



Division of Air Quality
7012 MacCorkle Avenue, South East
Charleston, WV 25304
Telephone Number: (304) 926-3727
Fax Number: (304) 926-3739

West Virginia Department of Environmental Protection

Bob Wise
Governor

Michael O. Callaghan
Secretary

WEST VIRGINIA TITLE V PERMIT TO OPERATE

THIS PERMIT IS ISSUED IN ACCORDANCE WITH THE WEST VIRGINIA AIR POLLUTION CONTROL ACT (W.VA. CODE, 22-5-1 ET SEQ.) AND 45 C.S.R. 30 - "REQUIREMENTS FOR OPERATING PERMITS." THE PERMITTEE IDENTIFIED AT THE FACILITY BELOW IS AUTHORIZED TO OPERATE THE STATIONARY SOURCES OF AIR POLLUTANTS IDENTIFIED HEREIN IN ACCORDANCE WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

PERMITTEE: WHITE MOUNTAIN MINING COMPANY, LLC
FACILITY/LOCATION: AFFINITY MINE
PERMIT NUMBER: R30-08100015-1996

JOHN A. BENEDICT
DEPUTY DIRECTOR, DIVISION OF AIR QUALITY

November 20, 2001
DATE ISSUED

November 20, 2006
EXPIRATION DATE

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 director may appeal such action of the director to the air quality board pursuant to article one [22B-1-1 et seq.], chapter twenty-two-b of the Code of West Virginia. W. Va. Code 22-5-14.

TABLE OF CONTENTS

SECTION I. FACILITY INFORMATION.....	1
A. PERMIT DATES.....	1
B. FACILITY CONTACT INFORMATION.....	1
C. FACILITY INFORMATION.....	1
D. SIC CODES.....	1
SECTION II. GENERAL CONDITIONS	2
A. BACKGROUND	2
B. REQUIREMENT FOR PERMIT	3
C. PERMIT ISSUANCE	3
D. PERMIT EXPIRATION AND RENEWAL.....	4
E. CERTIFIED EMISSIONS STATEMENT AND FEES	4
F. CHANGES REQUIRING PERMIT REVISION.....	4
G. CHANGES NOT REQUIRING PERMIT REVISION	6
H. PUBLIC PARTICIPATION	8
I. COMPLIANCE AND ENFORCEMENT	8
J. SUBMISSION OF INFORMATION.....	0
K. PERMIT SHIELD.....	3
L. SEVERABILITY.....	4
M. EMERGENCY.....	4
N. PROPERTY RIGHTS.....	5
O. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS, §112(r) OF THE CLEAN AIR ACT.....	5
P. OZONE DEPLETING SUBSTANCES.....	6
Q. ADDITIONAL CONDITIONS.....	6
SECTION III. SPECIFIC REQUIREMENTS	17
A. EMISSION POINTS AND POLLUTION CONTROL DEVICES	7
B. ENFORCEABILITY OF APPLICABLE REQUIREMENTS.....	9
1. GENERAL CONDITIONS.....	2
a. ENFORCEABLE BY DAQ AND/OR USEPA.....	2
b. ENFORCEABLE BY DAQ ONLY	2
2. SPECIFIC CONDITIONS	2
a. ENFORCEABLE BY DAQ AND/OR USEPA.....	2
b. ENFORCEABLE BY DAQ ONLY	8
C. SPECIFIC MONITORING/RECORDKEEPING/REPORTING REQUIREMENTS.....	3
D. PERMIT SHIELD.....	3
E. LIMITS ON OPERATION	3
F. COMPLIANCE PLAN	3
APPENDIX. LIST OF ABBREVIATIONS.....	38

SECTION I. FACILITY INFORMATION

A. PERMIT DATES

Date of Issue: November 20, 2001
Effective Date: November 20, 2001
Expiration Date: November 20, 2006
Renewal Application Due: May 20, 2006

B. FACILITY CONTACT INFORMATION

Responsible Official:	T.A.Gwinn, Manager
Telephone Number:	(304) 253-0645
Fax Number:	(304) 255-9032
Environmental Contact:	Cary “ Butch “ Stallard
Telephone Number:	(304) 683-5510
Fax Number:	(304) 683-5598

C. FACILITY INFORMATION

Name of Permittee:	White Mountain Mining Company, LLC
Mailing Address:	P.O.Box 2594, 130 Brookshire Lane, Beckley, WV 25802
Name of Facility:	Affinity Mine
Mailing Address:	P.O.Box 2594, 130 Brookshire Lane, Beckley, WV 25802
Telephone Number:	(304) 253-0645
Type of Business Entity:	LLC
Facility Description:	Coal Preparation Plant
Nearest City or Town:	Midway
County:	Raleigh Co
UTM Coordinates:	ZONE: 17 EASTING: 480.00 km NORTHING: 4173.50 km
Directions:	From Midway located in Raleigh County, WV take the road to Laurel Run. Approximately ¾ mile to the Plant

D. SIC CODES

Primary:	1222
Secondary:	N/A
Tertiary:	N/A

SECTION II. GENERAL CONDITIONS

This Section describes the general conditions applicable to all emission units at a Title V source. Conditions and requirements specific to this source are contained in Section III of the permit.

A. BACKGROUND

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. The Clean Air Act means those provisions contained in 42 U.S.C., 7401 to 7671q, and regulations promulgated thereunder.
3. "C.S.R." or "CSR" means the West Virginia Code of State Rules.
4. In some instances, provisions of 45 C.S.R. 30 have been paraphrased for clarity in specific application to this permit. However, any such paraphrasing is in no way intended to modify the meaning of any provision of 45 C.S.R. 30 or any other rule.
5. All citations to 45 C.S.R. 30 refer to the version of the rule which became effective on April 27, 1994.
6. The General Conditions in Section II of this permit may be modified by written administrative notice by the Director to the permittee to conform to amendments to 45 C.S.R. 30 approved by USEPA which may become effective during the term of this permit and which affect any of those General Conditions.
7. The "Director" means the Director of the Division of Environmental Protection, and shall have like meaning as the Chief of the Division of Air Quality, which is the Director's designated representative for the purposes of this permit. C.S.R., 45-30-2.12.
8. The permittee is not relieved of the requirements for obtaining a permit under 45 C.S.R. 13, 45 C.S.R. 14 and/or 45 C.S.R. 19 after the issuance of an operating permit under 45 C.S.R. 30. In addition, the permittee is not relieved from permitting requirements under C.S.R. § 45-30-6.1.f.
9. The Director's authority to require standards under 40 C.F.R. 60 (NSPS), 40 C.F.R. 61 (NESHAPS), and 40 C.F.R. 63 (NESHAPS MACT) is provided in West Virginia Code 22-5-1 et seq., 45 C.S.R. 16, 45 C.S.R. 15, 45 C.S.R. 34 and 45 C.S.R. 30.
10. 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. C.S.R. 45-30-5.3.e.3.B.

11. This permit does not convey permission to treat, store, or dispose of any materials determined to be hazardous wastes as per 45 C.S.R. 25. Additionally, it does not relieve the permittee herein of the responsibility to apply for and obtain all other required permits, licenses, and/or approvals from the Division of Air Quality as well as other local, state, and federal agencies which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted. WV Code 22-5-1 et seq.
12. Issuance of a Title V permit does not supersede or invalidate any existing permits under 45 C.S.R. 13, 45 C.S.R. 14, or 45 C.S.R. 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V permit.

