West Virginia Department of Environmental Protection

Harold D. Ward
Cabinet Secretary

Permit to Operate

Pursuant to

Title V

of the Clean Air Act

Issued to:

Morgantown Energy Associates
R30-06100027-2024

Laura M. Crowder
Director, Division of Air Quality

Issued: Draft/Proposed • *Effective: [Equals issue date plus two weeks]*
Expiration: [5 years after issuance date] • *Renewal Application Due: [6 months prior to expiration]*

Permit Number: **R30-06100027-2024**
Permittee: **Morgantown Energy Associates**
Permittee Mailing Address: **555 Beechurst Avenue, Morgantown, West Virginia 26505**

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

Facility Location:	Morgantown, Monongalia County, West Virginia
Facility Mailing Address:	555 Beechurst Avenue, Morgantown, West Virginia 26505
Telephone Number:	304-284-2500
Type of Business Entity:	Corporation
Facility Description:	Fossil Fuel Fired Steam Generating Facility
SIC Codes:	Primary 4961; Secondary NA; Tertiary NA
UTM Coordinates:	589.20 km Easting • 4388.10 km Northing • Zone 17

Permit Writer: Frederick Tipane

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

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

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

1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device[1]
Boilers					
S009J	STACK1	Primary Boiler 1 Ahlstrom Pyroflow CFB Boiler/Cyclone	1989, SNCR 2016	375 (138.6) mmBtu/hr [2]	BH 8, SNCR
S009K	STACK1	Primary Boiler 2 Ahlstrom Pyroflow CFB Boiler/Cyclone	1989, SNCR 2016	375 (138.6) mmBtu/hr [2]	BH 7, SNCR
S009L	STACK1	Zurn Auxiliary Boiler #1 Dual Fuel Capable: NG (primary) with ultra-low sulfur diesel (ULSD) (limited use)	1989/2020*	160/146.5 NG/ULSD mmBtu/hr	LNB
S009M	STACK1	Zurn Auxiliary Boiler #2 Dual Fuel Capable: NG (primary) with ULSD (limited use)	1989/2020*	160/146.5 NG/ULSD mmBtu/hr	LNB
S009N	STACK 1	Boiler No. 1 Mfg. Victory Energy Dual Fuel Capable: NG (primary) with ULSD (limited use)	2020	100/95.79 NG/ULSD MMBtu/hr	LNB/FGR
S009O	STACK 1	Boiler No. 2 Mfg. Victory Energy Dual Fuel Capable: NG (primary) with ULSD (limited use)	2020	100/95.79 NG/ULSD MMBtu/hr	LNB/FGR
Storage Tanks					
S00F17	Tank Vent 01	A.S.T. 01 Acid Tank	1989	5,800 Gallons	N/A
S00F18	Tank Vent 02	A.S.T. 02 Caustic Tank	1989	5,800 Gallons	N/A
S00F23	Tank Vent 03	A.S.T. 07 Water Treatment Phosphate Tank	1989	1,600 Gallons	N/A
S00F24	Tank Vent 04	A.S.T. 08 Water Treatment Corrosion Inhibitor Tank	1989	400 Gallons	N/A
S00F25	Tank Vent 05	A.S.T. 09 Water Treatment Oxygen Scavenger Tank	1989	400 Gallons	N/A
S00F26	Tank Vent 06	ULSD Storage Tank No. 1	2020	20,000 Gallons	N/A
S00F27	Tank Vent 07	ULSD Storage Tank No. 2	2020	20,000 Gallons	N/A
N/A	N/A	SNCR Reagent Tank	2016	9,000	N/A
Paved Roadway Fugitives					
S00F26	Fugitive Emission 26	Plant Roadway	1989	N/A	Paved, Water Cleaning

[1] BH – Baghouse; LNB – Low NO_x Burners; SNCR – Selective Non-Catalytic Reduction system; FGR – Flue Gas Recirculation

[2] 375 mmBtu/hr reflects the design capacity of each of the boilers as designed for burning solid fuel (i.e., coal/coal refuse) and natural gas (*there was no physical change to the boilers*). 138.6 mmBtu/hr reflects the actual maximum heat input allowed using only the "start-up" burners, burning only natural gas as permitted in R14-0007.

* Year Modified

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
R14-0007I	December 22, 2022

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 other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.39.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.

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

2.2. Acronyms

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

2.3. Permit Expiration and Renewal

2.3.1. Permit duration. This permit is issued for a fixed term of five (5) years and shall expire on the date specified on the cover of this permit, except as provided in 45CSR§30-6.3.b. and 45CSR§30-6.3.c.
[45CSR§30-5.1.b.]

2.3.2. A permit renewal application is timely if it is submitted at least six (6) months prior to the date of permit expiration.
[45CSR§30-4.1.a.3.]

2.3.3. Permit expiration terminates the source's right to operate unless a timely and complete renewal application has been submitted consistent with 45CSR§30-6.2. and 45CSR§30-4.1.a.3.
[45CSR§30-6.3.b.]

2.3.4. If the Secretary fails to take final action to deny or approve a timely and complete permit application before the end of the term of the previous permit, the permit shall not expire until the renewal permit has been issued or denied, and any permit shield granted for the permit shall continue in effect during that time.
[45CSR§30-6.3.c.]

2.4. Permit Actions

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

2.5. Reopening for Cause

2.5.1. This permit shall be reopened and revised under any of the following circumstances:

a. Additional applicable requirements under the Clean Air Act or the Secretary's legislative rules become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 45CSR§§30-6.6.a.1.A. or B.

b. Additional requirements (including excess emissions requirements) become applicable to an affected source under Title IV of the Clean Air Act (Acid Deposition Control) or other legislative rules of the Secretary. Upon approval by U.S. EPA, excess emissions offset plans shall be incorporated into the permit.

c. The Secretary or U.S. EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

d. The Secretary or U.S. EPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

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

2.7. Minor Permit Modifications

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

2.8. Significant Permit Modification

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

2.9. Emissions Trading

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

2.10. Off-Permit Changes

2.10.1. Except as provided below, a facility may make any change in its operations or emissions that is not addressed nor prohibited in its permit and which is not considered to be construction nor modification under any rule promulgated by the Secretary without obtaining an amendment or modification of its permit. Such changes shall be subject to the following requirements and restrictions:

a. The change must meet all applicable requirements and may not violate any existing permit term or condition.

b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

c. The change shall not qualify for the permit shield.

d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.

e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

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

[45CSR§30-5.9.]

2.11. Operational Flexibility

2.11.1. The permittee may make changes within the facility as provided by §502(b)(10) of the Clean Air Act. Such operational flexibility shall be provided in the permit in conformance with the permit application and applicable requirements. No such changes shall be a modification under any rule or any provision of Title I of the Clean Air Act (including 45CSR14 and 45CSR19) promulgated by the Secretary in accordance with Title I of the Clean Air Act and the change shall not result in a level of emissions exceeding the emissions allowable under the permit.
[45CSR§30-5.8]

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

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

a. If subsequent changes cause the facility's operations and emissions to revert to those authorized in the permit and the permittee resumes compliance with the terms and conditions of the permit, or

b. If the permittee obtains final approval of a significant modification to the permit to incorporate the change in the permit.

[45CSR§30-5.8.c.]

2.11.4. "Section 502(b)(10) changes" are changes that contravene an express permit term. Such changes do not include changes that would violate applicable requirements or contravene enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.
[45CSR§30-2.40.]

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. Reserved

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 CFR 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.]

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. **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.
[45CSR§2-5.1.]

3.1.10. Reserved

3.1.11. **CSAPR NOx 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).
[45CSR43; 40 CFR §97.406]

3.1.12. **CSAPR NOx 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).
[45CSR43; 40 CFR §97.806]

3.1.13. **CSAPR SO_2 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).
[45CSR43; 40 CFR §97.606]

3.2. Monitoring Requirements

3.2.1. Reserved.

3.3. Testing Requirements

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

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 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) 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.; 45CSR14-R14-0007, 4.4.1.]

3.4.2. **Retention of records.** The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, application, or record creation date. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records. *Compliance with this condition assures compliance with 40 CFR §60.49b(o) and 40 CFR §60.48c(j).*
[45CSR§30-5.1.c.2.B.; 40 CFR §60.49b(o) and §60.48c(i)]

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. **Recordkeeping – Dust Control.** The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility.
[45CSR§30-5.1.c.]

3.4.5. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment listed in Section 1.1, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR14, R14-0007, 4.4.2.]

3.4.6. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment listed in Section 1.1, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

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

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

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

[45CSR14, R14-0007, 4.4.3.]

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 57th Street SE
Charleston, WV 25304

US EPA:

Section Chief
U. S. Environmental Protection Agency, Region III
Enforcement and Compliance Assurance Division
Air, RCRA and Toxics Branch (3ED21)
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, PA 19103-2852

DAQ Compliance and Enforcement[1]:
DEPAirQualityReports@wv.gov

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

3.5.4. **Fees.** The permittee shall pay fees on an annual basis in accordance with 45CSR§30-8.
[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. **Reserved.**

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. Reserved.

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 email. 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. Revised.

