitive Emission 17	A.S.T. 01 Acid Tank	1989	5,800 Gallons	N/A
S00F18	Fugitive Emission 18	A.S.T. 02 Caustic Tank	1989	5,800 Gallons	N/A

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
S00F21	Fugitive Emission 21	A.S.T. 05 Turbine Oil Tank	1989	2,378 Gallons	N/A
S00F22	Fugitive Emission 22	A.S.T. 06 EHC Oil Storage Tank	1989	105 Gallons	N/A
S00F23	Fugitive Emission 23	A.S.T. 07 Water Treatment Phosphate Tank	1989	1,600 Gallons	N/A
S00F24	Fugitive Emission 24	A.S.T. 08 Water Treatment Corrosion Inhibitor Tank	1989	400 Gallons	N/A
S00F25	Fugitive Emission 25	A.S.T. 09 Water Treatment Oxygen Scavenger Tank	1989	400 Gallons	N/A
Paved Roadway Fugitives					
S00F26	Fugitive Emission 26	Plant Roadway	1989	N/A	Paved / Water Cleaning

1.2. Active R13, R14, and R19 Permits

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

Permit Number	Date of Issuance
R13-1085A/R14-7B	April 20, 1993

2.0 General Conditions

2.1 Definitions

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

2.2 Acronyms

CAAA	Clean Air Act Amendments	NO_x	Nitrogen Oxides
CBI	Confidential Business Information	NSPS	New Source Performance Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM₁₀	Particulate Matter less than 10µm in diameter
C.F.R. or CFR	Code of Federal Regulations	pph	Pounds per Hour
CO	Carbon Monoxide	ppm	Parts per Million
C.S.R. or CSR	Codes of State Rules	PSD	Prevention of Significant Deterioration
DAQ	Division of Air Quality	psi	Pounds per Square Inch
DEP	Department of Environmental Protection	SIC	Standard Industrial Classification
FOIA	Freedom of Information Act	SIP	State Implementation Plan
HAP	Hazardous Air Pollutant	SO₂	Sulfur Dioxide
HON	Hazardous Organic NESHAP	TAP	Toxic Air Pollutant
HP	Horsepower	TPY	Tons per Year
lbs/hr or lb/hr	Pounds per Hour	TRS	Total Reduced Sulfur
LDAR	Leak Detection and Repair	TSP	Total Suspended Particulate
m	Thousand	USEPA	United States Environmental Protection Agency
MACT	Maximum Achievable Control Technology	UTM	Universal Transverse Mercator
mm	Million	VEE	Visual Emissions Evaluation
mmBtu/hr	Million British Thermal Units per Hour	VOC	Volatile Organic Compounds
mmft³/hr or mmcf/hr	Million Cubic Feet Burned per Hour		
NA or N/A	Not Applicable		
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		

2.3. Permit Expiration and Renewal

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

2.4. Permit Actions

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

2.5. Reopening for Cause

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

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

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

2.7. Minor Permit Modifications

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

2.8. Significant Permit Modification

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

2.9. Emissions Trading

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

2.10. Off-Permit Changes

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:
- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
 - b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
 - c. The change shall not qualify for the permit shield.
 - d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
 - e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

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

[45CSR§30-5.9.]

2.11. Operational Flexibility

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

[45CSR§30-5.8]

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

[45CSR§30-5.8.a.]

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

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

[45CSR§30-5.8.c.]

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

[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

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

[45CSR§30-5.1.i.]

2.13. Duty to Comply

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

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

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

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

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

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

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

[45CSR§30-5.1.f.2.]

2.17. Emergency

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

[45CSR§30-5.7.a.]

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

[45CSR§30-5.7.b.]

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

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

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

[45CSR§30-5.7.c.]

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

[45CSR§30-5.7.d.]

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

[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

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

[45CSR§30-5.2.a.]

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

2.19. Duty to Provide Information

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

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

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

[45CSR§30-4.2.]

2.21. Permit Shield

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

[45CSR§30-5.6.a.]

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

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

[45CSR§30-5.6.c.]

2.22. Credible Evidence

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

[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

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

[45CSR§30-5.1.e.]

2.24. Property Rights

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

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

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

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

[45CSR§30-5.1.d.]

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

[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1 Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. [45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. [45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them. [40 C.F.R. §61.145(b) and 45CSR15]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. [45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. [W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

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

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

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

[40 C.F.R. 68]

- 3.1.9. **NO_x Budget Trading Program.** The permittee shall comply with the standard requirements set forth in the attached NO_x Budget Permit Application (see Appendix A) and the NO_x Budget Permit requirements set forth in 45CSR26 for each NO_x budget source. The complete NO_x Budget Permit Application shall be the NO_x Budget Permit portion of the Title V permit administered in accordance with 45CSR30.

[45CSR§§26-6.1.b. and 20.1.]

- a. The NO_x Budget portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§26-2 and, upon recordation by the Administrator under 45CSR§26-50 through 45CSR§26-57 or 45CSR§26-60 through 45CSR§26-62, every allocation, transfer or deduction of a NO_x allowance to or from the compliance accounts of the NO_x Budget units covered by the permit or the overdraft account of the NO_x budget source covered by the permit.

[45CSR§26-23.2.]

- b. Except as provided in 45CSR§26-23.2, the Secretary will revise the NO_x Budget portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.

[45CSR§26-24.1.]

- 3.1.10. **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.]

- 3.1.11. **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.

Compliance with this streamlined condition will ensure compliance with 45CSR13/14 - Permit No. R13-1085B/R14-7B "Other Requirement (B)(1)(e)"

(In addition to the emission units that vent through the emission points identified in Section 5.0., also included are Em. Unit IDs S009A, S009B, S009C, S009D, S009E, S009F, S009G, and S009H which vent through Em. Pt. ID Stack 1.)

