

Table of Contents

1.0	Emission Units and Active R13, R14, and R19 Permits	3
2.0	General Conditions.....	7 6
3.0	Facility-Wide Requirements	16 15

Source-specific Requirements

4.0	Crushing, Screening, Storage and Conveying.....	24 23
5.0	Thermal Dryer	39 36

APPENDICES (Appendix A, Appendix B, Appendix C and Appendix D from Permit R13-2104)

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 or Modified	Design Capacity	Control Device ¹
CRUSHING AND SCREENING					
SC1	T5, T6, & T7	Vibrating Raw Coal Screen	2013	1000 TPH	FE
SC2	T6, T8, & T20A T15, T16, & T17	Vibrating Scalping Raw Coal Screen	2010	600 700 TPH	FE, WS
RB1	T6, T8, & T20A	Rotary Breaker	1968	600 TPH	FE
STORAGE (Piles)					
OS1	T38 & T39	Raw Coal Stockpile	1982 2018	125,000 100,000 Ft ² / 60,000 20,000 Tons	MC
OS2	T35, T37, T13 & T14	Raw/Clean Coal Stockpile	1996	100,000 Ft ² / 30,000 Tons	MC
OS3	T22	Emergency Refuse Stockpile	1996	200 Ft ² /400 Tons	MC
OS4	T47 & T48	Lime Stockpile	1999	500 Ft ² /50 Tons	MC
OS5	T18 & T53	Refuse Stockpile	2010	2,544 Ft ² /500 Tons	MC
STORAGE (Bins and Hoppers)					
B1	T33 & T34	Train Loadout Bin	1997	450 Tons	FE
B2	T26 & T27	Refuse Bin No. 1	2013	200 Tons	FE
B3	T1 & T3	Truck Dump Hopper	2013	50 Tons	PE
B4	T2 & T4	Truck Dump Hopper	2013	50 Tons	PE
B5	T40, T41 & T46	Refuse Bin No. 2	2013	200 Tons	FE
B6	T10 & T11	Raw Coal Silo	2013	5,000 Tons	FE

¹ Transfer points (TP) have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System/Control Device abbreviations: FE = Full Enclosure, FE/FE = Full Enclosure in Building, PE = Partial Enclosure, ST = Stacking Tube, MC = Moisture Content, UC = Underground reclaim feeder, TC = Telescoping Chute, EM = Enclosure and evacuation to mechanical collector, ES = Enclosure and evacuation to a scrubber, NE = No Equipment, RWMW = Water Truck with Manufactured pressurized sprays, WS = Water Spray, WSS = Flooded Disc Scrubber, MCS = Multiclone System, ME = Mist Eliminator.

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed or Modified	Design Capacity	Control Device ¹
B7	T22, T23 & T44	Plant Refuse Bin	2013	175 Tons	FE
B8	T48 & T49	Lime Bin	1999	25 Tons	PE
THERMAL DRYER					
TD1	001, T30, T31 & T32	Thermal Dryer	1968	130MMBtu/Hr <i>Actual Maximum</i> – 105 MMBtu/Hr	Multi-Clone, Wet Scrubber, Mist Eliminator
HAULROADS					
UPR1	T1, T2, T37, T38 & T39	Raw/Clean Coal Truck Traffic	NA	0.5 Mile per trip	WS
UPR2	T27	Refuse Truck Traffic	2013*	0.5 Mile per trip	WS
UPR3	T41	Refuse Truck Traffic	2013*	1 Mile per trip	WS
UPR4	T13, T39, T48 & T51	Endloader/Dozer Traffic	NA	1 Mile per trip	WS
UPR5	T47	Lime Truck Traffic	NA	0.5 Mile per trip	WS
UPR6	T53	Refuse Truck Traffic	2010	0.5 Mile per trip	WS
PVD1	T47	Lime Truck Traffic	1999	0.5 Mile per trip	WS
CONVEYORS					
C-1	T3, T4, & T5	Truck Tunnel Belt Dump Conveyor to SC1	2013	1000 TPH	PE
C-2	T21, T45 & T22	Refuse Conveyor to OS3 or B7	2013	600 TPH	PE
C-3	T6 & T43	Raw Coal Conveyor to C-17	1996	500 TPH	PE
C-4	T6 , T7, T8 & T9	Raw Coal Conveyor to C-5	2013	1000 TPH	PE
C-5	T9 & T10	Raw Coal Conveyor to B6	2013	1000 TPH	PE
C-6	T11 & T12	Silo Recovery Conveyor	1997	1,000 TPH	PE
C-7	T14 & T36A T15	Stockpile Reclaim Raw Coal Conveyor to C13B SC2 or C-8	1976	700 TPH	MC/PE
C-8	T15 & T36A	Clean Coal Recycle Conveyor	1996	700 TPH	PE
C-9	T17 , T12 & T19	Raw Coal Belt Conveyor to Wet Wash	1997	1,000 TPH	PE
C-10	T44 & T54 T26	Refuse Conveyor to C23 or C-22	2013	600 TPH	PE

