West Virginia Department of Environmental Protection
Division of Air Quality

Title V Operating Permit Revision

Jim Justice
Governor

Austin Caperton
Cabinet Secretary

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

Permit Action Number: MM01 **SIC:** 3312
Name of Permittee: Mountain State Carbon, LLC
Facility Name/Location: Follansbee Plant
County: Brooke
Facility Address: 1851 Main Street, Follansbee, WV 26037

Description of Permit Revision: To incorporate the administrative updates to the following permits: R13-1652A - installation of another loadout rack for tanker trucks.; R13-1939B - insert the term "block" average for the Rule 10 hydrogen sulfide limit and replace the term "thermal oxidizer" with "flare."; R13-2548B –remove Station 2 screening unit no longer at the facility and revise Condition 4.2.1.3 to reflect that the average scoop weight has been established.; R13-2591E - replace the term "average heat content" with "nominal lower heating value" in Conditions 4.1.2. though 4.1.4. and correct a citation error in Condition 4.4.5.; R13-2632A – to correct a typographic error in condition 4.1.6. The proposed changes also include the removal of the requirements and associated equipment of inactive permit R13-2798 of which the equipment was never installed.

Title V Permit Information:
Permit Number: R30-00900002-2015
Issued Date: August 13, 2015
Effective Date: August 27, 2015
Expiration Date: August 13, 2020

Directions To Facility: One mile north of Follansbee on West Virginia Route 2 along the eastern bank of the Ohio River

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THIS PERMIT REVISION IS ISSUED IN ACCORDANCE WITH THE WEST VIRGINIA AIR POLLUTION CONTROL ACT (W.VA. CODE §§ 22-5-1 ET SEQ.) AND 45CSR30 - "REQUIREMENTS FOR OPERATING PERMITS." THE PERMITTEE IDENTIFIED AT THE FACILITY ABOVE IS AUTHORIZED TO OPERATE THE STATIONARY SOURCES OF AIR POLLUTANTS IDENTIFIED HEREIN IN ACCORDANCE WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

William F. Durham
Director

March 27, 2017
Date Issued

Permit Number: **R30-00900002-2015**
Permittee: **Mountain State Carbon, LLC**
Facility Name: **Follansbee Plant**
Permittee Mailing Address: **1851 Main Street, Follansbee, WV 26037**

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:	Follansbee, Brooke County, West Virginia
Facility Mailing Address:	Same as above
Telephone Number:	(304) 527-5632
Type of Business Entity:	LLC
Facility Description:	Operate Coke Oven Batteries to Convert Coal into Coke
SIC Codes:	Primary 3312; Secondary N/A; Tertiary N/A
UTM Coordinates:	533.41 km Easting • 4465.76 km Northing • Zone 17

Permit Writer: Frederick Tipane

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

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

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

1.1. Emission Units

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Battery #1 Group 001					
P001-1	F01	Charging on Battery #1	1917 1954	31.60 tons coal /hr and 227,000 tons coal/year	None
P001-2	F02	Topside Leaks from Battery #1	1917 1954	NA	None
P001-3	F03	Door and Offtake Leaks from Battery #1	1917 1954	NA	None
P001-4	Stack 01	Underfire Stack for Battery #1	1917 1954	31.6 tons coal/hr 22.1 tons coke/hr	None
P001-5	Stacks 05, F13, F14, F15	Pushing from Coke Oven Batteries #1, #2, and #3 (F13, F14, and F15).	1917 1954	97.2 tons coal/hr 68.1 tons coke/hr	Shed OBSC and Baghouse C01
OBSC	OBSC	Shed (control device)	1982	NA	Baghouse C01
C01	Stack 05	Batteries #1, #2, and #3 Pushing Baghouse (control device)	1982	300,000 cfm at 125 degrees F	NA
P008-1	Stacks S16, S17	Emergency Flares for Battery # 1	1994	314,000 scfm (total COG flow)	None
P008-2	Stacks S18, S19	Emergency Flares for Battery # 2	1994	314,000 scfm (total COG flow)	None
P008-3	Stack S20	Emergency Flares for Battery # 3	1994	314,000 scfm (total COG flow)	None
1E	S1	Quench Tower for Batteries 1-2-3	1917 1954 2008	68.1 tons coke/hr	C11
C11	S1	Batteries #1, #2, and #3 Quenching Baffle	1917 1954 2008	68.1 tons coke/hr	Baffles
Battery #2 Group 002					
P002-1	F04	Charging on Battery # 2	1917 1953	31.60 tons coal /hr and 227,000 tons coal/year	None
P002-2	F05	Topside Leaks from Battery # 2	1917 1953	NA	None
P002-3	F06	Door and Offtake Leaks from Battery # 2	1917 1953	NA	None
P002-4	Stack 02	Underfire Stack for Battery # 2	1917 1953	31.6 tons coal/hr 22.1 tons coke/hr	None
Battery #3 Group 003					
P003-1	F07	Charging on Battery # 3	1917 1953	34.0 tons coal /hr and 298,000 tons coal/year	None