B. REQUIREMENT FOR PERMIT C.S.R. 45-30-3.1.

The following sources are subject to permitting requirements of 45 C.S.R. 30:

1. Any major source as defined by C.S.R. 45-30-2.26.;
2. Any source, including an area source, subject to a standard or other requirements under 111 of the Clean Air Act;
3. Any source, including an area source, subject to a standard or other requirements under 112 of the Clean Air Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under 112(r) of the Clean Air Act; and
4. Any affected source as defined by C.S.R. 45-30-2.2. (Title IV Acid Rain)

C. PERMIT ISSUANCE C.S.R. 45-30-6.1.a.

A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

1. The Director has received a complete application for a permit, permit modification, or permit renewal;
2. Except for modifications qualifying for minor permit modification procedures under C.S.R. 45-30-6.5.a., the Director has complied with the public participation procedures for permit issuance in accordance with C.S.R. 45-30-6.8.;

3. The Director has complied with the requirements for notifying and responding to affected States in accordance with C.S.R. 45-30-7.2.;
4. The conditions of the permit provide for compliance with all applicable requirements and the requirements of 45 C.S.R. 30; and
5. When appropriate, the Director will provide a copy of the permit and any notices required under C.S.R. 45-30-7.1 and 7.2. to the USEPA, and USEPA has not timely objected to issuance of the permit under C.S.R. 45-30-7.3.

D. PERMIT EXPIRATION AND RENEWAL C.S.R. 45-30-6.2. and 4.1.a.3.

This permit expires at midnight on the expiration date, which is noted above and is five (5) years after the date of issuance. Expiration of this permit terminates the permittee's right to operate unless a timely and complete renewal application has been submitted in accordance with C.S.R. 45-30-6.2 and 4.1.a.3. A timely application is one that is submitted at least six (6) months prior to the expiration of this permit. If the permittee submits a timely and complete application, the failure to have a Title V Operating Permit is not a violation of 45 C.S.R. 30 until the Director takes final action on the permit application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit by the deadline specified in writing by the Director any additional information identified as being required to process the application.

E. CERTIFIED EMISSIONS STATEMENT AND FEES C.S.R. 45-30-8.

The permittee shall submit a certified emission statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Director or his/her duly authorized representative.

F. CHANGES REQUIRING PERMIT REVISION

1. **General**. C.S.R. 45-30-5.1.f.3.

This permit and/or any part thereof 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.

2. **Permit Reopening**. C.S.R. 45-30-6.6.a.

This permit shall be reopened and revised under any of the following circumstances:

- a. Additional applicable requirements under the Clean Air Act or legislative rules adopted pursuant to West Virginia Code, 22-5-1, et seq. 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 C.S.R. 45-30-6.6.a.1.A. or B.;
- b. Additional requirements become applicable to an affected source under Title IV of the Clean Air Act or other legislative rules adopted pursuant to West Virginia Code, 22-5-1, et seq.;
- c. The Director or Administrator of USEPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of the permit;
- d. The Director or Administrator of USEPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

3. **Administrative Permit Amendments.** C.S.R., 45-30-6.4.

Changes qualifying for administrative amendment procedure under C.S.R., 45-30-6.4.a., may be made to this permit in accordance with the procedure enumerated in C.S.R., 45-30-6.4.b. as follows:

- a. The Director shall take no more than sixty (60) days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected states provided that the Director designates any such permit revisions as having been made pursuant to this section.
- b. The Director shall submit a copy of the revised permit to the USEPA.
- c. The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

4. **Permit Transfers.** C.S.R., 45-30-6.4.a.4.

A change in ownership or operational control of the permitted source may utilize the procedures for administrative permit amendments if the following requirements are met:

- a. The Director determines no other changes in the permit are required.

- b. A written agreement containing the following information is submitted to the Director:
 - i. The specific date for transfer of permit responsibility;
 - ii. Coverage; and
 - iii. Liability between the current and the new permittee.
- c. The permittee shall transfer any existing permits under 45 C.S.R. 13, 45 C.S.R. 14, and 45 C.S.R. 19 simultaneously in accordance with the requirements under the applicable rule.

5. **Minor Permit Modifications.** C.S.R. 45-30-6.5.a.

Changes meeting the criteria enumerated in C.S.R. 45-30-6.5.a.1., may be effected through the minor permit modification procedure. Pursuant to the procedure, the permittee must file an application for the change meeting the requirements of C.S.R. 45-30-4.3., including those items enumerated in C.S.R. 45-30-6.5.a.2.

6. **Significant Permit Modifications.** C.S.R. 45-30-6.5.b.

Changes at the facility that require a permit revision, and which either do not qualify for or are not otherwise processed as minor permit modifications or as administrative permit amendments shall meet all of the requirements of C.S.R 45-30-6, including the requirements for applications, public participation, review by affected states and review by USEPA as they apply to permit issuance and permit renewal. The Director shall complete the review process for significant permit modifications within six (6) months after receipt of a complete application.

G. CHANGES NOT REQUIRING PERMIT REVISION

1. **Emissions Trading.** C.S.R. 45-30-5.1.h.

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.

2. **Off-Permit Changes.** C.S.R. 45-30-5.9.

In addition to all insignificant emission units or activities which may be operated at this facility, the permittee is authorized to make changes in its operations or emissions that are not addressed nor prohibited in its permit and which are not considered to be construction, reconstruction nor modification under any rule promulgated by the Director within its facility without requiring a permit revision if:

- a. The change meets all applicable requirements and does not violate any existing permit term or condition;
 - b. For changes in operation that result in, or have the potential to result in an increase in any regulated air pollutant, the permittee provides a written notice of the change to the Director and to USEPA within two (2) business days following the date of the change which includes:
 - i. A description of the change;
 - ii. The date on which the change will occur or has occurred;
 - iii. Any change in emissions;
 - iv. The pollutants emitted; and
 - v. Any applicable requirement that would apply as a result of the change.
 - c. The permittee keeps records describing all changes that result in emissions of regulated air pollutants, but not otherwise regulated under this permit, and the emissions resulting from those changes;
 - d. The change is not subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control);
 - e. The change does not require preconstruction review under any provision of Title I of the Clean Air Act, (including 45 C.S.R. 14 and 45 C.S.R. 19);
 - f. The off-permit change shall not qualify for a permit shield.
3. **Operational Flexibility.** C.S.R. 45-30-5.8., C.S.R. 45-30-2.39.

The permittee is authorized to make changes which qualify as Section 502(b)10 changes, and which are not modifications under any rule or provision of Title I of the Clean Air Act, and which do not result in a level of emissions exceeding the emissions allowable under the permit without a permit revision. Before making a change under this provision, the permittee shall provide advance notice to the Director and to USEPA, 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 attach a copy of the notice to this permit, and the Director shall place a copy in the public file. The written notice shall be provided to the Director and USEPA 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 Director and USEPA as soon as possible after learning of the need to make the change. The permit shield provided under C.S.R. 45-30-5.6 shall not apply to changes made to effect operational flexibility under C.S.R. 45-30-5.8. C.S.R. 45-30-5.8.a.

