

West Virginia Department of Environmental Protection

Austin Caperton

Cabinet Secretary

# Permit to Operate



Pursuant to

**Title V**

of the Clean Air Act

*Issued to:*

**Allegheny Energy Supply Company, LLC**  
Willow Island Power Station/Willow Island, WV  
R30-07300005-2019 (2 of 2)

A handwritten signature in blue ink, appearing to read "Laura M. Crowder", written over a horizontal line.

*Laura M. Crowder*

*Acting Director, Division of Air Quality*

*Issued: April 9, 2019 • Effective: April 23, 2019*  
*Expiration: April 9, 2024 • Renewal Application Due: October 9, 2023*

Permit Number: **R30-07300005-2019 (2 of 2)**  
Permittee: **Allegheny Energy Supply Company, LLC**  
Facility Name: **Willow Island Power Station**  
Permittee Mailing Address: **800 Cabin Hill Drive, Greensburg, Pa 15601**

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*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

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Facility Location:	Willow Island, Pleasants County, West Virginia
Facility Mailing Address:	P.O. Box 18, Willow Island, WV 26134
Telephone Number:	304 665-3100
Type of Business Entity:	LLC
Facility Description:	Electric Generation Service
SIC Codes:	Primary 4911; Secondary NA; Tertiary NA
UTM Coordinates:	474.13 km Easting • 4357.36 km Northing • Zone 17

Permit Writer: Frederick Tipane

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

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

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

### 1.1 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device*
<b>Willow Island Combustion Sources</b>					
Unit W1	StackW1	Willow Island Unit 1	1948	619 MMBtu/hr	ESP1W
Unit W2	StackW2	Willow Island Unit 2	1959	1605 MMBtu/hr	ESP2W
Aux Blr W3A	Aux Blr Stk W1	Willow Island Auxiliary Boiler 3A	1989	19.89 MMBtu/hr	N/A
Aux Blr W3B	Aux Blr Stk W1	Willow Island Auxiliary Boiler 3B	1989	19.89 MMBtu/hr	N/A
Emer Gen WA	W39	Willow Island Diesel Emergency Generator A (600 Hp, 400 kW)	1974	4.22MMBtu/hr	N/A
WIL FP-1	WIL FP-1	Willow Island Diesel Fire Pump 1 (340 Hp)	2007	33 Gal/hr	N/A
<b>Willow Island Material Handling Sources</b>					
GF-C2	GF-C2	Limestone Gravametric Feeder and Hopper, and Transfer Point	1986	40 TPH 300 TPH	Partial Enclosure
BC-3	BC-3	Barge Unloading to Surge Bin (conveyor and transfer point)	1986	3500 TPH	Partial Enclosure
VF-A1, VF-A2	VF-A1, VF-A2	Vibrating Feeders under Railcar Dumper (coal to conveyor)	1976	500 TPH each	Partial Enclosure
BF-1	BF-1	Belt feeder under Surge Bin to BC-4 (conveyor and transfer points)	1986	500 TPH	Partial Enclosure
BC-4	BC-4	Surge Bin to Sample House (conveyor and transfer point)	1986	500 TPH	Partial Enclosure
RCRU-1	RCRU-1	Rail Car Unload and Transfer to Vibrating Feeders	1976	3500 TPH	Partial Enclosure
BC-A	BC-A	Rail Car Dumper to Sample House (conveyor and transfer point)	1976	750 TPH	Partial Enclosure
SHTP	SHTP	Sample System Transfer Point (coal to conveyor)	1949	500 TPH	Partial Enclosure
TC-1	TC-1	Sample House to Surge Bin (conveyor and transfer point)	1976	1000 TPH	Partial Enclosure
No. 1	No. 1	Sample House to Crusher House (conveyor and transfer point)	1949	500 TPH	Partial Enclosure
No. 1a	No. 1a	Crusher Bypass Conveyor and transfer points	2007	500 TPH	Partial Enclosure
Wcru01, Wcru02, Wcru03	Wcru01, Wcru02, Wcru03	Crushers and Transfer Points (coal to conveyors)	1949	500 TPH	Partial Enclosure

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device*
Collector Conveyor	Collector Conveyor	Conveyor and Transfer Point (coal from crushers to conveyor)	1976	500 TPH	Partial Enclosure
No. 3	No. 3	Crusher House to BC-B (conveyor and transfer point)	1949	500 TPH	Partial Enclosure
BC-B	BC-B	Conveyor and Transfer Point (coal to stockpile)	1976	500 TPH	Partial Enclosure
WStockpile 1	WStockpile 1	Coal Stockpile (wind erosion, reclaim to conveyor, grading, dozing, pan load)	1949	100,000 tons	N/A
VF-8	VF-8	Reclaim Feeder and Transfer Points (coal to conveyor)	1976	500 TPH	Partial Enclosure
BC-C	BC-C	Conveyor and Transfer Point (stockpile to conveyor)	1976	500 TPH	Partial Enclosure
Transfer Conveyor	Transfer Conveyor	Conveyor and Transfer Points (coal to conveyor)	1976	500 TPH	Partial Enclosure
No. 2	No. 2	To Coal Bunkers from Stockpile or Crusher House (conveyor and transfer points)	1949	500 TPH	Partial Enclosure
No. 2A	No. 2A	Conveyor and Transfer Points (coal to bunkers)	1949	500 TPH	Partial Enclosure
Fly Ash Silo	Fly Ash Silo	Fly Ash Silo (Unit 1 & Unit 2)	N/A	N.A	N.A
Rotary Unloader 1, Rotary Unloader 2	Rotary Unloader 1, Rotary Unloader 2	Fly Ash Rotary Unloaders	N/A	N/A	N/A
WI Coal Bunkers	WI Coal Bunkers	Coal Bunkers for Unit 1 and 2	1949	500 TPH	DC-CB
WI Coal Feeders	WI Coal Feeders	Screw feeder for Units 1 and 2 (Bunkers to boilers)	1949	500 TPH	DC-CF
WHaul Road	WHaul Road	Material Haul Roads, Fly Ash and Bottom Ash Haul Roads	N/A	N/A	Vacuum Sweeping, Watering, Dust Suppressant

## 1.2. Active R13, R14, and R19 Permits

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

Permit Number	Date of Issuance
R13-1099	05/09/1989

## 2.0 General Conditions

### 2.1 Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

### 2.2 Acronyms

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

### **2.3. Permit Expiration and Renewal**

- 2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.  
**[45CSR§30-5.1.b.]**
- 2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.  
**[45CSR§30-4.1.a.3.]**
- 2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.  
**[45CSR§30-6.3.b.]**
- 2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.  
**[45CSR§30-6.3.c.]**

### **2.4. Permit Actions**

- 2.4.1. This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.  
**[45CSR§30-5.1.f.3.]**

### **2.5. Reopening for Cause**

- 2.5.1. This permit shall be reopened and revised under any of the following circumstances:
- a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.
  - b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.
  - c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
  - d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

**[45CSR§30-6.6.a.]**

## **2.6. Administrative Permit Amendments**

- 2.6.1. The permittee may request an administrative permit amendment as defined in and according to the procedures specified in 45CSR§30-6.4.  
**[45CSR§30-6.4.]**

## **2.7. Minor Permit Modifications**

- 2.7.1. The permittee may request a minor permit modification as defined in and according to the procedures specified in 45CSR§30-6.5.a.  
**[45CSR§30-6.5.a.]**

## **2.8. Significant Permit Modification**

- 2.8.1. The permittee may request a significant permit modification, in accordance with 45CSR§30-6.5.b., for permit modifications that do not qualify for minor permit modifications or as administrative amendments.  
**[45CSR§30-6.5.b.]**

## **2.9. Emissions Trading**

- 2.9.1. No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements.  
**[45CSR§30-5.1.h.]**

## **2.10. Off-Permit Changes**

- 2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:
- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
  - b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
  - c. The change shall not qualify for the permit shield.
  - d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
  - e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.



- f. No permittee may make any changes which would require preconstruction review under any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) pursuant to the provisions of 45CSR§30-5.9.

**[45CSR§30-5.9.]**

## **2.11. Operational Flexibility**

- 2.11.1. The permittee may make changes within the facility as provided by § 502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.

**[45CSR§30-5.8]**

- 2.11.2. Before making a change under 45CSR§30-5.8., the permittee shall provide advance written notice to the Secretary and to U.S. EPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter maintain a copy of the notice with the permit, and the Secretary shall place a copy with the permit in the public file. The written notice shall be provided to the Secretary and U.S. EPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Secretary and U.S. EPA as soon as possible after learning of the need to make the change.

**[45CSR§30-5.8.a.]**

- 2.11.3. The permit shield shall not apply to changes made under 45CSR§30-5.8., except those provided for in 45CSR§30-5.8.d. However, the protection of the permit shield will continue to apply to operations and emissions that are not affected by the change, provided that the permittee complies with the terms and conditions of the permit applicable to such operations and emissions. The permit shield may be reinstated for emissions and operations affected by the change:

- a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or
- b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

**[45CSR§30-5.8.c.]**

- 2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

**[45CSR§30-2.39]**

## **2.12. Reasonably Anticipated Operating Scenarios**

- 2.12.1. The following are terms and conditions for reasonably anticipated operating scenarios identified in this permit.
- a. Contemporaneously with making a change from one operating scenario to another, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of this permit and 45CSR30.
  - b. The permit shield shall extend to all terms and conditions under each such operating scenario; and
  - c. The terms and conditions of each such alternative scenario shall meet all applicable requirements and the requirements of 45CSR30.

[45CSR§30-5.1.i.]

## **2.13. Duty to Comply**

- 2.13.1. The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Secretary or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

[45CSR§30-5.1.f.1.]

## **2.14. Inspection and Entry**

- 2.14.1. The permittee shall allow any authorized representative of the Secretary, upon the presentation of credentials and other documents as may be required by law, to perform the following:
- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
  - b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
  - c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
  - d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

[45CSR§30-5.3.b.]

## **2.15. Schedule of Compliance**

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
  - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

**[45CSR§30-5.3.d.]**

## **2.16. Need to Halt or Reduce Activity not a Defense**

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

**[45CSR§30-5.1.f.2.]**

## **2.17. Emergency**

- 2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

**[45CSR§30-5.7.a.]**

- 2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.

**[45CSR§30-5.7.b.]**

- 2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

- d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

**[45CSR§30-5.7.c.]**

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

**[45CSR§30-5.7.d.]**

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**[45CSR§30-5.7.e.]**

## **2.18. Federally-Enforceable Requirements**

- 2.18.1. All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

**[45CSR§30-5.2.a.]**

- 2.18.2. Those provisions specifically designated in the permit as "State-enforceable only" shall become "Federally-enforceable" requirements upon SIP approval by the USEPA.

## **2.19. Duty to Provide Information**

- 2.19.1. The permittee shall furnish to the Secretary within a reasonable time any information the Secretary may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Secretary copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Secretary along with a claim of confidentiality in accordance with 45CSR31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. Part 2.

**[45CSR§30-5.1.f.5.]**

## **2.20. Duty to Supplement and Correct Information**

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.

**[45CSR§30-4.2.]**

## **2.21. Permit Shield**

2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.  
**[45CSR§30-5.6.a.]**

2.21.2. Nothing in this permit shall alter or affect the following:

- a. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance; or
- b. The applicable requirements of the Code of West Virginia and Title IV of the Clean Air Act (Acid Deposition Control), consistent with § 408 (a) of the Clean Air Act.
- c. The authority of the Administrator of U.S. EPA to require information under § 114 of the Clean Air Act or to issue emergency orders under § 303 of the Clean Air Act.

**[45CSR§30-5.6.c.]**

## **2.22. Credible Evidence**

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.  
**[45CSR§30-5.3.e.3.B. and 45CSR38]**

## **2.23. Severability**

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.  
**[45CSR§30-5.1.e.]**

## **2.24. Property Rights**

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.  
**[45CSR§30-5.1.f.4]**

## **2.25. Acid Deposition Control**

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.

- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

**[45CSR§30-5.1.d.]**

- 2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.

**[45CSR§30-5.1.a.2.]**

### 3.0 Facility-Wide Requirements

#### 3.1 Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1.  
[45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.  
[45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 CFR §61.145, 40 CFR §61.148, and 40 CFR §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 CFR §61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them.  
[40 CFR §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public.  
[45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11.  
[45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality.  
[W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 CFR §§ 82.154 and 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR § 82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR § 82.161.