[45CSR§2-5]

- 3.1.12. All plant roads and haulways shall be paved and shall be kept clean by appropriate measures to minimize the emission or entrainment of fugitive particulate matter.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (A)(7)]

- 3.1.13. **CAIR NO_x 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_x Annual source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§39-6.1.b. and 20.1.]

- a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§39-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR39, every allocation, transfer, or deduction of a CAIR NO_x Annual allowance to or from the compliance account of the CAIR NO_x Annual source covered by the permit.
[45CSR§39-23.2.]
- b. Except as provided in 45CSR§39-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.
[45CSR§39-24.1.]

In July 2008, CAIR was vacated by the U.S. Court of Appeals for the District of Columbia. At this time however, the vacature of CAIR is stayed and no mandate has been issued making the vacature effective. Should the court issue a mandate vacating CAIR, this requirement will be unenforceable.

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

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

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

In July 2008, CAIR was vacated by the U.S. Court of Appeals for the District of Columbia. At this time however, the vacature of CAIR is stayed and no mandate has been issued making the vacature effective. Should the court issue a mandate vacating CAIR, this requirement will be unenforceable.

- 3.1.15. **CAIR SO₂ 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 SO₂ source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§41-6.1.b. and 20.1.]

- a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§41-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from the compliance account of the CAIR SO₂ source covered by the permit.
[45CSR§41-23.2.]
- b. Except as provided in 45CSR§41-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.
[45CSR§41-24.1.]

In July 2008, CAIR was vacated by the U.S. Court of Appeals for the District of Columbia. At this time however, the vacature of CAIR is stayed and no mandate has been issued making the vacature effective. Should the court issue a mandate vacating CAIR, this requirement will be unenforceable.

3.2. Monitoring Requirements

- 3.2.1. Reserved.

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
 - a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 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 45CSR13/14]

3.4. Recordkeeping Requirements

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

[45CSR§30-5.1.c.2.A.]

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

[45CSR§30-5.1.c.2.B.]

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

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

- 3.4.4. **Recordkeeping – Dust Control.** 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 57th Street SE
Charleston, WV 25304

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

If to the US EPA:

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

- 3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification

shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.

[45CSR§30-5.3.e.]

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

[45CSR§30-5.1.c.3.A.]

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

3.5.8. **Deviations.**

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

1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

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

[45CSR§30-5.1.c.3.B.]

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

[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

- 3.6.1. There is no facility-wide compliance plan since the permittee's responsible official certified compliance with all applicable requirements in the renewal application for this Title V operating permit.

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. **40 C.F.R. 60 Subpart Dc - Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units**
Each of the boilers (CFB and auxiliary) has a maximum design heat input capacity greater than 100 MMBtu/hr. Therefore, in accordance with 40 C.F.R. §60.40c(a), the boilers are not subject to Subpart Dc.
 - b. **40 C.F.R. 60 Subpart K - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978**
None of the tanks at the facility are greater than 40,000 gallons capacity. Therefore, in accordance with applicability criteria §60.110(a), Subpart K does not apply to the facility's tanks.
 - c. **40 C.F.R. 60 Subpart Ka - Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984**
None of the tanks at the facility are greater than 40,000 gallons capacity. Therefore, in accordance with applicability criteria §60.110a(a), Subpart Ka does not apply to the facility's tanks.
 - d. **40 C.F.R. 60 Subpart Kb - Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984**
None of the tanks at the facility are greater than 75-m³ (19,812.9 gallons) capacity. Therefore, in accordance with applicability criteria §60.110b(a), Subpart Kb does not apply to the facility's tanks.
 - e. **40 C.F.R. 60 Subpart OOO – Standards of Performance for Nonmetallic Mineral Processing Plants**
In accordance with §60.670(a)(1), this NSPS applies to the following affected facilities in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station. The permittee's facility operates some of this equipment.

Under §60.671, the NSPS defines a *nonmetallic mineral* to include limestone, but neither coal nor gob (i.e., waste or refuse coal) are included. Therefore, this Subpart does not apply to the equipment used to process coal or gob at the facility.

Also under §60.671, the NSPS defines a *Nonmetallic mineral processing plant* to mean “any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located, including lime plants, power plants, steel mills, asphalt concrete plants, portland cement plants, or any other facility processing nonmetallic minerals except as provided in §60.670(b) and (c).” The key to evaluating the facility with respect to this definition is the language “crush or grind”. Even though limestone is a *nonmetallic mineral* as defined in the NSPS, it is not crushed or ground at the facility. Limestone is received already crushed and ground to the appropriate size, and is not subsequently crushed or ground at the facility. This operating scenario agrees with the process flow diagrams, and was confirmed by the permittee in technical correspondence (6/03/08 e-mail). Therefore, this Subpart does not apply to the processing of limestone at the facility.

f. **40 C.F.R. 63 Subpart Q – National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers**

After review of the permittee’s Process Flow Schematic and Equipment Table in the renewal application, it was determined that the facility does not have an *industrial process cooling tower*, which is defined in §63.401. Therefore, the facility does not meet the applicability criteria of §63.400(a), and hence this MACT does not apply to the facility.

g. **45CSR5 – To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas**

A “Coal Preparation Plant” is defined under 45CSR§5-2.4., and this definition includes any facility that prepares coal by crushing, and further such definition includes all coal handling operations associated with a crushing process. The permittee crushes coal at the facility using a grinding mill (Em. Unit ID S003J) and hammer mill (Em. Unit ID S003K), and there is coal handling equipment associated with the crushing. However, since the facility is subject to 45CSR2, according to 45CSR§5-2.4.b. the *facility* is not included in the definition of a “Coal Preparation Plant”. Therefore, 45CSR5 does not apply to the facility, and particularly its coal crushing operations and associated coal handling.