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
P003-2	F08	Topside Leaks from Battery # 3	1917 1953	NA	None
P003-3	F09	Door and Offtake Leaks from Battery # 3	1917 1953	NA	None
P003-4	Stack 03	Underfire Stack for Battery # 3	1917 1953	34 tons coal/hr 23.8 tons coke/hr	None
Battery #8 Group 004					
P004-1	F10	Charging on Battery # 8	1976	152.6 tons coal /hr and 1,336,776 tons coal/year	None
P004-2	F11	Topside Leaks from Battery # 8	1976	NA	None
P004-3	F12	Door and Offtake Leaks from Battery # 8	1976	NA	None
P004-4	Stack 04	Underfire Stack for Battery # 8	1976	152.6 tons coal/hr 106.8 tons coke/hr	None
P004-5	Stack 06, F16	Pushing from Battery # 8	1976	152.6 tons coal/hr 106.8 tons coke/hr	Mobile Hood 8CS and Scrubber C02
8CS	8CS	Mobile Hood (control device)	1976	NA	Scrubber C02
C02	Stack 06	Battery # 8 Pushing Venturi Scrubber (control device)	1976	470,000 cfm	NA
P004-6	Stack 08a	Quenching for Battery # 8 (South quench tower)	1976	152.6 tons coal/hr and 106.8 tons coke/hr	Baffles C11a
C11a	Stack 08a	Batteries # 8 Quenching Tower Baffles (South quench tower) (control device)	1976	175 tons coke/hr	NA
P004-7	Stack 08b	Quenching for Battery # 8 (North quench tower)	2005	175 tons coke/hr	Baffles C11b
C11b	Stack 08b	Battery # 8 Quenching Baffles (North quench tower) (control device)	2005	175 tons coke/hr	NA
P008-4	Stacks 21, 22	Emergency Flares for Battery # 8	1994	1,660,300 scfm (total COG flow)	None
Boilers Group 005					
P017	Stack 11	Boiler # 6	1951 2004	90 MMBtu/hr coke oven gas	None
P018	Stack 11	Boiler # 7	1951 2004	90 MMBtu/hr coke oven gas	None
P019	Stack 12	Boiler # 8	1976 2004 2014	78.5 MMBtu/hr Natural gas	None
S1	E3	Boiler # 9	2004	98 MMBtu/hr coke oven gas/NG	None
S5	E4	Boiler # 10	2004	98 MMBtu/hr coke oven gas/NG	None

