

Permit to Modify



R13-0772N

This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45 C.S.R. 13 — Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation. The permittee identified at the facility listed below is authorized to construct the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:
Eastern Associated Coal, LLC
Rocklick Complex
005-00021



William F. Durham
Director

This permit will supercede and replace Permit R13-0772L approved on May 10, 2012.

Application R13-0772M was received on May 17, 2013, but it was not eligible for a Class I administrative update as it was submitted. Application R13-0772M was withdrawn on July 16, 2013.

Facility Location: Bald Knob, Boone County, West Virginia
Mailing Address: P.O. Box 1233, Charleston, WV 25324
Facility Description: Wet Wash Coal Preparation Plant
SIC Codes: 1221 (Bituminous Coal & Lignite - Surface)
1222 (Bituminous Coal & Lignite - Underground)
NAICS Codes: 212111 (Bituminous Coal and Lignite Surface Mining)
212112 (Bituminous Coal Underground Mining)
UTM Coordinates: 446.64 km Easting • 4184.61 km Northing • Zone 17
Permit Type: Class II administrative update
Description of Change: After-the-fact Class II administrative update to do the following: add raw coal conveyor C-H17 and bin B-R7; modify raw coal conveyors C-H15 and C-H16, which were permitted in 2008 but not constructed until 2012 and add new raw coal conveyor C-H18; remove previously permitted, but never installed, raw coal stockpile OS-H9, refuse stockpile OS-R18, raw coal screen SC-R3, clean coal conveyor C-R21 and raw coal conveyor C-R37.

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.

The permit does not affect 45CSR30 applicability. This source continues to be a nonmajor source subject to 45CSR30.

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1.0 Emission Units

Equipment ID No.	Date of Construction, Reconstruction or Modification ¹	Description	Maximum Capacity		Control Equipment ²
			TPH	TPY	
Harris Raw Coal Circuit					
C-H17 (102S)	C 2012	Belt Conveyor - receives raw coal from the Black Oak Mine Belt and transfers it to C-H15	3,600	17,600,000	PE
B-R7 (101S)	C 2012	Surge Bin - 200 ton capacity - receives raw coal from C-H17, temporarily stores it and then feeds it onto C-H15	3,600 in 2,200 out	17,600,000 in 12,000,000 out	FE
C-H15 (99S)	C 2012*	Belt Conveyor - receives raw coal from C-H17 and transfers it to B-R7 (*Permitted in 2008, but not constructed until February 2012)	2,200	12,000,000	PE
C-H16 (100S)	C 2012*	Belt Conveyor - receives raw coal from C-H15 and transfers it to C-H18 (*Permitted in 2008, but not constructed until February 2012)	2,200	12,000,000	PE
C-H18 (103S)	C 2012	Belt Conveyor - receives raw coal from C-H16 and transfers it to OS-H1 or C-R14 (see below)	2,200	12,000,000	PE
OS-H1 (32S)	1993	Raw Coal Stockpile with Stacking Tube (50,700 sq-ft/120,000 tons) - receives raw coal from C-H18, stores it and then it is reclaimed via underground feeders to C-H1	4,000 in 800 out	7,000,000	N
C-H1 (30S)	1993	Raw Coal Stockpile Reclaim Conveyor - receives raw coal from OS-H1 and transfers it to RB-H1 (see Harris Preparation Plant - Grandfathered Raw Coal Circuit below)	800	7,000,000	PE
C-R14 (36S)	1997	Raw Coal Shuttle Conveyor No. 1 - receives raw coal from the C-H18 and transfers it to OS-H1	4,000	12,000,000	PE
OS-R13 (70S)	1997	Raw Coal Stockpile with Stacking Tube (30,700 sq-ft/40,000 tons) - receives raw coal from C-R14, stores it and then it is reclaimed via underground feeders to C-R15	4,000 in 1,400 out	12,000,000	N
C-R15 (37S)	1997	Raw Coal Screening Tower Feed Conveyor - receives raw coal from OS-R7 and OS-R13 and transfers it to CR-R2	1,400	12,000,000	PE
CR-R2 (50S)	2007	Raw Coal Sizing Crusher (Retired in place, coal passes through only) - receives raw coal from C-R15 and the magnet discharge chute drops to OS-R15 while the rest drops to C-R16	1,400	12,000,000	FE
OS-R15 (82S)	2002	Refuse/Overburden Stockpile (743 sq-ft/100 tons) - receives refuse from the magnet discharge chute, stores it and it is reclaimed via front end loader to trucks	1,400 in	500,000	N
C-R16 (38S)	1997	Raw Coal Transfer Conveyor to Underground Conveyor - receives raw coal from CR-R2 and transfers it to C-R17	1,400	12,000,000	PE
C-R17 (39S)	1997	Underground Conveyor - two way reversing conveyor receives raw coal from C-R16 and transfers it to Rocklick OS-R5 or it receives clean coal from Rocklick C-R19 and transfers it to Harris C-R20	1,400	12,000,000	PE
Harris Clean Coal Circuit					
C-R20 (42S)	1997	Clean Coal Transfer Conveyor No. 2 - receives clean coal from C-R17 and transfers it to C-R22	1,400	8,000,000	PE
C-R22 (44S)	1997	Clean Coal Transfer Conveyor No. 4 - receives raw and clean coal from C-R20 and transfers it to OS-R8 or C-R23	1,400	8,000,000	PE
OS-R8 (47S)	1993	Clean Coal Stockpile with Stacking Tube (78,000 sq-ft/112,000 tons) - receives clean coal from C-R22, stores it and then it is reclaimed via underground feeders to C-H11 or to Kopperston for loadout	1,400	8,000,000	N
C-R23 (45S)	1997	Clean Coal Shuttle Conveyor No. 1 - receives clean coal from C-R22 and transfers it to OS-R14	1,400	8,000,000	PE
OS-R14 (80S)	1993	Clean Coal Stockpile with Stacking Tube (78,000 sq-ft/112,000 tons) - receives clean coal from C-R23, stores it and then it is reclaimed via underground feeders to Kopperston for loadout	1,400	8,000,000	N
Winifrede Raw Coal Handling Facility - Truck, Colony Bay and Winifrede 14 Mine					
RCTD-2 (93S)	2005	Raw Coal Truck Dump - receives raw coal from trucks and drops it to C-R34A	600	5,200,000	PE

