West Virginia Department of Environmental Protection
Division of Air Quality

Fact Sheet

For Final Renewal Permitting Action Under 45CSR30 and Title V of the Clean Air Act

Permit Number: **R30-05100005-2009**
Application Received: **May 2, 2008**
Plant Identification Number: **03-054-051-00005**
Permittee: **Ohio Power Company (d.b.a. American Electric Power)**
Facility Name: **Mitchell Plant**
Mailing Address: **1 Riverside Plaza, Columbus, Ohio 43215**

Physical Location:	Cresap/Moundsville, Marshall County, West Virginia
UTM Coordinates:	516.00 km Easting • 4409.00 km Northing • Zone 17
Directions:	From Charleston take Interstate 77 North to Exit 179. Travel north on US Route 2 approximately 70 miles to Cresap. Facility is located on Route 2 approximately nine (9) miles south of Moundsville WV

Facility Description

The Mitchell Plant is a fossil fuel fired electric generation facility and operates under Standard Industrial Classification (SIC) code 4911. The facility consists of two (2) coal-fired steam generators with a rated design capacity of 7020 mmBtu/hr each, one (1) oil-fired auxiliary boiler with a rated design capacity of 663 mmBtu/hr, various supporting operations such as coal and ash handling, limestone handling, and various tanks with insignificant emissions. The facility has the potential to operate seven (7) days per week, twenty-four (24) hours per day and fifty-two (52) weeks per year.

Emissions Summary

Plantwide Emissions Summary [Tons per Year]		
Regulated Pollutants	**Potential Emissions**	**2006 Actual Emissions** (2)
Carbon Monoxide (CO)	5,738.68	743.7
Nitrogen Oxides (NO_X)	36,785.35	13,907.8
Lead (Pb)	3.69	0.17
Particulate Matter ($PM_{2.5}$) (1)	1,121.63	
Particulate Matter (PM_{10}) (1)	3,286.13	
Total Particulate Matter (TSP)	5,656.08	337.6 (3)
Sulfur Dioxide (SO_2)	98,727.42	48,661.5
Volatile Organic Compounds (VOC)	571.04	88.2
Hazardous Air Pollutants	**Potential Emissions**	**2006 Actual Emissions** (2)
Hydrogen Chloride	12,337	3,772
Hydrogen Fluoride	1,071	184
Selenium	48.49	4.6
Manganese	3.79	0.27
Nickel	1.7	0.35
Arsenic	5.63	0.11
Mercury compounds	2.14	0.15
Beryllium	13.38	0.0042
Chromium	2.01	0.23
Cobalt	0.74	0.11
Lead	3.69	0.17

(1) $PM_{2.5}$ and PM_{10} are components of TSP.

(2) Actual emissions were during the period January 1, 2006 through December 31, 2006, and are herein reproduced from the 2007 Certified Emissions Statement Invoice, except for beryllium, which was supplied by the permittee in 8/12/2008 technical correspondence.

(3) Actual TSP emissions contain 5.99 tons of PM-HAPs.

Title V Program Applicability Basis

This facility has the potential to emit 5,738.68 tpy of CO; 36,785.35 tpy of NO_X; 3,286.13 tpy of PM_{10}; 98,727.42 tpy of SO_2; 571.04 tpy of VOC; 12,337 tpy of HCl; 1,071 tpy of HF; 48.49 tpy of Se; and 13.38 tpy of Be. Due to this facility's potential to emit over 100 tons per year of criteria pollutant, over 10 tons per year of a single HAP, and over 25 tons per year of aggregate HAPs, Ohio Power Company's Mitchell Plant is required to have an operating permit pursuant to Title V of the Federal Clean Air Act as amended and 45CSR30.

Legal and Factual Basis for Permit Conditions

The State and Federally-enforceable conditions of the Title V Operating Permits are based upon the requirements of the State of West Virginia Operating Permit Rule 45CSR30 for the purposes of Title V of the Federal Clean Air Act and the underlying applicable requirements in other state and federal rules.

This facility has been found to be subject to the following applicable rules:

Federal and State:	45CSR1	NO_X Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides
	45CSR2	Control of particulate matter emissions from indirect heat exchangers
	45CSR2A	Testing and MRR requirements under 45CSR2
	45CSR6	Open burning prohibited.
	45CSR10	Control of sulfur dioxide emissions from indirect heat exchangers
	45CSR10A	Testing and MRR requirements under 45CSR10
	45CSR11	Standby plans for emergency episodes.
	45CSR13	Permits for construction/modification
	45CSR16	Standards of performance for new stationary sources pursuant to 40 C.F.R. Part 60
	WV Code § 22-5-4 (a) (14)	The Secretary can request any pertinent information such as annual emission inventory reporting.
	45CSR26	NO_X Budget Trading Program as a Means of Control and Reduction of Nitrogen Oxides from Electric Generating Units
	45CSR30	Operating permit requirement.
	45CSR33	Acid Rain Provisions and Permits
	45CSR34	Emission Standards for HAPs for Source Categories Pursuant to 40 C.F.R. Parts 61 and 63
	45CSR38	Determination of Compliance with Air Quality Management Rules
	40 C.F.R. 60, Subpart OOO	NSPS for Non-metallic mineral processing plants
	40 C.F.R. Part 61	Asbestos inspection and removal
	40 C.F.R. Part 64	Compliance Assurance Monitoring
	40 C.F.R. Part 72	Permits Regulation
	40 C.F.R. Part 73	Sulfur Dioxide Allowance System Permits Regulation
	40 C.F.R. Part 74	Sulfur Dioxide Opt-ins
	40 C.F.R. Part 75	Continuous Emissions Monitoring
	40 C.F.R. Part 76	Nitrogen Oxides Reduction Program
	40 C.F.R. Part 77	Excess Emissions
	40 C.F.R. Part 78	Appeals Procedure for Acid Rain Program
	40 C.F.R. Part 82, Subpart F	Ozone depleting substances
State Only:	45CSR4	No objectionable odors.
	45CSR37	CAMR Mercury Budget Trading Program
	45CSR39	CAIR NOx Annual Trading Program

45CSR40	CAIR NOx Ozone Season Trading Program
45CSR41	CAIR SO_2 Trading Program

WVDAQ Letter dated September 3, 2002 addressed to Mr. Greg Wooten and signed by Jesse D. Adkins regarding the thermal decomposition of boiler cleaning solutions.