[40 CFR 82, Subpart F]

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 CFR §68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 CFR §68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 CFR Part 70 or 71.  
[40 CFR 68]
- 3.1.9. **CSAPR NO<sub>x</sub> Annual Trading Program.** The permittee shall comply with the standard requirements set forth in the attached Cross-State Air Pollution Rule (CSAPR) Trading Program Title V Requirements (see APPENDIX A).  
[40 CFR §97.406]
- 3.1.10. **CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program.** The permittee shall comply with the standard requirements set forth in the attached Cross-State Air Pollution Rule (CSAPR) Trading Program Title V Requirements (see APPENDIX A).  
[40 CFR §97.806]
- 3.1.11. **CSAPR SO<sub>2</sub> Group 1 Trading Program.** The permittee shall comply with the standard requirements set forth in the attached Cross-State Air Pollution Rule (CSAPR) Trading Program Title V Requirements (see APPENDIX A).  
[40 CFR §97.606]
- 3.1.12. **Fugitive Particulate Matter Control.** No person shall cause, suffer, allow, or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:
- a. Stockpiling of ash or fuel either in the open or in enclosures such as silos;
  - b. Transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and
  - c. Ash or fuel handling systems and ash disposal areas.

[45CSR§2-5.1.]

## 3.2. Monitoring Requirements

- 3.2.1. None.

## 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 CFR Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
- b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.
- c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
  1. The permit or rule evaluated, with the citation number and language.
  2. The result of the test for each permit or rule condition.
  3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15), 45CSR2, 45CSR10, and 45CSR13]

### 3.4. Recordkeeping Requirements

- 3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:
  - a. The date, place as defined in this permit and time of sampling or measurements;
  - b. The date(s) analyses were performed;
  - c. The company or entity that performed the analyses;

- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

**[45CSR§30-5.1.c.2.A.]**

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

**[45CSR§30-5.1.c.2.B.]**

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

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

- 3.4.4. The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. The permittee shall also inspect all fugitive dust control systems weekly from May 1 through September 30 and monthly from October 1 through April 30 to ensure that they are operated and maintained in conformance with their designs. The permittee shall maintain records of all scheduled and non-scheduled maintenance and shall state any maintenance or corrective actions taken as a result of the weekly and/or monthly inspections, the times the fugitive dust control system(s) were inoperable and any corrective actions taken.

**[45CSR§30-5.1.c.]**

### **3.5. Reporting Requirements**

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

**[45CSR§§30-4.4. and 5.1.c.3.D.]**

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

**[45CSR§30-5.1.c.3.E.]**

- 3.5.3. Except for the electronic submittal of the annual compliance certification and semi-annual monitoring reports to the DAQ and USEPA as required in 3.5.5 and 3.5.6 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class or by private carrier with postage prepaid to the address(es), or submitted in electronic format by e-mail 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 57<sup>th</sup> Street SE  
Charleston, WV 25304

**US EPA:**

Section Chief  
U. S. Environmental Protection Agency, Region III  
Enforcement and Compliance Assurance Division  
Air Section (3ED21)  
1650 Arch Street  
Philadelphia, PA 19103-2029

**DAQ Compliance and Enforcement<sup>1</sup>:**

DEPAirQualityReports@wv.gov

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

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

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

**DAQ:**  
DEPAirQualityReports@wv.gov

**US EPA:**  
R3\_APD\_Permits@epa.gov

[45CSR§30-5.3.e.]

3.5.6. **Semi-annual monitoring reports.** The permittee shall submit reports of any required monitoring on or before September 15 for the reporting period January 1 to June 30 and on or before March 15 for the reporting period July 1 to December 31. All instances of deviation from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with 45CSR§30-4.4. The semi-annual monitoring reports shall be submitted in electronic format by e-mail to the following address:

**DAQ:**  
DEPAirQualityReports@wv.gov

[45CSR§30-5.1.c.3.A.]

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

### 3.5.8. Deviations.

- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
  1. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.
  2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
  3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
  4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

#### [45CSR§30-5.1.c.3.C.]

- b. The permittee shall, in the reporting of deviations from permit requirements, including those attributable to upset conditions as defined in this permit, report the probable cause of such deviations and any corrective actions or preventive measures taken in accordance with any rules of the Secretary.

#### [45CSR§30-5.1.c.3.B.]

- 3.5.9. **New applicable requirements.** If any applicable requirement is promulgated during the term of this permit, the permittee will meet such requirements on a timely basis, or in accordance with a more detailed schedule if required by the applicable requirement.

#### [45CSR§30-4.3.h.1.B.]

## 3.6. Compliance Plan

- 3.6.1. None.

## 3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.

45CSR§10-8	The auxiliary boilers for Willow Island Station burn natural gas and/or distillate oil and are exempt pursuant to 45CSR§10-10.3.
45CSR5	Pursuant to 45CSR5, if 45CSR2 is applicable to the facility, then the facility is exempt from 45CSR5. 45CSR2 is applicable to the facility.
45CSR17	Pursuant to 45CSR17, if 45CSR2 is applicable to the facility, then the facility is exempt from 45CSR17. 45CSR2 is applicable to the facility.
40 CFR Part 60 Subpart D	Willow Island Main Boilers were constructed prior to August 17, 1971.
40 CFR Part 60 Subpart Dc	Willow Island Auxiliary Boilers commenced construction prior to June 9, 1989.
40 CFR Part 60 Subpart K	Willow Island station does not have any tanks storing petroleum liquids (as defined in 40 CFR §60.111) that were constructed after March 8, 1974 and prior to May 19, 1978 and exceed 40,000 gallons in capacity.
40 CFR Part 60 Subpart Ka	Willow Island station does not have any tanks storing petroleum liquids (as defined in 40 CFR §60.111a) that were constructed after May 18, 1978 and exceed 40,000 gallons in capacity.
40 CFR Part 60 Subpart Kb	Willow Island station does not have any tanks that were constructed after July 23, 1984 that (a) exceed 75m <sup>3</sup> (19,813 gal) in capacity and store volatile organic liquids (as defined in 40 CFR §60.111b) with a maximum true vapor pressure greater than 15.0 kPa (2.18 psia) or (b) exceed 151m <sup>3</sup> (39,864 gal) in capacity and store a volatile organic liquids with a maximum true vapor pressure greater than 3.5 kPa (0.51 psia)
40 C.F.R Part 60, Subpart OOO	Limestone equipment was in operation prior to August 31, 1983.

#### **4.0 Willow Island Combustion Sources [emission point ID(s): *StackW1, StackW2, Aux Blr Stk W1, W39, WIL FP-1*]**

##### **4.1. Limitations and Standards**

- 4.1.1. Visible Emissions from each stack (StackW1, StackW2 & Aux Blr Stk W1) shall not exceed ten (10) percent opacity based on a six-minute block average.  
**[45CSR§2-3.1.]**
- 4.1.2. Particulate matter emissions from Boiler 1 stack (StackW1) shall not exceed 31.00 lb/hr.  
**[45CSR§2-4.1.a.]**
- 4.1.3. Particulate matter emissions from Boiler 2 stack (StackW2) shall not exceed 80.25 lb/hr.  
**[45CSR§2-4.1.a.]**
- 4.1.4. Particulate matter emissions from the auxiliary boiler stack (Aux Blr Stk W1) shall not exceed 1.0 lbm/hr. Compliance with this streamlined PM limit assures compliance with 45CSR§2-4.1.b.  
**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(1)]**
- 4.1.5. The addition of sulfur oxides to a combustion unit exit gas stream for the purpose of improving emissions control equipment is prohibited unless written approval for such addition is provided by the Secretary. (Unit W1 & Unit W2)  
**[45CSR§2-4.4.]**
- 4.1.6. The visible emission standards shall apply at all times except in periods of start-ups, shutdowns and malfunctions.  
**[45CSR§2-9.1.]**
- 4.1.7. Any fuel burning unit(s) including associated air pollution control equipment, shall at all times, including periods of start-up, shutdowns, and malfunctions, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions. (Unit W1, Unit W2, Aux Blr W3A & Aux Blr W3B)  
**[45CSR§2-9.2.]**
- 4.1.8. Nitrogen oxides emissions, expressed as NO<sub>2</sub>, from the auxiliary boiler stack (Aux Blr Stk W1) shall not exceed 3.20 lbm/hr.  
**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(1)]**
- 4.1.9. Sulfur dioxide emissions from the boiler 1 stack (StackW1) shall not exceed 1671.3 lb/hr.  
**[45CSR§10-3.1.c.]**
- 4.1.10. Sulfur dioxide emissions from the boiler 2 stack (StackW2) shall not exceed 4333.5 lb/hr.  
**[45CSR§10-3.1.c.]**
- 4.1.11. Sulfur dioxide emissions from the auxiliary boiler stack (Aux Blr StkW1) shall not exceed 19.8 lbm/hr. Compliance with this streamlined SO<sub>2</sub> limit assures compliance with 45CSR§10-3.1.e.  
**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(1)]**

4.1.12. Compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on a continuous twenty-four (24) hour averaging time. Emissions shall not be allowed to exceed the weight emissions standards for sulfur dioxide as set forth in 45CSR10, except during one (1) continuous twenty-four (24) hour period in each calendar month. During this one (1) continuous twenty-four hour period emissions shall not exceed such weight emission standards by more than ten percent (10%) without causing a violation of 45CSR10. A continuous twenty-four (24) hour period is defined as one (1) calendar day. (StackW1, StackW2 & Aux Blr Stk W1)  
**[45CSR§10-3.8.]**

4.1.13. Willow Island Unit W1 and Unit W2 are Phase II Acid Rain affected units under 45CSR33, as defined by 40 C.F.R §72.6, and as such is required to meet the requirements of 40 CFR Parts 72, 73, 74, 75, 76, 77 and 78. These requirements include:

- a. Hold an Acid Rain permit (Acid Rain Permit is included in Appendix D);
- b. Hold allowances, as of the allowance transfer deadline, in the unit's compliance sub-account of not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit;
- c. Comply with the applicable Acid Rain emissions for sulfur dioxide;
- d. Comply with the applicable Acid Rain emissions for nitrogen oxides;
- e. Comply with the monitoring requirements of 40 CFR Part 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;
- f. Submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR Part 72, Subpart I and 40 CFR Part 75.

**[45CSR33, 40 CFR Parts 72, 73, 74, 75, 76, 77, 78.]**

4.1.14. Non-Methane Hydrocarbon emissions from the auxiliary boiler stack (Aux Blr Stk W1) shall not exceed 0.1 lbm/hr.

**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(1)]**

4.1.15. Carbon Monoxide emissions from the auxiliary boiler stack (Aux Blr Stk W1) shall not exceed 0.32 lbm/hr.

**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(1)]**

4.1.16. The fuel burned in the two auxiliary boilers shall consist of #2 fuel oil and/or natural gas only.

**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(2)]**

4.1.17. Maximum sulfur content of #2 fuel oil burned in the auxiliary boilers shall not exceed 0.5 percent by weight of sulfur.

**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(3)]**

4.1.18. Operation of the auxiliary boilers shall be only during times when the "main" boilers are down, except for those times requiring testing.

**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(4)]**

4.1.19. Maximum yearly operation of each individual auxiliary boiler shall not exceed one hundred forty (140) days per year.

**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(5)]**

4.1.20. Maximum Design Heat Input to each individual auxiliary boiler shall not exceed 20.41 x 10<sup>6</sup> Btu/hr.

**[45CSR13 - Permit No. R13-1099 Specific Requirements (A)(6)]**

4.1.21. **Emergency Operating Scenarios.**

a. In the event of an unavoidable shortage of fuel having characteristics or specifications necessary to comply with the visible emission standard set forth in permit condition 4.1.1. of this permit, or any emergency situation or condition creating a threat to public safety or welfare, the Secretary may grant an exemption to the otherwise applicable visible emission standards for a period not to exceed fifteen (15) days, provided that visible emissions during that period do not exceed a maximum six (6) minute average of thirty (30) percent and that a reasonable demonstration is made by the owner or operator that the weight emission standards under permit conditions 4.1.2., 4.1.3., and/or 4.1.4. of this permit, will not be exceeded during the exemption period.

