

West Virginia Department of Environmental Protection

Austin Caperton  
Cabinet Secretary

# Title V Operating Permit Revision



## For Administrative Amendment Permitting Action Under 45CSR30 and Title V of the Clean Air Act

**Permit Action Number:** AA02                      **SIC:** 2879; 2869  
**Name of Permittee:** Union Carbide Corporation  
**Facility Name/Location:** Institute Facility  
**County:** Kanawha  
**Facility Address:** P.O. Box 8361, South Charleston, WV 25303

**Description of Permit Revision:** The emission units table, active permits table, and various NSR citations were revised to match R13-3111E, where needed. The Title V permit included requirements of R13-3111B, and many of the references to Boilers 19 and 20 were not in the Title V permit. Also changed permittee name and ID number since this permit was transferred from Bayer CropScience to UCC on 2/28/17. Additionally, conditions 6.5.2.f. and 6.5.5. were added requiring a statement by a responsible official and submissions of a Notification of Compliance Status.

**Title V Permit Information:**

**Permit Number:** R30-03900005-2016 (Group 8 of 8)  
**Issued Date:** February 16, 2016  
**Effective Date:** March 1, 2016  
**Expiration Date:** February 16, 2021

**Directions To Facility:** The facility is located west of Institute, WV, adjacent to State Route 25 and West Virginia State University

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THIS PERMIT REVISION IS ISSUED IN ACCORDANCE WITH THE WEST VIRGINIA AIR POLLUTION CONTROL ACT (W.VA. CODE §§ 22-5-1 ET SEQ.) AND 45CSR30 - "REQUIREMENTS FOR OPERATING PERMITS." THE PERMITTEE IDENTIFIED AT THE FACILITY ABOVE IS AUTHORIZED TO OPERATE THE STATIONARY SOURCES OF AIR POLLUTANTS IDENTIFIED HEREIN IN ACCORDANCE WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

A handwritten signature in blue ink, appearing to read "William F. Durham".

William F. Durham  
Director

July 25, 2018  
Date Issued

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:*

~~Bayer CropScience~~ Union Carbide Corporation  
Institute ~~Site~~ Facility  
(~~Powerhouse/Maintenance/Laboratory Boilers~~)  
R30-039000075-2016 (18 of 8)

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*William F. Durham*  
*Director*

*Issued: February 16, 2016 • Effective: March 1, 2016*  
*Expiration: February 16, 2021 • Renewal Application Due: August 16, 2020*

Permit Number: **R30-0390000~~75~~-2016**  
Permittee: **~~Bayer CropScience Union Carbide Corporation~~**  
Facility Name: **Institute Site**  
Mailing Address: **P.O. Box ~~1005-8361~~**  
**~~Institute South Charleston, WV 25412303~~**

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*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.*

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Facility Location: Institute, Kanawha County, West Virginia  
Facility Mailing Address: P.O. Box ~~1005 8361~~  
~~Institute South Charleston, WV 25412303~~  
Telephone Number: 304-~~767-6148~~ ~~747-7000~~  
Type of Business Entity: ~~Limited Partnership Corporation~~  
Facility Description: ~~Powerhouses, Maintenance, Laboratories Boilers~~  
SIC Codes: 2879; 2869  
UTM Coordinates: 432.~~02~~ km Easting • 4248.~~310754~~ km Northing • Zone 17

Permit Writer: Mike Egnor

*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.*

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*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
<b>Boilers 16, 17, and 18</b>					
B016	E016	Boiler 16; Industrial Boiler Natural Gas Fired Boiler with low-NO <sub>x</sub> Burner	20157	350 MMBtu/hr	None
B017	E017	Boiler 17; Industrial Boiler Natural Gas Fired Boiler with low-NO <sub>x</sub> Burner	<del>20157</del>	350 MMBtu/hr	None
B018	E018	Boiler 18; Industrial Boiler Natural Gas Fired Boiler with low-NO <sub>x</sub> Burner	2015 Future	350 MMBtu/hr	None