Equip-ment ID No.	Date of Construction, Reconstruction or Modification ¹	Description	Maximum Capacity		Control Equip-ment ²
			TPH	TPY	
C-R34A (94S)	2005	Truck Dump (RCTD-2) Conveyor - receives raw coal from RCTD-2 and transfers it to C-R34	600	5,200,000	PE
C-R34 (62S)	2005	Mine 13 Conveyor - receives raw coal from CR-34A and transfers it to OS-R9	600	5,200,000	PE
OS-R9 (64S)	1999	Raw Coal Stockpile with Stacking Tube (50,000 sq-ft/60,000 tons) - receives raw coal from C-R34, stores it and then it is reclaimed via underground feeders to C-R24	600 in 1,200 out	5,200,000	N
OS-R16 (86S)	2005 or after*	Winifrede Raw Coal Stockpile (32,854 sq-ft/20,000 tons) - receives raw coal from the Colony Bay (G10-B045A, ID# 005-00074), stores it and then it is reclaimed via underground feeders to C-R24 (*Permitted in 2002, but not constructed until after 2005)	600 in 1,200 out	5,200,000	N
OS-R10 (65S)	2004	Winifrede 14 Stockpile (50,000 sq-ft/60,000 tons) - Originally received raw coal from the Winifrede 14 Mine which was shut down in 2003. Now can receive raw coal from trucks, store it and then it is reclaimed via underground feeders to C-R24 or C-R35. According to a note on the PFD, it is only used in case of emergency or breakdown situations of the Winifrede Conveyor System.	600 in 1,200 out	5,200,000	N
C-R35 (63S)	2004	Truck Bin Reclaim Conveyor - receives raw coal from OS-R10 and transfers it to B-R6. According to a note on the PFD, it is only used in case of emergency or breakdown situations of the Winifrede Conveyor System.	1,000	5,200,000	PE
B-R6 (68S)	2004	Winifrede Loadout Bin (40 tons) - receives raw coal from C-R35 and loads to trucks. According to a note on the PFD, it is only used in case of emergency or breakdown situations of the Winifrede Conveyor System.	1,000 in	5,200,000	FE
C-R24 (52S)	2005	Reclaim Conveyor - receives raw coal from OS-R9, OS-R16 and OS-R10 and transfers it to OS-R12 or C-R25	1,200	9,000,000	PE
OS-R12 (67S)	1999	Emergency Stockpile (3000 sq-ft/5000 tons) - receives raw coal from C-R24 and it is reclaimed via front end loader to trucks	1,000	5,200,000	N
C-R25 (53S)	2005	Transfer Conveyor No. 1 - receives raw coal from C-R24 and transfers it to CR-W1	1,200	9,000,000	PE
CR-W1 (88S)	2005	Inline Feeder Crusher - receives raw coal from C-R25, crushes it and then it drops to C-R26	1,200	9,000,000	FE
C-R26 (54S)	2005	Transfer Conveyor No. 2 - receives sized raw coal from CR-W1 and transfers it to C-R27	1,200	9,000,000	PE
C-R27 (55S)	2005	Transfer Conveyor No. 3 - receives sized raw coal from C-R26 and transfers it to C-R29	1,200	9,000,000	PE
Winifrede Raw Coal Handling Facility - Winifrede 13A Mine					
C-R28 (56S)	1999	Winifrede 13A Conveyor - receives raw coal from the Winifrede 13A Mine and transfers it to C-R38	600	5,200,000	PE
C-R38 (81S)	2002	Winifrede 13A Conveyor - receives raw coal from C-R28 and transfers it to OS-R11	600	5,200,000	PE
OS-R11 (66S)	1999	Winifrede 13A Stockpile (65,000 sq-ft/70,000 tons) - receives raw coal from C-R38 and it is reclaimed via a dozer to underpile reclaim feeders to C-R29	600	5,200,000	N
C-R29 (57S)	2005	Transfer Conveyor No. 4 - receives raw coal from OS-R11 and C-R27 and transfers it to C-R30	1,200	9,000,000	PE
C-R30 (58S)	2005	Transfer Conveyor No. 6 - receives raw coal from C-R29 and transfers it to C-R31	1,200	9,000,000	FE
C-R31 (59S)	2005	Transfer Conveyor No. 7 - receives raw coal from C-R30 and transfers it to C-R32	1,200	9,000,000	PE
RCTD-1 (92S)	Not Constructed*	Raw Coal Truck Dump - receives raw coal from trucks and drops through and enclosed chute to C-R32 (*Permitted in 2002, but not yet constructed as of November 2011)	600	720,000	PE
C-R32 (60S)	2005	Transfer Conveyor No. 8 - receives raw coal from RCTD-1 and C-R31 and transfers it to C-R33	1,200	9,000,000	PE
C-R33 (61S)	2005	Transfer Conveyor No. 9 - receives raw coal from C-R32 and transfers it to Rocklick OS-R2 or C-R39	1,200	9,000,000	PE
Rocklick Preparation Plant - Raw Coal Circuit					