**[45CSR§2-10.1.]**

b. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, SO<sub>2</sub> emissions exceeding those provided for permit conditions 4.1.9., 4.1.10., and/or 4.1.11. of this permit, may be permitted by the Secretary for periods not to exceed ten (10) days upon specific application to the Secretary. Such application shall be made within twenty-four (24) hours of the equipment malfunction or fuel shortage. In cases of major equipment failure or extended shortages of conforming fuels, additional time periods may be granted by the Secretary, provided a corrective program has been submitted by the owner or operator and approved by the Secretary.

**[45CSR§10-9.1.]**

4.1.22. **Alternative Fuel Usage Scenarios.**

Willow Island Unit W2 may burn "Tire Derived Fuel" (TDF) as outlined in Consent Order CO-R13-99-39, effective date November 8, 1999. (See Appendix C)

4.1.23. **Electric Utility Steam Generating Units (EGU) MACT, 40 CFR 63, Subpart UUUUU:**

a. The coal-fired Electric Utility Steam Generating Units *Unit W1* and *Unit W2* shall comply with all applicable requirements for existing affected sources, pursuant to 40 CFR 63, Subpart UUUUU "National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units" no later than the existing source compliance date of April 16, 2015, or as amended by US EPA.

If required to conduct an initial compliance demonstration by performance testing as specified in §63.10011(a), you must submit a Notification of Compliance Status (NOCS) report according to §63.9(h)(2)(ii). The NOCS report must contain all of the information specified in §63.10030(e)(1)-(7), as applicable. If required to submit a Notification of Compliance Status pursuant to 40 CFR 63, Subpart UUUUU, the permittee shall also submit a complete application for significant modification to the Title V permit to incorporate the specific requirements of the rule no later than the maximum time allowed for the NOCS submittal in 40 CFR §63.10030(e). If requested, this Title V permitting deadline may be



changed upon written approval by the Director. The permittee shall request the change in writing at least 30 days prior to the application due date.

Units W1 and W2 have not operated since 2012. In the event of a re-start of any of these units, including any modification to the type of fuel combusted, each affected source must be in compliance with all applicable state and federal rules and permitting requirements, including those of 40 CFR 63, Subpart UUUUU.

**[45CSR34; 40 CFR 63, Subpart UUUUU, 45CSR§30-6.5.b.]**

4.1.24. **Industrial, Commercial, and Institutional Boilers and Process Heaters MACT, 40 CFR 63, Subpart DDDDD:**

- a. The natural gas/oil fired auxiliary boilers (*Aux Blr W3A and Aux Blr W3B*), shall comply with all applicable requirements for existing affected sources pursuant to 40 CFR 63, Subpart DDDDD, "National Emission Standards for Hazardous Air Pollutants for Industrial/Commercial/Institutional Boilers and Process Heaters no later than the existing source compliance date of January 31, 2016."  
**[45CSR34; 40 CFR §63.7495(b).]**
- b. If required to submit a Notification of Compliance Status (NOCS) pursuant to 40 CFR 63, Subpart DDDDD, the permittee shall also submit a complete application for significant modification to the Title V permit to incorporate the specific requirements of the rule no later than the maximum time allowed for the NOCS submittal in 40 CFR §63.7545(e).

If requested, this Title V permitting deadline may be changed upon written approval by the Director. The permittee shall request the change in writing at least 30 days prior to the application due date.

Auxiliary boilers Aux Blr W3A and Aux Blr W3B have not operated since 2012. In the event of a re-start of any of these units, including any modification to the type of fuel combusted, each affected source must be in compliance with all applicable state and federal rules and permitting requirements, including those of 40 CFR 63, Subpart DDDDD.

**[45CSR34; 40 CFR §63.7545(e); 45CSR§30-6.5.b.]**

4.1.25. **The following requirements are taken verbatim (including paragraph numbering) from 40 CFR 63 Subpart ZZZZ, §63.6640(f) and are applicable to the Willow Island Emergency Generator A engine "Emer Gen WA" and the Willow Island Fire-Pump 1 engine "WIL FP-1":**

If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in paragraphs (f)(1) through (4) of this section. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (4) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (4) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

- (1) There is no time limit on the use of emergency stationary RICE in emergency situations.

- (2) You may operate your emergency stationary RICE for any combination of the purposes specified in paragraphs (f)(2)(i) through (iii) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (f)(3) and (4) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).
- (i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.
- (ii) Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.
- (iii) Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.
- (3) Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

**[45CSR34; 40 CFR §63.6640(f)]**

4.1.26. The following requirements from 40 CFR 63 Subpart ZZZZ, are applicable to the Willow Island Fire Pump 1 engine “WIL FP-1”:

- a. You must comply with the following requirements at all times<sup>1</sup>:
1. Change oil and filter every 500 hours of operation or annually, whichever comes first.<sup>2</sup>
  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.<sup>3</sup>
  4. During periods of startup, minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

<sup>1</sup> If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of 40 CFR 63 Subpart ZZZZ, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

<sup>2</sup> Sources have the option to utilize an oil analysis program as described in 40 CFR §63.6625(i) in order to extend the specified oil change requirement in Table 2c of 40 CFR 63 Subpart ZZZZ.

<sup>3</sup> Sources can petition the Administrator pursuant to the requirements of 40 CFR §63.6(g) for alternative work practices.

**[45CSR34; 40 CFR §§63.6605(a), 63.6625(h) & (i), and 63.6602; 40 CFR 63 Subpart ZZZZ Table 2c Item 1]**

- b. At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.

**[45CSR34; 40 CFR §63.6605(b)]**

- c. You must operate and maintain the fire pump engine “WIL FP-1” according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

**[45CSR34; 40 CFR §§63.6625(e)(2), 63.6640(a); 40 CFR 63 Subpart ZZZZ Table 6 Item 9]**

- d. You must install a non-resettable hour meter on fire pump engine “WIL FP-1” if one is not already installed.

**[45CSR34; 40 CFR §63.6625(f)]**

## **4.2. Monitoring Requirements**

- 4.2.1. Compliance with the visible emission requirements of permit condition 4.1.1. shall be determined as outlined in section I.A. of the “45CSR2 Monitoring Plan” submitted on August 6, 2001 and attached in Appendix B of this permit. (*StackW1, StackW2*)

**[45CSR§§2-3.2. 8.1.a., & 8.2.]**

- 4.2.2. Compliance with sections 4.1.9., 4.1.10., 4.1.11., and 4.1.12. of this permit shall be demonstrated by testing and/or monitoring in accordance with one or more of the following: 40 CFR Part 60, Appendix A, Method 6, Method 15, continuous emissions monitoring systems (CEMS) or fuel sampling and analysis as set forth in an approved monitoring plan for each emission unit. (*StackW1, StackW2*)  
**[45CSR§10-8.2.c.]**
- 4.2.3. The owner or operator shall install, calibrate, certify, operate, and maintain continuous monitoring systems that measure and record Opacity and all SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions from emission points StackW1 and StackW2 as specified in 40 CFR Part 75. The one minute average opacity data shall be used as an input to calculate one minute PM emission rates. Opacity shall be measured on a continuous basis with the exception of QC/QA periods, monitor malfunctions periods, and periods where the boiler is off-line.  
**[45CSR§30-5.1.c., 45CSR33, 40 CFR §75.10, and 40 CFR §64.3(b)(1)]**
- 4.2.4. The Data Acquisition System shall be programmed to calculate PM emissions (lb/hr) from opacity data. The equation used to calculate TSP emissions will be developed using the opacity vs. TSP concentration correlation curves as determined by particulate testing with the TEOM 7000. The opacity vs. TSP concentration curve will be developed using at least 1,000 paired data points that will attempt to capture a normal full daily cycle of operations. An excursion shall be defined as a 3-hour block average where the calculated PM emission rate exceeds the limit established in 45CSR§2-4.1.a. (31.0 lb/hr for Unit W1; 80.25 lb/hr for Unit W2)  
**[45CSR§30-5.1.c. and 40 CFR §64.3(b)(1)]**
- 4.2.5. The COM QA/QC procedures shall be consistent with the applicable requirements of 40 CFR Part 75.  
**[40 CFR §75.21 and 40 CFR §64.3(b)(3)]**

### 4.3. Testing Requirements

- 4.3.1. The owner or operator shall conduct, or have conducted, tests to determine the compliance of Unit W1 and Unit W2 with the particulate matter mass emission limitations. Such tests shall be conducted in accordance with the appropriate method set forth in 45CSR2 Appendix - Compliance Test Procedures for 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such tests shall be conducted in accordance with the schedule set forth in the following table based on the results of the most recent test performed. Units W1 and W2 have not operated since 2012. Therefore, in the event of a re-start of the units, the compliance testing shall be completed within 180 days of start-up. Subsequent testing shall be based on the schedule below.

Current Test Frequency	Test Results	Retesting Frequency
Annual	after three successive tests indicate mass emission rates $\leq 50\%$ of weight emission standard	Once/3 years
Annual	after two successive tests indicate mass emission rates $< 80\%$ of weight emission standard	Once/2 years
Annual	any tests indicates a mass emission rate $\geq 80\%$ of weight emission standard	Annual
Once/2 years	after two successive tests indicate mass emission rates $\leq 50\%$ of weight emission standard	Once/3 years

Current Test Frequency	Test Results	Retesting Frequency
Once/2 years	any tests indicates a mass emission rate <80 % of weight emission standard	Once/2 years
Once/2 years	any tests indicates a mass emission rate ≥80% of weight emission standard	Annual
Once/3 years	any tests indicates a mass emission rate ≤50% of weight emission standard	Once/3 years
Once/3 years	any test indicates mass emission rates between 50% and 80 % of weight emission standard	Once/2 years
Once/3 years	any test indicates a mass emission rate ≥80% of weight emission standard	Annual

[45CSR§2-8.1., 45CSR§2A-5.2.]

#### 4.4. Recordkeeping Requirements

- 4.4.1. Compliance with the operating and fuel usage requirements and emission limits of permit conditions 4.1.4., 4.4.2., and 4.4.3., shall be demonstrated as outlined in sections III.C.4., III.A. and IV.A. of the “45CSR2 & 10 Monitoring Plan” submitted on August 6, 2001 and which is attached in Appendix B of this permit.  
**[45CSR§§2-8.3.c. & 8.4.a., 45CSR§10-8.3.c.]**
- 4.4.2. Records of monitored data established in the monitoring plan shall be maintained on site and shall be made available to the Secretary or his duly authorized representative upon request. (*StackW1, StackW2*)  
**[45CSR§2-8.3.a. and 45CSR§10-8.3.a.]**
- 4.4.3. Records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit shall be maintained on-site in a manner to be established by the Secretary and made available to the Secretary or his duly authorized representative upon request.  
**[45CSR§2-8.3.c.]**
- 4.4.4. Opacity - one minute average opacity data shall be collected and stored, and hourly averages based on the one minute data shall be calculated and stored on a certified Data Acquisition System (DAS). TSP - The one minute data, calculated from the one minute average opacity data, shall be used to calculate a 1-hour block average which shall be used to calculate a 3-hour rolling average, all of which shall be stored in an electronic data acquisition system.  
**[45CSR§30-5.1.c. and 40 CFR 64.9(b)]**
- 4.4.5. The following requirements from 40 CFR 63 Subpart ZZZZ, are applicable to the Willow Island fire pump engine “WIL FP-1”:
- a. Records must be kept as described below:
    1. A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in §63.10(b)(2)(xiv).  
**[45CSR34; 40 CFR §63.6655(a)(1)]**

2. Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.  
**[45CSR34; 40 CFR §63.6655(a)(2)]**
3. Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.  
**[45CSR34; 40 CFR §63.6655(a)(5)]**
4. You must keep the records required in Table 6 of 40 CFR 63 Subpart ZZZZ to show continuous compliance with each operating limitation that applies to you.  
**[45CSR34; 40 CFR §63.6655(d)]**
5. You must keep records of the maintenance conducted on the fire pump engine “WIL FP-1” in order to demonstrate that you operated and maintained the engine according to your own maintenance plan.  
**[45CSR34; 40 CFR §63.6655(e)]**
6. You must keep records of the hours of operation of fire pump engine “WIL FP-1” that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation.  
**[45CSR34; 40 CFR §63.6655(f)]**
7. Records must be in a form suitable and readily available for expeditious review according to 40 CFR §63.10(b)(1).  
**[45CSR34; 40 CFR §63.6660(a)]**
8. As specified in 40 CFR §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.  
**[45CSR34; 40 CFR §63.6660(b)]**
9. You must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 CFR §63.10(b)(1).  
**[45CSR34; 40 CFR §63.6660(c)]**

#### **4.5. Reporting Requirements**

- 4.5.1. A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. (*StackW1, StackW2*)  
**[45CSR§2-8.3.b. and 45CSR§10-8.3.b.]**
- 4.5.2. Compliance with the periodic exception reporting of permit condition 4.5.1. shall be demonstrated as outlined in sections III.C. and IV.C. of the “45CSR2 &10 Monitoring Plan” submitted on August 6, 2001 and which is attached in Appendix B of this permit.  
**[45CSR§2-8.3.b. and 45CSR§10-8.3.b.]**

- 4.5.3. Excess opacity periods, resulting from any malfunction, meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Secretary:
- a. The excess opacity period does not exceed thirty (30) minutes within any twenty-four (24) hour period; and
  - b. Excess opacity does not exceed forty percent (40%).