### 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
R13-3111BE	9/15/2014 7/13/2018

## 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

<b>CAAA</b>	Clean Air Act Amendments	<b>NSPS</b>	New Source Performance Standards
<b>CBI</b>	Confidential Business Information	<b>PM</b>	Particulate Matter
<b>CEM</b>	Continuous Emission Monitor	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>CES</b>	Certified Emission Statement	<b>pph</b>	Pounds per Hour
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>ppm</b>	Parts per Million
<b>CO</b>	Carbon Monoxide	<b>PSD</b>	Prevention of Significant Deterioration
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>psi</b>	Pounds per Square Inch
<b>DAQ</b>	Division of Air Quality	<b>SIC</b>	Standard Industrial Classification
<b>DEP</b>	Department of Environmental Protection	<b>SIP</b>	State Implementation Plan
<b>FOIA</b>	Freedom of Information Act	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>HAP</b>	Hazardous Air Pollutant	<b>TAP</b>	Toxic Air Pollutant
<b>HON</b>	Hazardous Organic NESHAP	<b>TPY</b>	Tons per Year
<b>HP</b>	Horsepower	<b>TRS</b>	Total Reduced Sulfur
<b>lbs/hr or lb/hr</b>	Pounds per Hour	<b>TSP</b>	Total Suspended Particulate
<b>LDAR</b>	Leak Detection and Repair	<b>USEPA</b>	United States Environmental Protection Agency
<b>m</b>	Thousand	<b>UTM</b>	Universal Transverse Mercator
<b>MACT</b>	Maximum Achievable Control Technology	<b>VEE</b>	Visual Emissions Evaluation
<b>mm</b>	Million	<b>VOC</b>	Volatile Organic Compounds
<b>mmBtu/hr</b>	Million British Thermal Units per Hour		
<b>mmft<sup>3</sup>/hr or mmcf/hr</b>	Million Cubic Feet Burned per Hour		
<b>NA or N/A</b>	Not Applicable		
<b>NAAQS</b>	National Ambient Air Quality Standards		
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		
<b>NO<sub>x</sub></b>	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)]
- 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. **Reserved**

- 3.1.10. The permitted facility shall be constructed and operated in accordance with information filed in Permit Applications [R13-3111](#), [R13-3111A](#), [R13-3111B](#) and [R13-3111E](#) and any amendments thereto. The Director may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.

**[45CSR13, Permit No. R13-3111 (Condition 2.5.1.)]**

**3.2. Monitoring Requirements**

N/A

**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) and 45CSR13]

### 3.4. Recordkeeping Requirements

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

[45CSR§30-5.1.c.2.A.]

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

[45CSR§30-5.1.c.2.B.]

- 3.4.3. **Odors.** For the purposes of 45CSR4, the permittee shall maintain a record of all odor complaints received, any investigation performed in response to such a complaint, and any responsive action(s) taken.

**[45CSR§30-5.1.c. State-Enforceable only.]**

### 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 57<sup>th</sup> 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](mailto: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**

N/A

### **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.  
N/A

#### **4.0 Reserved**

## 5.0 Reserved

## 6.0 Source-Specific Requirements [Boilers 16, 17, and 18]

### 6.1 Limitations and Standards

6.1.1. The following conditions and requirements are specific to Boilers 16, 17, and 18:

a. CO emissions emitted to the atmosphere from each boiler shall not exceed 12.0 pounds per hour on a 3-hour average with an annual rate not to exceed 52.4 tpy. Initial compliance with this limit shall be satisfied through testing as required in Condition 6.3.1. After the initial compliance demonstration, verifying compliance with this hourly limit shall be satisfied by optimization of the CO concentration from the unit during the tune-up as required in Condition 6.1.2. and verifying compliance with the annual limit shall be determined by satisfying the fuel usage limit of Condition 6.1.1.e.  
**[45CSR13, Permit No. R13-3111 (Condition 4.1.31.a)]**

