

Fact Sheet



For Final Significant Modification Permitting Action Under 45CSR30 and Title V of the Clean Air Act

This Fact Sheet serves to address the changes specific to this Significant Modification, and shall be considered a supplement to the Fact Sheet corresponding with the Title V operating permit issued on October 15, 2014.

Permit Number: **R30-05100005-2014**
Application Received: **October 26, 2015**
Plant Identification Number: **03-054-05100005**
Permittee: **Kentucky Power Company**
Facility Name: **Mitchell Plant**
Mailing Address: **1 Riverside Plaza, Columbus, Ohio 43215-2373**

Permit Action Number: *SM01* Revised: *July 8, 2016*

Physical Location: Cresap/Moundsville, Marshall County, West Virginia
UTM Coordinates: 516.00 km Easting • 4409.00 km Northing • Zone 17
Directions: From Charleston take Interstate 77 North to Exit 179. Travel north on
US Route 2 approximately 70 miles to Cresap. Facility is located on
Route 2 approximately nine (9) miles south of Moundsville, WV.

Facility Description

The Mitchell Plant is a fossil fuel fired electric generation facility and operates under Standard Industrial Classification (SIC) code 4911. The facility consists of two (2) coal-fired steam generators with a rated design capacity of 7020 mmBtu/hr each, one (1) oil-fired auxiliary boiler with a rated design capacity of 663 mmBtu/hr, various supporting operations such as coal and ash handling, limestone handling, and various tanks with insignificant emissions. The facility has the potential to operate seven (7) days per week, twenty-four (24) hours per day and fifty-two (52) weeks per year.

Proposed Modification

The purpose of this significant permit modification is to incorporate into the operating permit all applicable requirements of 40 C.F.R. 63 Subpart UUUUU - *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units*, as required by current permit condition 4.1.15.

Emissions Summary

There are no changes in potential emissions for this permitting action.

Title V Program Applicability Basis

With the proposed changes associated with this modification, this facility maintains the potential to emit 4,763.13 tpy of CO; 36,394.08 tpy of NOx; 3,173.19 tpy of PM₁₀; 89,750.11 tpy of SO₂; 565.54 tpy of VOC; 12,337 tpy of HCl; 1,071 tpy of HF; 48.5 tpy of Selenium; and 13.4 tpy of Beryllium.. Due to this facility's potential to emit over 100 tons per year of criteria pollutant, over 10 tons per year of a single HAP, and over 25 tons per year of aggregate HAPs, Kentucky Power Company's Mitchell Plant is required to have an operating permit pursuant to Title V of the Federal Clean Air Act as amended and 45CSR30.

Legal and Factual Basis for Permit Conditions

The State and Federally-enforceable conditions of the Title V Operating Permits are based upon the requirements of the State of West Virginia Operating Permit Rule 45CSR30 for the purposes of Title V of the Federal Clean Air Act and the underlying applicable requirements in other state and federal rules.

The modification to this facility has been found to be subject to the following applicable rules:

Federal and State:	45CSR30 45CSR34 40 C.F.R. 63 Subpart UUUUU	Operating permit requirement. Emission standards for HAPs Utility Mercury and Air Toxics (MATS) MACT
State Only:	None	

Each State and Federally-enforceable condition of the Title V Operating Permit references the specific relevant requirements of 45CSR30 or the applicable requirement upon which it is based. Any condition of the Title V permit that is enforceable by the State but is not Federally-enforceable is identified in the Title V permit as such.

The Secretary's authority to require standards under 40 C.F.R. Part 60 (NSPS), 40 C.F.R. Part 61 (NESHAPs), and 40 C.F.R. Part 63 (NESHAPs MACT) is provided in West Virginia Code §§ 22-5-1 *et seq.*, 45CSR16, 45CSR34 and 45CSR30.

Active Permits/Consent Orders

Permit or Consent Order Number	Date of Issuance	Permit Determinations or Amendments That Affect the Permit (<i>if any</i>)
R13-2608E	May 12, 2014	
G60-C057A	August 8, 2014	

Conditions from this facility's Rule 13 permit(s) governing construction-related specifications and timing requirements will not be included in the Title V Operating Permit but will remain independently enforceable under the applicable Rule 13 permit(s). All other conditions from this facility's Rule 13 permit(s) governing the source's operation and compliance have been incorporated into this Title V permit in accordance with the "General Requirement Comparison Table," which may be downloaded from DAQ's website.

Determinations and Justifications

- I. **40 C.F.R. Part 63, Subpart UUUUU - National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units.** This regulation, also known as the “Utility Mercury and Air Toxics (MATS)” rule, applies to coal- and oil-fired EGUs as defined in §63.10042 of 40 C.F.R. Part 63. The Utility MATS rule establishes national emission limitations and work practice standards for mercury, acid gases, and filterable particulate matter, as well as requirements to demonstrate initial and continuous compliance with the emission limitations and work practice standards. Existing affected sources must comply with the requirements of Subpart UUUUU no later than April 16, 2015 (cf. §63.9984(b)). However, in accordance with §64.9984(f), compliance demonstration by conducting the required performance tests and other activities must be completed no later than 180 days after the compliance date.

Affected Steam Generating Units & Applicable Emission Standards

The coal-fired Unit 1 and Unit 2 steam generators are existing EGUs as defined in §63.9982(d), and do not meet any of the exemption criteria in §63.9983. According to Attachment E in the significant modification application, both steam generators primarily combust coal with a heating value of 13,000 Btu/lb. The units are also capable of combusting fuel oil as a secondary fuel for startup, shutdown, and for flame stabilization. The fuel oil combusted has a heating value of 19,750 Btu/lb. Therefore, both units meet the criterion of §63.9990(a)(1) for units combusting coal with a heating value greater than 8,300 Btu/lb, and as such do not combust low rank virgin coal.

Compliance Approach

The permittee has conducted the initial compliance demonstration and submitted the results of the performance testing to DAQ. The test results are briefly discussed below for each pollutant. Additionally, the required NOCS has been submitted. On December 11, 2015, Jeffrey Palmer sent a technical correspondence e-mail to the writer with an attachment indicating the specific requirements applicable to the Mitchell Units 1 and 2. This information has been utilized to incorporate applicable Subpart UUUUU requirements into the operating permit.

Filterable Particulate Matter (PM)

The permittee has elected to comply with the 0.030 lb/MMBtu filterable particulate matter (PM) limitation (rather than Total non-Hg HAP metals, or Individual HAP metals). The initial performance testing was conducted on 6/10/2015 and resulted in 0.0016 lb/MMBtu for Unit 1. Unit 2 was down at that time and was therefore not tested. Later, Unit 2 was tested on 9/3/2015 resulting in 0.0019 lb/MMBtu. According to the cover letters providing these test results, the testing was performed according to AEP’s MATS Stack Testing Protocol Summary and §63.10005(h) for documenting projected consideration as a low emitting EGU (LEE). Continuous compliance will be demonstrated through quarterly stack tests. Stack samples will be at least twice the method volume to allow the unit to be considered a low emitting EGU upon collection of enough data (cf. §63.10005(h)(2)(i)).