WVDAQ Letter dated January 21, 2004 addressed to Mr. Frank Blake and signed by Jesse D. Adkins regarding the combustion of demineralizer resins.

Each State and Federally-enforceable condition of the draft Title V Operating Permit references the specific relevant requirements of 45CSR30 or the applicable requirement upon which it is based. Any condition of the draft Title V permit that is enforceable by the State but is not Federally-enforceable is identified in the draft Title V permit as such.

The Secretary's authority to require standards under 40 C.F.R. Part 60 (NSPS), 40 C.F.R. Part 61 (NESHAPs), and 40 C.F.R. Part 63 (NESHAPs MACT) is provided in West Virginia Code §§ 22-5-1 *et seq.*, 45CSR16, 45CSR34 and 45CSR30.

Active Permits/Consent Orders

Permit or Consent Order Number	**Date of Issuance**	**Permit Determinations or Amendments That Affect the Permit *(if any)***
NOx Budget Permit - Unit 1& 2	October 29, 2002	
NOx Budget Permit - Auxiliary Boiler 1	October 29, 2002	
R13-2608A	April 3, 2006	
Phase II Acid Rain Permit # R33-3948-2012-3	December 18, 2007	
Compliance Order # CO-R37-C-2008-4	April 7, 2008	

Conditions from this facility's Rule 13 permit(s) governing construction-related specifications and timing requirements will not be included in the Title V Operating Permit but will remain independently enforceable under the applicable Rule 13 permit(s). All other conditions from this facility's Rule 13 permit(s) governing the source's operation and compliance have been incorporated into this Title V permit in accordance with the "General Requirement Comparison Table B," which may be downloaded from DAQ's website.

Determinations and Justifications

Wherever the language "current permit" is used throughout this fact sheet, it is in reference to Title V operating permit R30-05100005-2003, unless otherwise noted.

Boilers and associated equipment

45CSR2 – *To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers*

When the current permit was written, one common stack (Em. Pt. ID CS012) was used for both steam generators. The stack CS012 was retired-in-place, and is no longer in use as an emission point. During the current permit term, the permittee constructed one (1) new stack, which encloses Emission Point IDs 1E and 2E for Units 1 and 2, respectively. In other words, emission points 1E and 2E both vent to atmosphere through the new stack. 45CSR§2-4.1.a. limits the PM mass emissions to 0.05 x TDHI = 0.05 lb/mmBtu x 14,040 mmBtu/hr = 702 lb/hr. It should be noted that even though there are now two stacks, this limit should not be divided in half and applied to each individual stack. That is, the limit should not be modified to be 351 lb/hr for each stack. The rationale being that the PM limit from 45CSR§2-4.1. is applicable "for all fuel burning units located at one plant" and is calculated from the "total design heat inputs for such units…." Review of "total design heat input (TDHI)" in 45CSR§2-2.13.b. indicates that it is the sum of the design heat inputs for all similar units located at one plant. Therefore, the 702 lb/hr limit is an aggregate value for the two stacks 1E and 2E. Consequently, the only change to condition 4.1.6. has been to read "stacks" instead of "stack".

The rows for initial baseline testing have been removed in the table of permit condition 4.3.1. since such testing has been performed. The most recent testing was conducted on July 14, 2006, with measured PM emissions of 0.0134 lb/mmBtu. Since the testing indicated emissions less than 50% of the limit (0.05 lb/mmBtu), and the permittee has been testing once every three years (at least since 2000), the next testing must be performed before July 14, 2009. The current permit contained language in 4.3.1. that referred to initial testing on August 21, 2000, which is no longer relevant. This date has been altered to refer to July 14, 2009.

45CSR10 – *To Prevent and Control Air Pollution from the Emission of Sulfur Oxides*

The main boilers (Em. Pt. IDs 1E and 2E) are subject to this rule. The current permit contains a condition from 45CSR§§10-3.1. and 3.1.b., which limits the SO_2 pounds per hour emissions to "the product of 7.5 and the total actual operating heat inputs (in million BTU's per hour) of the fuel burning units." According to dimensional analysis, the value *7.5* has units of lb/mmBtu. Due to the installation and operation of Flue Gas Desulfurization (FGD) on the units, the permittee has elected to take a lower limit of 1.2 lb/mmBtu of SO_2 on a 3-hour block average, coupled with a mass emissions limit of 20,485.2 lb SO_2 per hour. Therefore, the more stringent suggested limit streamlines the rule limit. The permittee suggested adding this more stringent limit to the permit under the current 45CSR10 limit, and to use Permit Determination PD04-064 as the authority for the new limit. However, use of a Permit Determination as authority is not normative permit writing practice. The new (more stringent) limit will streamline the 45CSR10 limit, and streamlining language will be added to the permit. The authority to require the more stringent limit will be 45CSR§30-12.7., and the citations of 45CSR10 will be kept since the limit still applies. Refer to permit condition 4.1.7.

45CSR2A and 45CSR10A Monitoring Plan

The Rules 2 and 10 monitoring plan was submitted in the application in electronic format. The electronic file was identified as revision 4. The plan was copied and pasted into the permit as Appendix B. The only changes made by this writer to the plan are (1) Emission Point ID *CS012* was changed to *1E*, and *2E*; (2) Emission Point ID *aux 1* was changed to *Aux ML1*; and (3) the monitoring plan appendices A and B (mentioned in the last paragraph of plan section I.A.4.) were attached to the monitoring plan. In technical correspondence Mr. Greg Wooten (AEP) concurred with the changes to the emission point IDs.

45CSR30 – *Operating Permit Requirements*
Recordkeeping language was added at the end of permit condition 4.1.14. regarding combustion of demineralizer resins. The authority to require the recordkeeping was also added to the citation.