4. **Reasonably Anticipated Operating Scenarios**. C.S.R. 45-30-5.1.i.

If the permittee has been granted the authority to make a change from one operating scenario to another, the terms and conditions of such reasonably anticipated operating scenarios appear in the Specific Requirements of this permit, and such terms and conditions meet all applicable requirements, the permittee may make those changes absent permit revision in accordance with those Specific Requirements, provided that:

- a. The source shall, contemporaneously with making a change from one operating scenario to another 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 the permit or otherwise required by 45 C.S.R. 30.
- b. In accordance with Section II.K. of this permit, the permit shield described in C.S.R. 45-30-5.6 may extend to all terms and conditions under each such reasonable anticipated operating scenario set forth in the Specific Requirements of this permit.

H. PUBLIC PARTICIPATION

Except for permit revisions qualifying as administrative permit amendments or minor permit modification procedures, all permit proceedings, including initial permit issuance, significant modifications, permit reopenings and renewals, shall be subject to public participation requirements of C.S.R. 45-30-6.8.a. through e.

I. COMPLIANCE AND ENFORCEMENT

1. **Duty to Comply**. C.S.R. 45-30-5.1.f.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 Director or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

2. **Inspection and Entry.** C.S.R. 45-30-5.3.b.

The permittee shall allow any authorized representative of the Director, 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.

3. **Certification of Compliance.** C.S.R. 45-30-5.3.

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 enumerated in the Specific Requirements Section of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before February 28 of each year, and shall certify compliance for the period ending December 31.

4. **Schedule of Compliance.** C.S.R. 45-30-5.3.c.

- a. For all applicable requirements with which the source is in compliance, the permittee shall continue to comply with such requirements. C.S.R. 45-30-4.3.h.1.A.
- b. For applicable requirements that will become effective during the permit term, the permittee will meet those requirements on a timely basis, unless a more detailed schedule is expressly required by the applicable requirement. C. S. R. 45-30-4.3.h.1.B
- c. For sources that are not in compliance with all applicable requirements at the time of permit issuance, the permittee must meet the requirements of the

compliance schedule enumerated in the Specific Requirements Section of this permit and which incorporates all of the elements of C.S.R. 45-30-4.3.h.1.c. For sources subject to such a compliance schedule, certified progress reports shall be submitted according to the schedule set forth in the Specific Requirements Section of this permit, but at least every six (6) months, and no greater than once a month, and shall include the following:

- i. 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
- ii. 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.

5. **Need to Halt or Reduce Activity not a Defense.** C.S.R. 45-30-5.1.f.2.

It shall not be a defense for a permittee in an enforcement action that it should 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.

6. **Federally-Enforceable Requirements.** C.S.R. 45-30-5.2.a.

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 Director, USEPA, and citizens under the Clean Air Act.

7. **Duty to Provide Representative Information.** C.S.R. 45-30-5.1.c.1.B.

Information compiled or utilized to determine compliance with emissions limitations and standards set forth in this permit shall fully comply with the testing, monitoring, recordkeeping and reporting provisions of this permit and shall be obtained under such conditions and at such times as necessary to assure that compliance is established for all periods of source operation represented by such testing, monitoring or recordkeeping and is based upon relevant averaging periods for each emissions limitation and standard.

J. SUBMISSION OF INFORMATION

1. **Certification.** C.S.R. 45-30-4.4.

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.

2. **Duty to Provide Information.** C.S.R. 45-30-5.1.f.5.

The permittee shall furnish to the Director within a reasonable time any information the Director 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 Director copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Director along with a claim of confidentiality in accordance with 45 C.S.R. 31. 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. 2.

3. **Duty to Supplement and Correct Information.** C.S.R. 45-30-4.2.

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 Director of DAQ such supplemental facts or corrected information.

4. **Recordkeeping.** C.S.R. 45-30-5.1.c.2.A.

a. In addition to the applicable recordkeeping requirements enumerated in the Specific Requirements Section of this permit, the permittee shall keep records of monitoring information that include the following:

- i. The date, the specific units or equipment IDs subject to monitoring requirements under the Specific Requirements Section of this permit, and time of sampling or measurements;
- ii. The date(s) analyses were performed;
- iii. The company or entity that performed the analyses;
- iv. The analytical techniques or methods used;
- v. The results of the analyses; and
- vi. The operating conditions existing at the time of sampling or measurement.

b. 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, or application. 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. C.S.R. 45-30-5.1.c.2.B.

5. **Reporting.** C.S.R. 45-30-5.1.c.3.

- a. In addition to the applicable reporting requirements enumerated in the Specific Requirements Section of this permit, the permittee shall submit reports of any required monitoring at least every six (6) months, but no more often than once per month. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with C.S.R. 45-30-4.4. and submitted to the DAQ no later than fifteen (15) days following the close of that reporting period.
- b. With the submission of the annual compliance certification, the permittee shall report all deviations from permit requirements. These reports shall include those attributable to upset conditions as defined in the Specific Requirements Section of this permit, the probable cause of such deviations, and any corrective actions or preventative measures taken in accordance with any rules of the Director.

[NOTE: For reporting emergency situations refer to Section II.M.3. of this permit.]

- c. In addition to monitoring reports required by the permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
 - i. Any deviation resulting from an emergency or upset condition, as defined in C.S.R. 45-30-5.7., 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 C.S.R. 45-30-5.7. 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. C.S.R. 45-30-5.1.c.3.C.1.

[NOTE: For additional information regarding emergencies refer to Section II.M. of this permit.]

- ii. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Director 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. C.S.R. 45-30-5.1.c.3.C.2.

iii. Deviations for which more frequent reporting is required under the Specific Requirements Section of this permit shall be reported on the more frequent basis. C.S.R. 45-30-5.1.c.3.C.3.

iv. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken. C.S.R. 45-30-5.1.c.3.C.4.

d. A permittee may request confidential treatment for the submission of reporting required under C.S.R. 45-30-5.1.c.3 pursuant to the limitations and procedures of W.Va. Code 22-5-10 and 45 C.S.R. 31.

6. **Notice.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Director of DAQ and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Director of the Division of Air Quality may designate:

If to the DAQ:

Director Telephone: (304) 926-3647
WV Department of Environmental Protection Telefax: (304) 926-3637
Division of Air Quality
7012 MacCorkle Avenue, South East
Charleston, West Virginia 25304

If to the USEPA:

Associate Director, Office of Enforcement and Permits Review (3AP10)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

K. PERMIT SHIELD C.S.R. 45-30-5.6.a.

1. Where granted in the Specific Requirements Section of this permit, the permit shield infers that compliance with the conditions of this permit shall be deemed compliance with the corresponding applicable requirement(s) as of the date of permit issuance.

2. A permit shield must be requested by the permittee.

3. This permit will not grant permit shields for the construction, modification or

relocation of any source which was required to obtain a permit under 45 C.S.R. 13, 45 C.S.R. 14, or 45 C.S.R. 19 prior to the issuance of this permit, except to the extent that applicable requirements established pursuant to permits issued under those rules are contained herein.