Sulfur Dioxide (SO₂)

The permittee has elected to comply with the 0.20 lb/MMBtu sulfur dioxide (SO₂) limitation (rather than HCl) using SO₂ CEMS (which is the only compliance method for SO₂ as provided in Item #1 of Table 2 to Subpart UUUUU). The permittee currently operates an SO₂ CEMS in accordance with permit condition 4.2.2. Also, the permittee utilizes dry sorbent injection for flue gas desulfurization (FGD) as required under condition 4.1.12. The initial performance testing conducted during the second quarter of 2015 resulted in 0.068 lb/MMBtu and 0.106 lb/MMBtu for Units 1 and 2, respectively.

Mercury (Hg)

The permittee has elected to comply with the 1.2 lb/TBtu mercury (Hg) limitation utilizing a paired sorbent trap monitoring system. The initial performance testing conducted during the second quarter of 2015 resulted in 0.530 lb/TBtu and 0.428 lb/TBtu for Units 1 and 2, respectively.

Work Practice Standard for Tune-up of Burner & Combustion Controls

The permittee will conduct a tune-up of the EGU burner and combustion controls at least each 36 calendar months as specified in 40 C.F.R. §63.10021(e). According to the NOCS, the initial burner inspections and boiler tune-up was completed in April-May 2015 and July 16, 2015, respectively. This was before the regulatory deadline of October 12, 2015 (i.e., 180 days after April 16, 2015, compliance date).

Work Practice Standard for Startup & Shutdown

The permittee will operate all continuous monitoring systems for the units during periods of *startup* and *shutdown* as those terms are defined in 40 C.F.R. §63.10042. During startup of a unit, clean fuel (defined in §63.10042) must be used for ignition. Once coal is fired, all of the applicable control technologies must be engaged. During shutdown of a unit, the permittee must operate all applicable control technologies while firing coal. The permittee must comply with all applicable emissions limits at all times except for periods that meet the definitions of startup and shutdown. All applicable requirements in Items #3 and #4 of Table 3 to Subpart UUUUU will be adhered to.

Incorporation of Applicable Requirements into the Title V Permit

DAQ has considered the permittee's request to generically paraphrase and incorporate by reference Subpart UUUUU into the operating permit. However, to IBR the entire (or major portions of) MACT into the permit adds no value to understanding the source's compliance obligations, which is one of the purposes of the Title V Program. Therefore, the only portions of the regulation that will be IBR are those requirements that are variable and not finalized at this time (e.g., LEE status for PM). Consequently, the specific requirements that are applicable regardless of the applicable and/or elected emission limitation and associated compliance demonstration methodology have been explicitly written in the permit.

Utilization of Incorporation by Reference (IBR)

U.S. EPA's White Paper Number 2 for Improved Implementation of the Part 70 Operating Permit Program dated March 5, 1996, has been reviewed for guidance on incorporating by reference (IBR) applicable requirements into operating permits. The following discussion highlights key points regarding IBR.

In Section II.E.2.c. of White Paper 2, both specific and general guidance has been given for IBR. The first paragraph states the following (bold font added by writer for emphasis):

Incorporation by reference in permits may be appropriate and useful under several circumstances. **Appropriate use of incorporation by reference in permits includes referencing of test method procedures, inspection and maintenance plans, and calculation methods for determining compliance.** One of the key objectives Congress hoped to achieve in creating title V, however, was the issuance of comprehensive permits that clarify how sources must comply with applicable requirements. Permitting authorities should therefore **balance the streamlining benefits achieved through use of incorporation by reference with the need to issue comprehensive, unambiguous permits useful to all affected parties,** including those engaged in field inspections.

The third paragraph of the above-referenced section provides the following guidance specifically for compliance options:

Where the cited applicable requirement provides for different and independent compliance options (e.g., boilers subject to an NSPS promulgated under section 111 may comply by use of low sulfur fuel or through add-on of a control device), **the permitting authority generally should require that the part 70 permit contain (or incorporate by reference) the specific option(s) selected by the source.**

In Section II.E.3. of the guidance, the fourth paragraph states the following with respect to required permit content:

Expectations for referencing with respect to permit content are somewhat better defined than for permit applications. Section 504(a) states that **each permit "shall include enforceable emissions limitations and standards" and "such other conditions as are necessary to assure compliance with the applicable requirements."** In addition, section 504(c) requires **each permit** to "set forth inspection, entry, **monitoring**, compliance certification, and **reporting requirements to assure compliance** with the permit terms and conditions." Analogous provisions are contained in §§ 70.6(a)(1) and (3). The **EPA interprets these provisions to place limits on the type of information that may be referenced in permits.** Although this material may be incorporated into the permit by reference, that **may only be done to the extent that its manner of application is clear.**

Finally, the fifth paragraph of Section II.E.3. of the guidance addresses paraphrasing:

Accordingly, after all applicable emissions limits are placed in the part 70 permit and attached to the emissions unit to which they apply, the permitting authority may allow referencing where it is specific enough to define how the applicable requirement applies and where using this approach assures compliance with all applicable requirements. This approach is a desirable option where the referenced material is unambiguous in how it applies to the permitted facility, and it provides for enforceability from a practical standpoint. On the other hand, it is **generally not acceptable to use a combination of referencing certain provisions of an applicable requirement while paraphrasing other provisions of that same applicable requirement.** Such a practice, particularly if coupled with a permit shield, could create dual requirements and potential confusion.

Based upon this U.S. EPA guidance, the applicable requirements of Subpart UUUUU will be incorporated into the Title V permit as summarized below:

- Test method procedures, inspection and maintenance plans, and calculation methods will be incorporated by reference (IBR).
- The incorporation of applicable requirements will be comprehensive and unambiguous. Applicable requirements will be IBR only to the extent that the material's manner of application is clear. Furthermore, the additional number of permit conditions and number of pages required will have no bearing upon any decision of whether or not to IBR.
- The permit will include the specific options within the regulation elected by the permittee (e.g., the permittee has elected to comply with the SO₂ standard instead of the HCl standard) rather than including all available emission limitations and their respective compliance demonstration methodologies or simply incorporating by reference all limitations.
- The permit will include all applicable emission limitations and standards, and all applicable monitoring and reporting to assure compliance with the limitations and standards. Monitoring, recordkeeping, reporting, and all other applicable requirements necessary to assure compliance with the permit terms will not be IBR.

- Paraphrasing of regulation language will not be utilized.

Revisions to 40 C.F.R. 63 Subpart UUUUU

On February 17, 2015, proposed revisions to 40 C.F.R. 63 Subpart UUUUU were published in the Federal Register¹. The purpose of the proposed rule is to correct certain regulatory text. EPA has categorized the proposed corrections as follows: (a) Resolution of conflicts between preamble and regulatory text, (b) corrections that EPA stated it would make in response to comments that were inadvertently not made, and (c) clarification of language in regulatory text.

On March 17, 2016, the EPA Administrator, Gina McCarthy, signed a notice that was submitted for publication in the Federal Register (FR). On April 6, 2016, the changes were published in the FR. The affected applicable requirements have been incorporated into the Title V permit. In the language below the terms “current regulation” means the regulation as revised when published on April 6, 2016.

In keeping with the approach described above that is based upon U.S. EPA guidance, and considering the technical corrections that have been finalized, permit conditions have been written that embody the emissions limits that apply to the units, as well as their corresponding compliance demonstration methodologies as applicable. Using this overall approach, Table UUUUU below specifies how the requirements have been incorporated into the modified operating permit.