45CSR33 – *Acid Rain Provisions and Permits*
The most recent Phase II Acid Rain permit R33-3948-2012-3 became effective on January 1, 2008. This permit, along with the application, Phase II NOx Compliance Plan, and Phase II NOx Averaging Plan are given in the permit as Appendix C.

45CSR34 – *Emission Standards for Hazardous Air Pollutants;* and repealed rule 45CSR15 – *Emission Standards for Hazardous Air Pollutants Pursuant to 40 CFR Part 61*. State rule 45CSR15 was used to adopt the federal standards of 40 C.F.R. Part 61. However, state rule 45CSR34 now adopts a program of NESHAPs pursuant to 40 C.F.R. Parts 61 and 63, and 45CSR15 was repealed in the 2008 legislative session. The regulatory citation for condition 3.1.3. has been revised accordingly.

45CSR37 – *Mercury Budget Trading Program to Reduce Mercury Emissions*
Compliance Order # CO-R37-C-2008-4
In response to the federal Clean Air Mercury Rule (CAMR), West Virginia enacted 45CSR37, which became effective on May 1, 2006 (after the current Title V was issued). On February 8, 2008, the federal CAMR rule was vacated, and on March 24, 2008, US EPA appealed the decision. The federal CAMR rule is still subject to pending litigation and 45CSR37, although not vacated by the court, is intrinsically tied to the provisions of the federal CAMR program; therefore, the Compliance Order CO-R37-C-2008-4 holds the permitting requirements (condition 3.1.17.) in abeyance pending resolution of ongoing CAMR litigation or until other final action is taken. Details concerning 45CSR37 and permit condition 3.1.17. are set forth in the Director's April 7, 2008 cover letter to Mr. John M. McManus with the compliance order. The compliance order is included with the permit as Appendix G.

CAIR Rules 45CSR39, 45CSR40, and 45CSR41 (State-enforceable only)
On December 23, 2009, the U.S. Court of Appeals for the D.C. Circuit decided to remand to EPA without vacature the Clean Air Interstate Rule (CAIR). As such, these conditions (3.1.14. through 3.1.16.) have been added to the permit. The CAIR application is also included with the permit as Appendix H.

40 C.F.R. Part 64 – *Compliance Assurance Monitoring (CAM)*
The permittee submitted a CAM plan in the renewal application for Units 1 and 2 to assure compliance with the 45CSR§2-4.1.a. PM mass limitation, which is 702 lb/hr aggregated from the two units. Unit 1 and Unit 2 are both pollutant-specific emission units (PSEUs) for the purposes of CAM. The PM emissions of Unit 1 and Unit 2 are controlled by electrostatic precipitators (ESPs) identified as ML1 ESP and ML2 ESP, respectively. These control devices have 100% capture efficiency, and provide 99.85% design control efficiency for particulate. Furthermore, the potential pre-control emissions of PM from each PSEU are greater than the major source threshold for PM. Thus, both PSEUs meet all three applicability criteria given under 40 C.F.R. §§ 64.2(a)(1)-(3).

The CAM plan submitted in the application suggested an opacity indicator range of zero to 15%. During the development of this renewal, the permittee worked out a testing plan for their Kammer Plant (ID# 051-00006) in order to establish an opacity range that demonstrates compliance with the PM limit. According to §64.4(e), this testing must be complete "prior to use of the monitoring." However, there is a deadline to implement the CAM monitoring. Testing *and* implementation of the monitoring (which includes the test result opacity range), must be complete within 180 days of issuance of the permit (§64.4(e)). The Mitchell facility will perform testing to verify that 0-10% opacity will demonstrate compliance with the particulate matter mass emission limit. The CAM-related testing and CAM plan implementation will be conducted according to a schedule set forth in permit condition 4.2.7. Table 1 below summarizes the CAM plan.

Table 1 – CAM Plan for Steam Generators *Unit 1* and *Unit 2*

Elements of the CAM Plan	Indicator No. 1 of 1
I. GENERAL CRITERIA	Opacity
Monitoring Approach	Opacity is continuously measured and recorded by a certified opacity monitoring system (4.2.2.).
Indicator Range	The indicator range is zero to 10% opacity, and will be verified by testing (4.2.7.). Monitoring shall be implemented within 180 days of issuance of this renewal permit (4.2.7.(c)). Continuously measured opacity values are reduced to six-minute block averages (4.2.6.(a)). These 6-minute averages are averaged into 3-hour block average opacity values (4.2.6.(c)). An excursion is defined as two consecutive 3-hour block averages greater than 10% (4.2.6.(c)). Excursions trigger an inspection, evaluation, and corrective action (4.2.9.). Excursions are also included in the recordkeeping (4.4.4.), and reporting requirements (4.5.6.).
QIP threshold	If five (5) percent or greater of the 3-hour average COMS opacity values indicate excursions during a calendar quarter, the permittee must develop a QIP (4.3.2.).
II. PERFORMANCE CRITERIA	
Specifications for obtaining representative data	The location of the opacity monitors is in accordance with 40 C.F.R. 60, Appendix B, Performance Specification 1 (PS-1). The COMS was installed in accordance with PS-1. Therefore, the employed COMS must be used to comply with CAM (see §64.3(d)(1)), and §§64.3(a) and (b) are automatically satisfied when COMS is used (see §64.3(d)(2)(ii)). Refer to conditions 4.2.1. and 4.2.2.
Verification of Operational Status	The COMS is not *new or modified monitoring equipment*; therefore, verification of operational status pursuant to §64.3(b)(2) is not applicable.
QA/QC Practices and Criteria	The COMS was installed and evaluated in accordance with PS-1. Zero and span drift are checked daily, and filter audits are performed in accordance with PS-1. §64.3(b)(3) is automatically satisfied when COMS is used, according to §64.3(d)(2)(ii). Refer to condition 4.2.1. and 4.2.2.
Monitoring frequency	The monitoring frequency is continuous (4.2.1., 4.2.12.). §64.3(b)(4) is automatically satisfied when COMS is used, according to §64.3(d)(2)(ii).
Data Collection Procedure	The data are collected by a computerized data acquisition and handling system (DAHS). This system collects and retains all relevant opacity data (4.2.1., 4.4.4.). §64.3(b)(4) is automatically satisfied when COMS is used, according to §64.3(d)(2)(ii).
Averaging Period	The averaging period is on a six-minute block basis (4.2.1.). §64.3(b)(4) is automatically satisfied when COMS is used, according to §64.3(d)(2)(ii).