b. NO<sub>x</sub> emissions emitted to the atmosphere from each boiler shall not exceed 0.036 pounds per MMBtu. Compliance with this limit shall be determined on a continuous basis through the use of a 30-day rolling average emission rate. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly NO<sub>x</sub> emission data for the preceding 30 steam generating unit operating days. This limit applies at all times including periods of startup, shutdown, or malfunction.  
**[45CSR13, Permit No. R13-3111 (Condition 4.1.31.b), 45CSR16, 40 CFR §§60.44b(a), (h), (i), and (l); 40 CFR §60.46b(e)(3)]**

c. Each boiler shall only be fired with pipeline quality natural gas. This condition satisfies compliance with the limitations of 45CSR§2-3.1., 45CSR§2-4.1.b., and 45CSR§10-3.2.c.

**[45CSR13, Permit No. R13-3111 (Condition 4.1.31.c), 45CSR§2A-3.1.a, 45CSR§10-10.3, 45CSR§10A-3.1.b]**

d. Each boiler shall be equipped, maintained, operated with a ~~an~~ continuous oxygen trim system that maintains an optimum air to fuel ratio for each unit. Such system shall be installed upon initial start-up of the unit.

**[45CSR13, Permit No. R13-3111 (Condition 4.1.31.d), 45CSR34, 40 CFR §63.7575]**

e. Each boiler shall be designed or constructed with a maximum design heat input of no greater than 350 MMBtu/hr. Compliance with this limit for each boiler shall be satisfied by limiting the annual consumption of natural gas to 2,942.4 MM cubic feet, measured as a 12 month rolling total.

**[45CSR13, Permit No. R13-3111 (Condition 4.1.31.e)]**

6.1.2. The permittee shall conduct the initial tune-up and subsequent tune-ups for the boilers in accordance with the following timing and tune-up requirements:

a. The initial tune up for Boilers 16, 17, and 18 shall be completed no later than 61 months after initial start-up of each affected unit respectively.

**[45CSR13, Permit No. R13-3111 (Condition 4.1.4.b.2.a.), 45CSR34, 40 CFR §63.7510(g) & §63.7490(b)]**

b. Subsequent tune-ups for Boilers 16, 17, and 18 shall be completed no later than 61 months after the previous tune-up.

**[45CSR13, Permit No. R13-3111 (Condition 4.1.4.d.2.b.), 45CSR34, 40 CFR §63.7515(d) & §63.7540(a)(12)]**

- c. Each tune-up shall consist of the following:
- i. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (permittee may delay the burner inspection until the next scheduled unit shutdown). At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;
  - ii. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;
  - iii. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown);
  - iv. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, which includes the manufacturer's NO<sub>x</sub> concentration specification of 30 ppm;
  - v. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.

**[45CSR13, Permit No. R13-3111 (Condition 4.1.4e2.c), 45CSR34, 40 CFR §63.7500(a)(1), §63.7505(a), §63.7510(g), §63.7515(d), §63.7540(a)(10), §63.7540(a)(12), and Table 3 to Subpart DDDDD of Part 63—Work Practice Standards]**

- 6.1.3. **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 6.0 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 No. R13-3111 (Condition 4.1.73), 45CSR§13-5.11.]**

- 6.1.4. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.  
**[45CSR§2-3.1.]**

- 6.1.5. The Permittee shall not emit more than 31.5 lbs/hr of particulate matter from Boilers 16, 17, and 18 each.  
**[45 CSR§2-4.1.b.]**

- 6.1.6. The Permittee shall not emit more than 560 lbs/hr of sulfur dioxide from Boilers 16, 17, and 18 each.  
**[45 CSR§10-3.2.c.]**