h. **45CSR7 – To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations**

Since the facility is subject to 45CSR2, 45CSR§7-10.1. provides an exemption from 45CSR7.

i. **45CSR17 – To Prevent and Control Particulate Matter Air Pollution from Material Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter**

The facility is characterized by the handling and storage of materials that have the potential to produce fugitive particulate if not properly controlled. However, since the facility is subject to 45CSR2, it is not subject to this rule in accordance with the exemption granted in 45CSR§17-6.1.

j. **45CSR33 – Acid Rain Provisions and Permits**
40 C.F.R. Part 72 – Permits Regulation

The facility is exempt from “Acid Rain” requirements in accordance with the exemption granted under 40 C.F.R. §72.6(b)(5). It follows, then, that the facility is also exempt from the corresponding state rule 45CSR33.

4.0 Source-Specific Requirements [CFB Boilers (Em. Unit IDs: S009J, S009K) and Auxiliary Boilers (Em. Units IDs: S009L, S009M); Emission Point ID: *Stack 1*]

4.1. Limitations and Standards

- 4.1.1. Visible Emissions from each stack shall not exceed ten (10) percent opacity based on a six minute block average. *Compliance with this streamlined limit ensures compliance with 40 C.F.R. §60.42Da(b) for the CFB boilers.*
[45CSR§2-3.1.; 40 C.F.R. §60.42Da(b); 45CSR16]
- 4.1.2. The addition of sulfur oxides to a combustion unit exit gas stream for the purpose of improving emissions control equipment is prohibited unless written approval for such addition is provided by the Director.
[45CSR§2-4.4.]
- 4.1.3. The visible emission standards of condition 4.1.1. shall apply at all times except in periods of start-ups, shutdowns and malfunctions.
[45CSR§2-9.1.]
- 4.1.4. Any fuel burning unit(s) including associated air pollution control equipment, shall at all times, including periods of start-up, shutdowns, and malfunctions, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions.
[45CSR§2-9.2.; 45CSR16; 40 C.F.R. §60.11(d)]
- 4.1.5. The coal to be fired in CFB boilers 1 & 2 shall have a percent maximum sulfur content of 3.5 and a percent maximum ash content of 51.7.
[45CSR13/14- Permit No. R13-1085B/R14-7B Modification Application Volume 1 Section 5.0 “Affected Source Sheet” page 46 Item 2.A.(4)]
- 4.1.6. The sulfur dioxide reduction efficiency from each of the two (2) circulating fluidized bed boilers shall be no less than 94.6%. *[Compliance with this streamlined limit ensures compliance with 70 percent reduction requirement in 40 C.F.R. §60.43Da(a)(2).]*
[45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (A)(6); 45CSR16; 40 C.F.R. §60.43Da(a)(2)]

- 4.1.7. **CFB Boilers.** Air pollutant emissions from the stack serving the two permitted circulating fluidized bed boilers shall not exceed any of the following limitations during which either or both of the subject boilers are in operation:

Pollutant	lbm/hr	lbm/mmBtu	Concentration
Particulate Matter	22.5 ⁽¹⁾	0.03 ⁽²⁾	0.016 gr/dscf @ 3.5% O ₂
Sulfur Dioxide	285	0.40 ⁽³⁾	215 ppmvd @ 3.0% O ₂ (24-hr average)
Nitrogen Oxides (NO ₂)	300	0.40	293 ppmvd @ 3.0% O ₂ (24-hr average)
Volatile Organic Compounds	5.55	0.0074	N/A
Carbon Monoxide	117.5	0.157	188 ppmvd @ 3.0% O ₂ (24-hr average)
Lead	0.13	N/A	N/A
Mercury	0.021	N/A	N/A
Fluorides	0.4	N/A	N/A
Beryllium	0.0002	N/A	N/A
Arsenic	0.002	N/A	N/A
Radionuclides	0.0009	N/A	N/A

(1) Compliance with this streamlined PM mass rate limit assures compliance with 45CSR§2-4.1.a.

(2) Compliance with the above R13/R14 permit PM emission limitation of 0.03 lb/mmBtu constitutes compliance with the 0.03 lb/mmBtu limit under 40 C.F.R. §60.42Da(a)(1), and also with the 99 percent PM reduction requirement under 40 C.F.R. §60.42Da(a)(2).

(3) Compliance with the above R13/R14 permit SO₂ limit assures compliance with 40 C.F.R. §60.43Da(a)(2).

[45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (A)(1); 45CSR16; 40 C.F.R. §§60.42Da(a)(1), 60.42Da(a)(2), and 60.48Da(a)]

- 4.1.8. **Auxiliary Boilers.** During those periods when neither of the two fluidized bed boilers are in operation but steam demand for West Virginia University requires operation of either or both of the gas-fired auxiliary boilers, air pollutant emissions from the main stack venting the two natural gas-fired boilers shall not exceed the following:

Pollutant	lbm/hr	lbm/mmBtu
Particulate Matter	1.2	0.0045
Sulfur Dioxide	0.14	5.3 x10 ⁻⁴
Nitrogen Oxides	50.0	0.189
Volatile Organic Compounds	1.95	0.0074
Carbon Monoxide	10.0	0.038

Compliance with these streamlined PM and SO₂ time-rate limits assures compliance with 45CSR§2-4.1.b. and 45CSR§10-3.3.f., respectively. Compliance with this streamlined NO_x heat-rate limit assures compliance with 40 C.F.R. §60.44b(a)(1)(ii).

