West Virginia Department of Environmental Protection
Division of Air Quality

Earl Ray Tomblin
Governor

Randy C. Huffman
Cabinet Secretary

Permit to Operate

Pursuant to
Title V
of the Clean Air Act

Issued to:
Kepler Processing Company, LLC
Pocahontas No. 51 Preparation Plant
R30-10900013-2012

John A. Benedict
Director

Issued: July 24, 2012 • Effective: August 7, 2012
Expiration: July 24, 2017 • Renewal Application Due: January 24, 2017

Permit Number: **R30-10900013-2012**
Permittee: **Kepler Processing Company, LLC**
Facility Name: **Pocahontas No. 51 Preparation Plant**
Permittee Mailing Address: **P.O. Box 1392, Pineville, WV 24874**

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:	Pineville, Wyoming County, West Virginia
Facility Mailing Address:	Same as above
Telephone Number:	(304) 732-6452
Type of Business Entity:	LLC
Facility Description:	The Pocahontas No. 51 Preparation Plant is a coal preparation plant with thermal dryer. It has the ability to screen, break/size, wash, thermally dry, store, and load out/in coal. The maximum capacity of the preparation plant is 1,000 tons per hour of raw coal feed.
SIC Codes:	Primary 1221; Secondary NA; Tertiary NA
UTM Coordinates:	449.67 km Easting • 4158.67 km Northing • Zone 17

Permit Writer: Frederick Tipane

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

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

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

1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device[1]
CRUSHING AND SCREENING					
SC1	T5, T6, & T7	Vibrating Scalping Screen	1968	800 TPH	FE
SC2	T15, T16, & T17	Raw Coal Screen	2010 ~~1976~~	700 TPH	FE, WS ~~PE~~
~~HMCR1~~	~~T16 & T18~~	~~Hammermill Crusher~~	~~1976~~	~~700 TPH~~	~~FE~~
RB1	T6, T8, & T20A	Rotary Breaker	1968	600 TPH	FE
STORAGE (Piles)					
OS1	T38 & T39	Raw Coal Stockpile	1982	100,000 Ft^2/ 20,000 Tons	MC
OS2	T35, T37, T13 & T14	Raw/Clean Coal Stockpile	1996	100,000 Ft^2/ 30,000 Tons	MC
OS3	T22	Emergency Refuse Stockpile	1996	200 Ft^2/400 Tons	MC
OS4	T47 & T48	Lime Stockpile	1999	500 Ft^2/50 Tons	MC
OS5	T18 ~~T16~~ & T53	Refuse ~~Raw Coal~~ Stockpile	2010 ~~2004~~	2,544 Ft^2/500 Tons	MC
STORAGE (Bins and Hoppers)					
B1	T33 & T34	Train Loadout Bin	1997	450 Tons	FE
B2	T26 & T27	Refuse Bin No. 1	1997	200 Tons	FE
B3	T1 & T3	Truck Dump Hopper	2004 ~~1976~~	50 Tons	PE
B4	T2 & T4	Truck Dump Hopper	2004 ~~1976~~	50 Tons	PE
B5	T40, T41 & T46	Refuse Bin No. 2	1997	200 Tons	FE
B6	T10 & T11	Raw Coal Silo	1968	5,000 Tons	FE

[1] Transfer points (TP) have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System/Control Device abbreviations: FE = Full Enclosure, FE/FE = Full Enclosure in Building, PE = Partial Enclosure, ST = Stacking Tube, MC = Moisture Content, UC = Underground reclaim feeder, TC = Telescoping Chute, EM = Enclosure and evacuation to mechanical collector, ES = Enclosure and evacuation to a scrubber, NE = No Equipment, RWMW = Water Truck with Manufactured pressurized sprays, WS = Water Spray, WSS = Flooded Disc Scrubber, MCS = Multiclone System, ME = Mist Eliminator.

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device[1]
B7	T22, T23 & T44	Plant Refuse Bin	1997	175 Tons	FE
B8	T48 & T49	Lime Bin	1999	25 Tons	PE
THERMAL DRYER					
TD1	001, T30, T31 & T32	Thermal Dryer	1968	130MMBtu/Hr *Actual Maximum* – 105 MMBtu/Hr	Multi-Clone, Wet Scrubber, Mist Eliminator
HAULROADS					
UPR1	T1, T2, T37, T38 & T39	Raw/Clean Coal Truck Traffic	NA	0.5 Mile per trip	WS
UPR2	T27	Refuse Truck Traffic	1997 ~~NA~~	0.5 Mile per trip	WS
UPR3	T41	Refuse Truck Traffic	1997 ~~NA~~	1 Mile per trip	WS
UPR4	T13, T39, T48 & T51	Endloader/Dozer Traffic	NA	1 Mile per trip	WS
UPR5	T47	Lime Truck Traffic	NA	0.5 Mile per trip	WS
UPR6	T53	RefuseTruck Traffic	2010 ~~NA~~	0.5 Mile per trip	WS
PVD1	T47	Lime Truck Traffic	1999 ~~NA~~	0.5 Mile per trip	WS
CONVEYORS					
C-1	T3, T4, & T5	Truck Dump Conveyor to SC1	1976	800 TPH	PE
C-2	T21, T45 & T22	Refuse Conveyor to OS3 or B7	1968	500 TPH	PE
C-3	T6 & T43	Raw Coal Conveyor to C-17	1996	500 TPH	PE
C-4	T6, T7, T8 & T9	Raw Coal Conveyor to C-5	1968	800 TPH	PE
C-5	T9 & T10	Raw Coal Conveyor to B6	1968	800 TPH	PE
C-6	T11 & T12	Silo Recovery Conveyor	1997	1,000 TPH	PE
C-7	T14 & T15	Raw Coal Conveyor to SC2 or C-8	1976	700 TPH	MC
C-8	T15 & T36A	Clean Coal Recycle Conveyor	1996	700 TPH	PE
C-9	T17, T18, T12 & T19	Raw Coal Conveyor to Wet Wash	1997	1,000 TPH	PE
C-10	T44 & T26	Refuse Conveyor to C23 ~~B2~~ or C-22 ~~C-15~~	1997	500 TPH	PE
C-12	T29 & T30	Clean Coal to Thermal Dryer	1968	550 TPH	PE

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device[1]
C-13A	T28, T30, T31, T36 T32 & T36A	Clean Coal Conveyor to C-13B	1997	700 TPH	PE
C-13B	T36 & T33	Clean Coal Conveyor to B1 or C-14	1997	700 TPH	PE
C-14	T33 & T35	Clean Coal Conveyor to OS2	1996	700 TPH	PE
C-15	T26 & T40	Refuse Conveyor to B5 ~~or C-16~~	1997	500 TPH	PE
~~C-16~~	~~T41 & T42~~	~~Refuse Conveyor to Refuse Embankment~~	~~1997~~	~~500 TPH~~	~~MC~~
C-17	T43, T20A, T50 & T21	Refuse Conveyor to ~~OS3 or~~ C-2	1968	500 TPH	PE
C-18	T52 & T45	Refuse Conveyor to C-2	1968	500 TPH	PE
C-19	T49 & T50	Lime Conveyor	1999	25 TPH	PE
C-21	T16 & T18	Refuse Conveyor to OS5	2010	700 TPH	PE
C-22	T26 & T54	Refuse Conveyor to B2 or C-15	2012	500 TPH	PE
C-23	T54 & T55	Refuse Conveyor to the Refuse Embankment	2012	500 TPH	PE
Retired "In-place" Equipment					
NA	NA	Crusher (by-passed since 2005)	1968	NA	FE

1.2. Active R13, R14, and R19 Permits

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

Permit Number	Date of Issuance
R13-2104~~D~~ F	~~June 22, 2006~~ August 13, 2013

2.0 General Conditions

2.1. Definitions

2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.