L. SEVERABILITY C.S.R. 45-30-5.1.e.

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.

M. EMERGENCY

1. **Emergency**. C.S.R. 45-30-5.7.

- a. 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.
- b. In the event that a permittee believes that an emergency condition has caused a technology-based emission limit to be exceeded and wishes to assert the occurrence of an emergency as an affirmative defense, the permittee must demonstrate through completion and certification of relevant evidence that all of the following conditions applied to or during the excess emissions event or period:
 - i. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
 - ii. The permitted facility was at the time being properly operated;
 - iii. 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
 - iv. The permittee submitted notice of the emergency to the Director by telephone or telefax within one (1) working day of the date on which the permittee became aware of the deviation and made a request for

variance as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

- c. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
 - d. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
2. For those facilities asserting an affirmative defense in the case of an emergency episode as defined by C.S.R. 45-30-5.7.a., the permittee shall be required to take all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements for this permit. The permittee shall submit notice of the emergency to the Director by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation and make a request for variance. The notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. An emergency constitutes an affirmative defense to an action brought for noncompliance with the technology-based emission limitation if the conditions of C.S.R. 45-30-5.7.c. are met.
 3. For those facilities asserting an affirmative defense, a written report of any deviation resulting from an emergency or upset condition, shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, and shall be submitted and certified by a responsible official within ten (10) days of the deviation. C.S.R. 45-30-5.1.c.3.C.1.

[NOTE: Refer to Section II.J.5.c.i. of this permit for additional information regarding emergencies.]

N. PROPERTY RIGHTS C.S.R. 45-30-5.1.f.4.

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

O. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS, 112(r) OF THE CLEAN AIR ACT

Should this stationary source, as defined in 40 CFR part 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 CFR part 68.10 and shall certify compliance with the requirements of part 68 as part of the annual compliance certification as required by 40 CFR part 70 or 71.

P. 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:

1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to C.F.R. 40-82.154 and 82.156.
2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to C.F.R. 40-82.158.
3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to C.F.R. 40-82.161.

Q. ADDITIONAL CONDITIONS C.S.R. 45-30-5.6.c.

Nothing in this permit shall alter or affect the following:

1. The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the USEPA Administrator under that section;
2. 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;
3. The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act;
4. The ability of EPA to obtain information from a source pursuant to Section 114 of the Clean Air Act.
5. The applicable requirements of the Code of West Virginia.

SECTION III. SPECIFIC REQUIREMENTS

A. EMISSION POINTS AND POLLUTION CONTROL DEVICES

The following table provides a list of regulated sources of air pollutant emissions authorized to operate by this permit at the subject facility.

Source						Associated Emission Points		
Source ID	Equipment Description	Design Capacity	Fugitive Dust Control System/ Control Device	Year Installed	Control Device ID	ID No.	Transfer Description	Fugitive Dust Control System/ Control Device ¹
SO1	Railcar and Truck Shakeout	550 TPH	PE	1972	N/A	T5 T6	VT/UPH1 – SO1 SO1 – S2	PE FE
RB1	Rotary Breaker	550 TPH	FE	1972	N/A	T1 T2 T12	BC-1 – RB1 RB-1 – BC-2 RB1 - BC-7	FE FE FE
TD	Thermal Dryer	320 TPH	MCS/WSS	1972	N/A	T16 T19 001	PP - TD TD - BC-10 TD - Atmosphere	PE FE MCS/WSS
CONVEYOR BELTS								
BC-1	Slope Belt	550 TPH	FE	1972	N/A	T1	BC-1 - RB1	FE
BC-2	Raw Coal Conveyor	550 TPH	FE	1972	N/A	T2 T3,T4	RB1 – BC-2 BC-2-S1, BC-2-S2	FE PE
BC-3	Raw Coal Conveyor	550 TPH	PE	1972	N/A	T3 T4	BC-2-S1 BC-2 - BC-3	PE PE
BC-4	Raw Coal Conveyor From Railcar & Truck Shakeout	550 TPH	PE	1972	N/A	T6 T7	SO-1 – BC-4 BC-4 – S2	FE PE
BC-5	Raw Coal Conveyor	550 TPH	FE	1972	N/A	T8 T9	S2 - BC-5 BC-5 to BC-6	FE FE
BC-6	Raw Coal Conveyor To Preparation Plant	550 TPH	PE	1972	N/A	T9 T10	BC-5 - BC-6 S1 – BC-6 BC-6 - PP	FE FE PE
BC-7	Refuse Belt	230 TPH	PE	1972	N/A	T11 T12 T13	PP-BC7 RB1-BC7 BC-7 – REF 1	PE FE PE
BC-8	Dryer Coal Belt	320 TPH	PE	1972	N/A	T16	PP - TD	PE

Source						Associated Emission Points		
Source ID	Equipment Description	Design Capacity	Fugitive Dust Control System/Control Device	Year Installed	Control Device ID	ID No.	Transfer Description	Fugitive Dust Control System/Control Device ¹
BC-9	Belt to Thermal Dryer Fuel Bin	4 TPH	FE	1972	N/A	T18 T19	TD – BC9 BC-9 - TD	FE FE
BC-10	Thermal Dryer to Clean Coal Bin	316 TPH	PE	1972	N/A	T17 T20 T21	TD - BC-10 MCS – BC-10 BC-10 – CCB1	FE FE PE
BC-11	Belt BC-10 to 10,000 Ton Clean Coal Silo	316 TPH	PE	1972	N/A	T21 T22	BC-10 – BC-11 BC-11 – CCB2	FE PE
BC-12	10,000 Ton Clean Coal Silo to Loadout Bin	316 TPH	PE	1972	N/A	T23 T24	CCB2 - BC-12 BC-12 – CCB1	FE PE
BC-13	PP to Wet Coal Transfer House (WCTD)	320 TPH	PE	1972	N/A	T15	PP-WCTH	FE
BC-14	Wet Coal Transfer House (WCTD) to PP	320 TPH	PE	1972	N/A	T15	WCTH - PP	FE
STORAGE								
S1	Raw Coal Silo	2,500 Tons	FE	1972	N/A	T13 T10	BC-2 - S1 S1 – BC6	PE FE
S2	Raw Coal Silo	2,000 Tons	FE	1972	N/A	T7 T8	BC3 & BC4 - S2 S2 - BC-5	PE FE
CCB1	Clean Coal Loadout Bin	30 Tons	PE	1972	N/A	T-21 T-24 T-25	BC10 – CCB1 BC-12 – CCB1 CCB1 - Train	PE PE PE
CCB2	Clean Coal Silo	10,000 Ton	FE	1972	N/A	T22 T23	BC11 – CCB2 CCB2 – BC-12	PE FE
CCOS1	Clean Coal Emergency Storage	40,000 Sq. Ft.	WS	1972	N/A	T23 T26	BC11 – CCOS1 CCOS1 – VT/UPH	WS MC, MDH
REF 1	Refuse Bin	300 Tons	NE	1972	N/A	T13 T14	BC7 – REF 1 REF 1 - Truck	PE MC
HAULROADS								
VT/UPH	Refuse Bin to Refuse Area	N/A	RWMW	1972	N/A	T14 T27	REF1 – Refuse Truck Refuse Truck - Refuse Dump	MC MC
VT/UPH1	Raw Coal From Off-site mines	N/A	RWMW	1972	N/A	T5	Off-site mines to SO-1	MC
END 2	Clean Coal Storage to Trucks.	N/A	RWMW	1972	N/A	T26	CCOS1 - Truck	MC
VT/UPH2	Clean Coal Haulroad (Unpaved) 500 Feet	N/A	RWMW	1972	N/A	N/A	CCOS1 to Truck	MC