CAM is not applicable to the control of the following pollutants emitted by PSEUs Unit 1 and Unit 2:

Carbon monoxide
The Units 1 and 2 are not subject to CAM for carbon monoxide (CO) because the units are not subject to an emission limitation or standard for CO (cf. 40 C.F.R. §64.2(a)(1)). Additionally, the units do not use a control device to control CO emissions (cf. 40 C.F.R. §64.2(a)(2)).

Oxides of Nitrogen
The Units 1 and 2 are not subject to CAM for oxides of nitrogen (NOx) because such emissions from the units are subject to emission standards (i.e., 45CSR26) that apply solely under an emissions trading program that has been approved by the Administrator for NOx (cf. 40 C.F.R. §64.2(b)(1)(iv)).

Sulfur Dioxide
The Units 1 and 2 are not subject to CAM for sulfur dioxide (SO_2) because the units are subject to emission standards prescribed by an Acid Rain Program pursuant to sections 404, 405, 406, 407(a), 407(b), or 410 of the Act (cf. 40 C.F.R. §64.2(b)(1)(iii)).

Volatile Organic Compounds
The Units 1 and 2 are not subject to CAM for volatile organic compounds (VOC) because the units are not subject to an emission limitation or standard for VOC (cf. 40 C.F.R. §64.2(a)(1)). Additionally, the units do not use any control device to control VOC emissions (cf. 40 C.F.R. §64.2(a)(2)).

Hazardous Air Pollutants (HAPs)
The Units 1 and 2 are not subject to CAM for hazardous air pollutants (HAPs) because the units are not subject to an emission limitation or standard for HAPs (cf. 40 C.F.R. §64.2(a)(1)).

CAM is not applicable to the control of the following pollutants emitted by the Auxiliary Boiler (Em. Unit ID *Aux 1*):

Carbon monoxide
The Auxiliary Boiler is not subject to CAM for carbon monoxide (CO) because the unit is not subject to an emission limitation or standard for CO (cf. 40 C.F.R. §64.2(a)(1)). Additionally, the unit does not use any control device to control CO emissions (cf. 40 C.F.R. §64.2(a)(2)).

Oxides of Nitrogen
The Auxiliary Boiler is subject to the NOx Budget Trading Program under 45CSR1. Thus, such standards for emissions of NOx from the Auxiliary Boiler are exempt from CAM in accordance with §64.2(b)(1)(iv).

Particulate Matter
The Auxiliary Boiler (Em. Unit ID *Aux 1*) is subject to an emission limitation for particulate matter. One of the general applicability criteria of CAM is that a PSEU must use a "control device to achieve compliance with any such emission limitation or standard" (cf. §64.2(a)(1)). The Auxiliary Boiler has no control device for PM. Therefore, CAM is not applicable to the limits of PM for the Auxiliary Boiler.

Sulfur Dioxide
The Auxiliary Boiler (Em. Unit ID *Aux 1*) is subject to an emission limitation for sulfur dioxide. One of the general applicability criteria of CAM is that a PSEU must use a "control device to achieve compliance with any such emission limitation or standard" (cf. §64.2(a)(1)). The Auxiliary Boiler has no control device for SO_2. Therefore, CAM is not applicable to the limits of SO_2 for the Auxiliary Boiler.

Volatile Organic Compounds
The Auxiliary Boiler (Em. Unit ID *Aux 1*) is not subject to CAM for volatile organic compounds (VOC) because the pre-control device potential emissions are less than the major source threshold. Since the applicability criteria §64.2(a)(3) is not met for VOC, CAM does not apply.

In summary, 40 C.F.R. Part 64 applies only to the standards and limitations for particulate matter from Unit 1 and Unit 2. CAM does not apply to any standard or limit of any pollutant from the Auxiliary Boiler. Therefore, in every regulatory citation that contains 40 C.F.R. Part 64, the emission unit IDs *Unit 1* and *Unit 2* have been added (unless the condition is already specific to Units 1 and 2).

Dry Sorbent Injection for SO_3 Mitigation

The installation and operation of a Selective Catalytic Reduction (SCR) system, in conjunction with a wet FGD system on a boiler combusting high sulfur coal, leads to increased concentrations of SO_3 above that amount generated by coal combustion. Subsequently, the SO_3 reacts with moisture in the stack plume to support the secondary formation of H_2SO_4. If not minimized, the increase in SO_3 and subsequent increase in the formation of H_2SO_4 can impact the visible appearance of the stack discharge of the plume, including downwind of the stack.

The Mitchell Plant SCR installation utilizes a low conversion catalyst that helps minimize the conversion of SO_2 to SO_3 by the SCR system. Nevertheless, a supplemental SO_3 mitigation system is needed to help reduce SO_3 concentrations. Based on AEP's evaluation of various SO_3 mitigation systems at other AEP generating facilities, it was determined by AEP that the primary SO_3 mitigation system that would be constructed at Mitchell plant would be a dry sorbent injection system. Primarily, the dry sorbent of choice is Trona. Nevertheless, hydrated lime will be used as the dry sorbent as a backup to the Trona injection. If hydrated lime is used, the dry sorbent injection system will need to be supplemented with the injection of liquid magnesium hydroxide into the boiler.

Review of technical information shows that dry sorbent injection is beneficial to reduce blue plume formation and sulfuric acid release to the atmosphere. The permittee currently operates a dry sorbent (i.e., Trona) injection system as described above. Thus, there is permitting value gained by creating a permit condition to require operation of the dry sorbent injection system. Therefore the renewal Title V permit contains a new condition requiring the permittee to continuously operate the dry sorbent injection system. The new condition is not imposing any further limitation or standard beyond what the permittee is already practicing. The new condition is making a requirement of what the permittee has already proposed and volunteered to do in order to mitigate the formation of SO_3. The authority to make dry sorbent injection a permit requirement is taken from 45CSR§30-12.7., which states: *The Secretary may incorporate any provision into a permit which has been proposed by or agreed to by a permit applicant and which does not conflict with any applicable requirement. All such provisions shall be enforceable after issuance of a final permit*. Dry sorbent injection has been proposed by the permittee. Furthermore, the dry sorbent injection system does not conflict with any applicable requirement. Refer to permit condition 4.1.15.