Table UUUUU

Section	Title V	Discussion
Compliance Date		
§63.9984(b)	4.1.15.	The applicable compliance date for existing EGUs is April 16, 2015. Since the compliance date is past, and the initial compliance demonstration has been completed and the NOCS has been submitted, there is no need to retain the compliance date in the operating permit. Therefore, the contents of the permit condition have been stricken and the number reserved.
§63.9984(f)	None	This applicable requirement to demonstrate compliance within 180 days after the compliance date has been completed. No permit condition is required.
Emission Limitations and Work Practice Standards		
§63.9991(a)(1)	None	Requirements in Table 1 are not applicable since the units are existing.
	4.1.6.b.	From Table 2, emission limits in Item #1 for coal-fired unit not low rank virgin coal are applicable. Specifically, Item #1.a. emission limitations available are: Filterable particulate matter (PM); or Total non-Hg HAP metals; or Individual HAP metals. The permittee has elected to comply with filterable PM. Footnote 1 from Table 2 has been added at the end of the permit condition. The requirement has been grouped with the 45CSR2 PM limit based upon comments received from Mr. Jeff Novotny of AEP Service Corporation regarding their Mountaineer Plant (DAQ ID: 053-00009).

¹ Refer to the proposed rule at <https://www.federalregister.gov/articles/2015/02/17/2015-01699/national-emission-standards-for-hazardous-air-pollutants-from-coal--and-oil-fired-electric-utility> which was accessed by the writer on March 9, 2016.

Section	Title V	Discussion
§63.9991(a)(1)	4.1.7.b.	<p>Item #1.b. emission limitations are: Hydrogen chloride (HCl) or Sulfur dioxide (SO₂). The permittee has elected to comply with sulfur dioxide. Since HCl is not applicable, footnote 3 in the regulation table is excluded from the permit condition. A reference to this permit condition has been added to permit condition 4.2.2.</p> <p>The requirement has been grouped with the 45CSR10 SO₂ limit based upon comments received from Mr. Jeff Novotny of AEP Service Corporation regarding their Mountaineer Plant (DAQ ID: 053-00009).</p> <p>A reference specifically to the 45CSR10 limit in revised condition number 4.1.7.a. has been added to the first sentence in permit condition 4.1.8. to avoid applying this requirement to the Subpart UUUUU SO₂ limit that applies to Units 1 and 2. The Subpart UUUUU has its own requirements regarding demonstrating compliance with its limit.</p>
	4.1.16.	<p>Item #1.c. emission limitation is Mercury (Hg). The permittee has elected to comply using sorbent trap monitoring system; therefore, LEE testing has not been included.</p>
	4.1.17.	<p>Item #1 is an applicable work practice for tune-ups. According to the permittee a neural network is not utilized; therefore, the 48-month frequency is not specified in the permit condition.</p> <p>The specific elements of the tune-up in §§63.10021(e)(1) through (7) have been included in condition 4.1.17. Also, the corresponding recordkeeping and reporting requirements in §§63.10021(e)(8) and (9) have been included with the tune-up standard in subsection 4.1. so that when a tune-up is performed the recordkeeping and reporting is not as likely to be inadvertently overlooked.</p>
	None	<p>Item #2 is not applicable since the units are existing.</p>
	4.1.18.	<p>Item #3 is an applicable work practice for startup. According to technical correspondence, the facility will utilize paragraph (1) of the startup definition in Subpart UUUUU. In Table 3 to Subpart UUUUU the paragraph (2) definition of startup requirements are excluded. Further, the paragraph “b.” language regarding syngas is also excluded since it is not applicable.</p> <p>The last statement in paragraphs “a.” and “d.” mentions §63.10011(g), which is not applicable since the initial compliance demonstration has been completed. Therefore, “§63.10011(g)” has been excluded from the permit condition.</p> <p>Paragraph “b.” has been excluded from the permit since syngas not fired in the combustion turbine of an IGCC are not applicable to the source.</p>

Section	Title V	Discussion
§63.9991(a)(1)		The first statement in paragraph “d.” mentions §63.10020(e), which is not applicable since the permittee is complying utilizing the paragraph (1) definition of startup. Therefore, §63.10020(e) has been excluded from the permit condition.
	4.1.19.	Item #4 is an applicable work practice for shutdown. The non-applicable paragraph regarding syngas not fired in a combustion turbine is excluded.
§63.9991(a)(2)	None	This section requires compliance with applicable operating limits in Table 4. In Table 4, only item #1 could apply since the units are existing. However, the permittee indicated in technical correspondence that it will comply with the PM limitation using stack testing. Therefore, this requirement regarding a PM CPMS is not included in the permit.
§63.9991(b)	None	There is no indication that the permittee has or will request an alternative to the work practice standard; therefore, no permit condition is written based upon this section of the regulation.
§63.9991(c)	4.1.7.b.	<p>The section provides the criteria for electing to comply with the alternate SO₂ limit in Table 2 to Subpart UUUUU. The permittee utilizes FGD technology, and also operates an SO₂ CEMS. It may seem, then, that a permit requirement is unnecessary. However, §63.9991(c)(2) requires operation of the FGD system consistent with §63.10000(b), which is “At all times...” Thus, this is an ongoing requirement which is written with the SO₂ limit in the permit condition.</p> <p>§§63.9991(c)(1) and (2) have been revised to clarify the conditions that are required in order to use the alternate sulfur dioxide (SO₂) limit. The proposed language was approved on 4/16/2016 and has been included in the revised operating permit.</p>
General Compliance Requirements		
§63.10000(a)	4.1.6.b. 4.1.7.b. 4.1.16. 4.1.18. 4.1.19.	This general requirement to be in compliance with the emission limits and operating limits in Subpart UUUUU is cited after the emission limits and operating standards in the permit conditions.
§63.10000(b)	4.1.20.	This general duty requirement is applicable; therefore, it is written in the permit.
§63.10000(c)(1)(iv)	4.3.17.	This section sets out a procedure and criteria for initial performance testing and monitoring of continuous performance. The initial compliance demonstration has been completed. However, §63.10000(c)(1)(iv) specifies that if an EGU does not qualify for LEE status for PM, then the source “must monitor continuous performance through either use of a PM CPMS, PM CEMS, or for an existing EGU, compliance performance testing repeated quarterly.” Note that §63.10000(c)(1)(vi) is not included in the condition since the permittee is utilizing a Hg sorbent trap monitoring system instead of indicating that it intends to qualify for LEE status for Hg.
§63.10000(c)(2)	None	This section is not applicable since the units are coal-fired EGUs.