[45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (A)(2); 45CSR§2-4.1.b.; 45CSR§10-3.3.f.; 40 C.F.R. §60.44b(a)(1)(ii); 45CSR16]

- 4.1.9. **CFB and Auxiliary Boilers.** During periods when the steam demand for West Virginia University requires the combined operation of the circulating fluidized bed boilers and the auxiliary boilers, air pollutant emissions from the main stack venting those operations shall not exceed the following:

Pollutant	lbm/hr	lbm/mmBtu
Particulate Matter	22.5 ⁽²⁾	0.022 ⁽⁴⁾
Sulfur Dioxide ⁽¹⁾	285 (24-hr average) ⁽³⁾	0.40 ⁽⁴⁾
Nitrogen Oxides (NO ₂) ⁽¹⁾	300 (24-hr average)	0.40 ⁽⁵⁾
Volatile Organic Compounds	7.5	0.0074
Carbon Monoxide	127.5	0.1257
Lead	0.13	N/A
Mercury	0.021	N/A
Fluorides	0.4	N/A
Beryllium	0.0002	N/A
Arsenic	0.002	N/A
Radionuclides	0.0009	N/A

- (1) Compliance shall be demonstrated via continuous emissions monitoring.
 (2) Compliance with this streamlined PM limit assures compliance with 45CSR§2-4.1.a. for the CFB boilers (S009J, S009K).
 (3) Compliance with this streamlined SO₂ limit assures compliance with 45CSR§10-3.3.f. for the auxiliary boilers (S009L, S009M).
 (4) Compliance with these streamlined PM and SO₂ limits assures compliance with and 40 C.F.R. §§60.42Da(a)(1) and 60.43Da(a)(2), respectively.
 (5) Compliance with this streamlined NO_x limit assures compliance with 40 C.F.R. §60.44b(a)(1)(ii) for the auxiliary boilers (S009L, S009M).

[45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (A)(3); 45CSR§2-4.1.a.; 45CSR§10-3.3.f.; 40 C.F.R. §§60.42Da(a)(1) and 60.43Da(a)(2); 40 C.F.R. §60.44b(a)(1)(ii); 45CSR16]

4.2. Monitoring Requirements

- 4.2.1. The owner or operator shall install, calibrate, certify, operate, maintain, and record the output of continuous monitoring systems that measure all Opacity, SO₂, NO_x, and O₂ or CO₂ emissions from emission point *Stack 1* as specified in 40 C.F.R. Part 60, Subpart Da for the CFB boilers; and NO_x as specified in 40 C.F.R. Part 60, Subpart Db for the auxiliary boilers.

Compliance with this streamlined provision assures compliance 45CSR13/14 - Permit No. R13-1085B/R14-7B "Other Requirement (B)(1)(d)".

[45CSR16; 40 C.F.R. § 60.49Da, 40 C.F.R. §60.48b, 40 C.F.R. §60.13; 45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (B)(1)(d); 40 C.F.R. §§ 64.3(a), 64.3(b), 64.3(d)(1), and 64.6(c)(1)]

- 4.2.2. Compliance with the visible emission requirements of 45CSR§2-3.1. (condition 4.1.1.) shall be determined in accordance with 40 C.F.R. Part 60, Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems and as described in the approved monitoring plan. Compliance with the weight emission limit (4.1.7.) shall be demonstrated by periodic particulate matter stack testing (4.3.1. and 4.3.12.), 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. Such testing shall be conducted at a frequency to be established by the Director. [*Permit R13-1085/R14-7B serves as the approved monitoring plan.*]

[45CSR§§2-3.2. and 8.1.a., 45CSR§2A-6]

- 4.2.3. Compliance with the visible emissions limit (4.1.1.) shall be monitored as set forth in the approved monitoring plan for each emission unit. [*Permit R13-1085/R14-7B serves as the approved monitoring plan.*]
[45CSR§2-8.2.a.]
- 4.2.4. **Commencement of operation.** The permittee shall conduct the monitoring required under 40 C.F.R. Part 64 upon issuance of this permit that includes such monitoring.
[40 C.F.R. § 64.7(a); 45CSR§30-5.1.c.]
- 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 4.4.3.(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 4.5.6.(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. **Supplementary Actions prior to an Excursion** – For CAM purposes, normal operation shall be between 0% and 6% opacity on a six-minute block basis during any one-hour period. Opacity greater than 6% (six-minute block) triggers the following supplementary actions.
- a. Monitor the opacity as the baghouses (which are dedicated to either CFB#1 or CFB#2) go through a manually initiated cleaning cycle. The opacity will increase when the compartment with the problem or leaking bag goes through the cleaning cycle.
 - b. Once the problem compartment is identified, the compartment will be isolated and appropriate corrective measures will be taken.

[40 C.F.R. § 64.3(a); 45CSR§§30-5.1.c. and 12.7.]