2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.

2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments	**NSPS**	New Source Performance Standards
CBI	Confidential Business Information	**PM**	Particulate Matter
CEM	Continuous Emission Monitor	**PM_{10}**	Particulate Matter less than 10μm in diameter
CES	Certified Emission Statement	**pph**	Pounds per Hour
C.F.R. *or* CFR	Code of Federal Regulations	**ppm**	Parts per Million
CO	Carbon Monoxide	**PSD**	Prevention of Significant Deterioration
C.S.R. *or* CSR	Codes of State Rules	**psi**	Pounds per Square Inch
DAQ	Division of Air Quality	**SIC**	Standard Industrial Classification
DEP	Department of Environmental Protection	**SIP**	State Implementation Plan
FOIA	Freedom of Information Act	**SO_2**	Sulfur Dioxide
HAP	Hazardous Air Pollutant	**TAP**	Toxic Air Pollutant
HON	Hazardous Organic NESHAP	**TPY**	Tons per Year
HP	Horsepower	**TRS**	Total Reduced Sulfur
lbs/hr *or* lb/hr	Pounds per Hour	**TSP**	Total Suspended Particulate
LDAR	Leak Detection and Repair	**USEPA**	United States Environmental Protection Agency
m	Thousand	**UTM**	Universal Transverse Mercator
MACT	Maximum Achievable Control Technology	**VEE**	Visual Emissions Evaluation
mm	Million	**VOC**	Volatile Organic Compounds
mmBtu/hr	Million British Thermal Units per Hour		
$mmft^3$/hr *or* mmcf/hr	Million Cubic Feet Burned per Hour		
NA *or* N/A	Not Applicable		
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
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 is prohibited except as noted in 45CSR§6-3.1. **[45CSR§6-3.1.]**

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. **[45CSR§6-3.2.]**

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them. **[40 C.F.R. §61.145(b) and 45CSR34]**

3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. **[45CSR§4-3.1 State-Enforceable only.]**

3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. **[45CSR§11-5.2]**

3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. **[W.Va. Code § 22-5-4(a)(14), 45CSR13 - Permit R13-2104-§3.5.5. ~~C.11.~~]**

3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.

b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

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

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

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

3.1.9. Water spray systems for the purpose of fugitive particulate dust control shall be designed, installed, operated, and maintained so as to minimize the generation of fugitive particulate emissions from the wind erosion of stockpiles and material transfer points.

The permittee shall maintain pressurized water spray bars on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spray bar 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.

A properly designed, installed, and maintained winterization system on each of the water spray systems shall be in place so to functionally maintain all fugitive particulate dust control during periods when ambient temperature falls to or below 32 degrees Fahrenheit.
[45CSR13 - Permit R13-2104-§4.1.3. ~~A.4~~]

3.1.10. The permittee shall maintain a water truck on site at the facility and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haul roads, stockpiles and other work areas where mobile equipment is used.
[45CSR13 - Permit R13-2104-§4.1.4. ~~A.5.~~]

3.1.11. The permitted facility shall be constructed and operated in accordance with ~~information~~ the plans and specifications filed in Permit Application R13-2104, R13-2104A, R13-2104B, R13-2104C, ~~and~~ R13-2104D~~,~~ and R13-2104F and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[45CSR13 - Permit R13-2104-§2.5.1. ~~B.8. and §C.3.~~]

3.1.12. No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.
[**45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-6.1.]**

3.1.13. The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening and general maintenance to minimize dust generation and atmospheric entrainment.
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-6.2.]

3.1.14. In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations, ~~either in whole or in part~~, authorized by Permit R13-2104, the permittee shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the sixtieth (60) day of the suspension period.
[45CSR13 - Permit R13-2104-§2.1.14. ~~C.5.~~]

3.1.15. No person shall construct, modify or relocate any coal preparation plant or coal handling operation without first obtaining a permit in accordance with the provisions of W. Va. Code §22-5-1 et seq. and the Director's rules for review and permitting of new or modified sources.
[45CSR13 - Permit R13-2104-§4.1.9. and 45CSR§5-10.1.]

3.1.16. 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.
[45CSR13 - Permit R13-2104-§4.1.11.]

3.2. Monitoring Requirements

3.2.1. [*Reserved*]

3.3. Testing Requirements

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

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.

b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test

methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

1. The permit or rule evaluated, with the citation number and language.

2. The result of the test for each permit or rule condition.

3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15), 45CSR13 and 45CSR10]

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., 45CSR13 - Permit R13-2104-§4.4.1.]

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.; 45CSR13 - Permit R13-2104-§3.4.1.]

3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.
[45CSR§30-5.1.c. State-Enforceable only.]

3.4.4. 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 monthly 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 monthly inspections, the times the fugitive dust control system(s) were inoperable and any corrective actions taken.
[45CSR§30-5.1.c.]

3.5. Reporting Requirements

3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§§30-4.4. *and* 5.1.c.3.D.]

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

3.5.3. Except for the electronic submittal of the annual certification to the USEPA as required in 3.5.5 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304

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

If to the US EPA:

Associate Director
Office of Air Enforcement and Compliance Assistance (3AP20)
U. S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[45CSR§30-8.]

3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address: R3_APD_Permits@epa.gov. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[45CSR§30-5.3.e.]

3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4.
[45CSR§30-5.1.c.3.A.]

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

3.5.8. **Deviations.**

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

1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.

3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.

4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary. **[45CSR§30-5.1.c.3.B.]**

3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement. **[45CSR§30-4.3.h.1.B.]**

3.6. Compliance Plan

3.6.1. None.

3.7. Permit Shield

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

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

a. 45CSR19 (Non-attainment NSR) - Not located in a non-attainment area or will not contribute to a violation of section.

b. 45CSR27 (Toxic air pollutants - BAT) – does not meet definition of chemical processing unit.

c. 45CSR28 (Emission Trading and Banking) - not involved in this program.

d. Section 112 (Hazardous Air Pollutants) - no MACT standard has been promulgated for thermal dryers.

e. Section 129 (Solid waste combustion) - facility does not combust solid waste.

f. Section 183(f) (Tank vessel standards) - no tanks/vessels utilized at this facility.

g. Section 183 (e) - facility is not a regulated entity as defined by Section 183 (e)(C).

h. NAAQS increments or visibility (temp. sources) – facility has no temporary sources.

i. Federal Implementation Plan (FIP) - none in place

j. Title IV of the CAA (Acid Rain) - not an EGU.