## **6.2. Monitoring Requirements**

- 6.2.1. For Boilers 16, 17, and 18, the permittee shall install, operate, certify and maintain a continuous emission monitoring system (CEMS) for measuring NO<sub>x</sub>, and diluent gas (CO<sub>2</sub> or O<sub>2</sub>) from the exhaust of each boiler in accordance with the applicable Performance Specifications under Appendix B to Part 60 of Chapter 40 or a NO<sub>x</sub> CEMS that meets the requirements of Part 75 of Chapter 40 of the Code of Federal Regulations. A NO<sub>x</sub> CEMS installed, operated, maintained and continuing to meet the ongoing requirements of Part 75 of



the Chapter 40, may be used for the purpose of demonstrating compliance with the NO<sub>x</sub> in Condition 6.1.1.b, except that the permittee shall also meet the requirements of §60.49b. Such monitoring system shall include an automated data acquisition and handling system (DAHS). All required certification tests of the monitoring system for Boiler Nos. 16, 17, and 18 must be completed no later than 90 unit operating days or 180 calendar days (whichever is sooner) after initial start-up of each boiler.

The procedures under §60.13 shall be followed for installation, evaluation, and operation of the continuous monitoring systems. The span value for NO<sub>x</sub> shall be 500 ppm or the value determined according to Section 2.1.2. in Appendix A to Part 75 of Chapter 40.

The CEMS required under this condition shall be operated and data recorded during all periods of operation of the respective boiler except for CEMS breakdowns and repairs. Data is recorded during calibration checks, and zero and span adjustments.

The 1-hour average NO<sub>x</sub> emission rates measured by the continuous NO<sub>x</sub> monitor required by this condition and required under 40 CFR §60.13(h) shall be expressed in lb/MMBtu heat input and shall be used to calculate the average emission rates under item b of Condition 6.1.1. The 1-hour averages shall be calculated using the data points required under §60.13(h)(2).

When NO<sub>x</sub> emission data are not obtained because of CEMS breakdowns, repairs, calibration checks and zero and span adjustments, emission data will be obtained by using standby monitoring systems, Method 7 of appendix A of this part, Method 7A of Appendix A of this part, or other approved reference methods to provide emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of 30 successive steam generating unit operating days.

CEMS unit conforming to the specifications of 40 CFR Part 75 shall use unbiased, un-substituted data to demonstrate compliance with the limits as specified in this permit.

For purposes of calculating data averages, the permittee cannot use data recorded during periods of monitoring malfunctions, associated repairs, out-of-control periods, required quality assurance or control activities. The permittee must use all the data collected during all other periods in assessing compliance with the emission limit permitted in Condition 6.1.1.b. Any periods for which the monitoring system is out of control and data are not available for required calculations constitute a deviation from the monitoring requirements. Records of all data collected, calibrations, calibration checks, relative accuracy tests, maintenance performed, and malfunctions of the CEMS shall be maintained in accordance with Condition 3.4.2 of this permit.

**[45CSR13, Permit No. R13-3111 (Condition 4.2.32), 45CSR16, 40 CFR §§60.48b(b) through (f), 45 CSR §40-71, 40 CFR §§60.48b(b) through (f), and 40 CFR §75.20.]**

### 6.3. Testing Requirements

- 6.3.1. The purpose of this requirement is for the permittee to demonstrate initial compliance with the CO emission limit in Condition 6.1.1.a. Within 180 days after start-up and a satisfactory performance evaluation of the NO<sub>x</sub> CEMs, the permittee shall conduct initial performance testing for Boilers 16, 17, 18 to demonstrate initial compliance with the hourly CO rate in Condition 6.1.1.a. for each unit. The permittee shall conduct such testing at 90 percent or greater of each unit's maximum design heat input, in accordance with Test Method 10B from Appendix A to 40 CFR Part 60, and Condition 3.3.1. In the test report, the permittee shall include the NO<sub>x</sub> measurement from the NO<sub>x</sub> CEM for each test run of each test. Records of this testing shall be maintained in accordance with Condition 3.4.2.