3.7. Permit Shield

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

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

a. **40 CFR 60 Subpart K -** ***Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978.*** None of the tanks at the facility are greater than 40,000 gallons capacity. Therefore, in accordance with applicability criteria §60.110(a), Subpart K does not apply to the facility's tanks.

b. **40 CFR 60 Subpart Ka -** ***Standards of Performance for Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction, or Modification Commenced After May 18, 1978, and Prior to July 23, 1984.*** None of the tanks at the facility are greater than 40,000 gallons capacity. Therefore, in accordance with applicability criteria §60.110a(a), Subpart Ka does not apply to the facility's tanks.

c. **40 CFR 60 Subpart Kb -** ***Standards of Performance for Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) for Which Construction, Reconstruction, or Modification Commenced After July 23, 1984.*** The tanks at the facility are either less than 75 m^3 (19,812.9 gallons) capacity or have a capacity greater than or equal to 75 m^3 but less than 151 m^3 (39,890 gallons) storing a liquid with a maximum true vapor pressure less than 15.0 kPa. Therefore, in accordance with applicability criteria §60.110b(a) or §60.110b(b), Subpart Kb does not apply to the facility's tanks.

d. **40 CFR 60 Subpart OOO –** ***Standards of Performance for Nonmetallic Mineral Processing Plants.*** The facility does not utilize any combination of equipment that is used to crush or grind any nonmetallic mineral as defined in §60.671. Therefore, the facility is not a "nonmetallic mineral processing plant" and is not subject to this subpart.

e. **40 CFR 60 Subpart CCCC -** ***Standards of Performance for Commercial and Industrial Solid Waste Incineration Units.*** The CFB Boilers are solely natural gas-fired boilers and therefore are not commercial and industrial solid waste incineration (CISWI) units as defined in §60.2265.

f. **40 CFR 63 Subpart Q –** ***National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers.*** After review of the permittee's Process Flow Schematic and Equipment Table in the 2008 renewal application, it was determined that the facility does not have an *industrial process cooling tower*, which is defined in §63.401. Therefore, the facility does not meet the applicability criteria of §63.400(a), and hence this MACT does not apply to the facility.

g. **40 CFR 63 Subpart T -** ***National Emission Standards for Halogenated Solvent Cleaning.*** The batch cold solvent cleaning machine at the facility does not utilize any solvent containing methylene chloride

(CAS No. 75-09-2), perchloroethylene (CAS No. 127-18-4), trichloroethylene (CAS No. 79-01-6), 1,1,1-trichloroethane (CAS No. 71-55-6), carbon tetrachloride (CAS No. 56-23-5) or chloroform (CAS No. 67-66-3), or any combination of these halogenated HAP solvents, in a total concentration greater than 5 percent by weight, as a cleaning and/or drying agent.

h. **40 CFR 63 Subpart UUUUU - *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units***. The CFB boilers are designated as "gas-fired" units, therefore pursuant to 40 CFR §63.9983(b) they are not subject to the requirements of this subpart which is applicable to coal- and oil-fired electric utility steam generating units.

i. **40 CFR 98 Subpart D - *Electricity Generation.*** Facility is not subject to the Acid Rain Program and is not required to monitor and report CO_2 mass emissions year-round according to 40 CFR Part 75.

j. **45CSR7 – *To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations.*** Since the facility is subject to 45CSR2, 45CSR§7-10.1. provides an exemption from 45CSR7.

k. **45CSR17 – *To Prevent and Control Particulate Matter Air Pollution from Material Handling, Preparation, Storage and Other Sources of Fugitive Particulate Matter.*** The facility is characterized by the handling and storage of materials that have the potential to produce fugitive particulate if not properly controlled. However, since the facility is subject to 45CSR2, it is not subject to this rule in accordance with the exemption granted in 45CSR§17-6.1.

l. **45CSR33 – *Acid Rain Provisions and Permits* and 40 CFR Part 72 – *Permits Regulation.*** The facility does not produce electricity and therefore is not subject to Acid Rain requirements. It follows, then, that the facility is also exempt from the corresponding state rule 45CSR33.

m. **40 CFR Part 64 - *Compliance Assurance Monitorin***g. There are no pollutant-specific emissions units that meet all three applicability requirements of §64.2(a).

4.0 Primary Boilers 1 and 2 (S009J, S009K) [emission point ID(s): *STACK1*]

4.1. Limitations and Standards

4.1.1. Visible Emissions from each stack shall not exceed ten (10) percent opacity based on a six-minute block average.
[45CSR§2-3.1.]

4.1.2. 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 Director.
[45CSR§2-4.4.]

4.1.3. The visible emission standards of condition 4.1.1. shall apply at all times except in periods of start-ups, shutdowns and malfunctions.
[45CSR§2-9.1.]

4.1.4. 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.
[45CSR§2-9.2.; 45CSR16; 40 CFR §60.11(d)]

4.1.5. Emissions of nitrogen oxides (NO_x), expressed as NO_2, emitted to the atmosphere from each of the Primary Boilers shall not exceed the following limits to the corresponding averaging periods.

a. NO_x emission rate shall not exceed 0.20 lb/MMBtu on a 30-day rolling average.

b. The permittee shall operate the SNCR in such manner as to maintain compliance with the above NO_x limit.

[45CSR14, R14-0007, 4.1.3.; 40 CFR §60.44Da(a)(1); 45CSR16]

4.1.6. Sulfur Dioxide (SO_2) emissions emitted to the atmosphere from each of the Primary Boilers shall not exceed the following limits to the corresponding averaging periods.

a. SO_2 emission rate shall not exceed 0.005 lb/MMBtu on a 30-day rolling average. Compliance with this emissions limitation is satisfied through compliance with Condition 4.1.10. *Compliance with this streamlined limit ensures compliance with 40 CFR §§60.43Da(b)(2) and (g).*

[45CSR14, R14-0007, 4.1.2. and 4.1.2.a.; 45CSR16; 40 CFR §§60.43Da(b)(2) and, 60.43Da(g)]

4.1.7. Particulate Matter (PM) emissions emitted to the atmosphere from each of the Primary Boilers shall not exceed the following limits to the corresponding averaging periods.

a. Filterable PM emission rate shall not exceed 0.002 lb/MMBtu of heat input on a 6-hour average basis. *Compliance with this streamlined limit ensures compliance with 45CSR§2-4.1.b.*

b. PM_{10} and $PM_{2.5}$ emissions shall not exceed 0.96 pounds on a 6-hour average basis.

[45CSR14, R14-0007, 4.1.1., 4.1.1.a., and 4.1.1.b.; 45CSR§2-4.1.b.]

4.1.8. Emissions of carbon monoxide (CO) emitted to the atmosphere from each of the Primary Boilers shall not exceed the following limits to the corresponding averaging periods.

a. CO emissions rate shall not exceed 0.077 lb/MMBtu on a 3-hr average.

[45CSR14, R14-0007, 4.1.4.]

4.1.9. Emissions of volatile organic compounds (VOC) emitted to the atmosphere from each of the Primary Boilers shall not exceed 0.005 lb/MMBtu on a 3-hr average.
[45CSR14, R14-0007, 4.1.5.]

4.1.10. Each of the Primary Boilers shall be limited to a maximum heat input not to exceed 138.6 MMBtu/hr over a 24-hour average basis and limited to combusting either natural gas with a total sulfur loading of no greater than 2 grains per 100 standard cubic feet or meeting the definition of "pipeline natural gas" stipulated in 40 CFR §72.2.
[45CSR14, R14-0007, 4.1.6.]

4.1.11. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR14, R14-0007, 4.1.7., 45CSR§13-5.10.]

4.2. Monitoring Requirements

4.2.1. *Continuous Monitoring Requirements:* The owner or operator shall install, calibrate, maintain and operate a CEMS, and a diluent monitor, and record the output of the system for measuring NO_x, and O_2 or CO_2 emissions from emission point *Stack 1* as specified in 40 CFR Part 60, Subpart Da for the Primary Boilers. Such records of this monitoring system, data collected, and calculated values shall be maintained in accordance with Condition 3.4.2. These systems shall be installed, calibrated, properly functioning, and certified in accordance with the requirements of 4.2.1.a, 4.2.3., 4.2.4. and 4.4.2.

Diluent Monitor: The oxygen (O_2) or carbon dioxide (CO_2) content of the flue gas shall be monitored at the location where NO_x is monitored. Each monitor shall comply with the performance and quality assurance requirements of 40 CFR 60.

a. The Permittee shall install, calibrate, maintain, and operate flow meters to measure the natural gas flow rate to each of the Primary Boilers. The fuel flowmeters used to continuously monitor and record the flow rate of natural gas combusted by the Primary Boilers Nos. 1 and 2 (S009J and S009k) shall have the accuracy of 2.0 percent of the upper range value (i.e. maximum fuel flow rate measurable by the flowmeter) across the range of fuel flow rate to be measured at the unit. The measured flowrate data must be reduced in hourly averages. Flowmeter accuracy may be determined under Section 2.1.5.1 of Appendix D to Part 75 Optional SO_2 Emissions Data Protocol for Gas-Fired and Oil-Fired Units of Chapter 40 for initial certification in any of the following ways (as applicable): by design (orifice, nozzle, and venturi-type flowmeters, only) or by measurement under laboratory conditions; by the manufacturer; by an independent laboratory; or by the owner or operator. Flowmeter accuracy may also be determined under Section 2.1.5.2 of Appendix D to Part 75 Optional SO_2 Emissions Data Protocol for Gas-Fired

and Oil-Fired Units of Chapter 40 by in-line comparison against a reference flowmeter. Alternatively, an orifice, nozzle or venturi flowmeter may be certified if: (a) the primary element (for example, the orifice plate) meets the design criteria specified in American Gas Association Report No. 3; (b) the primary element passes a visual inspection; and (c) the pressure, temperature, and differential pressure transmitters are calibrated with standards traceable to the National Institute of Standards and Technology (NIST). Fuel flowmeter accuracy testing must be performed once every four-fuel flowmeter QA operating quarters thereafter, unless the flowmeter qualifies for an extension of the test deadline as outlined in Section 2.1.6. Quality Assurance of Appendix D of Part 75 to Chapter 40.

