

West Virginia Department of Environmental Protection
Jim Justice *Division of Air Quality*
Governor

Austin Caperton
Cabinet Secretary

Permit to Modify



R13-3374-D-R-A-F-T

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 above-referenced facility is authorized to construct and operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.

Issued to:
LP Mineral, LLC
Humphrey Quarry
061-00180

William F. Durham
Director

Issued: D-R-A-F-T

This permit will supercede and replace Permit : G40-C055

Facility Location: 1702 Smithtown Road, Morgantown, Monongalia County, West Virginia
Mailing Address: 317 Cleveland Avenue, Fairmont, WV 26554
Facility Description: Humphrey Quarry
NAICS Codes: 212111 and 212311
UTM Coordinates: 586.20 km Easting • 4,391.95 km Northing • Zone 17
Permit Type: Modification
Description of Change: LP Mineral, LLC proposes to change the facility to a Rule 13 Individual Permit to include the addition of a portable crushing unit, an after-the-fact replacement of the Finlay 693 Supertrak portable screen with a Spyder 516T portable screen and the addition of existing coal processing equipment: three (3) Screen Machine Scalpers, three (3) mobile conveyors and one (1) MMD Sizer.

Subject to 40CFR60 Subpart OOO? Yes
Subject to 40CFR60 Subpart Y? Yes
Subject to 40CFR60 Subpart IIII? Yes
Subject to 40CFR60 Subpart JJJJ? No

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.

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

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1.0. Emission Units

Source ID	Emission Point ID	Emission Unit Description	Design Capacity		Year Installed/Modified	Control Device ¹
			tons/hour	tons/year		
Non-Metallic Mineral and Coal Processing Equipment						
Lokotrack LT1213 Impactor (CR1)						
CH1	CH1	20 Ton Hopper	----	400,000	2010	PW
CR1	CR1	Jaw Crusher	200	400,000 (stone) 300,000 (coal)	2010	FE
CBC1	CBC1	Belt Conveyor	200	400,000	2010	N
CBC2	CBC2	Belt Conveyor	200	400,000	2010	N
ENG-C1	E1C	2000 Caterpillar 3196, Tier 1, 322 hp	15.61 gal/hr		2010	A/F
Screen Machine Spyder 516T (S3)						
SH3	SH3	25 Ton Hopper	----	400,000	2010	PE
S3	S3	Double Deck Screen	200	400,000 (stone) 600,000 (coal)	2016	PE
SBC9	SBC9	Belt Conveyor	200	400,000	2010	N
SBC10	SBC10	Belt Conveyor	200	400,000	2010	N
SBC11	SBC11	Belt Conveyor	200	400,000	2010	N
SBC12	SBC12	Belt Conveyor	200	400,000	2010	N
ENG-S3	ENG-S3	2010 Cummins QSB4.5, Tier 1, 110 hp	6.18 gal/hr		2010	A/F
Non-Metallic Mineral Processing Equipment						
Lokotrack LT1213 Impactor (CR2)						
CH2	CH2	20 Ton Hopper	----	400,000	2017	PE
CR2	CR2	Jaw Crusher	200	400,000	2017	FE
CBC3	CBC3	Belt Conveyor	200	400,000	2017	N
CBC4	CBC4	Belt Conveyor	200	400,000	2017	N
ENG-C2	E2C	2004 Caterpillar C-12, Tier 2, 425 hp	20.60 gal/hr		2017	A/F
Screen Machine Spyder 516T (S2)						
SH2	SH2	25 Ton Hopper	----	400,000	2010	PE
S2	S2	Double Deck Screen	200	400,000	2010	PE
SBC5	SBC5	Belt Conveyor	200	400,000	2010	N
SBC6	SBC6	Belt Conveyor	200	400,000	2010	N
SBC7	SBC7	Belt Conveyor	200	400,000	2010	N
SBC8	SBC8	Belt Conveyor	200	400,000	2010	N
ENG-S2	E2S	2002 Cummins 4B3.9, Tier 1, 125 hp	6.44 gal/hr		2010	A/F
Coal Processing Equipment						
Screen Machine Scalper 107T (S4)						
S4	S4	Single Deck Scalping Screen	200	600,000	2013	PE
SBC13	SBC13	Belt Conveyor	200	600,000	2013	N