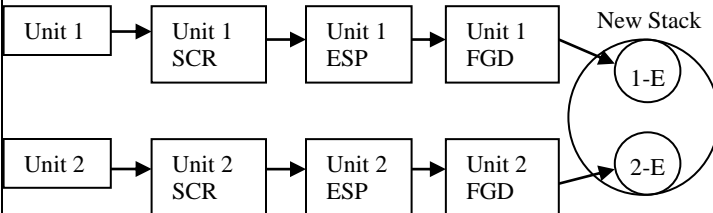
Section	Title V	Discussion
§63.10000(d)	None	This section is specifically applicable to utilizing a continuous monitoring system (CMS), including CEMS. While the permittee operates a CEMS, this requirement to develop a site-specific monitoring plan is specifically not applicable to affected sources with existing monitoring plans that apply to CEMS prepared under appendix B to part 60 or part 75. The permittee has a monitoring plan prepared under part 75; therefore, this requirement is not applicable.
§63.10000(e)	4.1.17.	This section requires periodic tune-ups to demonstrate continuous compliance; therefore, it is cited with the tune-up work practice condition written under §63.9991(a)(1).
§63.10000(f)	None	The units are EGUs and are subject to Subpart UUUUU; therefore, no permit condition is warranted.
§63.10000(g)	None	The units are EGUs and are subject to Subpart UUUUU; therefore, no permit condition is warranted.
§63.10000(h)	None	The units are EGUs and are subject to Subpart UUUUU; therefore, no permit condition is warranted.
§63.10000(i)	None	The units have been operating as EGUs; therefore, no permit condition is warranted.
§63.10000(j)	None	This section is not applicable since there are no newly applicable emissions limits which apply as a result of the cessation or commencement or recommencement of operations that cause the EGU to meet the definition of an EGU subject to Subpart UUUUU.
§63.10000(k)	None	This section is not applicable since there are no newly applicable emissions limits which apply as a result of the cessation or commencement or recommencement of operations that cause the EGU to meet the definition of an EGU subject to Subpart UUUUU.
§63.10000(l)	None	This section is not applicable because the permittee is not utilizing a monitoring system to demonstrate compliance with the work practice standards for PM or non-mercury HAP metals during periods of startup and shutdown.
§63.10000(m)	None	This section is not applicable since it applies to EGUs using the paragraph (2) definition of startup in §63.10042 and the permittee is utilizing the paragraph (1) definition.
§63.10000(n)	None	This section is not applicable since the EGUs combust coal, and have not permanently converted to natural gas or biomass fuel.
§63.10001	None	This section formerly set forth affirmative defense provisions; however, the section is reserved in the current regulation.
Testing and Initial Compliance Requirements		
§63.10005(a)	None	This section provides requirements for initial compliance demonstrations using performance testing which is required for all EGUs. The permittee has completed the required initial compliance demonstration; therefore, no permit condition is warranted.
§63.10005(b)	None	This section provides requirements for performance testing specific to initial compliance demonstrations. The permittee has completed the required initial compliance demonstration performance testing; therefore, no permit condition is warranted.
§63.10005(c)	None	The EGUs are coal-fired and a PM CPMS is not utilized; therefore, this section does not apply.

Section	Title V	Discussion
§§63.10005(d) and (d)(1) through (d)(4)	None	This section provides requirements for CMS specific to initial compliance demonstrations. The permittee has completed the required initial compliance demonstration utilizing an SO ₂ CEMS; therefore, no permit condition is warranted. §63.10005(d)(2) is not applicable since initial performance testing has been completed, and a PM CPMS is not utilized. §63.10005(d)(4) is not applicable since the units are coal-fired.
§63.10005(e)	None	This section requires a tune-up as part of the initial compliance demonstration. Since the initial compliance demonstration has been completed no permit condition is warranted.
§63.10005(f)	None	The permittee has completed the required initial compliance demonstration tune-up and dates specified in the section are past; therefore, no permit condition is warranted.
§63.10005(g)	None	This section does not apply since the units are existing.
§63.10005(h)	4.3.3.	This section establishes LEE requirements. The permittee may pursue this option after the required 3 years of testing. The applicable and elected requirements are incorporated into the operating permit. §63.10005(h)(3) has been revised to clarify that the alternate 30- and 90-day averaging provisions are both applicable to mercury (Hg) emission limits, and to clarify the sampling probe location. The proposed language was approved on 4/16/2016 and has been included in the revised operating permit.
§63.10005(j)	None	This section requires following the startup or shutdown requirements in Table 3 to Subpart UUUUU for each coal-fired EGU to demonstrate initial compliance with the emission limits and work practice standards. The permittee has completed the initial compliance demonstration and there are no ongoing requirements in this section of the regulation; therefore, this requirement is neither explicitly written in the permit, nor cited with the startup and shutdown permit conditions 4.1.18. and 4.1.19., respectively.
§63.10005(k)	None	This section requires the NOCS; however, the permittee has already submitted the NOCS for both units. Therefore, no permit condition is warranted for this requirement.
§63.10006(a)	None	The permittee has not elected to utilize a PM CPMS; therefore, this requirement is not applicable.
§63.10006(b)	4.3.4.	Since the permittee is pursuing LEE status for PM this requirement has been written in the operating permit. The permittee is not pursuing LEE for Hg but instead is utilizing sorbent trap monitoring; therefore, the requirement in §63.10006(b)(2) is excluded from the permit condition.
§63.10006(c)	None	§63.10006(b) applies and the permittee has not elected to utilize a PM CPMS; therefore, this requirement is not applicable.
§63.10006(d)	None	§63.10006(b) applies and the permittee is utilizing an SO ₂ CEMS to monitor compliance with the alternate equivalent SO ₂ emission limit; therefore, this requirement is not applicable.
§63.10006(e)	None	§63.10006(b) applies and the units are coal-fired; therefore, this requirement is not applicable.

Section	Title V	Discussion
§63.10006(f)	4.3.5.	<p>This section establishes performance testing intervals, which are applicable to the source.</p> <p>§63.10006(f) has been revised to specify EGU operational status with respect to performance testing; to identify the requirements—including make-up testing and reporting—if the performance testing schedule is missed apart from using existing skip procedures; and to identify intervals between performance tests. The proposed language was approved on 4/16/2016 and has been included in the revised operating permit.</p>
§63.10006(g)	None	<p>According to the NOCS the permittee is not using emissions averaging; therefore, this requirement is not applicable.</p>
§63.10006(h)	4.3.6.	<p>This section discusses testing intervals for non-mercury LEE units having a test showing greater than 50% of the emission limit where the source later reapplies for LEE status. This requirement is potentially applicable to the units since the permittee is pursuing LEE status for PM. It is noted that this requirement points to “performance tests at the appropriate frequency given in section (c) through (e) of this section”. However, §§63.10006(c) through (e) are not applicable (see discussions above). These sections make an exception for when §63.10006(b) is applicable. Therefore, the appropriate frequency (quarterly) is in §63.10006(b) instead of §§63.10006(c) through (e). This is reflected in the permit condition language.</p>
§63.10006(i)	4.1.17.	<p>This section requires a tune-up according to either a 36- or 48-month frequency depending upon use of neural network combustion optimization systems. The permittee stated that a neural network is not utilized; therefore, §63.10006(i)(1) has been written in the permit.</p>
§63.10007(a)	4.3.7.	<p>This applicable performance testing requirement IBR certain paragraphs of §63.7, and is written in the permit.</p>
§63.10007(a)(1)	4.3.8.	<p>This paragraph establishes performance testing requirements specific to collecting quality-assured CEMS data when utilizing a CEMS to determine compliance with a 30-boiler operating day rolling average emission limit. The permittee utilizes an SO₂ CEMS to comply with the elected SO₂ limit, which according to §63.10005(a)(2) is based upon a 30-boiler operating day rolling average. Consequently, this section is applicable and is written in the operating permit. The pollutants not affected by this are excluded from the condition. Since the permittee is not performing emissions averaging, the reference to 90-boiler operating day average is excluded as well.</p>
§63.10007(a)(2)	4.3.9.	<p>This paragraph establishes performance testing requirements specific to test methods in lieu of continuous monitoring. Since the permittee will be stack testing to demonstrate compliance with PM, this paragraph is included in the operating permit.</p>
§63.10007(a)(3)	None	<p>This paragraph is not applicable since the permittee is not utilizing a PM CPMS.</p>