Equipment ID No.	Date of Construction, Reconstruction or Modification ¹	Description	Maximum Capacity		Control Equipment ²
			TPH	TPY	
C-R17 (39S)	1997	Underground Conveyor - two way conveyor receives raw coal from C-R16 and transfers it to Harris C-R20 or Rocklick OS-R5 or it receives clean coal from Rocklick C-R19 and transfers it to Harris C-R20	1,400	12,000,000	PE
OS-R5 (48S)	2005	Raw Coal Stockpile (31,541 sq-ft/30,000 tons) - receives raw coal from Harris on C-R17 and trucks via a 60' highwall dump and it is reclaimed via underpile reclaim feeders to C-R3	1,400	12,000,000	N
B-R1 (22S)	1997	Truck Dump Hopper (100 tons) - receives raw coal from trucks and drops it to C-R1	1,400	12,000,000	PE
C-R1 (1S)	2005	R.O.M. Storage Conveyor - receives raw coal from B-R1 and transfers it to OS-R1	1,400	12,000,000	PE
C-R39 (83S)	Not Constructed*	Raw Coal Bypass Conveyor - receives raw coal from Winifrede C-R33 and transfers it to OS-R1 (*Permitted in 2002, but not yet constructed as of November 2011)	1,000	1,500,000	PE
OS-R1 (14S)	1997	Raw Coal Stockpile (25,300 sq-ft/20,000 tons) - receives raw coal from C-R1 or C-R39, stores it and then it is reclaimed via underpile reclaim feeders to C-R3	2,400	12,200,000	N
B-R2 (23S)	1997	Truck Dump Hopper (100 tons) - receives raw coal from trucks and drops it to C-R2	1,400	12,000,000	PE
C-R2 (2S)	1997	R.O.M. Storage Conveyor - receives raw coal from B-R2 and transfers it to OS-R2	1,400	12,000,000	PE
OS-R2 (15S)	1997	Raw Coal Stockpile (25,300 sq-ft/20,000 tons) - receives raw coal from C-R2 and Winifrede C-R33, stores it and then it is reclaimed via underpile reclaim feeders to C-R3	2,400	12,200,000	N
C-R3 (3S)	2005	Raw Coal Stockpile Reclaim Conveyor - receives raw coal from OS-R1, OS-R2 and OS-R5 and transfers it to C-R40 or SC-R1	3,200	14,000,000	PE
C-R40 (84S)	Not Constructed*	Raw Coal Bypass Conveyor - receives raw coal from C-R3 and transfers it to CR-R1 (*Permitted in 2002, but not yet constructed as of November 2011)	1,800	1,500,000	PE
CR-R1 (19S)	Not Constructed*	Raw Coal Bypass Crusher - receives raw coal from C-R40, crushes it and drops to C-R41 (*Permitted in 2002, but not yet constructed as of November 2011)	1,800	1,500,000	FE
C-R41 (85S)	Not Constructed*	Raw Coal Bypass Conveyor - receives raw coal from C-R1 and transfers it to C-R9 (*Permitted in 2002, but not yet constructed as of November 2011)	1,800	1,500,000	PE
SC-R1 (20S)	2005	Raw Coal Vibrating Screen - receives raw coal from C-R3, classifies it and the oversize drops to RB-R1 while the undersize drops to C-R4	3,200	14,000,000	FE/WS
RB-R1 (18S)	2005	Rotary Breaker - receives oversize raw coal from SC-R1, crushes it and drops to C-R4 while reject drops to C-R5	1,200	4,200,000	FE
C-R5 (5S)	2005	Breaker Reject Conveyor - receives reject from RB-B1 and transfers it to C-R6 (see Rocklick Preparation Plant - Refuse Circuit below)	600	360,000	PE
C-R4 (4S)	2005	Plant Feed Conveyor - receives sized raw coal from SC-R1 and RB-R1 and transfers it to SC-R2C	3,200	14,000,000	PE
SC-R2C (21S)	2005	Raw Coal Vibrating Bypass Screen - receives sized raw coal from C-R4, classifies it and the oversize drops to RB-R1 while the undersize drops to C-R8	1,000	2,400,000	PE
C-R8 (8S)	2005	Plant Bypass Conveyor - receives sized raw coal from SC-R2C and transfers it to C-R9	1,000	2,400,000	FE
Rocklick Preparation Plant - Clean Coal Circuit					
B-R6 (102S)	C 1993 *	Magnetite Bin - receives magnetite pneumatically loaded from trucks (transfer controlled with a filter vent with 80% control efficiency), stores it and then introduces it into the wet wash circuit (*Constructed in 1993, but not included in a permit until 2012)	50	3,000	FE, FV
C-R9A (101S)	C 1993 *	Clean Coal Collection Conveyor - receives clean coal from the wet wash circuit and transfers it to C-R9 (*Constructed in 1993, but not included in a permit until 2012)	3,200	8,000,000	FE
C-R9 (9S)	1997	Clean Coal Collection Conveyor - receives sized raw coal from C-R8 and C-R41, clean coal from C-R9A and clean coal directly from the wet wash circuit and transfers it to C-R10	3,200	8,000,000	PE