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Coal/Coke Handling Group 006					
P005	C07, F17	Coal Crushing	1917 1948	500 tons coal/hr and 4,380,000 tons coal/yr	None
Coal Handling Group 006					
P006	C08, F18	Coal Handling	1917 1948 1976	500 tons coal/hr and 4,380,000 tons coal/yr	None
1	F18	Barge Receiving	1917 1948 1976	500 tons coal/hr	None
1A	F18	Clamshell Rigs (2)	1917 1948 1976	500 tons coal/hr	None
2	F18	River Hopper A & B	1917 1948 1976	500 tons coal/hr	None
Conv. 1	F18	Conveyor No. 1	1917 1948 1976	500 tons coal/hr	None
Conv. 2	F18	Conveyor No. 2	1917 1948 1976	500 tons coal/hr	None
4	F18	Transfer Bin (Point A)	1917 1948 1976	500 tons coal/hr	None
5	F18	Track Hopper (Point B)	1917 1948 1976	500 tons coal/hr	None
Conv. A	F18	Conveyor A	1917 1948 1976	500 tons coal/hr	None
Conv. B	F18	Conveyor B	1917 1948 1976	500 tons coal/hr	None
Conv. B-1	F18	Conveyor B-1	1917 1948 1976	500 tons coal/hr	None
Conv. 3	F18	Conveyor No. 3	1917 1948 1976	500 tons coal/hr	None
10	F18	Balancing Bin (BB)	1917 1948 1976	500 tons coal/hr	None
11	F18	Transfer Car	1917 1948 1976	500 tons coal/hr	None
Conv. 4	F18	Conveyor No. 4	1917 1948 1976	500 tons coal/hr	None

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Conv. C	F18	Conveyor C	1917 1948 1976	500 tons coal/hr	None
18	F18	Breaker Bin 1	1917 1948 1976	500 tons coal/hr	None
19	F18	Breaker Bin 2	1917 1948 1976	500 tons coal/hr	None
20	F18	Breaker Bin 3	1917 1948 1976	500 tons coal/hr	None
21	F18	Breaker Bin 4	1917 1948 1976	500 tons coal/hr	None
22	F18	Breaker Bin 5	1917 1948 1976	500 tons coal/hr	None
23	F18	Breaker Bin 6	1917 1948 1976	500 tons coal/hr	None
C-1	F18	Conveyor C-1	1917 1948 1976	500 tons coal/hr	None
C-2	F18	Conveyor C-2	1917 1948 1976	500 tons coal/hr	None
C-3	F18	Conveyor C-3	1917 1948 1976	500 tons coal/hr	None
C-4	F18	Conveyor C-4	1917 1948 1976	500 tons coal/hr	None
C-5	F18	Conveyor C-5	1917 1948 1976	500 tons coal/hr	None
C-6	F18	Conveyor C-6	1917 1948 1976	500 tons coal/hr	None
C-7	F18	Conveyor C-7	1917 1948 1976	500 tons coal/hr	None
Conv. D	F18	Conveyor D	1917 1948 1976	500 tons coal/hr	None
Conv. E	F18	Conveyor E	1917 1948 1976	500 tons coal/hr	None
35	F18	Coal Bin Unloading to Old Block	1917 1948 1976	500 tons coal/hr	None

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
36	F18	Larry Cars (Unloading to Batteries # 1, 2, and 3 (37))	1917 1948 1976	97.2 tons/hr	None
Conv. H	F18	Conveyor H	1976	152.6 tons/hr	None
Conv. L	F18	Conveyor L	1976	152.6 tons/hr	None
Conv. M	F18	Conveyor M	1976	152.6 tons/hr	None
42	F18	Coal Bin	1976	152.6 tons/hr	None
43	F18	Larry Cars (Unloading to Battery # 8 (44))	1976	152.6 tons/hr	None
Storage Pile Group 006					
P009	F20	Coal Storage Piles	1917	NA	None
P010	F21	Coal Storage Piles	1917	NA	None
P011	F22	Coke Storage Piles	1917	NA	None
Coke Screening System Group 006					
~~S40~~ ~~SS40-a~~ ~~SS40-b~~ ~~SS40-c~~ ~~SS40-d~~	~~E40~~	~~Spyder 516T Tracked Screening Unit with Load Out Conveyor~~	~~2009~~	~~125 TPY~~	~~Minimize Drop Height~~
P007-1	C09, F19	Coke Sizing and Screening and Handling	1917 1976	330 tons/hr	C09
SS1-A	F1	Station 1 Feedhopper/Conveyor	1978	125 ton/hr	None
SS1-B	F2	Station 1 3-Deck Screen	1978	125 ton/hr	Full enclosure
SS1-C	F3	Station 1 - 1/4" - 3/4" Coke Conveyor	1978	125 ton/hr	None
SS1-D	F4	Station 1 - Less than 1/4" Coke Conveyor	1978	125 ton/hr	None
SS1-E	F5	Station 1 - Greater than 1" Coke Conveyor	1978	125 ton/hr	None
~~SS2-A~~	~~F6~~	~~Station 2 Feedhopper/Conveyor~~	~~1989~~	~~125 ton/hr~~	~~N~~
~~SS2-B~~	~~F7~~	~~Station 2 3-Deck Screen~~	~~1989~~	~~125 ton/hr~~	~~Full enclosure~~
~~SS2-C~~	~~F8~~	~~Station 2 - 1/4" - 3/4" Coke Conveyor~~	~~1989~~	~~125 ton/hr~~	~~N~~
~~SS2-D~~	~~F9~~	~~Station 2 - Less than 1/4" Coke Conveyor~~	~~1989~~	~~125 ton/hr~~	~~N~~
~~SS2-E~~	~~F10~~	~~Station 2 - Greater than 1" Coke Conveyor~~	~~1989~~	~~125 ton/hr~~	~~N~~
Plant Roads and Parking Group 007					
P023	F27	Unpaved Roads and Parking Lots	1917	NA	DSCS and Sweeping
		Paved Roads	1999	NA	Flushing and Vacuum Sweeping
By-Product Group 009					
P021	F29	By-Products Plant	1978	80 MMCF/day coke oven gas	None