[45CSR16; 40 CFR §§60.49Da(c)(1), (d) and (n), 40 CFR §60.13; 45CSR13, R14-0007, 4.2.1., 4.2.1.a. and 45CSR§30-5.1.c.]

4.2.2. Compliance with the visible emission requirements of 45CSR§2-3.1. (condition 4.1.1.) shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems.
[45CSR§2-3.2.]

4.2.3. NO_x CEMS: The permittee shall obtain emission data for at least 18 hours in at least 22 out of 30 successive boiler operating days. If this minimum data requirement cannot be met with CEMS, the permittee shall supplement emission data with other monitoring systems approved by the Administrator or the reference methods and procedures as described in Test Method 7 or 7A for NOx.
[45CSR14, R14-0007, 4.2.1.b.; 40 CFR §60.49Da(f)(1); 45CSR16]

4.2.4. NO_x Emissions: The permittee shall determine 30 day rolling average for each of the Primary Boilers for NO_x in accordance with 40 CFR §60.48Da, which is to be expressed in lb/MMBtu. The permittee shall determine the 30 day rolling average of NO_x in accordance with 40 CFR §60.48Da(b), which is to be expressed in lb/MMBtu. Compliance with applicable 30-boiler operating day rolling average NO_X emissions limits is determined by calculating the arithmetic average of all hourly emission rates for NO_X for the 30 successive boiler operating days, except for data obtained during startup, shutdown, or malfunction.
[45CSR14, R14-0007, 4.2.1.c.; 40 CFR §§60.48Da(b) and (d); 45CSR16]

4.3. Testing Requirements

4.3.1. Reserved.

4.4. Recordkeeping Requirements

4.4.1. Records of the operating schedule and quantity and quality of fuel consumed shall be maintained on site for each fuel burning unit and made available to the Director or his duly authorized representative upon request. Such records shall include, but not be limited to the date and time of start-up and shutdown and:

a. The amount of natural gas combusted, and total heat energy consumed by each unit during each operating day.

b. All records shall be maintained in accordance with Condition 3.4.2.

[45CSR§2-8.3.c.; 45CSR§2A-7.1.a.1. 45CSR14, R14-0007, 4.4.4.]

4.4.2. Records of maintenance, calibration checks, and output data, shall be maintained in accordance with condition 3.4.2.
[45CSR14, R14-0007, 4.2.1.d.]

4.4.3. For compliance with the NOx Heat Input limits for the Primary Boilers identified as S009J and S009K see permit condition 5.4.2.

4.5. Reporting Requirements

4.5.1. For Subpart Da Reporting for NO_x from the Primary Boilers, the permittee shall submit reports to the Director and Administrator semiannually. The reporting periods shall begin on January 1 and July 1 with the end of the reporting periods ending on June 30 and December 31 respectively. These reports shall be postmarked by 30 days following the end of the reporting period. Such reports shall contain the following information.

a. For NO_x, the following information is reported to the Director for each 24-hour period.

i. Calendar date.

ii. The average NO_x emission rates (lb/MMBtu) for each 30 successive boiler operating days, ending with the last 30-day period in the quarter; reasons for non-compliance with the emission standards; and, description of corrective actions taken.

iii. Identification of the boiler operating days for which pollutant or diluent data have not been obtained by an approved method for at least 75 percent of the hours of operation of the facility; justification for not obtaining sufficient data; and description of corrective actions taken.

iv. Identification of the times when emissions data have been excluded from the calculation of average emission rates because of startup, shutdown, or malfunction.

v. Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

vi. Identification of times when hourly averages have been obtained based on manual sampling methods.

vii. Identification of the times when the pollutant concentration exceeded full span of the CEMS.

viii. Description of any modifications to CEMS which could affect the ability of the CEMS to comply with Performance Specifications 2 or 3.

ix. If the minimum quantity of emission data as required by 40 CFR §60.49Da (Condition 4.2.1.) is not obtained for any 30 successive boiler operating days, the following information obtained under the requirements of 40 CFR §60.48Da(h) is reported to the Administrator for that 30-day period:

1. The number of hourly averages available for outlet emission rates (no) and inlet emission rates (n_i) as applicable.

2. The standard deviation of hourly averages for outlet emission rates (s_o) and inlet emission rates (s_i) as applicable.

3. The lower confidence limit for the mean outlet emission rate (E_o^*) and the upper confidence limit for the mean inlet emission rate (E_i^*) as applicable.

4. The applicable potential combustion concentration.

5. The ratio of the upper confidence limit for the mean outlet emission rate (E_o^*) and the allowable emission rate (E_{std}) as applicable.

x. For any periods for which NO_X emissions data are not available, the owner or operator of the affected facility shall submit a signed statement indicating if any changes were made in operation of the emission control system during the period of data unavailability. Operations of the control system and affected facility during periods of data unavailability are to be compared with operation of the control system and affected facility before and following the period of data unavailability.

xi. The responsible official of permitted facility shall submit a signed statement indicating whether:

1. The required CEMS calibration, span, and drift checks or other periodic audits have or have not been performed as specified.

2. The data used to show compliance was or was not obtained in accordance with approved methods and procedures of this part and is representative of plant performance.

3. The minimum data requirements have or have not been met; or, the minimum data requirements have not been met for errors that were unavoidable.

4. Compliance with the standards has or has not been achieved during the reporting period.

[45CSR14, R14-0007, 4.5.1.; 40 CFR §60.19(d) and §§60.51Da(b)(1), (2), (4) through (9), (c), (f), (h), and (j); 45CSR16]

4.5.2. Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Director:

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.]

4.5.3. Except as provided in permit condition 4.5.2. above, the owner or operator shall report to the Director by telephone*, telefax*, or e-mail any malfunction of the Primary Boilers 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 Director 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.] (**DAQ Telephone No. 304-926-0475, Telefax No. 304-926-0479)*

4.6. Compliance Plan

4.6.1. Reserved.

5.0 Auxiliary Boilers (S009L, S009M) and Boilers #1 & #2 (Backup Steam Generators S009N, S009O) [emission point ID(s): *STACK1*]

5.1. Limitations and Standards

5.1.1. The following requirements and limitations apply to each of the auxiliary boilers (ID S009L and S009M) using natural gas with the ability to use ultra-low sulfur diesel (ULSD) as a back-up supply source.:

a. Carbon monoxide (CO) emissions emitted to the atmosphere from the unit shall not exceed a rate of 0.04 lb/MMBtu when firing with natural gas and 0.095 lb/MMBtu when firing on ULSD, on a 3-hour average basis. Compliance with this limit shall be satisfied by complying with items f. and h. of this Condition unless ordered by the Director to conduct a compliance demonstration.

b. Nitrogen oxides (NO_x) emissions (expressed as NO_2) emitted to the atmosphere from each unit while firing on natural gas shall not exceed a rate of 0.11 lb/MMBtu on a thirty-day rolling average basis. When ULSD is consumed by the unit, NO_x emissions from each unit shall not exceed a rate of 0.18 lb/MMBtu on a 30-day rolling average basis. These limitations apply at all times including periods of start-up, shutdown, or malfunction. Compliance with limit shall be conducted using the weight-average equation in Condition 5.4.2. using valid CEMS data in accordance with Condition 5.2.3. which includes a 30-day rolling average. *Compliance with the streamlined NO_x limits assures compliance with 40 CFR §60.44b(a)(1)(ii).*

c. Sulfur Dioxide (SO_2) emissions emitted to the atmosphere from the unit while operating using ULSD shall not exceed a rate of 0.002 lb/MMBtu. No person shall cause, suffer, allow or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of 512 lb/hr consuming natural gas or 468.8 lb/hr consuming ULSD (each boiler). Compliance with this limitation shall be satisfied by compliance with the sulfur and fuel type restriction in Condition 5.1.4.

d. Particulate matter (PM) and particulate matter less than 10 microns (PM_{10}) emitted to the atmosphere from the unit while operating using ULSD shall not exceed a rate of 0.03 lb/MMBtu on a 6-hour average. *Compliance with the streamlined PM limit of 0.03 lb/MMBtu while using ULSD assures compliance with the 45CSR §2-4.1.b. limit of 0.09 lb/MMBtu.*

e. At times when these boilers are operated solely with pipeline quality natural gas, this operating mode of the unit(s) satisfies compliance with the limitations of 45 CSR §2-4.1.b., and 45 CSR §10-3.3.f.

f. The permittee shall conduct initial tune up of these boilers within 30 days of restart and subsequent tune-up within no later than 61 months from the previous tune-up of the unit. Such tune-ups shall be conducted in accordance with Condition 5.1.5. For affected boilers that switch fuels or make a physical change to the boiler that results in the applicability of a different subcategory within subpart JJJJJJ or the boiler becoming subject to subpart JJJJJJ, you must demonstrate compliance within 180 days of the effective date of the fuel switch or the physical change. Notification of such changes must be submitted according to §63.11225(g).

g. Each boiler shall be modified with a maximum design heat input not to exceed the design capacity listed in the Emission Units Table (Section 1.1) of this permit. Compliance with this limit shall be satisfied by limiting annual total heat input for each of these boilers S009L and S009M to 1,401,600 MMBtu,

measured as a rolling 12-month rolling total basis. Of this 1,401,600 MMBtu, only 351,600 MMBtu of energy input shall be due to firing the unit using ULSD fuel.

h. Each of these boilers shall be equipped and operated with an oxygen trim system that maintains an optimum air-to-fuel ratio. An oxygen trim system means a system of monitors that is used to maintain excess air at the desired level in a combustion device over its operating load range. A typical system consists of a flue gas oxygen and/or carbon monoxide monitor that automatically provides a feedback signal to the combustion air controller or draft controller. You may delay the burner inspection specified in paragraph (b)(1) of §63.11223(c) and inspection of the system controlling the air-to-fuel ratio specified in paragraph (b)(3) of §63.11223(c) until the next scheduled unit shutdown, but you must inspect each burner and system controlling the air-to-fuel ratio at least once every 72 months. If an oxygen trim system is utilized on a unit without emission standards to reduce the tune-up frequency to once every 5 years, set the oxygen level no lower than the oxygen concentration measured during the most recent tune-up.

