



Roberts, Daniel P <daniel.p.roberts@wv.gov>

Going to Notice - Marion County Coal Resources, Inc. - R30-04900019-2025 renewal

1 message

Roberts, Daniel P <daniel.p.roberts@wv.gov>
To: Stephanie R Mink <stephanie.r.mink@wv.gov>

Wed, Jul 9, 2025 at 11:56 AM

Stephanie,

Hey. Carrie has given me permission to go to notice on the above referenced renewal permit. I have attached copies of the draft proposed permit, fact sheet, notice and T5 info table. They can also be found at the following link: G:\Shared drives\DEP AQ Permitting\AQ Permitting\TITLEV\Permits\04900019 The Marion County Coal Company\Renewal 2025\DraftProposed.

Let me know if you need anything else.

Thanks!
Dan

4 attachments



concurrent notice R30-04900019-2025.docx
18K



DPPermit R30-04900019-2025 7-9-25.docx
316K



T5_Info_Table.doc
40K



DPFactSheet R30-04900019-2025 7-9-25.docx
89K



Roberts, Daniel P <daniel.p.roberts@wv.gov>

Re: Draft/Proposed for Marion County Coal Resources, Inc.'s Marion County Mine Preparation Plant - R30-04900019-2025 renewal

1 message

McCumbers, Carrie <carrie.mccumbers@wv.gov>

Mon, Jun 30, 2025 at 4:26 PM

To: "Roberts, Daniel P" <daniel.p.roberts@wv.gov>

Dan,

Attached are my comments on the permit and fact sheet. I don't have any comments on the notice.

On Thu, Jun 26, 2025 at 6:10 PM Roberts, Daniel P <daniel.p.roberts@wv.gov> wrote:

Carrie,

Hey. I have attached the draft proposed permit, fact sheet and notice for the above referenced facility for your review.

Let me know if you have any questions or need any additional information.

Thanks,
Dan

2 attachments



DPPermit R30-04900019-2025 6-26-25 Carrie's comments.docx

323K



DPFactSheet R30-04900019-2025 6-26-25 Carrie's comments.docx

94K

West Virginia Department of Environmental Protection

*Harold D. Ward
Cabinet Secretary*

Permit to Operate



Pursuant to
Title V
of the Clean Air Act

Issued to:

**Marion County Coal Resources, Inc.
Marion County Mine Preparation Plant
R30-04900019-2025**

Laura M. Crowder
Director, Division of Air Quality

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

Permit Number: **R30-04900019-2025**
Permittee: **Marion County Coal Resources, Inc.**
Facility Name: **Marion County Mine Preparation Plant**
Permittee Mailing Address: **46226 National Road W, St. Clairsville, OH 43950**

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

Facility Location:	Fairview, Marion County, West Virginia
Facility Mailing Address:	1 Bridge Street, Monongah, WV 26554
Telephone Number:	304-534-4748
Type of Business Entity:	Corporation
Facility Description:	Coal preparation plant with a thermal dryer
SIC Codes:	1222
UTM Coordinates:	561.6 km Easting •\$ 4,383.9 km Northing •\$ Zone 17

Permit Writer: Dan Roberts

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

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

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

1.1 Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed/ Modified¹	Design Capacity		Control Device²
				TPH	TPY	
Raw Coal						
001	Z01	Conveyor 1 – Mine slope belt to Raw Coal Transfer Building	C Pre 1974	3,000	13,140,000	FE
052	Z01	Conveyor 21 – Belt from Raw Coal Transfer Building to Raw Coal Stockpile 1	M 2019 C 2005	3,000	13,140,000	PE
003A	Z01	Raw Coal Stockpile 1 – Stockpile equipped with Stacking Tube 1; Stockpile footprint is 20.5 acres with a storage capacity of 800,000 tons	M 2021 M 2019 C 2005	3,000	13,140,000	ST
005	Z01	Conveyor 3 – Belt from Raw Coal Transfer Building to Raw Coal Storage Bin 1	C Pre 1974	3,000	13,140,000	FE
006	Z01	Storage Bin 1 – Raw Coal storage silo from Conveyor 3 and transfers to Conveyor 2; Storage capacity is 15,000 tons	M 2019 C Pre 1974	3,000 in 1,500 out	13,140,000	PE
002	Z01	Conveyor 2 – Belt from Raw Coal to Conveyor 4	M 2019 C 1989	1,500	13,140,000	FE
008	Z01	Conveyor 4 – Belt from Conveyor 2 to Prep Plant	M 2019 C Pre 1974	1,500	13,140,000	FE
Clean Coal						
034	Z01	Conveyor 15 – Belt from Prep Plant to Conveyor 42 or Conveyor 5A	C 1985	600	3,219,300	PE
05A	Z01	Conveyor 5A – Belt from Conveyor 15 to Conveyor 5	C 1988-90	600	3,219,300	PE
042	Z01	Conveyor 42 – Belt from Conveyor 15 to Conveyor 43	C 1985	600	3,219,300	PE
043	Z01	Conveyor 43 – Belt from Conveyor 42 to Thermal Dryer Furnace	C 1985	600	3,219,300	PE
045A	P002	Thermal Dryer - ENI Eng. Co. Fluidized Bed Dryer rated at 130 MMBTU/hr Heat Input	C 1985	600	3,219,300	4 Parallel Cyclones (CYC1)