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Process Tanks on By-Product Plant Group 009					
P021-1	C06, F29	Tar Bottom Final Coolers Number 1	1990 1991	400 gals	None
P021-1	C06, F29	Tar Bottom Final Coolers Number 2	1990 1991	400 gals	None
P021-1	C06, F29	Tar Bottom Final Coolers Number 3	1990 1991	400 gals	None
P021-2	C06, F29	Tar Intercepting Sump	1990 1991	12,000 gals	None
P021-3	C06, F29	Tar Storage Number 1	1990 1991	240,000 gals	None
P021-3	C06, F29	Tar Storage Number 2	1990 1991	240,000 gals	None
P021-4	C06, F29	Light Oil Condenser	1995 1996 2000	17,952 gals Vapor Condenser	None
P021-5	C06, F29	Light Oil Sump	1990 1991	40,000 gals	None
P021-6	C06, F29	Primary Light Oil Separator	1990 1991	3,000 gals	None
P021-7	C06, F29	Secondary Light Oil Separator	1990 1991	350 gals	None
P021-8	C06, F29	Light Oil Receiving Pump Tanks	1990 1991	350 gals	None
P021-9	C06, F29	Light Oil Running Tank	1990 1991	15,000 gals	None
P021-10	C06, F29	Light Oil Storage Tank	1990 1991	600,000 gals	None
P021-11	C06, F29	Wash Oil Decanter	1990 1991	20,000 gals	None
P021-12	C06, F29	Wash Oil Circulating Tank	1990 1991	20,000 gals	None
P021-13	C06, F29	Wash Oil Muck Tank	1990 / 1991	20,000 gals	None
P021-14	C06, F29	Fresh Wash Oil Storage Tank	1990 1991	20,000 gals	None
P021-15	C06, F29	Excess Ammonia Liquor Tanks (2)	1991	400,000 gals	None
P021-16	C06, F29	Tar Decanter Tanks (5)	1990 1991 2011 2012	40,000 gals /50,000 gals	None
P021-17	C06, F29	Mother Liquor Tank	1970 1975	20,000 gals	None
P021-18	C06, F29	Flushing Liquor Circulating Tank	1991	20,000 gals	None
P021-19	Stack 15	Sulfuric Acid Plant Tail Gas Stack	1978	50 tons 100% H_2SO_4/day	C15
C15	Stack 15	Tail Gas Scrubber (control device)	2005	7,000 acfm	NA