Source ID	Emission Point ID	Emission Unit Description	Design Capacity		Year Installed/Modified	Control Device ¹
			tons/hour	tons/year		
SBC14	SBC14	Belt Conveyor	200	600,000	2013	N
ENG-S4	E4S	2008 Cummins B3.3, Tier 2, 80 hp	1.53 gal/hr		2013	A/F
Screen Machine Scalper 107T (S5)						
S5	S5	Single Deck Scalping Screen	200	600,000	2013	PE
SBC15	SBC15	Belt Conveyor	200	600,000	2013	N
SBC16	SBC16	Belt Conveyor	200	600,000	2013	N
ENG-S5	E5S	2008 Cummins B3.3, Tier 2, 80 hp	1.53 gal/hr		2013	A/F
Screen Machine Scalper 107T (S6)						
S6	S6	Single Deck Scalping Screen	200	600,000	2013	PE
SBC17	SBC17	Belt Conveyor	200	600,000	2013	N
SBC18	SBC18	Belt Conveyor	200	600,000	2013	N
ENG-S6	E6S	2012 Cummins B3.3, Tier 2, 85 hp	1.62 gal/hr		2013	A/F
MMD Sizer (CR3)						
CR3	CR3	Rotary Breaker	200	300,000	2013	FE
CBC5	CBC5	Belt Conveyor	200	300,000	2013	N
ENG-C3	E3C	2001 Volvo TAD1232GE, Tier 1, 533 hp	10.18 gal/hr		2013	A/F
Screen Machine 6036T Mobile Conveyor (MC1)						
MCBC1	MCBC1	Mobile Belt Conveyor	200	600,000	2013	N
ENG-MC1	E1MC	2006 Yanmar 4TNV88-BDSA, Tier 2, 49 hp	0.94 gal/hr		2013	A/F
Screen Machine 6036T Mobile Conveyor (MC2)						
MCBC2	MCBC2	Mobile Belt Conveyor	200	600,000	2013	N
ENG-MC2	E2MC	2006 Yanmar 4TNV88-BDSA, Tier 2, 49 hp	0.94 gal/hr		2013	A/F
Screen Machine 6036T Mobile Conveyor (MC3)						
MCBC3	MCBC3	Mobile Belt Conveyor	200	400,000	2013	N
ENG-MC3	E3MC	2006 Yanmar 4TNV88-BDSA, Tier 2, 49 hp	0.94 gal/hr		2013	A/F
Storage						
OS1	OS1	Open Stockpile (Aggregate)	----	400,000	2010	N
OS2	OS2	Open Stockpile (Coal)	----	400,000	2013	N
Tanks						
Source ID	Volume (gallons)	Content	Throughput (gallons / year)		Year Installed/Modified	Orientation
T01	7,000	2FO	120,000		2010	Horizontal
T02	2,000	2FO			2010	Horizontal
T03	500	Motor Oil	1,100		2010	Horizontal
T04	300	Transmission Oil	1,000		2010	Horizontal
T05	500	Hydraulic Oil	1,000		2010	Horizontal

¹ FE - Full Enclosure; PE - Partial Enclosure; PW - Partial Enclosure w/water spray; N - None; A/F - Air-to-Fuel Ratio

2.0. General Conditions

2.1. Definitions

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

2.2. Acronyms

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

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 shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any other 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 Application R13-3374 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 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 as defined in and according to the procedures specified in 45CSR14 or 45CSR19, as appropriate.