Material Handling

General

A variety of materials are handled at the facility. Section 5.0 of the current permit was dedicated to "Coal and Ash Handling." The contents of section 5.0 actually only referred to other facility-wide conditions, and therefore there were few substantial requirements in current permit section 5.0. Since the current permit was issued, construction permit R13-2608 was issued and it placed limits on material handling equipment for the various types of materials now processed, which is discussed below. Rather than having multiple permit sections for each type of material (e.g., a limestone section, gypsum section, emergency quench water section, etc.), section 5.0 of the renewal permit will cover all other materials in addition to coal and ash. Such a permit structure agrees with the permittee's suggested language submitted in the Title V renewal application. However, unlike the permittee's suggested language, section 5.0 will be entitled "Material Handling".

45CSR13, Permits R13-2608 and R13-2608A

The initial permit to construct was issued on May 17, 2005. The purpose of the permit was for the construction and operation of the material handling systems associated with the flue gas desulfurization (FGD) scrubber project. A Class II Administrative Update (R13-2608A) was issued on March 30, 2006, and this update was essentially based upon as-built systems. The specific requirements from this construction permit have been placed in section 5.0 of the renewed Title V permit. Some requirements from R13-2608A have been cited elsewhere in the renewal permit. For

example, R13-2608A, condition 4.1.18. has been cited in Title V condition 3.1.12. One requirement has been determined to be non-applicable, and is discussed in that section of this Fact Sheet.

40 C.F.R. 60 Subpart OOO – *Standards of Performance for Nonmetallic Mineral Processing Plants*

The Limestone Handling Group (1S) includes a barge unloader BUN-1, receiving hopper RH-1, conveyor BC-1, transfer house TH-1, and another conveyor BC-2 running to the stacking tube of the limestone stockpile LSSP.

The Limestone Processing Group (3S) includes two (2) below-grade vibrating pile drawdown hoppers DH-1 and DH-2 that reclaim limestone from the stockpile and then discharge onto two reclaim feeders VF-2 and VF-3. These reclaim feeders discharge onto the tunnel reclaim conveyor BC-3. The tunnel reclaim conveyor BC-3 will discharge onto the silo "A" feed conveyor BC-4. The silo "A" feed conveyor BC-4 terminates in the limestone silo enclosure above the northernmost limestone storage silo LSB-1. An alternative limestone reclaim system is used when the reclaim feeders VF-2 and VF-3 are out of service for maintenance or repair, or for handling limestone during periods of time that it may be frozen in clumps. The alternative system consists of a feeder/breaker to receive limestone directly from under the stockpile or from an end loader. The feeder/breaker discharges to the limestone tunnel reclaim conveyor BC-3.

According to the application and technical correspondence (8/12/2008 e-mail), the permittee maintains that the Limestone Processing Group (3S) is subject to Subpart OOO, but that the Limestone Handling Group (1S) is not subject to Subpart OOO. The permittee stated in the technical correspondence that the 1S equipment is not used to process the limestone. The permittee stated that the limestone storage pile (LSSP) is not subject to the rule and therefore establishes a break point for the systems.

According to 40 C.F.R. §60.670(a)(1), the provisions of Subpart OOO are applicable 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 regulation goes on to define a *nonmetallic mineral processing plant* as any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located. The 1S group conveyors (BC-1 and BC-2) are Subpart OOO "affected facilities", and it is clear that their purpose is to be "used to crush or grind" limestone. The U.S. EPA has indicated in a clarification of Subpart OOO, published at 62 Federal Register 62953 (November 26, 1997), the intent of the regulation is that *all* facilities listed in §60.670(a)(1) are subject to Subpart OOO. The clarification points out that while Subpart OOO affected operations typically have crushers or grinding mills located at or near the beginning of the nonmetallic mineral processing line, this is not always the case (as is true with the permittee's facility). The clarification concludes that as long as crushing or grinding occurs anywhere at a nonmetallic mineral processing plant, *any* affected facility listed in §60.670(a)(1) is subject to Subpart OOO regardless of its location in the plant. This clarification removes any doubt that the conveyors BC-1 and BC-2 are subject to Subpart OOO, and also effectively counters the claim that the limestone stockpile establishes a breakpoint in the process and thereby exempt certain equipment from being subject to Subpart OOO.

Moreover, the location of the conveyors elsewhere in the plant, even divided by a stockpile, does not mean that the affected facilities are not part of a production line. A *production line* is defined in Subpart OOO as "all affected facilities (crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, and enclosed truck and railcar loading stations) which are directly connected or are connected together by a conveying system." The limestone process flow diagram (dwg. # 0420-FS1, rev.5, included in the application) shows conveyor BC-2 discharging to the conical stockpile LSSP. Below this stockpile are the vibrating drawdown hoppers DH-1 and DH-2 that feed to the vibrating feeders VF-2 and VF-3, which discharge onto conveyor BC-3. The conveyor BC-2 is directly connected to BC-3 through the stockpile. This is

concluded since there is no physical means to separate the material in the stockpile from the 3S equipment. It should be noted that the discharge from BC-2 to the stockpile is not a *transfer point* by definition in the NSPS. Therefore, since the discharge from conveyor BC-2 to the stockpile is not a transfer point by definition, the emissions from this discharge are exempt from the PM standards for transfer points under §60.672. Simply because the discharge to the stockpile is not a transfer point by definition does not mean, however, that the 1S equipment (before the stockpile) is not directly connected to the 3S equipment (after the stockpile). The definition of *transfer point* is used for applicability of PM standards, not to define a *production line*, or to exempt certain facilities from becoming affected facilities.