**[45CSR13, Permit No. R13-3111 (Condition 4.3.1)]**

- 6.3.2. To determine initial compliance with the emission limits for NO<sub>x</sub> required under 40 CFR §60.44b and Condition 6.1.1.b, the permittee shall conduct the performance test for Boilers 16, 17, and 18 as required under 40 CFR §60.8 using the continuous system for monitoring NO<sub>x</sub> (NO<sub>x</sub> CEMS) under Condition 6.2.1. Such testing shall be conducted within 60 days after achieving the maximum production rate at which the affected unit will be operated, but not later than 180 days after initial startup of the boiler.

NO<sub>x</sub> emissions from the steam generating unit are to be monitored for 30 successive steam generating unit operating days and the 30-day average emission rate is used to determine compliance with the NO<sub>x</sub> emission standards under Condition 6.1.1.b. and 40 CFR §60.44b. The 30-day average emission rate is calculated as the average of all hourly emissions data recorded by the monitoring system during the 30-day test period. Such testing shall be conducted in accordance with Condition 3.3.1 and 40 CFR §60.46b. Records of this testing shall be maintained in accordance with Condition 3.4.2.

**[45CSR13, Permit No. R13-3111 (Condition 4.3.2), 45CSR16, 40 CFR §60.8, §§60.46b(c) & (e)(1)]**

#### **6.4. Recordkeeping Requirements**

- 6.4.1. **Record of Monitoring.** 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.

**[45CSR13, Permit No. R13-3111 (Condition 4.4.1)]**

- 6.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 6.0, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

**[45CSR13, Permit No. R13-3111 (Condition 4.4.2)]**

- 6.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 6.0, 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 No. R13-3111 (Condition 4.4.3)]**

6.4.4. The permittee shall keep the following records in accordance with 40CFR§63.7555. This includes but is not limited to the following information during the tune-up as required in Condition 6.1.2. and 40 CFR §63.7540:

- a. The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater. During the tune-up, concentrations of NO<sub>x</sub> from the CEMS of the unit shall be included; and
- b. A description of any corrective actions taken as a part of the tune-up.

**[45CSR13, Permit No. R13-3111 (Condition 4.4.4), 45CSR34, 40 CFR §§63.7540(a)(10)(vi)(A) and (B) & (a)(12), and 63.7555]**

6.4.5. The permittee shall maintain records of the following information for each steam generating unit operating day of Boilers 16, 17, and 18:

- a. Calendar date;
- b. The average hourly NO<sub>x</sub> emission rates (expressed as NO<sub>2</sub>) (lb/MMBtu heat input) measured or predicted;
- c. The 30-day average NO<sub>x</sub> emission rates (lb/MMBtu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days;
- d. Identification of the steam generating unit operating days when the calculated 30-day average NO<sub>x</sub> emission rates are in excess of the NO<sub>x</sub> emissions standards under §60.44b, with the reasons for such excess emissions as well as a description of corrective actions taken;
- e. Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken;
- f. Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data;
- g. Identification of “F” factor used for calculations, method of determination, and type of fuel combusted;
- h. Identification of the times when the pollutant concentration exceeded full span of the CEMS;
- i. Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with Performance Specification 2 or 3; and

- j. Results of daily CEMS drift tests and quarterly accuracy assessments as required under appendix F, Procedure 1 of Part 60.

Such records shall be maintained in accordance with Condition 3.4.2 of this permit.  
[45CSR13, Permit No. R13-3111 (Condition 4.4.5), 45CSR16, 40 CFR §60.49b(g)]

- 6.4.6. The permittee shall record and maintain records of the amount of natural gas consumed by Boilers 16, 17, and 18 during each day and calculate the annual capacity factor for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity calculated at the end of each calendar month. Such records shall be maintained in accordance with Condition 3.4.2 of this permit.  
[45CSR13, Permit No. R13-3111 (Condition 4.2.21), 45CSR16, 45CSR§2A-7.1.a.1, 40 CFR §60.49b(d)(1)]

## 6.5. Reporting Requirements

- 6.5.1. The permittee shall submit an “Initial Notification” to the Director of the initial start-up of Boilers 16, 17, and 18 within 15 days after the actual date of start-up. This Initial Notification supersedes the notification requirements of Condition 2.19.1.  
[45CSR13, Permit No. R13-3111 (Condition 4.5.2), 45CSR16, 45CSR34, 40CFR§63.7545(c) & 40 CFR §60.49b(a), §60.7 ]