045C	Z01	Thermal Dryer Furnace - Bigelow Liptak forced draft burner rated at 130 MM BTU/hr Heat Input	C 1985	4.35	26,100	Horizontal Venturi Scrubber (SCR1)
035	Z01	Conveyor 16 – Belt from Thermal Dryer to Conveyor 17	C 1985	600	3,219,300	FE
036	Z01	Conveyor 17 – Belt from Conveyor 16 to Conveyor 18	C 1985	600	3,219,300	PE
036B	Z01	Conveyor 18 – Belt from Conveyor 17 to Conveyor 6	C 1985	600	3,219,300	PE
013	Z01	Conveyor 5 – Belt from Prep Plant to Conveyor 6	C Pre 1974	1,200	5,978,700	PE
015	Z01	Conveyor 6 – Belt from Conveyor 5 and Conveyor 18 to Clean Coal Silo 1, Conveyor 7 or Sample Conveyor 1	C Pre 1974	1,200	9,198,000	PE
057	Z01	Sample Conveyor 1 – Belt from Conveyor 6 to Sample Crusher	C 2014	0.20	1,752	FE
058	Z01	Sample Crusher	C 2014	0.20	1,752	FE
059	Z01	Sample Conveyor 2 – Belt from Sample Crusher to dumpster	C 2014	0.20	1,752	PE
017	Z01	Clean Coal Silo 1 – Clean Coal storage silo from Conveyor 6 and transfers to Conveyor 13A; Storage capacity is 10,500 tons	M 2019 C Pre 1974	3,500	9,198,000	FE
030	Z01	Conveyor 7 – Belt from Conveyor 6 to Clean Coal Silo 2	C 1981	1,200	9,198,000	PE
044	Z01	Clean Coal Silo 2 – Clean Coal storage silo from Conveyor 7 and transfers to Conveyor 13; Storage capacity is 10,500 tons	M 2019 C 1981	3,500	9,198,000	FE
031	Z01	Conveyor 13 – Belt from Clean Coal Silo 2 to Conveyor 8	M 2019 C 1981	3,500	9,198,000	PE
031A	Z01	Conveyor 13A – Belt from Clean Coal Silo 1 to Conveyor 8	M 2019 C 2006	3,500	9,198,000	FE
Clean Coal Shipping by Truck and Railcar						
018	Z01	Conveyor 8 –Belt from Conveyor 13 and Conveyor 13A to Conveyor 8A or Conveyor 9	M 2019 C Pre 1974/ 2006	3,500	9,198,000	PE
018A	Z01	Conveyor 8A – Belt from Conveyor 8 to Batch Weigh Loadout	C 2014	3,500	9,198,000	PE
038B	Z01	Batch Weigh Loadout Bin (BWL) -220 tons capacity	C 2014	3,500	9,198,000	FE

032	Z01	Conveyor 9 – Belt from Conveyor 8 to Unit Train Loadout 1	M 2014 C Pre 1974/ 2006	3, 500	9,198,000	PE
Refuse Circuit						
021	Z01	Conveyor 10 – Coarse refuse belt from Prep Plant to Conveyor 11	M 2019 C Pre 1974	500	3,942,000	FE
023	Z01	Conveyor 11 - Coarse refuse belt from Conveyor 10 to Conveyor 12	M 2019 C Pre 1974	500-	3,942,000	PE
027A	Z01	Refuse Bin 1 – Coarse refuse bin from Conveyor 12 to Pan Truck Loading	M 2019 C Pre 1974	500 -	3,942,000	FE
025	Z01	Conveyor 12 – Coarse refuse belt from Conveyor 11 to Conveyor 14 or Refuse Bin 1	M 2019 C Pre 1974	500	3,942,000	PE
033	Z01	Conveyor 14 – Coarse refuse belt from Conveyor 12 to Refuse Bin 2	M 2019 C 1983	500-	3,942,000	PE
027	Z01	Refuse Bin 2 – Coarse refuse bin from Conveyor 14 to Pan Truck Loading	M 2019 C Pre 1974	500-	3,942,000	FE
012	Z01	Refuse Disposal Area (RDA)	C Pre 1974	500-	3,942,000	MC
Miscellaneous						
046	P003	Lime Storage Silo 1	C Pre 1974	N/A	N/A	None
048	P004	Rock Dust Silo 1	C Pre 1974	N/A	N/A	None
Haulroads						
049A	Z01	Unpaved Haulroad	C Pre 1974	NA	NA	WT
049B	Z01	Unpaved Haulroad	C Pre 1974	NA	NA	WT
049C	Z01	Unpaved Haulroad	C Pre 1974	NA	NA	WT
049D	Z01	Unpaved Haulroad	C Pre 1974	NA	NA	WT
049E	Z01	Unpaved Haulroad	C Pre 1974	NA	NA	WT
049F	Z01	Unpaved Haulroad	C Pre 1974	NA	NA	WT
049G	Z01	Unpaved Haulroad	C 1993	NA	NA	WT
049H	Z01	Unpaved Haulroad	C 1993	NA	NA	WT
VOC Emission Sources						
009B	Z01	Froth Floatation Cell	C 1985	NA		None
009	P001	Vacuum Filter	C 1985	NA		None
047	Z01	Thickener	C 1985	NA		None
038A	Z01	Railcar Anti-Freeze Spray	C Pre 1974	NA		None

051C	Z01	Stoker Coal Anti-Freeze Spray	C Pre 1974	NA	None
S050A	Z01	No. 2 Diesel Fuel Storage Tank 1	C 1985	5,000 Gallons	None
S050B	Z01	No. 2 Diesel Fuel Storage Tank 2	C 1985	3,000 Gallons	None
S050C	Z01	No. 2 Diesel Fuel Storage Tank 3	C 1985	3,000 Gallons	None
S050D	Z01	No. 2 Diesel Fuel Storage Tank 4	C 1985	1,000 Gallons	None
S050E	Z01	Froth Flotation Agent Storage Tank 1	C 1985	5,000 Gallons	None
S050F	Z01	Anionic Flocculant Storage Tank 1	C 1985	1,000 Gallons	None
S050G	Z01	Antifreeze Storage Tank 1	C 1985	8,000 Gallons	None
S050H	Z01	Antifreeze Storage Tank 2	C 1985	8,000 Gallons	None
S050I	Z01	Dustrol Storage Tank 1	C 1985	1,600 Gallons	None
S050J	Z01	Dustrol Storage Tank 2	C 1985	1,600 Gallons	None
S050K	Z01	30 wt. Motor Oil Storage Tank 1	C 1985	580 Gallons	None
S050L	Z01	30 wt. Motor Oil Storage Tank 2	C 1985	580 Gallons	None

1 In accordance with 40 CFR 60 Subpart Y: all emissions from thermal dryers constructed, re-constructed or modified on or before April 28, 2008 shall be less than 20% opacity; coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified on or before April 28, 2008 shall not discharge gases which exhibit 20 percent opacity or greater; coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified after April 28, 2008 shall not discharge gases which exhibit 10 percent opacity or greater; and for open storage piles constructed, reconstructed, or modified after May 27, 2009, the permittee shall prepare and operate in accordance with a fugitive coal dust emissions control plan that is appropriate for site conditions.

2 Control Device abbreviations: FE - Full Enclosure; PE - Partial Enclosure; ST - Stacking Tube; WS - Water Sprays; WT - Water Truck; MC - Moisture Control; MD - Minimize Drop Height.

