

West Virginia Department of Environmental Protection

Joe Manchin III
Governor

Division of Air Quality

Stephanie R. Timmermeyer
Cabinet Secretary

Permit to Operate



*Pursuant to
Title V
of the Clean Air Act*

Issued to:
**Virginia Electric and Power Company
North Branch Power Station / Bayard, WV
R30-02300014-2005**

*John A. Benedict
Director*

*Issued: March 29, 2005 • Effective: April 12, 2005
Expiration: March 29, 2010 • Renewal: September 29, 2009*

Permit Number: **R30-02300014-2005**
Permittee: **Virginia Electric and Power Company**
Facility Name: **North Branch Power Station**
Mailing Address: **5000 Dominion Boulevard, Glen Allen, VA 23060**

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

Facility Location:	Bayard, Grant County, West Virginia
Mailing Address:	2000 Energy Way, Gormanian, WV 26720
Telephone Number:	(304) 259-4420
Type of Business Entity:	Corporation
Facility Description:	Electric Service
SIC Codes:	Primary 4911; Secondary N/A; Tertiary N/A
UTM Coordinates:	643.92 km Easting • 4346.99 km Northing • Zone 17

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

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

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APPENDIX B – Parametric Monitoring Plan

APPENDIX C – Inspection and Maintenance Plan

APPENDIX D – Acid Rain Permit

[APPENDIX E – CAIR Permit Application](#)

1.0. Emission Units

For the purpose this permit, the term “fuel” shall mean “coal,” “coal refuse,” “gob,” “gob coal,” “boiler fuel,” “feedstock,” and/or “middlings” as used in this facilities NSR permits regarding the boilers solid fuel.

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed ¹	Design Capacity ²	Control Device ³
Boiler & Associated Equipment					
A	1-E	Boiler 1A – Ahlstrom Model Pyroflow CFB; S/N W-19206-W	1989	597 mmBtu/hr	DLI, BH-A
B	1-E	Boiler 1B – Ahlstrom Model Pyroflow CFB; S/N W-19207-W	1989	597 mmBtu/hr	DLI, BH-B
Coal, Ash, & Limestone Handling Equipment					
BN-MH-2A / BN-MH-2B	2-E	Fuel Hoppers	1989	500 TPH each	PE, WS
1A	14E	Conveyor from Fuel Hoppers to Fuel Screening Bldg.	1989	500 TPH	PE
CP-1	Fugitive	Conveyor from Fuel Hoppers to Conveyors CP-2, CP-3, & CP- 4	1989	500 TPH	PE
CP-1, CP-2, CP-3, CP- 4	Fugitive	Conveyors from CP-1 to P1	1989	500 TPH	PE
P-1	15-E	Fuel Storage Pile	2000	5000 tons	WS
4-S	3-E	Fuel Screening Building	1989	325 TPH	FE, BH-4C
VS-MH-1	3-E	Vibrating Screen	1989	250 TPH	FE
1C	14-E	Conveyor from Fuel Screening Bldg. to Crushing Bldg. and Conveyor 1D	1989	500 TPH	PE
1D	14-E	Conveyor from 1C to Conveyor 1E	1989	500 TPH	PE
1E	14-E	Conveyor to Silos 6A and 6B	1989	500 TPH	PE
Silo 6A & Silo 6B	6-E or 12-E	Fuel Storage Silos and transfer to Conveyor 1F	1989	6000 tons	BH-8C
1F	14-E	Conveyor from Silos 6A & 6B to Crushing Bldg.	1989	400 TPH	PE
5-S	4-E	Crusher Building	1989	500 TPH	BH-5C

¹ “Year Installed” reflects the “commenced” construction or modification date as defined in 40 CFR 60.

² Rated Design Capacity

³ Control Device/Control System abbreviations: ESP = Electrostatic Precipitators, OFA = Over Fire Air Low NOx System, DLI= Dry (Pulverized) Limestone Injection SCR = Selective Catalytic Reduction, FE = Full enclosure, PE = Partial Enclosure, BH = Baghouse(s), MC = Moisture Content, VS = Vacuum Sweeping, WS = Water Spray

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed ¹	Design Capacity ²	Control Device ³
CR-MH-2A, CR-MH-2B, CR-MH-2C	4-E	Fuel Hammermill 2A, Fuel Hammermill 2B, Fuel Hammermill 2C	1989	250 TPH each	FE, BH-5C
CV-MH-1G	14-E	Main Fuel Conveyor to Conveyors 1H, 1J and 1K(via 1H)	1989	400 TPH	FE, BH-5C
CV-MH-1H, -1J, -1K	14-E	Conveyors to BN-MH-1A1, -1A2, - 1B1 & -1B2 Fuel Bunkers	1989	400 TPH each	FE
BN-MH-1A1 / BN-MH-1A2	6-E	Northeast / Northwest Fuel Bunkers	1989 / 1989	800 tons each	BH-7C
BN-MH-1B1 / BN-MH-1B2	12-E	Southeast / Southwest Fuel Bunkers	1989 / 1989	800 tons each	BH-13C
BN-LH-1A / BN-LH-1B	11-E	Limestone & Fuel Hoppers	1989 / 1989	100 TPH each	PE
CV-LH-1M	fugitive	Conveyor from Limestone and Fuel Hoppers to Crusher Bldg.	1989	200 TPH each	PE
CR-LH-1A	fugitive (vents inside)	Limestone Impactor 1	1989	200 TPH	FE, BH-5C
CV-LH-1N	fugitive	Conveyor from Crusher Bldg. to Uncrushed Limestone Storage Bin	1989	200 TPH	FE
BN-LH-2	7-E	Uncrushed Limestone Storage Bin	1989	1250 tons	FE
CR-LH-2A1	fugitive (vents inside)	Limestone Direct Fired Mill	1989	50 TPH	FE
CR-LH-2B	4-E	Limestone Hammermill Crusher 2B	1989	50 TPH	FE
BN-LH-3	8-E	Crushed Limestone Storage Silo	1989	1550 tons	FE, BH-9C
F-AH-2A / F-AH-2B	9-E, 5-E, 16-E	Boiler A Ash Separator / Boiler B Ash Separator	1989 / 1989	50 TPH each	FE
BN-AH- 3	5-E	Ash Storage Silo	1989	7030 tons	BH-6C, wet scrubber
11-S	fugitive	Paved Road	1989	N/A	VS, WS
17-S	16-E	Truck Loading (<i>includes ash transfer points 4sa, sb, sc, sd, se & sf in R13- 2075 application</i>)	1999	250 TPH	PE, WS
Emergency Generators					
EG-1	20E	Diesel Generator	1989	0.28 mmBtu/hr; 124 bhp	None
1-EG-GEN2	Onan GenSet 1	85GGHG Onan Generator Set	2002	164.2 bhp	None

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed ¹	Design Capacity ²	Control Device ³
1-EG-GEN-3	Onan GenSet 2	85GGHG Onan Generator Set	2002	164.2 bhp	None
Miscellaneous Other					
P-FP-2	21-E	Diesel Fire Pump	1989	0.42 mmBtu/hr; 302 bhp	None
ME-CA-1	22-E	Diesel Air Compressor (portable)	1989	0.70 mmBtu/hr; 275 bhp	None
PK-PR-1	23E	Propane Vaporizer	1989	5.4 mmBtu/hr	None
T-MH-4	24E	Freeze control agent (diethylene glycol) tank	1989	2000 gals	None
T-MH-1	25E	Diesel Tank	1989	1000 gals	None
T-DS-2	26E	Diesel Tank	1989	450 gals	None
T-PT-3	27E	Diesel Tank	1989	275 gals	None
T-EG-1	28E	Diesel Tank (emerg. generator)	1989	100 gals	None
T-MH-3	29E	Kerosene Tank	1989	2000 gals	None
T-MH-5	30E	Kerosene Tank (not in service)	1989	2000 gals	None
T-PT-1	31E	Kerosene Tank	1989	275 gals	None
T-PT-2	32E	Kerosene Tank	1989	275 gals	None
T-MH-2	33E	Gasoline Tank	1989	1000 gals	None
T-LO-3	34E	Turbine Lube oil Tank	1989	3800 gals	None
T-LO-1	35E	Turbine Lube oil Tank	1989	3800 gals	None
T-PR-1	36E	Propane Tanks (6 identical)	1989	30,000 gals each	None
T-PR-2	37E				
T-PR-3	38E				
T-PR-4	39E				
T-PR-5	40E				
T-PR-6	41E				

2.0. General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

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

2.3. Permit Expiration and Renewal

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

2.4. Permit Actions

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

2.5. Reopening for Cause

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

2.6. Administrative Permit Amendments

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

2.7. Minor Permit Modifications

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

2.8. Significant Permit Modification

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

2.9. Emissions Trading

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

2.10. Off-Permit Changes

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

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

[45CSR§30-5.9.]