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed or Modified	Design Capacity	Control Device ¹
C-12	T29 & T30	Clean Coal to Thermal Dryer	1968	550 TPH	PE
C-13A	T28, T30, T31, T36 & T32 & T36A	Clean Coal Conveyor to C-13B	1997	700 TPH	PE
C-13B	T36 & T33 & T36A	Clean Coal Conveyor to B1 or C-14	1997	700 TPH	PE
C-14	T33 & T35	Clean Coal Conveyor to OS2	1996	700 TPH	PE
C-15	T26 & T40	Refuse Conveyor to B5 or C-23	2013	600 TPH	PE
C-17	T43 , T20A, T50 & T21	Reject Refuse Conveyor to C-2	2013	600 TPH	PE
C-18	T52 & T45	Refuse Conveyor to C-2	2013	600 TPH	PE
C-19	T49 & T50	Lime Conveyor	1999	25 TPH	PE
C-21	T16 & T18	Refuse Conveyor to OS5	2010	700 TPH	PE
C-22	T26 & T54	Refuse Conveyor to B2 or C-15	2013	600 TPH	PE
C-23	T40 T54 & T55	Refuse Conveyor to the Refuse Embankment	2013	600 TPH	PE
ROAD FORK DEEP MINED RAW COAL					
C24	T56 & T57	Road Fork Belt Conveyor 1 - receives raw coal from the Road Fork Deep Mine and transfers it to C25	2005** / 2018	1000 TPH	PE
C25	T57 & T58	Road Fork Belt Conveyor 2 - receives raw coal from C24 and transfers it to OS1	2005** / 2018	1000 TPH	PE
BROOKS RUN SOUTH DEEP MINED RAW COAL					
C26	T59 & T60	Brooks Run South Belt Conveyor 1 - receives raw coal from the Brooks Run South Deep Mine and transfers it to C27	2018	1000 TPH	PE
C27	T60 & T61	Brooks Run South Belt Conveyor 2 - receives raw coal from the C26 and transfers it to OS1	2018	1000 TPH	PE
Retired "In-place" Equipment					
NA	NA	Crusher (by-passed since 2005)	1968	NA	FE

* In 2013, the company limited one refuse truck to be operating on UPR2 and UPR3 at a time and increased the maximum hourly throughput from 500 TPH to 600 TPH

** [This equipment was previously permitted by Road Fork Development under permit R13-2637A with facility ID No. 109-00137 for their Guyandotte Slope Mine facility. Kepler Processing Company, LLC and Road Fork Development are now under the common ownership and control of Alpha Natural Resources and this equipment has been moved into Kepler Processing Company, LLC's permit R13-2104I.](#)

1.2. Active R13, R14, and R19 Permits

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

Permit Number	Date of Issuance
R13-2104I G	April 9, 2019 March 17, 2014

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

[40 C.F.R. 82, Subpart F]

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 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 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

[40 C.F.R. 68]

- 3.1.9. Water spray systems for the purpose of fugitive particulate dust control shall be designed, installed, operated, and maintained so as to minimize the generation of fugitive particulate emissions from the wind erosion of stockpiles and material transfer points.

The permittee shall maintain pressurized water spray bars on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spray bar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated. The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

A properly designed, installed, and maintained winterization system on each of the water spray systems shall be in place so to functionally maintain all fugitive particulate dust control during periods when ambient temperature falls to or below 32 degrees Fahrenheit.

[45CSR13 - Permit R13-2104-§4.1.3.]

- 3.1.10. The permittee shall maintain a water truck on site at the facility and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haul roads, stockpiles and other work areas where mobile equipment is used.