[45CSR14, R14-0007, 5.1.1.; 45CSR§2-4.1.b., §2-8.4.b., §2A-3.1.a., §10-3.3.f., §10A-3.1.b.; 45CSR16; 40 CFR §§60.44b(a)(1)(ii), (h), (i); 45CSR34; 40 CFR §63.11210(i), §63.11223(c), and §63.11237]

5.1.2. The following requirements and limitation apply to each of these boilers identified as ID S009N and S009O upon initial startup.

a. Particulate matter (PM) filterable emissions emitted to the atmosphere from the unit while operating using ULSD unit shall not exceed 0.023 lb per MMBtu of heat input on a 6-hour average basis. *Compliance with the streamlined PM limit of 0.023 lb per MMBtu while using ULSD assures compliance with the 45CSR §2-4.1.b.limit of 0.09 lb per MMBtu.*

b. Nitrogen oxides (NO_x) emissions (expressed as NO_2) emitted to the atmosphere from each unit while firing on natural gas shall not exceed a rate of 0.036 lb/MMBtu on a thirty-day (30) rolling average basis. When firing with ULSD, NO_x emissions from each unit shall not exceed a rate of 0.10 lb/MMBtu on a thirty-day rolling average basis. These limitations apply at all times including periods of start-up, shutdown, or malfunction. Compliance with these limits shall be conducted using the weight-average equation in Condition 5.4.2. using valid CEMS data in accordance with Condition 5.2.3. which includes 30-day rolling average.

c. Carbon monoxide (CO) emissions emitted to the atmosphere from the unit shall not exceed a rate of 0.078 lb/MMBtu on a 3-hour average basis. Compliance with this limit shall be satisfied by complying with items f. and h. of this Condition unless ordered by the Director to conduct a compliance demonstration.

d. Sulfur Dioxide (SO_2) emissions emitted to the atmosphere from the unit while operating using ULSD shall not exceed a rate of 0.002 lb/MMBtu. The sulfur emission limit in this condition and sulfur restriction in Condition 5.1.4. apply at all times including periods of startup, shutdown, and malfunctions. No person shall cause, suffer, allow or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of 320 lb/hr consuming natural gas or 306.53 lb/hr consuming ULSD (each boiler). Compliance with these limitations shall be satisfied by complying with the sulfur limit and fuel type restriction in Condition 5.1.4.

e. The permittee shall minimize each of these boiler's startup and shutdown periods and conduct startups and shutdowns according to the manufacturer's recommended procedures. If manufacturer's

recommended procedures are not available, the permittee must follow recommended procedures for a unit of similar design for which manufacturer's recommended procedures are available.

f. The permittee shall conduct initial tune up of these boilers no later than 25 months after initial start of the unit and subsequent tune-up no later than 25 months from the previous tune-up of the unit. Such tune-ups shall be conducted in accordance with Condition 5.1.5. For affected boilers that switch fuels or make a physical change to the boiler that results in the applicability of a different subcategory within subpart JJJJJJ or the boiler becoming subject to subpart JJJJJJ, you must demonstrate compliance within 180 days of the effective date of the fuel switch or the physical change. Notification of such changes must be submitted according to §63.11225(g).

g. Each boiler shall be designed or constructed with a maximum design heat input not to exceed the design capacity listed in Emission Units Table (Section 1.1) of this permit. The permittee shall limit the annual heat input to each boiler (S009N and S009O) to no more than 646,852 MMBtu per year, measured on a 12-month rolling total basis. Of this 646,852 MMBtu of heat input, only 229,896 MMBtu of heat input per 12-month rolling period shall be due to firing each unit using ULSD.

h. At any time after initial start of these boilers (S009N or S009O) should either one of these emission units be removed from the facility and later returned to the permitted facility, the permittee shall perform a tune-up of the unit that returns within 30 days after re-commencing operations in accordance with Condition 5.1.5.

[45CSR14, R14-0007, 5.1.2.; 45CSR§2-4.1.b., §10-3.3.f.; 45CSR16; 40 CFR §§60.42c(d), (h), (h)(1), and (i); 45CSR34; 40 CFR §63.11201(b), §§63.11210(g) and (i), §63.11223(b)(7), and Table 2 Item 1 to Subpart JJJJJJ of Part 63]

5.1.3. Emissions from Stack 1 shall not exceed the following limits:

a. Emissions of NO_x shall not exceed 450.96 tons per year based on 12-month rolling total.

b. Emissions of CO shall not exceed 213.66 tons per year based on 12-month rolling total.

c. Emissions of particulate matter shall not exceed 15.71 tons per year based on 12-month rolling total.

d. Emissions of particulate matter less than 10 microns shall not exceed 37.59 tons per year based on 12-month rolling total.

e. Emissions of particulate matter less than 2.5 microns shall not exceed 37.59 tons per year based on 12-month rolling total.

f. Emission of sulfur dioxide shall not exceed 14.89 tons per year based on 12-month rolling total.

g. Emissions of volatile organic compounds (VOCs) shall not exceed 18.14 tons per year based on 12 month rolling total.

h. Visible emissions shall not exhibit greater than ten (10) percent opacity based on a six-minute block average from Stack 1. These standards shall apply at all times except during periods of startup, shutdown, or malfunction. Demonstration or verification of compliance of this standard is only required when any of these units is fired with any combination of ULSD: S009L, S009M, S009N, S009O.

Compliance with this streamlined opacity limit will ensure compliance with 40 CFR §§60.43b(f) & (g) and §§60.43c(c) & (d).

i. Combined emission of Hazardous Air Pollutants shall not exceed 6.47 tons per year based on 12 month rolling total.

[45CSR14, R14-0007, 5.1.3.; 45CSR§§2-3.1., §2-9.1.; 45CSR16; 40 CFR §§60.43b(f) & (g), §§60.43c(c) & (d)]

5.1.4. The emission units (S009L, S009M, S009N, & S009O) permitted under this section are permitted to combust either natural gas with a total sulfur content of 2 grains per 100 scf (gaseous fuel) or ULSD (liquid fuel) that has less than or equal to 15 parts per million (ppm) of sulfur. This sulfur restriction meets the sulfur limitation of 40 CFR 60.42c(d); and the definitions of "very low sulfur oil" in 40 CFR §60.41b and "ultra-low-sulfur liquid fuel" in 40 CFR §63.11237.
[45CSR14, R14-0007, 5.1.4.; 45CSR16; 40 CFR §60.41b, §60.42b(k)(2), §60.43b(h)(5); §60.42c(d); 45CSR34; 40 CFR §63.11237]

5.1.5. The permittee shall conduct tune-ups of each boiler in accordance with the applicable requirements of 40 CFR 63, Subpart JJJJJJ. If the unit is not operating on the required date for a tune-up, then the tune-up must be conducted within 30 calendar days of re-starting of the unit. These tune-ups shall consist of the following:

a. The tune-up must be conducted every 5 years for Emission Unit IDs S009L and S009M and biennially for Emission Unit IDs S009N and S009O while burning the type of fuel (or fuels in the case of boilers that routinely burn two types of fuels at the same time) that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up.

b. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (you may delay the burner inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection).

c. Inspect the flame pattern, as applicable, and adjust the burner as necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available;

d. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (the permittee may delay the inspection until the next scheduled unit shutdown, not to exceed 36 months from the previous inspection);

e. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications, if available, and with any nitrogen oxide requirement to which the unit is subject. and

f. Measure the concentrations in the effluent stream of CO in parts per million, by volume, and oxygen in volume percent, before and after the adjustments are made (measurements may be either on a dry or wet basis, as long as it is the same basis before and after the adjustments are made). Measurements may be taken using a portable CO analyzer.

[45CSR14, R14-0007, 5.1.5.; 45CSR34; 40 CFR §63.11201, §§63.11223(a), (b), (b)(1) - (5), (b)(7), (c) and Table 2 to Part 63 Subpart JJJJJJ]

5.1.6. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.1 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR14, R14-0007, 5.1.6.; 45CSR§13-5.10.]

5.1.7. 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 Director.
[45CSR§2-4.4.