[45CSR§13-5.1]

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 are 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 emissions, 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 45CSR11.
[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.
- 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 or by private carrier with postage prepaid to the address(es), or submitted in electronic format by email as set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

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

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

DAQ Compliance and Enforcement ¹: DEPAirQualityReports@wv.gov

¹ For all self-monitoring reports (MACT, GACT, NSPS, etc.), stack tests and protocols, Notice of Compliance Status Reports, Initial Notifications, etc.

3.5.4. **Operating Fee**

- 3.5.4.1. In accordance with 45CSR22 – Air Quality Management Fee Program, the permittee shall not operate nor cause to operate the permitted facility or other associated facilities on the same or contiguous sites comprising the plant without first obtaining and having in current effect a Certificate to Operate (CTO). Such Certificate to Operate (CTO) shall be renewed annually, shall be maintained on the premises for which the certificate 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. In accordance with the information filed in Permit Application R13-3374, the equipment/processes identified under Emission Units Table (Section 1.0) of this permit shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants, shall not exceed the listed maximum design capacities, shall use the specified control devices, and shall not exceed the emission limits given in the following table for all of the portable equipment/processes combined :

Source Description	Regulated Air Pollutant	Maximum Hourly Controlled Emissions (lb/hr)	Maximum Annual Controlled Emissions (tons/yr)
Transfer Points	PM	16.16	17.74
	PM ₁₀	7.61	8.46
	PM _{2.5}	1.25	1.45
Crushing	PM	3.36	2.56
	PM ₁₀	1.59	1.21
	PM _{2.5}	0.25	0.20
Screening	PM	42.00	62.00
	PM ₁₀	19.50	28.90
	PM _{2.5}	3.02	4.42
Engines	PM	0.49	2.17
	PM ₁₀	0.49	2.17
	PM _{2.5}	0.49	2.17
	NOx	18.01	78.89
	CO	3.77	16.52
	SOx	3.52	15.44
	VOC	4.37	19.17
	CO _{2e}	----	8,999.91
Engine HAP's	Benzene	0.0113	0.0493
	Toluene	0.0053	0.0230
	Xylenes	0.0037	0.0162
	1,3-Butadiene	0.0005	0.0021
	Formaldehyde	0.0141	0.0623
	Acetaldehyde	0.0094	0.0411
	Acrolein	0.0017	0.0072
	Napthalene	0.0015	0.0063
	Total HAPs	0.0473	0.2073
Open Stockpiles	PM	6.13	26.84
	PM ₁₀	2.92	12.78
	PM _{2.5}	0.44	1.92
Vehicular Traffic	PM	70.52	96.62
	PM ₁₀	19.50	28.53
	PM _{2.5}	2.08	2.86

4.1.2. The permittee shall not exceed the maximum hourly and annual throughput rates and other criteria outlined in the table in Section 1.0 Emission Units.

- 4.1.3. The maximum amount of material to be processed by jaw crusher CR1 shall not exceed 200 tons per hour and 400,000 tons per year for aggregate or 300,000 tons per year for coal.
- 4.1.4. The maximum amount of material to be processed by double deck screen S3 shall not exceed 200 tons per hour and 400,000 tons per year for aggregate or 600,000 tons per year for coal.
- 4.1.5. The maximum amount of aggregate to be processed by jaw crusher CR2 shall not exceed 200 tons per hour or 400,000 tons per year.
- 4.1.6. The maximum amount of aggregate to be processed by double deck screen S2 shall not exceed 200 tons per hour or 400,000 tons per year.
- 4.1.7. The maximum amount of coal to be processed by single deck scalping screen S4 shall not exceed 200 tons per hour or 600,000 tons per year.
- 4.1.8. The maximum amount of coal to be processed by single deck scalping screen S5 shall not exceed 200 tons per hour or 600,000 tons per year.
- 4.1.9. The maximum amount of coal to be processed by single deck scalping screen S6 shall not exceed 200 tons per hour or 600,000 tons per year.
- 4.1.10. The maximum amount of coal to be processed by rotary breaker CR3 shall not exceed 200 tons per hour or 300,000 tons per year.
- 4.1.11. The maximum amount of aggregate to be transferred to open stockpile OS1 shall not exceed 400,000 tons per year. The maximum amount of coal to be transferred to open stockpile OS2 shall not exceed 400,000 tons per year.
- 4.1.12. 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.