Fugitive Dust Control System/Control Device abbreviations: FE = Full Enclosure, PE = Partial Enclosure, MC = Moisture Content, RWMW = Water Truck with Manufactured pressurized sprays, WSS = Flooded Disc Scrubber, MCS = Multiclone System, ME = Mist Eliminator, PP = Preparation Plant,

B. ENFORCEABILITY OF APPLICABLE REQUIREMENTS

The following table provides a summary of all applicable requirements and their methods for determining compliance. For further detail refer to the sections referenced in the columns entitled “Permit Condition Number” and “Compliance Demonstration - Condition Number.”

Emission Point ID	Applicable Requirement	Permit Condition Number	Pollutant/ Parameter	Limit/ Standard	Compliance Demonstration	
					Method	Condition Number
Facility-Wide	C.S.R., 45-6-3.1.	III.B.1.a.i.	Refuse	Open Burning Prohibited	N/A	N/A
Facility-Wide	C.S.R., 45-6-3.2.	III.B.1.a.ii.	N/A	Open Burning Prohibited	N/A	N/A
Facility-Wide	40 C.F.R., 61.145, 61.148, and 61.150	III.B.1.a.iii.	Asbestos	N/A	N/A	N/A
Facility-Wide	C.S.R., 45-30-4.3.h.1.B.	III.B.1.a.iv.	Any Newly Applicable Requirement	Notify and Submit Compliance Schedule	N/A	N/A
Facility-Wide	WV Code 22-5-4(a)(15), C.S.R., 45-5-12.1. -12.3.	III.B.1.a.v.	Testing	Conduct as required	N/A	III.B.1.a.v.
Facility-Wide	C.S.R., 45-5-12.6.	III.B.1.a.vi.	Testing	Install Flow Straightening Devices as required	N/A	III.B.1.a.vi.
Facility-Wide	C.S.R., 45-4-3.1.	III.B.1.b.	Any Air Pollutant	Objectionable Odor Prohibited	Reporting	III.C.9.
Facility-Wide	C.S.R., 45-11-5.2.	III.B.2.a.i.	Any Regulated Air Pollutant	Submit Standby Plan if Requested	N/A	N/A
Facility-Wide	C.S.R., 45-5-3.4.	III.B.2.a.ii.	Particulate Matter	20% Opacity	Visual Inspection and Recordkeeping	III.C.1. (Not required for stockpiles & haulroads)
Facility-Wide (All Fugitive Dust Control Systems as specified in Section III. Table A.)	C.S.R., 45-5-6.1.	III.B.2.a.iii.	Particulate Matter	Operate and Maintain Fugitive Dust Control System	Recordkeeping	III.C.2.
Facility-Wide	C.S.R., 45-5-6.2.	III.B.2.a.iv.	Particulate Matter	Minimize Dust Generation and Atmospheric Entrainment through Dust Control Methods and Good Operating practices	Recordkeeping	III.C.3.

Emission Point ID	Applicable Requirement	Permit Condition Number	Pollutant/ Parameter	Limit/ Standard	Compliance Demonstration	
					Method	Condition Number
Facility-Wide	WV Code, 22-5-4(a)(14)	III.B.2.a.v.	Criteria Air Pollutants	Submit Annual Emission Inventory	Reporting	III.B.2.a.v.
Refuse Stockpiles: (OS1).	C.S.R., 45-5-7.	III.B.2.b.i.	Coal Refuse	Prevent and Control Air Pollution from Coal Refuse Disposal Areas	N/A	III.B.2.b.i.
Refuse Stockpiles: (OS1).	C.S.R., 45-5-8.	III.B.2.b.ii.	Coal Refuse	Investigate Burning Coal Refuse as required	N/A	III.B.2.b.ii.
Thermal Dryer: (TD1)	C.S.R., 45-5-3.1.	III.B.2.a.vi	Particulate Matter	20% Opacity	Visual Inspection and Recordkeeping	III.C.7.
	C.S.R., 45-5-3.2.	III.B.2.a.vii.	Particulate Matter	No more than 60% Opacity for more than 5 min. during operation	Visual Inspection and Recordkeeping	III.C.7.
	C.S.R., 45-5-3.3.	III.B.2.a.viii.	Particulate Matter	No More than 60% Opacity for more than 8 min during startup	Visual Inspection and Recordkeeping	III.C.7.
	C.S.R., 45-5-4.1.b., C.S.R., 45-5- Appendix 1.1.	III.B.2.a.ix.	Particulate Matter	Max allowable particulate loading 0.0825 grains per cubic foot	Recordkeeping Stack Testing	III.C.5.
	C.S.R., 45-5-4.2.	III.B.2.a.x.	Circum-venting rule	Adding additional gas to dryer exhaust	N/A	III.B.2.a.x.
	C.S.R., 45-5-4.3.	III.B.2.a.xi.	Stack Height	Stack Height > 80 ft. or > 10 ft. from adjacent structure	Inspection	III.B.2.a.xi.
	C.S.R., 45-5-4.1.b., C.S.R. § 45-5- Appendix 2.1. and 2.3.	III.B.2.a.xii.	Stack Gas Monitoring	Continuously measure temperature	Install monitor Recordkeeping	III.B.2.a.xii. III.C.8.
	C.S.R., 45-5-4.1.b., C.S.R., 45-5- Appendix 2.2.a. and 2.3.	III.B.2.a.xiii.	Monitor pressure	Continuously measure pressure drop in scrubber	Install monitor Recordkeeping	III.B.2.a.xiii. III.C.8.

Emission Point ID	Applicable Requirement	Permit Condition Number	Pollutant/ Parameter	Limit/ Standard	Compliance Demonstration	
					Method	Condition Number
Thermal Dryer - TD	C.S.R. 45-5-4.1.b., C.S.R. 45-5- Appendix 2.2.b. and 2.3.	III.B.2.a.xiv.	Monitor water supply	Continuously measure pressure of water supply for scrubber	Install monitor Recordkeeping	III.B.2.a.xiv. III.C.8.
	C.S.R. 45-10-4.1.	III.B.2.a.xv.	Sulfur Dioxide	Max allowable Sulfur Dioxide loading 2000 ppm	Recordkeeping	III.C.6.
	C.S.R. 45-10-8.2.a.	III.B.2.a.xvi.	Stack Gas Monitoring	Chief's Authority to Require	N/A	III.B.2.a.xvi.
	C.S.R. 45-10-8.2.b.	III.B.2.a.xvii.	Sulfur Dioxide	Calculation based on fuel sulfur content basis	N/A	III.B.2.a.xvii.
	C.S.R. 45-10-8.2.c.2.	III.B.2.b.iii.	Sulfur Dioxide	Submit monitoring plan	N/A	III.B.2.b.iii.
	C.S.R. 45-10-8.1.a.	III.B.2.a.xviii.	Sulfur Dioxide	Compliance Testing	N/A	III.B.2.a.xviii.
	C.S.R. 45-10-8.1.b.	III.B.2.a.xix.	Air Pollution Emissions	Emission Testing	N/A	III.B.2.a.xix.