- 4.2.10. **Excursions** – An excursion shall be defined as opacity greater than eight (8) percent during any six-minute period during any one-hour period after supplementary action (as defined in condition 4.2.9.) has been taken. An excursion will not be deemed to have occurred if the opacity exceeds 8% during the cleaning cycle specified in condition 4.2.9.a. If the opacity exceeds 8% before the permittee has time to perform the supplementary actions in condition 4.2.9., an excursion will be deemed to have occurred. Refer to conditions 4.4.3., 4.4.4., and 4.5.6. 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. Compliance with the particulate matter emission limitations under condition 4.1.7. and 40 C.F.R. §60.42Da(a) shall be demonstrated in accordance with 40 C.F.R. §60.8, 40 C.F.R. §60.48Da, 40 C.F.R. §60.50Da, and 45CSR2 Appendix - Compliance Test Procedures for 45CSR2.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(1)]
- 4.3.2. Compliance with the sulfur dioxide emission limitation and sulfur dioxide reduction requirements under conditions 4.1.7. and 4.1.6., and as required by 40 C.F.R. §60.43Da(a), shall be demonstrated in accordance with 40 C.F.R. §60.8, 40 C.F.R. §60.48Da, 40 C.F.R. §60.49Da and 40 C.F.R. §60.50Da, except that compliance with the maximum SO₂ emission limitation shall be demonstrated for each and all fixed twenty-four hour periods.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(1)(c)]
- 4.3.3. Compliance with the nitrogen oxides emission limitation under condition 4.1.7. shall be demonstrated in accordance with 40 C.F.R. §60.8, 40 C.F.R. §60.48Da, 40 C.F.R. §60.49Da, and 40 C.F.R. §60.50Da.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(2)]
- 4.3.4. Compliance with the nitrogen oxides emission limitations under condition 4.1.8. shall be demonstrated in accordance with 40 C.F.R. §60.8, 40 C.F.R. §60.46b, 40 C.F.R. §60.48b and 40 C.F.R. §60.49b.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(3)]
- 4.3.5. Compliance with the volatile organic compound emission limitation under conditions 4.1.7., 4.1.8., and 4.1.9. shall be demonstrated in accordance with 40 C.F.R. 60, Appendix A - Method 25 or 25A.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(4)]

- 4.3.6. Compliance with the carbon monoxide emission limitations under conditions 4.1.7., 4.1.8., and 4.1.9. shall be demonstrated in accordance with 40 C.F.R. 60 Appendix A - Method 10.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(5)]
- 4.3.7. The owner or operator shall conduct a test at least once every five (5) years to determine the compliance of the CFB Boilers 1 & 2 with the carbon monoxide (CO) limits of condition 4.1.7. Such tests shall be conducted in accordance with 40 CFR 60 Appendix A - Method 10. A compliance test shall be conducted no later than eighteen (18) months of the issuance date of this permit. An emission factor shall be determined from the test results and updated from the results of each subsequent test. The emission factor shall be used for compliance demonstration for periods between tests.
[45CSR§30-5.1.c.]
- 4.3.8. Compliance with the emission limitation for lead under condition 4.1.7. shall be demonstrated in accordance with 40 C.F.R. 60 Appendix A - Method 12.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(6)]
- 4.3.9. Compliance with the emission limitation for mercury under condition 4.1.7. shall be demonstrated in accordance with [40 C.F.R. Part 60, Appendix A, Method 30B](#) ~~40 C.F.R. Part 75, Appendix K - Method 30.b.~~
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(7)]
- 4.3.10. Compliance with the emission limitation for fluorides under condition 4.1.7. shall be demonstrated in accordance with 40 C.F.R. 60, Appendix A - Method 13.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(8)]
- 4.3.11. Compliance with the emission limitation for beryllium under condition 4.1.7. shall be demonstrated in accordance with 40 C.F.R. 61, Appendix B - Method 104.
[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(9)]
- 4.3.12. The owner or operator shall conduct, or have conducted, tests to determine the compliance of CFB Boilers 1 & 2 with the particulate matter mass emission limitations. Such tests shall be conducted in accordance with the appropriate method set forth in 45CSR2 Appendix – Compliance Test Procedures for 45CSR2, or other equivalent EPA approved method approved by the Director. Such tests shall be conducted in accordance with the schedule set forth in the following table.

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

Test	Test Results	Testing Frequency
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. Records of the operating schedule and quantity and quality of fuel consumed shall be maintained on site for each fuel burning unit and made available to the Director or his duly authorized representative upon request. Such records shall include, but not be limited to the date and time of start-up and shutdown and for:

- a. *Pipeline quality natural gas* – The quantity of fuel consumed on a monthly basis,
- b. *Coal* – Ash and BTU analysis for each shipment and the quantity of fuel consumed on a daily basis.

[45CSR§2-8.3.c., 45CSR§2A-7.1.a.]

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

[45CSR§2-8.3.a.]

4.4.3. 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.]

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

The permittee shall comply with the recordkeeping requirements specified in permit conditions 3.4.1. 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 permittee shall comply with the reporting requirements under 40 C.F.R. §60.51Da except that all required reports shall be certified to the USEPA Administrator and to the Department of Environmental Protection, Division of Air Quality Director in accordance with 40 C.F.R. §60.51Da(j).

[45CSR13/14 - Permit No. R13-1085B/R14-7B Other Requirement (B)(1)(f)]

4.5.2. Compliance with the periodic exception reporting of permit condition 4.5.5. shall be demonstrated by quarterly reports in accordance with 40 C.F.R. §60.7(c).

[45CSR16, 40 C.F.R. § 60.7]

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

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

[45CSR§2-9.3.a.]

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

- a. A detailed explanation of the factors involved or causes of the malfunction;
- b. The date, and time of duration (with starting and ending times) of the period of excess emissions;
- c. An estimate of the mass of excess emissions discharged during the malfunction period;
- d. The maximum opacity measured or observed during the malfunction;

- e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and
- f. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3.b.]

- 4.5.5. A periodic exception report shall be submitted to the Director, in a manner and at a frequency to be established by the Director.

[45CSR§2-8.3.b.]

4.5.6. **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.]

4.6. Compliance Plan

- 4.6.1. There is no compliance plan since the permittee's responsible official certified compliance with all applicable requirements in the renewal application for this Title V operating permit.