5.1.8. 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.
[45CSR§2-9.2.; 45CSR16; 40 CFR §60.11(d)]

5.1.9. 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 that 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 §63.11205(a)]

5.2. Monitoring Requirements

5.2.1. For each operating day, the permittee shall record the amount of fuel by type (natural gas and fuel oil) combusted by each emission units (S009L, S009M, S009N, and S009O) and shall calculate the 12-month rolling total of combined heat input and annual capacity factor for each fuel for each emission unit within fifteen (15) days after the end of each month. Such records shall be maintained in accordance with Condition 3.4.2. of this permit.
[45CSR14, R14-0007, 5.2.1.; 45CSR§2-8.3.c., §§2A-7.1.a.1. & a.2.; 45CSR16; 40 CFR §60.49b(d)(1) and §60.48c(g)(2)]

5.2.2. *Continuous Monitoring Requirements:* The permittee shall install, calibrate, maintain and operate continuous emission monitoring system (CEMS), continuous opacity monitor (COMS) and a diluent monitor to measure and record the emissions of NO_x, visible emissions, and other parameters to determine compliance for the auxiliary boilers identified as S009L and S009M and boilers S009N and S009O venting through Stack 1 in a manner sufficient to demonstrate continuous compliance with the NO_x emission limits in Conditions 5.1.1.b. and 5.1.2.b.; and the opacity standard of Condition 5.1.3. Such records of this monitoring system, data collected, and calculated values shall be maintained in accordance with Condition 3.4.2. These systems shall be installed, calibrated, properly functioning, and certified in accordance with the following requirements:

a. *NO_x CEMS:* The NO_x CEMS shall be certified, operated, and maintained in accordance with the requirements of 40 CFR 60.

i. For use of NO_x CEMS used to demonstrate compliance for the auxiliary boilers (S009L and S009M), the permittee shall also meet the requirements of 40 CFR §60.49b. Data reported to meet the requirements of 40 CFR §60.49b for the auxiliary boilers shall not include data substituted using the missing data procedures in Subpart D of Part 75 of Chapter 40, nor shall the data have been bias adjusted according to the procedures of 40 CFR 75.

b. *Diluent Monitor:* The oxygen (O_2) or carbon dioxide (CO_2) content of the flue gas shall be monitored at the location where NO_x emissions are monitored. Each monitor shall comply with the performance and quality assurance requirements of 40 CFR 60.

i. If the permittee use an oxygen (O_2) or carbon dioxide (CO_2) CEMS to convert measured pollutant concentrations to the units of emissions limits in Conditions 5.1.1.b. and 5.1.2.b., the O_2 or CO_2 concentrations shall be monitored at a location that represents emissions to the atmosphere, i.e., at the outlet of the emission units, downstream of all emission control devices. The permittee must install, certify, maintain, and operate the CEMS according to 40 CFR 75 or 40 CFR 60. Use only quality assured O_2 or CO_2 data in the emissions calculations; do not use Part 75 substitute data values.

c. *Fuel Flow Monitor*: The fuel flowmeters used to continuously monitor and record the flow rate of natural gas or ULSD combusted by all emissions covered under this section of this permit shall have the accuracy of 2.0 percent of the upper range value (i.e. maximum fuel flow rate measurable by the flowmeter) across the range of fuel flow rate to be measured at the unit. The measured flowrate data must be reduced in hourly averages. Flowmeter accuracy may be determined under Section 2.1.5.1 of Appendix D to Part 75 Optional SO_2 Emissions Data Protocol for Gas-Fired and Oil-Fired Units of Chapter 40 for initial certification in any of the following ways (as applicable): by design (orifice, nozzle, and venturi-type flowmeters, only) or by measurement under laboratory conditions; by the manufacturer; by an independent laboratory; or by the owner or operator. Flowmeter accuracy may also be determined under Section 2.1.5.2 of Appendix D to Part 75 Optional SO_2 Emissions Data Protocol for Gas-Fired and Oil-Fired Units of Chapter 40 by in-line comparison against a reference flowmeter. Alternatively, an orifice, nozzle or venturi flowmeter may be certified if: (a) the primary element (for example, the orifice plate) meets the design criteria specified in American Gas Association Report No. 3; (b) the primary element passes a visual inspection; and (c) the pressure, temperature, and differential pressure transmitters are calibrated with standards traceable to the National Institute of Standards and Technology (NIST). Fuel flowmeter accuracy testing must be performed once every four fuel flowmeter QA operating quarters thereafter, unless the flowmeter qualifies for an extension of the test deadline as outlined in Section 2.1.6. Quality Assurance of Appendix D of Part 75 to Chapter 40.

d. *COMS:* Exhaust gas opacity from Stack 1 shall be monitored using a continuous opacity monitoring system for the purpose of demonstrating compliance with Condition 5.1.3. The permittee shall install calibrate, maintain, and operate the COMS in accordance with Performance Specification (PS) 1 in 40 CFR Part 60, Appendix B. The span value of the opacity COMS shall be between 60 and 80 percent. Such system shall record the output of the system. The permittee shall reduce all data to 6-minute averages. Six-minute opacity averages shall be calculated from 36 or more data points equally spaced over each 6-minute period.

In lieu of COMS, as specified in the above, for determining compliance with the opacity standard in 5.1.3.h., the permittee may submit a written site-specific-monitoring plan to the Director. Once the plan is approved by the Director, the permittee must fully implement the plan prior to within 45 days of discontinuing the use of the COMS for compliance with the standard in Condition 5.1.3.h. Once the

plan is being implemented, the permittee is no longer required to report opacity exceedance or COMS downtime under Condition 5.5.3. Instead, the permittee shall submit deviations of the plan and opacity exceedances in accordance with Condition 5.5.4.

e. For NO_x and CO_2 or O_2 direct measurement only; when NO_x emission data are not obtained because of CEMS or alternative monitoring system breakdown, repairs, calibration checks, and zero and span adjustment, emission data will be obtained by using standby monitoring systems, Method 7 or 7A of Appendix A of Part 60 to Chapter 40 of the Code of Federal Regulations, or other approved reference methods to provided emission data for a minimum of 75 percent of the operating hours in each steam generating unit operating day, in at least 22 out of the 30 successive steam generating unit operating days.

f. The permittee shall maintain records of all performance certifications/evaluations, drift checks, QA procedures conducted, calibrations performed, RATAs performed, and maintenance conducted of the above systems in accordance with Condition 3.4.2.

[45CSR14, R14-0007, 5.2.2.; 45CSR§§2-8.2.a. and a.1.; 45CSR§§2A-6.1. and 6.3.; 45CSR16; 40 CFR §§60.13(d)(1), (d)(2), (g), (h)(1), §§60.48b(a), (b), (f), (j)(2) and (l), §60.49b(g)(10), §§60.47c(a), (b) and (f)(3)]

5.2.3. Regarding the determination of valid hourly emission data used to determinate compliance with the 30-day rolling average limits in Condition 5.1.1., and 5.1.2., the following criteria shall be used to evaluate the CEMs data as required to be collected in Condition 5.2.2. to determine if the data is valid data:

a. Except as noted in item c. of this condition, for a full operating hour (any clock hour with 60 minutes of unit operation), of the unit at least four valid data point are required to calculate the hourly average (i.e. one data point in each of the 15-minute quadrants of the hour).

b. Except as noted in item c., for a partial operating hour (any clock hour with less than 60 minutes of unit operation), of the unit, at least one valid data point in each 15-minute quadrant of the hour in which the unit operates is required to calculate the hourly average.

c. For any operating hour in which required maintenance or quality-assurance activities are performed of the monitoring system is not valid.

i. If the unit operates in two or more quadrants of the hour, a minimum of two valid data points, separated by at least 15 minutes, is required to calculate the hourly average: or

ii. If the unit operates in only one quadrant of the hour, at least one valid data point is required to calculate the hourly average.

d. If a daily calibration error check is failed during any operating hour, all data for that hour shall be invalidated, unless a subsequent calibration error test is passed in the same hour and the requirements of item c. of this condition are met, based solely on valid data recorded after the successful calibration.

e. For each full or partial operating hour, all valid data points shall be used to calculate the hourly average.

f. Except as provided under item g. of this condition, data recorded during periods of continuous monitoring system breakdown, repair, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph.

g. The permittee complying with the requirements of 40 CFR §60.7(f)(1) or (2) must include any data recorded during periods of monitor breakdown or malfunction in the data averages.

h. Either arithmetic or integrated averaging of all data may be used to calculate the hourly averages. The data may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2 or ng/J of pollutant).

[45CSR14, R14-0007, 5.2.3.; 45CSR16; 40 CFR §§60.13(h)(2)(i) – (vii) and (ix)]

5.3. Testing Requirements

5.3.1. To determine compliance with the opacity limits under Condition 5.1.3. (40 CFR §60.43b & 60.43c(c) and the NO_X limit under Condition 5.1.1.b. (40 CFR 60.44b), the permittee shall conduct an initial performance test as required under 40 CFR §60.8, using the following procedures and reference methods:

a. Using a continuous system for monitoring NO_X under 40 CFR §60.48(b) to determine NO_x emission for compliance with the emission limits for NO_X required under 40 CFR §60.44b. For the initial compliance test, NO_X from each steam generating unit is monitored for 30 successive steam generating unit operating days and the 30-day average emission rate is used to determine compliance with the NO_X emission standards under Condition 5.1.1.b. (40 CFR§60.44b) for each unit. The 30-day average emission rate is calculated as the average of all hourly emissions data recorded by the monitoring system during the 30-day test period.

b. Method 9 of appendix A to 40 CFR 60 is used for determining the opacity of stack emissions.

c. In accordance with the requirements outlined in Condition 3.3.1. of this permit.

To be included with the testing protocol as required under Condition 3.3.1., the permittee shall develop a testing plan to conduct the required 30-day NO_X compliance test for each of the auxiliary boilers. This plan should address accounting for emissions from other emission units at the facility while conducting the compliance test. Records of all testing shall be maintained in accordance with Condition 3.4.2.