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
R13-0760J	March 1, 2021

2.0 General Conditions

2.1. Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.39.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

2.2. Acronyms

CAAA	Clean Air Act Amendments	NSPS	New Source Performance
CBI	Confidential Business Information		Standards
CEM	Continuous Emission Monitor	PM	Particulate Matter
CES	Certified Emission Statement	PM₁₀	Particulate Matter less than 10µm in diameter
C.F.R. or CFR	Code of Federal Regulations		
CO	Carbon Monoxide	pph	Pounds per Hour
C.S.R. or CSR	Codes of State Rules	ppm	Parts per Million
DAQ	Division of Air Quality	PSD	Prevention of Significant Deterioration
DEP	Department of Environmental Protection	psi	Pounds per Square Inch
FOIA	Freedom of Information Act	SIC	Standard Industrial Classification
HAP	Hazardous Air Pollutant		
HON	Hazardous Organic NESHAP	SIP	State Implementation Plan
HP	Horsepower	SO₂	Sulfur Dioxide
lbs/hr or lb/hr	Pounds per Hour	TAP	Toxic Air Pollutant
LDAR	Leak Detection and Repair	TPY	Tons per Year
m	Thousand	TRS	Total Reduced Sulfur
MACT	Maximum Achievable Control Technology	TSP	Total Suspended Particulate
mm	Million	USEPA	United States Environmental Protection Agency
mmBtu/hr	Million British Thermal Units per Hour	UTM	Universal Transverse Mercator
mmft³/hr or mmcf/hr	Million Cubic Feet Burned per Hour	VEE	Visual Emissions Evaluation
NA or N/A	Not Applicable		
NAAQS	National Ambient Air Quality Standards	VOC	Volatile Organic Compounds
NESHAPS	National Emissions Standards for Hazardous Air Pollutants		
NO_x	Nitrogen Oxides		

2.3. Permit Expiration and Renewal

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

2.4. Permit Actions

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

2.5. Reopening for Cause

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

[45CSR§30-6.6.a.]

2.6. Administrative Permit Amendments

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

[45CSR§30-6.4.]

2.7. Minor Permit Modifications

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

[45CSR§30-6.5.a.]

2.8. Significant Permit Modification

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

[45CSR§30-6.5.b.]

2.9. Emissions Trading

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

[45CSR§30-5.1.h.]

2.10. Off-Permit Changes

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

- a. The change must meet all applicable requirements and may not violate any existing permit term or condition.
- b. The permittee must provide a written notice of the change to the Secretary and to U.S. EPA within two (2) business days following the date of the change. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.
- c. The change shall not qualify for the permit shield.
- d. The permittee shall keep records describing all changes made at the source that result in emissions of regulated air pollutants, but not otherwise regulated under the permit, and the emissions resulting from those changes.
- e. No permittee may make any change subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control) pursuant to the provisions of 45CSR§30-5.9.

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

[45CSR§30-5.9.]

2.11. Operational Flexibility

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

[45CSR§30-5.8]

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

[45CSR§30-5.8.a.]

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

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

[45CSR§30-5.8.c.]

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

[45CSR§30-2.40]

2.12. Reasonably Anticipated Operating Scenarios

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

[45CSR§30-5.1.i.]

2.13. Duty to Comply

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

[45CSR§30-5.1.f.1.]

2.14. Inspection and Entry

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

[45CSR§30-5.3.b.]

2.15. Schedule of Compliance

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

[45CSR§30-5.3.d.]

2.16. Need to Halt or Reduce Activity not a Defense

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

[45CSR§30-5.1.f.2.]

2.17. Reserved

2.18. Federally-Enforceable Requirements

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

[45CSR§30-5.2.a.]

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

2.19. Duty to Provide Information

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

[45CSR§30-5.1.f.5.]

2.20. Duty to Supplement and Correct Information

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

[45CSR§30-4.2.]

2.21. Permit Shield

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

[45CSR§30-5.6.a.]

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

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

[45CSR§305.6.c.]

2.22. Credible Evidence

- 2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

[45CSR§30-5.3.e.3.B.]

2.23. Severability

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

[45CSR§305.1.e.]

2.24. Property Rights

- 2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.

[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

- 2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.
- a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.
 - b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
 - c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

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

[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. [45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. [45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them. [40 C.F.R. §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. [45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. [W.Va. Code § 22-5-4(a)(15)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
 - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

- 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]

3.2. Monitoring Requirements

- 3.2.1. None.

3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
 - a. The Secretary may on a sourcespecific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
 - b. The Secretary may on a sourcespecific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit shall be revised in accordance with 45CSR§30-6.4 or 45CSR§30-6.5 as applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit shall be revised in accordance with 45CSR§30-6.4 or 45CSR§30-6.5 as applicable.
 - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include

the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
 1. The permit or rule evaluated, with the citation number and language.
 2. The result of the test for each permit or rule condition.
 3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 2254(a)(15-16) and 45CSR13]

3.4. Recordkeeping Requirements

- 3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:
 - a. The date, place as defined in this permit and time of sampling or measurements;
 - b. The date(s) analyses were performed;
 - c. The company or entity that performed the analyses;
 - d. The analytical techniques or methods used;
 - e. The results of the analyses; and
 - f. The operating conditions existing at the time of sampling or measurement.

[45CSR§30-5.1.c.2.A.; ~~45CR13, R13-0760, 4.4.1~~]

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

[45CSR§30-5.1.c.2.B.]

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

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

3.5. Reporting Requirements

- 3.5.1. **Responsible official.** Any application form, report, or compliance certification required by this permit to be submitted to the DAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.
[45CSR§30-4.4. and 5.1.c.3.D.]
- 3.5.2. A permittee may request confidential treatment for the submission of reporting required under 45CSR§30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
[45CSR§30-5.1.c.3.E.]
- 3.5.3. Except for the electronic submittal of the annual compliance certification and semi-annual monitoring reports to the DAQ and USEPA as required in 3.5.5 and 3.5.6 below, all notices, requests, demands, submissions and other communications required or permitted to be made to the Secretary of DEP and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class or by private carrier with postage prepaid to the address(es), or submitted in electronic format by e-mail as set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

DAQ:

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

US EPA:

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

DAQ Compliance and Enforcement¹:

DEPAirQualityReports@wv.gov

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

- 3.5.4. **Fees.** The permittee shall pay fees on an annual basis in accordance with 45CSR§30-8.
[45CSR§30-8.]
- 3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification. The annual certification shall be submitted in electronic format by e-mail to the following addresses:

DAQ:
DEPAirQualityReports@wv.gov

US EPA:
R3_APD_Permits@epa.gov

[45CSR§30-5.3.e.]

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

DAQ:
DEPAirQualityReports@wv.gov

[45CSR§30-5.1.c.3.A.]