Equip- ment ID No.	Date of Construction, Reconstruction or Modification ¹	Description	Maximum Capacity		Control Equip- ment ²
			TPH	TPY	
C-R10 (10S)	1997	Clean Coal Stockpile Feed Conveyor - receives sized raw coal and clean coal from C-R9 and transfers it to OS-R3 or C-R11	3,200	8,000,000	PE
OS-R3 (16S)	1997	Clean Coal Stockpile with Stacking Tube (66,700 sq-ft/50,000 tons) - receives sized raw coal and clean coal from C-R10, stores it and then it is reclaimed via underpile reclaim feeders to C-R12	4,000	8,000,000	N
C-R11 (11S)	1997	Clean Coal Transfer Conveyor - receives sized raw coal and clean coal from C-R10 and transfers it to OS-R4 or C-R18	3,200	8,000,000	PE
OS-R4 (17S)	1997	Clean Coal Stockpile with Stacking Tube (66,700 sq-ft/50,000 tons) - receives sized raw coal and clean coal from C-R11, stores it and then it is reclaimed via underpile reclaim feeders to C-R12	4,000	8,000,000	N
C-R18 (40S)	1997	Clean Coal Shuttle Conveyor - receives sized raw coal and clean coal from C-R11 and transfers it to OS-R6	3,200	8,000,000	PE
OS-R6 (49S)	1997	Clean Coal Stockpile with Stacking Tube (66,700 sq-ft/50,000 tons) - receives sized raw coal and clean coal from C-R18, stores it and then it is reclaimed via underpile reclaim feeders to C-R12	4,000	8,000,000	N
C-R12 (12S)	1997	Clean Coal Stockpile Reclaim Conveyor - receives sized raw coal and clean coal from OS-R3, OS-R4 and OS-R6 and transfers it to C-R13 or C-R19	4,000	8,000,000	PE
C-R13 (13S)	1997	Clean Coal Loadout Conveyor - receives sized raw coal and clean coal from C-R12 and transfers it to B-R5	4,000	8,000,000	PE
B-R5 (26S)	1997	Clean Coal Loadout Bin to Batch Weigh Train Loadout (300 tons) - receives sized raw coal and clean coal from C-R13 and loads it to rail cars	4,000	8,000,000	FE
C-R19 (41S)	1997	Clean Coal Transfer Conveyor No. 1 to Underground Conveyor - receives sized raw coal and clean coal from C-R12 and transfers it to C-R17 (see Rocklick Preparation Plant - Raw Coal Circuit above)	1,400	8,000,000	PE
Rocklick Preparation Plant - Refuse Circuit					
C-R7 (7S)	2005	Wet Wash Refuse Conveyor - receives refuse from the wet wash process and transfers it to C-R6	1,200	6,000,000	PE
C-R36 (74S)	2005	Wet Wash Refuse Conveyor - receives refuse from the wet wash process and transfers it to C-R6	1,200	6,000,000	PE
C-R6 (6S)	2005	Refuse Conveyor - receives refuse from C-R7, C-R36 and C-R5 and transfers it to C-R37	1,200	6,000,000	PE
C-R37 (95S)	2005	Refuse Conveyor - receives refuse from C-R6 and transfers it to C-R42	1,200	6,000,000	PE
C-R42 (96S)	2005	Refuse Conveyor - receives refuse from C-R37 and transfers it to B-R3	1,200	6,000,000	PE
B-R3 (24S)	2005	Refuse Truck Loadout Bin (400 tons) - receives refuse from C-R42 and loads it to trucks	1,200	6,000,000	FE

¹ In accordance with 40 CFR 60 Subpart Y, coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified on or before April 28, 2008 shall not discharge gases which exhibit 20 percent opacity or greater. In accordance with 40 CFR 60 Subpart Y, coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified after April 28, 2008 shall not discharge gases which exhibit 10 percent opacity or greater.

² Control Device Abbreviations: FE - Full Enclosure; PE - Partial Enclosure; WS - Water Sprays; and N - None.

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 (45 CSR § 30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