Therefore, since the belt conveyors of the Limestone Handling Group (1S) are listed as "affected facilities" in §60.670(a)(1); and the permittee performs crushing and grinding of a nonmetallic mineral (*i.e.*, limestone); and the U.S. EPA clarification states that "*all* facilities listed in §60.670(a)(1) are subject to Subpart OOO"; and also the 1S and 3S groups happen to constitute a production line; the affected facilities of the Limestone Handling Group (1S) are subject to 40 C.F.R. 60 Subpart OOO. The affected facilities of the Limestone Processing Group (3S) remain subject to Subpart OOO. Refer to condition 5.1.18., which has the R13 permit language modified to include the 1S equipment. Also, the R13 permit language in 5.1.18. was corrected from "…shall be applicable to the limits and requirements…" to "…shall be subject to the limits and requirements…" since the rule is applicable to the equipment, and the equipment is subject to the rule.

The permittee also handles gypsum (a *nonmetallic mineral* defined in §60.671) using conveyors (considered affected facilities under §60.670(a)(1)). However, since the gypsum is not crushed or ground at the facility, such processing operations do not meet the definition of a *Nonmetallic mineral processing plant*, which "means any combination of equipment that is used to crush or grind any nonmetallic mineral wherever located…." Therefore, this NSPS does not apply to the handling of gypsum at the permittee's facility.

Title V Permit Significant Modification and Permit Determinations

Prior to submitting the renewal application, the permittee submitted a Title V Significant Modification Revision application (dated 12/6/2007) to include the requirements of R13-2608A and permit determinations PD04-042, PD04-064, and PD04-073. The R13 permit and determinations are associated with the flue gas desulfurization (FGD) and selective catalytic reduction (SCR) systems and their associated auxiliaries. The permittee requested that the significant modification changes be incorporated as part of the renewal.

PD04-042 states that there is no permit required to install the proposed SCR on Units 1 and 2. PD04-064 states there is no permit required to install the FGD on Units 1 and 2. PD04-073 states that a permit is not required for the proposed urea unloading operations, which supports the SCR system. There are no substantive requirements from these permit determinations (as long as the permittee abides by the information submitted with each PD) to be included in the Title V renewal.

In Attachment I of the significant modification application, the permittee suggested language that the FGD and SCR material handling systems are subject to 45CSR§2-5 as outlined in the facility-wide section of the current Title V permit (condition 3.1.12. of current permit) regarding the fugitive dust control system. Therefore, condition 3.1.12.d. has been added to the renewal permit to ensure that the FGD and SCR material handling systems are included.

Non-Applicability Determinations

The following requirements have been determined not to be applicable to the subject facility due to the following:

1. **45CSR5 –** ***To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas***
   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 to its coal crushing operations and associated coal handling.

2. **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.

3. **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.

4. **40 C.F.R. 60 Subpart D –** ***Standards of Performance for Fossil-fuel-fired Steam Generators for which Construction is Commenced after August 17, 1971***
   The fossil-fuel-fired steam generators potentially affected by this rule have not commenced construction or modification after August 17, 1971. Therefore, the units do not meet the applicability criteria under §60.40(c), and hence the NSPS does not apply.

5. **40 C.F.R. 60 Subpart Da –** ***Standards of Performance for Electric Utility Steam Generating Units for which Construction is Commenced After September 18, 1978***
   The electric utility steam generating units potentially affected by this rule have not commenced construction or modification after September 18, 1978. Therefore, the units do not meet the applicability criteria under §60.40Da(a)(2), and hence the NSPS does not apply.

6. **40 C.F.R. 60 Subpart Db -** ***Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units***
   According to §60.40b(a), this rule applies to each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 100 MMBtu/hr. The electric utility steam generating units potentially affected by this rule have not commenced construction or modification after June 19, 1984; therefore, the NSPS does not apply.

7. **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***
   The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 C.F.R. §60.111(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after June 11, 1973 and prior to May 19, 1978. Therefore, the tanks do not meet the applicability criteria under §60.110, and hence the NSPS does not apply.

8. **40 C.F.R. 60 Subpart Ka** - ***Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984***
   The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 C.F.R. §60.111a(b)) and that have a storage capacity greater than 40,000 gallons for which construction, reconstruction or modification was commenced after May 18, 1978 and prior to July 23, 1984. Therefore, the tanks do not meet the applicability criteria under §60.110a(a), and hence the NSPS does not apply.

9. **40 C.F.R. 60 Subpart Kb** - ***Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984***
   Storage vessels potentially affected by this rule are exempted because they contain liquids with a maximum true vapor pressure of less than 3.5 kPa, have a storage capacity of less than 40 cubic meters, or have not commenced construction, reconstruction or modification after July 23, 1984. Therefore, the tanks do not meet the applicability criteria under §60.110b, and hence the NSPS does not apply.

10. **40 C.F.R. 60 Subpart Y** – ***Standards of Performance for Coal Preparation Plants***
    The coal handling equipment potentially affected by this rule has not been constructed or modified after October 24, 1974. Therefore, the equipment does not meet the applicability criteria set forth in 40 C.F.R. §60.250(b), and hence this NSPS does not apply.

11. **40 C.F.R. 63 Subpart Q** – ***National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers***
    This facility does not include *industrial process cooling towers* that have operated with chromium-based water treatment chemicals on or after September 8, 1994. Therefore, the facility does not meet the applicability criteria set forth in §63.400(a), and hence this MACT does not apply to the facility.

12. **40 C.F.R. 63 Subpart ZZZZ** – ***National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines***
    The Emergency Quench Water System pumps are powered by compression ignition (CI) engines (Em. Unit IDs: 6S, 7S) combusting No. 2 fuel oil; are rated at approximately 60-hp each; and no post-combustion pollution controls are utilized. For these CI engines, construction commenced on or about June 14, 2004. According to technical correspondence from the permittee (10/01/2008 e-mail), this was the date of requisition for engineering services related to the Emergency Quench Water System. Such requisition constitutes *commenced* construction according to the definition in 40 C.F.R. §63.2. Using these horsepower and construction commencement date criteria, the engines are *Existing stationary RICE* pursuant to §63.6590(a)(1)(ii).