4.0 Crushing, Screening, Storage and Conveying [emission point ID(s): *SC1, SC2, ~~HMCR1~~, RB1, OS1-OS5, B1-B8, C1-C23 ~~C19~~*]

4.1. Limitations and Standards

4.1.1. ~~In accordance with the information filed in Permit Applications R13-2104, R13-2104A, R13-2104B, R13-2104C, the following transfer rates shall not be exceeded, and the following methods of control shall be installed, maintained, and operated so as to minimize particulate matter (PM) emissions~~:
The permittee shall not exceed the maximum hourly and annual throughput rates and other criteria outlined in the table below and in the table in Section 1.0 Emission Units (i.e., table in Section 1.0 Emission Units of Permit R13-2014).

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10^6		Location:	ID No.	Control Equipment*
OS1	700	4.3	MC	Before	T38	MC
				After	T39	MC
B3	800 ~~500~~	4.3	PE	Before	T1	MC
				After	T3	FE
B4	800 ~~500~~	4.3	PE	Before	T2	MC
				After	T4	FE
C-1	800	4.3	PE	Before	T3/T4	FE,FE
				After	T5	FE/FE
SC1	800	4.3	FE/FE	Before	T5	FE/FE
				After	T6	FE/FE
				After	T7	FE
RB1	600	4.3	FE	Before	T6	FE/FE
				After	T20A	FE
				After	T8	FE
C-4	800	4.3	PE	Before	T6	FE/FE
				Before	T7	FE
				Before	T8	FE
				After	T9	FE
C-5	800	4.3	PE	Before	T9	FE
				After	T10	PE
B6	800	4.3	FE	Before	T10	PE
				After	T11	PE
C-21	700	0.005	PE	Before	T16	FE
				After	T18	MC
OS5	700 ~~500~~	0.005 ~~4.3~~	MC	Before	T18 ~~T5A~~	MC
				After	T53	MC

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10^6		Location:	ID No.	Control Equipment*
C-9	1,000	4.3	PE	Before	T12	PE ~~FE~~
				Before	T17	FE
				~~Before~~	~~T18~~	~~FE~~
				After	T19	FE/FE
OS2	700	4.3	MC	Before	T35	PE
				Before	T37	MC
				After	T13	MC
				After	T14	FE
C-14	700	3.01	PE	Before	T33	FE
				After	T35	PE ~~FE~~
C-18	500	1.85	PE	Before	T52	FE
				After	T45	PE
C-19	25	0.219	PE	Before	T49	PE
				After	T50	FE
~~Truck Dump (UPR5)~~	~~25~~	~~0.219~~	~~MC~~	~~After~~	~~T47~~	~~MC~~
B8	25	0.219	PE	Before	T48	MC
				After	T49	PE
OS4	25	0.219	MC	Before	T47	MC
				After	T48	MC
~~PVD1~~	~~25~~	~~0.219~~	~~WS~~	~~After~~	~~T47~~	~~MC~~
C-10	500	1.85	PE	Before	T44 ~~T26~~	FE/FE
				After	T26 ~~T44~~	FE~~, FE~~
C-23	500	1.85	PE	Before	T54	PE
				After	T55	PE
C-22	500	1.85	PE	Before	T54	PE
				After	T26	FE
B2	500	1.85	FE	Before	T26	FE
				After	T27	PE
C-12	550	3.01	PE	Before	T29 ~~T30~~	FE/FE
				After	T30 ~~T29~~	FE~~, FE~~
C-13B	700	3.01	PE	Before	T36 ~~T33~~	PE ~~FE~~
				After	T33 ~~T36~~	FE ~~PE~~
B1	700	3.01	FE	Before	T33	FE
				After	T34	PE

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10^6		Location:	ID No.	Control Equipment*
C-7	700	4.3	PE	Before	T14	FE
				After	T15	PE
SC2	700	4.3	FE, WS ~~PE~~	Before	T15	PE
				After	T16	FE
				After	T17	FE
~~HMCR1~~	~~700~~	~~4.3~~	~~FE~~	~~Before~~	~~T16~~	~~FE~~
				~~After~~	~~T18~~	~~FE~~
C-6	1,000	4.3	PE	Before	T11	PE
				After	T12	PE
C-8	700	3.01	PE	Before	T15	PE
				After	T36A	PE
C-13A	700	3.01	PE	Before	T28	FE/FE
				Before	T30	FE
				Before	T31	FE
				Before	T32	FE
				Before	T36A	PE ~~FE~~
				After	T36	PE
C-3	500	1.85 ~~4.3~~	PE	Before	T6	FE/FE
				After	T43	FE
C-17	500	1.85	PE	Before	T20A	FE
				Before	T43	FE
				Before	T50	FE
				After	T21	PE
C-2	500	1.85	PE	Before	T21	PE
				Before	T45	PE
				After	T22	FE/FE
OS3	500	0.1	MC	Before	T22	MC
B7	500	1.85	FE	Before	T22	FE/FE
				Before	T23	FE
				After	T44	FE/FE
C-15	500	1.85	PE	Before	T26	FE
				After	T40	FE
B5	500	1.85	FE	Before	T40	FE
				After	T41	PE
				After	T46	MC

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10^6		Location:	ID No.	Control Equipment*
~~C-16~~	~~500~~	~~1.85~~	~~PE~~	~~Before~~	~~T41~~	~~FE~~
				~~After~~	~~T42~~	~~MC~~

* ~~N - None,~~ FE - Full Enclosure, PE - Partial Enclosure, ~~BH - Baghouse~~, MC – Moisture Content, WS - Water Spray
[45CSR13 - Permit R13-2104-§4.1.1. ~~A.1.~~]

4.1.2. Compliance with all annual throughput limits shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the amount of material received, processed, and/or shipped at any given time during the previous twelve (12) consecutive calendar months.
[45CSR13 - Permit R13-2104-§4.1.2. ~~A.2.~~]

4.1.3. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater. ~~All particulate matter emissions from all coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems shall be limited to a maximum twenty (20) percent opacity.~~ *[40 CFR 60 Subpart Y is applicable to storage bins and hoppers (B1, B2, B3, B4, B5, B7, B8), ~~Screen (SC2), Crusher (HMCR1)~~ and conveyors (C-1, C-3, C-6, C-7, C-8, C-9, C-10, C-13A, C-13B, C-14, C-15, ~~C-16,~~ C-19)].*
[45CSR13 - Permit R13-2104-§§4.1.9. & 4.1.13. ~~A.3. & B.1.~~ 45CSR§5-3.4., 45CSR16 and 40 CFR §60.254(a)]

4.1.4. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (b)(1) through (3) of 40 CFR §60.254(b). [*Screen SC2, and conveyors C-21, C-22 and C-23*] *Compliance with this streamlined limit will assure compliance with 45CSR§5-3.4*

a. Except as provided in paragraph (b)(3) of 40 CFR §60.254(b), the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.
[40CFR§60.254(b)(1)]

b. Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (b)(1) of 40 CFR §60.254(b).
[40CFR§60.254(b)(3)]

[45CSR13 - Permit R13-2104-§4.1.14., 45CSR16 and 40 CFR §60.254(b)]

4.1.5. ~~4.1.4.~~ At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility [i.e. *Storage: (B1, B2, B3, B4, B5, B7, B8), Screen: (SC2), ~~Crusher: (HMCR1)~~, Conveyors: (C-1, C-3, C-6, C-7, C-8, C-9, C-10, C-13A, C-13B, C-14, C-15, ~~C-16,~~ C-19, C-21, C-22, C-23)*] including associated air pollution control equipment in a manner

consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
[45CSR13 - Permit R13-2104-§4.1.12. ~~B.2.~~, 45CSR16, and 40 CFR §60.11(d)]

4.1.6. ~~4.1.5.~~ In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by 45CSR§5-7.(conditions 4.1.7 through 4.1.13. below) (*Refuse Stockpiles OS3 and OS5*)
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-7.1.]