**[45CSR§2-9.3.a.]**

- 4.5.4. Except as provided in permit condition 4.5.3. above, the owner or operator shall report to the Secretary by telephone, telefax or e-mail, any malfunction of Unit W1 or Unit W2 or their associated air pollution control equipment, which results in any excess particulate matter or excess opacity by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Secretary within thirty (30) days providing the following information:
- a. A detailed explanation of the factors involved or causes of the malfunction;
  - b. The date, and time of duration (with starting and ending times) of the period of excess emissions;
  - c. An estimate of the mass of excess emissions discharged during the malfunction period;
  - d. The maximum opacity measured or observed during the malfunction;
  - e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and
  - f. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

**[45CSR§2-9.3.b.]**

- 4.5.5. Records of the operating schedule and the quantity and quality of fuel consumed in each unit shall be maintained in a manner specified by the Secretary. Such records are to be maintained on-site and made available to the Secretary or his duly authorized representative upon request. (*StackW1, StackW2*)

**[45CSR§10-8.3.c.]**

- 4.5.6. The designated representative shall electronically report SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions data and information as specified in 40 CFR §75.64 to the Administrator of USEPA, quarterly. Each electronic report must be submitted within thirty (30) days following the end of each calendar quarter.

**[45CSR33, 40 CFR §75.64]**

- 4.5.7. The designated representative shall report excess emissions of opacity recorded under 40 CFR §§75.50(f) or 75.54(f) to the Secretary, in the format specified by the Secretary.

**[45CSR33, 40 CFR §75.65]**

- 4.5.8. The following requirements from 40 CFR 63 Subpart ZZZZ, are applicable to the fire pump engine “WIL FP-1”:

- a. You must report each instance in which you did not meet each requirement in Table 2c, to 40 CFR 63 Subpart ZZZZ for existing compression ignition stationary RICE located at a major source of HAP emissions that apply to you. (*The Table 2c requirements for “WIL FP-1” pertain to routine maintenance and repair and startup operations and are listed in condition 4.1.26 of this permit*). These instances are deviations from 40 CFR 63 Subpart ZZZZ and must be reported according to the requirements in 40 CFR §63.6650 (i.e., in the semiannual monitoring report required by condition 3.5.6).  
**[45CSR34; 40 CFR §§63.6640(b) and 63.6650(f)]**
  
- b. You must also report each instance in which you did not meet the requirements in Table 8 to 40 CFR 63 Subpart ZZZZ that apply to you.  
**[45CSR34; 40 CFR §63.6640(e)]**

#### **4.6. Compliance Plan**

- 4.6.1. None.



## **5.0 Willow Island Material Handling Sources**

### **5.1 Limitations and Standards**

- 5.1.1. **Emergency Operating Scenarios.** Upon applying to the Secretary for approval, coal may be received by truck in the event of an emergency.
- 5.1.2. The Coal and Ash handling systems are subject to 45CSR§2-5 as outlined in the facility wide section of this permit regarding fugitive dust control system. (See condition 3.1.12)

### **5.2 Monitoring Requirements**

- 5.2.1. None.

### **5.3 Testing Requirements**

- 5.3.1. None.

### **5.4 Recordkeeping Requirements**

- 5.4.1. None.

### **5.5 Reporting Requirements**

- 5.5.1. None.

### **5.6 Compliance Plan**

- 5.6.1. None.

## **APPENDIX A**

### Cross-State Air Pollution Rule Requirements

### Cross-State Air Pollution Rule (CSAPR) Trading Program Title V Requirements

<b>Plant Name: Willow Island Power Station</b>	<b>West Virginia ID Number: 073-00004</b>	<b>ORIS/Facility Code: 3946</b>
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1. Owners and operators of the CSAPR subject unit(s) identified in the CSAPR Monitoring Requirements Table below are subject to the requirements of the *CSAPR NO<sub>x</sub> Annual Trading Program Requirements*, *CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program Requirements*, and the *CSAPR SO<sub>2</sub> Group 1 Trading Program Requirements* in Appendix A to this permit.
2. Owners and operators of the CSAPR subject unit(s) identified in the CSAPR Monitoring Requirements Table below are subject to the monitoring requirements specified in the table below.

<b>CSAPR MONITORING REQUIREMENTS TABLE</b>			
<b>Description of Monitoring Requirements:</b>	<b>Parameter</b>		
	<b>SO<sub>2</sub></b>	<b>NO<sub>x</sub></b>	<b>Heat Input</b>
<b>Unit ID: W1</b>			
Continuous emission monitoring system (CEMS) pursuant to 40 CFR part 75, subpart B (for SO <sub>2</sub> monitoring) and 40 CFR part 75, subpart H (for NO <sub>x</sub> monitoring)	X	X	X
Excepted monitoring system pursuant to 40 CFR part 75, appendix D ( <i>Optional SO<sub>2</sub> Emissions Data Protocol for Gas-Fired and Oil-Fired Units</i> )			
Excepted monitoring system pursuant to 40 CFR part 75, appendix E ( <i>Optional NO<sub>x</sub> Emissions Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units</i> )			
Low Mass Emissions excepted monitoring (LME) pursuant to 40 CFR 75.19 ( <i>Optional SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> Emissions Calculation for Low Mass Emissions (LME) Units</i> )			
EPA-approved alternative monitoring system pursuant to 40 CFR part 75, subpart E			
<b>Unit ID: W2</b>			
Continuous emission monitoring system (CEMS) pursuant to 40 CFR part 75, subpart B (for SO <sub>2</sub> monitoring) and 40 CFR part 75, subpart H (for NO <sub>x</sub> monitoring)	X	X	X
Excepted monitoring system pursuant to 40 CFR part 75, appendix D ( <i>Optional SO<sub>2</sub> Emissions Data Protocol for Gas-Fired and Oil-Fired Units</i> )			
Excepted monitoring system pursuant to 40 CFR part 75, appendix E ( <i>Optional NO<sub>x</sub> Emissions Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units</i> )			
Low Mass Emissions excepted monitoring (LME) pursuant to 40 CFR 75.19 ( <i>Optional SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> Emissions Calculation for Low Mass Emissions (LME) Units</i> )			
EPA-approved alternative monitoring system pursuant to 40 CFR part 75, subpart E			

3. The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR 97.430 through 97.435, (*CSAPR NO<sub>x</sub> Annual Trading Program*), 97.830 through 97.835 (*CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program*) and, 97.630 through 97.635 (*CSAPR SO<sub>2</sub> Group 1 Trading Program*). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable CSAPR trading program.
4. Owners and operators shall submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable.
5. Owners and operators that want to use an alternative monitoring system shall submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR part 75, subpart E, 40 CFR 75.66, and the applicable trading program provisions found in 40 CFR 97.435 (*CSAPR NO<sub>x</sub> Annual Trading Program*), 97.835 (*CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program*) and, 97.635 (*CSAPR SO<sub>2</sub> Group 1 Trading Program*). The Administrator's response approving or disapproving any petition for an alternative monitoring system is available on the EPA's website at <https://www.epa.gov/airmarkets/complete-list-responses-40-cfr-part-75-petitions>.

6. Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR 97.430 through 97.434 (*CSAPR NO<sub>x</sub> Annual Trading Program*), 97.830 through 97.834 (*CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program*) and/or, 97.630 through 97.634 (*CSAPR SO<sub>2</sub> Group 1 Trading Program*) shall submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and 97.435 (*CSAPR NO<sub>x</sub> Annual Trading Program*), 97.835 (*CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program*) and/or 97.635 (*CSAPR SO<sub>2</sub> Group 1 Trading Program*). The Administrator's response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on EPA's website at <https://www.epa.gov/airmarkets/complete-list-responses-40-cfr-part-75-petitions>.

**CSAPR NO<sub>x</sub> Annual Trading Program requirements (40 CFR 97.406)**

**(a) Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.413 through 97.418.

**(b) Emissions monitoring, reporting, and recordkeeping requirements.**

- (1) The owners and operators, and the designated representative, of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.430 (general monitoring, recordkeeping, and reporting requirements, including: installation, certification, and data accounting; compliance deadlines; reporting data; prohibitions; and long-term cold storage), 97.431 (initial monitoring system certification and recertification procedures), 97.432 (monitoring system out-of-control periods), 97.433 (notifications concerning monitoring), 97.434 (recordkeeping and reporting, including: monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (2) The emissions data determined in accordance with 40 CFR 97.430 through 97.435 shall be used to calculate allocations of CSAPR NO<sub>x</sub> Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the CSAPR NO<sub>x</sub> Annual emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

**(c) NO<sub>x</sub> emissions requirements.**

(1) CSAPR NO<sub>x</sub> Annual emissions limitation.

- (i). As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Annual units at the source.
- (ii). If total NO<sub>x</sub> emissions during a control period in a given year from the CSAPR NO<sub>x</sub> Annual units at a CSAPR NO<sub>x</sub> Annual source exceed the CSAPR NO<sub>x</sub> Annual emissions limitation set forth in paragraph (c)(1)(i) above, then:
  - (A). The owners and operators of the source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold the CSAPR NO<sub>x</sub> Annual allowances required for deduction under 40 CFR 97.424(d); and
  - (B). The owners and operators of the source and each CSAPR NO<sub>x</sub> Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.

(2) CSAPR NO<sub>x</sub> Annual assurance provisions.

- (i). If total NO<sub>x</sub> emissions during a control period in a given year from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in West Virginia exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for West Virginia and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.425(b), of multiplying:
  - (A) The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in West Virginia for such control period, by which each common designated representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and

- (B) The amount by which total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in West Virginia for such control period exceed the state assurance level.
  - (ii). The owners and operators shall hold the CSAPR NO<sub>x</sub> Annual allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
  - (iii). Total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in West Virginia during a control period in a given year exceed the state assurance level if such total NO<sub>x</sub> emissions exceed the sum, for such control period, of the state NO<sub>x</sub> Annual trading budget under 40 CFR 97.410(a) and the state's variability limit under 40 CFR 97.410(b).
  - (iv). It shall not be a violation of 40 CFR part 97, subpart AAAAA or of the Clean Air Act if total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in West Virginia during a control period exceed the state assurance level or if a common designated representative's share of total NO<sub>x</sub> emissions from the CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the state during a control period exceeds the common designated representative's assurance level.
  - (v). To the extent the owners and operators fail to hold CSAPR NO<sub>x</sub> Annual allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
    - (A). The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
    - (B). Each CSAPR NO<sub>x</sub> Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.
  - (3) Compliance periods.
    - (i). A CSAPR NO<sub>x</sub> Annual unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
    - (ii). A CSAPR NO<sub>x</sub> Annual unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
  - (4) Vintage of CSAPR NO<sub>x</sub> Annual allowances held for compliance.
    - (i). A CSAPR NO<sub>x</sub> Annual allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Annual allowance that was allocated for such control period or a control period in a prior year.
    - (ii). A CSAPR NO<sub>x</sub> Annual allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
  - (5) Allowance Management System requirements. Each CSAPR NO<sub>x</sub> Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart AAAAA.
  - (6) Limited authorization. A CSAPR NO<sub>x</sub> Annual allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
    - (i). Such authorization shall only be used in accordance with the CSAPR NO<sub>x</sub> Annual Trading Program; and
    - (ii). Notwithstanding any other provision of 40 CFR part 97, subpart AAAAA, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
  - (7) Property right. A CSAPR NO<sub>x</sub> Annual allowance does not constitute a property right.
- (d) Title V permit revision requirements.**
- (1) Owners and operators shall not be required to revise the title V permit for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Annual allowances in accordance with 40 CFR part 97, subpart AAAAA.
  - (2) Owners and operators shall revise the title V permit for any addition of, or change to, a unit's description in the CSAPR Monitoring Requirements Table above. The addition of, or change to, a unit's description of whether a unit is required to monitor and report NO<sub>x</sub> emissions using a continuous emission monitoring system (under subpart H of part 75 of

this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.430 through 97.435 is eligible for minor permit modification procedures in accordance with 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

**(e) Additional recordkeeping and reporting requirements.**

- (1) Unless otherwise provided, the owners and operators of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
  - (i). The certificate of representation under 40 CFR 97.416 for the designated representative for the source and each CSAPR NO<sub>x</sub> Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.416 changing the designated representative.
  - (ii). All emissions monitoring information, in accordance with 40 CFR part 97, subpart AAAAA.
  - (iii). Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO<sub>x</sub> Annual Trading Program.
- (2) The designated representative of a CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall make all submissions required under the CSAPR NO<sub>x</sub> Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

**(f) Liability.**

- (1) Any provision of the CSAPR NO<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual source or the designated representative of a CSAPR NO<sub>x</sub> Annual source shall also apply to the owners and operators of such source and of the CSAPR NO<sub>x</sub> Annual units at the source.
- (2) Any provision of the CSAPR NO<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual unit or the designated representative of a CSAPR NO<sub>x</sub> Annual unit shall also apply to the owners and operators of such unit.