[45CSR13 - Permit R13-2104-§4.1.4.]

- 3.1.11. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application [R13-2104I](#) ~~R13-2104, R13-2104A, R13-2104B, R13-2104C, R13-2104D, R13-2104F and R13-2104G~~ and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.

[45CSR13 - Permit R13-2104-§2.5.1.]

- 3.1.12. No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.

[45CSR13 - Permit R13-2104-§4.1.9. and 45CSR§5-6.1.]

and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records.

[45CSR§30-5.1.c.2.B.; 45CSR13 - Permit R13-2104-§3.4.1.]

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

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

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

[45CSR§30-5.1.c.]

3.5. Reporting Requirements

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

[45CSR§§30-4.4. and 5.1.c.3.D.]

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

[45CSR§30-5.1.c.3.E.]

- 3.5.3. Except for the electronic submittal of the annual compliance certification and semi-annual monitoring reports to the DAQ and USEPA as required in 3.5.5 and 3.5.6 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class or by private carrier with postage prepaid to the address(es), or submitted in electronic format by e-mail as set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

DAQ:

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

US EPA:

~~Section Chief~~ ~~Associate Director~~
~~U. S. Environmental Protection Agency, Region III~~
~~Enforcement and Compliance Assurance Division~~
~~Air Section (3ED21)~~
~~Office of Air Enforcement and Compliance~~
~~Assistance (3AP20)~~
~~U. S. Environmental Protection Agency~~
~~Region III~~

4.0 Crushing, Screening, Storage and Conveying [emission point ID(s): *SC1, SC2, ~~RB1~~, OS1, OS2 - ~~OS5~~, B1- B7 B8, C1-C27 C23]*

4.1. Limitations and Standards

4.1.1. The permittee shall not exceed the maximum hourly and annual throughput rates and other criteria outlined in the table below and in the table in Section 1.0 Emission Units (i.e., table in Section 1.0 Emission Units of Permit R13-2014).

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10 ⁶		Location:	ID No.	Control Equipment*
C24	1000	2.5	PE	Before	T56	PE
				After	T57	PE
C25	1000	2.5	PE	Before	T57	PE
				After	T58	PE
C26	1000	2.5	PE	Before	T59	PE
				After	T60	PE
C27	1000	2.5	PE	Before	T60	PE
				After	T61	PE
OS1	700	4.3	MC	Before	T38	MC
				After	T39	MC
B3	1000	4.3	PE	Before	T1	MC
				After	T3	FE
B4	1000	4.3	PE	Before	T2	MC
				After	T4	FE
C-1	1000	4.3	PE	Before	T3/T4	FE/FE
				After	T5	FE/FE
SC1	1000	4.3	FE/FE	Before	T5	FE/FE
				After	T6	FE/FE
				After	T7	FE
RB1	600	4.3	FE	Before	T6	FE/FE
				After	T20A	FE
				After	T8	FE
C-4	1000	4.3	PE	Before	T6	FE/FE
				Before	T7	FE
				Before	T8	FE
				After	T9	FE

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10 ⁶		Location:	ID No.	Control Equipment*
C-5	1000	4.3	PE	Before	T9	FE
				After	T10	PE
B6	1000	4.3	FE	Before	T10	PE
				After	T11	PE
C-21	700	0.005	PE	Before	T16	FE
				After	T18	MC
OS5	700	0.005	MC	Before	T18	MC
				After	T53	MC
C-9	1,000	4.3	PE	Before	T12	FE PE
				Before	T17	FE
				After	T19	FE/FE
OS2	700	4.3	MC	Before	T35	PE
				Before	T37	MC
				After	T13	MC
				After	T14	FE
C-14	700	3.01	PE	Before	T33	FE
				After	T35	PE
C-18	600	2.25	PE	Before	T52	FE
				After	T45	PE
C-19	25	0.219	PE	Before	T49	PE
				After	T50	FE
B8	25	0.219	PE	Before	T48	MC
				After	T49	PE
OS4	25	0.219	MC	Before	T47	MC
				After	T48	MC
C-10	600	2.25	PE	Before	T44	FE/FE
				After	T54 T26	FE
C-23	600	2.25	PE	Before	T40 T54	PE
				After	T55	PE
C-22	600	2.25	PE	Before	T54	PE
				After	T26	FE