4.1.7. ~~4.1.6.~~ Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse. (*Refuse Stockpiles OS3 and OS5*)
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-7.2.]

4.1.8. ~~4.1.7.~~ Coal refuse disposal areas shall not be so located with respect to mine openings, tipples or other mine buildings, unprotected coal outcrops or steam lines, that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas. (*Refuse Stockpiles OS3 and OS5*)
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-7.3.]

4.1.9. ~~4.1.8.~~ Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site. (*Refuse Stockpiles OS3 and OS5*)
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-7.4.]

4.1.10. ~~4.1.9.~~ Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution. (*Refuse Stockpiles OS3 and OS5*)
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-7.5.]

4.1.11. ~~4.1.10.~~ Materials with low ignition points used in the production or preparation of coal, including, but not limited to, wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area. (*Refuse Stockpiles OS3 and OS5*)
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-7.6.]

4.1.12. ~~4.1.11.~~ Garbage, trash, household refuse and like materials shall not be deposited on or near any coal refuse disposal area. (*Refuse Stockpiles OS3 and OS5*)
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-7.7.]

4.1.13. ~~4.1.12.~~ The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited. (*Refuse Stockpiles OS3 and OS5*)
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-7.8.]

4.1.14. ~~4.1.13.~~ With respect to all burning coal refuse disposal areas, the person responsible for the coal refuse disposal areas or the land on which the coal refuse disposal areas are located shall use due diligence to control air pollution from the coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal

area by the Director establishes that air pollution exists or may be created, the person responsible for the coal refuse disposal area or the land on which the coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent or reduce the air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including, completion dates, to establish that the corrective measures can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W. Va. Code §§ 22-5-1 et seq. If the report is not submitted as requested or if the Director determines that the methods and procedures set forth in the report are not adequate to reasonably control the air pollution he or she shall issue an order requiring the elimination, prevention or reduction of the air pollution. (*Refuse Stockpiles OS3 and OS5*)
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-8.3.]

4.2. Monitoring Requirements

4.2.1. [*Reserved*]

4.3. Testing Requirements

4.3.1. To determine compliance with the opacity limits of permit condition 4.1.3., the permittee shall conduct weekly visual emission observations in accordance with Method 22 of 40 CFR 60, Appendix A for all coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems. These observations shall be conducted during periods of ~~normal~~ facility operation for a sufficient time interval to determine if the unit has visible emissions using procedures outlined in 40CFR60 Appendix A, Method 22. If sources of visible emissions are identified during the survey, the permittee shall conduct an opacity evaluation in accordance with 40CFR60 Appendix A, Method 9, within 24 hours. A 40CFR60 Appendix A, Method 9 evaluation shall not be required if the visible emission condition is corrected in a timely manner and the units are operated at normal operating conditions with no visible emissions being observed
[45CSR13 - Permit R13-2104-§4.2.1. ~~§A.3. & B.2.~~, 45CSR16, 40 CFR §60.257(a) & §60.11]

4.3.2. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by 40 CFR Part 60 and at such other times as may be required, the owner or operator of such facility shall conduct performance test(s) and furnish a written report of the results of such performance test(s).
[45CSR13 - Permit R13-2104-§4.3.1., 45CSR16, 40 CFR §60.8(a)]

4.3.3. Compliance with opacity standards in 40 CFR Part 60 shall be determined by conducting observations in accordance with Method 9 in appendix A of 40 CFR Part 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
[45CSR13 - Permit R13-2104-§4.3.2., 45CSR16, 40 CFR §60.11(b)]

4.3.4. **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification on or before April 28, 2008, must conduct all performance tests required of §60.8 to demonstrate compliance with the applicable emission standards using the methods identified in 40 CFR §60.257.
[45CSR13 - Permit R13-2104-§4.3.3., 45CSR16, 40 CFR §60.255(a)]

4.3.5. **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008, must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emission standards in Subpart Y as specified in paragraphs (b)(1) and (b)(2) of 40 CFR §60.255.

a. For each affected facility subject to an opacity standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (b)(2)(i) through (iii) of 40 CFR §60.255, as applicable, except as provided for in paragraphs (e) and (f) of 40 CFR §60.255. Performance test and other compliance requirements for coal truck dump operations are specified in paragraph (h) of 40 CFR §60.255.
[40 CFR §60.255(b)(2)]

1. If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.
[40 CFR §60.255(b)(2)(i)]

2. If all 6-minute average opacity readings in the most recent performance are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.
[40 CFR §60.255(b)(2)(ii)]

[45CSR13 - Permit R13-2104-§4.3.4., 45CSR16, 40 CFR §60.255(b)]

4.3.6. **Performance Tests and Other Compliance Requirements for Subpart Y - Monitoring Visible Emissions or Digital Opacity Compliance System.** As an alternative to meeting the requirements in paragraph (b)(2) of 40 CFR §60.255 *[see permit condition 4.3.5. above]*, an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in paragraph (f)(1) or (f)(2) of 40 CFR §60.255.

a. Monitor visible emissions from each affected facility according to the requirements in paragraphs (f)(1)(i) through (iii) of 40 CFR §60.255.
[40 CFR §60.255(f)(1)]

1. Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within 45 operating days.
[40 CFR §60.255(f)(1)(i)]

2. Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.
[40 CFR §60.255(f)(1)(ii)]

3. Conduct a performance test using Method 9 of Appendix A-4 of this part at least once every 5 calendar years for each affected facility.
[40 CFR §60.255(f)(1)(iii)]

b. Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administration or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, *see* OAQPS "Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems." This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator delegated authority shall be implemented by the owner or operator.
[40 CFR §60.255(f)(2)]

[45CSR13 - Permit R13-2104-§4.3.5., 45CSR16, 40 CFR §60.255(f)]

4.3.7. **Performance Tests and Other Compliance Requirements for Subpart Y - COMS.** As an alternative to meeting the requirements in paragraph (b)(2) of this section *[see permit condition 4.3.5. above]*, an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in paragraphs (g)(1) and (2) of 40 CFR §60.255.
[45CSR13 - Permit R13-2104-§4.3.6., 45CSR16, 40 CFR §60.255(g)]

4.3.8. **Performance Tests and Other Compliance Requirements for Subpart Y.** If any affected coal processing and conveying equipment (e.g., breakers, crushers, screens, conveying systems), coal storage systems, or other coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building, and the emissions from the building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.
[45CSR13 - Permit R13-2104-§4.3.7., 45CSR16, 40 CFR §60.255(c)]

4.3.9. **Test Methods and Procedures for Subpart Y.** The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (a)(1) through (3) of 40 CFR §60.257.

