

**WEST VIRGINIA AIR QUALITY BOARD
CHARLESTON, WEST VIRGINIA**

ALLEGHENY ENERGY SUPPLY COMPANY, LLC

Appellant,

v.

Appeal No. 16-01-AQB

**WILLIAM F. DURHAM, DIRECTOR,
DIVISION OF AIR QUALITY,
DEPARTMENT OF
ENVIRONMENTAL PROTECTION,**

Appellee.

SETTLEMENT AGREEMENT AND ORDER

Appellant Allegheny Energy Supply Company, LLC, by counsel, and Appellee, Director, William F. Durham, Division of Air Quality, West Virginia Department of Environmental Protection (WVDEP), by counsel, hereby present to the West Virginia Air Quality Board the following Settlement Agreement and Order, and in support thereof state as follows:

1. On 7 December 2015, WVDEP issued a Class II Administrative Update for Permit No. R13-3082A for the Appellants' Pleasants Power Station for the installation of a refined coal system. As part of that Class II Administrative Update, the WVDEP inserted permit conditions not specifically sought by Appellant in its application for the Administrative Update.
2. The Appellant appealed certain terms and conditions of the Class II Administrative Update by timely filing a Notice of Appeal with this Board on 5 January 2016.
3. Since the filing of the Notice of Appeal, Allegheny Energy Supply Company, LLC and the WVDEP have negotiated the resolution of the issues contained therein.
4. These issues have been resolved by the terms of this Settlement Agreement and Order.

NOW, THEREFORE, upon the pleadings and with the consent of the parties to this appeal and their respective attorneys, the West Virginia Air Quality Board does hereby APPROVE the terms and conditions of this SETTLEMENT AGREEMENT and it is hereby ORDERED that William F. Durham, Director, Division of Air Quality, West Virginia Department of Environmental Protection shall provide public notice and issue an appropriate Class II Administrative Update modifying the following terms and conditions of Permit No. R13-3082A in accordance with the modifications set forth below:

1. Section 4.1.12 is revised to state as follows:
 - 4.1.12. NOx emissions from the Unit 1 and Unit 2 boilers shall not exceed the following based on a rolling 30 day average. For the purposes of this permit, a rolling 30 day average shall mean the average daily (calendar day) emission rate from the last 30 operating days, excluding NOx emissions during periods that urea injection to the selective catalytic reduction system must be discontinued due to low flue gas temperature to avoid damaging the catalyst. Low flue gas temperature conditions shall mean when the temperature of the flue gas is less than 605°F during any operating hour and this time shall be excluded from the operating day for the purpose of averaging. An operating day shall mean a calendar day in which either boiler is operated for at least one hour.
 - 4.1.12.a The NOx emission rate shall not exceed 0.25 lb/mmBtu on a 30 day rolling average; and
 - 4.1.12.b Beginning the 30 day period that commences on May 1 and ends on May 30 and for each succeeding 30 day period through September 30, the NOx emission rate shall not exceed 0.20 lb/mmBtu.
 - 4.1.12.c The permittee shall monitor the catalyst flue gas temperature and record it as rolling block hourly averages. The recorded information shall include the date, hour, catalyst flue gas temperature, urea flow and an indicator that shows if the urea flow has been discontinued due to low flue gas temperature.
 - 4.1.12.d The permittee shall maintain on-site the records required in 4.1.12.c. for a period of five (5) years. Such records may be in electronic form but must be available for inspection by designated agents of the DAQ and exportable to standard database/spreadsheet formats.

Further, Section 4.1.12 of Permit No. R13-3082A, as currently in effect, is hereby STAYED until the revisions to Section 4.1.12, as noted in the preceding paragraph, become final and effective after the public comment period has ended.

2. Section 4.1.14 as currently contained in the permit is deleted. Section 4.1.14 (formerly Section 4.1.15) now states as follows:

4.1.14 **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary. [45CSR§13-5.11.]

For the reasons set forth above, the Board does hereby approve and enter this Settlement Agreement and Order.

AIR QUALITY BOARD

By: J. Michael Koon
Its: Chairperson

Entered this 18th day of April 2016.

APPROVED BY:

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Appellant

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