[45CSR14, R14-0007, 5.3.1.; 45CSR16; 40 CFR §§60.46b(e) and (e)(1), §60.46b(d)(7) and §60.45c(a)(8)]

5.3.2. Following the date on which the initial performance test is completed or required to be completed under Condition 5.3.1. and 40 CFR §60.8 for the Auxiliary Boilers, whichever date comes first, the permittee shall upon request determine compliance with the NO_X limits (standards) in Condition 5.1.1.b. (40 CFR §60.44b) through the use of a 30-day performance test. During periods when performance tests are not requested, NO_X emissions data collected pursuant to 40 CFR §60.48b(g)(1) or 40 CFR §60.48b(g)(2) are used to calculate a 30-day rolling average emission rate on a daily basis and used to prepare excess emission reports, but will not be used to determine compliance with the NO_X emission standards. A new 30-day rolling average emission rate is calculated each steam generating unit operating day as the average of all of the hourly NO_X emission data for the preceding 30 steam generating unit operating days.
[45CSR14, R14-0007, 5.3.2.; 45CSR16; 40 CFR §60.46b(e)(4)]

5.3.3. The owner or operator shall conduct an initial test within 180 days after the issuance date of permit modification *R30-06100027-2019 MM02, MM03, MM04, MM05*, to determine the compliance of the Auxiliary Boilers 1 and 2 and the backup steam generator Boilers #1 and #2 with the particulate matter mass emission limitations of 45CSR2. 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 Director. Subsequent testing shall be once every three years.
[45CSR§2-8.1., 45CSR§2A-5.2.]

5.4. Recordkeeping Requirements

5.4.1. The permittee shall obtain and maintain fuel receipts (such as a current, valid purchase contract, tariff sheet, or transportation contract) from each fuel supplier that certify that the oil meets the definition of ULSD (i.e., Very Low Sulfur Oil) and gaseous fuel meets the definition of natural gas as defined in 40 CFR §60.41b or 40 CFR §60.41c and sulfur content meet the applicable sulfur limit in Condition 5.1.4. These records shall represent all the fuel combusted at the facility. The records shall include, but not be limited to, the date and time of start-up and shutdown for each fuel type, and the quantity of fuel consumed on a monthly basis and for ULSD a BTU analysis for each shipment. Such records shall include the following information:

a. For the natural gas supplier:

i. The name of the natural gas supplier:

ii. According to 40 CFR 75 Appendix D, fuel sampling/analysis or the current Tariff Sheet or contact that demonstrates the maximum sulfur in fuel limit was not exceeded.

b. For the oil supplier:

i. The name of the oil supplier;

ii. A statement from the ULSD supplier that the ULSD complies with the specifications under the definition of distillate oil in 40 CFR §60.41b and 40 CFR §60.41c; and

iii. The sulfur content or maximum sulfur content of the oil in terms parts per million.

[45CSR14, R14-0007, 5.4.1.; 45CSR§2-8.3.c., §§2A-7.1.a.1. & a.2.; 45CSR16; 40 CFR §60.42b(j), §60.49b(r)(1); §60.44c(h); §60.45c(d) and §60.48c(f)(1)]

5.4.2. For compliance with the NO_x Heat Input limits for the Primary Boilers identified as S009J and S009K; Auxiliary Boilers identified S009L and S009M; and Boilers identified S009N and S009O (Limits in Conditions 4.1.5.a., 5.1.1. and 5.1.2., the permittee shall determine the Weight Average NOx Limit for each operation day in accordance with the following:

$$NO_{x\,Weighted\,Avg} = \frac{[(EL_{PB} \times HI_{PB}) + (EL_{Auxg} \times HI_{Auxg}) + (EL_{Auxo} \times HI_{Auxo}) + (EL_{RBg} \times HI_{RBg}) + (EL_{RBo} \times HI_{RBo})]}{HI_{total}}$$

Where:

$NOx_{Weight\ Avg}$ = Weighted Average of the NOx limits (expressed as NO_2) based on Heat Input from the respective type of boiler and fuel utilized, in terms of lb of NOx per MMBtu;

EL_{PB} = Appropriate emission limit from Condition 4.1.5.a. for combustion of natural gas, lb/MMBtu.

EL_{Auxg} = Appropriate emission limit from Condition 5.1.1. for combustion of natural gas, lb/MMBtu.

EL_{Auxo} = Appropriate emission limit from Condition 5.1.1. for combustion of ULSD, lb/MMBtu.

EL_{RBg} = Appropriate emission limit from Condition 5.1.2. for combustion of natural gas, lb/MMBtu.

EL_{RBo} = Appropriate emission limit from Condition 5.1.2. for combustion of ULSD, lb/MMBtu.

HI_{PB} = Combined Heat Input from the Primary Boilers (S009J, S009K) firing on natural gas, in terms of MMBtu/hr. This value shall be determined using actual amount of fuel metered to the primary boilers in the respective time period and a gross calorific value of 1,050 Btu per standard cubic feet for natural gas.

HI_{Auxg} = Combined Heat Input from the Auxiliary Boilers (S009L, S009M) firing on natural gas, in terms of MMBtu/hr. This value shall be determined using actual amount of fuel metered to the auxiliary boilers in the respective time period and a gross calorific value of 1,050 Btu per standard cubic feet for natural gas.

HI_{Auxo} = Combined Heat Input from the Auxiliary Boilers (S009L, S009M) firing on ULSD, in terms of MMBtu/hr. This value shall be determined using actual amount of fuel metered to the auxiliary boilers in the respective time period and a gross calorific value of 140,000 Btu per gallon for ULSD.

HI_{RBg} = Combined Heat Input from the Boilers S009N and S009O firing on natural gas, in terms of MMBtu/hr. This value shall be determined using actual amount of fuel metered to the boilers in the respective time period and a gross calorific value of 1,050 Btu per standard cubic feet for natural gas.

HI_{RBo} = Combined Heat Input from the Boilers S009N and S009O firing on ULSD, in terms of MMBtu/hr. This value shall be determined using actual amount of fuel metered to these boilers in the respective time period and a gross calorific value of 140,000 Btu per gallon for ULSD.

HI_{total} = Summation of Heat Input from all the operating units (S009J, S009K, S009L, S009M, S009N, S009O) during the time frame, in terms of MMBtu/hr.

For determining compliance with the NO_x heat input limits of Conditions 4.1.5.a., 5.1.1.b., and 5.1.2.b., the permittee shall take the average of the NO_x emission rate, which must be in terms of lb of NO_x per MMBtu, which the permittee shall use the appropriate equations in Method 19 be used to convert the measured concentration of the pollutant into the form of the standard, of the previous 30 operating days compared to the average of the previous 30 operating days of the Weight Average NO_x Limit is used to determine the amount of excess NOx emission emitted if any.

40 CFR Part 75 missing data procedures shall not be used in determining the NO_x emission rate from Stack 1 for compliance with the limits in Conditions 4.1.5.a., 5.1.1 and 5.1.2.

The records of these determinations and amount of excess NO_x emissions emitted shall be recorded and maintained in accordance with Condition 3.4.2.

[45CSR14, R14-0007, 5.4.2.]

5.4.3. The permittee shall keep the following records in accordance with 40 CFR §63.11223(b)(6) as required in Condition 5.1.5. for each boiler

a. The concentrations of CO in the effluent stream in parts per million, by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler using a portable combustion analyzer.

b. A description of any corrective actions taken as a part of the tune-up; and

c. The type and amount of fuel used over the 12 months prior to the tune-up of the unit, but only if the unit was physically and legally capable of using more than one type of fuel during that period.

[45CSR14, R14-0007, 5.4.3.; 45CSR34; 40 CFR §63.11223(b)(6)]

5.4.4. The permittee must maintain the following specified records:

a. As required in 40 CFR §63.10(b)(2)(xiv), the permittee must keep a copy of each notification and report that the permittee submitted to comply with this subpart and all documentation supporting any Initial Notification or Notification of Compliance Status that the permittee submitted.

b. The permittee must keep records to document conformance with the work practices, emission reduction measures, and management practices required by 40 CFR §63.11214 and 40 CFR §63.11223 as specified in paragraphs c., d. and e. of this condition.

c. Records must identify each boiler, the date of initial tune-up, the procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned.

d. The permittee must keep a copy of the energy assessment report.

e. The permittee must also keep records of monthly fuel use by each boiler, including the type(s) of fuel and amount(s) used.

f. Records of the occurrence and duration of each malfunction of each boiler.

g. Records of actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in 40 CFR §63.11205(a), including corrective actions to restore the malfunctioning boiler, or monitoring equipment to its normal or usual manner of operation.

[45CSR14, R14-0007, 5.4.4.; 45CSR34; 40 CFR §§63.11225(c)(1), (2)(i), (2)(iii), (2)(iv), (4) and (5)]

5.4.5. The permittee shall maintain records of the monitoring as required in Conditions 5.2.1., 5.1.1. and 5.2.2., for each steam generating unit operating day for each auxiliary boiler (S009L and S009M), which includes at least the following information:

a. Calendar date;

b. Record the amount of fuel combusted during each operating day and calculate the annual capacity factor individually for ULSD and natural gas for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

c. The average hourly NO_x emission rate in terms of lb per MMBtu heat input;

d. The 30-day average NO_x emission rates (expressed as lb per MMBtu heat input) calculated at the end of each steam generating unit operating day from the measured nitrogen oxide emission rates for the preceding 30 steam generating unit operating days;

e. Identification of steam generating unit operating days when the calculated 30-day average NO_x are in excess of the respective limits in Conditions 5.1.1.b. with reasons for such excess emissions and description of corrective actions taken;

f. Identification of the steam generating unit operating days for which pollutant data have not been obtained, include reasons for not obtaining sufficient data and a description of corrective actions taken;

g. Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data;

h. Identification of "F" factor used for calculations, method of determination, and type of fuel combusted;

i. Identification of the times when the pollutant concentration exceeded full span of the CEMS;

j. Description of any modifications to the CEMS that could affect the ability of the CEMS to comply with respective Performance Specification (PS) 2 or 3; and

k. Results of daily CEMS drift tests and quarterly accuracy assessments as required in Appendix F, Procedure 1 of 40 CFR Part 60 or Part 75 if applicable to the monitoring system.

l. For all boilers (S009L, S009M, S009N and S009O), dates and time intervals of all opacity COMs reading and identify all 6-minutes periods that exceed the limitation of Condition 5.1.3.h.