2.11. Operational Flexibility

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

[45CSR§30-5.8]

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

[45CSR§30-5.8.a.]

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

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

[45CSR§30-5.8.c.]

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

[45CSR§30-2.39]

2.12. Reasonably Anticipated Operating Scenarios

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

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

[45CSR§30-5.1.i.]

2.13. Duty to Comply

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

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

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

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
 - a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

- b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

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

[45CSR§30-5.1.f.2.]

2.17. Emergency

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

[45CSR§30-5.7.a.]

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

[45CSR§30-5.7.b.]

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

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

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

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
[45CSR§30-5.7.e.]

2.18. Federally-Enforceable Requirements

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.
[45CSR§30-5.2.a.]
- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

2.19. Duty to Provide Information

- 2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.
[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.
[45CSR§30-4.2.]

2.21. Permit Shield

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.
[45CSR§30-5.6.a.]
- 2.21.2. Nothing in this permit shall alter or affect the following:
- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
 - b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.

- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.
[45CSR§30-5.6.c.]

2.22. Credible Evidence

- 2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.
[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

- 2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.
[45CSR§30-5.1.e.]

2.24. Property Rights

- 2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.
[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

- 2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.
 - a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
 - b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
 - c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.
[45CSR§30-5.1.d.]
- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.
[45CSR§30-5.1.a.2.]

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). A copy of this notice is required to be sent to the USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health.
[40 C.F.R. 61 and 45CSR15]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.
[45CSR§11-5.2]
- 3.1.7. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.
[W.Va. Code § 22-5-4(a)(14)]
- 3.1.8. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.

- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.
- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

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

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

[40 C.F.R. 68]

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

[45CSR§26-6.1.b. and 20.1.]

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

[45CSR§26-23.2.]

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

[45CSR§26-24.1.]

- 3.1.11. **Fugitive Particulate Matter Control.** No person shall cause, suffer, allow, or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:

- a. Stockpiling of ash or fuel either in the open or in enclosures such as silos;
- b. Transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and
- c. Ash or fuel handling systems and ash disposal areas.

[45CSR§2-5., 45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(2)(f)]

- 3.1.12. **Fugitive emission controls applicable to paved roads.** All paved roadways or haulways on the premises or serving the permitted facility shall be vacuum swept, at a minimum, once per day that feedstock shall be delivered to the facility or ash removed from the facility, except during times of inclement weather. Berms

along these roads or haulways shall be treated with Coherex or Soil-Sement (or a Division of Air Quality-approved equivalent) once per calendar quarter.

[45CSR13 - Permit No. R13-2075C §(A)(8)]

3.1.13. **Fugitive emission controls applicable to unpaved roads:**

a. All unpaved roads, including those used for employee access and/or maintenance operations, within the premises of the permitted facility and within the adjacent fuel disposal area shall be surfaced and maintained with crushed aggregate.

b. Unpaved haulroads associated with trucking limestone, fuel coal, propane, and ash haul-out within or upon the premises of the permitted facility shall be treated, at a minimum, once per quarter with properly mixed Coherex, Soil-Sement or a Division of Air Quality-approved equivalent dust suppressants.

[45CSR13 - Permit No. R13-2075C §(A)(9)]

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

The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

[45CSR13 - Permit No. R13-2075C §(A)(10)]

3.1.15. CAMR Mercury Budget Trading Program. The permittee shall comply with the standard requirements set forth in an Hg Budget Permit Application and the Hg Budget Permit requirements set forth in 45CSR37 for each Hg Budget source. The Hg Budget Permit Application shall be submitted by July 1, 2008 as a modification to the Title V Permit and subsequently attached to the Title V Permit. The complete Hg Budget Permit Application shall be the CAMR Permit portion of the Title V permit administered in accordance with 45CSR30. [45CSR§§37-6.1.b. and 20.1.]

a. The CAMR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§37-2 and, upon recordation by the Administrator under sections 51 through 57, 60 through 62 of 45CSR37, every allocation, transfer or deduction of a Hg allowance to or from the compliance account of the Hg Budget source covered by the permit.

[45CSR§37-23.2.]

b. Except as provided in 45CSR§37-23.2, the Secretary will revise the CAMR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.

[45CSR§37-24.1.]

3.1.16. CAIR NO_x Annual Trading Program. The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix E) and the CAIR permit requirements set forth in 45CSR39 for each CAIR NO_x Annual source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.

[45CSR§§39-6.1.b. and 20.1.]

a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§39-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR39, every allocation, transfer, or deduction of a CAIR NO_x Annual allowance to or from the compliance account of the CAIR NO_x Annual source covered by the permit.
[45CSR§39-23.2.]

b. Except as provided in 45CSR§39-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.
[45CSR§39-24.1.]

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

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

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

3.1.18. CAIR SO₂ Trading Program. The permittee shall comply with the standard requirements set forth in the attached CAIR Permit Application (see Appendix E) and the CAIR permit requirements set forth in 45CSR41 for each CAIR SO₂ source. The complete CAIR Permit Application shall be the CAIR Permit portion of the Title V permit administered in accordance with 45CSR30.
[45CSR§§41-6.1.b. and 20.1.]

a. The CAIR Permit portion of this permit is deemed to incorporate automatically the definitions of terms under 45CSR§41-2 and, upon recordation by the Administrator under sections 51 through 57, or 60 through 62 of 45CSR41, every allocation, transfer, or deduction of a CAIR SO₂ allowance to or from the compliance account of the CAIR SO₂ source covered by the permit.
[45CSR§41-23.2.]

b. Except as provided in 45CSR§41-23.2, the Secretary will revise the CAIR Permit portion of this permit, as necessary, in accordance with the operating permit revision requirements set forth in 45CSR30.
[45CSR§41-24.1.]

3.2. Monitoring Requirements

3.2.1. NA

3.3. Testing Requirements

3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness

or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:

- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. 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 45CSR§30-6.4. or 45CSR§30-6.5 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. 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 45CSR§30-6.4. or 45CSR§30-6.5 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

[WV Code § 22-5-4(a)(15), 45CSR2, 45CSR13 and 45CSR14]

3.4. Recordkeeping Requirements

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

[45CSR§30-5.1.c.2.A.]

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

[45CSR§30-5.1.c.2.B.]

- 3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received. Such record shall contain an assessment of the validity of the complaints as well as any corrective actions taken.
[45CSR§30-5.1.c. State-Enforceable only.]

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

[45CSR§30-5.1.c.]

- 3.4.5. For the purposes of determining compliance with conditions 3.1.12., 3.1.13. and 3.1.14, certified daily and monthly records of haulroad treatments shall be maintained. Such records shall be retained by the permittee for at least five (5) years. Certified records shall be made available to the Director or his/her duly authorized representative upon request.

[45CSR13 - Permit No. R13-2075C §(B)(5)]

3.5. Reporting Requirements

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

[45CSR§§30-4.4. and 5.1.c.3.D.]

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

[45CSR§30-5.1.c.3.E.]

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

If to the DAQ:

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

If to the US EPA:

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

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

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

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

[45CSR§30-5.1.c.3.C.]

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

[45CSR§30-5.1.c.3.B.]

- c. Every report submitted under this subsection shall be certified by a responsible official.

[45CSR§30.5.1.c.3.D.]

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

[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

- 3.6.1. NA

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.

- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

40 CFR 60 Subpart D 40 CFR 60 Subpart Da Applies to this facility.

40 CFR 60 Subpart Db

40 CFR 60 Subpart Dc

40 CFR 60 Subpart K

The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 CFR 60.111(b)) which construction, reconstruction, or modification commenced prior to May 19, 1978.