- 3.5.7. **Reserved.**

- 3.5.8. **Deviations.**

- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:
 1. Reserved.
 2. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Secretary immediately by telephone or email. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation.
 3. Deviations for which more frequent reporting is required under this permit shall be reported on the more frequent basis.
 4. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken.

[45CSR§30-5.1.c.3.C.]

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

[45CSR§30-5.1.c.3.B.]

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

[45CSR§30-4.3.h.1.B.]

3.6. Compliance Plan

- 3.6.1. None.

3.7. Permit Shield

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.
- a. None.

4.0 Source Specific Requirements

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 in Section 1.0 Emission Units.
[45CSR13, R13-0760, 4.1.1]

4.1.2. Compliance with all hourly and 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, R13-0760, 4.1.2]

4.1.3. Any and all records, such as throughput, hours of operation of the thermal dryer, SO₂ data, etc., shall be completed, certified and kept on site for a period of no less than five (5) years. Such records shall be made available to the Director or his or her duly authorized representative upon request.
[45CSR13, R13-0760, 4.1.3]

4.1.4. Emissions from the permitted fluidized bed coal dryer stack shall not exceed the following rates:

Pollutant	pounds/hour	tons/year
Particulate Matter (PM) ⁽¹⁾	40.0	120.0
Sulfur Dioxide (SO ₂)	195.0	586.0
Nitrogen Oxides (NO _x)	63.6	190.8
Volatile Organic Compounds (VOC)	135.6	406.8
Carbon Monoxide (CO)	57.6	172.8

⁽¹⁾ All PM emissions are assumed to be PM_{2.5} or smaller.

[45CSR13, R13-0760, 4.1.4] (045A, 045C)

4.1.5. Operation of the thermal dryer shall be in accordance with the following requirements:

- The furnace shall be limited to a maximum combustion rate of 4.35 tons-coal/hour and 26,100 tons-coal/year (rolling twelve month basis);
- The furnace shall be limited to a maximum combustion rate of 130,000 cubic feet-coal bed methane or natural gas/hour and 1,139 x 10⁶ cubic feet-coal bed methane or natural gas/year (rolling twelve month basis);
- The furnace shall be limited to a maximum combustion rate of 500 gallons of propane per hour and 4.38 x 10⁶ gallons of propane per year (rolling twelve month basis);
- The sulfur content of the coal fired in the furnace shall not exceed 3.90% by weight as based on a composite daily sample or a rolling 365 daily weighted average of 3.40% by weight as determined under 4.2.2.;
- Coal combustion shall be limited to providing 120 MMBtu/hr heat input into the furnace;

- f. At all times coal combustion is providing over 90 MMBtu/hr heat input into the furnace a 20% solution of sodium hydroxide (NaOH) shall be sprayed downstream of the venturi scrubber to provide for additional SO₂ control;
- g. Additional heat input to the furnace above 120 MMBtu/hr shall be provided by the combustion of coal bed methane, natural gas, or propane;
- h. Heat input to the furnace shall not exceed 130 MMBtu/hr; and
- i. The scrubber shall be operated at all times coal is combusted in the furnace.

[45CSR13, R13-0760, 4.1.5] (045A, 045C)

- 4.1.6. The permittee shall not emit particulate matter into the open air from any stack which is twenty percent (20%) opacity or greater, except as noted in (a) or (b) below.
 - a. The provisions of subsection 3.1 shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period or periods aggregating no more than five (5) minutes in any sixty (60) minute period during operation.
 - b. The provisions of subsections 3.1 and 3.2 shall not apply to particulate matter emitted, which is less than sixty percent (60%) opacity for a period of up to eight (8) minutes in any operating day for the purposes of building a fire of operating quality in the fuel burning equipment of a thermal dryer.

[45CSR13, R13-0760, 4.1.6; 45CSR§5-3.1, 3.2, 3.3] (045A, 045C)

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

The spraybar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated. The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

The permittee shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain functional during winter months and cold weather.

[45CSR13, R13-0760, 4.1.7]

- 4.1.8. **Opacity Limit.** No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.

[45CSR13, R13-0760, 4.1.8; 45CSR§5-3.4] (001, 005, 013, 015, 034, 05A, 042, 043, 035, 036, 036B, 005, 030, 002, 006, 008, 057, 058, 059, 017, 044, 031, 031A, 018, 018A, 038B, 032, 021, 023, 027A, 025, 033, 027, 052, 003A)

- 4.1.9. **Fugitive Dust Control System.** No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air. All fugitive dust control systems shall remain functional year-round, to the maximum extent practicable, including winter months and cold weather.
[45CSR13, R13-0760, 4.1.9; 45CSR§5-6.1; 45CSR§30-12.7]
- 4.1.10. **Dust Control.** The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening and general maintenance to minimize dust generation and atmospheric entrainment.
[45CSR13, R13-0760, 4.1.10; 45CSR§5-6.2]
- 4.1.11. No person shall construct, modify or relocate any coal preparation plant or coal handling operation without first obtaining a permit in accordance with the provisions of W. Va. Code §22-5-1 et seq. and the Director's rules for review and permitting of new or modified sources.
[45CSR13, R13-0760, 4.1.11; 45CSR§5-10.1]
- 4.1.12. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 and associated monitoring equipment in a manner consistent with safety and good air pollution control practices for minimizing emissions, or comply with any more stringent limits set forth in this permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR13, R13-0760, 4.1.12; 45CSR§13-5.10]
- 4.1.13. At the time a stationary source is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests the Secretary may specify shall be conducted to determine compliance.
[45CSR13, R13-0760, 4.1.13; 45CSR§13-6.1]
- 4.1.14. The Secretary may suspend or revoke a permit or general permit registration if, after six (6) months from the date of issuance, the holder of the permit cannot provide the Secretary, at the Secretary's request, with written proof of a good faith effort that construction, modification, or relocation, if applicable, has commenced. Such proof shall be provided not later than thirty (30) days after the Secretary's request. If construction or modification of a stationary source is discontinued for a period of eighteen (18) months or longer, the Secretary may suspend or revoke the permit or general permit registration.
[45CSR13, R13-0760, 4.1.14; 45CSR§13-10.2]
- 4.1.15. The Secretary may suspend or revoke a permit or general permit registration if the plans and specifications upon which the approval was based or the conditions established in the permit are not adhered to. Upon notice of the Secretary's intent to suspend, modify or revoke a permit, the permit holder may request a conference with the Secretary in accordance with the provisions of W.Va Code § 22-5-5 to show cause why the permit or general permit registration should not be suspended, modified or revoked.
[45CSR13, R13-0760, 4.1.15; 45CSR§13-10.3]
- 4.1.16. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility 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, R13-0760, 4.1.16; 45CSR16; 40 C.F.R. §60.11(d)]