[45CSR14, R14-0007, 5.4.5.; 45CSR§2A-7.1.b.; 45CSR16; 40 CFR §60.49b(d)(1), §60.49b(f), §60.49b(g) and §60.48c(c)]

5.4.6. At the end of any month where the annual capacity factor of any one boiler was greater than 80% for two consecutive months, then the permittee shall determine the amount of each pollutant, emitted from the Emission Point Stack 1 on a monthly basis using the actual operating data and appropriate engineering calculations. Such determination shall be performed no later than the 30th day from the end of the respective month. The permittee shall keep a 12-month rolling total for each of the pollutants listed in Condition 5.1.3. except for visible emissions. The permittee is only required to keep these monthly records when at least one of the units are operating at an annual capacity factor greater than 80%. This requirement applies to all boilers venting to Emission Point Stack 1. Records of these determinations shall be maintained in accordance with Condition 3.4.2.
[45CSR14, R14-0007, 5.4.6.]

5.4.7. Records required by 40 CFR 63 Subpart JJJJJJ must be in a form suitable and readily available for expeditious review. You must keep each record for 5 years following the date of each recorded action. You must keep each record on-site or be accessible from a central location by computer or other means that instantly provide access at the site for at least 2 years after the date of each recorded action. You may keep the records off site for the remaining 3 years.
[45CSR34; 40 CFR §63.11225(d)]

5.4.8. All records of monitored data established in condition 5.2.2.d. shall be maintained on site. Such records shall be made available to the Director or his duly authorized representative upon request. Such records shall be retained on-site for a minimum of five years.
[45CSR§2-8.3.a.]

5.5. Reporting Requirements

5.5.1. For the Auxiliary Boilers, the permittee shall submit a Notification of Compliance Status no later than 120 days after the applicable compliance date specified in 40 CFR §63.11196. Notification of changes must be submitted according to 40 CFR §63.11225(g). You must submit the Notification of Compliance Status in accordance with paragraphs a. and f. of this section. The Notification of Compliance Status must include the information and certification(s) of compliance in paragraphs a. through e. of this section, as applicable, and signed by a responsible official.

a. You must submit the information required in §63.9(h)(2), except the information listed in §63.9(h)(2)(i)(B), (D), (E), and (F). If you conduct any performance tests or CMS performance evaluations, you must submit that data as specified in paragraph (e) of §60.11225. If you conduct any opacity or visible emission observations, or other monitoring procedures or methods, you must submit that data to the Administrator at the appropriate address listed in §63.13.

b. "This facility complies with the requirements in §63.11214 to conduct an initial tune-up of the boiler."

c. "This facility has had an energy assessment performed according to §63.11214(c)."

d. For units that install bag leak detection systems: "This facility complies with the requirements in §63.11224(f)."

e. For units that do not qualify for a statutory exemption as provided in section 129(g)(1) of the Clean Air Act: "No secondary materials that are solid waste were combusted in any affected unit."

f. The notification must be submitted electronically using the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (*www.epa.gov/cdx*). However, if the reporting form specific to this subpart is not available in CEDRI at the time that the report is due, the written Notification of Compliance Status must be submitted to the Administrator at the appropriate address listed in §63.13.

For Boilers S009N and S009O, the permittee is not required to prepare and submit a Notification of Compliance Status for the tune-up.

For all boilers, the permittee must prepare and submit by March 1 of each year to the Director a biennial compliance certification reports for Boilers S009N and S009O; and 5-years compliance certification reports

for the Auxiliary Boilers for the respective corresponding reporting periods containing the information specified in the following:

a. The permittee name and address.

b. Statement by a responsible official, with the official's name, title, phone number, email address, and signature, certifying the truth, accuracy and completeness of the notification and a statement of whether the source has complied with all the relevant standards and other requirements of this subpart. Your notification must include the following certification(s) of compliance, as applicable, and signed by a responsible official:

i. "This facility complies with the requirements in 40 CFR §63.11223 to conduct a biennial or 5-year tune-up, as applicable, of each boiler."

ii. "No secondary materials that are solid waste were combusted in any affected unit."

iii. "This facility complies with the requirement in 40 CFR §§63.11214(d) and 63.11223(g) to minimize the boiler's time spent during startup and shutdown and to conduct startups and shutdowns according to the manufacturer's recommended procedures or procedures specified for a boiler of similar design if manufacturer's recommended procedures are not available."

These submittals shall be submitted in accordance with Condition 3.5.3. The permittee shall maintain records of all submittals in accordance with Condition 3.4.2.

[45CSR14, R14-0007, 5.5.1.; 45CSR34; 40 CFR §63.11225(a)(4), §§63.11225(b)(1) and (2)]

5.5.2. A report of the results of any testing conducted to satisfy the requirements for Conditions 5.3.1. or 5.3.2. shall be submitted to the Director and U.S. EPA Administrator in accordance with Condition 3.5.3. within 60 days after completion of the testing. This report shall conform to the requirements of 40 CFR §60.8(f)(2) and the requirements of Condition 3.3.1.
[45CSR14, R14-0007, 5.5.2.]

5.5.3. Once the initial testing as required in Condition 5.3.1. has been completed; *Semi-Annual NO_x Excess Emission & Excess Opacity and Monitoring System Performance Report* to be included with the facility's Annual and Semi-Annual Title V Compliance Report, the permittee shall submit a report to the Director summarizing NO_x emissions including periods of startups, shutdowns, malfunctions, and CEMS and COMS system monitor availability for the reporting period. The reporting period is January 1st to June 30th and July 1st to December 31st. Such report shall contain the information collected during the respective reporting period as required in Condition 5.4.5. Any emissions data that indicates that the limits as stated in Section 5.1. were exceeded during the corresponding reporting period must be noted in this summary report. At the minimum, the date and time, length of the exceedances(s), magnitude, percentage of excess emissions, the limit that was exceeded, the cause of the exceedances, and the corrective action taken shall be included in the summary report.
[45CSR14, R14-0007, 5.5.3.; 45CSR §13-3.; 45CSR16; 40 CFR §60.7(c); 40 CFR §§60.49b(h) and (h)(2)(ii), §60.48c(c)]

5.5.4. The permittee shall submit Opacity Excess Emissions reports to the Director no later than the 30th day following the end of the reporting period in accordance with Condition 3.5.1. Such reports shall cover the six-month period of January to June and July to December of any exceedance(s) of the allowable visible

emission standard of Condition 5.1.3.h., 40 CFR 60.43b(f) and/or 40 CFR 60.43c(c) (excess emissions) of permitted boilers discovered during observations using 40 CFR Part 60, Appendix A, Method 9, of the occurrence and shall include, at a minimum, the information required in Condition 5.2.3. of the excess opacity observed, the cause or suspected cause of the excess opacity, and any corrective measures taken or planned. **[45CSR14, R14-0007, 5.5.4.; 45CSR§2-8.3b.; 45CSR16; 40 CFR §60.49b(h), §60.48c(c)]**

5.5.5. Excess opacity periods meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Director:

a. The excess opacity period does not exceed one 6-minute period per hour and/or thirty (30) minutes within any twenty-four (24) hour period.

b. Excess opacity does not exceed twenty-seven percent (27%). *Compliance with this streamlined requirement assures compliance with 45CSR§2-9.3.a*.2.

[45CSR§2-9.3.a.; 45CSR16; 40 CFR §60.43b(f), §60.43c(c)]

5.5.6. The owner or operator of each affected facility subject to the opacity limits of 40 CFR §60.43c, shall submit to the Administrator the performance test data from the initial and any subsequent performance tests and, if applicable, the performance evaluation of the CEMS and/or COMS using the applicable performance specifications in appendix B of 40 CFR Part 60.
[45CSR16; 40 CFR §60.48c(b)]

5.5.7. The owner or operator of each affected facility subject to the fuel oil sulfur limits requirements under 40 CFR §60.42c shall submit reports and keep records to the Director including the following information.

a. Calendar dates covered in the reporting period.

b. If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph (f)(1) of 40 CFR §60.48c. In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

[45CSR16; 40 CFR §60.48c(d), §§60.48c(e), (e)(1) and (e)(11)]

5.5.8. Except as provided in permit condition 5.5.5. above, the owner or operator shall report to the Director by telephone, telefax, or e-mail any malfunction of Auxiliary Boiler #1, Auxiliary Boiler #2, Boiler #1 or Boiler #2 or their associated air pollution control equipment, which results in any excess particulate matter (while burning ULSD) or excess opacity (while burning natural gas or ULSD), 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 Director 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.]

5.6. Compliance Plan

5.6.1. Reserved.

APPENDIX A

Cross-State Air Pollution Rule Requirements

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

Plant Name: **Morgantown Energy Associates**	West Virginia ID Number: **061-00027**	ORIS/Facility Code: **10743**

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_X Annual Trading Program Requirements, CSAPR NO_X Ozone Season Group 2 Trading Program Requirements, and the CSAPR SO_2 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.