5.0 Source-Specific Requirements [Fuel, Limestone, and Ash Handling; Emission Point IDs: Vent 1 through Vent 11, and Fugitive Emission 1 through Fugitive Emission 16]

5.1. Limitations and Standards

5.1.1. Coal/coal refuse and limestone handling/storage facilities shall consist of the following, and particulate emissions shall be controlled as specified with maximum particulate emissions not to exceed the following:

	Type/Identity of Particulate Matter Control Equipment	Particulate Emission Limitation for Control Equipment Discharge lb/hr
Coal/Gob Receiving Hoppers (Truck)	Enclosure and Water/Chemical Dust Suppression System	
Coal/Gob Receiving Hopper (Emergency Use)	Minimize Drop Height	
Elevating Transfer Conveyor No. 1, Two Fuel Silos, Reversible Silo Feed Conveyor, Hopper Transfer Conveyor, and Transfer Points	Enclosure and Evacuation to Baghouse	0.0002
Elevating (Tripper) Conveyor No. 2 (top), Two Fuel Day Bins, and Transfer Points	Enclosure and Evacuation to Baghouse	0.0002
Mill Collecting Conveyor, Elevating Conveyor No. 2 base	Enclosure and Evacuation to Baghouse	0.0002
Two Coal/Gob Crushers (Grinding Mill, Hammer Mill), Emergency Fuel Feed Conveyor, Weigh Belt Conveyor	Enclosure and Evacuation to Baghouse	0.099
One 1,160 Ton Limestone Storage Silo	Baghouse	0.014
Limestone Truck Unloading Hopper	Enclosure and Evacuation to Baghouse	0.027
One Limestone Day Bin	Baghouse	0.005

[45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (A)(4)]

5.1.2. Visible Emissions from coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal (*Vents 1-5*) shall not exceed twenty (20) percent opacity except during periods of startup, shutdown, or malfunction.

[45CSR16; 40 C.F.R. §§ 60.252(c) and 60.11(c)]

5.1.3. At all times, including periods of startup, shutdown, and malfunction, any affected facility [*coal processing and conveying equipment* as defined in 40 C.F.R. 60 Subpart Y] including associated air pollution control equipment shall, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions. Determination that acceptable operating and maintenance procedures are being used, will be based on information available to the Secretary which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

[40 C.F.R. §60.11(d); 45CSR16]

5.1.4. Ash transfer, storage and loading facilities shall consist of the following and particulate emissions from the entire system shall be controlled as specified with maximum particulate emissions not to exceed the following:

	Type/Identity of Particulate Matter Control Equipment	Particulate Emission Limitation for Control Equipment Discharge lb/hr
Pneumatic System for Collected Flyash and Bottom Ash Handling, One 1300 Ton Ash Silo, Vacuum Blowers	Enclosure and Evacuation to Baghouse	0.028
Fully Sealed Mechanical System for Bottom Ash/Cooler Rejects, One 85 Ton Bottom Ash Silo	Baghouse	0.028
Flyash Transport (Silo Vent)	Baghouse	0.184
Wet Ash Loadout (Flyash and Bottom Ash)	Rotary dustless (wet) unloaders shall thoroughly wet ash prior to loading and handling. Ash loadout(s) shall be fully enclosed and evacuated to an ash silo baghouse during all ash loading.	

[45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (A)(5)]

5.1.5. There shall be no open stockpiling or storage of coal or coal refuse at the permitted facility.

[45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (A)(8)]

5.1.6. All trucks delivering coal or coal refuse and trucks removing ash from the plant shall be fully covered or enclosed.

[45CSR13/14 - Permit No. R13-1085B/R14-7B Specific Requirement (A)(9)]

5.2. Monitoring Requirements

5.2.1. Reserved.

5.3. Testing Requirements

5.3.1. In order to demonstrate compliance with the opacity limitation in condition 5.1.2., the permittee shall conduct visible emission evaluations as follows for “affected facility” *Baghouse Vents (Vents 1-5)*:

a. A visible emissions evaluation shall be conducted for each affected facility at least once every consecutive 12-month period in accordance with 40 C.F.R. Part 60 Appendix A, Method 9, or as provided in 40 C.F.R. §60.11. This annual evaluation shall consist of a minimum of 24 consecutive observations for each affected facility.

[45CSR16; 40 C.F.R. §§60.11(b) and (e)(1); 40 C.F.R. §60.254(b)(2)]

b. Each emissions unit with a visible emissions limit contained in this permit section shall be observed visually by a trained Method 22 observer at least each calendar week during periods of normal facility operation for a sufficient time interval to determine if the unit has any visible emissions. If visible emissions from any of the emissions units are observed during these weekly observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 C.F.R. Part 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than one (1) month from the time of the observation. A Method 9 evaluation shall not be required under this sub-section (5.3.1.b.) if the visible emissions condition is corrected within 24 hours; the emissions unit is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.

[45CSR§30-5.1.c.]

c. If the initial, or any subsequent, visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a given emission unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive 14-day period in accordance with 40 C.F.R. Part 60 Appendix A, Method 9. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the emission unit for 3 consecutive evaluation periods, the emission unit may comply with the visible emissions testing requirements of sub-section 5.3.1.b. above, in lieu of those established in this condition.

[45CSR§30-5.1.c.]

Note: The term “Affected Facility” used in this permit means any of the following (NSPS or non-NSPS):

- (1) Coal Processing and conveying equipment (including breakers and crushers)
- (2) Coal Storage Systems.
- (3) Coal Transfer and Loading Systems.