- 4.1.17. **Standard for Thermal Dryers - NSPS Subpart Y.** 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 of a thermal dryer constructed, reconstructed, or modified on or before April 28, 2008, subject to the provisions of this subpart must meet the requirements in paragraphs (a)(1) and (a)(2) of 40 C.F.R. §60.252. [40CFR§60.252(a)]

(1) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which contain PM in excess of 0.070 g/dscm (0.031 grains per dry standard cubic feet (gr/dscf)); and [40CFR§60.252(a)(1)]

(2) The owner or operator shall not cause to be discharged into the atmosphere from the thermal dryer any gases which exhibit 20 percent opacity or greater. [40CFR§60.252(a)(2)]

Compliance with the 20 percent opacity limit of 40 C.F.R. §60.252(a) shall demonstrate compliance with the less stringent opacity limits of 45CSR§§5-3.1, 3.2, and 3.3 in condition 4.1.6.

[45CSR13, R13-0760, 4.1.17; 45CSR16; 45CSR§5-4.1.a1] (045A, 045C)

- 4.1.18. **Standards for Particulate Matter - NSPS Subpart Y.** 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.

Compliance with the 20 percent opacity limit of 40CFR§60.254(a) shall demonstrate compliance with the equivalent opacity limit of 45CSR§5-3.4 in condition 4.1.8.

[45CSR13, R13-0760, 4.1.18; 40CFR§60.254(a); 45CSR16](034, 05A, 042, 043, 035, 036, 036B, 005, 030)

- 4.1.19. **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 C.F.R. §60.254. [40CFR§60.254(b)]

a. Except as provided in paragraph (b)(3) of this section, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater. [40CFR§60.254(b)(1)]

b. The owner or operator must not cause to be discharged into the atmosphere from any mechanical vent on an affected facility gases which contain particulate matter in excess of 0.023 g/dscm (0.010 gr/dscf). [40CFR§60.254(b)(2)]

c. Equipment used in the loading, unloading, and conveying operations of open storage piles are not

subject to the opacity limitations of paragraph (b)(1) of this section. **[40CFR§60.254(b)(3)]**

Compliance with the 10 percent opacity limit of 40CFR§60.254(b)(1) shall demonstrate compliance with the less stringent opacity limit of 45CSR§5-3.4 in condition 4.1.8.

[45CSR13, R13-0760, 4.1.19; 45CSR16] (002, 006, 008, 052, 003A, 057, 058, 059, 017, 044, 031, 031A, 018, 018A, 032, 038B, 021,023, 025, 027A, 033, 027)

- 4.1.20. **Fugitive Coal Dust Emissions Control Plan for Subpart Y - Fugitive Coal Dust Emissions Control Plan.** The owner or operator of an open storage pile, 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 C.F.R. §60.254.
[40CFR§60.254(c)]

- (1) 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)]

- (2) 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 C.F.R. §60.254~~this section~~ 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 measures 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)]

- (3) 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 40 C.F.R. §60.254~~paragraph (c)(2) of this section~~ as specified in 40 C.F.R. §60.254~~paragraphs (c)(3)(i) through (iv) of this section~~.
[40CFR§60.254(c)(3)]

- (i) 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 40 C.F.R. §60.254~~paragraph (c)(3)(ii) of this section~~.
[40CFR§60.254(c)(3)(i)]

- (ii) The owner or operator must either demonstrate that the fugitive coal dust emissions control plan that includes the alternative 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 40 C.F.R. §60.254~~paragraph (c)(2)~~.
[40CFR§60.254(c)(3)(ii)]

- (iii) 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 40 C.F.R. §60.254~~paragraph (c)(2) of this section~~ while the petition is pending.
[40CFR§60.254(c)(3)(iii)]
- (iv) 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)]
- (4) The owner or operator must submit the fugitive coal dust emissions control plan to the Administrator or delegated authority prior to the 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)]
- (5) The Administrator or delegated authority may object to the fugitive coal dust emissions control plan as specified in 40 C.F.R. §60.254 ~~paragraphs (c)(5)(i) of this section~~.
[40CFR§60.254(c)(5)]
- (i) 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 40 C.F.R. §60.254~~paragraphs (c)(1) and (c)(2) of this section~~.
[40CFR§60.254(c)(5)(i)]
- (ii) 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 40 C.F.R. §60.254~~paragraph (c)(5) of this section~~, to object to the revised control plan if it determines the plan does not meet the requirements of 40 C.F.R. §60.254~~paragraphs (c)(1) and (c)(2) of this section~~.
[40CFR§60.254(c)(5)(ii)]
- (6) Where appropriate chemical dust suppressant 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)]

[45CSR13, R13-0760, 4.1.20; 45CSR16] (002, 006, 008, 052, 003A, 057, 058, 059, 017, 044, 031, 031A, 018, 018A, 032, 038B, 021, 023, 025, 027A, 033, 027)

- 4.1.21. No person shall circumvent 45CSR5 by adding additional gas to any dryer exhaust or group of dryer exhausts for the purpose of reducing the grain loading.

[45CSR§5-4.2] (045A, 045C)

- 4.1.22. No person shall cause, suffer, allow or permit the exhaust gases from a thermal dryer to be vented into the open air at an altitude of less than eighty (80) feet above the foundation grade of the structure containing the dryer or less than ten (10) feet above the top of said structure or any adjacent structure, whichever is greater. In determining the desirable height of the plant stack, due consideration shall be given to the local topography, meteorology, the location of nearby dwellings and public roads, the stack emission rate and good engineering practice as set forth in 45CSR20.

[45CSR§5-4.3] (045A, 045C)

- 4.1.23. No person shall cause, suffer, allow, or permit the emission into the open air from any source operation an in-stack sulfur dioxide concentration exceeding 2,000 ppm_v by volume from existing source operations.

[45CSR§10-4.1] (045A, 045C)

- 4.1.24. 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 the following:

- a. 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.
- b. 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.
- c. 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.
- d. 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.
- e. 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.
- f. Garbage, trash, household refuse and like materials shall not be deposited on or near any coal refuse disposal area.
- g. 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.