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10 ⁶		Location:	ID No.	Control Equipment*
B2	600	2.25	FE	Before	T26	FE
				After	T27	PE
C-12	550	3.01	PE	Before	T29	FE/FE
				After	T30	FE
C-13B	700	3.01	PE	Before	T36	PE
				After	T33	FE
				After	T36A	PE
B1	700	3.01	FE	Before	T33	FE
				After	T34	PE
C-7	700	4.3	PE	Before	T14	FE
				After	T36A T15	PE
SC2	600 700	1.075 4.3	FE, WS	Before	T6 T15	FE PE
				After	T20A T16	FE
				After	T8 T17	FE
C-6	1,000	4.3	PE	Before	T11	PE
				After	T12	FE PE
C-8	700	3.01	PE	Before	T15	PE
				After	T36A	PE
C-13A	700	3.01	PE	Before	T28	FE/FE
				Before	T30	FE
				Before	T31	FE
				Before	T32	FE
				Before	T36A	PE
				After	T36	FE PE
C-3	500	1.85	PE	Before	T6	FE/FE
				After	T43	FE
C-17	600	1.075 2.25	PE	Before	T43	FE
				Before	T20A	FE
				Before	T50	FE
				After	T21	PE
C-2	600	2.25	PE	Before	T21	PE
				Before	T45	PE
				After	T22	FE/FE

Equipment ID No.	Maximum Capacity		Control Equipment*	Associated Transfer Points		
	TPH	TPY x 10 ⁶		Location:	ID No.	Control Equipment*
OS3	600	0.1	MC	Before	T22	MC
B7	600	2.25	FE	Before	T22	FE/FE
				Before	T23	FE
				After	T44	FE/FE
C-15	600	2.25	PE	Before	T26	FE
				After	T40	FE
B5	600	2.25	FE	Before	T40	FE
				After	T41	PE
				After	T46	MC

* FE - Full Enclosure, PE - Partial Enclosure, MC – Moisture Content, WS - Water Spray

[45CSR13 - Permit R13-2104-§4.1.1.]

- 4.1.2. Compliance with all annual throughput limits shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the amount of material received, processed, and/or shipped at any given time during the previous twelve (12) consecutive calendar months.
 [45CSR13 - Permit R13-2104-§4.1.2.]
- 4.1.3. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater. [40 CFR 60 Subpart Y is applicable to storage bins and hoppers (B1, ~~B8~~), and conveyors (~~C-3~~, C-6, C-7, ~~C-8~~, C-9, C-13A, C-13B, C-14, ~~C-19~~)].
 [45CSR13 - Permit R13-2104-§§4.1.9. & 4.1.13. 45CSR§5-3.4., 45CSR16 and 40 CFR §60.254(a)]
- 4.1.4. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (b)(1) through (3) of 40 CFR §60.254(b). [Screens SC1 and SC2, storage bins and hoppers B2, B3, B4, B5, B6, B7 and conveyors C-1, C-2, C-4, C-5, C-10, C-15, C-17, C-18, ~~C-21~~, C-22, ~~and C-23~~, ~~C-24~~, ~~C-25~~, ~~C-26~~ and ~~C-27~~] Compliance with this streamlined limit will assure compliance with 45CSR§5-3.4
- a. Except as provided in paragraph (b)(3) of 40 CFR §60.254(b), the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.
 [40CFR§60.254(b)(1)]

- b. Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (b)(1) of 40 CFR §60.254(b).
[40CFR§60.254(b)(3)]

[45CSR13 - Permit R13-2104-§4.1.14., 45CSR16 and 40 CFR §60.254(b)]

- 4.1.5. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility [i.e. *Storage: (B1, B2, B3, B4, B5, B6, B7, ~~B8~~)*, *Screens: (SC1, SC2)*, *Conveyors: (C-1, C-2, ~~C-3~~, C-4, C-5, C-6, C-7, ~~C-8~~, C-9, C-10, C-13A, C-13B, C-14, C-15, C-17, C-18, ~~C-19, C-21~~, C-22, C-23, ~~C-24, C-25, C-26 and C-27)~~)] including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.
[45CSR13 - Permit R13-2104-§4.1.12., 45CSR16, and 40 CFR §60.11(d)]*