40 CFR 60 Subpart Ka

The facility does not include storage vessels that are used to store petroleum liquids (as defined in 40 CFR 60.111a(b)) which construction, reconstruction, or modification commenced prior to July 23, 1984.

- 40 CFR 60 Subpart Kb Storage vessels potentially affected by this subpart (except for the propane storage vessels) have a storage capacity of less than 75 cubic meters and therefore are not subject to this subpart. The propane storage vessels (*T-PR-1*, -2, -3, -4, -5, -6) are designed to operate in excess of 204.9 kPa without emissions to the atmosphere and therefore are not subject to this subpart.
- 40 CFR 60 Subpart GG The facility does not have any stationary gas turbines.
- 40 CFR 68 The facility does not have materials subject to this requirement.
- 40 CFR 82 Subpart B The facility does not conduct motor vehicle maintenance involving CFCs on site.

4.0. Source-Specific Requirements [Boilers, (*Emission Point 1-E*)]

4.1. Limitations and Standards

- 4.1.1. Visible Emissions from each stack shall not exceed ten (10) percent opacity based on a six minute block average.
[45CSR§2-3.1., 45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(2)a]
- 4.1.2. Compliance with the visible emission requirements of 45CSR2 section 3.1. shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems and as described in the approved monitoring plan. [*Permit R13-1020B/R14-4B serves as the approved monitoring plan in conjunction with the supplemental Parametric Monitoring Plan dated March 21, 2003 attached in Appendix B of this permit.*]
[45CSR§2-3.2., 45CSR§2A-6]
- 4.1.3. The addition of sulfur oxides to a combustion unit exit gas stream for the purpose of improving emissions control equipment is prohibited unless written approval for such addition is provided by the Secretary.
[45CSR§2-4.4.]
- 4.1.4. Compliance with the visible emission limit shall be demonstrated by periodic testing in accordance with 40 C.F.R. Part 60, Appendix A, Method 9, or a certified continuous opacity monitoring system, as approved by the Secretary. Compliance with the weight emission limit shall be demonstrated by periodic particulate matter stack testing, conducted in accordance with the appropriate test method set forth in the Appendix to 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such testing shall be conducted at a frequency to be established by the Secretary.
[45CSR§2-8.1.a.]
- 4.1.5. Compliance with the visible emissions limit shall be monitored as set forth in the approved monitoring plan for each emission unit. [*Permit R13-1020B/R14-4B serves as the approved monitoring plan in conjunction with the supplemental Parametric Monitoring Plan dated March 21, 2003 attached in Appendix B of this permit.*]
[45CSR§2-8.2.a.]
- 4.1.6. Records of monitored data established in the monitoring plan shall be maintained on site and shall be made available to the Secretary or his duly authorized representative upon request.
[45CSR§2-8.3.a.]
- 4.1.7. A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. Such exception report shall provide details of all excursions outside the range of measured emissions or monitored parameters established in an approved monitoring plan, and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken.
[45CSR§2-8.3.b.]
- 4.1.8. The visible emission standards of condition 4.1.1. shall apply at all times except in periods of start-ups, shutdowns and malfunctions.
[45CSR§2-9.1.]

4.1.9. Any fuel burning unit(s) including associated air pollution control equipment, shall at all times, including periods of start-up, shutdowns, and malfunctions, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions.

[45CSR§2-9.2., 45CSR16, 40 C.F.R. § 60.11(d)]

4.1.10. The particulate matter reduction of potential combustion concentration from each of the two (2) circulating fluidized bed boilers shall be no less than 99%.

[45CSR16, 40 C.F.R. § 60.42a(a)(2)]

Rule 13/14 Permit

4.1.11. The maximum percent ash content in fuel to be fired in CFB boilers A & B shall not exceed 70.

[45CSR13/14- Permit No. R13-1020B/R14-4B Modification Application update (attached to letter dated June 1, 1993) “Affected Source Sheet” page 9 Item 2.A.(4) & page 11 Item 2.A.(4)]

4.1.12. The emissions from the stack serving the two permitted circulating fluidized bed boilers shall not exceed any of the following limitations:

Pollutant	lbm/hr	lbm/mmBtu	Concentration
Particulate Matter	35.8	0.03	0.018 gr/dscf @ 3.5% O ₂
Sulfur Dioxide	810	0.678	314 ppmv @ 3.5% O ₂
Nitrogen Oxides (NO ₂)	478	0.40	257 ppmv @ 3.5% O ₂
Volatile Organic Compounds	6.0	0.005	N/A
Carbon Monoxide	203	0.17	N/A
Lead	0.0095	7.96 x 10 ⁻⁶	N/A
Mercury	0.0206	1.75 x 10 ⁻⁵	N/A
Fluorides	0.639	5.4 x 10 ⁻⁴	N/A
Beryllium	1.9 x 10 ⁻⁴	1.5 x 10 ⁻⁷	N/A

Compliance with this streamlined PM limit assures compliance with 45CSR2. Compliance with this streamlined SO₂ limit assures compliance with 40 CFR 60 Subpart Da.

[45CSR13/14 - Permit No. R13-1020B/R14-4B §(A)(1), 45CSR16, 40 C.F.R. § 60.42a(a)(1)]

4.1.13. Sulfur dioxide emissions to the atmosphere from each of the two (2) circulating fluidized bed boilers shall be reduced by no less than ninety-five (95) percent of the potential combustion concentrations of sulfur dioxide.

[45CSR13/14 - Permit No. R13-1020B/R14-4B §(A)(9)]

4.1.14. The Company shall comply with the parametric monitoring plan, attached in Appendix B, and the inspection and maintenance plan (I& M plan) as summarized in Appendix C, and implemented for the particulate matter removal system per Consent Order CO-R2-E-2002-17.

[Consent Order No. CO-R2-E-2002-17 Section III.3., III.4. and III.5. State-Enforceable only.]

4.2. Monitoring Requirements

- 4.2.1. The owner or operator shall install, calibrate, certify, operate, maintain, and record the output of continuous monitoring systems that measure all Opacity, SO₂, NO_x, and O₂ or CO₂ emissions from emission point *I-E* as specified in 40 C.F.R. Part 60, Subpart Da for the CFB boilers.
[45CSR16, 40 C.F.R. § 60.47a, 40 C.F.R. § 60.13, 45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(2d)]

4.3. Testing Requirements

- 4.3.1. Compliance with the particulate matter emission limitations under Provision (A)(1) of Permit No, R13-1020/R14-4B [condition 4.1.12. of this permit] and 40 CFR 60.42a(a) shall be demonstrated in accordance with 40 CFR 60.8, 40 CFR 60.46a, 40 CFR 60.48a. Compliance with the particulate matter emission limitation constitutes compliance with the particulate matter percent reduction requirement under 4.1.10. of this permit.
[45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(2b), 45CSR16, 40 C.F.R. § 60.46a(a)]
- 4.3.2. Compliance with the sulfur dioxide emission limitation and sulfur dioxide reduction requirements (determined on a 30-day rolling average) under Provisions (A)(1) and (A)(9) of Permit No, R13-1020/R14-4B [conditions 4.1.12. and 4.1.13. of this permit] and as required by 40 CFR 60.43a(a) shall be demonstrated in accordance with 40 CFR 60.8, 40 CFR 60.46a, 40 CFR 60.47a and 40 CFR 60.48a, provided however, that SO₂ emissions from the boiler stack shall not exceed the following maximum limits for any 3-hour or 24-hour periods:

24-hr: 0.84 lb/mmBtu and 1015 lb/hr

3-hr: 1.0 lb/mmBtu and 1195 lb/hr

Appropriate recording and data reduction procedures shall be maintained by the permittee.
[45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(2c), 40 C.F.R. §60.43a(g)]