2.2. Acronyms

CAAA	Clean Air Act Amendments		in diameter
CBI	Confidential Business Information	PM₁₀	Particulate Matter less than 10µm
CEM	Continuous Emission Monitor		in diameter
CES	Certified Emission Statement	Ppb	Pounds per Batch
C.F.R. or CFR	Code of Federal Regulations	pph	Pounds per Hour
CO	Carbon Monoxide	ppm	Parts per Million
C.S.R. or CSR	Codes of State Rules	Ppmv or ppmv	Parts per million by volume
DAQ	Division of Air Quality	PSD	Prevention of Significant Deterioration
DEP	Department of Environmental Protection		
dscm	Dry Standard Cubic Meter	psi	Pounds per Square Inch
FOIA	Freedom of Information Act	SIC	Standard Industrial Classification
HAP	Hazardous Air Pollutant	SIP	State Implementation Plan
HON	Hazardous Organic NESHAP	SO₂	Sulfur Dioxide
HP	Horsepower	TAP	Toxic Air Pollutant
lbs/hr	Pounds per Hour	TPY	Tons per Year
LDAR	Leak Detection and Repair	TRS	Total Reduced Sulfur
M	Thousand	TSP	Total Suspended Particulate
MACT	Maximum Achievable Control Technology	USEPA	United States Environmental Protection Agency
MDHI	Maximum Design Heat Input	UTM	Universal Transverse Mercator
MM	Million	VEE	Visual Emissions Evaluation
MMBtu/hr or mmbtu/hr	Million British Thermal Units per Hour	VOC	Volatile Organic Compounds
MMCF/hr or mmcf/hr	Million Cubic Feet per Hour	VOL	Volatile Organic Liquids
NA	Not Applicable		
NAAQS	National Ambient Air Quality Standards		
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		
NSPS	New Source Performance Standards		
PM	Particulate Matter		
PM_{2.5}	Particulate Matter less than 2.5µm		

2.3. Authority

This permit is issued in accordance with West Virginia Air Pollution Control Law W.Va. Code §§22-5-1 et seq. and the following Legislative Rules promulgated thereunder:

- 2.3.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation;*

2.4. Term and Renewal

- 2.4.1. This permit supercedes and replaces previously issued Permits R13-0772L approved on May 10, 2012. This permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any applicable legislative rule.

2.5. Duty to Comply

- 2.5.1. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Applications R13-0772N, R13-0772L, R13-0772K, R13-0772J, R13-0772I, R13-0772H, R13-0772G, R13-0772F, R13-0772D, R13-0772C, R13-0772B, R13-0772A and R13-0772 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;
[45CSR§13-5.11 and 13-10.3]
- 2.5.2. 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;
- 2.5.3. Violations of any of the conditions contained in this permit, or incorporated herein by reference, may subject the permittee to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7;
- 2.5.4. Approval of this permit does not relieve the permittee herein of the responsibility to apply for and obtain all other permits, licenses and/or approvals from other agencies; i.e., local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.6. Duty to Provide Information

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 administratively updating, modifying, revoking or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records 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.

2.7. Duty to Supplement and Correct Information

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.

2.8. Administrative Update

The permittee may request an administrative update to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-4]

2.9. Permit Modification

The permittee may request a minor modification to this permit as defined in and according to the procedures specified in 45CSR13.

[45CSR§13-5.4.]

2.10. Major Permit Modification

The permittee may request a major modification to this permit as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§14-7 or 45CSR§19-14]

2.11. Inspection and Entry

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.

2.12. Emergency

- 2.12.1. An "emergency" means any situation arising from sudden and reasonable 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.
- 2.12.2. 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 Section 2.12.3 of this permit are not met.
- 2.12.3. 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. 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 must contain a detailed description of the emergency, any steps taken to mitigate emission, and corrective actions taken.

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

2.12.5. The provisions of this section are in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Need to Halt or Reduce Activity Not a Defense

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

2.14. Suspension of Activities

In the event the permittee should deem it necessary to suspend, for a period in excess of sixty (60) consecutive calendar days, the operations authorized by this permit, 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.

2.15. Property Rights

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

2.16. Severability

The provisions of this permit are severable and should any provision(s) be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.

2.17. Transferability

This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13.
[45CSR§13-10.1]

2.18. Notification Requirements

The permittee shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.19. Credible Evidence

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 defense otherwise available to the permittee including, but not limited to, any challenge to the credible evidence rule in the context of any future proceeding.

3.0. Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person, firm, corporation, association or public agency is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, 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.
[40CFR§61.145(b) and 45CSR§34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one 12-month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown.
[45CSR§13-10.5.]
- 3.1.6. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11.
[45CSR§11-5.2.]

3.2. Monitoring Requirements

[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 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4 or 45CSR§13-5.4 as applicable.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
[WV Code § 22-5-4(a)(15)]
- d. The permittee shall submit a report of the results of the stack test within sixty (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; and,
 3. A statement of compliance or noncompliance with each permit or rule condition.[WV Code § 22-5-4(a)(14-15) and 45CSR13]

3.4. Recordkeeping Requirements

- 3.4.1. **Retention of records.** The permittee shall maintain records of all information (including monitoring data, support information, reports and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. At a minimum, the most recent two (2) years of data shall be maintained on site. The remaining three (3) years of data may be maintained off site, but must remain accessible within a reasonable time. Where appropriate, the permittee may maintain records electronically (on a computer, on computer floppy disks, CDs, DVDs, or magnetic tape disks), on microfilm, or on microfiche.