- 4.1.13. The permitted facility shall comply with all applicable requirements of 45CSR§5 - “To Prevent and Control Air Pollution from the Operation of Coal Preparation Plants, Coal Handling Operations and Coal Refuse Disposal Areas”, provided that the facility shall comply with any more stringent requirements as may be set forth under section 4.1. of this permit. The pertinent sections of 45CSR§5 applicable to this facility include, but are not limited to, the following:
 - 4.1.13.1. **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]

- 4.1.13.2. **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]
- 4.1.13.3. **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]
- 4.1.13.4. No person shall construct, modify or relocate any coal preparation plant or coal handling operation without first obtaining a permit in accordance with the provisions of W. Va. Code §22-5-1 et seq. and the Director’s rules for review and permitting of new or modified sources.
[45CSR§5-10.1.]
- 4.1.14. The permitted facility shall comply with all applicable requirements of 45CSR§7 - “To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations”, provided that the facility shall comply with any more stringent requirements as may be set forth under section 4.1. of this permit. The pertinent sections of 45CSR§7 applicable to this facility include, but are not limited to, the following:
- 4.1.14.1. No person shall 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.]
- 4.1.14.2. 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.]
- 4.1.14.3. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A found at the end of this rule.
[45CSR§7-4.1.]
- 4.1.14.4. No person shall cause, suffer, allow, or permit any manufacturing process generating fugitive particulate matter to operate that is not equipped with a system to minimize the emissions of fugitive particulate matter. To minimize means that a particulate capture or suppression system shall be installed to ensure the lowest fugitive particulate emissions reasonably achievable. The permitted facility shall comply with all applicable requirements of 45CSR§7, with the exception of any more stringent limitations set forth in Section 4.1. of this permit.
[45CSR§7-5.1.]

- 4.1.14.5. 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.]
- 4.1.15. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR§13-5.11.]
- 4.1.16. At the time a stationary source is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests the Secretary may specify shall be conducted to determine compliance.
[45CSR§13-6.1.]
- 4.1.17. The Secretary may suspend or revoke a permit or general permit registration if, after six (6) months from the date of issuance, the holder of the permit cannot provide the Secretary, at the Secretary's request, with written proof of a good faith effort that construction, modification, or relocation, if applicable, has commenced. Such proof shall be provided not later than thirty (30) days after the Secretary's request. If construction or modification of a stationary source is discontinued for a period of eighteen (18) months or longer, the Secretary may suspend or revoke the permit or general permit registration.
[45CSR§13-10.2.]
- 4.1.18. The Secretary may suspend or revoke a permit or general permit registration if the plans and specifications upon which the approval was based or the conditions established in the permit are not adhered to. Upon notice of the Secretary's intent to suspend, modify or revoke a permit, the permit holder may request a conference with the Secretary in accordance with the provisions of W.Va Code § 22-5-5 to show cause why the permit or general permit registration should not be suspended, modified or revoked.
[45CSR§13-10.3.]
- 4.1.19. The permitted facility is subject to 40 CFR 60 Subpart OOO, including but not limited to the following:
- 4.1.19.1. **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 affected facility in fixed or portable nonmetallic mineral processing plants: each crusher, grinding mill, screening operation, bucket elevator, belt conveyor, bagging operation, storage bin, enclosed truck or railcar loading station constructed, reconstructed, or modified after August 31, 1983 [(CH1, CR1, CBC1, CBC2, SH3, S3, SBC9, SBC10, SBC11, SBC12) *when applicable as well as CH2, CR2, CBC3, CBC4, SH2, S2, SBC5, SBC6, SBC7 and SBC8*], must meet the requirements in paragraph (b) of this section.
[40CFR§60.672]