- 4.3.3. Compliance with the nitrogen oxides emission limitation under Provision (A)(1) of Permit No, R13-1020/R14-4B [condition 4.1.12. of this permit] shall be demonstrated in accordance with 40 CFR 60.8, 40 CFR 60.46a, 40 CFR 60.47a, and 40 CFR 60.48a.
[45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(3)]
- 4.3.4. Compliance with the volatile organic compound emission limitation under Provision (A)(1) of Permit No, R13-1020/R14-4B [condition 4.1.12. of this permit] shall be demonstrated in accordance with 40 CFR 60, Appendix A - Method 25.
[45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(4)]
- 4.3.5. The owner or operator shall conduct a test at least once every five (5) years to determine the compliance of the CFB Boilers A & B with the carbon monoxide (CO) limits of condition 4.1.12. Such tests shall be conducted in accordance with 40 CFR 60 Appendix A - Method 10. A compliance test shall be conducted no later than eighteen (18) months of the issuance date of this permit. An emission factor shall be determined from the test results and updated from the results of each subsequent test. The emission factor shall be used for compliance demonstration for periods between tests.
[45CSR§30-5.1.c., 45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(5)]

- 4.3.6. Compliance with the emission limitation for lead under Provision (A)(1) of Permit No, R13-1020/R14-4B [condition 4.1.12. of this permit] shall be demonstrated in accordance with 40 CFR 60 Appendix A - Method 12.
[45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(6)]
- 4.3.7. Compliance with the emission limitation for mercury under Provision (A)(1) of Permit No, R13-1020/R14-4B [condition 4.1.12. of this permit] shall be demonstrated in accordance with 40 CFR 61 Appendix B - Method 101A.
[45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(7)]
- 4.3.8. Compliance with the emission limitation for fluorides under Provision (A)(1) of Permit No, R13-1020/R14-4B [condition 4.1.12. of this permit] shall be demonstrated in accordance with 40 CFR 60, Appendix A - Method 13.
[45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(8)]
- 4.3.9. Compliance with the emission limitation for beryllium under Provision (A)(1) of Permit No, R13-1020/R14-4B [condition 4.1.12. of this permit] shall be demonstrated in accordance with 40 CFR 61, Appendix B - Method 104.
[45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(9)]
- 4.3.10. The owner or operator shall conduct, or shall have conducted, tests to determine the compliance of CFB Boilers A & B with the particulate matter mass emission limitations. Such tests shall be conducted in accordance with the appropriate method set forth in 45CSR2 Appendix - Compliance Test Procedures for 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such tests shall be conducted in accordance with the schedule set forth in the following table. The initial baseline compliance test was completed in February 2002 and the test results were $\geq 80\%$ of the weight emission standard. A subsequent test was performed in June 2002 that resulted in emissions $\leq 50\%$ of the weight emission standard. The testing frequency was therefore “Annual.” In accordance with the retest frequency, a test was completed on February 5, 2003 and resulted in mass emission rates $\leq 50\%$ of the weight emission standard. Therefore, with two successive tests indicating mass emission rates $\leq 50\%$ of weight emission standard, the current testing frequency is “Once/2 years.” Subsequent testing shall be based on the schedule below.

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

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

[45CSR§2-8.1., 45CSR§2A-5.2.]

4.4. Recordkeeping Requirements

- 4.4.1. Records of the operating schedule and quantity and quality of fuel consumed shall be maintained on site for each fuel burning unit and made available to the Secretary or his duly authorized representative upon request. Such records shall include, but not be limited to the date and time of start-up and shutdown and for:
- a. *Coal*, - ash and BTU analysis for each shipment and the quantity of fuel consumed on a daily basis,
 - b. *Propane* – quantity of fuel consumed on a monthly basis.

[45CSR§2-8.3.c., 45CSR§2A-7.1.a., 7.1.a.4. & 7.1.a.5.]

- 4.4.2. Records from any inspections and maintenance of the particulate matter removal system as a result of the I&M plan shall be maintained on site for at least five years.
 [45CSR§30-5.1.c., State-Enforceable only.]

4.5. Reporting Requirements

- 4.5.1. The permittee shall comply with all notification requirements under 40 CFR 60.49a except that all required reports shall be certified to the USEPA Administrator and to the WV Department of Environmental Protection, Division of Air Quality Director in accordance with 40 CFR 60.49a(i).
 [45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(2)(g)]
- 4.5.2. Compliance with the periodic exception reporting of permit condition 4.1.7. shall be demonstrated by quarterly reports in accordance with 40 CFR 60.7.c.
 [45CSR16, 40 CFR 60.7]

- 4.5.3. Excess opacity periods resulting from any malfunction of Boiler A or Boiler B or their air pollution control equipment, meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Secretary:
- a. The excess opacity period does not exceed thirty (30) minutes within any twenty-four (24) hour period; and
 - b. Excess opacity does not exceed forty percent (40%).

[45CSR§2-9.3.a.]

- 4.5.4. Except as provided in permit condition 4.5.3. above, the owner or operator shall report to the Secretary by telephone, telefax, or e-mail any malfunction of Boiler A or Boiler B or their associated air pollution control equipment, which results in any excess particulate matter or excess opacity, by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Secretary within thirty (30) days providing the following information:
- a. A detailed explanation of the factors involved or causes of the malfunction;
 - b. The date, and time of duration (with starting and ending times) of the period of excess emissions;
 - c. An estimate of the mass of excess emissions discharged during the malfunction period;
 - d. The maximum opacity measured or observed during the malfunction;
 - e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and
 - f. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3.b.]

Acid Rain Program

- 4.5.5. Unit 1& Unit 2 are Phase II Acid Rain affected units under 45CSR33, as defined by 40 C.F.R § 72.6, and as such are required to meet the requirements of 40 C.F.R. Parts 72, 73, 74, 75, 76, 77 and 78. These requirements include, but are not limited to:
- a. Hold an Acid Rain permit (Acid Rain Permit is included in Appendix D);
 - b. Hold allowances, as of the allowance transfer deadline, in the unit's compliance sub-account of not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit;
 - c. Comply with the applicable Acid Rain emissions for sulfur dioxide;
 - d. Comply with the applicable Acid Rain emissions for nitrogen oxides;

- e. Comply with the monitoring requirements of 40 C.F.R. Part 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;
- f. Submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 C.F.R. Part 72, Subpart I and 40 C.F.R. Part 75.

[45CSR33, 40 C.F.R. Parts 72, 73, 74, 75, 76, 77, 78.]

5.0. Source-Specific Requirements [Fuel, Ash, & Limestone Handling (*Emission points 2E through 16E*)]

5.1. Limitations and Standards

Fuel

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

	Type/Identity of Particulate Matter Control Equipment	Particulate Emission Limitation for Control Equipment Discharge lb/hr (gr/scf)
Fuel Receiver Hopper/Scalping Screen	Partial Enclosure with Water Dust Suppression System	
Fuel Conveyors	Partial Enclosure with Water Dust Suppression System	
Fuel Storage Pile; Tripper Conveyor, Reclaim	Water Dust Suppression System	
Screening Building	Full Enclosure and Evacuation to Baghouse 4C	2.12 (0.015)
Crusher Building	Full Enclosures and Evacuation to Baghouse 5C	3.02 (0.015)
Four (4) 800 Ton Fuel Bunkers (2 Per Boiler)	Full Enclosures and Evacuation to Baghouses 7C and 13C	1.54 (0.015)

[45CSR13/14 - Permit No. R13-1020B/R14-4B §(A)(2)]

5.1.2. Visible emissions shall not exceed twenty percent (20%) opacity from the fuel receiving hoppers, fuel storage building, coal crushers, fuel feeders, fuel conveyors, fuel screens, fuel storage bunkers, all associated fuel transfer points, and/or particulate matter capture and control devices associated with this equipment. *Compliance with this streamlined condition will ensure compliance with 45CSR16, 40 C.F.R. § 60.11(c), 40 C.F.R. § 60.252(c) (Subpart Y)*

[45CSR13/14 - Permit No. R13-1020B/R14-4B §(B)(2)e)]

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

[45CSR16, 40 C.F.R. § 60.11(d)]

5.1.4. The amount of feedstock (boiler fuel) trucked into the facility shall not exceed 269 tons per hour nor 839,680 tons per year. Compliance with the throughput limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the specified quantity at any given time for the previous twelve (12) consecutive months.