- 3.4.2. **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§4. *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.
- 3.5.2. **Confidential information.** A permittee may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.5.3. **Correspondence.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street, SE
Charleston, WV 25304-2345

If to the USEPA:

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. **Operating Fee.**

- 3.5.4.1. In accordance with 45CSR30—Operating Permit Program, the permittee shall submit a Certified Emissions Statement (CES) and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.
- 3.5.5. **Emission inventory.** At such time(s) as the Secretary may designate, the permittee herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the Division of Air Quality. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

- 4.1.1. Compliance with all annual throughput limits (i.e. tons per year or TPY) shall be determined using a 12 month rolling total. For example, a 12 month rolling total shall mean the sum of raw coal received at any given time for the previous twelve (12) consecutive calendar months.
- 4.1.2. The maximum quantity of raw coal transferred from the Winifrede Conveyor Belt System to the Rocklick Preparation Plant via conveyor C-R33 shall not exceed 1,200 tons per hour (TPH) or 9,000,000 tons per year (TPY).
- 4.1.3. The maximum quantity of raw coal transferred to the Rocklick Preparation Plant or clean coal transferred to the Harris Preparation Plant storage area (OS-R8 or OS-R14) via the reversing underground conveyor C-R17 shall not exceed 1,400 TPH and 8,000,000 TPY.
- 4.1.4. The maximum quantity of raw coal processed through the Rocklick Preparation Plant via conveyor C-R4 shall not exceed 3,200 TPH and 14,000,000 TPY.
- 4.1.5. The maximum quantity of clean coal shipped from the Rocklick Preparation Plant train loadout via conveyor C-R13 and loadout bin B-R5 shall not exceed 4,000 TPH and 8,000,000 TPY.
- 4.1.6. The maximum quantity of refuse shipped from the Rocklick Preparation Plant via refuse conveyor C-R6 shall not exceed 1,000 TPH and 6,000,000 TPY.
- 4.1.7. The permittee shall maintain a water truck 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 spraybar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated. The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

The permittee shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain functional during winter months and cold weather.

- 4.1.8. **Opacity Limit.** No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.
[45CSR§5-3.4]
- 4.1.9. **Fugitive Dust Control System.** 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.
[45CSR§5-6.1]
- 4.1.10. **Dust Control.** 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.
[45CSR§5-6.2]

- 4.1.11. **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 of this permit and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR§13-5.11.]
- 4.1.12. **Opacity Limit for Magnetite Handling/Processing Operations.** No person shall not cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 3.2, 3.3, 3.4, 3.5, 3.6, and 3.7.
[45CSR§7-3.1]
- 4.1.13. **Opacity Limit for Magnetite Handling/Processing Operations.** The provisions of subsection 3.1 shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period.
[45CSR§7-3.2]
- 4.1.14. **Magnetite Handling/Processing Operations.** No person shall not cause, suffer, allow or permit visible emissions from any storage structure(s) associated with any manufacturing process(es) that pursuant to subsection 5.1 is required to have a full enclosure and be equipped with a particulate matter control device.
[45CSR§7-3.7]
- 4.1.15. **Magnetite Handling/Processing Operations.** No person shall cause, suffer, allow or permit any manufacturing process or storage structure generating fugitive particulate matter to operate that is not equipped with a system, which may include, but not be limited to, process equipment design, control equipment design or operation and maintenance procedures, to minimize the emissions of fugitive particulate matter. To minimize means such system shall be installed, maintained and operated to ensure the lowest fugitive particulate matter emissions reasonably achievable.
[45CSR§7-5.1]
- 4.1.16. **Magnetite Handling/Processing Operations.** The owner or operator of a plant shall maintain particulate matter control of the plant premises, and plant owned, leased or controlled access roads, by paving, application of asphalt, chemical dust suppressants or other suitable dust control measures. Good operating practices shall be implemented and when necessary particulate matter suppressants shall be applied in relation to stockpiling and general material handling to minimize particulate matter generation and atmospheric entrainment.
[45CSR§7-5.2]
- 4.1.17. **Minimizing Emissions.** At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.
[40CFR§60.11(d)]
- 4.1.18. **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.

[40CFR§60.254(a)]

- 4.1.19. **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 this section.

[40CFR§60.254(b)]

- (1) Except as provided in paragraph (b)(3) of this section, 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)]

- (2) The owner or operator must not cause to be discharged into the atmosphere from any mechanical vent on an affected facility gases which contain particulate matter in excess of 0.023 g/dscm (0.010 gr/dscf).

[40CFR§60.254(b)(2)]

- (3) 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 this section.

[40CFR§60.254(b)(3)]

4.2. Monitoring Requirements

- 4.2.1. For the purpose of determining compliance with the maximum throughput limits set forth in 4.1.2 thru 4.1.6., the permittee shall maintain certified monthly and annual records of the amount of coal processed, utilizing the form identified as Appendix A. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

- 4.2.2. For the purposes of determining compliance with water truck usage set forth in 4.1.7, the permittee shall monitor water truck activity and maintain certified monthly and annual records, utilizing the forms identified as Appendix B. Such records shall be retained onsite by the permittee for at least five (5) years. Certified records shall be made available to the Director or his duly authorized representative upon request.

- 4.2.3. For the purpose of determining compliance with the opacity limits of 45CSR5 and 40 CFR 60 Subpart Y for affected sources constructed, reconstructed, or modified after October 27, 1974 but on or before April 28, 2008, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

Visible emission checks shall be conducted at least once each calendar week. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of facility operation and appropriate weather conditions.

If visible emissions are present at a source(s) for four (4) consecutive weekly checks, the permittee shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check. A Method 9 observation at a source(s) restarts the count of the number of consecutive readings with the presence of visible emissions.

