

Fact Sheet



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

This Fact Sheet serves to address the changes specific to this Minor Modification, and shall be considered a supplement to the Fact Sheet corresponding with the Title V operating permit issued on January 24, 2014.

Permit Number: **R30-04900019-2014**
Application Received: **November 21, 2016**
Plant Identification Number: **04900019**
Permittee: **The Marion County Coal Company**
Facility Name: **Marion County Preparation Plant**
Mailing Address: **P. O. Box 100, Osage, WV 26543**

Permit Action Number: *MM03* Revised: *March 14, 2017*

Physical Location: Fairview, Marion County, West Virginia
UTM Coordinates: 561.6 km Easting • 4,383.9 km Northing • Zone 17
Directions: Approximately 1 mile NW of Fairview on State Route 17. Turn left on Sugar Run Road.

Facility Description

The Marion County Coal Company's (MCCC) Marion County Preparation Plant consists of a coal mining operation and a preparation plant with a thermal dryer.

This modification incorporates the changes made in R13-0760G to remove certain boilerplate terms that were incorporated into the permit from 40CFR Part 60, Subpart Y (NSPS Y) but are not applicable to the facility.

Emissions Summary

There is no change in potential annual emissions associated with the Minor Modification (MM03).

Title V Program Applicability Basis

With the proposed changes associated with this modification, this facility maintains the potential to emit 178.7 tons per year of CO, 239.4 tons per year of NO_x, 159.5 tons per year of PM₁₀, 586.0 tons per year of SO₂, 945.4 tons per year of VOC, and 15.7 tons per year of HCl. Due to this facility's potential to emit over 100 tons per year of criteria pollutant, and over 10 tons per year of a single HAP, The Marion County Coal Company is required to have an operating permit pursuant to Title V of the Federal Clean Air Act as amended and 45CSR30.

Legal and Factual Basis for Permit Conditions

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

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

Federal and State:	45CSR13	Permits for Construction, Modification, Relocation and Operation of Stationary sources
	45CSR16	Emission standards for New Stationary Sources pursuant to 40 C.F.R. Part 60
	45CSR30	Operating permit requirement.
	40 CFR 60, Subpart Y	Standards of Performance for Coal Preparation Plants
State Only:	N/A	

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

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

Active Permits/Consent Orders

Permit or Consent Order Number	Date of Issuance	Permit Determinations or Amendments That Affect the Permit (<i>if any</i>)
R13-0760G	November 4, 2016	

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

Determinations and Justifications

Changes from R13-0760G have been incorporated in the Title V permit. These changes include the following:

- Emission Unit ID-038B (Batch Weigh Loadout Bin (BWL)) was added to the Emission Unit Table. The Batch Weigh Loadout Bin (BWL) was permitted as emission unit 038B in R13-0760E. Although this emission unit is referenced throughout the Title V permit, it was not included in the Emission Unit Table.
- Conditions 4.3.8, 4.3.9 and 4.3.16 were removed from the permit for the following reasons:

4.3.8 - provides exemptions from 40 CFR§60.255(b)(1)(i) and (ii) for affected facilities (other than thermal dryers) that commenced construction, reconstruction, or modification after April 28, 2008, is subject to a PM emission standard, and uses a control device with a designed controlled potential PM emissions rate of 1.0 Mg per year or less. This term is inapplicable to MCCC since MCCC operates no such affected facilities.

4.3.9 - provides that groups of up to five of the same type of affected facilities that commenced construction, reconstruction, or modification after April 28, 2008, that are subject to PM emissions standards and use identical control devices may use a single PM performance test for one of the affected facilities to demonstrate compliance for the group. This term is inapplicable to MCCC since MCCC operates no such group of affected facilities.

4.3.16 - includes requirements for Method 9 opacity tests from 40 CFR Part 60, Subpart A (i.e., the General Provisions). However, NSPS Y includes specific Method 9 procedures with minor changes from those in the General Provisions. These rule-specific procedures are found at 40 CFR§60.257(a) and are included in condition 4.3.13 of the Title V permit.

- Conditions 4.3.1, 4.5.7 and 4.5.8 were updated as follows:

4.3.1- Condition 4.3.1 of the Title V permit contains compliance testing requirements from condition 4.3.1 of the R13 permit. The requirement from the R13 permit required performance testing to demonstrate compliance with applicable emission limits within 60 days of issuance of R13-0760F (which occurred on August 2, 2016). MCCC subsequently performed the compliance test required by R13-0760F on September 6 and 7, 2016. However, the explicit language of condition 4.3.1 of the Title V operating permit could be interpreted as requiring additional testing within 60 days of issuance of that permit. Accordingly, MCCC suggested inclusion of the following language in 4.3.1:

“Note: MCCC performed stack testing on September 6 and 7, 2016 in accordance with the requirements of R13-0760F. This test satisfies the initial testing requirements in 4.3.1 of this permit.”

4.5.7 (1), (4) through (10) - 4.5.7 requires MCCC to maintain a logbook recording certain information for affected facilities that commenced construction, reconstruction, or modification after April 28, 2008. The only affected facilities operated by MCCC that commenced construction, reconstruction, or modification after April 28, 2008 are Conveyor Belts 8A and 9 and the Batch Weigh Loadout Bin (BWL). Accordingly, 4.5.7 (1) and (4) through (10) are not applicable given that they contain information specific to other types of affected facilities regulated by NSPS Y that commenced construction, reconstruction, or modification after April 28, 2008 and which MCCC does not operate.

4.5.8 (1) and (2) – 4.5.8 requires semiannual excess emissions reports. Specifically, 4.5.8(1) requires affected facilities with a wet scrubber to submit semiannual reports of occurrences when the measurements of the scrubber pressure loss, water supply flow rate, or pH of the wet scrubber liquid vary by more than 10 percent from the average determined during the most recent performance test. Although MCCC operates a thermal dryer with a wet scrubber, 40 CFR§60.258 applies only to thermal dryers that commenced construction, reconstruction or modification after April 28, 2008. The thermal dryer at MCCC’s Marion County Preparation Plant was not constructed, reconstructed, or modified after April 28, 2008, and 4.5.8(1) therefore does not apply. 4.5.8(2) requires semiannual reports for affected facilities with control equipment other than a wet scrubber. MCCC does not operate any affected facility with control equipment other than a wet scrubber, and 4.5.8(2) therefore does not apply.

Changes to Testing Requirement 4.3.3:

- On January 20, 2017, an e-mail was received from Mike Burr of The Marion County Coal Company which requested that the stack testing information in condition 4.3.3 be updated to reflect the most recent stack test was conducted at the facility on September 6-7, 2016. The results were updated in condition 4.3.3 of this permit.

Non-Applicability Determinations

None

Request for Variances or Alternatives

None

Insignificant Activities

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

Comment Period

Beginning Date: N/A
Ending Date: N/A

Point of Contact

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

Beena Modi
West Virginia Department of Environmental Protection
Division of Air Quality
601 57th Street SE
Charleston, WV 25304
Phone: 304/926-0499 ext. 1228 • Fax: 304/926-0478
Beena.j.modi@wv.gov

Procedure for Requesting Public Hearing

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

Response to Comments (Statement of Basis)

None