**(g) Effect on other authorities.**

No provision of the CSAPR NO<sub>x</sub> Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO<sub>x</sub> Annual source or CSAPR NO<sub>x</sub> Annual unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

**CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program Requirements (40 CFR 97.806)**

**(a) Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.813 through 97.818.

**(b) Emissions monitoring, reporting, and recordkeeping requirements.**

- (1) The owners and operators, and the designated representative, of each CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.830 (general monitoring, recordkeeping, and reporting requirements, including: installation, certification, and data accounting; compliance deadlines; reporting data; prohibitions; and long-term cold storage), 97.831 (initial monitoring system certification and recertification procedures), 97.832 (monitoring system out-of-control periods), 97.833 (notifications concerning monitoring), 97.834 (recordkeeping and reporting, including: monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.835 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (2) The emissions data determined in accordance with 40 CFR 97.830 through 97.835 shall be used to calculate allocations of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances under 40 CFR 97.811(a)(2) and (b) and 97.812 and to determine compliance with the CSAPR NO<sub>x</sub> Ozone Season Group 2 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

**(c) NO<sub>x</sub> emissions requirements.**

(1) CSAPR NO<sub>x</sub> Ozone Season Group 2 emissions limitation.

- (i). As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR 97.824(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at the source.
- (ii). If total NO<sub>x</sub> emissions during a control period in a given year from the CSAPR NO<sub>x</sub> Ozone Season Group 2 units at a CSAPR NO<sub>x</sub> Ozone Season Group 2 source exceed the CSAPR NO<sub>x</sub> Ozone Season Group 2 emissions limitation set forth in paragraph (c)(1)(i) above, then:
  - (A). The owners and operators of the source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall hold the CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances required for deduction under 40 CFR 97.824(d); and
  - (B). The owners and operators of the source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart EEEEE and the Clean Air Act.

(2) CSAPR NO<sub>x</sub> Ozone Season Group 2 assurance provisions.

- (i). If total NO<sub>x</sub> emissions during a control period in a given year from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in West Virginia exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for West Virginia and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR 97.825(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.825(b), of multiplying—
  - (A). The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in West



- Virginia for such control period, by which each common designated representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and
- (B). The amount by which total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in West Virginia for such control period exceed the state assurance level.
- (ii). The owners and operators shall hold the CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.
- (iii). Total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in West Virginia during a control period in a given year exceed the state assurance level if such total NO<sub>x</sub> emissions exceed the sum, for such control period, of the state NO<sub>x</sub> Ozone Season Group 2 Trading budget under 40 CFR 97.810(a) and the state's variability limit under 40 CFR 97.810(b).
- (iv). It shall not be a violation of 40 CFR part 97, subpart EEEEE or of the Clean Air Act if total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in West Virginia during a control period exceed the state assurance level or if a common designated representative's share of total NO<sub>x</sub> emissions from the CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in the state during a control period exceeds the common designated representative's assurance level.
- (v). To the extent the owners and operators fail to hold CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
- (A). The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
- (B). Each CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart EEEEE and the Clean Air Act.
- (3) Compliance periods.
- (i). A CSAPR NO<sub>x</sub> Ozone Season Group 2 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.830(b) and for each control period thereafter.
- (ii). A CSAPR NO<sub>x</sub> Ozone Season Group 2 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.830(b) and for each control period thereafter.
- (4) Vintage of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances held for compliance.
- (i). A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance that was allocated for such control period or a control period in a prior year.
- (ii). A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (5) Allowance Management System requirements. Each CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart EEEEE.
- (6) Limited authorization. A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
- (i). Such authorization shall only be used in accordance with the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program; and
- (ii). Notwithstanding any other provision of 40 CFR part 97, subpart EEEEE, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance does not constitute a property right.

**(d) Title V permit revision requirements.**

- (1) Owners and operators shall not be required to revise the title V permit for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Annual allowances in accordance with 40 CFR part 97, subpart EEEEE.
- (2) Owners and operators shall revise the title V permit for any addition of, or change to, a unit's description in the CSAPR Monitoring Requirements Table above. The addition of, or change to, a unit's description of whether a unit is required to monitor and report NO<sub>x</sub> emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.830 through 97.835 is eligible for minor permit modification procedures in accordance with 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

**(e) Additional recordkeeping and reporting requirements.**

- (1) Unless otherwise provided, the owners and operators of each CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
  - (i). The certificate of representation under 40 CFR 97.816 for the designated representative for the source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.816 changing the designated representative.
  - (ii). All emissions monitoring information, in accordance with 40 CFR part 97, subpart EEEEE.
  - (iii). Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program.
- (2) The designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program, except as provided in 40 CFR 97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

**(f) Liability.**

- (1) Any provision of the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program that applies to a CSAPR NO<sub>x</sub> Ozone Season Group 2 source or the designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NO<sub>x</sub> Ozone Season Group 2 units at the source.
- (2) Any provision of the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program that applies to a CSAPR NO<sub>x</sub> Ozone Season Group 2 unit or the designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.

**(g) Effect on other authorities.**

No provision of the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program or exemption under 40 CFR 97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO<sub>x</sub> Ozone Season Group 2 source or CSAPR NO<sub>x</sub> Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

**CSAPR SO<sub>2</sub> Group 1 Trading Program requirements (40 CFR 97.606)**

**(a) Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.613 through 97.618.

**(b) Emissions monitoring, reporting, and recordkeeping requirements.**

- (1) The owners and operators, and the designated representative, of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.630 (general monitoring, recordkeeping, and reporting requirements, including: installation, certification, and data accounting; compliance deadlines; reporting data; prohibitions; and long-term cold storage), 97.631 (initial monitoring system certification and recertification procedures), 97.632 (monitoring system out-of-control periods), 97.633 (notifications concerning monitoring), 97.634 (recordkeeping and reporting, including: monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.635 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (2) The emissions data determined in accordance with 40 CFR 97.630 through 97.635 shall be used to calculate allocations of CSAPR SO<sub>2</sub> Group 1 allowances under 40 CFR 97.611(a)(2) and (b) and 97.612 and to determine compliance with the CSAPR SO<sub>2</sub> Group 1 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

**(c) SO<sub>2</sub> emissions requirements.**

(1) CSAPR SO<sub>2</sub> Group 1 emissions limitation.

- (i). As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under 40 CFR 97.624(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all CSAPR SO<sub>2</sub> Group 1 units at the source.
- (ii). If total SO<sub>2</sub> emissions during a control period in a given year from the CSAPR SO<sub>2</sub> Group 1 units at a CSAPR SO<sub>2</sub> Group 1 source exceed the CSAPR SO<sub>2</sub> Group 1 emissions limitation set forth in paragraph (c)(1)(i) above, then:
  - (A). The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold the CSAPR SO<sub>2</sub> Group 1 allowances required for deduction under 40 CFR 97.624(d); and
  - (B). The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation 40 CFR part 97, subpart CCCC and the Clean Air Act.

(2) CSAPR SO<sub>2</sub> Group 1 assurance provisions.

- (i). If total SO<sub>2</sub> emissions during a control period in a given year from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in West Virginia exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO<sub>2</sub> emissions during such control period exceeds the common designated representative's assurance level for West Virginia and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under 40 CFR 97.625(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.625(b), of multiplying—
  - (A). The quotient of the amount by which the common designated representative's share of such SO<sub>2</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in West Virginia for such control period, by which each common designated representative's share of such SO<sub>2</sub> emissions exceeds the respective common designated representative's assurance level; and

- (B). The amount by which total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in West Virginia for such control period exceed the state assurance level.
  - (ii). The owners and operators shall hold the CSAPR SO<sub>2</sub> Group 1 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
  - (iii). Total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in West Virginia during a control period in a given year exceed the state assurance level if such total SO<sub>2</sub> emissions exceed the sum, for such control period, of the state SO<sub>2</sub> Group 1 trading budget under 40 CFR 97.610(a) and the state's variability limit under 40 CFR 97.610(b).
  - (iv). It shall not be a violation of 40 CFR part 97, subpart CCCCC or of the Clean Air Act if total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in West Virginia during a control period exceed the state assurance level or if a common designated representative's share of total SO<sub>2</sub> emissions from the CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in the state during a control period exceeds the common designated representative's assurance level.
  - (v). To the extent the owners and operators fail to hold CSAPR SO<sub>2</sub> Group 1 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
    - (A). The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
    - (B). Each CSAPR SO<sub>2</sub> Group 1 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart CCCCC and the Clean Air Act.
- (3) Compliance periods.
- (i). A CSAPR SO<sub>2</sub> Group 1 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
  - (ii). A CSAPR SO<sub>2</sub> Group 1 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
- (4) Vintage of CSAPR SO<sub>2</sub> Group 1 allowances held for compliance.
- (i). A CSAPR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 1 allowance that was allocated for such control period or a control period in a prior year.
  - (ii). A CSAPR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) above for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 1 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (5) Allowance Management System requirements. Each CSAPR SO<sub>2</sub> Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart CCCCC.
- (6) Limited authorization. A CSAPR SO<sub>2</sub> Group 1 allowance is a limited authorization to emit one ton of SO<sub>2</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
- (i). Such authorization shall only be used in accordance with the CSAPR SO<sub>2</sub> Group 1 Trading Program; and
  - (ii). Notwithstanding any other provision of 40 CFR part 97, subpart CCCCC, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A CSAPR SO<sub>2</sub> Group 1 allowance does not constitute a property right.
- (d) Title V permit revision requirements.**
- (1) Owners and operators shall not be required to revise the title V permit for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Annual allowances in accordance with 40 CFR part 97, subpart CCCCC.
  - (2) Owners and operators shall revise the title V permit for any addition of, or change to, a unit's description in the CSAPR Monitoring Requirements Table above. The addition of, or change to, a unit's description of whether a unit is required to monitor and report NO<sub>x</sub> emissions using a continuous emission monitoring system (under subpart B of part 75 of

this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.630 through 97.635 is eligible for minor permit modification procedures in accordance with 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

**(e) Additional recordkeeping and reporting requirements.**

- (1) Unless otherwise provided, the owners and operators of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
  - (i). The certificate of representation under 40 CFR 97.616 for the designated representative for the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.616 changing the designated representative.
  - (ii). All emissions monitoring information, in accordance with 40 CFR part 97, subpart CCCCC.
  - (iii). Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR SO<sub>2</sub> Group 1 Trading Program.
- (2) The designated representative of a CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall make all submissions required under the CSAPR SO<sub>2</sub> Group 1 Trading Program, except as provided in 40 CFR 97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

**(f) Liability.**

- (1) Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 source or the designated representative of a CSAPR SO<sub>2</sub> Group 1 source shall also apply to the owners and operators of such source and of the CSAPR SO<sub>2</sub> Group 1 units at the source.
- (2) Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 unit or the designated representative of a CSAPR SO<sub>2</sub> Group 1 unit shall also apply to the owners and operators of such unit.