[45CSR§§5-7.1, 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8] (012)

- 4.1.25. Each burning coal refuse disposal area which allegedly causes air pollution shall be investigated by the Director in accordance with the following:

- a. Each coal refuse disposal area which causes air pollution shall be considered on an individual basis by the Director. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, as well as the established facts and circumstances of the particular case, the Director shall determine and may order after a proper hearing the effectuation of those air pollution control measures which are adequate for each such coal refuse disposal area.
- b. With respect to all burning coal refuse disposal areas, the person responsible for such coal refuse disposal areas or the land on which such coal refuse disposal areas are located shall use due diligence to control air pollution from such coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, as amended, 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 such coal refuse disposal area or the land on which such coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent, or reduce such air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevent or reduction of air pollution shall contain sufficient information, including completion dates, to establish that such program 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 such report is not submitted as requested or if the Director determines that the methods and procedures set forth in such report are not adequate to reasonably control such air pollution, then a hearing will be held pursuant to the procedures established by W. Va. Code §22-5.

[45CSR§§5-8.1, 8.2, 8.3] (012)

4.2. Monitoring Requirements

- 4.2.1. For the purposes of demonstrating compliance with maximum coal, coal bed methane, natural gas and propane usage limits set forth in 4.1.5.a, 4.1.5.b, and 4.1.5.c, the permittee shall maintain daily, monthly and rolling twelve-month records of the amount of coal, coal bed methane, natural gas, and propane usage that is consumed by the furnace. An example form is supplied as Appendix A.
[45CSR13, R13-0760, 4.2.1]
- 4.2.2. For the purposes of demonstrating continuing compliance with the coal sulfur content limits given under 4.1.5.d, the permittee shall daily obtain a composite sample of coal to be combusted in the thermal dryer furnace. This sample shall be tested according to the appropriate test methods as approved in a protocol submitted pursuant to 3.3.1.c to determine the sulfur content of the coal. The annual sulfur content shall be calculated by using a weighted average of the daily sulfur content readings of the preceding 365 days.
[45CSR13, R13-0760, 4.2.2; 45CSR§10-8.2.c]
- 4.2.3. The permittee shall install, evaluate, operate, and maintain instrumentation to measure the heat input into the furnace.
[45CSR13, R13-0760, 4.2.3]
- 4.2.4. Instruments will be installed for continuously measuring the pH of the scrubber inlet water and effluent water and pH monitors will be installed in the operating room so that the dryer operator can maintain the necessary influent pH to attain the required minimum SO₂ removal efficiency. The pH monitoring devices shall be certified by the manufacturer to be accurate within 0.1 pH units. The pH of the scrubber inlet

water and effluent water shall be maintained above 3.4. An excursion shall be defined as when the pH values of the scrubber inlet water and/or effluent water are below 3.4. When an excursion occurs, the permittee shall conduct an inspection of the scrubber and corrective action shall be taken to return the pH values to the operating range established during the performance testing. The instruments used to monitor the pH shall be recalibrated quarterly in accordance with the manufacturer's recommendations.

[45CSR13, R13-0760, 4.2.4; 45CSR§30-5.1.c; 40 C.F.R. §§64.6(c), 64.7(c), and 64.7(d)](045A/045C)

4.2.5. For the purpose of determining compliance with the opacity limits of 45CSR5 and 40 C.F.R. 60, Subpart Y, the permittee shall conduct visible emission checks and/or opacity monitoring for all emissions units subject to an opacity standard *[Except for the following: 002, 006, 008, 052, 003A, 057, 058, 059, 017, 044, 031, 031A, 018, 018A, 032, 038B, 021, 023, 025, 027A, 033, 027, which are subject to the certification of compliance requirements in 40 CFR§60.255(b) found in Section 4.3.3. of this permit]:*

- a. Each emissions unit with a visible emissions limit contained in this permit shall be observed visually at least once each calendar week during periods of normal facility operation for a sufficient time interval to determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40 C.F.R. 60, Appendix A-7, Method 22 or from the lecture portion of the 40 C.F.R. 60, Appendix A-4, Method 9 certification course.

If visible emissions from any of the emissions units are observed during these weekly observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the emission unit, a visible emissions evaluation in accordance with 40 CFR 60 Appendix A-4, Method 9 shall be conducted as soon as practicable, but no later than seventy-two (72) hours from the time of the observation. A Method 9 evaluation shall not be required if the visible emissions condition is corrected as expeditiously as possible, but no later than twenty-four (24) hours from the time of the observation; the emissions unit is operating at normal operating conditions; and, the dates and times, causes and corrective measures taken are recorded.

- b. If the initial, or any subsequent, visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a given emission unit, a visible emissions evaluation in accordance with 40 CFR 60 Appendix A-4, Method 9 shall be performed for that unit at least once every consecutive 14-day period. If the subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the emission unit for 3 consecutive evaluation periods, the emission unit may comply with the visible emissions testing requirements in Section 4.2.5.a. of this permit in lieu of those established in this condition.
- c. A visual emissions evaluation shall be conducted on all process and control equipment at least once each calendar month. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.
- d. A visible emissions evaluation shall be conducted for each emission unit at least once every consecutive 12-month period in accordance with 40 CFR 60 Appendix A-4, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for each emission unit.

- e. A record of each visible emissions observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.

[45CSR13, R13-0760, 4.2.6; 45CSR§5-12.4]

- 4.2.6. **Continuous Monitoring Requirements for Thermal Dryer - NSPS Subpart Y.** The owner or operator of each affected facility constructed, reconstructed, or modified on or before April 28, 2008, must meet the monitoring requirements specified in ~~40 C.F.R. §60.256 paragraphs (a)(1) and (2) of this section,~~ as applicable to the affected facility. [40CFR§60.256(a)]

- (1) The owner or operator of any thermal dryer shall install, calibrate, maintain, and continuously operate monitoring devices as follows:

[40CFR§60.256(a)(1)]

- (i) A monitoring device for the measurement of the temperature of the gas stream at the exit of the thermal dryer on a continuous basis. The monitoring device is to be certified by the manufacturer to be accurate within $\pm 1.7^{\circ}\text{C}$ ($\pm 3^{\circ}\text{F}$). During normal operations, the temperature of the gas stream at the exit of the thermal dryer is maintained between 120 and 220 $^{\circ}\text{F}$. A temperature outside of this range shall be defined as an excursion. When an excursion occurs, the permittee shall conduct an inspection of the thermal dryer and corrective action shall be taken to return the temperature to an operating range of less than 220 $^{\circ}\text{F}$ and greater than 120 $^{\circ}\text{F}$.