1. GENERAL CONDITIONS

a. ENFORCEABLE BY DAQ AND/OR USEPA

- i. The open burning of refuse by any person, firm, corporation or public agency is prohibited except as noted in C.S.R. § 45-6-3.1. (a) and (b). Other exceptions noted in 3.1(c) and 3.1(d) are enforceable by DAQ, and will become enforceable by USEPA only when approved in the SIP. C.S.R. § 45-6-3.1. (effective date July1, 2001). (*Facility-Wide Applicability*). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule.
- ii. No person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. C.S.R. § 45-6-3.2.a. (effective date July1,2001). (*Facility-Wide Applicability*). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule.

- iii. The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee must notify the Director of the DAQ at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Director. A copy of this notice shall be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health. (*Facility-Wide Applicability*).
- iv. If any applicable requirement is promulgated during the term of this permit, the permittee is responsible for notifying the Director and submitting an appropriate compliance schedule. C.S.R. § 45-30-4.3.h.1.B. (effective date April 27, 1994). (*Facility-Wide Applicability*).
- v. As per provisions set forth in Section III of this permit or as otherwise required by the Director, 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 Director, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Director 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 Director 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 Section III of this permit or as otherwise approved or specified by the Director in accordance with the following:
 - (a) For emissions for which there are no applicable requirements within the permit, the Director for cause may require testing or monitoring to determine emissions of air pollutants or emissions from sources.
 - (b) The Director 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 in accordance with the Director's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with C.S.R. § 45-30-6.4. or C.S.R. §

45-30-6.5 as applicable.

- (c) The Director 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 Director, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section III.B.1.a.v.(b). If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with C.S.R. § 45-30-6.4. or C.S.R. § 45-30-6.5 as applicable.

All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in Section III of this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Director in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Director. In addition, the permittee shall notify the Director at least fifteen (15) days prior to any testing so the Director 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 Director. WV Code 22-5-4(a)(15), C.S.R., 45-5-12.1. -12.3. (effective date August 31, 2000). (*Facility-Wide Applicability*). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.

- vi. Any stack venting thermal dryer exhaust gases and/or air table exhaust gases or exhaust gases or air from any air pollution control device shall include straight runs of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures. Flow straightening devices shall be required where cyclonic gas flow would exist in the absence of such devices. C.S.R., 45-5-12.6. (effective date August 31, 2000). (*Facility-Wide Applicability*). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.

b. ENFORCEABLE BY DAQ ONLY

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. C.S.R. 45-4-3.1. (effective date October 1, 1967). (*Facility-Wide Applicability*).

2. SPECIFIC CONDITIONS

a. ENFORCEABLE BY DAQ AND/OR USEPA

- i. When requested by the Director, 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 45 C.S.R.11. C.S.R. 45-11-5.2 (effective date April 25, 1990). (*Facility-Wide Applicability*).
- ii. No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater. C.S.R. 45-5-3.4. (effective date August 31, 2000). (*Facility-Wide Applicability (All Fugitive Dust Control Systems as specified in Section III. Table A.)*). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.
- iii. No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air. All fugitive dust control systems shall remain functional year-round, to the maximum extent practicable, including winter months and cold weather. C.S.R. 45-5-6.1. (effective date August 31, 2000). (*Facility-Wide Applicability (All Fugitive Dust Control Systems as specified in Section III. Table A.)*). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.
- iv. The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment. C.S.R. 45-5-6.2. (effective date August 31, 2000).

(Facility-Wide Applicability). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.

- v. 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.V. Code 22-5-4(a)(14). *(Facility-Wide Applicability)*.
- vi. No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any stack which is twenty percent (20%) opacity or greater, except as noted in C.S.R 45-5-3.2 , C.S.R 45-5-3.1 (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.
- vii. The provisions of vi. of this section shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period or periods aggregating no more than five (5) minutes in any sixty (60) minute period during operation. C.S.R. 45-5-3.2 (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.
- viii. The provisions of vi and vii of this section shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period of up to eight (8) minutes in any operating day for the purposes of building a fire of operating quality in the fuel burning equipment of a thermal dryer. C.S.R. 45-5-3.3. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.
- ix. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from the thermal dryer exhaust, which produces 150,000 or less total standard cubic feet of dry gas, in excess of 0.0825 grains per standard cubic foot. C.S.R. 45-5-4.1.b. and C.S.R. 45-5- Appendix 1.1. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.
- x. No person shall circumvent this rule by adding additional gas to any dryer exhaust or group of dryer exhaust for the purpose of reducing the grain loading. C.S.R 45-5-4.2 (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same

rule. ***Thermal Dryer: (TD)***.

- xi. No person shall cause, suffer, allow or permit the exhaust gases from a thermal dryer to be vented into the open air at an altitude of less than eighty (80) feet above the foundation grade of the structure containing the dryer or less than ten (10) feet above the top of the said structure or any adjacent structure, whichever is greater. In determining the desirable height of a plant stack, due consideration shall be given to the local topography, meteorology, the location of nearby dwellings and public roads, the stack emission rate, and good engineering practice as set forth in 45 C.S.R. 20. C.S.R. 45-5-4.3. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD1)***.
- xii. The owner or operator of a thermal dryer shall install, calibrate, maintain, and continuously operate a monitoring device for the continuous measurement of the temperature of the gas stream at the exit of the thermal dryer. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus three degrees Fahrenheit.(3 °F) and be recalibrated as necessary, but at least once annually. C.S.R. 45-5-4.1.b. and C.S.R. 45-5- Appendix 2.1 and 2.3. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.
- xiii. The owner or operator of a thermal dryer shall install, calibrate, maintain, and continuously operate a monitoring device for the continuous measurement of the pressure loss in the inlet airflow to the scrubber. The pressure drop will be measured between the inlet airflow to the scrubber and outlet airflow of the scrubber which is atmospheric. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus one inch (1 in.) water gauge and be recalibrated as necessary, but at least once annually. C.S.R. 45-5-4.1.b. and C.S.R. 45-5- Appendix 2.2.a and 2.3. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.
- xiv. The owner or operator of a thermal dryer shall install, calibrate, maintain, and continuously operate a monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus five percent(5%) of design water supply pressure and be recalibrated as necessary, but at

least once annually. C.S.R. 45-5-4.1.b. and C.S.R. 45-5- Appendix 2.2.b. and 2.3. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.