    It was noted, however, that there are certain RICE that are subject to limited MACT requirements, and these are listed under §63.6590(b)(3). Among the types of engines listed are "existing compression ignition (CI) stationary RICE." This MACT language states that these particular stationary RICE do not have to meet the requirements of 40 C.F.R. 63 Subpart ZZZZ and Subpart A, and that no initial notification is necessary. Therefore, even though these engines are categorized as affected sources under §63.6590(a)(1)(ii), within the rule they are subsequently excluded from being subject to requirements under Subparts ZZZZ or A.

13. **Condition 4.3.1. of Permit R13-2608A**
Condition 4.3.1. of R13-2608A sets out the performance testing requirements under 40 C.F.R. Part 60 Subpart OOO. The permittee stated in correspondence (3/04/2009 email with comments on pre-draft permit) that this testing has been performed, and the test report was submitted to DAQ on June 26, 2007. Since this requirement has been fulfilled, and there are no ongoing requirements within this condition, it will not be included in the Title V renewal.

Request for Variances or Alternatives

None.

Insignificant Activities

Insignificant emission unit(s) and activities are identified in the Title V application.

Comment Period

Beginning Date: March 12, 2009
Ending Date: April 13, 2009

All written comments should be addressed to the following individual and office:

Denton B. McDerment, P.E.
Title V Permit Engineer
West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

Procedure for Requesting Public Hearing

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing, if no public hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Secretary shall grant such a request for a hearing if he/she concludes that a public hearing is appropriate. Any public hearing shall be held in the general area in which the facility is located.

Point of Contact

Denton B. McDerment, P.E.
West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone: 304/926-0499 ext. 1221 • Fax: 304/926-0476

Response to Comments (Statement of Basis)

U.S. EPA Comments

U.S. EPA had no comments on the proposed permit according to e-mail correspondence received from Ms. Amy Caprio on April 14, 2009.

Public Comments

The only comments received from the public were from the permittee. The comments were received at 8:42am on Monday, April 13, 2009 from Mr. Greg Wooten (AEP Air Quality Services Section) via e-mail with an attached Microsoft Word® document containing the comments. Those comments, along with the corresponding DAQ responses, are as follows:

Comment #1
It was noted that the WVDEP is proposing to remove the original permit condition 3.1.5 (Permanent Shutdown) from the current permit. Rather than shifting subsequent permit terms forward, would the WVDEP be amenable to list permit condition 3.1.5 as "reserved" and maintain the current numbering for subsequent permit terms? This would be helpful, as it minimizes revisions that must be made in the electronic environmental information management system that AEP is implementing.

Response to Comment #1
Yes. Condition 3.1.5. will be changed to "Reserved" and subsequent condition numbers in subsection 3.1. will be revised. Any cross-referencing withing the permit and fact sheet will also be changed accordingly.

Comment #2
AEP suggests that the permit condition related to the NO_x Budget Trading Program (condition 3.1.9 in draft/proposed permit) be deleted from the permit and the section marked as "reserved". The West Virginia Legislature recently approved the elimination of the NO_x Budget Trading Program rules in light of the CAIR rules effective dates. The most recent feedback that we've received indicates that the NO_x Budget Trading Program rules will be eliminated as of May 1, 2009.

Response to Comment #2
The NOx Budget Condition will be changed to "Reserved." as requested. Due to the numbering change under Comment #1 above, the revised condition number 3.1.10. will be the reserved condition number.

Comment #3
AEP suggests that the permit condition related to the Clean Air Mercury Rule (condition 3.1.10 in draft/proposed permit) be revised slightly. We suggest that the following be added to the sentence concerning Compliance Order #CO-R37-C-2008-4. "The DAQ Director concluded in Compliance Order #CO-R37-C-2008-4 that the only 45 CSR 37 requirement applicable after the Federal CAMR program was vacated was to obtain a Hg budget permit, which is contained in Section 21 of the rule."

Response to Comment #3
The change will be made as requested.

Comment #4
Similar to the first comment above, AEP requests that WVDEP insert the CAMR and CAIR provisions into the Title V permit by relocating them to the end of section 3.1. Again, this would help maintain the current numbering for existing permit terms and minimize revisions that must be made in the electronic environmental information management system that AEP is implementing.

Response to Comment #4
The change will be made as requested.

Comment #5
AEP noted that permit condition 3.1.11 (MACT 112(j) Hammer) from the current permit has been eliminated as previously suggested. However, rather than shifting subsequent permit terms forward, AEP suggests that permit condition 3.1.11 be listed as "reserved" to maintain the current numbering for subsequent permit terms as describe in the above comments.

Response to Comment #5
The change will be made as requested.

Comment #6
If the WVDEP agrees, AEP would prefer that new permit subsection 3.2, labeled as "reserved", be eliminated. This new subsection requires the renumbering of all subsequent subsections in section 3. As previously noted, maintaining the current numbering for existing permit terms will minimize revisions that must be made in the electronic environmental information management system.

Response to Comment #6
The change will be made as requested such that permit renewal condition numbers are the same as in permit R30-05100005-2003.

Comment #7
AEP believes that it is premature to incorporate new permit condition 4.1.15 concerning the dry sorbent injection system. A requirement to "continuously operate" this system in order to "minimize" SO3 emission is not appropriate for the system installed at the Mitchell Plant. The system was never designed to "minimize" SO3 emissions. In fact, as previously discussed with the WVDEP, high dry sorbent injection rates can and have lead to adverse interactions with other aspects of plant operation at the Mitchell Plant. Further, while the dry sorbent injection system is designed with a level of redundancy, is not designed with a wholesale back-up system. AEP has been discussing with WVDEP whether appropriate permit conditions can be developed on a site-specific basis, and will be conducting a 12-month study at the Amos Plant to investigate the types of information that might be helpful in such an effort. Any further permitting relating to these systems in West Virginia should await the outcome of this study. If WVDEP simply wants a term memorializing that the system will be operated consistent with its design during normal plant operations, we believe the permit condition should be written in such a way that the limitations of the system are recognized. We suggest that the permit condition should state that the permittee shall operate the SO_3-control system using dry sorbent-injection consistent with the technological limitations of the system and good operation and maintenance practices whenever Unit 3 is operating, though not during its start-up/shut-down.