- 4.1.6. Open Storage Pile Fugitive Coal Dust Emissions Control Plan. The owner or operator of an open storage pile, (i.e., *Stockpile OSI*) which includes the equipment used in the loading, unloading, and conveying operations of the affected facility, constructed, reconstructed, or modified after May 27, 2009, must prepare and operate in accordance with a submitted fugitive coal dust emissions control plan that is appropriate for the site conditions as specified in paragraphs (c)(1) through (6) of 40 CFR §60.254.
[40CFR§60.254(c)]

- a. The fugitive coal dust emissions control plan must identify and describe the control measures the owner or operator will use to minimize fugitive coal dust emissions from each open storage pile.
[40CFR§60.254(c)(1)]

- b. For open coal storage piles, the fugitive coal dust emissions control plan must require that one or more of the following control measures be used to minimize to the greatest extent practicable fugitive coal dust: Locating the source inside a partial enclosure, installing and operating a water spray or fogging system, applying appropriate chemical dust suppression agents on the source (when the provisions of paragraph (c)(6) of 40 CFR §60.254 are met), use of a wind barrier, compaction, or use of a vegetative cover. The owner or operator must select, for inclusion in the fugitive coal dust emissions control plan, the control measure or measures listed in this paragraph that are most appropriate for site conditions. The plan must also explain how the measure or measures selected are applicable and appropriate for site conditions. In addition, the plan must be revised as needed to reflect any changing conditions at the source.
[40CFR§60.254(c)(2)]

- c. Any owner or operator of an affected facility that is required to have a fugitive coal dust emissions control plan may petition the Administrator to approve, for inclusion in the plan for the affected facility, alternative control measures other than those specified in paragraph (c)(2) of 40 CFR §60.254 as specified in paragraphs (c)(3)(i) through (iv) of 40 CFR §60.254.
[40CFR§60.254(c)(3)]

1. The petition must include a description of the alternative control measures, a copy of the fugitive coal dust emissions control plan for the affected facility that includes the alternative control measures, and information sufficient for EPA to evaluate the demonstrations required by paragraph (c)(3)(ii) of 40 CFR §60.254.
[40CFR§60.254(c)(3)(i)]

2. The owner or operator must either demonstrate that the fugitive coal dust emissions control plan that includes the alternate control measures will provide equivalent overall environmental protection or demonstrate that it is either economically or technically infeasible for the affected facility to use the control measures specifically identified in paragraph (c)(2) of 40 CFR §60.254.
[40CFR§60.254(c)(3)(ii)]
 3. While the petition is pending, the owner or operator must comply with the fugitive coal dust emissions control plan including the alternative control measures submitted with the petition. Operation in accordance with the plan submitted with the petition shall be deemed to constitute compliance with the requirement to operate in accordance with a fugitive coal dust emissions control plan that contains one of the control measures specifically identified in paragraph (c)(2) of 40 CFR §60.254 while the petition is pending.
[40CFR§60.254(c)(3)(iii)]
 4. If the petition is approved by the Administrator, the alternative control measures will be approved for inclusion in the fugitive coal dust emissions control plan for the affected facility. In lieu of amending this subpart, a letter will be sent to the facility describing the specific control measures approved. The facility shall make any such letters and the applicable fugitive coal dust emissions control plan available to the public. If the Administrator determines it is appropriate, the conditions and requirements of the letter can be reviewed and changed at any point.
[40CFR§60.254(c)(3)(iv)]
- d. The owner or operator must submit the fugitive coal dust emissions control plan to the Administrator or delegated authority as specified in paragraphs (c)(4)(i) and (c)(4)(ii) of 40 CFR §60.254.
[40CFR§60.254(c)(4)]
1. The plan must be submitted to the Administrator or delegated authority prior to startup of the new, reconstructed, or modified affected facility, or 30 days after the effective date of this rule, whichever is later.
[40CFR§60.254(c)(4)(i)]
 2. The plan must be revised as needed to reflect any changing conditions at the source. Such revisions must be dated and submitted to the Administrator or delegated authority before a source can operate pursuant to these revisions. The Administrator or delegated authority may also object to such revisions as specified in paragraph (c)(5) of 40 CFR §60.254.
[40CFR§60.254(c)(4)(ii)]
- e. The Administrator or delegated authority may object to the fugitive coal dust emissions control plan as specified in paragraphs (c)(5)(i) and (c)(5)(ii) of 40 CFR §60.254.
[40CFR§60.254(c)(5)]
1. The Administrator or delegated authority may object to any fugitive coal dust emissions control plan that it has determined does not meet the requirements of paragraphs (c)(1) and (c)(2) of 40 CFR §60.254.
[40CFR§60.254(c)(5)(i)]
 2. If an objection is raised, the owner or operator, within 30 days from receipt of the objection, must submit a revised fugitive coal dust emissions control plan to the Administrator or delegated authority. The owner or operator must operate in accordance with the revised fugitive coal dust emissions control plan. The Administrator or delegated authority retain the right, under paragraph