- xv. No person shall cause, suffer, allow, or permit the emission into open air from any source operation an in-stack sulfur dioxide concentration exceeding 2000 ppmv by volume from existing source operations, except as provided in subdivisions of 45-10-4.1. C.S.R. 45-10-4.1. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.
- xvi. At the request of the Director the owner and/or operator of a source shall install such stack gas monitoring devices as the Director deems necessary to determine compliance with the provisions of CSR § 45-10-4.1.. The data from such devices shall be readily available at the source location or such other reasonable location that the Director may specify. At the request of the Director, or his or her duly authorized representative, such data shall be made available for inspection or copying. Failure to promptly provide such data shall constitute a violation of 45CSR10. C.S.R. 45-10-8.2.a. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.
- xvii. Prior to the installation of calibrated stack gas monitoring devices, sulfur dioxide emission rates shall be calculated on an equivalent fuel sulfur content basis. C.S.R 45-10-8.2b (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.
- xviii. At such reasonable times as the Director may designate, the owner or operator of a source(s) of any fuel burning unit(s) manufacturing process source(s) or combustion source(s) may be required to conduct or have conducted tests to determine the compliance of such source(s) with the emission limitations of section 3, 4 or 5 of C.S.R. 45-10. Such tests shall be conducted in accordance with the appropriate test method in 40C.F.R.60, Appendix A, Method 6, Method 15 or other equivalent EPA testing method approved by the Director. The Director, or his or her duly authorized representative, may at his or her option witness or conduct such tests. Should the Director exercise his or her option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such a manner as the Director 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. C.S.R. 45-10-8.1.a. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.

- xix. The Director, or his duly authorized representative, may conduct such other tests as he or she may deem necessary to evaluate air pollution emissions other than those noted in section 3 of C.S.R. 45-10. C.S.R. 45-10-8.1.b. (effective date August 31, 2000). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved version of the same rule. ***Thermal Dryer: (TD)***.

b. ENFORCEABLE BY DAQ ONLY

- i. In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by the following: C.S.R. 45-5-7.1. (effective date August 31, 2000). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).
- (a) Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse. C.S.R. 45-5-7.2. (effective date August 31, 2000). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).
- (b) Coal refuse disposal areas shall not be so located with respect to mine openings, tipples, or other mine buildings, unprotected coal outcrops or steam lines, that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas. C.S.R. 45-5-7.3. (effective date August 31, 2000). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).
- (c) Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site. C.S.R. 45-5-7.4 (effective date January 1, 1995). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).
- (d) Coal refuse shall not be dumped or deposited on a coal refuse

pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution. C.S.R. 45-5-7.5. (effective date August 31, 2000). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).

- (e) Materials with low ignition points used in the production or preparation of coal, including but not limited to wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area. C.S.R. 45-5-7.6. (effective date August 31, 2000). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).
 - (f) Garbage, trash, household refuse, and like materials shall not be deposited on or near any coal refuse disposal area. C.S.R. 45-5-7.7. (effective date August 31, 2000). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).
 - (g) The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited. C.S.R. 45-5-7.8. (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).
- ii. Each burning coal refuse disposal area which allegedly causes air pollution shall be investigated by the Director in accordance with the following (C.S.R. 45-1-8.1. (effective date August 31, 2000)). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).
- (a) Each coal refuse disposal area which causes air pollution shall be considered on an individual basis by the Director. Consistent with the declaration of policy and purpose set forth in section one of Chapter twenty-two, article five of the code of West Virginia, as amended, as well as the established facts and circumstances of the particular case, the Director shall determine and may order after a proper hearing the effectuation of those air pollution control measures which are adequate for each such coal refuse disposal area. C.S.R. 45-5-8.2. (effective date August 31, 2000). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).

- (b). With respect to all burning coal refuse disposal areas, the person responsible for such coal refuse disposal areas or the land on which such coal refuse disposal areas are located shall use due diligence to control air pollution from such coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in section one of chapter twenty-two, article five of the code of West Virginia, as amended, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for such coal refuse disposal area or the land on which such coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent, or reduce such air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including completion dates, to establish that such program can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W.Va. Code 22-5-1 et seq. If such report is not submitted as requested or if the Director determines that the methods and procedures set forth in such report are not adequate to reasonably control such air pollution, then a hearing will be held pursuant to the procedures established by W.Va. Code 22-5. C.S.R. 45-5-8.3. (effective date August 31, 2000). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).
- iii. Monitoring plans pursuant to subsection 8.2.c shall be submitted to the Director within six (6) months of the effective date of this rule. Approval or denial of such plans shall be within twelve (12) months of the effective date of this rule. C.S.R. § 45-10-8.2.c.2. (effective date August 31, 2000). (*Refuse Area, Refuse Stockpile and Refuse Bin REF1*).

C. SPECIFIC MONITORING/RECORDKEEPING/REPORTING REQUIREMENTS

1. The permittee shall conduct monitoring/recordkeeping/reporting as follows (C.S.R. 45-30-5.1.c.) [Not required for stockpiles and haulroads CCOS1, VT/UPH, VT/UPH1, END2, VT/UPH2]: **(NOTE: See Section C.6 to C.8 for Requirements to the Thermal Dryer Unit).**
 - a. An initial visible emissions evaluation in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be performed within ninety (90) days of facility startup for each emission unit with a visible emissions requirement in this permit unless such evaluation was performed within the consecutive 12-month period preceding permit issuance. This initial evaluation shall consist of three 6-minute averages during one consecutive 60 minute period. The initial evaluation shall be conducted at each emissions unit during the period of maximum expected visible emissions under normal unit and facility operations. A visible emissions evaluation shall be conducted for each emission unit at least once every consecutive 12-month period in accordance with 40 C.F.R. 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for each emission unit.
 - b. Each emissions unit with a visible emissions limit contained in this permit shall be observed visually 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 using 40 C.F.R. 60 Appendix A, Method 22. 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. 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 condition Section III.C.1.b. if the visible emissions condition is corrected in a timely manner; the emissions unit is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.
 - 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. 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 condition III.C.1.b. in lieu of those

established in this condition.

- d. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. 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 be maintained on site for a period of no less than five (5) years stating 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. C.S.R. 45-30-5.1.c.
2. The permittee shall inspect all fugitive dust control systems weekly to ensure that they are operated and maintained in conformance with their designs. The permittee shall maintain records of all scheduled and non-scheduled maintenance. Records shall be maintained on site for a period of no less than five (5) years stating 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. C.S.R. 45-30-5.1.c.
3. The permittee shall maintain daily records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. These records shall be maintained on site for a period of no less than five (5) years. C.S.R. 45-30-5.1c
4. The permittee shall maintain daily records of the coal throughput and the hours of operation. Compliance with the hourly throughput limit shall be demonstrated by dividing the calendar month's total throughput by the number of hours operated in the same calendar month to obtain an hourly average. By the fifteenth day of each calendar month, the permittee shall calculate the hourly averaged throughput of the previous calendar month. Compliance with all throughput limits shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of raw coal throughput at any given time for the previous twelve (12) months. These records shall be maintained on site for a period of no less than five (5) years. C.S.R 45-30-5.1c
5. Within 180 days of the thermal dryer startup, the permittee shall conduct a stack test, establish parameter indicator ranges, and furnish the Chief a written report of the results of such testing and established indicator ranges. The permittee shall use Method 5 or an alternative method approved by the Chief for such testing. If an alternative testing method were approved which effectively replaces Method 5, a permit revision would be required in accordance with C.S.R. § 45-30-6.4. or C.S.R. § 45-30-6.5 as applicable. Parameter indicator ranges shall be established for the exit temperature of the thermal dryer, water pressure to the control equipment, and the pressure loss of the inlet airflow to the scrubber. The permittee shall establish these indicator ranges and operate within these ranges to provide a reasonable assurance that the thermal dryer unit is in compliance with opacity and particulate loading limits. The permittee shall take immediate corrective action when a parameter falls

outside the indicator range established for that parameter and shall record the cause and corrective measures taken. The permittee shall also record the following parameters during such testing:

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

These records shall be maintained on site for a period of no less than five (5) years. C.S.R. 45-30-5.1.c.