[40CFR§60.256(a)(1)(i)]

- (ii) For affected facilities that use wet scrubber emission control equipment:

[40CFR§60.256(a)(1)(ii)]

- (A) A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 1 inch water gauge. During normal operations, the pressure loss through the venturi constriction of the scrubber is maintained between 26 and 40 inches of H_2O . A pressure loss outside of this range shall be defined as an excursion. When an excursion occurs, the permittee shall conduct an inspection of the venturi scrubber and corrective action shall be taken to return the pressure loss to an operating range of greater than 26 inches of H_2O and less than 40 inches of H_2O .

[40CFR§60.256(a)(1)(ii)(A)]

- (B) A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer to be accurate within ± 5 percent of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point. The Administrator shall have discretion to grant requests for approval of alternative monitoring locations. During normal operations, the water pressure to the scrubber is maintained between 15 and 25 psi. A water pressure outside of this range shall be defined as an excursion. When an excursion occurs, the permittee shall conduct an inspection of the venturi scrubber and corrective action shall be taken to return the water pressure to an operating range of greater than 15 psi and less than 25 psi.

[40CFR§60.256(a)(1)(ii)(B)]

- (2) All monitoring devices under paragraph (a) of this section are to be recalibrated annually in accordance with procedures under §60.13(b).

[40CFR§60.256(a)(2)]

[45CSR13, R13-0760, 4.2.7; 45CSR16; 40 C.F.R. §60.256(a); 45CSR§30-5.1.c; 40 C.F.R. §§64.6(c), 64.7(c), and 64.7(d)]

4.2.7. **Proper maintenance (CAM).** At all times, the owner or operator shall maintain the monitoring, including but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.
[45CSR§30-5.1.c. and 40C.F.R. §64.7(b)] (045A/045C)

4.2.8. **Continued operation (CAM).** Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of this part, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.
[45CSR§30-5.1.c. and 40C.F.R. §64.7(c)] (045A/045C)

4.2.9. **Response to excursions or exceedances (CAM).**

- a. Upon detecting an excursion or exceedance, the owner or operator shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.
- b. Determination of whether the owner or operator has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

[45CSR§30-5.1.c. and 40 C.F.R. §64.7(d)] (045A/045C)

4.2.10. **Documentation of need for improved monitoring (CAM).** After approval of monitoring under this part, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the part 70 or 71 permit to address

the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

[45CSR§30-5.1.c. and 40 C.F.R. §64.7(e)] (045A/045C)

4.2.11. Documentation of need for improved monitoring (CAM).

- a. After approval of monitoring under this part, if the owner or operator identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the owner or operator shall promptly notify the permitting authority and, if necessary, submit a proposed modification to the part 70 or 71 permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.
- b. Elements of a QIP:
 1. The owner or operator shall maintain a written QIP, if required, and have it available for inspection.
 2. The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:
 - i. Improved preventive maintenance practices.
 - ii. Process operation changes.
 - iii. Appropriate improvements to control methods.
 - iv. Other steps appropriate to correct control performance.
 - v. More frequent or improved monitoring (only in conjunction with one or more steps under paragraphs (b)(2)(i) through (iv) of this section).
- c. If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the permitting authority if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined.
- d. Following implementation of a QIP, upon any subsequent determination pursuant to § 64.7(d)(2) the Administrator or the permitting authority may require that an owner or operator make reasonable changes to the QIP if the QIP is found to have:
 1. Failed to address the cause of the control device performance problems; or
 2. Failed to provide adequate procedures for correcting control device performance problems as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions.

- e. Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act.

[45CSR§30-5.1.c. and 40 C.F.R. §64.8] (045A/045C)

4.3. Testing Requirements

- 4.3.1. **Performance Tests and Other Compliance Requirements - NSPS Subpart Y.** Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility, or at such other times specified by this part, 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, R13-0760, 4.3.3; 45CSR16; 40CFR§60.8(a)]
- 4.3.2. **Performance Tests and Other Compliance Requirements - NSPS Subpart Y.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification on or before April 28, 2008, must conduct performance tests required by §60.8 to demonstrate compliance with the applicable emission standards using the methods identified in §60.257.
[45CSR13, R13-0760, 4.3.4; 45CSR16; 40CFR§60.255(a)] (034, 05A, 042, 043, 035, 036, 036B, 005, 030)
- 4.3.3. **Performance Tests and Other Compliance Requirements - NSPS Subpart Y.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008 [002, 006, 008, 052, 003A, 057, 058, 059, 017, 044, 031, 031A, 018, 018A, 032, 038B, 021, 023, 025, 027A, 033, 027], must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emission standards in Subpart Y as specified in ~~40CFR§60.255 paragraphs (b)(1) and (b)(2) of this section.~~ [40CFR§60.255(b)]
 - (1) For each affected facility subject to a PM, SO₂, or combined NO_x and CO emissions standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in ~~40CFR§60.255 paragraphs (b)(1)(i) through (iii) of this section,~~ as applicable.
[40CFR§60.255(b)(1)]
 - (i) If the results of the most recent performance test demonstrate that emissions from the affected facility are greater than 50 percent of the applicable emissions standard, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(1)(i)]
 - (ii) If the results of the most recent performance test demonstrate that emissions from the affected facility are 50 percent or less of the applicable emissions standard, a new performance test must be conducted within 24 calendar months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(1)(ii)]
 - (iii) An owner or operator of an affected facility that has not operated for the 60 calendar days prior to the due date of a performance test is not required to perform the subsequent performance test until 30 calendar days after the next operating day.
[40CFR§60.255(b)(1)(iii)]
 - (2) For each affected facility subject to an opacity standard, an initial performance test must be performed.