[45CSR13 - Permit No. R13-2075C §(A)(1)]

- 5.1.5. The permitted facility shall not exceed 5,000 tons of “middlings” fuel storage in the emergency stockpile located at the fuel storage area as outlined in Permit Application R13-2075A. This stockpile shall be fitted with functional water sprays, or be treated with a spray attachment from the on-site water truck to apply water as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions.
[45CSR13 - Permit No. R13-2075C §(A)(7)]

Fuel & Ash

- 5.1.6. The number of truck trips utilized to haul the feedstock in and transport the ash out of the facility shall not exceed thirty (30) per hour nor 92,496 per year. For the purposes of this permit, one truck trip is defined as a vehicle utilized for the purpose of hauling feedstock or ash entering the facility with or without a load of feedstock and leaving the facility with or without a load of ash.
[45CSR13 - Permit No. R13-2075C §(A)(3)]
- 5.1.7. The permittee shall properly operate and maintain an underbody truck wash, rumble strips or employ other suitable measures to prevent the tracking of solids by vehicular activity from access and/or haulroads onto any public road or highway.
[45CSR13 - Permit No. R13-2075C §(A)(5)]
- 5.1.8. Trucks leaving the facility shall not be driven or moved on any public or private street, road, alley, highway or other thoroughfare unless such vehicle is so constructed or its cargo treated in such a manner as to prevent its contents from dripping, sifting, leaking or otherwise escaping therefrom, so as not to create conditions which result in particulate matter becoming airborne.
[45CSR13 - Permit No. R13-2075C §(A)(6)]

Ash

- 5.1.9. The amount of ash trucked out of the facility shall not exceed 326 tons per hour nor 1,016,013 tons per year. Compliance with the throughput limit shall be determined using a rolling yearly total.
[45CSR13 - Permit No. R13-2075C §(A)(2)]
- 5.1.10. Partial enclosures shall be installed, maintained, and operated so as to minimize particulate matter emissions on the ash transfer points identified in Permit Application R13-2075 as 4sa(sb)(sc) and 4sd(se)(sf).

A two-sided, roofed enclosure shall be installed, maintained, and operated so as to minimize particulate matter emissions from the truck dumping of fuel onto the below grade feeder conveyer.
[45CSR13 - Permit No. R13-2075C §(A)(4)]
- 5.1.11. Ash transfer, storage and loading facilities shall consist of the following and particulate emissions shall be controlled as specified with maximum particulate emissions not to exceed the following:

	Type/Identity of Particulate Matter Control Equipment	Particulate Emission Limitation for Control Equipment Discharge lb/hr (gr/scf)
Two (2) Ash Separators	Evacuation to Baghouse 10C	0.81 (0.015)
7030 Ton Ash Silo	Baghouse 6C	1.23 (0.015))

	Type/Identity of Particulate Matter Control Equipment	Particulate Emission Limitation for Control Equipment Discharge lb/hr (gr/scf)
Truck Loading	Pug Mill Type Mixers to Thoroughly Wet Ash Prior to Discharge to Truck; Water Scrubbers	

[45CSR13/14 - Permit No. R13-1020B/R14-4B §(A)(5)]

Limestone

5.1.12. Limestone receiving, handling, and storage facilities shall consist of the following and particulate emissions shall be controlled as specified with maximum particulate emissions not to exceed the following:

	Type/Identity of Particulate Matter Control Equipment	Particulate Emission Limitation for Control Equipment Discharge lb/hr (gr/scf)
Limestone/Fuel Hoppers	Partial Enclosure	
One (1) 1250 Ton Uncrushed Limestone Storage Silo	Full Enclosure	0.13 (0.015)
One (1) 1550 Ton Crushed Limestone Storage Silo	Full Enclosure and Evacuation to Baghouse 9C	0.53 (0.015)

[45CSR13/14 - Permit No. R13-1020B/R14-4B §(A)(4)]

5.1.13. Particulate matter emissions shall be limited as follows:

- a. Particulate matter stack emissions from the crushers, grinders, and belt conveyor transfer points shall not exceed 0.022 gr/dscf and 7 percent opacity. Any fugitive emissions from the crushers, grinders, and belt conveyor transfer points shall not exceed 10 percent opacity.

-OR-

- b. The vent from the building enclosing the crushers, grinders, and belt conveyor transfer points shall not exceed 0.022 gr/dscf and 7 percent opacity. The building shall not emit any visible fugitive emissions.

[45CSR16, 40 CFR §60.672(a) &(b), 40 CFR §60.672(e)]

5.1.14. Visible Emissions from Baghouse stack (BH-9C) controlling emissions from the limestone silos shall not exceed seven (7) percent opacity.

[45CSR16, 40 CFR § 60.672(f)]

5.2. Monitoring Requirements

5.2.1. NA

5.3. Testing Requirements

- 5.3.1. The permittee shall conduct visible emission evaluations as follows for coal “affected facility” (*equipment listed in permit condition 5.1.2.*):
- a. An initial visible emissions evaluation in accordance with 40 C.F.R. Part 60 Appendix A, Method 9 shall be performed within ninety (90) days of permit issuance for each affected facility 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 affected facility during the period of maximum expected visible emissions under normal unit and facility operations. A visible emissions evaluation shall be conducted for each affected facility at least once every consecutive 12-month period in accordance with 40 C.F.R. Part 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for each affected facility.
 - b. Each emissions unit with a visible emissions limit contained in this permit section shall be observed visually by a trained Method 22 observer at least each calendar week during periods of normal facility operation for a sufficient time interval to determine if the unit has any visible emissions. If visible emissions from any of the emissions units are observed during these weekly observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 C.F.R. Part 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than one (1) month from the time of the observation. A Method 9 evaluation shall not be required under this sub-section (5.3.1.b.) if the visible emissions condition is corrected within 24 hours; the emissions unit is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.
 - c. If the initial, or any subsequent, visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a given emission unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive 14-day period in accordance with 40 C.F.R. Part 60 Appendix A, Method 9. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the emission unit for 3 consecutive evaluation periods, the emission unit may comply with the visible emissions testing requirements of sub-section 5.3.1.b. above, in lieu of those established in this condition.

[45CSR§30-5.1.c.]

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

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

- 5.3.2. Compliance with the limestone particulate matter concentrations of permit condition 5.1.13. shall be determined using Reference Test Method 5 or Method 17 of 40 CFR 60 Appendix A as set forth in 40 CFR §60.675(b)(1).
[45CSR16, 40 CFR §60.675(b)(1)]

- 5.3.3. Compliance with the limestone opacity limits of permit condition 5.1.13.a. shall be determined using Reference Test Method 9 of 40 CFR 60 Appendix A and as set forth in 40 CFR §60.675(c)(1) & §60.675(c)(3).
[45CSR16, 40 CFR §60.675(c)(1) & §60.675(c)(3)]

5.3.4. Compliance with the limestone opacity limits of permit condition 5.1.13.b. shall be determined using Reference Test Method 22 of 40 CFR 60 Appendix A while all limestone affected facilities inside the building are operating. The performance test for the crusher building shall be at least 75 minutes in duration, with each side of the building and the roof being observed for at least 15 minutes.

[45CSR16, 40 CFR §60.675(d)]

5.3.5. Compliance with the limestone opacity limits of permit condition 5.1.14. (*limestone silo baghouse BH-9C*) shall be determined using Reference Test Method 9 of 40 CFR 60 Appendix A and as set forth in 40 CFR §60.675(c)(2).

[45CSR16, 40 CFR §60.675(c)(2)]

5.4. Recordkeeping Requirements

5.4.1. For the purposes of determining compliance with conditions 5.1.4., 5.1.5., 5.1.6. and 5.1.9., certified daily and monthly records of fuel and ash throughputs, and trucks utilized shall be maintained. Such records shall be retained by the permittee for at least five (5) years. Certified records shall be made available to the Director or his/her duly authorized representative upon.

[45CSR13 - Permit No. R13-2075C §(B)(5)]

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

[45CSR§30-5.1.c.]

5.5. Reporting Requirements

5.5.1. Written reports of the results of all performance tests conducted to demonstrate compliance with 40 CFR §60.672 including opacity observations made using Method 9 to demonstrate compliance with 40 CFR §60.672(b) and (f), and reports of observations using Method 22 to demonstrate compliance with §60.672(e) shall be submitted to the Secretary.