(c)(5) of 40 CFR §60.254, to object to the revised control plan if it determines the plan does not meet the requirements of paragraphs (c)(1) and (c)(2) of 40 CFR §60.254.
[40CFR§60.254(c)(5)(ii)]

f. Where appropriate chemical dust suppression agents are selected by the owner or operator as a control measure to minimize fugitive coal dust emissions, (1) only chemical dust suppressants with Occupational Safety and Health Administration (OSHA)-compliant material safety data sheets (MSDS) are to be allowed; (2) the MSDS must be included in the fugitive coal dust emissions control plan; and (3) the owner or operator must consider and document in the fugitive coal dust emissions control plan the site-specific impacts associated with the use of such chemical dust suppressants.
[40CFR§60.254(c)(6)]

~~In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by 45CSR§5-7.(conditions 4.1.7 through 4.1.13. below) (Refuse Stockpiles OS3 and OS5)~~
~~[45CSR13 - Permit R13-2104-§4.1.15 9. 45CSR16, and 40 CFR §60.254(c) and 45CSR§5-7.1.]~~

~~4.1.7. Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse. (Refuse Stockpiles OS3 and OS5)~~
~~[45CSR13 - Permit R13-2104-§4.1.9. and 45CSR§5-7.2.]~~

~~4.1.8. Coal refuse disposal areas shall not be so located with respect to mine openings, tipples or other mine buildings, unprotected coal outcrops or steam lines, that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas. (Refuse Stockpiles OS3 and OS5)~~
~~[45CSR13 - Permit R13-2104-§4.1.9. and 45CSR§5-7.3.]~~

~~4.1.9. Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site. (Refuse Stockpiles OS3 and OS5)~~
~~[45CSR13 - Permit R13-2104-§4.1.9. and 45CSR§5-7.4.]~~

~~4.1.10. Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution. (Refuse Stockpiles OS3 and OS5)~~
~~[45CSR13 - Permit R13-2104-§4.1.9. and 45CSR§5-7.5.]~~

~~4.1.11. Materials with low ignition points used in the production or preparation of coal, including, but not limited to, wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area. (Refuse Stockpiles OS3 and OS5)~~
~~[45CSR13 - Permit R13-2104-§4.1.9. and 45CSR§5-7.6.]~~

~~4.1.12. Garbage, trash, household refuse and like materials shall not be deposited on or near any coal refuse disposal area. (Refuse Stockpiles OS3 and OS5)~~
~~[45CSR13 - Permit R13-2104-§4.1.9. and 45CSR§5-7.7.]~~

~~4.1.13. The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited. (Refuse Stockpiles OS3 and OS5)~~
~~[45CSR13 - Permit R13-2104-§4.1.9. and 45CSR§5-7.8.]~~

~~4.1.14.—With respect to all burning coal refuse disposal areas, the person responsible for the coal refuse disposal areas or the land on which the coal refuse disposal areas are located shall use due diligence to control air pollution from the coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for the coal refuse disposal area or the land on which the coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent or reduce the air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including, completion dates, to establish that the corrective measures can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W. Va. Code §§ 22-5-1 et seq. If the report is not submitted as requested or if the Director determines that the methods and procedures set forth in the report are not adequate to reasonably control the air pollution he or she shall issue an order requiring the elimination, prevention or reduction of the air pollution. (Refuse Stockpiles OS3 and OS5)
[45CSR13—Permit R13-2104 §4.1.9. and 45CSR§5-8.3.]~~

4.2. Monitoring Requirements

4.2.1. [Reserved]