Thereafter, a new performance test must be conducted according to the requirements in 40CFR§60.255 paragraphs (b)(2)(i) through (iii) of this section, as applicable, except as provided for in 40CFR§60.255 paragraphs (e) and (f) of this section. Performance test and other compliance requirements for coal truck dump operations are specified in paragraph (h) of 40 C.F.R. §60.255.
[40CFR§60.255(b)(2)]

(i) If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(2)(i)]

(ii) If all 6-minute average opacity readings in the most recent performance are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.
[40CFR§60.255(b)(2)(ii)]

[45CSR13, R13-0760, 4.3.5; 45CSR16]

4.3.4. **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 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, R13-0760, 4.3.6; 45CSR16; 40CFR§60.255(c)]

4.3.5. **Performance Tests and Other Compliance Requirements for Subpart Y - Monitoring Visible Emissions or Digital Opacity Compliance System.** As an alternative to meeting the requirements in paragraph (b)(2) of 40 C.F.R. §60.255 [see permit condition 4.3.3. above], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in 40CFR§60.255 paragraph (f)(1) or (f)(2) of this section.
[40CFR§60.255(f)]

(1) Monitor visible emissions from each affected facility according to the requirements in 40CFR§60.255 paragraphs (f)(1)(i) through (iii) of this section.
[40CFR§60.255(f)(1)]

(i) Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed, or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within 45 operating days.
[40CFR§60.255(f)(1)(i)]

(ii) 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.
[40CFR§60.255(f)(1)(ii)]

(iii) 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.
[40CFR§60.255(f)(1)(iii)]

- (2) 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. [40CFR§60.255(f)(2)]

[45CSR13, R13-0760, 4.3.7; 45CSR16]

- 4.3.6. **Performance Tests and Other Compliance Requirements for Subpart Y - COMS.** As an alternative to meeting the requirements in paragraph (b)(2) of 40 C.F.R. §60.255 [see permit condition 4.3.3. 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 ~~40CFR§60.255 paragraphs (g)(1) and (2) of 40 C.F.R. §60.255.~~
[45CSR13, R13-0760, 4.3.8; 40CFR§60.255(g); 45CSR16]

- 4.3.7. **Coal Truck Dump Operations.** The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in ~~40CFR§60.255 paragraphs (h)(1) through (3) of this section.~~
[40CFR§60.255(h)]

- (1) Conduct an initial performance test using Method 9 of appendix A–4 of this part according to the requirements in ~~40CFR§60.255 paragraphs (h)(1)(i) and (ii).~~
[40CFR§60.255(h)(1)]
- (i) Opacity readings shall be taken during the duration of three separate truck dump events. Each truck dump event commences when the truck bed begins to elevate and concludes when the truck bed returns to a horizontal position.
[40CFR§60.255(h)(1)(i)]
- (ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.
[40CFR§60.255(h)(1)(ii)]
- (2) 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)]
- (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.
[40CFR§60.255(h)(3)]

[45CSR13, R13-0760, 4.3.9; 45CSR16]

- 4.3.8. **Test Methods and Procedures for Subpart Y.** The owner or operator must determine compliance with

the applicable opacity standards as specified in ~~40CFR§60.257 paragraphs (a)(1) through (3) of this section.~~
[40CFR§60.257(a)]

- (1) Method 9 of Appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in ~~40CFR§60.257 paragraphs (a)(1)(i) and (ii).~~
[40CFR§60.257(a)(1)]
 - (i) The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).
[40CFR§60.257(a)(1)(i)]
 - (ii) If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.
[40CFR§60.257(a)(1)(ii)]
- (2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in ~~40CFR§60.257 paragraphs (a)(2)(i) through (iii) must be used.~~
[40CFR§60.257(a)(2)]
 - (i) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.
[40CFR§60.257(a)(2)(i)]
 - (ii) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.
[40CFR§60.257(a)(2)(ii)]
 - (iii) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.
[40CFR§60.257(a)(2)(iii)]
- (3) A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in ~~40CFR§60.257 paragraphs (a)(3)(i) through (iii) of this section~~ are met.
[40CFR§60.257(a)(3)]
 - (i) No more than three emissions points may be read concurrently. [40CFR§60.257(a)(3)(i)]
 - (ii) All three emissions points must be within a 70-degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.
[40CFR§60.257(a)(3)(ii)]
 - (iii) If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.
[40CFR§60.257(a)(3)(iii)]

[45CSR13, R13-0760, 4.3.10; 45CSR16]

- 4.3.9. **Test Methods and Procedures for Subpart Y.** The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in paragraphs

(b)(1) through (8) of 40 C.F.R. §60.257.
[45CSR13, R13-0760, 4.3.11; 45CSR16; 40CFR§60.257(b)]

- 4.3.10. For the purpose of demonstrating compliance with the particulate matter emission limits of 4.1.4 and 4.1.17 for the Thermal Dryer (045A/045C), the permittee shall conduct stack testing. All tests to determine compliance with exhaust gas dust concentrations and particulate matter mass emission rates shall be conducted in accordance with Methods 1-5 of 40 C.F.R. 60, Appendix A, provided that all compliance tests must consist of not less than three (3) test runs, and the sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf). Sampling shall begin no less than 30 minutes after startup and shall terminate before shutdown procedures begin.

Parameter indicator ranges shall be established for the exit temperature of the thermal dryer, water supply pressure to the control equipment, and the pressure loss through the venturi constriction of the scrubber. The permittee shall establish these indicator ranges and operate within these ranges to provide a reasonable assurance that the thermal dryer unit is in compliance with opacity and particulate loading limits. The permittee shall take immediate corrective action when a parameter falls outside the indicator range established for that parameter and shall record the cause and corrective measures taken. The permittee shall also record the following parameters during each testing:

- a. Opacity readings on the exhaust stack following the procedures of Method 9;
- b. Amount of coal burned and the amount of coal dried;
- c. Coal drying temperature and residence time in the dryer;
- d. Temperature of the gas stream at the exit of the thermal dryer;
- e. Flow rate through the dryer and converted to dry standard cubic feet;
- f. Water pressure to the control equipment; and
- g. Pressure loss of the inlet air flow to the scrubber. The pressure drop will be measured between the inlet airflow to the scrubber and outlet airflow of the scrubber, which is atmospheric loss through the venturi constriction of the control equipment.

Subsequent testing to determine compliance with the particulate loading limitations of 4.1.4 and 4.1.17 shall be conducted in accordance with the schedule set forth in the following table:

Test	Test Results	Testing Frequency
Annual	If annual testing is required, after two successive tests indicate mass emission rates between 50% and 90% of particulate loading limit	Once/3 years
Annual	If annual testing is required, after three successive tests indicate mass emission rates \leq 50% of particulate loading limit	Once/5 years
Once/3 years	If testing is required once/3 years, after two successive tests indicate mass emission rates \leq 50% of particulate loading limit	Once/5 years
Once/3 years	If testing is required once/3 years and any test indicates a mass emission rate \geq 90% of particulate loading limit	Annual
Once/5 years	If testing is required once/5 years and any test indicates mass emission rates between 50% and 90% of particulate loading limit	Once/3 years
Once/5 years	If testing is required once/5 years and any test indicates a mass emission rate \geq 90% of particulate loading limit	Annual

These records shall be maintained on site.

Note: In the last stack testing performed on October 20-21, 2021, the average particulate matter emission