Response to Comment #7
The WVDEP has changed the language in the final permit to address AEP's comment, and use AEP's suggested language with minor exceptions which we believe to be acceptable to both parties. Also, this condition is written specifically for when either Unit 1 or Unit 2, or both, are operating. The mention of Unit 3 in the comment above appears to be a "copy & paste" from comments on another facility's permit. There are only Unit 1, Unit 2, and Aux 1 steam generating units at the Mitchell facility.

Comment #8
AEP believes that new permit condition 4.2.13 is too vague as it is currently written. AEP has been discussing with WVDEP whether appropriate permit conditions can be developed on a site-specific basis, and will be conducting a 12-month study at the Amos Plant to investigate the types of information that might be helpful in such an effort. Any further permitting relating to these systems in West Virginia should await the outcome of this study. If the WVDEP believes a permit condition concerning monitoring and recordkeeping for the dry sorbent injection system operation is necessary at this time, we believe the permit condition should be written more specifically. We suggest that the permit condition require that the total daily dry sorbent usage rate (tons per day) be maintained by the facility and be made available to the DAQ upon request. Other operational data associated with the operation of the dry sorbent injection system are already monitored and maintained in accordance with other permit conditions. For example, steam generator heat input and unit electrical load and average opacity values are already monitored and maintained using the existing continuous emission monitoring and data acquisition and handling systems.

Response to Comment #8
The WVDEP has revised this language to more clearly and specifically identify the monitoring and recordkeeping required, and believes that the revised language addresses AEP's concern/comment.

Comment #9
AEP believes that Permit Condition 4.5.2 should include reference to section II.A.4 for the reporting requirement of SO2. We believe the permit condition should read, A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. Compliance with this periodic exception reporting requirement shall be demonstrated as outlined in sections I.A.4., I.B.4. and II.A.4. of the DAQ approved "45CSR2 and 45CSR10 Monitoring Plan" attached in Appendix B of this permit. This change would be consistent with a recent revision that U.K. Bachhawat noted in our Kammer Plant Title V permit and has currently proposed for public comment.

Response to Comment #9
The change will be made as requested.

Comment #10
AEP disagrees with permit condition 5.1.18 concerning 40 CFR 60 Subpart OOO applicability. The 45 CSR 13 permit (R13-2608) that Ohio Power Company previously obtained for installing this equipment concluded that only equipment in the Limestone Processing System (3S) was impacted by Subpart OOO. The permit condition proposed in this draft Title V permit does not agree with the equivalent permit condition in R13-2608, as proposed and finalized by WVDEP. AEP contends that equipment included in the Limestone Handling System (1S) is not directly connected or connected by a conveyor to the limestone processing system. The limestone handling system is independent of the limestone processing system, separated by the load-in to the storage pile and the storage pile itself. The load-in to the storage pile and the storage pile are not affected by Subpart OOO. As such, the load-in to the storage pile and the storage pile provide separation between the system used to strictly handle limestone and the system used to process limestone.

Response to Comment #10
DAQ maintains the position written in the draft Fact Sheet that the Limestone Handling System (1S) equipment is also subject to 40 C.F.R. 60 Subpart OOO. The fact that the writer of permit R13-2608 did not determine applicability of Subpart OOO to the 1S equipment does not preclude the writer of a Title V permit from adding an applicable requirement to the Title V permit. Confer with 45CSR§30-3.3.a., which states, "For major sources, the Secretary shall include in the permit all applicable requirements for all emission units in the major source subject to this rule." Similarly, 45CSR§30-5.1. states, "Standard permit requirements. Each Title V operating permit issued under this legislative rule shall include all applicable requirements that apply to the source at the time of permit issuance...." Thus, the fact that a permit previously "proposed and finalized by WVDEP" omits certain applicable requirements does not preclude the WVDEP from incorporating such applicable requirements into a Title V permit.

The equipment included in the Limestone Handling System (1S) is directly connected with the Limestone Processing System (3S) through the Limestone Stock Pile (LSSP), which is located directly over the two (2) below-grade vibrating pile drawdown hoppers DH-1 and DH-2 that reclaim limestone from the stockpile and then discharge onto 3S equipment (i.e, the two reclaim feeders VF-2 and VF-3).

In spite of the fact that the 1S and 3S equipment are directly connected, such direct connection is not necessary for the 1S equipment to be subject to Subpart OOO. As documented in the draft Fact Sheet, the U.S. EPA's clarification of Subpart OOO, published at 62 Federal Register 62953 (November 26, 1997), states that the intent of the regulation is that *all* facilities listed in §60.670(a)(1) are subject to Subpart OOO. The clarification points out that while Subpart OOO affected operations typically have crushers or grinding mills located at or near the beginning of the nonmetallic mineral processing line, this is not always the case (as is true with the Mitchell facility). The clarification concludes that as long as crushing or grinding occurs anywhere at a nonmetallic mineral processing plant, ***any*** affected facility listed in §60.670(a)(1) is subject to Subpart OOO **regardless of its location in the plant** (bold is mine for emphasis). Therefore, it is not necessary that the 1S and 3S equipment be directly connected in order for the 1S equipment to be subject to Subpart OOO. AEP's contention that the 1S and 3S equipment are not directly connected, and that the 1S equipment is independent of 3S equipment, are moot points.

Furthermore, neither the rule, nor the published clarification, provide an exemption or statement of non-applicability due to so-called "separation" between systems that handle the same non-metallic mineral for crushing or grinding. The whole intent of the U.S. EPA's clarification is that such equipment cannot be separated, and thereby become exempt from Subpart OOO requirements.

Finally, this writer requested a Subpart OOO applicability determination from the U.S. EPA for the Limestone Handling System (1S) equipment. U.S. EPA agreed with the determination in the draft Fact Sheet that the Limestone Handling System (1S) is subject to Subpart OOO. For the above reasons, condition 5.1.18. will continue to include the Limestone Handling System (1S). The affected facilities in the 1S group are the belt conveyors BC-1 and BC-2. In particular, the transfer points at both ends of BC-1 are included, but only the transfer point inside Transfer House TH-1 for conveyor BC-2.