5.4. Recordkeeping Requirements

5.4.1. A record of each visible emissions observation shall be maintained on site, including any data required by 40 C.F.R. Part 60 Appendix A, Method 9. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall state any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

[45CSR§30-5.1.c.]

5.5. Reporting Requirements

5.5.1. Reserved.

5.6. Compliance Plan

5.6.1. There is no compliance plan since the permittee's responsible official certified compliance with all applicable requirements in the renewal application for this Title V operating permit.

APPENDIX A
NOx Budget Permit Application

Morgantown Energy Facility
Plant Name (from Step 1)

NO_x Budget Permit Application
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(b) Monitoring Requirements

- (1) The owners and operators and to the extent applicable the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of sections 70 through 76 of 45CSR1 or 45CSR26 and/or subpart H of 40 CFR part 97 as applicable
- (2) The emissions measurements recorded and reported in accordance with sections 70 through 76 of 45CSR1 or 45CSR26 and/or subpart H of 40 CFR part 97 shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under paragraph (c)

(c) Nitrogen Oxides Requirements

- (1) The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under subsections 45CSR1 54.1, 54.2, 54.5 or 54.6, 45CSR26-54.1, 54.2, 54.5 or 54.6 and/or § 97.54(a), (b), (e) or (f) as applicable as of the NO_x allowance transfer deadline in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the ozone season from the unit as determined in accordance with sections 70 through 76 of 45CSR1 or 45CSR26 and/or subpart H of 40 CFR part 97 as applicable plus any amount necessary to account for actual heat input under subsection 42.5 of 45CSR1 or 45CSR26 and/or § 97.42(e) for the ozone season period or to account for excess emissions for a prior ozone season under subsection 54.4 of 45CSR1 or 45CSR26 and/or § 97.54(d) or to account for withdrawal from the NO_x Budget Trading Program or a change in regulatory status of a NO_x Budget unit under sections 86 or 87 of 45CSR1 and/or § 97.86 or § 97.87 as applicable
- (2) Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of 45CSR1 or 45CSR26 §§22.5.1 et seq. and/or 40 CFR part 97 and the Clean Air Act
- (3) A NO_x Budget unit shall be subject to the requirements under paragraph (c)(1) starting on the later of May 31, 2004 for NO_x Budget units under 45CSR1, 45CSR26 and/or 40 CFR part 97 or the date on which the unit commences operation
- (4) NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with sections 40 through 43, 50 through 57, 60 through 62, and 70 through 76 of 45CSR1 or 45CSR26, sections 80 through 88 of 45CSR1 and/or subparts E, F, G, and I of 40 CFR part 97 as applicable
- (5) A NO_x allowance shall not be deducted in order to comply with the requirements under paragraph (c)(1) for an ozone season in a year prior to the year for which the NO_x allowance was allocated
- (6) A NO_x allowance allocated by the Director or EPA Administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under subsection 4.2 or section 5 of 45CSR1 or 45CSR26 and/or § 97.4(b) or § 97.5 as applicable and no provision of law shall be construed to limit the authority of the Division of Environmental Protection or the United States to terminate or limit such authorization
- (7) A NO_x allowance allocated by the Director or EPA Administrator under the NO_x Budget Trading Program does not constitute a property right
- (8) Upon recordation by the EPA Administrator, every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is incorporated automatically in any NO_x Budget permit of the NO_x Budget unit

(d) Excess Emissions Requirements

- (1) The owners and operators of a NO_x Budget unit that has excess emissions in any ozone season shall
 - (i) Surrender the NO_x allowance required to deduct or be added to a subpart H of 40 CFR part 97 or 45CSR1 or 45CSR26 and/or § 97.54(d)(1) as applicable and
 - (ii) Pay any fine, penalty, or assessment or comply with any other remedy imposed under subsection 54.4(c) of 45CSR1 or 45CSR26 and/or § 97.54(d)(3)

(e) Recordkeeping and Reporting Requirements

- (1) Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget 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 Director or the EPA Administrator
 - (i) The account certificate or representation under 45CSR 30 or 45CSR26-30 and/or § 97.13 as applicable for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that demonstrate the truth of the statements in the account 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 account certificate of representation under 45CSR1 13 or 45CSR26-13 and/or § 97.13 as applicable changing the NO_x authorized account representative
 - (ii) All emissions monitoring information in accordance with sections 70 through 76 of 45CSR1 or 45CSR26 and/or subpart H of 40 CFR part 97 (as applicable) provided that to the extent that sections 70 through 76 of 45CSR1 or 45CSR26 and/or subpart H of 40 CFR part 97 (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 NO_x Budget Trading Program
 - (iv) Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program
- (2) The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program including those under sections 30 and 70 through 76 of 45CSR1 or 45CSR26, sections 80 through 88 of 45CSR1 and/or subparts D, H, or I of 40 CFR part 97 as applicable

Morgantown Energy Facility
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(f) Liability

(1) Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program a NO_x Budget permit or an exemption under subsection 4-2 or section 5 of 45CSR1 or 45CSR26 and/or § 97-4(b) or § 97-5 shall be subject to enforcement pursuant to West Virginia Code §§22-5-1 et seq. or the Clean Air Act.

(2) Any person who knowingly makes a false material statement in any record submission or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to §§22-5-1 et seq. or the Clean Air Act.

(3) No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.

(4) Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.

(5) Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.

(6) Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under sections 70 through 76 of 45CSR1 or 45CSR26 and/or subpart H of 40 CFR part 97 as applicable, the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit or which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.

(g) Effect on Other Authorities

No provision of the NO_x Budget Trading Program a NO Budget permit application a NO_x Budget permit or an exemption under subsection 4-2 or section 5 of 45CSR1 or 45CSR26 and/or § 97-4(b) or § 97-5 shall be construed as exempting or excluding the owners and operators and to the extent applicable the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable approved State Implementation Plan a federally enforceable permit or the Clean Air Act.