- (b) Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of this subpart 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 as required under §60.11. The requirements in Table 3 of this subpart apply for fugitive emissions from affected facilities without capture systems and for fugitive emissions escaping capture systems.
[40CFR§60.672(b)]

4.1.20. The permitted facility is subject to 40 CFR 60 Subpart Y, including but not limited to the following:

4.1.20.1. **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 *[(CH1, CR1, CBC1, CBC2, SH3, S3, SBC9, SBC10, SBC11, SBC12) when applicable as well as S4, SBC13, SBC14, S5, SBC15, SBC16, S6, SBC17, SBC18, CR3, CBC5, MCBC1, MCBC2, MCBC3 and OS2]*, 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)]

4.1.21. The permitted facility is subject to the Requirements for Non-Emergency RICE [All Engines] at Area Sources of HAP, including but not limited to the following:

- (1) Change oil and filter every 1,000 hours of operation or annually, whichever comes first.
- (2) Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary.
- (3) Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.
- (4) Keep records of maintenance.

4.2. Monitoring Requirements

4.2.1. For the purpose of determining compliance with the opacity limits of 45CSR7, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

- (1) The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.
 - (2) Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. 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 normal facility operation and appropriate weather conditions.
 - (3) If visible emissions are present at a source(s) for three (3) consecutive monthly 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.
- 4.2.2. For the purpose of determining compliance with the maximum processing limitations established in 4.1.2. of this permit, the permittee shall keep monthly records of the amount of aggregate and coal processed through the facility.
 - 4.2.3. For the purpose of determining compliance with the requirements of 4.1.12. of this permit, the permittee shall maintain monthly records of the amount of water/solution used to control haulroad emissions.
 - 4.2.4. For the purpose of determining compliance with 4.1.13., 4.1.14., 4.1.19. and 4.1.20. of this permit, the permittee will monitor and record the results of the Method 22 visible emissions monitoring. Should visible emissions be observed for three (3) days in a row, the permittee shall take corrective action as soon as practicable but in any case within 72 hours of the third Method 22 Observation.
 - 4.2.5. The permitted facility is subject to the monitoring requirements of 40 CFR 60 Subpart OOO, including but not limited to the following:
 - 4.2.5.1. The owner or operator of any affected facility for which construction, modification, or reconstruction commenced on or after April 22, 2008, that uses wet suppression to control emissions from the affected facility must perform monthly periodic inspections to check that water is flowing to discharge spray nozzles in the wet suppression system. The owner or operator must initiate corrective action within 24 hours and complete corrective action as expeditiously as practical if the owner or operator finds that water is not flowing properly during an inspection of the water spray nozzles. The owner or operator must record each inspection of the water spray nozzles, including the date of each inspection and any corrective actions taken, in the logbook required under §60.676(b).
[40CFR§60.674(b)]
 - (1) If an affected facility relies on water carryover from upstream water sprays to control fugitive emissions, then that affected facility is exempt from the 5 year repeat testing requirement specified in Table 3 of this subpart provided that the affected facility meets the criteria in paragraphs (b)(1)(i) and (ii).
[40CFR§60.674(b)(1)]