**(g) Effect on other authorities.**

No provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program or exemption under 40 CFR 97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR SO<sub>2</sub> Group 1 source or CSAPR SO<sub>2</sub> Group 1 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

## **APPENDIX B**

### 45CSR2 & 45CSR10 Monitoring Plan

## **Monitoring and Recordkeeping Plan** **45 CSR 2 and 45 CSR 10** **Utility Boilers**

### **Facility Information:**

Facility Name: Willow Island Power Station

Facility Address: Willow Island Power Station  
State Route 2, No. 2 Power Station Blvd  
Willow Island, WV 26134

Facility Contact: Mark Valach\*  
Director, Pleasants Plant  
Telephone (304) 665-3244  
FAX # (304) 665-3282

Manager Air Quality: Suzy Clevenger\*  
800 Cabin Hill Drive  
Telephone (724) 838-6828\*

\* Although the Monitoring Plan has not been revised, the contact information has been updated in this Title V renewal permit at the request of Allegheny Energy.

### **Facility Description:** (Plant ID # 7300004)

Willow Island Power Station is a coal-fired electric generating facility with two main combustion units (Units 1 & 2) with in-service dates of 1949 and 1960 respectively, discharging through two individual stacks. Stacks 1 & 2 each have a height of approximately 215.6', with an outlet diameter of approximately 18.3'. There are no cooling towers. Each unit has an electrostatic precipitator (ESP) with 99.6% removal efficiency. Willow Island Power Station has two auxiliary boilers (3A and 3B) with a common auxiliary stack. Each unit has a design heat input greater than 10mmBtu/hr making them subject to 45CSR 2 and 45 CSR 10.

### **I. 45 CSR 2 Monitoring Plan:**

In accordance with §. 8.2A of 45 CSR 2, the following proposed plan is for monitoring compliance with opacity limits found in § 3 of that rule:

#### **A. Stacks 1 and 2**

1. Applicable Standard: 10% opacity based on a six-minute block average 45 CSR 2, § 3.1.
2. Monitoring Methods(s)
  - a. The primary method for monitoring opacity at the Willow Island Power Station will be Continuous Opacity Monitors (COMS). The

COMS are installed, maintained and operated in compliance with 40 CFR Part 60 (NSPS) and Part 75 (Acid Rain).

Other Credible Monitoring Method(s): Willow Island Power Station is reserving the right to use Method 9 readings, or any other appropriate method that would produce credible data. These “other monitoring methods” will generally be used in the absence of COMS data or as other credible evidence used in conjunction with COMS data. If used, Method 9 readings, with a minimum duration of 30 minutes, will be conducted daily when following conditions are met: 1) The auxiliary boiler has operated at normal, stable load conditions for at least 24 consecutive hours, and 2) weather/lighting conditions are conducive to taking proper Method 9 readings.

## **B. Auxiliary Stack**

1. Applicable Standard: 10% opacity based on a six-minute block average 45 CSR 2, § 3.1.
2. Monitoring Method(s)

Willow Island Power Station is exempt from the periodic testing requirements of 45 CSR 2 Section 8.1.a and the monitoring requirements of 45 CSR 2 Section 8.2 with respect to the auxiliary boilers, based upon a design heat input of 19.89 mmBtu/hr for each unit. Ref. 45 CSR 2 Section 8.4.c.

## **II. 45 CSR 10 Monitoring Plan:**

In accordance with § 8.2c of 45 CSR 10, following is the proposed plan for monitoring compliance with the sulfur dioxide weight emission standards expressed in § 3 of that rule:

### **A. Stacks 1 and 2**

1. Applicable Standard: The product of 2.7 and the total design heat inputs for all units discharging through the stacks in million BTU’s per hour. Compliance with the SO<sub>2</sub> limit is based on a continuous 24-hour averaging time, 45 CSR 10, § 3.1c.
2. Primary Monitoring Method: The primary method of monitoring SO<sub>2</sub> mass emissions from Stacks 1, 2 and 3 will be Continuous Emission Monitors (CEMS). The CEMS are installed, maintained and operated in compliance with 40 CFR Part 75. As specified in 45 CSR 10, § 8.2.c.1, measurement with a certified CEMS shall satisfy the monitoring plan requirements.



3. **Other Credible Monitoring Methods:** While CEMS is the primary monitoring method, in the absence of CEMS, we reserve the right to use ASTM compliant fuel sampling and analysis or any other appropriate method that would produce credible data.

## **B. Auxiliary Stack**

1. **Applicable Standard:** The product of 3.1 and the total design heat inputs for Type “b” fuel burning units, discharging through the stacks in million BTU’s per hour. Compliance with the SO<sub>2</sub> limit is based on a continuous 24-hour averaging time. Ref 45 CSR 10, § 3.1.e and 3.8.
2. **Monitoring, Recordkeeping, and Exception Reporting Requirements:** The Willow Island Power Station auxiliary boilers (and stack) are exempt from the Testing, Monitoring, Recordkeeping, and Reporting requirements found under 45 CSR 10, § 8 in accordance with 45 CSR 10 § 10.3 because the fuel burning sources combust either natural gas, distillate oil, or a combination of the two. 45 CSR 10, § 3.8 also contains the requirement for the development of a monitoring plan. Because the burning of distillate oil results in an SO<sub>2</sub> emission rate well below the standard, fuel sampling and analysis may continue to be performed at this facility, but will be done so at the discretion of the owner/operator. Because the burning of natural gas results in negligible SO<sub>2</sub> emission rates, fuel sampling and analysis of natural gas will not be performed. It is not required by this monitoring plan for the purposes of indicating compliance of the auxiliary boilers with SO<sub>2</sub> standards.

## **III. 45 CSR 2 Recordkeeping and Reporting Plan**

### **A. Operating Schedule and Quality/Quantity of Fuel Burned**

1. The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule, and the quality and quantity of fuel burned in each fuel burning unit as determined in 45 CSR 2A, § 7.1.a.
2. Pipeline quality natural gas only, If used: such record shall include, but not limited to, the date and time of start-up and shutdown, and the quantity of fuel consumed on a monthly basis as determined in 45 CSR 2A, § 7.1.a.1.
3. Distillate oil only: such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a monthly basis as determined in 45 CSR 2A, § 7.1.a.2.
4. Coal only: such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis and

an ash, BTU and sulfur content analysis for each shipment as determined in 45 CSR 2A, § 7.1.a.4.

5. Alternative, and/or opportunity fuel(s): such records shall include, but not be limited to, the date and time of start-up and shutdown, and fuel quality analysis as approved by the director as determined by 45 CSR 2A, § 7.1.a.5.
6. Combination of fuels: the owner or operator shall comply with the applicable recordkeeping requirements of §§ 7.1.a.1 through 7.1.a.5 for each fuel burned as determined in 45 CSR 2A, § 7.1.a.6.

## **B. Record Maintenance**

1. Records of all required monitoring data and support information shall be maintained on-site for a period of at least five (5) Years from the date of monitoring, sampling, testing, measurement and reporting. Support information includes all calibration and maintenance records, strip charts, and copies of all required reports. In the case of auxiliary boilers, strip chart recordings, etc., are generally not available.

## **C. Exception Reporting**

1. Compliance with the reporting and testing requirements under the Appendix to 45 CSR 2 shall fulfill the requirement for a periodic exception report under subdivision 8.3.b or 45 CSR 2 – 45 CSR 2A, § 7.2.a.
2. COMS: “Summary Report and/or Monitoring System Performance Report”:  
Each owner or operator employing COMS as the method for monitoring opacity shall submit a summary report and /or an excursion and COMS monitoring system report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may require more frequent reporting if deemed necessary to accurately assess compliance. The COMS summary report will be in an already established format, or one specified by the Director.
  - a. If the duration of excursions for the reporting period is less than one percent (1%) of the total operating time and monitoring system downtime for the reporting period is less than five percent (5%) of the total operating time, the summary report shall be submitted to the Director, the excursion and COMS monitoring system report shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 2A, § 7.2.b.1.
  - b. If the total duration of excursions for the reporting period is one percent (1%) or greater of the total operating time, or total monitoring system downtime for the reporting period is five

- percent (5%) or greater, both reports shall be submitted to the Director. Ref 45 CSR 2A, § 7.2.b.2.
- c. The excursion and COMS monitoring system report shall be in a format approved by the Director and shall include, but not be limited to the following information. Ref 45 CSR 2A, §s. 7.2.b.3, 7.2.b.3.A, B, C, D, and E.
  - d. The magnitude of each excursion, including the date and time, and the starting and ending times of each excursion.
  - e. Specific identification of each excursion that occurs during start-ups, shutdowns and malfunctions.
  - f. The nature and cause of any excursion (if known), and the corrective action taken and preventative measures adopted (if any).
  - g. The date and time identifying each period during which quality controlled (assured) monitoring data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of repairs or adjustments to the monitoring system.
  - h. When no excursions have occurred or there were no periods of quality controlled data unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report.
3. Non-COMS Based Monitoring, Summary Report and Excursion Report. Each owner or operator employing non-COMS based monitoring shall submit a monitoring summary report and/or an excursion report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may request more frequent reporting if deemed necessary to accurately assess the compliance of the units. The report shall be in a format approved by the Director. Ref. 45 CSR 2A, § 7.2.c.
- a. If the total number of excursions for the reporting period is less than one percent (1%) of the total number of readings for the reporting period and the number of readings missing for the reporting period is less than five percent (5%) of the total number of readings agreed upon in the monitoring plan, the monitoring summary report shall be submitted to the Director, and the excursion report shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 2A, § 7.2.c.1.
  - b. If the number of excursions for the reporting period is one percent (1%) or greater of the total number of readings for the reporting period or the number of readings missing for the reporting period is five percent (5%) or greater, the monitoring plan summary report

and the excursion report shall both be submitted to the Director.  
Ref 45 CSR 2A, § 7.2.c.2.

- c. The excursion and monitoring plan report shall be in a format approved by the Director and shall include, but not be limited to, the information as outlined in Paragraph C.2.d, e, f, g, and h of this plan.
  - d. To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45 CSR 2 shall be followed. Ref. 45 CSR 2A, § 7.2.d.
4. Pursuant to 45 CSR 2, Section 8.4.a, Willow Island Power Station is petitioning the Office of Air Quality (OAQ) Chief for alternative reporting requirements for the auxiliary boiler and associated stack.
- a. As an alternative to the testing and exception reporting requirements for particulate mass emissions from the auxiliary boilers, we propose that the fuel analysis records maintained under the fuel quality analysis and recordkeeping section of this plan provide sufficient evidence of compliance with the particulate mass emission limit. Based on an average heat content (distillate oil) of approximately 139,000 Btu/gallon and an AP-42 based particulate mass emissions emission factor of 2 lbs/thousand gallons, the calculated particulate mass emissions of the auxiliary boilers are 0.01 lb/mmBtu for each boiler. Based on an average heat content (natural gas) of approximately 1,000 Btu/scf and an AP-42 based filterable PM emission factor of 1.9 lb/Mcf, the calculated particulate mass emissions of the auxiliary boilers are 1.9 lb/mmBtu for each boiler. Hence, it is estimated that each boiler has a total calculated particulate mass emissions of approximately 1.91 lb/mmBtu per year. For the purpose of meeting exception reporting requirements for fuel oil, any fuel oil analysis indicating a heat content of less than 25,000 Btu/gallon will be reported to the OAQ to fulfill the requirement for a periodic exception report under 45 CSR 2 Section 8.3.b. and 45 CSR 2A, § 7.2.a. A heat content of 25,000 Btu/gal and a particulate emissions factor of 2 lbs/thousand gallons would result in a calculated particulate mass emissions of approximately 90% of the applicable 45 CSR 2 weight emission standard. Ref. 45 CSR 2 Section 4.1.b.
  - b. To the extent that an excursion is due to a malfunction, the reporting requirements of 45 CSR 2 Section 9 shall be followed. Ref. 45 CSR 2A, § 7.2.d.

If no exceptions have occurred during the quarter, then a report will be submitted to the OAQ stating so. This will include periods in

which no Method 9 tests were conducted (e.g. unit out of service) or when no fuel oil was received.

#### **IV. 45 CSR 10 Recordkeeping and Reporting Plan**

##### **A. Operating Schedule and Quality/Quantity of Fuel Burned**

1. The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule and the quality and quantity of fuel burned in each unit. Such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis, and a periodic fuel quality analysis as set forth below. Ref. 45 CSR 10 A, § 7.1.a:
  - a.  $\geq 90\%$  of Factor                      daily
  - b.  $< 90\%$  of Factor                      per shipment

The owner or operator shall provide in the monitoring plan a quality control and quality assurance program for the fuel analysis. If a certified independent laboratory is used to provide the fuel analysis, the quality control and assurance program is deemed to be satisfactory. Ref 45 CSR 10A, §7.1.a.1.