a. Method 9 of appendix A-4 of 40 CFR Part 60 and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in 40 CFR §60.257 paragraphs (a)(1)(i) and (ii).
[40 CFR §60.257(a)(1)]

1. The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).
[40 CFR §60.257(a)(1)(i)]

2. If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.
[40 CFR §60.257(a)(1)(ii)]

b. To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in 40 CFR §60.257 paragraphs (a)(2)(i) through (iii) must be used.
[40 CFR §60.257(a)(2)]

1. The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.
[40 CFR §60.257(a)(2)(i)]

2. The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.
[40 CFR §60.257(a)(2)(ii)]

3. The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.
[40 CFR §60.257(a)(2)(iii)]

c. A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in 40 CFR §60.257 paragraphs (a)(3)(i) through (iii) of this section are met.
[40 CFR §60.257(a)(3)]

1. No more than three emissions points may be read concurrently.
[40 CFR §60.257(a)(3)(i)]

2. All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.
[40 CFR §60.257(a)(3)(ii)]

3. If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.
[40 CFR §60.257(a)(3)(iii)]

[45CSR13 - Permit R13-2104-§4.3.7., 45CSR16, 40 CFR §60.257(a)]

4.4. Recordkeeping Requirements

4.4.1. To demonstrate compliance with the operating limits set forth under Permit R13-2104 ~~condition 4.1.1. (section A.1. of Permit R13-2104)~~, the permittee shall maintain daily throughput records using the sample record keeping format appended to Permit R13-2104 as Appendix ~~Attachments~~ A~~,~~ and B ~~and C~~ (see Appendix A and Appendix B of this permit). The permittee shall maintain daily throughput records of the amount of water applied through the fixed water spray system and by the water truck using the sample record keeping format appended to Permit R13-2104 as Appendix C (see Appendix C of this permit).

These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.
[45CSR13 - Permit R13-2104-§4.4.4 ~~B.4.~~]

4.4.2. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include the date and time of each visible emission check, the emission point or equipment / source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6-10 mph NE wind) during the visual emission check(s). An example form is supplied in Permit R13-2104 as Appendix D (see Appendix D of this permit). Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements of Method 9. For an emission unit out of service during the weekly evaluation, the record of observation may note "out of service" (O/S) or equivalent. ~~, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the daily inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.~~
[45CSR13 - Permit R13-2104-§§4.2.1. and 4.4.5 ~~A.3.~~, 45CSR§30-5.1.c.]

4.4.3. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13 - Permit R13-2104-§4.4.2.]

4.4.4. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13 - Permit R13-2104-§4.4.3.]

4.4.5. The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain in a logbook (written or electronic) on-site and make it available upon request. The logbook shall record the following:

a. The manufacturer's recommended maintenance procedures and the date and time of any maintenance and inspection activities and the results of those activities. Any variance from manufacturer recommendation, if any, shall be noted.
[40 CFR §60.258(a)(1)]

b. The date and time of periodic coal preparation and processing plant visual observations, noting those sources with visible emissions along with corrective actions taken to reduce visible emissions. Results from the actions shall be noted.
[40 CFR §60.258(a)(2)]

c. The amount and type of coal processed each calendar month.
[40 CFR §60.258(a)(3)]

d. The amount of chemical stabilizer or water purchased for use in the coal preparation and processing plant.
[40 CFR §60.258(a)(4)]

e. Monthly certification that the dust suppressant systems were operational when any coal was processed and that manufacturer's recommendations were followed for all control systems. Any variance from the manufacturer's recommendations, if any, shall be noted.
[40 CFR §60.258(a)(5)]

f. Monthly certification that the fugitive coal dust emissions control plan was implemented as described. Any variance from the plan, if any, shall be noted. A copy of the applicable fugitive coal dust emissions control plan and any letters from the Administrator providing approval of any alternative control measures shall be maintained with the logbook. Any actions, *e.g.* objections, to the plan and any actions relative to the alternative control measures, *e.g.* approvals, shall be noted in the logbook as well.
[40 CFR §60.258(a)(6)]

[45CSR16, 40 CFR §60.258(a)] [*Screen SC2, Conveyors C-21, C-22 and C-23*]

4.5. Reporting Requirements

4.5.1. Upon observing any visible emissions in excess of twenty percent (20%) opacity under 4.3.1. above, the Company shall submit a written report, certified by a responsible official, to the Director of the Division of Air Quality within five (5) days after taking said reading.
[45CSR13 - Permit R13-2104-§4.2.1. ~~A.3.~~]

4.5.2. With regard to any testing required by the Director, the permittee shall submit to the Director of Air Quality and the Associate Director - Office of Enforcement and Permit Review (3AP12) of the U.S. EPA a test protocol detailing the proposed test methods, the date, and the time the proposed testing is to take place, as well as identifying the sampling locations and other relevant information. The test protocol must be received by the Director and the Associate Director no less than thirty (30) days prior to the date the testing is to take place. Test results shall be submitted to the Director and the Associate Director no more than sixty (60) days after the date the testing takes place.
[45CSR13 - Permit R13-2104-§4.5.1.]

4.5.3. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observation using 40CFR Part 60, Appendix A, Method 9 must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.
[45CSR13 - Permit R13-2104-§4.5.2.]

4.5.4. Any owner or operator subject to the provisions of 40 CFR Part 60 shall furnish written notification as follows:

a. A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date.
[40 CFR §60.7(a)(1)]

b. A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
[40 CFR §60.7(a)(3)]

[45CSR13 - Permit R13-2104-§4.5.3., 45CSR16, 40 CFR §60.7(a)]

4.5.5. **Reporting for Subpart Y - Opacity Exceedances.** For the purposes of reports required under 40 CFR §60.7(c), any owner or operator subject to the provisions of Subpart Y also shall report semiannually periods of excess emissions as follow:

a. All 6-minute average opacities that exceed the applicable standard.
[40 CFR §60. 258(b) (3)]

[45CSR13 - Permit R13-2104-§4.5.4., 45CSR16, 40 CFR §60.258(b)]

4.5.6. **Reporting for Subpart Y - Results of Initial Performance Tests.** The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.
[45CSR13 - Permit R13-2104-§4.5.5., 45CSR16, 40 CFR §60.258(c)]

4.5.7. **Reporting for Subpart Y - WebFIRE Data Base.** After July 11, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test date to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main. For performance tests that cannot be entered into WebFIRE (i.e. Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code D243-01; RTP, NC 27711.
[45CSR13 - Permit R13-2104-§4.5.6., 45CSR16, 40 CFR §60.258(d)]

4.6. Compliance Plan

4.6.1. None

5.0 Thermal Dryer [emission point ID: *TD1*]

**Note – "CAM" in this section shall mean Compliance Assurance Monitoring.*

5.1. Limitations and Standards

5.1.1. The maximum fuel feed rate to the thermal dryer shall not exceed 105 mmBtu per hour. To demonstrate compliance with this operating limit, the permittee shall continue to use a Riley #350 pulverizer which limits the dryer to 105 mmBtu/hr fuel feed rate.
[45CSR13 - Permit R13-2104-§4.1.8. ~~A.7.~~]

5.1.2. *Reserved.* ~~To demonstrate compliance with the operating limits set forth under 5.1.1. above, the permittee shall continue to use a Riley #350 pulverizer which limits the dryer to 105 mmbtu/hr fuel feed rate.~~
~~[45CSR13 - Permit R13-2104-§B.7.]~~

Particulate Matter (PM) Requirements

5.1.3. In accordance with 45CSR5, Section 3.1., all particulate matter emissions from all coal processing (i.e. thermal dryer *TD1*) systems shall be limited to a maximum of twenty (20) percent opacity.
[45CSR13 - Permit R13-2104-§§ 4.2.1. & 4.1.9. ~~A.3. & B.1.~~ and 45CSR§5-3.1.]