[45CSR16, 40 CFR §60.676(f)]

6.0. Source-Specific Requirements [Emergency Generators (*Onan GenSet 1, Onan GenSet 2*)]

6.1. Limitations and Standards

- 6.1.1. Maximum emissions to the atmosphere from each of the propane-fired emergency generators identified as Emission Point ID Onan GenSet 1 and Onan GenSet 2 shall not exceed the following hourly and annual limits:

Pollutant	Emissions (lb/hr)	Emissions (tpy)
Nitrogen Oxides	4.2	1.05
Volatile Organic Compounds	0.2	0.05
Carbon Monoxide	15.6	3.90

[45CSR13 - Permit No. R13-2075C §(A)(11)]

- 6.1.2. The annual operating hours for each emergency generator shall not exceed 500 hours.
[45CSR13 - Permit No. R13-2075C Application page 2 of 4 item 16]

6.2. Monitoring Requirements

- 6.2.1. NA

6.3. Testing Requirements

- 6.3.1. NA

6.4. Recordkeeping Requirements

- 6.4.1. For the purposes of determining compliance with conditions 6.1.1. and 6.1.2., certified daily and monthly records of emergency generator usage (hours of operation) shall be maintained. Such records shall be retained by the permittee for at least five (5) years. Certified records shall be made available to the Director or his/her duly authorized representative upon request.

[45 CSR§30-5.1.c., 45CSR13 - Permit No. R13-2075C §(B)(5)]

6.5. Reporting Requirements

- 6.5.1. NA

APPENDIX A

NOx Budget Permit Application

(b) Monitoring Requirements.

(1) The owners and operators and, to the extent applicable, the NO_x authorized account representative of each NO_x Budget source and each NO_x Budget unit at the source shall comply with the monitoring requirements of sections 70 through 76 of 45CSR1 or 45CSR26; and/or subpart H of 40 CFR part 97, as applicable.

(2) The emissions measurements recorded and reported in accordance with sections 70 through 76 of 45CSR1 or 45CSR26, and/or subpart H of 40 CFR part 97 shall be used to determine compliance by the unit with the NO_x Budget emissions limitation under paragraph (c).

(c) Nitrogen Oxides Requirements.

(1) The owners and operators of each NO_x Budget source and each NO_x Budget unit at the source shall hold NO_x allowances available for compliance deductions under subsections 45CSR1-54.1, 54.2, 64.5, or 54.6; 45CSR26-54.1, 54.2, 54.5, or 54.6; and/or § 97.54(a), (b), (e), or (f), as applicable, as of the NO_x allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NO_x emissions for the ozone season from the unit, as determined in accordance with sections 70 through 76 of 45CSR1 or 45CSR26 and/or subpart H of 40 CFR part 97, as applicable, plus any amount necessary to account for actual heat input under subsection 42.6 of 45CSR1 or 45CSR26, and/or § 97.42(e) for the ozone season period or to account for excess emissions for a prior ozone season under subsection 54.4 of 45CSR1 or 45CSR26, and/or § 97.54(d), or to account for withdrawal from the NO_x Budget Trading Program, or a change in regulatory status of a NO_x Budget opt-in unit under sections 86 or 87 of 45CSR1, and/or § 97.86 or § 97.87, as applicable.

(2) Each ton of nitrogen oxides emitted in excess of the NO_x Budget emissions limitation shall constitute a separate violation of 45CSR1 or 45CSR26, §§22-5-1 et seq., and/or 40 CFR part 97, and the Clean Air Act.

(3) A NO_x Budget unit shall be subject to the requirements under paragraph (c)(1) starting on the later of: May 31, 2004 for NO_x Budget units under 45CSR1, 45CSR26 and/or 40 CFR part 97; or the date on which the unit commences operation.

(4) NO_x allowances shall be held in, deducted from, or transferred among NO_x Allowance Tracking System accounts in accordance with sections 40 through 43, 50 through 57, 60 through 62, and 70 through 76 of 45CSR1 or 45CSR26; sections 80 through 88 of 45CSR1, and/or subparts E, F, G, and I of 40 CFR part 97, as applicable.

(5) A NO_x allowance shall not be deducted, in order to comply with the requirements under paragraph (c)(1), for an ozone season in a year prior to the year for which the NO_x allowance was allocated.

(6) A NO_x allowance allocated by the Director or EPA Administrator under the NO_x Budget Trading Program is a limited authorization to emit one ton of nitrogen oxides in accordance with the NO_x Budget Trading Program. No provision of the NO_x Budget Trading Program, the NO_x Budget permit application, the NO_x Budget permit, or an exemption under subsection 4.2 or section 5 of 45CSR1 or 45CSR26, and/or § 97.4(b) or § 97.5, as applicable, and no provision of law shall be construed to limit the authority of the Division of Environmental Protection or the United States to terminate or limit such authorization.

(7) A NO_x allowance allocated by the Director or EPA Administrator under the NO_x Budget Trading Program does not constitute a property right.

(8) Upon recordation by the EPA Administrator, every allocation, transfer, or deduction of a NO_x allowance to or from a NO_x Budget unit's compliance account or the overdraft account of the source where the unit is located is incorporated automatically in any NO_x Budget permit of the NO_x Budget unit.

(d) Excess Emissions Requirements.

(1) The owners and operators of a NO_x Budget unit that has excess emissions in any ozone season shall:

- (i) Surrender the NO_x allowances required for deduction under subdivision 54.4.a of 45CSR1 or 45CSR26, and/or § 97.54(d)(1) as applicable; and
- (ii) Pay any fine, penalty, or assessment or comply with any other remedy imposed under subdivision 54.4.c of 45CSR1 or 45CSR26, and/or § 97.54(d)(3).

(e) Recordkeeping and Reporting Requirements.

(1) Unless otherwise provided, the owners and operators of the NO_x Budget source and each NO_x Budget unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Director or the EPA Administrator.

(i) The account certificate of representation under 45CSR1-13 or 45CSR26-13 and/or § 97.13, as applicable, for the NO_x authorized account representative for the source and each NO_x Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation under 45CSR1-13 or 45CSR26-13 and/or § 97.13 (as applicable) changing the NO_x authorized account representative.

(ii) All emissions monitoring information, in accordance with sections 70 through 76 of 45CSR1 or 45CSR26; and/or subpart H of 40 CFR part 97 (as applicable); provided that to the extent that sections 70 through 76 of 45CSR1 or 45CSR26; and/or subpart H of 40 CFR part 97 (as applicable) provides for a 3-year period for recordkeeping, the 3-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NO_x Budget Trading Program.

(iv) Copies of all documents used to complete a NO_x Budget permit application and any other submission under the NO_x Budget Trading Program or to demonstrate compliance with the requirements of the NO_x Budget Trading Program.

(2) The NO_x authorized account representative of a NO_x Budget source and each NO_x Budget unit at the source shall submit the reports and compliance certifications required under the NO_x Budget Trading Program, including those under sections 30 and 70 through 76 of 45CSR1 or 45CSR26; sections 80 through 88 of 45CSR1, and/or subparts D, H, or I of 40 CFR part 97, as applicable.

(f) Liability.

- (1) Any person who knowingly violates any requirement or prohibition of the NO_x Budget Trading Program, a NO_x Budget permit, or an exemption under subsection 4.2 or section 5 of 45CSR1 or 45CSR26; and/or § 97.4(b) or § 97.5 shall be subject to enforcement pursuant to W. Va. Code §§22-5-1 et seq. or the Clean Air Act.
- (2) Any person who knowingly makes a false material statement in any record, submission, or report under the NO_x Budget Trading Program shall be subject to criminal enforcement pursuant to §§22-5-1 et seq. or the Clean Air Act.
- (3) No permit revision shall excuse any violation of the requirements of the NO_x Budget Trading Program that occurs prior to the date that the revision takes effect.
- (4) Each NO_x Budget source and each NO_x Budget unit shall meet the requirements of the NO_x Budget Trading Program.
- (5) Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget source or the NO_x authorized account representative of a NO_x Budget source shall also apply to the owners and operators of such source and of the NO_x Budget units at the source.
- (6) Any provision of the NO_x Budget Trading Program that applies to a NO_x Budget unit or the NO_x authorized account representative of a NO_x budget unit shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under sections 70 through 76 of 45CSR1 or 45CSR26, and/or subpart H of 40 CFR part 97, as applicable, the owners and operators and the NO_x authorized account representative of one NO_x Budget unit shall not be liable for any violation by any other NO_x Budget unit of which they are not owners or operators or the NO_x authorized account representative and that is located at a source of which they are not owners or operators or the NO_x authorized account representative.