- c. The owner/operator of fuel burning units utilizing CEMS shall be exempt from the provisions of 7.1.a and 7.1.b. Ref. 45 CSR 10A, §7.1.c.

##### **B. Record Maintenance**

1. For fuel burning units, and combustion sources, records of all required monitoring data and support information shall be maintained on-site for a period of at least five (5) years from the date of monitoring, sampling, measurement or reporting. Support information includes all calibration and maintenance records and all strip chart recordings, and copies of all reports. Ref. 45 CSR 10A, § 7.1.d.

##### **C. Exception Reporting**

1. CEMS – each owner or operator employing CEMS for an approved monitoring plan shall submit a CEMS summary report and/or an excursion report quarterly (within 30 days of end of quarter) to the Director. The Director may request more frequent reports if deemed necessary to assess compliance of the units. The CEMS report shall be submitted in a format approved by the Director, or as specified by the Director. Ref 45 CSR 10A, § 7.2.a

- a. Submittal of 40 CFR Part 75 data in electronic data reporting (EDR) format to the Director shall be deemed to satisfy the requirements of Section 7.2.a. Ref 45 CSR 10A, § 7.2.a.1
2. If the total duration of excursions for the reporting period is less than four percent (4%) of the total source operating time for the reporting period and the total monitoring method downtime for the reporting period is less than five percent (5%) of the total source operating time for the reporting period, only the CEMS summary shall be submitted. The excursion summary shall be maintained on-site and shall be submitted to the Director upon request. Ref 45 CSR 10A, § 7.2.a.2.
3. If the total duration of excursions for the reporting period is four percent or greater of the total operating time for the reporting period or the total monitoring method downtime for the reporting period is five percent (5%) or greater of the total operating time for the reporting period, the CEMS summary report and the excursion report shall both be submitted to the Director. Ref. 45 CSR 10A, § 7.2.a.3.
4. The CEMS excursion and monitoring report shall be in format approved by the Director and shall include the following information. Ref. 45 CSR 10 A, § 7.2.a.4.
  - a. The magnitude of each excursion, and the date and time, including starting and ending times of each excursion. Ref. 45 CSR 10A, § 7.2.a.4.A.
  - b. Specific identification of each excursion that occurs during startups, shutdowns, and malfunctions of the facility. Ref. 45 CSR10A, § 7.2.a.4.B.
  - c. The nature and cause of any malfunction (if known), and the corrective action taken and preventive measures adopted. Ref. 45 CSR 10A, § 7.2.a.4.C.
  - d. The date and time identifying each period during which quality assured data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of the repairs or adjustments to the monitoring system. Ref. 45 CSR 10A, § 7.2.a.4.D.
  - e. When no excursions have occurred or there were no periods of quality assured unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report. Ref. 45 CSR 10A, § 7.2.a.4.E.
5. Non-COMS based monitoring – each owner or operator employing non COMS based monitoring shall submit a monitoring summary report and an

excursion report to the Director on a quarterly basis (within 30 days of the end of the quarter). The Director may require more frequent reporting if deemed necessary to assess the compliance of the fuel burning units. The monitoring summary report shall contain the information and be in a format approved by the Director. Ref. 45 CSR 10A, § 7.2.b.

- a. If the total number of excursions for the reporting period is less than four percent (4%) of the total number of readings for the reporting period and the number of readings missing for the reporting period is less than five percent (5%) of the total number of readings agreed upon in the monitoring plan, the monitoring summary report shall be submitted to the Director, and the excursion report shall be maintained on-site and shall be submitted to the Director upon request. Ref. 45 CSR 10A, § 7.2.b.1.
  - b. If the number of excursions for the reporting period is four percent (4%) or greater of the total number of readings for the reporting period or the number of readings missing for the reporting period is five percent (5%) or greater, the monitoring plan summary report and the excursion report shall both be submitted to the Director. Ref. 45 CSR 10A, § 7.2.b.2.
6. The CEMS excursion and monitoring report shall be in format approved by the Director and shall include the following information. Ref. 45 CSR 10 A, § 7.2.b.3.
- a. The magnitude of each excursion, and the date and time, including starting and ending times of each excursion. Ref. 45 CSR 10A, § 7.2.b.3.A.
  - b. Specific identification of each excursion that occurs during startups, shutdowns, and malfunctions of the facility. Ref. 45 CSR10A, § 7.2.b.3.B.
  - c. The nature and cause of any malfunction (if known), and the corrective action taken and preventive measures adopted. Ref. 45 CSR 10A, § 7.2.b.3.C.
  - d. The date and time identifying each period during which quality assured data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of the repairs or adjustments to the monitoring system. Ref. 45 CSR 10A, § 7.2.b.3.D.
  - e. When no excursions have occurred or there were no periods of quality assured unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report. Ref. 45 CSR 10A, § 7.2.b.3.E.

#### **D. Auxiliary Stack Recordkeeping and Reporting**

1. Recordkeeping, and Exception Reporting Requirements: The Willow Island Power Station auxiliary boilers (and stack) are exempt from the Testing, Monitoring, Recordkeeping, and Reporting requirements found under 45 CSR 10, § 8 because the fuel burning unit(s) combust natural gas and/or distillate oil. Ref 45 CSR 10, §10.



## **APPENDIX C**

Willow Island Power Station Consent Order

(Tire Derived Fuel (TDF) # CO-R13-99-39)



**Office of Air Quality**  
1558 Washington Street, East  
Charleston, WV 25311  
Telephone Number: (304) 558-4022  
Fax Number: (304) 558-3287



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## West Virginia Division of Environmental Protection

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Cecil H. Underwood  
Governor

Michael C. Castle  
Director

DIVISION OF ENVIRONMENTAL PROTECTION  
OFFICE OF AIR QUALITY  
1558 Washington Street, East  
Charleston, West Virginia 25311

v.

CO-R13-99-39  
Plant ID # **073-0004**

**MONONGAHELA POWER COMPANY**  
d.b.a. ALLEGHENY POWER  
800 CABIN HILL DRIVE  
GREENSBURG, PA 15601

### CONSENT ORDER

This Consent Order is entered under the authority and direction of Chapter 22, Article 5, Section 4 of the West Virginia Code.

#### I. FINDINGS OF FACT

1. Monongahela Power Company ("Company"), a wholly owned subsidiary of Allegheny Power, operates a coal-fired electric generation facility known as Willow Island Power Station ("Facility") located at Willow Island, West Virginia.
2. The Facility includes two (2) units, Unit 1 - a 55 MW top fired boiler and Unit 2 - a 190 MW cyclone fired wet bottom boiler.
3. On February 25, 1998, the Office of Air Quality ("OAQ") received correspondence from the Company dated February 23, 1998, requesting permission to conduct a Tire Derived Fuel ("TDF") test burn at the Facility's Unit No.2 cyclone boiler, using approximately 300 tons of 1-1/2 inch nominal TDF.
4. On May 1, 1998, the Company submitted for review two copies of the test results for the TDF test burn, which consisted of results at multiple generation and boiler loading.
5. On May 5, 1999, the Office of Air Quality received correspondence from the Company dated May 3, 1999, requesting permission to conduct a TDF test burn at the Facility's Unit 2, using 2 inch nominal, 3 inch maximum TDF product, and burning approximately 300 tons of TDF.

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"To use all available resources to protect and restore West Virginia's environment in concert with the needs of present and future generations."

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West Virginia  
Division of  
Environmental Protection

6. On May 19, 1999, the OAQ issued an executed Consent Order, (CO-R13-99-19) granting the Company permission to conduct a TDF test burn.
7. On July 21, 1999, The Company submitted for review, two copies of the test results for the TDF test burn in accordance with CO-R-13-99-19.

## II. CONCLUSIONS OF LAW

1. The Division of Environmental Protection ("Division") is the agency empowered and authorized to regulate and control air pollution in the State of West Virginia as set forth in the West Virginia Code.
2. The Chief ("Chief") of the OAQ is empowered to implement and enforce the regulations of the Division.
3. The Chief has acted in accordance with the West Virginia Code.
4. The Facility is subject to the jurisdiction of OAQ for the purposes specified in this Consent Order, to conduct an ongoing "Pilot Project" to burn TDF at Willow Island Power Station, unit #2.

## III. COMPLIANCE PROGRAM

1. The Company hereby agrees to comply with the West Virginia Code §22-5, 45 CSR 13 - "Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation", 45 CSR 2 "To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers", and 45 CSR 10 "To Prevent and Control Air Pollution from the Emissions of Sulfur Oxides."
2. The Company will continuously monitor sulfur dioxide (SO<sub>2</sub>) emissions, nitrogen oxide (NO<sub>x</sub>) emissions, carbon dioxide (CO<sub>2</sub>) emissions, volumetric flow rates, and opacity through the use of a certified Continuous Emission Monitoring System (CEMS) and Continuous Opacity Monitoring System (COMS). Carbon monoxide (CO) shall be monitored by existing equipment that is maintained and calibrated and/or by calculation of CO emissions by methods agreed to by the Chief.
3. The Company shall establish a baseline for emissions of SO<sub>2</sub>, NO<sub>x</sub>, CO<sub>2</sub>, particulate matter, and CO by determining the hourly average emission during the most recent past five year period (historical data) for use in determining any future increase in emissions and determining 45 CSR 14 (PSD) or 45 CSR 13 permit applicability.
4. Prior to commencing the use of TDF, the Company will conduct emission tests to determine emissions of particulate matter and CO to confirm baseline data, methods of calculation, and accuracy of existing monitors. Data for SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> obtained pursuant to 45 CSR Part 75 shall be deemed acceptable as baseline data.

5. The Company shall conduct or have conducted a stack test for particulate and CO emissions within ninety (90) days of commencing the use of TDF. Thereafter, on no less than an annual basis the Company shall conduct or have conducted a stack test for particulate and CO emissions in conjunction with a CEMS relative accuracy test audit (RATA), and within forty-five (45) days of completion of tests shall submit the report of test results to the Chief of the OAQ.
6. The Company will monitor and record daily, the consumption of coal and TDF burned in unit #2 cyclone boiler, and the data shall be kept on site for a period no less than 5 years, and submitted to the Chief of the OAQ quarterly within 30 days of the end of each calendar quarter.
7. The Company shall conduct or have conducted an ultimate analysis on a representative sample of the TDF on a semi-annual basis. The results data will be kept on site for no less than 5 years and submitted to the Chief of the OAQ within 30 days of receiving data.
8. The Company shall conduct or have conducted on a quarterly basis an analysis for total metals, including zinc, on a representative sample of the flyash produced. A minimum of one such analysis shall be performed on a representative sample collected during the annual RATA pursuant to acid rain requirements pursuant to 40 CFR Part 75. The results shall be kept on site no less than 5 years and shall be submitted to the Chief of the OAQ within 30 days of the end of each calendar quarter.
9. The Company shall consume TDF at a maximum 3" nominal in size, or smaller, in accordance with industry standards for sizing TDF.
10. The Company will amend its Title V application for Willow Island Power Station to include the burning of TDF as an alternate fuel.
11. The Company shall not burn a fuel combination that consists of greater than 10% of TDF by weight based on forty-eight hour averages.
12. This Consent Order shall terminate upon notification by the Company that it intends to permanently cease using TDF at the Willow Island Station, the Company ceases to use TDF for two (2) complete and consecutive years, a determination and notification to the Company by the OAQ that it has reason to believe that continued use of TDF is not environmentally sound, or such time that a permit or permit modification may be issued for a change in operation involving the use of TDF.
13. This Consent Order does not preclude the Company of its obligation to make a timely application for a permit pursuant to 45 CSR 13 and 45 CSR 14 should the data indicate applicability, nor does this consent agreement preclude the OAQ from enforcement action involving excess emissions resulting from the combustion of TDF.