Section	Title V	Discussion
§63.10007(b)	4.3.10.	This section requires compliance with applicable Table 5 requirements; therefore, it written in the operating permit. Since Table 5 provides testing specifications and methods, this reference is maintained without writing all of the various testing methods contained in Table 5 within this permit condition. This decision agrees with U.S. EPA guidance ² regarding IBR in operating permits.
§63.10007(c)	None	The requirements in this section are specific to the filterable PM emission limit and compliance using a PM CPMS. This paragraph is not applicable since the permittee is not utilizing a PM CPMS.
§63.10007(d)	4.3.11.	The substantive requirement of this section is three separate test runs for each performance test (except for 30-boiler operating day test based upon CEMS or sorbent trap monitoring system) and therefore applies to demonstrating compliance with the PM limit. Therefore, this requirement is included in the operating permit. The reference to Table 1 has been excluded since the units are existing.
§63.10007(e)	4.3.12.	This applicable requirement will be written in the permit, but the calculation methodologies in §§63.10007(e)(1)-(3) are IBR.
§63.10007(f)	4.2.16.	This paragraph establishes values for emission rate calculations during periods of startup and shutdown. Since the permittee utilizes an SO ₂ CEMS and Hg sorbent trap monitoring system, this requirement has been included in the operating permit. The language “the following default values” is changed to “the default values in §§63.10007(f)(1) and (2)” in order to IBR the default values.
§63.10007(g)	4.3.13.	This applicable recordkeeping requirement will be written in the testing subsection (4.3.) of the permit so that when this subsection is read it will be understood that such records must be kept. Moreover, writing this requirement with the testing requirements of the regulation provides a better contextual understanding of the requirement as opposed to writing it by itself in the recordkeeping subsection (4.4.).
§63.10008	None	This section of the regulation is reserved.
§63.10009	None	The requirements in this section are specific to emissions averaging. Since the permittee is not using emissions averaging, this section is not applicable.

² Refer to section II.E.2.c. of U.S. EPA’s White Paper Number 2 for Improved Implementation of the Part 70 Operating Permit Program (March 5, 1996), located at <http://www3.epa.gov/ttn/caaa/t5/memoranda/wtppr-2.pdf> and accessed by the writer on March 2, 2016.

Section	Title V	Discussion
§63.10010(a)(1)	4.2.17. 1 st paragraph	<p>The process flow diagram below is from the renewal application, and indicates that each unit has its own single stack (more accurately, its own flue). Each of these flues is housed within a common “stack”, which simply is a housing for the two flues. As can be seen in the sketch, the flue gases of each unit do not combine in the ductwork or combine into a common flue, stack, or emission point.</p>  <p>Therefore, even though both flues and emission points are housed in the same structure, this configuration meets the criteria in §63.10010(a)(1), which is a <i>Single unit-single stack configuration</i>. That is, each unit exhausts to atmosphere through a single dedicated stack.</p> <p>The purpose of the requirement is to specify the location of several potentially applicable devices that may be utilized to demonstrate compliance. Therefore, this general requirement for this stack configuration has been included in the operating permit.</p>
§63.10010(a)(2)	None	This section is not applicable since an affected unit is not utilizing a common stack with one or more other affected units.
§63.10010(a)(3)	None	This section is not applicable since an affected unit is not utilizing a common stack with a non-affected unit.
§63.10010(a)(4)	None	This section is not applicable since an affected unit is not utilizing a main stack and a bypass stack.
§63.10010(a)(5)	None	This section is not applicable since an affected unit is not using a common control device with multiple stack or duct configurations.
§63.10010(a)(6)	None	This section is not applicable since an affected unit is not using multiple parallel control devices with multiple stacks.
§63.10010(b)	4.2.17. 2 nd paragraph	The requirements in this section are specific to CEMS. Since the permittee utilizes an SO ₂ CEMS, the requirements have been included in the operating permit.
§63.10010(c)	4.2.17. 3 rd paragraph	The requirements in this section are specific to certain compliance demonstration methodologies, one or more of which may be utilized by the permittee. Therefore, the requirement has been included in the operating permit.
§63.10010(d)	None	The requirements in this section are specific to certain compliance demonstration methodologies. The permittee’s revised Attachments E that specified the applicability of subpart UUUUU requirements did not indicate that this paragraph is applicable. Apparently the permittee is not required to make corrections for stack gas moisture content. Therefore, these specific requirements have not been included in the operating permit.

Section	Title V	Discussion
§63.10010(e)	None	The requirements in this section are specific to HCl and HF CEMS. Since the permittee has elected to comply with the alternative SO ₂ limit instead of HCl, and is not subject to an HF limit, these specific requirements are not included in the operating permit.
§63.10010(f)	4.2.17. 4 th paragraph	The requirements in this section are specific to SO ₂ CEMS; therefore, the requirements have been included in the operating permit. §63.10010(f)(3) has been revised to clarify that 30-boiler operating day rolling averages are to be based only on valid hourly SO ₂ emission rates. The proposed language was approved on 4/16/2016 and has been included in the revised operating permit.
§63.10010(g)	4.2.17. 5 th paragraph	The requirements in this section are specific to Hg CEMS or a sorbent trap monitoring system. Since the permittee uses a sorbent trap monitoring system for Hg, these specific requirements have been included in the operating permit.
§63.10010(h)	None	The requirements in this section are specific to PM CPMS. Since the permittee does not utilize a PM CPMS, these requirements are not applicable.
§63.10010(i)	None	The requirements in this section are specific to PM CEMS. Since the permittee does not utilize a PM CEMS, these requirements are not applicable.
§63.10010(j)	None	The requirements in this section are specific to complying with metal HAP emission limits using CEMS. Since the permittee has elected to comply with the PM limit, these specific requirements have not been included in the operating permit.
§63.10010(k)	None	The requirements in this section are not applicable since the units are coal-fired and are not subject to the HCl and HF emission limits.
§63.10010(l)	None	The permittee is not using a monitoring system to demonstrate compliance with PM or non-mercury metals; therefore, this requirement is not applicable.
§§63.10011(a)-(c)	None	These applicable requirements pertain to demonstrating initial compliance and do not set forth any ongoing requirements. The permittee has already fulfilled the initial compliance demonstration; therefore, no permit condition is warranted for these paragraphs.
§63.10011(d)	4.3.14.	This paragraph requires candidate LEE units to use results of initial performance testing to determine compliance with the applicable limit and to determine if the unit qualifies for LEE status. Since the LEE status determination is yet future and this requires the initial compliance results be used in that determination, then this section remains applicable and has been included in the operating permit.
§63.10011(e)	None	The permittee has already submitted the NOCS for both units; therefore, no permit condition is warranted.
§63.10011(f)	4.1.21.	This paragraph requires the permittee to determine the cleanest fuel for startup and shutdown; therefore, the requirement has been included in the operating permit.