(g) Effect on Other Authorities.

No provision of the NO_x Budget Trading Program, a NO_x Budget permit application, a NO_x Budget permit, or an exemption under subsection 4.2 or section 5 of 45CSR1 or 45CSR26; and/or § 97.4(b) or § 97.5, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NO_x authorized account representative of a NO_x Budget source or NO_x Budget unit from compliance with any other provision of the applicable, approved State Implementation Plan, a federally enforceable permit, or the Clean Air Act.

Certification

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

Martin L. Bowling, Jr.	
Name	
Signature <i>M. Bowling</i>	Date 2/7/2002

STEP 4 (For sources with opt-in units only).

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

Unit ID#

Check box if initial permit application

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

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

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

Name	
Signature	Date

APPENDIX B

Parametric Monitoring Plan

(The attached Parametric Monitoring Plan for the Particulate Matter Removal System is used in conjunction with Permit R13-1020B/R14-4B)

Dominion Energy
North Branch Power Station
**Parametric Monitoring Plan for
Particulate Emissions**

The primary indicator for the parametric monitoring plan submitted to the WVDAQ is "**Baghouse Cleaning Frequency**". This indicator was selected because it reflects the performance and condition of the following key parameters:

- Changes in gas volume
- Changes in dust loading due to variability in fuel, ash, or limestone
- CFB boiler combustion
- Collector / Baghouse

Baghouse Cleaning Frequency is measured as "minutes between Baghouse cleaning cycles including the actual fixed cleaning time" or "minutes between the beginning of the baghouse cleaning cycle to the beginning of the next baghouse cleaning cycle". The cleaning cycle is initiated when the differential pressure across the baghouse increases to 6 inwc. The range of cleaning cycles may vary from 30 minutes or less to 90 minutes and greater. The frequency measurement for this plan is the average of the "A" and "B" Baghouse cleaning cycles, and trended as follows:

1. 24 hour daily average
2. 24 hour rolling average
3. 3 day rolling average
4. 7 day rolling average

Action Level Response Procedure Guidelines

Normal Operating Range:

- Baghouse Cleaning Frequency ≥ 50 minutes (7 day rolling average)
- Opacity within permit requirements

Action Level I - Baghouse Cleaning Frequency ≥ 45 and < 50 minutes (7 day rolling average)

- Notify station leadership
- Opacity within permit requirements
- Verify opacity monitor performance and calibration
- Verify Baghouse ΔP (Differential Pressure) Transmitter performance and calibration
- Make an observation of the presence of visible emissions and record the observations
- Evaluate the following fuel parameters:
 1. Higher heating value BTU / lbm
 2. % Ash
 3. % Sulfur
 4. % CaCO_3 in the Limestone Sorbent
- Assess the Collector / Baghouse condition. Verify proper performance of the Collector system and associated components:
 1. Cleaning Air header pressure
 2. Cleaning System operation
 3. Pulse Valve operation
 4. Ash hopper levels
 5. Baghouse Module ΔP (Differential Pressure)

Action Level Response Procedure Guidelines

Action Level II – Baghouse Cleaning Frequency ≥ 40 and < 45 (7 day rolling average)

- Notify station leadership
- Opacity within permit requirements
- All Action Level I response items have been performed and/or verified
- Implement the “Baghouse Compartment Isolation Procedure” and observe changes in Opacity
- Perform “Dye Check” on suspect modules
- Increase Cleaning Header pressure as required
- Increase cleaning frequency
- Gather representative sample of bags for inspection and testing

Action Level III – Baghouse Cleaning Frequency < 40 minutes (7 day rolling average)

- Notify station leadership

Condition #1:

Opacity is greater than the permit specifies or a deviation from the parametric monitoring plan is known

- Reduce load
- Notify WVDAQ of operating condition

Condition #2:

Opacity within permit requirements and the cause of the parametric monitoring plan deviation is unknown

- Notify WVDAQ to discuss possible options based on data and information available
- Maintain full load operation and continue to investigate

Action Level Response Procedure Guidelines

NOTE:

1. Startup and shutdown exemptions applicable to North Branch will remain in effect as defined in the current regulations and permits
2. Immediately following receipt of the Stack Test results, Dominion North Branch will evaluate the Baghouse Cleaning Frequency ranges and Action Level Response Procedures to ensure their accuracy and applicability to current day operating conditions. If stack test results or other operational information indicates changes should be made to enhance the Parametric Monitoring Plan or improve emissions from North Branch, recommendations will be made to the WVDAQ. Upon approval from the WVDAQ, the recommended changes to the Parametric Monitoring Plan will be implemented.
3. Revisions to the Parametric Monitoring Plan resulting from fuel changes or revised operating strategies that impact the Baghouse Cleaning Frequency may be necessary from time to time. Such changes will not effect the ability of the baghouse to remain in compliance with all permit requirements. Discussions with the WVDAQ will be initiated and approval received prior to implementing changes of this nature.
4. Dominion North Branch reserves the right to periodically review this procedure. Any revisions will be approved by the WVDAQ prior to implementation.

APPENDIX C

Inspection and Maintenance Plan

David A. Heacock
Vice President
Fossil & Hydro

Dominion Generation
Innsbrook Technical Center
5000 Dominion Boulevard, Glen Allen, VA 23060



January 12, 2005

Mr. John A. Benedict
Director
West Virginia Division of Air Quality
601 57th Street
Charleston, West Virginia 25304

Re: North Branch Power Station – Consent Order CO-R2-E-2002-17
Inspection and Maintenance Plan Update Notification

Dear Mr. Benedict:

Pursuant to Condition III.3 of Consent Order CO-R2-E-2002-17 dated May 24, 2002, Dominion is submitting the following updates to our Inspection and Maintenance (I&M) Plan for the particulate matter removal system at the North Branch Power Station.

The I&M Plan consists of one Standing Order and six procedures that have been developed and implemented. As was done in our original submittal of the I&M Plan information, we are submitting this summary of the Plan without the supporting procedures. This is to notify your office of a change to three portions of the plan package. We had originally committed to semi-annual inspections of some components of the main boiler baghouses. However, because we have changed the normal mode of operation of this facility to base-load with only one scheduled outage per year, we find it necessary to adjust these inspection frequencies to once per year. The boilers must be shut down for these inspections to be safely conducted.

The three inspection procedures that we are changing are:

- Annual preventive maintenance (PM) inspection of the bottom of the bags for abrasion.
- Annual PM inspection of fly ash hopper heaters.
- Annual PM inspection of the fly ash hopper vibrators.

The other information contained in Mr. Martin L. Bowling's letter of July 18, 2002 remains in effect.

If you have any questions regarding this submittal, please contact Mr. Andy Gates at (804) 273-2950.

Very truly yours,

David A. Heacock

cc: Mr. Earl Billingsley, West Virginia Division of Air Quality
Mr. Rich Poling, West Virginia Division of Air Quality

Martin J. Bowling, Jr.
Vice President Operations
Fossil and Hydro

Dominion Energy & Dominion Generation
Innbrook Technical Center
5000 Dominion Boulevard, Glen Allen, VA 23060
Phone: 804 273 2044



Certified Mail

July 18, 2002

Ms. Stephanie R. Timmermeyer
Director
West Virginia Division of Air Quality
7012 MacCorkle Avenue South East
Charleston, West Virginia 25304

LD. No. 23-14 Reg. 2+10
Company Dominion
Facility North Branch Region 7
Initials L MC

Re: North Branch Power Station – Consent Order CO-R2-E-2002-17
- Inspection and Maintenance Plan
- Notice of Completion of Section III.3 Consent Order Requirements

Dear Ms. Timmermeyer:

Pursuant to Condition III.3 of Consent Order CO-R2-E-2002-17 dated May 24, 2002, Dominion is submitting the following Inspection and Maintenance (I&M) Plan for the particulate matter removal system at the North Branch Power Station.