Certification

I am authorized to make this submission on behalf of the owners and operators of the NO_x Budget sources or NO_x Budget 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.

Jesse Locklar, Jr
Name
Signature *Jesse Locklar, Jr* Date 2/1/02

Morgantown Energy Facility
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STEP 4 (For sources with opt-in units only)

For each unit listed under Step 2 that is an opt-in unit, re enter the unit ID# and indicate if this is an initial permit application for that unit by checking the box.

Unit ID#	Check box if initial permit application
	<input type="checkbox"/>

Step 5 (For sources with opt-in units only)

Read the certification and enter the name of the NO_x authorized account representative sign and date.

I certify that each unit for which this permit application is submitted under 45CSR1-80 and/or subpart I of 40 CFR part 97 as applicable is not a NO_x Budget unit under 45CSR1-4.1 and/or 40 CFR 97.4(a) and is not covered by an exemption under subsection 4.2 or section 5 of 45CSR1 and/or 40 CFR part 97.4(b) or 97.5 as applicable.

Name	
Signature	Date

APPENDIX B

Compliance Order # CO-R37-C-2008-4



west virginia department of environmental protection

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

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

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

DATE: April 7, 2008

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

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

Dominion Generation
Morgantown Energy Associates
Ohio Power Company

INTRODUCTION

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

FINDINGS OF FACT

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

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

Promoting a healthy environment.

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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 SO₂ and NO_x emissions under Phase I of the Clean Air Interstate Rule (CAIR) [70FR25162, 12MAY2005]. CAIR requires SO₂ and NO_x reductions in 22 eastern states, including West Virginia.
5. To comply with CAMR, West Virginia implemented 45CSR37 – Mercury Budget Trading Program to Reduce Mercury Emissions – which became effective on May 1, 2006. 45CSR37 is the state counterpart to the federal CAMR.
6. On July 12, 2006, West Virginia submitted 45CSR37 to EPA to meet the 111(d) State Plan requirements of CAMR.
7. On February 8, 2008, the United States Court of Appeals for the District of Columbia Circuit (DC Circuit) issued a decision in *New Jersey v. EPA* which vacated two of the rules listed above:
 - (a) 40 CFR Part 63 – Revision of December 2000 Regulatory Finding on the Emissions of Hazardous Air Pollutants from Electric Utility Steam Generating Units and the Removal of Coal- and Oil-Fired Electric Utility Steam Generating Units from the Section 112(c) List [70FR15994, 29MAR2005]; and
 - (b) 40 CFR Parts 60, 72 and 75 – Standards of Performance for New and Existing Stationary Sources: Electric Utility Steam Generating Units (CAMR) [70FR28606, 18MAY2005].
8. On March 14, 2008, the DC Circuit issued the mandate that the CAMR be vacated.
9. On March 24, 2008, EPA appealed the decision of the DC Circuit to vacate the CAMR. EPA has requested an *en banc* hearing. Litigation is ongoing.
10. The following companies own and/or operate one or more fossil fuel-fired stationary boiler(s) at the identified facilities, serving a generator with nameplate capacity greater than 25 MW_e which emits mercury (Hg) in West Virginia:

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

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

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

ORDER HOLDING 45CSR37 REQUIREMENTS IN ABEYANCE

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

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

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OTHER PROVISIONS

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

This Order shall become effective April 7, 2008.



John A. Benedict, Director
Division of Air Quality

Promoting a healthy environment.

Appendix C
CAIR Permit Application

Plant Name Morgantown Energy Associates

CAIR Permit Application
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**STEP 3,
continued**

(b) Monitoring, reporting and recordkeeping requirements.

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

(2) The emissions measurements recorded and reported in accordance with sections 70 through 75 of 45CSR39, 45CSR40 and 45CSR41 (as applicable) shall be used to determine compliance by each CAIR NO_x Annual source, CAIR NO_x Ozone Season source and CAIR SO₂ source (as applicable) with the CAIR NO_x Annual emissions limitation, CAIR NO_x Ozone Season emissions limitation and CAIR SO₂ emissions limitation (as applicable) under 45CSR§39-6.3, 45CSR§40-6.3 and 45CSR§41-6.3 (as applicable).

(c) Nitrogen oxides annual emissions requirements.

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

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

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

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

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

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

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

(d) Nitrogen oxides ozone season emissions requirements.

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

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

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

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

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

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

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

(e) Sulfur dioxide annual emission requirements.

(1) As of the allowance transfer deadline for the 2010 control period and each control period thereafter, the owners and operators of each CAIR SO₂ source and each CAIR SO₂ unit at the source shall hold, in the source's compliance account, a tonnage equivalent of CAIR SO₂ allowances available for compliance deductions for the control period, as determined in accordance with subsections 54.1 and 54.2 of 45CSR§41 in an amount not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source, as determined in accordance with sections 70 through 75 of 45CSR41.

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

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

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

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

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

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

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(f) Excess emissions requirements.

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

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

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

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

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

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

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

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

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

(g) Recordkeeping and Reporting Requirements.

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

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

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

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

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

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

(h) Liability.

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

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

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

(i) Effect on Other Authorities.

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

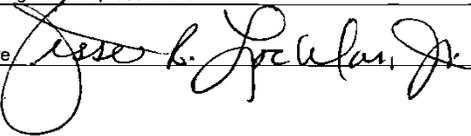
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Certification

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

CAIR Designated Representative Jesse R Locklar, Jr.	
Signature 	Date 6/21/07