4.3. Testing Requirements

- 4.3.1. Tests to determine compliance with the visible emission limitations of sections 3 and 6 shall be conducted by certified visible emission observers with Method 9 of 40 CFR Part 60, Appendix A.
[45CSR§5-12.4.]
- 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 this part, 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).
[40CFR§60.8(a)]
- 4.3.3. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part. 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).
[40CFR§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 performance tests required by §60.8 to demonstrate compliance with the applicable emission standards using the methods identified in §60.257.
[40CFR§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 this section.
[40CFR§60.255(b)]
- (1) For each affected facility subject to a PM, SO₂, or combined NO_x and CO emissions standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (b)(1)(i) through (iii) of this section, as applicable.
[40CFR§60.255(b)(1)]
- (i) If the results of the most recent performance test demonstrate that emissions from the affected facility are greater than 50 percent of the applicable emissions standard, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(1)(i)]
- (ii) If the results of the most recent performance test demonstrate that emissions from the affected facility are 50 percent or less of the applicable emissions standard, a new performance test must be conducted within 24 calendar months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(1)(ii)]
- (iii) An owner or operator of an affected facility that has not operated for the 60 calendar days prior to the due date of a performance test is not required to perform the subsequent performance test until 30 calendar days after the next operating day.
[40CFR§60.255(b)(1)(iii)]

(2) 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 this section, as applicable, except as provided for in paragraphs (e) and (f) of this section. Performance test and other compliance requirements for coal truck dump operations are specified in paragraph (h) of this section.

[40CFR§60.255(b)(2)]

(i) 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.

[40CFR§60.255(b)(2)(i)]

(ii) 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.

[40CFR§60.255(b)(2)(ii)]

4.3.6. **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 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.

[40CFR§60.255(c)]

4.3.7. An owner or operator of an affected facility (other than a thermal dryer) that commenced construction, reconstruction, or modification after April 28, 2008, is subject to a PM emission standard and uses a control device with a design controlled potential PM emissions rate of 1.0 Mg (1.1 tons) per year or less is exempted from the requirements of paragraphs (b)(1)(i) and (ii) of this section provided that the owner or operator meets all of the conditions specified in paragraphs (d)(1) through (3) of this section. This exemption does not apply to thermal dryers.

[40CFR§60.255(d)]

(1) PM emissions, as determined by the most recent performance test, are less than or equal to the applicable limit,

[40CFR§60.255(d)(1)]

(2) The control device manufacturer's recommended maintenance procedures are followed, and

[40CFR§60.255(d)(2)]

(3) All 6-minute average opacity readings from the most recent performance test are equal to or less than half the applicable opacity limit or the monitoring requirements in paragraphs (e) or (f) of this section are followed.

[40CFR§60.255(d)(3)]

4.3.8. For an owner or operator of a group of up to five of the same type of affected facilities that commenced construction, reconstruction, or modification after April 28, 2008, that are subject to PM emissions standards and use identical control devices, the Administrator or delegated authority may allow the owner or operator to use a single PM performance test for one of the affected control devices to demonstrate that the group of affected facilities is in compliance with the applicable emissions standards provided that the owner or operator meets all of the conditions specified in paragraphs (e)(1) through (3) of this section.

[40CFR§60.255(e)(1)]

- (1) PM emissions from the most recent performance test for each individual affected facility are 90 percent or less of the applicable PM standard;
[40CFR§60.255(e)(1)]
- (2) The manufacturer's recommended maintenance procedures are followed for each control device; and
[40CFR§60.255(e)(2)]
- (3) A performance test is conducted on each affected facility at least once every 5 calendar years.
[40CFR§60.255(e)(3)]

4.3.9. **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 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, may elect to comply with the requirements in paragraph (f)(1) or (f)(2) of this section.
[40CFR§60.255(f)]

- (1) Monitor visible emissions from each affected facility according to the requirements in paragraphs (f)(1)(i) through (iii) of this section.
[40CFR§60.255(f)(1)]
 - (i) 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.
[40CFR§60.255(f)(1)(i)]
 - (ii) 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.
[40CFR§60.255(f)(1)(ii)]
 - (iii) 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.
[40CFR§60.255(f)(1)(iii)]
- (2) 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.

[40CFR§60.255(f)(2)]

- 4.3.10. **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 this section.

[40CFR§60.255(g)]

- 4.3.11. **Coal Truck Dump Operations.** The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in paragraphs (h)(1) through (3) of this section.

[40CFR§60.255(h)]

- (1) Conduct an initial performance test using Method 9 of appendix A–4 of this part according to the requirements in paragraphs (h)(1)(i) and(ii).

[40CFR§60.255(h)(1)]

- (i) Opacity readings shall be taken during the duration of three separate truck dump events. Each truck dump event commences when the truck bed begins to elevate and concludes when the truck bed returns to a horizontal position.

[40CFR§60.255(h)(1)(i)]

- (ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.

[40CFR§60.255(h)(1)(ii)]

- (2) Conduct monthly visual observations of all process and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

[40CFR§60.255(h)(2)]

- (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.

[40CFR§60.255(h)(3)]

- 4.3.12. **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 this section.

[40CFR§60.257(a)]

- (1) Method 9 of Appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in paragraphs (a)(1)(i) and (ii).

[40CFR§60.257(a)(1)]

- (i) The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).

[40CFR§60.257(a)(1)(i)]

- (ii) 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.

[40CFR§60.257(a)(1)(ii)]

- (2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in paragraphs (a)(2)(i) through (iii) must be used.

[40CFR§60.257(a)(2)]

- (i) 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.

[40CFR§60.257(a)(2)(i)]

- (ii) 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.