- 6.5.2. The permittee shall submit “5-year Compliance Reports” for the Boilers 16, 17, and 18 electronically using CEDRI that is accessed through the EPA’s Center Data Exchange (CDX) ([www.epa.gov/cdx](http://www.epa.gov/cdx)). However, if the reporting form for this report is not available in CEDRI at the time the report is due, the permittee shall submit the report to the Administrator and Director using the addresses listed in Condition 3.5.3. The first compliance report shall be submitted no later than five years after the initial start-up of the unit and the first date ending on January 31. Subsequent reports shall be submitted once every five years afterwards. Such reports shall contain the information specified in 40 CFR §§63.7550(c)(5)(i) through ~~(iviii)~~, and (xiv) and ~~(xvii)~~ which are:

- a. Permittee and facility name, and address;
- b. Process unit information, emission limitations, and operating limitations;
- c. Date of report and beginning and ending dates of the reporting period;
- ~~d. The total operating time during the reporting period of each affected unit;~~
- ~~e.~~ d. Include the date of the most recent tune-up for each boiler; and
- ~~f.~~ e. Include the date of the most recent burner inspection if it was not done annually on a five-year frequency and was delayed until the next scheduled or unscheduled unit shutdown.
- f. Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report

The permittee shall maintain records of such reports in accordance with Condition 3.4.2.  
[45CSR13, Permit No. R13-3111 (Condition 4.5.43), 45CSR34, 40CFR §§63.7550(b), (b)(1), (c)(1), & (c)(5)(i) though ~~(iviii)~~, and (xiv), and ~~(xvii)~~, and (h)(3)]

- 6.5.3. The permittee shall submit to the Director within 60 days of completion of NO<sub>x</sub> CEMS performance evaluation for Boilers 16, 17, and 18 two copies of the performance evaluation report for each unit ~~to satisfy~~

~~Part 60 notification requirements for certifying the NO<sub>x</sub> CEMS.~~ A copy of the NO<sub>x</sub> CMS Certification Application required by 45 CSR §40-74.3 and 40 CFR §75.63(a)(1) provisions shall be submitted to the Administrator and Director within 45 days of completion of all CEM certification tests, which shall include the information as prescribed in 40 CFR §75.63(b).

**[45CSR13, Permit No. R13-3111 (Condition 4.5.54), 45CSR16, 45 CSR §40-73.1., 45 CSR §40-74.3, 40 CFR §60.13(c)(2), 40 CFR §60.49b(b), and 40 CFR §75.63(a)(1)]**

- 6.5.4. The permittee shall submit semiannual and annual reports to the Director for Boilers 16, 17, and 18. The reporting period for these reports shall be January 1<sup>st</sup> through June 30<sup>th</sup> and July 1<sup>st</sup> through December 31<sup>st</sup>. Such reports shall be submitted with the facility's Title V Compliance Report. These reports shall contain the recorded information as required in Condition 6.4.5.

**[45CSR13, Permit No. R13-3111 (Condition 4.5.65), 45CSR16, 40 CFR §§60.49b(g), (i), & (w)]**

- 6.5.5. The permittee shall submit a "Notification of Compliance Status" for boiler Nos. 16, 17, and 18 to the Director before the close of business on the sixtieth (60<sup>th</sup>) day after completion of the initial compliance demonstration as required in Condition 6.1.2. Such "Notification of Compliance Status" shall be in accordance with 40 CFR §63.9(h)(2)(ii) and contain the information specified in 40 CFR §§63.7545(e)(1) and (8), which includes a statement that the initial tune-up for each boiler was completed.

**[45CSR13, Permit No. R13-3111 (Condition 4.5.1), 45CSR34, 40 CFR §63.7545(e)]**

## **6.6. Compliance Plan**

N/A