CSAPR MONITORING REQUIREMENTS TABLE

Description of Monitoring Requirements:	**Parameter**		
Unit ID: S009J	**SO_2**	**NO_X**	**Heat Input**
Continuous emission monitoring system (CEMS) pursuant to 40 CFR part 75, subpart B (for SO_2 monitoring) and 40 CFR part 75, subpart H (for NO_X monitoring)		X	
Excepted monitoring system pursuant to 40 CFR part 75, appendix D (*Optional SO_2 Emissions Data Protocol for Gas-Fired and Oil-Fired Units*)	X		X
Excepted monitoring system pursuant to 40 CFR part 75, appendix E (*Optional NO_X Emissions Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*)			
Low Mass Emissions excepted monitoring (LME) pursuant to 40 CFR 75.19 (*Optional SO_2, NO_X, and CO_2 Emissions Calculation for Low Mass Emissions (LME) Units*)			
EPA-approved alternative monitoring system pursuant to 40 CFR part 75, subpart E			
Unit ID: S009K			
Continuous emission monitoring system (CEMS) pursuant to 40 CFR part 75, subpart B (for SO_2 monitoring) and 40 CFR part 75, subpart H (for NO_X monitoring)		X	
Excepted monitoring system pursuant to 40 CFR part 75, appendix D (*Optional SO_2 Emissions Data Protocol for Gas-Fired and Oil-Fired Units*)	X		X
Excepted monitoring system pursuant to 40 CFR part 75, appendix E (*Optional NO_X Emissions Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units*)			
Low Mass Emissions excepted monitoring (LME) pursuant to 40 CFR 75.19 (*Optional SO_2, NO_X, and CO_2 Emissions Calculation for Low Mass Emissions (LME) Units*)			
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_X Annual Trading Program),* 97.830 through 97.835 *(CSAPR NO_X Ozone Season Group 2 Trading Program) and,* 97.630 through 97.635 *(CSAPR SO_2 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_X Annual Trading Program), 97.835 (CSAPR NO_X Ozone Season Group 2 Trading Program) and, 97.635 (CSAPR SO_2 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_X Annual Trading Program), 97.830 through 97.834 (CSAPR NO_X Ozone Season Group 2 Trading Program) and/or, 97.630 through 97.634 (CSAPR SO_2 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_X Annual Trading Program), 97.835 (CSAPR NO_X Ozone Season Group 2 Trading Program) and/or 97.635 (CSAPR SO_2 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_X 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_X Annual source and each CSAPR NO_X 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_X Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the CSAPR NO_X 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_X emissions requirements.

(1) CSAPR NO_X 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_X Annual source and each CSAPR NO_X Annual unit at the source shall hold, in the source's compliance account, CSAPR NO_X 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_X emissions for such control period from all CSAPR NO_X Annual units at the source.

(ii). If total NO_X emissions during a control period in a given year from the CSAPR NO_X Annual units at a CSAPR NO_X Annual source exceed the CSAPR NO_X Annual emissions limitation set forth in paragraph (c)(1)(i) above, then:

(A). The owners and operators of the source and each CSAPR NO_X Annual unit at the source shall hold the CSAPR NO_X Annual allowances required for deduction under 40 CFR 97.424(d); and

(B). The owners and operators of the source and each CSAPR NO_X 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_X Annual assurance provisions.

(i). If total NO_X emissions during a control period in a given year from all CSAPR NO_X Annual units at CSAPR NO_X 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_X 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_X 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_X 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_X emissions exceeds the respective common designated representative's assurance level; and

(B). The amount by which total NO_X emissions from all CSAPR NO_X Annual units at CSAPR NO_X Annual sources in West Virginia for such control period exceed the state assurance level.

(ii). The owners and operators shall hold the CSAPR NO_X 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_X emissions from all CSAPR NO_X Annual units at CSAPR NO_X Annual sources in West Virginia during a control period in a given year exceed the state assurance level if such total NO_X emissions exceed the sum, for such control period, of the state NO_X 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_X emissions from all CSAPR NO_X Annual units at CSAPR NO_X 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_X emissions from the CSAPR NO_X Annual units at CSAPR NO_X 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_X 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_X 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_X 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_X 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_X Annual allowances held for compliance.

(i). A CSAPR NO_X 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_X Annual allowance that was allocated for such control period or a control period in a prior year.

(ii). A CSAPR NO_X 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_X 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_X 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_X Annual allowance is a limited authorization to emit one ton of NO_X 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_X 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_X 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_X 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 NOx 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_X Annual source and each CSAPR NO_X 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_X 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_X Annual Trading Program.

(2) The designated representative of a CSAPR NO_X Annual source and each CSAPR NO_X Annual unit at the source shall make all submissions required under the CSAPR NO_X 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_X Annual Trading Program that applies to a CSAPR NO_X Annual source or the designated representative of a CSAPR NO_X Annual source shall also apply to the owners and operators of such source and of the CSAPR NO_X Annual units at the source.

(2) Any provision of the CSAPR NO_X Annual Trading Program that applies to a CSAPR NO_X Annual unit or the designated representative of a CSAPR NO_X Annual unit shall also apply to the owners and operators of such unit.

(g) Effect on other authorities.

No provision of the CSAPR NO_X 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_X Annual source or CSAPR NO_X 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_X 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_X Ozone Season Group 2 source and each CSAPR NO_X 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_X 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_X 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_X emissions requirements.

(1) CSAPR NO_X 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_X Ozone Season Group 2 source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, CSAPR NO_X 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_X emissions for such control period from all CSAPR NO_X Ozone Season Group 2 units at the source.

(ii). If total NO_X emissions during a control period in a given year from the CSAPR NO_X Ozone Season Group 2 units at a CSAPR NO_X Ozone Season Group 2 source exceed the CSAPR NO_X 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_X Ozone Season Group 2 unit at the source shall hold the CSAPR NO_X 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_X 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_X Ozone Season Group 2 assurance provisions.

(i). If total NO_X emissions during a control period in a given year from all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X 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_X 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_X 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_X 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_X emissions exceeds the respective common designated representative's assurance level; and

(B). The amount by which total NO_X emissions from all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X 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_X 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_X emissions from all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X 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_X emissions exceed the sum, for such control period, of the state NO_X 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_X emissions from all CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X 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_X emissions from the CSAPR NO_X Ozone Season Group 2 units at CSAPR NO_X 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_X 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_X 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_X 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_X 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_X Ozone Season Group 2 allowances held for compliance.

(i). A CSAPR NO_X 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_X Ozone Season Group 2 allowance that was allocated for such control period or a control period in a prior year.

(ii). A CSAPR NO_X 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_X 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_X 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_X Ozone Season Group 2 allowance is a limited authorization to emit one ton of NO_X 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_X 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_X 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_X 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 NOx 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_X Ozone Season Group 2 source and each CSAPR NO_X 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_X 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_X Ozone Season Group 2 Trading Program.

(2) The designated representative of a CSAPR NO_X Ozone Season Group 2 source and each CSAPR NO_X Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NO_X 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_X Ozone Season Group 2 Trading Program that applies to a CSAPR NO_X Ozone Season Group 2 source or the designated representative of a CSAPR NO_X Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NO_X Ozone Season Group 2 units at the source.

(2) Any provision of the CSAPR NO_X Ozone Season Group 2 Trading Program that applies to a CSAPR NO_X Ozone Season Group 2 unit or the designated representative of a CSAPR NO_X 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_X 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_X Ozone Season Group 2 source or CSAPR NO_X 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_2 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_2 Group 1 source and each CSAPR SO_2 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_2 Group 1 allowances under 40 CFR 97.611(a)(2) and (b) and 97.612 and to determine compliance with the CSAPR SO_2 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_2 emissions requirements.

(1) CSAPR SO_2 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_2 Group 1 source and each CSAPR SO_2 Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO_2 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_2 emissions for such control period from all CSAPR SO_2 Group 1 units at the source.

(ii). If total SO_2 emissions during a control period in a given year from the CSAPR SO_2 Group 1 units at a CSAPR SO_2 Group 1 source exceed the CSAPR SO_2 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_2 Group 1 unit at the source shall hold the CSAPR SO_2 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_2 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 CCCCC and the Clean Air Act.

(2) CSAPR SO_2 Group 1 assurance provisions.

(i). If total SO_2 emissions during a control period in a given year from all CSAPR SO_2 Group 1 units at CSAPR SO_2 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_2 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_2 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_2 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_2 emissions exceeds the respective common designated representative's assurance level; and

(B). The amount by which total SO_2 emissions from all CSAPR SO_2 Group 1 units at CSAPR SO_2 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_2 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_2 emissions from all CSAPR SO_2 Group 1 units at CSAPR SO_2 Group 1 sources in West Virginia during a control period in a given year exceed the state assurance level if such total SO_2 emissions exceed the sum, for such control period, of the state SO_2 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_2 emissions from all CSAPR SO_2 Group 1 units at CSAPR SO_2 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_2 emissions from the CSAPR SO_2 Group 1 units at CSAPR SO_2 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_2 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_2 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_2 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_2 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_2 Group 1 allowances held for compliance.

(i). A CSAPR SO_2 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_2 Group 1 allowance that was allocated for such control period or a control period in a prior year.

(ii). A CSAPR SO_2 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_2 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_2 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_2 Group 1 allowance is a limited authorization to emit one ton of SO_2 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_2 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_2 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_X 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 NOx 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_2 Group 1 source and each CSAPR SO_2 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_2 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_2 Group 1 Trading Program.

(2) The designated representative of a CSAPR SO_2 Group 1 source and each CSAPR SO_2 Group 1 unit at the source shall make all submissions required under the CSAPR SO_2 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_2 Group 1 Trading Program that applies to a CSAPR SO_2 Group 1 source or the designated representative of a CSAPR SO_2 Group 1 source shall also apply to the owners and operators of such source and of the CSAPR SO_2 Group 1 units at the source.

(2) Any provision of the CSAPR SO_2 Group 1 Trading Program that applies to a CSAPR SO_2 Group 1 unit or the designated representative of a CSAPR SO_2 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_2 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_2 Group 1 source or CSAPR SO_2 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.