- (i) The owner or operator of the affected facility conducts periodic inspections of the upstream water spray(s) that are responsible for controlling fugitive emissions from the affected facility. These inspections are conducted according to paragraph (b) of this section and §60.676(b), and **[40CFR§60.674(b)(1)(i)]**
 - (ii) The owner or operator of the affected facility designates which upstream water sprays(s) will be periodically inspected at the time of the initial performance test required under §60.11 of this part and §60.675 of this subpart. **[40CFR§60.674(b)(1)(ii)]**
 - (2) If an affected facility that routinely uses wet suppression water sprays ceases operation of the water sprays or is using a control mechanism to reduce fugitive emissions other than water sprays during the monthly inspection (for example, water from recent rainfall), the logbook entry required under §60.676(b) must specify the control mechanism being used instead of the water sprays. **[40CFR§60.674(b)(2)]**
- 4.2.6. For the purpose of determining compliance with the opacity limits of 45CSR5 and 40 CFR 60 Subpart Y, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit *[(CH1, CR1, CBC1, CBC2, SH3, S3, SBC9, SBC10, SBC11, SBC12) when applicable as well as S4, SBC13, SBC14, S5, SBC15, SBC16, S6, SBC17, SBC18, CR3, CBC5, MCBC1, MCBC2, MCBC3 and OS2]*:
- a. The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 CFR Part 60, Appendix A, Method 22 or from the lecture portion of the 40 CFR Part 60, Appendix A, Method 9 certification course.
 - b. Visible emission checks shall be conducted at least once per 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 normal facility operation and appropriate weather conditions.
 - c. 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.
- 4.2.7. The permitted facility is subject to the monitoring requirements of 40 CFR 60 Subpart IIII, including but not limited to the following:
- 4.2.7.1. If you are an owner or operator and must comply with the emission standards specified in this subpart, you must do all of the following, except as permitted under paragraph (g) of this section:
[40CFR§60.4211(a)]

- (1) Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;
- (2) Change only those emission-related settings that are permitted by the manufacturer;
- (3) Meet the requirements of 40 CFR parts 89, 94 and/or 1068, as they apply to you.
- (4) If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:

[40CFR§60.4211(g)]

(1) If you are an owner or operator of a stationary CI internal combustion engine with maximum engine power less than 100 HP, you must keep a maintenance plan and records of conducted maintenance to demonstrate compliance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, if you do not install and configure the engine and control device according to the manufacturer's emission-related written instructions, or you change the emission-related settings in a way that is not permitted by the manufacturer, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of such action.

(2) If you are an owner or operator of a stationary CI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer.

(3) If you are an owner or operator of a stationary CI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer. You must conduct subsequent performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards

4.3. Testing Requirements

- 4.3.1. Except as specified in paragraphs (a)(1),(a)(2), (a)(3), and (a)(4) of this section, 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, and at such other times as may be required by the Administrator under section 114 of the Act, the owner or operator of such facility shall conduct performance test(s) and furnish the Administrator a written report of the results of such performance test(s).

[40CFR§60.8(a)]

- 4.3.2. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of 40 CFR 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (thirty 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)]

- 4.3.3. The permitted facility is subject to the testing requirements of 40 CFR 60 Subpart OOO, including but not limited to the following:

- (1) Method 9 of appendix A-4 of this part and the procedures in §60.11 shall be used to determine opacity.

[40CFR§60.675(b)(2)]

- (2) When determining compliance with the fugitive emissions standard for any affected facility described under §60.672(b) or §60.672(e)(1) of this subpart, the duration of the Method 9 (40 CFR part 60, appendix A-4) observations must be 30 minutes (five 6-minute averages). Compliance with the applicable fugitive emission limits in Table 3 of this subpart must be based on the average of the five 6-minute averages.

[40CFR§60.675(c)(3)]

- 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 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)]

- (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)]

4.3.5. **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 reduce 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 mine 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)]

4.4. 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, 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, 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 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). 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 normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.