5.1.4. The provisions of 5.1.3. above shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period or periods aggregating no more than five (5) minutes in any sixty (60) minute period during operation.
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ and 45CSR§5-3.2.]

5.1.5. The provisions of 5.1.3. and 5.1.4. above shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period of up to eight (8) minutes in any operating day for the purposes of building a fire of operating quality in the fuel burning equipment of a thermal dryer.
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ 45CSR§5-3.3.]

5.1.6. Particulate matter vented into the open air from the thermal dryer exhaust, shall not exceed 0.12 grains per [dry] standard cubic foot (gr/DSCF).
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ 45CSR§5-4.1.b. and 45CSR5 – Appendix §1.1.]

5.1.7. No person shall circumvent 45CSR5 by adding additional gas to any dryer exhaust or group of dryer exhaust for the purpose of reducing the grain loading.
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ 45CSR§5-4.2.]

5.1.8. Exhaust gases from a thermal dryer shall not be vented into the open air at an altitude of less than eighty (80) feet above the foundation grade of the structure containing the dryer or less than ten (10) feet above the top of the said structure or any adjacent structure, whichever is greater. In determining the desirable height of a plant stack, due consideration shall be given to the local topography, meteorology, the location of nearby dwellings and public roads, the stack emission rate, and good engineering practice as set forth in 45CSR20.
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ 45CSR§5-4.3.]

5.1.9. A monitoring device for the continuous measurement of the temperature of the gas stream at the exit of the thermal dryer shall be installed, calibrated, maintained, and continuously operated. The monitoring device

is to be certified by the manufacturer to be accurate within plus or minus three degrees Fahrenheit (± 3 °F) and is to be recalibrated at least once annually or as necessary.
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ 45CSR§§5-4.1.b. & 9.2. and 45CSR5 – Appendix §§2.1. & 2.3]

5.1.10. A monitoring device for the continuous measurement of the pressure loss in the inlet airflow to the scrubber shall be installed, calibrated, maintained, and continuously operated. The pressure drop shall be measured between the inlet airflow to the scrubber and outlet airflow of the scrubber which is atmospheric. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus one inch (± 1 in.) water gauge and is to be recalibrated at least once annually or as necessary.
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ 45CSR§§5-4.1.b. & 9.2. and 45CSR5 – Appendix §§2.2.a. & 2.3.]

5.1.11. A monitoring device for the continuous measurement of the water supply pressure to the scrubber shall be installed, calibrated, maintained, and continuously operated. The monitoring device is to be certified by the manufacturer to be accurate within plus or minus five percent (± 5%) water gauge and is be recalibrated at least once annually or as necessary.
[45CSR13 - Permit R13-2104-§4.1.9. ~~B.1.~~ 45CSR§§5-4.1.b. & 9.2. and 45CSR5 – Appendix §§2.2.b. & 2.3.]

5.1.12. Any stack venting thermal dryer exhaust gases and/or air table exhaust gases or exhaust gases or air from any air pollution control device shall include straight runs of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures. Flow straightening devices shall be required where cyclonic gas flow would exist in the absence of such devices.
[45CSR§5-12.6.]

Sulfur Dioxide (SO_2) Requirements

5.1.13. Emissions of Sulfur Dioxide (SO_2) from the thermal dryer shall not exceed 56.85 pounds per hour nor 249 tons per year. Compliance with the annual emission limit shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the amount of Sulfur Dioxide (SO_2) emitted at any given time during the previous twelve (12) consecutive calendar months.
[45CSR13 - Permit R13-2104-§4.1.5. ~~A.6.~~]

5.1.14. The sulfur dioxide emissions into open air from the thermal dryer shall not exceed an in-stack sulfur dioxide concentration of 2000 ppmv by volume.
[45CSR§10-4.1.]

5.1.15. Compliance with the allowable sulfur dioxide concentration limitations contained in 5.1.14. above, shall be based on a block three (3) hour averaging time.
[45CSR§10-4.2.]

5.1.16. At the request of the Director the owner and/or operator of a source shall install such stack gas monitoring devices as the Director deems necessary to determine compliance with the provisions of 45CSR§10-4.1. The data from such devices shall be readily available at the source location or such other reasonable location that the Director may specify. At the request of the Director, or his or her duly authorized representative, such data shall be made available for inspection or copying. Failure to promptly provide such data shall constitute a violation of 45CSR10.
[45CSR§10-8.2.a.]

5.2. Monitoring Requirements

5.2.1. The permittee shall demonstrate compliance with the SO_2 emission limits set forth under conditions 5.1.13. and 5.1.14. above, by complying with the stipulations as stated below:

a. The owner or operator of a thermal dryer shall meet the following minimum coal sampling requirements:

1. The coal sample acquisition point shall be at a location where representative samples of the total coal flow to be combusted by the dryer may be obtained

2. Coal shall be sampled at least once per day

3. Minimum sample size shall be five hundred (500) grams.

4. A composite of the samples shall be analyzed at the end of each calendar month

b. Coal samples shall be prepared for analysis in accordance with procedures specified in ASTM D2013-86, "Standard Method of Preparing Coal Samples for Analysis."

c. The heat content of coal samples shall be determined in accordance with procedures specified in ASTM D2015-85, "Standard Test Method for Gross Calorific Value of Solid fuel by the Adiabatic Bomb Calorimeter," or ASTM D5865, "Standard Test Method for Gross Calorific Value of Coal and Coke by the Isoperibol Bomb Calorimeter."

d. The sulfur content of coal samples shall be determined in accordance with procedures specified in ASTM D3177-84, "Standard Test Methods for Total Sulfur in the Analysis Sample of Coal and Coke", or ASTM D4239-85, "Standard Test Methods for Sulfur in the Analysis Sample of Coal and Coke Using High Temperature Tube Furnace Combustion Methods" or any other method approved by the Director.