The I&M Plan consists of one Standing Order and six procedures which have been developed and recently implemented. As discussed with Ms. Laura Crowder of the WVDAQ and Mr. Russ Wood and Mr. Bill Wilkinson of Dominion, we are submitting a summary of the I&M Plan without the supporting procedures.

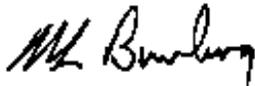
- Standing Order: This order specifies instructions to the operator in order to protect the fabric filter bags from potential abrasion failure. In response to a Hi Level alarm, the operator is required to take corrective action if a hopper is plugged. In response to a Hi Hi Level alarm, the operator is required to isolate a compartment of concern and prepare to reduce solid fuel and gas flow.
- A new compartment isolation procedure.
- A new monthly preventative maintenance (PM) test procedure on hopper level alarm functionality.
- A new annual PM procedure to remove a bag from the particulate matter removal system and to perform a burst test and/or other fabric filter bag integrity tests.
- A new semi-annual PM inspection of the bottom of the bags for abrasion.
- A new semi-annual PM inspection of fly ash hopper heaters.
- A new semi-annual PM inspection of the fly ash hopper vibrators.

Ms. Stephanie R. Timmermeyer
July 18, 2002
Page 2

We believe the contents of this letter meet the requirement of Section III.3 of the Consent Order to submit an I&M plan within 60 days of the effective date of the Consent Order. In addition, we believe the active Standing Order and active six procedures meet the requirement of Section III.3 of the Consent Order to implement an I&M Plan within 30 days of the submittal.

If you have any questions regarding this submittal, please contact Mr. Russ Wood in the Electric Environmental Services Department at (804) 273-3015.

Very truly yours,



Martin L. Bowling

cc: Mr. Earl Billingsley, West Virginia Division of Air Quality
Ms. Laura Crowder, West Virginia Division of Air Quality
Mr. Rich Poling, West Virginia Division of Air Quality

APPENDIX D

Acid Rain Permit



West Virginia Department of Environmental Protection
Division of Air Quality

Phase II Acid Rain Permit

Plant Name: North Branch Power Station		Permit #: R33-7537-2007-2
Affected Unit(s): 1a, 1b		
Operator: Virginia Electric and Power Company		ORIS Code: 7537
Effective Date:	From: January 1, 2003	To: December 31, 2007

Contents:

1. Statement of Basis.
2. SO₂ allowances allocated under this permit and NO_x requirements for each affected unit.
3. Comments, notes and justifications regarding permit decisions and changes made to permit application forms during the review process, and any additional requirements or conditions.
4. The permit application forms submitted for this source, as corrected by the West Virginia Division of Air Quality. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.

1. Statement of Basis

Statutory and Regulatory Authorities: In accordance with W. Va. Code §22-5-4(a)(16) and Titles IV and V of the Clean Air Act, the West Virginia Department of Environmental Protection, Division of Air Quality issues this permit pursuant to 45 CSR 33 and 45 CSR 30.

Permit Approval

Signed December 26, 2002

Stephanie R. Timmermeyer, Director
Division of Air Quality

Date

**WV-DEP
Division of Air Quality**

Plant Name: North Branch Power Station	Permit #: R33-7537-2007-2
---	----------------------------------

2. SO₂ Allocations and NO_x Requirements for each affected unit

Unit No. 1a

SO ₂ Allowances	Year				
	2003	2004	2005	2006	2007
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	0	0	0	0	0
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A
The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO ₂ allowance allocations identified in this permit (See 40 CFR 72.84).					

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

A comment received from one individual expressed concern regarding whether the permit should be issued to the owner(s) or operator, the DAQ decided it is appropriate to issue the permit to the operator.

4. Permit application forms:

Attached.

**WV-DEP
Division of Air Quality**

Plant Name: North Branch Power Station	Permit #: R33-7537-2007-2
---	----------------------------------

2. SO₂ Allocations and NO_x Requirements for each affected unit

Unit No. 1b

SO ₂ Allowances	Year				
	2003	2004	2005	2006	2007
Table 2 or 3 allowances, as adjusted by 40CFR Part 73	0	0	0	0	0
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A
The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO ₂ allowance allocations identified in this permit (See 40 CFR 72.84).					

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

A comment received from one individual expressed concern regarding whether the permit should be issued to the owner(s) or operator, the DAQ decided it is appropriate to issue the permit to the operator.

4. Permit application forms:

Attached.



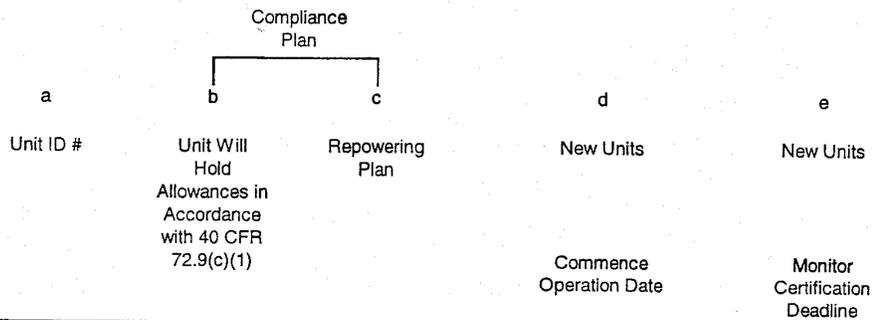
Phase II Permit Application

For more information, see instructions and refer to 40 CFR 72.30 and 72.31

This submission is: New Revised

STEP 1
Identify the source by plant name, State, and ORIS code.

Plant Name	State	ORIS Code
NORTH BRANCH POWER STATION	WV	7537



STEP 2
Enter the unit ID # for each affected unit, and indicate whether a unit is being repowered and the repowering plan being renewed by entering "yes" or "no" at column c. For new units, enter the requested information in columns d and e.

a	b	c	d	e
Unit ID #	Unit Will Hold Allowances in Accordance with 40 CFR 72.9(c)(1)	Repowering Plan	New Units Commence Operation Date	New Units Monitor Certification Deadline
1A	Yes	No		
1B	Yes	No		
	Yes			

STEP 3
Check the box if the response in column c of Step 2 is "Yes" for any unit.

For each unit that is being repowered, the Repowering Extension Plan form is included.

Plant Name (from Step 1)
NORTH BRANCH POWER STATION

Read the standard requirements and certification, enter the name of the designated representative, and sign and date

Permit Requirements.

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

Monitoring Requirements.

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

Sulfur Dioxide Requirements.

- (1) The owners and operators of each source and each affected unit at the source shall:
 - (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)) not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
 - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
 - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
 - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8 or 72.14 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

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

Excess Emissions Requirements.

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

Recordkeeping and Reporting Requirements.

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

Plant Name (from Step 1)

NORTH BRANCH POWER STATION

Liability.

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 75.11 (NO_x averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

Effect on Other Authorities. No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7, 72.8, or 72.14 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudencia review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

Certification

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

Name Martin L. Bowling, Jr.	
Signature <i>M. Bowling</i>	Date 6/25/02

APPENDIX E

CAIR Permit Application

STEP 3,
continued

(b) Monitoring, reporting and recordkeeping requirements.

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

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

(c) Nitrogen oxides annual emissions requirements.

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

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

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

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

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

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

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

(d) Nitrogen oxides ozone season emissions requirements.

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

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

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

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

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

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

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

(e) Sulfur dioxide annual emission requirements.

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

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

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

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

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

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

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

**STEP 3,
continued**

(f) Excess emissions requirements.

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

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

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

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

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

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

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

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

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

(g) Recordkeeping and Reporting Requirements.

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

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

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

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

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

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

(h) Liability.

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

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

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

(i) Effect on Other Authorities.

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

Plant Name	North Branch Power Station
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STEP 3,
continued

Certification

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

CAIR Designated Representative		J. David Rives
Signature		Date 06.18.07