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
P021-21	F30	Light Oil Loading	1990 1991	4,700,000 gal/yr	None
P021-22	P34	Coal Tar Loading Station	1993	550 gpm / 20,000 gal/hr	None
P021-22A	P34A	Coal Tar Tanker Truck Loading Station	2016		None
P024-1	Stack 14	Excess Oven Coke Gas (COG) Flare	1993	460 MMBtu/hr	None
Non-Contact Cooling Tower Group 009					
P021	WSAC	Wet Surface Air Coolers	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021	CT	Light Oil Cooling Tower	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021	CT1-CT5	(5) Cooling Tower	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
Closed System Group 009					
P021-19	None	Desulfurization Boiler [Converts H_2S to Sulfur Dioxide (SO_2)]	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Reaction Chamber	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Deacifiers	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Converter	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Drying Tower	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Mist Precipitator	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Acid Coolers	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Acid Cooler Sump	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Primary Coolers	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021	None	Saturators	1978 2013	Coke Oven Gas @ 80 mmcf/d	Sealed
P021	None	Detarrers	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Acid Separators	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021-19	None	Rectifier Building	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021	None	Benzol Washers	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021	None	Wash Oil Coolers	1978	Coke Oven Gas @ 80 mmcf/d	Sealed
P021	None	Still Tanks	1978	Coke Oven Gas @ 80 mmcf/d	Sealed

Emission Unit ID	Emission Point ID	Emission Unit Description	Year Installed	Design Capacity	Control Device
Emergency Equipment Group 010					
E1	S26	Emergency Diesel Fired Air Compressor	2005	600 hp	None
E5	S6	Standby Diesel Fired Emergency Generator	2004	527 hp	None
E6	E6	Diesel Fired Emergency Generator	2005	30 HP	None
E7	E7	Diesel Fired Emergency Generator	2005	30 HP	None
Miscellaneous Combustion Group 00B					
P026		Indirect Fired Combustion Units Throughout Plant		< 10 MMBtu/hr	

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
R13-0090	July 12, 1974
R13-1652A	March 10, 2016 ~~September 2, 1994~~
R13-1939B ~~A~~	September 23, 2015 ~~August 19, 2003~~
R13-2591E ~~D~~	September 22, 2015 ~~April 18, 2014~~
R13-2632A	September 23, 2015 ~~September 28, 2005~~
R13-2772	September 17, 2008
~~R13-2798~~	~~July 13, 2009~~
R13-2548B ~~A~~	September 22, 2015 ~~July 28, 2005~~

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 such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). 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
CBI	Confidential Business Information
CEM	Continuous Emission Monitor
CES	Certified Emission Statement
C.F.R. *or* CFR	Code of Federal Regulations
CO	Carbon Monoxide
C.S.R. *or* CSR	Codes of State Rules
DAQ	Division of Air Quality
DEP	Department of Environmental Protection
FOIA	Freedom of Information Act
HAP	Hazardous Air Pollutant
HON	Hazardous Organic NESHAP
HP	Horsepower
lbs/hr *or* lb/hr	Pounds per Hour
LDAR	Leak Detection and Repair
m	Thousand
MACT	Maximum Achievable Control Technology
mm	Million
mmBtu/hr	Million British Thermal Units per Hour
mmft^3/hr *or* mmcf/hr	Million Cubic Feet Burned per Hour
NA *or* N/A	Not Applicable
NAAQS	National Ambient Air Quality Standards
NESHAPS	National Emissions Standards for Hazardous Air Pollutants
NO_x	Nitrogen Oxides
NSPS	New Source Performance Standards
PM	Particulate Matter
PM_{10}	Particulate Matter less than 10µm in diameter
pph	Pounds per Hour
ppm	Parts per Million
PSD	Prevention of Significant Deterioration
psi	Pounds per Square Inch
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SO_2	Sulfur Dioxide
TAP	Toxic Air Pollutant
TPY	Tons per Year
TRS	Total Reduced Sulfur
TSP	Total Suspended Particulate
USEPA	United States Environmental Protection Agency
UTM	Universal Transverse Mercator
VEE	Visual Emissions Evaluation
VOC	Volatile Organic Compounds

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§30-2.39]

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. Emergency

2.17.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
[45CSR§30-5.7.a.]

2.17.2. Effect of any emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of 45CSR§30-5.7.c. are met.
[45CSR§30-5.7.b.]