1. An excursion shall be defined as sulfur content of fuel greater than 1.18% with a heat content of 13,000 Btu/lb (As the heat content increases the allowable sulfur content increases proportionally) in accordance with "Indicator 1" of the submitted CAM Plan. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

e. The owner or operator of a thermal dryer shall calculate the SO_2 emissions for each month based on the Maximum heat input of 105 mmBtu/hr and the results of the analyses for sulfur and heat content for the month according to the following equations:

Equation 1:

$$SO_2 \text{ (lb/hr)} = 2 \times (MFR/HV) \times (S/100) \times (1-CE/100)$$

Where:
MFR = Maximum heat input of 105,000,000 Btu/hr

HV = Heating value of fuel in Btu/lb
S = Percent sulfur content of fuel ~~divided by 100~~
CE = Wet scrubber percent SO_2 control efficiency (i.e., 70%) ~~divided by 100~~
2 = 2 lb SO_2 per 1lb S

Equation 2:

SO_2 (ppmv) = SO_2 (lb/hr) x (385/64) x (1/133,620) x (1/60) x 10^6

Where:
SO_2 (ppmv) = Sulfur dioxide concentration by volume
SO_2 (lb/hr) = Sulfur dioxide weight rate
385 = Molar volume in scf/lb-mole
64 = Molecular weight of Sulfur dioxide in lb/lb-mole
133,620 = Exhaust fan volumetric flow rate in standard cubic feet per minute (scfm)
60 = Minutes per hour

If compliance with 45CSR§10-4.1. can be demonstrated with these "worse case" conditions (i.e., by using the maximum design heat input, and the minimum volumetric gas flow rate in the equations), then compliance at lower heat inputs and/or higher stack gas flow rates will be ensured.

[45CSR§30-5.1.c., 45CSR§10-8.2.c., 45CSR10A - Monitoring Plan, 45CSR13 - Permit R13-2104-§§4.1.6. & 4.1.7. ~~B.5. & B.6.~~, and 40CFR§§64.6(c) & 64.7(d)]

5.2.2. **Proper Maintenance** – At all times, the permittee shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
[45CSR§30-5.1.c., 40 C.F.R. §64.7(b)]

5.3. Testing Requirements

5.3.1. To determine compliance with the opacity limits of permit condition 5.1.3., the permittee shall conduct weekly visual emission observations in accordance with Method 22 of 40 CFR 60, Appendix A for the thermal dryer. These observations shall be conducted during periods of normal facility operation for a sufficient time interval to determine if the unit has visible emissions using procedures outlined in 40CFR60 Appendix A, Method 22. If sources of visible emissions are identified during the survey, the permittee shall conduct an opacity evaluation in accordance with 40CFR60 Appendix A, Method 9, within 24 hours. A 40CFR60 Appendix A, Method 9 evaluation shall not be required if the visible emission condition is corrected in a timely manner and the units are operated at normal operating conditions with no visible emissions being observed.
[45CSR13 - Permit R13-2104-§4.2.1. ~~A.3.~~]

5.3.2. The thermal dryer unit included in this permit shall be observed visually during periods of building a fire of operating quality to ensure particulate matter emissions of sixty percent (60 %) opacity for a period of up to 8 minutes in any operating day is not exceeded during such activities
[45CSR§30-5.1.c.]

5.3.3. The permittee shall conduct tests to determine compliance with the particulate matter (PM) emission limitations in accordance with the frequency established in the following table and the results of the most recent tests already conducted. The permittee shall use Method 5 or an alternative method approved by the Director for such testing. Parameter indicator ranges shall be re-established or verified for the exit temperature of the thermal dryer, water pressure to the control equipment, and the pressure loss of the inlet

airflow to the scrubber. The permittee shall re-establish and/or verify these indicator ranges and operate within these ranges to provide a reasonable assurance that the thermal dryer unit is in compliance with opacity and particulate loading limits. The permittee shall take immediate corrective action when a parameter falls outside the indicator range established for that parameter and shall record the cause and corrective measures taken. The Director shall be furnished with a written report of the results of such testing and established indicator ranges. The permittee shall also record the following parameters during such testing:

a. Opacity readings on the exhaust stack following the procedures of Method 9;

b. Amount of coal burned and the amount of coal dried;

c. Coal drying temperature and residence time in the dryer;

d. Temperature of the gas stream at the exit of the thermal dryer;

e. Flow rate through the dryer and converted to dry standard cubic feet;

f. Water pressure to the control equipment; and

g. Pressure loss of the inlet airflow to the scrubber. The pressure drop will be measured between the inlet airflow to the scrubber and outlet airflow of the scrubber, which is atmospheric loss through the venturi constriction of the control equipment.

Subsequent testing to determine compliance with the particulate loading limitations of 5.1.6. above, shall be conducted in accordance with the schedule set forth in the following table:

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

The current inlet water pressure parameter is set at 10.1 psi and the pressure drop is set at 23 inches of H_2O. An excursion per the 40CFR64 CAM Plan is defined as values below these current values based on a 3-hour rolling average. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

If during the next scheduled test or subsequent testing thereafter, the parameter set points are re-established the permittee shall submit a modification to the CAM Plan

[45CSR§30-5.1.c., 40 CFR §64.7(d)]

5.4. Recordkeeping Requirements

5.4.1. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the daily inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.
[45CSR13 - Permit R13-2104-§4.2.1. ~~A.3.~~, 45CSR§30-5.1.c.]

5.4.2. The fuel usage being continuously measured with a rotary counter shall be recorded and compiled at the end of each day on a lbs/day basis. The operation of the rotary counter shall be verified by daily visual inspection.
[45CSR§30-5.1.c., 40 CFR §64.6(c)]

5.4.3. The measured pressure drop of 5.1.10. above, and the measured water supply pressure of 5.1.11 above, shall be continuously recorded by a strip chart(s) and manually recorded once every 12 hours.
[45CSR§30-5.1.c., 40 CFR §64.6(c)]

5.4.4. For CAM, the owner or operator shall comply with the recordkeeping requirements of permit conditions 3.4.1. and 3.4.2. The owner or operator shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 CFR §64.8 and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 CFR Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).
[45CSR§30-5.1.c., 40 CFR §64.9(b)]

5.4.5. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13 - Permit R13-2104-§4.4.2.]

5.4.6. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0, the permittee shall maintain records of the occurrence and duration of any malfunction

or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

For each such case associated with an equipment malfunction, the additional information shall also be recorded:

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

g. Any changes or modifications to equipment or procedures that would help prevent future recurrences of the malfunction.

[45CSR13 - Permit R13-2104-§4.4.3.]

5.5. Reporting Requirements

5.5.1. Upon observing any visible emissions in excess of twenty percent (20%) opacity, or excess of forty (40%) for any period or periods aggregating more than five (5) minutes in any sixty (60) minute period, the company shall submit a written report, certified by a responsible official, to the Director of the Division of Air Quality within five (5) days after taking said reading.
[45CSR13 - Permit R13-2104-§4.2.1. ~~A.3.~~]

5.5.2. For CAM, monitoring reports shall be submitted to the director and at a minimum shall include and be in accordance with information in permit conditions 3.5.6. and 3.5.8. as applicable. Also, at a minimum, the following information, as applicable, shall be included:

a. Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;

b. Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable); and

c. A description of the actions taken to implement a QIP during the reporting period as specified in 40 CFR §64.8. Upon completion of a QIP, the owner or operator shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

[45CSR§30-5.1.c., 40 CFR §64.9(a)]

5.6. Compliance Plan

5.6.1. None

APENDICES ~~APPENDIX A~~

(APPENDIX ~~Attachment~~ A, APPENDIX ~~Attachment~~ B, ~~and~~ APPENDIX ~~Attachment~~ C and APPENDIX D from Permit R13-2104)

ATTACHMENT A
"Breaker Building Throughput"
Kepler Processing Company, Inc.
Pineville, WV

Month _____ **Year** _____

Day	Operating Schedule (hours)	Raw Coal Conveyor C-1 T5 (tons)	Lime Conveyor C-19 T50 (tons)	{Blank}	{Blank}
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Monthly Total (tons)					
Rolling Annual Total (tons)					
Maximum Permitted Annual (tons)		4,300,000	219,000		

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative after the end of the calendar month. This certified records shall be maintained on-site for a period of five (5) years and be made available to the Chief or his or her representative upon request.