- 4.4.5. The permitted facility is subject to the recordkeeping requirements of 40 CFR 60 Subpart OOO, including but not limited to the following:
- (1) Owners or operators of affected facilities (as defined in §§60.670 and 60.671) for which construction, modification, or reconstruction commenced on or after April 22, 2008, must record each periodic inspection required under §60.674(b) or (c), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make hard or electronic copies (whichever is requested) of the logbook available to the Administrator upon request.
[40CFR§60.676(b)(1)]
 - (2) A notification of the actual date of initial startup of each affected facility shall be submitted to the Administrator.
[40CFR§60.676(i)]
 - (i) For a combination of affected facilities in a production line that begin actual initial startup on the same day, a single notification of startup may be submitted by the owner or operator to the Administrator. The notification shall be postmarked within 15 days after such date and shall include a description of each affected facility, equipment manufacturer, and serial number of the equipment, if available.
[40CFR§60.676(i)(1)]
 - (3) The requirements of this section remain in force until and unless the Agency, in delegating enforcement authority to a State under section 111(c) of the Act, approves reporting requirements or an alternative means of compliance surveillance adopted by such States. In that event, affected facilities within the State will be relieved of the obligation to comply with the reporting requirements of this section, provided that they comply with requirements established by the State.
[40CFR§60.676(j)]
 - (4) Notifications and reports required under this subpart and under subpart A of this part to demonstrate compliance with this subpart need only to be sent to the EPA Region or the State which has been delegated authority according to §60.4(b).
[40CFR§60.676(k)]
- 4.4.6. **Recordkeeping for Subpart Y.** The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain a logbook (written or electronic) on-site which documents the information specified in paragraphs (a)(1) through (10) of this section and make it available upon request.
[40CFR§60.258(a)]

- (1) The manufacturer's recommended maintenance procedures and the date and time of any maintenance and inspection 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 plant 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 manufacturer recommendation, 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)]
- 4.4.7. The permitted facility is subject to the recordkeeping requirements of 40 CFR 60 Subpart IIII, including but not limited to the following:
- (1) Documentation of certification for all engines.
 - (2) Records of engine maintenance for all engines.

4.5. Reporting Requirements

- 4.5.1. 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 Compliance Assistance (3AP20) of the USEPA 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.
[40CFR§60.8]
- 4.5.2. Any owner or operator subject to the provisions of this part shall furnish the Administrator written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:
[40CFR§60.7(a)]

A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

[40CFR§60.7(1)]

A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

[40CFR§60.7(3)]

4.5.3. Each owner or operator seeking to comply with §60.670(d) shall submit to the Administrator the following information about the existing facility being replaced and the replacement piece of equipment. **[40CFR§60.676]**

(1) For a crusher, grinding mill, bucket elevator, bagging operation, or enclosed truck or railcar loading station:

(i) The rated capacity in megagrams or tons per hour of the existing facility being replaced and

(ii) The rated capacity in tons per hour of the replacement equipment.

(2) For a screening operation:

(i) The total surface area of the top screen of the existing screening operation being replaced and

(ii) The total surface area of the top screen of the replacement screening operation.

(3) For a conveyor belt:

(i) The width of the existing belt being replaced and

(ii) The width of the replacement conveyor belt.

(4) For a storage bin:

(i) The rated capacity in megagrams or tons of the existing storage bin being replaced and

(ii) The rated capacity in megagrams or tons of replacement storage bins.

(b)(1) Owners or operators of affected facilities (as defined in §§60.670 and 60.671) for which construction, modification, or reconstruction commenced on or after April 22, 2008, must record each periodic inspection required under §60.674(b) or (c), including dates and any corrective actions taken, in a logbook (in written or electronic format). The owner or operator must keep the logbook onsite and make hard or electronic copies (whichever is requested) of the logbook available to the Administrator upon request.

4.5.3. **Reporting for Subpart Y - Opacity Exceedances.** For the purposes of reports required under section 60.7(c), any owner or operator subject to the provisions of Subpart Y also shall report semiannually periods of excess emissions as specified in paragraphs (b)(1) through (3) of this section.

[40CFR§60.258(b)]

(3) All 6-minute average opacities that exceed the applicable standard.