Section	Title V	Discussion
§63.10011(g)	None	This section requires following the startup or shutdown requirements in Table 3 to Subpart UUUUU for each coal-fired EGU to demonstrate initial compliance with the emission limits and work practice standards. The permittee has completed the initial compliance demonstration and there are no ongoing requirements in this section of the regulation; therefore, this requirement is neither explicitly written in the permit, nor cited with the startup and shutdown permit conditions 4.1.18. and 4.1.19., respectively.
Continuous Compliance Requirements		
§63.10020(a)	4.2.18. 4.2.19. 4.2.20.	This paragraph requires monitoring and data collection according to §63.10020 and the site-specific monitoring plan required by §63.10000(d). The site-specific monitoring plan requirements in §63.10000(d) are not applicable (see discussion above). However, the requirement to monitor and collect data according to this section is applicable. Therefore, any permit conditions written based upon applicable requirements in §§63.10020(b) through (e) will also cite this requirement in §63.10020(a).
§63.10020(b)	4.2.18.	<p>This requirement is applicable to a “monitoring system”. Clearly this applies to the SO₂ CEMS. Additionally, it has been determined that this paragraph applies to the Hg sorbent trap monitoring system for the following reasons:</p> <ul style="list-style-type: none"> (i) The nomenclature “mercury sorbent trap monitoring system” describes it as a “monitoring system”; (ii) Another part of the regulation indicates that a Hg sorbent trap monitoring system is considered a CMS. Specifically, §63.10005(a)(2) reads, “To demonstrate initial compliance using either a CMS that measures HAP concentrations directly (i.e., an Hg, HCl, or HF CEMS, or a sorbent trap monitoring system) or an SO₂ or PM CEMS, the initial performance test consists of...”; and (iii) The title of this section of the regulation reads, “How do I monitor and collect data to demonstrate continuous compliance?” The sorbent trap monitoring system has been elected to demonstrate continuous compliance; therefore, it is subject to the requirements of this section of the regulation. <p>For these reasons this requirement has been incorporated into the operating permit, and applicability to both SO₂ CEMS and Hg sorbent trap monitoring systems has been specified after the citation of authority.</p>
§63.10020(c)	4.2.19	This requirement is applicable to the SO ₂ CEMS and Hg sorbent trap monitoring system based upon the same rationale given above for §63.10020(b).
§63.10020(d)	4.2.20.	This requirement is applicable to the SO ₂ CEMS and Hg sorbent trap monitoring system based upon the same rationale given above for §63.10020(b).

Section	Title V	Discussion
§63.10020(e)	None	The permittee has elected to comply under the paragraph (1) definition of “startup” in §63.10042; therefore, the requirements of this paragraph are not applicable and have been excluded from the revised operating permit.
§63.10021(a)	4.2.17. 4.3.12. 4.1.17. 4.1.18. 4.1.19.	<p>This paragraph references requirements in Tables 6 and 7 and requires compliance with §§63.10021(b) through (g) as applicable.</p> <p>Table 6 is not applicable since the permittee does not utilize a PM CPMS.</p> <p>Items in Table 7 are applicable as follows:</p> <ul style="list-style-type: none"> Item #1 applies to both the SO₂ CEMS and Hg sorbent trap monitoring system. This requirement in Table 7 is identical to that in §§63.10010(f) and (g) for SO₂ CEMS and Hg sorbent trap monitoring system, respectively. Therefore, this requirement will be cited with condition 4.2.17. Item #4 applies to the quarterly performance testing for PM. The requirement in §63.10007(e) is most congruent with this requirement. Therefore, instead of writing another separate permit condition, this requirement is included with permit condition 4.3.12. Item #5 applies to the applicable required periodic tune-ups. Item #6 applies to the applicable startup requirements. Item #7 applies to the applicable shutdown requirements. <p>Items #2 and #3 are not applicable because the source neither utilizes a PM CPMS, nor is it a liquid oil-fired EGU complying with HCl or HF emissions limit monitoring, respectively.</p>
§63.10021(b)	4.2.21.	The requirements in this section are applicable to the SO ₂ CEMS and Hg sorbent trap monitoring system; therefore, the requirement is incorporated into the operating permit. Equation 8 is IBR.
§63.10021(c)	None	The requirements in this section are not applicable since the permittee does not utilize a PM CPMS.
§63.10021(d)	4.3.15.	The requirements in this section are specific to quarterly performance testing which is the elected compliance method for PM; therefore, the requirement is incorporated into the operating permit. References in the rule to Table 1 of Subpart UUUUU are excluded due to being non-applicable. The requirement §63.10021(d)(3) is excluded since it pertains to HCl and HF emission limits, which were not elected by the permittee.
§63.10021(e)	4.1.17.	The permittee is subject to the requirement to conduct periodic tune-ups of the affected units (condition 4.1.17.). The requirements of this section are included in the permit condition.
§63.10021(f)	4.5.11.	This section requires all reports under §63.10031, and is also applicable to different monitoring requirements based upon certain elected emission limitations.
§63.10021(g)	4.5.12.	This requirement to report instances of not meeting applicable requirements in Tables 1 through 4 of Subpart UUUUU is applicable. Specifically, only requirements in Tables 2 and 3 apply; therefore, this applicable section is written in the operating permit.

Section	Title V	Discussion
§63.10021(h)	4.1.22.	<p>This requirement pertains to startup and shutdown as given in Table 3.</p> <p>§63.10021(h)(1) provides for use of the diluent cap and default electrical loads described in §63.10007(f); therefore, it has been included in the operating permit.</p> <p>§63.10021(h)(2) requires the permittee to operate all CMS, collect data, calculate pollutant emission rates, and record data during startup periods or shutdown periods. As an applicable requirement, it has been included in the operating permit.</p> <p>§63.10021(h)(3) requires the permittee to report as required in §63.10031. As an applicable requirement, it has been included in the operating permit.</p> <p>§63.10021(h)(4) allows the permittee to submit an alternative non-opacity emission standard. The permittee did not indicate that it would exercise this option; therefore, this requirement is not included in the operating permit.</p>
§63.10021(i)	4.5.14.a.(1)	<p>This section requires reports as specified in §63.10031 concerning activities and periods of startup and shutdown. There is no reporting explicitly written or referenced in §63.10031 pertaining to startup and shutdown. The only reference could be the requirement of §63.10031(c)(1), which IBR §63.10(e)(3)(vi). In this Subpart A section, under §63.10(e)(3)(vi)(I) is the mention of a breakdown of the total duration of excess emissions during the reporting period into those that, among other causes, are due to startup/shutdown. Thus, §63.10021(i) is cited with permit condition 4.5.14. as authority specifically for the requirement in permit condition 4.5.14.a.(1).</p>
§§63.10022(a) and (b)	None	<p>The requirements in these sections are specific to the emissions averaging provision. Since the permittee is not utilizing emissions averaging, these requirements are not included in the operating permit.</p>
§§63.10023(a), (b), and (c)	None	<p>The requirements in this section are specific to PM CPMS. Since the permittee is not utilizing a PM CPMS, these requirements are not included in the operating permit.</p>
Notifications		
§63.10030(a)	4.3.16.	<p>This section requires submittal of all notifications in §§ 63.7(b) and (c), 63.8 (e), (f)(4) and (6), and 63.9 (b) through (h) that apply to you by the dates specified.</p> <p>§63.7 sets forth <i>Performance testing requirements</i>. Specifically, §63.7(b) requires a <i>Notification of performance test</i> at least 60 days before the test is initially scheduled to begin. Also, §63.9(e) sets forth the same <i>Notification of performance test</i> at least 60 days before the test. It is noted that §63.10030(d) specifies a 30-day notification period, which is more stringent than the 60-day notice of §§63.7(b) and 63.9(e). Therefore, a streamlining note has been added to the permit condition. Finally, since this requirement pertains to testing, it is written in the testing</p>