[40CFR§60.257(a)(2)(ii)]

- (iii) 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.

[40CFR§60.257(a)(2)(iii)]

- (3) 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 paragraphs (a)(3)(i) through (iii) of this section are met.

[40CFR§60.257(a)(3)]

- (i) No more than three emissions points may be read concurrently.

[40CFR§60.257(a)(3)(i)]

- (ii) 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.

[40CFR§60.257(a)(3)(ii)]

- (iii) 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.

[40CFR§60.257(a)(3)(iii)]

- 4.3.13. **Test Methods and Procedures for Subpart Y.** The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in paragraphs (b)(1) through (8) of this section.

[40CFR§60.257(b)]

4.4. Recordkeeping Requirements

- 4.4.1. **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.
- 4.4.2. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.0 of this permit, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
- 4.4.3. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.0 of this permit, 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.
- 4.4.4. The permittee shall maintain records of all monitoring data required by Section 4.2.3 of this permit by documenting 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 as Appendix C. 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 visible emission check, the record of observation may note "out of service" (O/S) or equivalent.
- 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:
- [40CFR§60.258(a)]**
- (1) 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.
[40CFR§60.258(a)(1)]
 - (2) 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.

[40CFR§60.258(a)(2)]

- (3) The amount and type of coal processed each calendar month.
[40CFR§60.258(a)(3)]
- (4) The amount of chemical stabilizer or water purchased for use in the coal preparation and processing plant.
[40CFR§60.258(a)(4)]
- (5) 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.
[40CFR§60.258(a)(5)]
- (6) 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.
[40CFR§60.258(a)(6)]
- (7) For each bag leak detection system, the owner or operator must keep the records specified in paragraphs (a)(7)(i) through (iii) of this section.
[40CFR§60.258(a)(7)]
 - (i) Records of the bag leak detection system output;
[40CFR§60.258(a)(7)(i)]
 - (ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection settings; and
[40CFR§60.258(a)(7)(ii)]
 - (iii) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the cause of the alarm was alleviated within 3 hours of the alarm.
[40CFR§60.258(a)(7)(iii)]
- (8) A copy of any applicable monitoring plan for a digital opacity compliance system and monthly certification that the plan was implemented as described. Any variance from plan, if any, shall be noted.
[40CFR§60.258(a)(8)]
- (9) During a performance test of a wet scrubber, and each operating day thereafter, the owner or operator shall record the measurements of the scrubber pressure loss, water supply flow rate, and pH of the wet scrubber liquid.
[40CFR§60.258(a)(9)]
- (10) During a performance test of control equipment other than a wet scrubber, and each operating day thereafter, the owner or operator shall record the measurements of the reagent injection flow rate, as applicable.
[40CFR§60.258(a)(10)]

4.5. Reporting Requirements

- 4.5.1. 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.
- 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.
- 4.5.3. **Notification and Record Keeping.** Any owner or operator subject to the provisions of this part shall furnish written notification as follows:
[40CFR§60.7(a)]
- (1) 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.
[40CFR§60.7(a)(1)]
- (3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
[40CFR§60.7(a)(3)]
- 4.5.4. **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.
[40CFR§60.258(c)]
- 4.5.5. **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.
[40CFR§60.258(d)]

APPENDIX A ¹ - Preparation Plant Certified Monthly and Annual Processing Rate

**Eastern Associated Coal, LLC
 Rocklick Complex
 Facility ID No. 005-00021
 Permit No. R13-0772N**

Month _____ Year _____

Day of Month	Raw Coal Throughput on C-R33 (Tons/Day) 33	Raw Coal Throughput on C-R17 (Tons/Day)	Clean Coal Throughput on C-R17 (Tons/Day)	Raw Coal to Wet Wash Plant on C-R4 (Tons/Day)	Clean Coal Shipped from Rocklick on C-R13 on C-R17 (Tons/Day)	Refuse loaded at Rocklick on C-R6 (Tons/Day)	Initials
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 Throughput							----
12 Month Rolling Total ²							----
Max. Permitted Limit	<i>9,000,000 TPY</i>	<i>12,000,000 TPY</i>	<i>8,000,000 TPY</i>	<i>14,000,000 TPY</i>	<i>8,000,000 TPY</i>	<i>6,000,000 TPY</i>	----

Note: (1) The **CERTIFICATION OF DATA ACCURACY** statement appearing on the reverse side shall be completed and kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.

APPENDIX B¹ - Certified Daily and Monthly Water Usage By The Pressurized Water Truck

**Eastern Associated Coal, LLC
 Rocklick Complex
 Facility ID No. 005-00021
 Permit No. R13-0772N**

Month _____ Year _____

Day of Month	Water Truck Used? (Yes or No)	Quantity of Water Applied ² (gallons)	Comments ³	Initials
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				

- Notes:
- (1) The **CERTIFICATION OF DATA ACCURACY** statement appearing on the reverse side shall be completed and kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.
 - (2) The quantity of water used may be estimated based on the volume of the tank and the number of times the water truck was refilled.
 - (3) Use the comment section to explain why the water truck was not in use or was used sparingly.

APPENDIX C – Weekly Opacity Record

Eastern Associated Coal, LLC
Rocklick Complex
Facility ID No. 005-00021
Permit No. R13-0772N

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 Weeks of Visual Emissions	Comments

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.

Signature¹
(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.