- 4.5.4. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observations using 40 CFR 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.
- 4.5.5. **Reporting for Subpart Y - Notice of Any Performance Tests.** The owner or operator of an affected facility shall provide the Administrator at least 30 days prior notice of any performance test, except as specified under other subparts, to afford the Administrator the opportunity to have an observer present. If after 30 days notice for an initially scheduled performance test, there is a delay (due to operational problems, etc.) in conducting the scheduled performance test, the owner or operator of an affected facility shall notify the Administrator (or delegated State or local agency) as soon as possible of any delay in the original test date, either by providing at least 7 days prior notice of the rescheduled date of the performance test, or by arranging a rescheduled date with the Administrator (or delegated State or local agency) by mutual agreement.
[40CFR§60.8(d)]
- 4.5.6. **Reporting for Subpart Y - Results of Initial Performance Tests.** The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.
[40CFR§60.258(c)]
- 4.5.7. **Reporting for Subpart Y - WebFIRE Data Base.** After July 11, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test date to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>. For performance tests that cannot be entered into WebFIRE (i.e. Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code D243-01; RTP, NC 27711.
[40CFR§60.258(d)]

APPENDIX A ¹

**Certified Daily and Monthly Amount of Aggregate to Jaw Crusher CR1, Screen S2,
 Screen S3 and Jaw Crusher CR2**

Month _____ Year _____

Day of Month	Aggregate to Jaw Crusher CR1 (in tons)	Aggregate to Screen S2 (in tons)	Aggregate to Screen S3 (in tons)	Aggregate to Jaw Crusher CR2 (in tons)	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 Total					
12 Month Rolling Total ²					

- (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.
- (2) The 12 Month Rolling Total shall mean, for example, the sum of aggregate crushed by crusher CR1 at any given time during the previous twelve (12) consecutive calendar months. The maximum permitted 12 Month Rolling Totals are as follows: Aggregate to Jaw Crusher CR1 - 400,000 tons, Aggregate to Screen S2 - 400,000 tons, Aggregate to Screen S3 - 400,000 tons and Aggregate to Jaw Crusher CR2 - 400,000 tons.

APPENDIX B ¹

Certified Daily and Monthly Amount of Coal to Jaw Crusher CR1, Screen S3, Rotary Breaker CR3, Screen S4, Screen S5 and Screen S6

Month _____ Year _____

Day of Month	Coal to Jaw Crusher CR1 (in tons)	Coal to Screen S3 (in tons)	Coal to Rotary Breaker CR3 (in tons)	Coal to Screen S4 (in tons)	Coal to Screen S5 (in tons)	Coal to Screen S6 (in tons)	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 Total							
12 Month Rolling Total ²							

- (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.
- (2) The 12 Month Rolling Total shall mean, for example, the sum of coal crushed by crusher CR-1 at any given time during the previous twelve (12) consecutive calendar months. The maximum permitted 12 Month Rolling Totals are as follows: Coal to Jaw Crusher CR1 - 300,000 tons, Coal to Screen S3 - 600,000 tons, Coal to Rotary Breaker CR3 - 300,000 tons, Coal to Screen S4 - 600,000 tons, Coal to Screen S5 - 600,000 tons and Coal to Screen S6 - 600,000.

APPENDIX C ¹

Certified Daily and Monthly Water Usage by the Pressurized Water Truck

Month _____ Year _____

Day of Month	Water Truck Used? (Y/N)	Quantity of water used 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				

- (1) The CERTIFICATION OF DATA ACCURACY statement appearing on the reverse side shall be completed within fifteen (15) days of the end of the reporting period. All records shall be kept on site for a period of no less than five (5) years and shall be made available to the Secretary or his or her duly authorized representative upon request.
- (2) The quantity of water used may be estimated based on the volume of the tank and number of times the water truck was refilled.
- (3) Use the comment section to explain why the water truck was not used or was used sparingly.

APPENDIX D ¹

Monthly Opacity Record

Date of Observation:

Data Entered by:

Reviewed by:

Date Reviewed:

Describe the General Weather Conditions:

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

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

CERTIFICATION OF DATA ACCURACY

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

Signature¹ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name & 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 U.S. EPA); or
- d. The designated representative delegated with such authority and approved in advance by the Director.