4.3. Testing Requirements

4.3.1. To determine compliance with the opacity limits of permit conditions 4.1.3. and 4.1.4., the permittee shall conduct weekly visual emission observations in accordance with Method 22 of 40 CFR 60, Appendix A for all coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems. These observations shall be conducted during periods of facility operation for a sufficient time interval to determine if the unit has visible emissions using procedures outlined in 40CFR60 Appendix A, Method 22. If sources of visible emissions are identified during the survey, the permittee shall conduct an opacity evaluation in accordance with 40CFR60 Appendix A, Method 9, within 24 hours. A 40CFR60 Appendix A, Method 9 evaluation shall not be required if the visible emission condition is corrected in a timely manner and the units are operated at normal operating conditions with no visible emissions being observed.
[45CSR13 - Permit R13-2104-§4.2.1., 45CSR16, 40 CFR §60.257(a) & §60.11]

4.3.2. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by 40 CFR Part 60 and at such other times as may be required, the owner or operator of such facility shall conduct performance test(s) and furnish a written report of the results of such performance test(s).
[45CSR13 - Permit R13-2104-§4.3.1., 45CSR16, 40 CFR §60.8(a)]

4.3.3. Compliance with opacity standards in 40 CFR Part 60 shall be determined by conducting observations in accordance with Method 9 in appendix A of 40 CFR Part 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).
[45CSR13 - Permit R13-2104-§4.3.2., 45CSR16, 40 CFR §60.11(b)]

4.3.4. **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification on

2. Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.
[40 CFR §60.255(f)(1)(ii)]
 3. Conduct a performance test using Method 9 of Appendix A-4 of this part at least once every 5 calendar years for each affected facility.
[40 CFR §60.255(f)(1)(iii)]
- b. Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administration or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, *see* OAQPS “Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems.” This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator delegated authority shall be implemented by the owner or operator.
[40 CFR §60.255(f)(2)]

[45CSR13 - Permit R13-2104-§4.3.6. 5., 45CSR16, 40 CFR §60.255(f)]

- 4.3.7. **Performance Tests and Other Compliance Requirements for Subpart Y - COMS.** As an alternative to meeting the requirements in paragraph (b)(2) of this section [*see permit condition 4.3.5. above*], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in paragraphs (g)(1) and (2) of 40 CFR §60.255.

[45CSR13 - Permit R13-2104-§4.3.7. 6., 45CSR16, 40 CFR §60.255(g)]

- 4.3.8. **Performance Tests and Other Compliance Requirements for Subpart Y - Truck Dump Operations.** The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, (i.e. Truck unloading to Hoppers “B3” and “B4”) must meet the requirements specified in paragraphs (h)(1) through (3) of 40 CFR §60.255.

(Note: Paragraph (h)(1) requires initial testing that has already been performed. Therefore, it has been excluded from this permit requirement.)

- a. Conduct monthly visual observations of all process and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.
[40CFR§60.255(h)(2)]

- b. Conduct a performance test using Method 9 of appendix A-4 of 40 CFR Part60 at least once every 5 calendar years for each affected facility.
[40CFR§60.255(h)(3)]

[45CSR13 - Permit R13-2104-§4.3.8, 7, 45CSR16, 40 CFR §§60.255(h)(2) and (h)(3)]

- 4.3.9. **Performance Tests and Other Compliance Requirements for Subpart Y.** If any affected coal processing and conveying equipment (e.g., breakers, crushers, screens, conveying systems), coal storage systems, or other coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building, and the emissions from the building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.

[45CSR13 - Permit R13-2104-§4.3.5, 8, 45CSR16, 40 CFR §60.255(c)]

- 4.3.10. **Test Methods and Procedures for Subpart Y.** The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (a)(1) through (3) of 40 CFR §60.257.

- a. Method 9 of appendix A-4 of 40 CFR Part 60 and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in 40 CFR §60.257 paragraphs (a)(1)(i) and (ii).
[40 CFR §60.257(a)(1)]

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

[40 CFR §60.257(a)(1)(i)]

2. If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.

[40 CFR §60.257(a)(1)(ii)]

- b. To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in 40 CFR §60.257 paragraphs (a)(2)(i) through (iii) must be used.

[40 CFR §60.257(a)(2)]

1. The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.

[40 CFR §60.257(a)(2)(i)]

2. The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.

[40 CFR §60.257(a)(2)(ii)]

3. The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.

[40 CFR §60.257(a)(2)(iii)]

- e. Monthly certification that the dust suppressant systems were operational when any coal was processed and that manufacturer's recommendations were followed for all control systems. Any variance from the manufacturer's recommendations, if any, shall be noted.