Section	Title V	Discussion
	4.5.13.	subsection of the permit.
	4.5.13.	§63.7(c) requires a <i>Quality assurance program</i> for performance testing. The site-specific test plan is required in condition 4.3.7. However, all other applicable notifications in §63.7(c) are IBR in condition 4.5.13.
	4.5.13.	§63.8(e) requires a performance evaluation of CMS. The specific notification is the <i>Notification of performance evaluation</i> in §63.8(e)(2) and <i>Submission of site-specific performance evaluation test plan</i> in §63.8(e)(3), and <i>Reporting performance evaluation results</i> in §63.8(e)(5). Instead of writing these specific Subpart A requirements in the permit, they are effectively made requirements via IBR in condition 4.5.13.
	None	§§63.8(f)(4) and (6) are not applicable since neither an alternative monitoring method, nor an alternative to the relative accuracy test is requested in the application.
	None	Among §§63.9(b) through (h), only the NOCS requirement of §63.9(h) is applicable. However, the NOCS for both units has already been submitted; therefore, this requirement is not included in the operating permit.
§63.10030(b)	None	This Initial Notification requirement is applicable since the EGU started up before April 16, 2012. DAQ received the initial notification from the permittee on August 22, 2012, thereby missing the deadline set in the regulation. However, the notification states that an inadvertent oversight resulted in the submittal being late. There are no further requirements pertaining to this section of the regulation; therefore, no permit condition is necessary.
§63.10030(c)	None	This section is not applicable since the units are not new or reconstructed.
§63.10030(d)	4.3.16.	This 30-day notification requirement replaces the 60-day notification requirement in §63.7(b) discussed above concerning §63.10030(a). The requirement to provide 30-day notification of intent to conduct a performance test is applicable; therefore, it is included in the permit.
§63.10030(e)	None	This section requires submittal of an NOCS since the permittee was required to conduct an initial compliance demonstration. However, the NOCS for both units has already been submitted; therefore, the requirements of this section are not included in the operating permit.
§63.10030(f)	None	The section requires notifications under §§63.10000(h)(2) and (i)(2), which have already been determined to be non-applicable. Nevertheless, it is not expected that the permittee's EGU will on its own cease being an EGU to which MATS does not apply. At this time, no permit condition is warranted for this requirement.
Reports		
§63.10031(a)	4.5.14.a. 4.5.14.b. 4.5.14.c.	The applicable requirement in Table 8, Item #1, is the Compliance report; therefore, it is included in the permit.

Section	Title V	Discussion
§§63.10031(b)(1)-(5)	4.5.15.	This applicable requirement establishes the schedule for submitting each report in Table 8 to Subpart UUUUU, which is the compliance report. Therefore, this applicable section has been written in the permit.
§§63.10031(c)(1)-(9)	4.5.14.a.	<p>This section specifies part of the contents of the compliance report; therefore, it has been included in the compliance report condition.</p> <p>The permittee has elected to comply under the paragraph (1) definition of “startup” in §63.10042; therefore, the requirements of §63.10031(c)(5) are not applicable and have been excluded from the revised operating permit.</p> <p>§63.10031(c)(6) requires reporting of emergency bypass information annually from EGUs with LEE status. Since the permittee intends to be a candidate for LEE status for PM this requirement is included in the permit. Refer to permit condition 4.5.14.a.(6).</p> <p>§63.10031(c)(7) through (9) are applicable; therefore, they have been included in the permit as conditions 4.5.14.a.(7) through (9).</p>
§63.10031(d)	4.5.14.d.	This section specifies part of the contents of the compliance report; therefore, it has been included in the compliance report condition.
§63.10031(e)	4.5.16.	This section requires reporting of all Subpart UUUUU deviations in the semiannual monitoring report required in condition 3.5.6. Therefore, this requirement has been written in the permit.
§63.10031(f)	4.5.17.	This section requires reporting performance test results to EPA’s WebFIRE database by using the Compliance and Emissions Data Reporting Interface (CEDRI) that is access through EPA’s Central Data Exchange (CDX) (www.epa.gov/cdx). This paragraph has been incorporated into the operating permit. Since this paragraph contains details about submitting CBI, and addresses to send CBI on electronic media, much of this paragraph has not been included in the permit condition. Instead, it has been incorporated by reference (IBR) by referring to this section of the regulation. §63.10031(f)(2) is not applicable since no PM CPMS is utilized. Even though the NOCS has already been submitted, §63.10031(f)(4) has been included since it also covers submittal of compliance reports, which is an ongoing requirement.
§63.10031(g)	4.5.14.e.	This section specifies part of the contents of the compliance report; therefore, it is included in the compliance report condition.
Records		
§63.10032(a)	4.4.10.	This section is applicable since it applies to notifications and reports required to comply with Subpart UUUUU, and it applies to records of stack tests, fuel analyses, and other compliance demonstrations and evaluations under Subpart UUUUU.

Section	Title V	Discussion
§63.10032(b)	4.4.11.	<p>The requirements in this section are specific to CEMS and CPMS. Since the permittee utilizes an SO₂ CEMS this requirement is incorporated into the operating permit.</p> <p>The permittee stated in 5/12/2016 technical correspondence that there is a CPMS on the Unit 2 stack (for NSR Consent Order requirements), but it is not used for MATS compliance. The reference to CPMS has been excluded from the permit condition since the permittee does not utilize a CPMS to comply with Subpart UUUUU and to avoid possible confusion.</p>
§63.10032(c)	4.4.12.	<p>This section requires keeping of records in Table 7 to Subpart UUUUU, including records of all monitoring data and calculated averages for applicable PM CPMS operating limits. The applicable items in Table 7 have been analyzed in the above discussion of §63.10021(a), which are items 1 and 4 through 7 (SO₂ CEMS, Hg sorbent trap monitoring system, quarterly testing for PM, periodic tune-ups, startup work practices, and shutdown work practices). Compliance with these requirements are specified in conditions 4.1.17. through 4.1.19.</p>
§63.10032(d)	4.4.13.	<p>Since the units are subject to an emission limit, the recordkeeping requirements of this section are applicable.</p>
§63.10032(e)	None	<p>The requirements in this section are specific to the emissions averaging option under §63.10009. Since the permittee is not utilizing emissions averaging, these requirements are not included in the operating permit.</p>
§63.10032(f)	4.4.14.	<p>This applicable requirement to keep records of startups and shutdowns has been included in the operating permit. Since the permittee will comply under the paragraph (1) definition of startup, language in §§63.10032(f)(2) is not applicable. The proposed requirements in §63.10032(f)(1) have been included in the revised operating permit condition.</p>
§63.10032(g)	4.4.15.	<p>This applicable requirement to keep records of malfunctions of an operation, and air pollution control and monitoring equipment is included in the permit.</p>
§63.10032(h)	4.4.16.	<p>This applicable requirement to keep records of actions taken during periods of malfunction to minimize emissions is included in the operating permit.</p>
§63.10032(i)	4.4.17.	<p>This applicable requirement to keep records of fuel types and amounts during each startup or shutdown is included in the operating permit.</p>
§63.10032(j)	None	<p>This requirement is not applicable since the unit does not fire liquid oil, and does not qualify as a limited-use oil-fired EGU.</p>
Format and Retention of Records		
§§63.10033(a), (b), and (c)	4.4.8.	<p>These requirements are identical to those in 40 C.F.R. 63 Subpart DDDDD (applicable to Auxiliary Boilers), with only the following exception shown below in bold font:</p> <p>§63.10033(c) reads “You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You can keep the records off site for the remaining 3 years.”</p>