Subsequent testing to determine compliance with the particulate loading limitations of Section III.B.2.a.xi. shall be conducted in accordance with the schedule set forth in the following table:

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

6. The permittee shall demonstrate compliance with C.S.R. 45-10-4.1. by complying

with the stipulations as stated below:

- a. The owner or operator of a thermal dryer shall meet the following minimum coal sampling requirements:
 1. The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the dryer may be obtained.
 2. Coal shall be sampled at least three (3) times per day and at least once per eight (8) hour period.
 3. Minimum sample size shall be five hundred (500) grams.
 4. Samples shall be composited and analyzed at the end of each calendar month
- b. Coal samples shall be prepared for analysis in accordance with procedures specified in ASTM D2013-86. "Standard Method of Preparing Coal Samples for Analysis."
- c. The heat content of coal samples shall be determined in accordance with procedures specified in ASTM D2015-85, "Standard Test Method for Gross Calorific Value of Solid fuel by the Adiabatic Bomb Calorimeter," or ASTM D5865, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter."
- d. The sulfur content of coal samples shall be determined in accordance with procedures specified in ASTM D3177-84, "Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke", or ASTM D4239-85, "Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods."
- e. The owner or operator of a thermal dryer shall calculate the SO₂ emissions for each month based on the design heat input of 105 mmBtu/hr and the results of the analyses for sulfur and heat content for the month according to the following equations:

Equation 1:

$$\underline{SO_2 \text{ (lb/hr)}} = 2 \times (\text{MFR/ HV}) \times S$$

Where: MFR = Design heat input of 112,000,000 Btu/hr
HV = Heating value of fuel in Btu/lb
S = Percent sulfur content of fuel divided by 100
2 = 2 lb SO₂ per 1lb S

Equation 2:

$$\underline{SO_2 \text{ (ppmv)}} = SO_2 \text{ (lb/hr)} \times (385/64) \times (1/150,000) \times (1/60) \times 10^6$$

Where: SO₂ (ppmv) = Sulfur dioxide concentration by volume
SO₂ (lb/hr) = Sulfur dioxide weight rate

385 = Molar volume in scf/lb-mole
64 = Molecular weight of Sulfur dioxide in lb/lb-mole
150,000 = Exhaust fan volumetric exhaust flow rate in scfm
60 = Minutes per hour

The measurement of fuel flow on this particular thermal dryer is not easily accomplished. Therefore by using the equations in this section, the maximum design heat input, and minimum volumetric gas flow rate, if compliance with C.S.R. 45-10-4.1. is shown with these “worse case” conditions then compliance at lower heat inputs and/or higher stack gas flow rates will be ensured.

- f. These records shall be maintained on site for a period of no less than five (5) years. C.S.R. 45-30-5.1.c.
7. The permittee shall conduct monitoring/recordkeeping/reporting for the thermal dryer as follows (C.S.R. 45-30-5.1.c.)
- a. An initial visible emissions evaluation in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be performed within ninety (90) days of startup of thermal dryer unit(s) with a visible emissions requirement in this permit unless such evaluation was performed within the consecutive 12-month period preceding permit issuance. This initial evaluation shall consist of three 6-minute averages during one consecutive 60 minute period. The initial evaluation shall be conducted at the thermal dryer unit(s) during the period of maximum expected visible emissions under normal unit and facility operations. A visible emissions evaluation shall be conducted for the thermal dryer unit(s) at least once every consecutive 12-month period in accordance with 40 C.F.R. 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for the thermal dryer unit(s).
 - b. The thermal dryer unit(s) included in this permit shall be observed visually on a daily basis during periods of normal facility operation for a sufficient time interval to determine if the unit has any visible emissions using 40 C.F.R. 60 Appendix A, Method 22. If visible emissions from the thermal dryer unit(s) is observed during these daily observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the thermal dryer unit(s), visible emissions evaluations in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than fourteen (14) days from the time of the observation. A Method 9 evaluation shall not be required under condition Section III.C.8.b. if the visible emissions condition is corrected in a timely manner; the thermal dryer unit(s) is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.
 - 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 thermal dryer unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive seven (7) day period in accordance with 40 C.F.R. 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 thermal dryer unit for 3 consecutive evaluation periods, the thermal dryer may comply with the visible emissions testing requirements of condition III.C.8.b. in lieu of those established in this condition.

- d. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. 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 be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the daily inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken. C.S.R. 45-30-5.1.c.
 - e. If any visible emissions evaluation performed in accordance with 40C.F.R.60 Appendix A, Method 9 indicates a visible emissions observation of twenty percent (20%) or greater, the minimum total time of the observations for that emission unit shall be sixty (60) minutes. This Section e. shall not apply if any visible emissions observation is sixty percent (60%) or greater.
 - f. The thermal dryer unit(s) included in this permit shall be observed visually during periods of building a fire of operating quality and minimization efforts taken to ensure particulate matter emissions of sixty percent (60 %) opacity for a period of up to 8 minutes in any operating day is not exceeded during such activities.
8. The permittee shall have monitoring devices described in sections III.B.2.(a.xiv., a.xv., and axvi.) installed and operating no later than 180 days after the effective date of this permit. Recordkeeping for the monitoring devices shall be recorded at least once every 12 hours during periods of normal operation. These records shall be maintained on site for a period of no less than five (5) years. C.S.R. 45-30-5.1.c.
9. For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received. Such record shall be maintained on site five (5) years from the record creation date, containing an assessment of the validity of the complaints as well as any corrective actions taken. C.S.R. § 45-30-5.1.c. (effective date April 27, 1994).

D. PERMIT SHIELD

1. The permittee has requested and is hereby granted a permit shield in accordance with C.S.R. 45-30-5.6. The permit shield applies as long as the permittee operates in accordance with the information contained within this permit.
2. The list below identifies requirements which are not applicable to the permittee and the determinations thereof. So long as the permittee operates within the constraints of these determinations, the permit shield shall apply to the provisions of the table.

[Not Granted]

3. Compliance with the conditions of this permit shall be deemed compliance with the corresponding applicable requirements as of the date of permit issuance and/or that the requirements specifically identified are not applicable to the permittee as of the date of permit issuance. C.S.R. 45-30-5.6.a.

E. LIMITS ON OPERATION

None

F. COMPLIANCE PLAN

The thermal dryer stack has to be raised to 80 feet above the foundation grade of the structure containing the dryer or less than ten(10) feet above the top of said structure or any adjacent structure, whichever is greater.

APPENDIX

List of Abbreviations

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

THIS IS THE LAST PAGE OF THE PERMIT