#### IV. OTHER PROVISIONS

1. The Company agrees to comply with all requirements of this Consent Order and further agrees to waive any and all rights of appeal of this Consent Order. However, the Company reserves its right to contest any enforcement actions with respect to all alleged violations of the terms and conditions of this Consent Order, or any modifications or amendments thereof.
2. Nothing contained in this Consent Order shall be interpreted in such a manner as to relieve the Company of the responsibility to make all necessary short-term emission reductions as provided and required in 45 CSR 11 - "Prevention of Air Pollution Emergency Episodes".
3. The provisions of this Consent Order are severable and should any provisions be declared by a court of competent jurisdiction to be invalid or unenforceable, all other provisions shall remain in full force and effect.
4. The Chief agrees that the Company shall have the right to petition OAQ for an amendment to this Consent Order in the event of a "force majeure" condition. The petition shall state such force majeure condition with specificity. The Chief shall hear the Company's petition and determine the relief accorded, if any.
5. This Consent Order shall become effective immediately upon signing by both parties.
6. This Consent Order is binding on the Company, its successors and assigns.
7. Violations of this Consent Order may subject the Company to penalties in accordance with W.Va. Code §22-5-6 and injunctive relief in accordance with W.Va. Code §22-5-7. This Consent Order shall serve as written notice of violation as contemplated in W.Va. Code §22-5-6 for failure to comply with each scheduled provision of Section III of this Consent Order.

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 1999, the DIVISION OF ENVIRONMENTAL PROTECTION, OFFICE OF AIR QUALITY agrees to and enters into this Consent Order.

OFFICE OF AIR QUALITY

  
By Its CHIEF  
Edward L. Kropp

MONONGAHELA POWER COMPANY, hereby agrees with the provisions and consents to the terms of this Consent Order and agrees to comply with all requirements set forth herein.

AND NOW, this 9th day of Nov, ~~1999~~, MONONGAHELA POWER COMPANY, by its duly authorized representative, consents to, agrees to and enters into this Consent Order.

MONONGAHELA POWER COMPANY

By   
Donald R. Feenstra

Its Vice President, Energy Supply  
Generation Division

# **APPENDIX D**

## Acid Rain Permit



west virginia department of environmental protection  
Division of Air Quality

## Phase II Acid Rain Permit

Plant Name: <b>Willow Island Power Station</b>		Permit #: <b>R33-3946-2022-5</b>
Affected Unit(s): <b>1, 2</b>		
Operator: <b>Allegheny Energy Supply Company, LLC</b>		ORIS Code: <b>3946</b>
Effective Date	From: <b>January 1, 2018</b>	To: <b>December 31, 2022</b>

### Contents:

1. Statement of Basis.
2. SO<sub>2</sub> allowances allocated under this permit and NO<sub>x</sub> requirements for each affected unit.
3. Comments, notes and justifications regarding permit decisions and changes made to permit application forms during the review process, and any additional requirements or conditions.
4. The permit application forms submitted for this source, as corrected by the West Virginia Division of Air Quality. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.

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### 1. Statement of Basis

**Statutory and Regulatory Authorities:** In accordance with W. Va. Code §22-5-4(a)(16) and Titles IV and V of the Clean Air Act, the West Virginia Department of Environmental Protection, Division of Air Quality issues this permit pursuant to 45CSR33 and 45CSR30.

### Permit Approval

William F. Durham, Director  
Division of Air Quality

December 19, 2017

Date

Promoting a healthy environment



West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: Willow Island Power Station	Permit #: R33-3946-2022-5
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2. SO<sub>2</sub> Allocations and NO<sub>x</sub> Requirements for each affected unit

Unit No. 1
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SO <sub>2</sub> Allowances	Year				
	2018	2019	2020	2021	2022
Table 2 allowances, as adjusted by 40 CFR Part 73	961	961	961	961	961
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO<sub>2</sub> allowance allocations identified in this permit (See 40 CFR §72.84).

NO <sub>x</sub> Requirements	2018	2019	2020	2021	2022
NO <sub>x</sub> Limit (lb/mmBtu)	0.80	0.80	0.80	0.80	0.80

Pursuant to 40 CFR Part 76 and 45CSR33, the West Virginia Department of Environmental Protection, Division of Air Quality approves a NO<sub>x</sub> emissions compliance plan for this unit effective for calendar years 2018, 2019, 2020, 2021 and 2022. Under this plan the unit's actual annual average NO<sub>x</sub> emission rate shall not exceed the applicable limitation of 0.80 lb/mmBtu as set forth in 40 CFR §76.6(a)(4) for Group 2, vertically fired boilers.

In addition to the described NO<sub>x</sub> compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

None.

4. Permit application forms:

Attached.

West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: Willow Island Power Station	Permit #: R33-3946-2022-5
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2. SO<sub>2</sub> Allocations and NO<sub>x</sub> Requirements for each affected unit

Unit No.	2
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SO <sub>2</sub> Allowances	Year				
	2018	2019	2020	2021	2022
Table 2 allowances, as adjusted by 40 CFR Part 73	4029	4029	4029	4029	4029
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A

The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO<sub>2</sub> allowance allocations identified in this permit (See 40 CFR §72.84).

NO <sub>x</sub> Requirements	2018	2019	2020	2021	2022
NO <sub>x</sub> Limit (lb/mmBtu)	0.86	0.86	0.86	0.86	0.86

Pursuant to 40 CFR Part 76 and 45CSR33, the West Virginia Department of Environmental Protection, Division of Air Quality approves a NO<sub>x</sub> emissions compliance plan for this unit effective for calendar years 2018, 2019, 2020, 2021 and 2022. Under this plan the unit's actual annual average NO<sub>x</sub> emission rate shall not exceed the applicable limitation of 0.86 lb/mmBtu as set forth in 40 CFR §76.6(a)(2) for Group 2 cyclone boilers.

In addition to the described NO<sub>x</sub> compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to reapply for a NO<sub>x</sub> compliance plan and requirements covering excess emissions.

3. Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:

None.

4. Permit application forms:

Attached.



Willow Island Power Station  
Plant Name (from Step 1)

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**STEP 3**

**Read the  
standard  
requirements**

**Permit Requirements**

- (1) The designated representative of each affected source and each affected unit at the source shall:
- (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30; and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit;
- (2) The owners and operators of each affected source and each affected unit at the source shall:
- (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
  - (ii) Have an Acid Rain Permit.

**Monitoring Requirements**

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the unit with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

**Sulfur Dioxide Requirements**

- (1) The owners and operators of each source and each affected unit at the source shall:
- (i) Hold allowances, as of the allowance transfer deadline, in the unit's compliance subaccount (after deductions under 40 CFR 73.34(c)), or in the compliance subaccount of another affected unit at the same source to the extent provided in 40 CFR 73.35(b)(3), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
- (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

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Willow Island Power Station  
Plant Name (from Step 1)

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STEP 3,  
Cont'd.

**Nitrogen Oxides Requirements** The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

**Excess Emissions Requirements**

- (1) The designated representative of an affected unit that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected unit that has excess emissions in any calendar year shall:
  - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

**Recordkeeping and Reporting Requirements**

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply.
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart I and 40 CFR part 75.

**Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.

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Willow Island Power Station  
Plant Name (from Step 1)

Acid Rain - Page 4

Step 3,  
Cont'd.

**Liability, Cont'd.**

- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit. Except as provided under 40 CFR 72.44 (Phase II repowering extension plans) and 40 CFR 76.11 (NO<sub>x</sub> averaging plans), and except with regard to the requirements applicable to units with a common stack under 40 CFR part 75 (including 40 CFR 75.16, 75.17, and 75.18), the owners and operators and the designated representative of one affected unit shall not be liable for any violation by any other affected unit of which they are not owners or operators or the designated representative and that is located at a source of which they are not owners or operators or the designated representative.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.

**Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

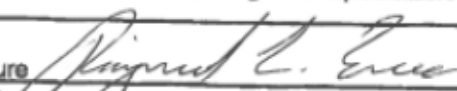
- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a unit can hold; *provided*, that the number of allowances held by the unit shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or,
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**STEP 4**

**Certification**

Read the certification statement, sign, and date

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name Raymond L. Evans, Designated Representative	
Signature 	Date 6/5/2017

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United States  
 Environmental Protection Agency  
 Acid Rain Program

OMB No. 2060-0258

# Phase II NO<sub>x</sub> Compliance Plan

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For more information, see instructions and refer to 40 CFR 76.9

This submission is:  New  Revised

**STEP 1**  
 Indicate plant name, State, and ORIS code from NADB, if applicable

Plant Name	Willow Island Power Station	WV State	3946 ORIS Code
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**STEP 2**

Identify each affected Group 1 and Group 2 boiler using the boiler ID# from NADB, if applicable. Indicate boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom. Indicate the compliance option selected for each unit.

ID#	ID#	ID#	ID#	ID#	ID#
Type	Type	Type	Type	Type	Type
1	2				
V	CY				

(a) Standard annual average emission limitation of 0.50 lb/mmBtu (for Phase I dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(b) Standard annual average emission limitation of 0.46 lb/mmBtu (for Phase I tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(c) EPA-approved early election plan under 40 CFR 76.9 through 12/31/97 (also indicate above emission limit specified in plan)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(d) Standard annual average emission limitation of 0.46 lb/mmBtu (for Phase II dry bottom wall-fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(e) Standard annual average emission limitation of 0.40 lb/mmBtu (for Phase I tangentially fired boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(f) Standard annual average emission limitation of 0.68 lb/mmBtu (for cell burner boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(g) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(h) Standard annual average emission limitation of 0.89 lb/mmBtu (for vertically fired boilers)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(i) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(j) NO <sub>x</sub> Averaging Plan (include NO <sub>x</sub> Averaging form)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(l) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO <sub>x</sub> Averaging (check the NO <sub>x</sub> Averaging Plan box and include NO <sub>x</sub> Averaging form)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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**Willow Island Power Station**

Plant Name (from Step 1)

NO<sub>x</sub> Compliance - Page 2  
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**STEP 2, cont'd.**

ID#	ID#	ID#	ID#	ID#	ID#
Type	Type	Type	Type	Type	Type

(m) EPA-approved common stack apportionment method pursuant to 40 CFR 76.17 (a)(2)(i)(C), (a)(2)(ii)(B), or (b)(2)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(n) AEL (include Phase II AEL Demonstration Period, Final AEL Petition, or AEL Renewal form as appropriate)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(o) Petition for AEL demonstration period or final AEL under review by U.S. EPA or demonstration period ongoing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(p) Repowering extension plan approved or under review	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**STEP 3**  
 Read the standard requirements and certification, enter the name of the designated representative, sign &

**Standard Requirements**

General. This source is subject to the standard requirements in 40 CFR 72.9 (consistent with 40 CFR 76.6(e)(1)(i)). These requirements are listed in this source's Acid Rain Permit.

**Special Provisions for Early Election Units**

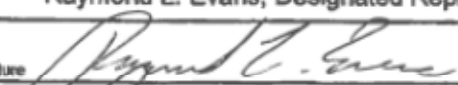
Nitrogen Oxides. A unit that is governed by an approved early election plan shall be subject to an emissions limitation for NO<sub>x</sub>, as provided under 40 CFR 76.8(a)(2) except as provided under 40 CFR 76.8(e)(3)(ii).

Liability. The owners and operators of a unit governed by an approved early election plan shall be liable for any violation of the plan or 40 CFR 76.8 at that unit. The owners and operators shall be liable, beginning January 1, 2000, for fulfilling the obligations specified in 40 CFR Part 77.

Termination. An approved early election plan shall be in effect only until the earlier of January 1, 2008 or January 1 of the calendar year for which a termination of the plan takes effect. If the designated representative of the unit under an approved early election plan fails to demonstrate compliance with the applicable emissions limitation under 40 CFR 76.5 for any year during the period beginning January 1 of the first year the early election takes effect and ending December 31, 2007, the permitting authority will terminate the plan. The termination will take effect beginning January 1 of the year after the year for which there is a failure to demonstrate compliance, and the designated representative may not submit a new early election plan. The designated representative of the unit under an approved early election plan may terminate the plan any year prior to 2008 but may not submit a new early election plan. In order to terminate the plan, the designated representative must submit a notice under 40 CFR 72.40(d) by January 1 of the year for which the termination is to take effect. If an early election plan is terminated any year prior to 2000, the unit shall meet, beginning January 1, 2000, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7. If an early election plan is terminated on or after 2000, the unit shall meet, beginning on the effective date of the termination, the applicable emissions limitation for NO<sub>x</sub> for Phase II units with Group 1 boilers under 40 CFR 76.7.

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name <b>Raymond L. Evans, Designated Representative</b>	
Signature 	Date <b>6/5/2017</b>

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