APPENDIX A [1]
"Breaker Building Throughput"

Month _____ Year _____

Day	Operating Schedule (hours)	- Raw Coal - Conveyor C-1 Transfer Point T5 (tons)	- Lime - Conveyor C-19 Transfer Point T50 (tons)	{Blank}	{Blank}
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Monthly Total -					
12 Month Rolling Total					
Maximum Permitted Amount		***4,300,000 tons***	***219,000 tons***		

[(1)] The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

CERTIFICATION OF DATA ACCURACY

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President, Secretary, Treasurer, General Partner, General Manager; a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the General Permit *Registration Application*. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this General Permit.

I, the undersigned, hereby certify that all information contained in **ATTACHMENT A**, *representing the period beginning _____ and ending _____ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

Signature _____ _____
(please use blue ink) Responsible Official Date

Name & Title _____ _____
(please print or type)

Signature _____ _____
(please use blue ink) Authorized Representative (if applicable) Date

Name & Title _____ _____
(please print or type)

Registrant's Name _____

Registrant's Telephone & Fax Numbers _____ _____

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature[1] _____

(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____

(please print or type) Name Title

Telephone No. _____ Fax No. _____

---

[1] This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or

(ii) the delegation of authority to such representative is approved in advance by the Director;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or

d. The designated representative delegated with such authority and approved in advance by the Director.

ATTACHMENT B
"Plant Throughput"
Kepler Processing Company, Inc.
Pineville, WV

Month _____ **Year** _____

Day	Plant Operating Schedule (hours)	Raw Coal To Prep Plant - T19 - (tons)	Clean Coal To Thermal Dryer - T30 - (tons)	Clean Coal To Loadout - T36 - (tons)	Refuse To Loadout/Embankment - T44 - (tons)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Monthly Total (tons) -					
Rolling Annual Total (tons) -					
Permitted Total (tons) -		**4,300,000**	**3,010,000**	**3,010,000**	**1,840,000**

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative after the end of the calendar month. This certified records shall be maintained on-site for a period of five (5) years and be made available to the Chief or his or her representative upon request.

Appendix B [1]
Wet Wash Preparation Plant Throughput

Month _____ Year _____

Day	Plant Operating Schedule (hours)	Raw Coal To Plant Conveyor C-9 Transfer Point T19 (tons)	Clean Coal To Thermal Dryer Conveyor C-12 Transfer Point T30 - (tons)	Clean Coal To Railcar Loadout Conveyor C-13B Transfer Point T33 (tons)	Refuse To Loadout Bins/Embankment Conveyor C-10 Transfer Point T54 - (tons)
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					
Monthly Total					
12 Month Rolling Total					
Maximum Permitted Amount		***4,300,000 tons***	***3,010,000 tons***	***3,010,000 tons***	***1,840,000 tons***

[(1)] The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

CERTIFICATION OF DATA ACCURACY

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President, Secretary, Treasurer, General Partner, General Manager; a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the General Permit *Registration Application*. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this General Permit.

I, the undersigned, hereby certify that all information contained in **ATTACHMENT B**, *representing the period beginning* _____ *and ending* _____ *and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

Signature _____ _____
(please use blue ink) Responsible Official Date

Name & Title _____ _____
(please print or type)

Signature _____ _____
(please use blue ink) Authorized Representative (if applicable) Date

Name & Title _____ _____
(please print or type)

Registrant's Name _____

Registrant's Telephone & Fax Numbers _____ _____

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature[1] _____

(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____

(please print or type) Name Title

Telephone No. _____ Fax No. _____

---

[1] This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or

(ii) the delegation of authority to such representative is approved in advance by the Director;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or

d. The designated representative delegated with such authority and approved in advance by the Director.

ATTACHMENT C

"Fugitive Emissions Control"
Kepler Processing Company, Inc.
Pineville, WV

Month _____ **Year** _____

Day	Water Spray Source		Maintenance and Repair Records
	Fixed Water Spray System (gallons)	Water Truck (gallons)	
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
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22			
23			
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25			
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27			
28			
29			
30			
31			

The Certification of Data Accuracy statement on the reverse side of this form must be completed and signed by a Responsible Official or Authorized representative after the end of the calendar month. This certified records shall be maintained on-site for a period of five (5) years and be made available to the Chief or his or her representative upon request.

Appendix C [1]

Daily and Monthly Water and Usage Report for the Water Truck

Month _____ Year _____

Date	Fixed Water Spray System (gallons)	Water Truck (gallons)	Comments, Maintenance, Repair Records, etc.[2]	Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
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31				

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.

(2) Use the comment section to explain why the fixed water spray system and/or water truck was not in use or used sparingly, to note maintenance and repairs, etc.

CERTIFICATION OF DATA ACCURACY

This Certification of Data Accuracy shall be signed below by a Responsible Official or an Authorized Representative. A Responsible Official is a President, Vice President, Secretary, Treasurer, General Partner, General Manager; a member of a Board of Directors or Owner, depending on business structure. An Authorized Representative may be certified through an official agreement submitted with the General Permit *Registration Application*. Any improperly signed or unsigned Certification of Data Accuracy shall constitute a violation of the terms and conditions of this General Permit.

I, the undersigned, hereby certify that all information contained in **ATTACHMENT C**, *representing the period beginning _____ and ending _____ and any supporting documents appended hereto is true, accurate and complete based on information and belief after reasonable inquiry.*

Signature _____ _____

(please use blue ink) Responsible Official Date

Name & Title _____ _____

(please print or type)

Signature _____ _____

(please use blue ink) Authorized Representative (if applicable) Date

Name & Title _____ _____

(please print or type)

Registrant's Name _____

Registrant's Telephone & Fax Numbers _____ _____

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature[1] _____

(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____

(please print or type) Name Title

Telephone No. _____ Fax No. _____

---

[1] This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or

(ii) the delegation of authority to such representative is approved in advance by the Director;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or

d. The designated representative delegated with such authority and approved in advance by the Director.

APPENDIX D [1]
Weekly Opacity Testing Records

Date of Observation: _____

Data Entered by: _____

Reviewed by: _____

Date Reviewed: _____

Describe the General Weather Conditions: _____

_____

_____

Stack ID/Vent ID/ Emission point ID	Stack/Vent/Emission Point Description	Time of Observation	Visible Emissions? Yes/No	Consecutive Months of Visual Emissions	Comments

(1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request

.

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature[1] _____

(please use blue ink) Responsible Official or Authorized Representative Date

Name and Title _____

(please print or type) Name Title

Telephone No. _____ Fax No. _____

---

[1] This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:

a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:

(i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding $25 million (in second quarter 1980 dollars), or

(ii) the delegation of authority to such representative is approved in advance by the Director;

b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;

c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of USEPA); or

d. The designated representative delegated with such authority and approved in advance by the Director.