[40 CFR §60.258(a)(5)]

- f. Monthly certification that the fugitive coal dust emissions control plan was implemented as described. Any variance from the plan, if any, shall be noted. A copy of the applicable fugitive coal dust emissions control plan and any letters from the Administrator providing approval of any alternative control measures shall be maintained with the logbook. Any actions, e.g. objections, to the plan and any actions relative to the alternative control measures, e.g. approvals, shall be noted in the logbook as well.

[40 CFR §60.258(a)(6)]

~~[45CSR13 - Permit R13-2104-§4.4.6., 45CSR16, 40 CFR §60.258(a)]~~ [Screens SC1 and SC2, Storage bins and hoppers B2, B3, B4, B5, B6, B7, Conveyors C-1, C-2, C-4, C-5, C-10, C-15, C-17, C-18, ~~C-21~~, C-22 and C-23, C-24, C-25, C-26 and C-27]

4.5. Reporting Requirements

- 4.5.1. Upon observing any visible emissions in excess of twenty percent (20%) opacity under 4.3.1. above, the Company shall submit a written report, certified by a responsible official, to the Director of the Division of Air Quality within five (5) days after taking said reading.

[45CSR13 - Permit R13-2104-§4.2.1.]

- 4.5.2. With regard to any testing required by the Director, the permittee shall submit to the Director of Air Quality and the Associate Director - Office of Enforcement and Permit Review (3AP12) of the U.S. EPA a test protocol detailing the proposed test methods, the date, and the time the proposed testing is to take place, as well as identifying the sampling locations and other relevant information. The test protocol must be received by the Director and the Associate Director no less than thirty (30) days prior to the date the testing is to take place. Test results shall be submitted to the Director and the Associate Director no more than sixty (60) days after the date the testing takes place.

[45CSR13 - Permit R13-2104-§4.5.1.]

- 4.5.3. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observation using 40CFR Part 60, Appendix A, Method 9 must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.

[45CSR13 - Permit R13-2104-§4.5.2.]

- 4.5.4. Any owner or operator subject to the provisions of 40 CFR Part 60 shall furnish written notification as follows:

- a. A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date.

[40 CFR §60.7(a)(1)]

APPENDIX A ¹
“Breaker Building Raw Coal Throughput”

Month _____ Year _____

<u>Day of Month</u>	<u>Operating Schedule (hours)</u>	<u>Pond Fork Mine Conveyor C25 Transfer Point T58 (tons)</u>	<u>Brooks Run South Conveyor C27 Transfer Point T61 (tons)</u>	Lime <u>Conveyor C-19 Transfer Point T50 (tons)</u>	<u>- Raw Coal - Conveyor C-1 Transfer Point T5 (tons){Blank}</u>	<u>Initials {Blank}</u>
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
Monthly Total -						
12 Month Rolling Total						
Maximum Permitted Amount		<i>2,500,000 tons combined</i>		<i>219,000 tons</i>	<i>4,300,000 tons</i>	

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

Appendix B ¹
Wet Wash Preparation Plant Throughput

Month _____ Year _____

<u>Day of Month</u>	Plant Operating Schedule (hours)	Raw Coal To Plant Conveyor C-9 Transfer Point T19 (tons)	Clean Coal To Thermal Dryer Conveyor C-12 Transfer Point T30 - (tons)	Clean Coal To Railcar Loadout Conveyor C-13B Transfer Point T33 (tons)	Refuse To Loadout Bins/Embankment Conveyor C-10 Transfer Point T54 (tons)	<u>Initials</u>
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						
Monthly Total						
12 Month Rolling Total						
Maximum Permitted Amount		<i>4,300,000 tons</i>	<i>3,010,000 tons</i>	<i>3,010,000 tons</i>	<i>2,250,000 tons</i>	

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

Appendix C¹

Daily and Monthly Water and Usage Report for the Water Truck

Month _____ Year _____

Date Day of Month	Fixed Water Spray System (gallons)	Water Truck (gallons)	Comments, Maintenance, Repair Records, etc. ²	Initials
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				
26				
27				
28				
29				
30				
31				

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

⁽²⁾ Use the comment section to explain why the fixed water spray system and/or water truck was not in use or used sparingly, to note maintenance and repairs, etc.