Section	Title V	Discussion
		<p>While §63.7560(c) reads “You must keep each record on site, or they must be accessible from on site (for example, through a computer network), for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to § 63.10(b)(1). You can keep the records off site for the remaining 3 years.”</p> <p>The Subpart UUUUU requirement could be interpreted as more stringent; however, the difference between the two requirements is negligible. The main point of the requirement is that the records be available, on site, for the first 2 years after they are generated. If the record is in paper form, it must be on site (and therefore meet the requirement of Subpart UUUUU). If the record is electronic, it still is on site by being accessible at the site (thus meeting Subpart UUUUU). Therefore, the requirements of both MACTs are combined into one condition, and redundancy is avoided in this case.</p>

The permittee intends to demonstrate compliance with Subpart UUUUU using low emitting EGU status for PM if it qualifies after sufficient performance testing; consequently, the acronym “LEE” has been used in multiple places in the permit. Therefore, the acronym has been added to permit section 2.2.

II. 40 C.F.R. 97 Subparts AAAAA, BBBBB, and CCCCC – Transport Rule (TR) Requirements.

These requirements have been incorporated into the operating permit by replacing the CAIR (45CSR39, 45CSR40, 45CSR41) requirements and CAIR application that have been in permit conditions 3.1.11. through 3.1.13., and permit Appendix E.

III. Consent Decree in Civil Action No. C2-99-1182, U.S. v. American Electric Power Service Corp.

In technical correspondence dated May 12, 2016, the permittee suggested adding the applicable requirements of this consent decree to the Title V permit. The consent decree³ was reviewed and compared with the suggested language. Each paragraph in new permit condition 4.1.23. is discussed below. *Note – See “Response to Comments (Statement of Basis)” below for revisions to this condition.*

- Paragraph (1) to continuously operate SCRs on and after January 1, 2009, is based upon paragraph 68 of the Consent Decree.
- Paragraph (2) to continuously operate FGD on and after December 31, 2007, is based upon paragraph 87 of the Consent Decree.
- Paragraph (3) provides the definition of “continuously operate” from paragraph 14 of the Consent Decree.
- Paragraph (4) provides the definition of “malfunction” from paragraph 31 of the Consent Decree.

³ The Consent Decree was reviewed at <https://www.epa.gov/enforcement/consent-decree-and-modifications-american-electric-power-service-corporation> when accessed on May 18, 2016. The three modifications to the consent decree were reviewed and they do not affect the original consent decree requirements for the Mitchell Plant.

- Paragraph (5) to operate a PM CEMS on and after December 31, 2012, is based upon paragraph 109 of the Consent Decree. The permittee confirmed in May 19, 2016, technical correspondence that Mitchell Unit 2 is the third unit identified under paragraph 110 of the Consent Decree.

With respect to paragraph 182 of the Consent Decree, it has been noted that the permittee did not request in the technical correspondence dated May 12, 2016, that the enforceable provisions for the Eastern System-Wide Annual Tonnage Limitations for SO₂ and NO_x (paragraphs 86 and 67 of the Consent Decree) be incorporated into the Title V permit.

IV. Miscellaneous Changes. Several changes have been made to the operating permit based upon comments received from the permittee in technical correspondence dated May 12, 2016.

- a. A note has been added following permit condition 4.4.5.(1) to clarify that the compliance reports are to be submitted every five (5) years (not semi-annually) as allowed by §63.7550(b) since *Aux I* is a limited use boiler.
- b. The alternative deadline allowed by §63.7550(b)(5) has been incorporated into permit condition 4.5.9. since the permittee has a Title V permit that establishes dates for submitting semiannual reports.

Non-Applicability Determinations

The following requirements have been determined not to be applicable to the subject facility due to the following:

None.

Request for Variances or Alternatives

None.

Insignificant Activities

Insignificant emission unit(s) and activities are identified in the Title V application.

Comment Period

Beginning Date: May 23, 2016
Ending Date: June 22, 2016

Point of Contact

All written comments should be addressed to the following individual and office:

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Procedure for Requesting Public Hearing

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing, if no public hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Secretary shall grant such a request for a hearing if he/she concludes that a public hearing is appropriate. Any public hearing shall be held in the general area in which the facility is located.

Response to Comments (Statement of Basis)

U.S. EPA Comments

None.

Public Comments

The permittee submitted the following comment via e-mail to the permit writer on June 15, 2016.

With the increasing complexity of the Mitchell Plant Title V permit conditions related to boilers, AEP believes the permit could be improved tremendously by moving the auxiliary boilers and main boilers permit conditions into separate sections. With implementation of the EGU MATS rule and the IB MACT rule, the boiler section of the permit has been made much more complex. As it is currently written, the permit language jumps back and forth between main boilers and auxiliary boilers as the reader progresses through the various subsections (Limitations and Standards, Monitoring, Testing, etc). Separating all the terms and conditions for the aux boilers from those for the main boilers would provide for a much more logical flow to the Title V permit, improving its usability. When the application for the permit modification to incorporate MATS was submitted, it was anticipated that the incorporation of applicable permit conditions would be less detailed than what has been proposed. The enormous amount of MATS detail being incorporated into the permit has only exacerbated the complexity of this section of the permit. Attached is a document suggesting how the two sections could be separated and renumbered. The document is in MS Word format and utilizes the track changes feature so that the suggested changes are more clear. This improvement does not change, add or delete permit conditions, it merely rearranges them into a more logical order. A similar clarification has also been requested in Appalachian Power Co.'s John E. Amos Plant Title V permit (which is also currently proposed for public comment).

DAQ Response:

Separating all of the terms and conditions for the auxiliary boilers from those for the main boilers, at this time, would be a major undertaking, especially considering this action is a modification rather than a renewal (e.g., John E. Amos' renewal). The permittee may not have initially expected the incorporation of applicable requirements to be so detailed and thorough. However, the Mitchell Plant's significant modification application was determined by DAQ to be incomplete due to not including a complete listing of all applicable requirements. The incomplete letter stated that all applicable requirements will be transcribed directly from the regulation to the operating permit for this modification, and that the application's suggested paraphrased excerpts from the regulation will not be written in the permit. This should have suggested to the permittee that the incorporation of MATS requirements will be more extensive than initially anticipated. Therefore, at the time when the application was deemed incomplete, and the permittee subsequently submitted a list of all applicable MATS requirements, the permittee could have suggested to separate the requirements for the auxiliary boilers from those for the main boilers. For these reasons, the requested change will not be made as part of this permitting action. However, two options are suggested: (1) the permittee could choose to submit a minor modification application to separate the requirements during this permit term, or (2) the permittee may wait until the next renewal and make this request in the renewal application.

Other Changes

To clarify that the authority for including these requirements in this significant modification is from 45CSR30-12.7., references to the Consent Decree in Civil Action No. C2-99-1182 have been removed from the introductory text and citation of authority in permit condition 4.1.23. West Virginia was not an intervener in this action and at this point in time is not making any determination on whether or not AEP has satisfied the conditions of the Consent Decree.