2.17.3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;

b. The permitted facility was at the time being properly operated;

c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

d. Subject to the requirements of 45CSR§30-5.1.c.3.C.1, the permittee submitted notice of the emergency to the Secretary within one (1) working day of the time when emission limitations were exceeded due to the emergency and made a request for variance, and as applicable rules provide. This notice, report, and variance request fulfills the requirement of 45CSR§30-5.1.c.3.B. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

[45CSR§30-5.7.c.]

2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
[45CSR§30-5.7.d.]

2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
[45CSR§30-5.7.e.]

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§30-5.6.c.]

2.22. Credible Evidence

2.22.1. Nothing in this permit shall alter or affect the ability of any person to establish compliance with, or a violation of, any applicable requirement through the use of credible evidence to the extent authorized by law. Nothing in this permit shall be construed to waive any defenses otherwise available to the permittee including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.
[45CSR§30-5.3.e.3.B. and 45CSR38]

2.23. Severability

2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.
[45CSR§30-5.1.e.]

2.24. Property Rights

2.24.1. This permit does not convey any property rights of any sort or any exclusive privilege.
[45CSR§30-5.1.f.4]

2.25. Acid Deposition Control

2.25.1. Emissions shall not exceed any allowances that the source lawfully holds under Title IV of the Clean Air Act (Acid Deposition Control) or rules of the Secretary promulgated thereunder.

a. No permit revision shall be required for increases in emissions that are authorized by allowances acquired pursuant to the acid deposition control program, provided that such increases do not require a permit revision under any other applicable requirement.

b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.

c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

[45CSR§30-5.1.d.]

2.25.2. Where applicable requirements of the Clean Air Act are more stringent than any applicable requirement of regulations promulgated under Title IV of the Clean Air Act (Acid Deposition Control), both provisions shall be incorporated into the permit and shall be enforceable by the Secretary and U. S. EPA.
[45CSR§30-5.1.a.2.]

3.0 Facility-Wide Requirements

3.1. Limitations and Standards

3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. **[45CSR§6-3.1.]**

3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible.
[45CSR§6-3.2.]

3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 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)(14)]

3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 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]

3.1.9. No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any process source operation which is greater than twenty (20) percent opacity, except as noted in subsections 45CSR§7- 3.2. (See Section 3.1.10.), 3.3., 3.4., 3.5., 3.6., and 3.7.
[45CSR§7-3.1., 45CSR13, R13-2548, 4.1.3. ~~4.~~]

3.1.10. The provisions of Section 3.1.9. [45CSR§7-3.1.] shall not apply to smoke and/or particulate matter emitted from any process source operation which is less than forty (40) percent opacity for any period or periods aggregating no more than five (5) minutes in any sixty (60) minute period.
[45CSR§7-3.2.]

3.1.11. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any type source operation or duplicate source operation, or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity specified under the appropriate source operation type in Table 45-7A.
[45CSR§7-4.1., 45CSR13, R13-2548, 4.1.4. ~~5.~~]

3.1.12. Any stack serving any process source operation or air pollution control equipment on any process source operation shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures.
[45CSR§7-4.12.]

3.1.13. No person shall cause, suffer, allow or permit any manufacturing process or storage structure generating fugitive particulate matter to operate that is not equipped with a system, which may include, but not be limited to, process equipment design, control equipment design or operation and maintenance procedures, to minimize the emissions of fugitive particulate matter. To minimize means such system shall be installed, maintained and operated to ensure the lowest fugitive particulate matter emissions reasonably achievable.
[45CSR§7-5.1., 45CSR13, R13-2548, 4.1.5. ~~6.~~]

3.1.14. The owner or operator of a plant shall maintain particulate matter control of the plant premises, and plant owned, leased or controlled access roads, by paving, application of asphalt, chemical dust suppressants or other suitable dust control measures. Good operating practices shall be implemented and when necessary particulate matter suppressants shall be applied in relation to stockpiling and general material handling to minimize particulate matter generation and atmospheric entrainment.
[45CSR§7-5.2., 45CSR13, R13-2548, 4.1.6. ~~7.~~]

3.1.15. Due to unavoidable malfunction of equipment, emissions exceeding those set forth in this rule (i.e., 45CSR7) may be permitted by the Director for periods not to exceed ten (10) days upon specific

application to the Director. Such application shall be made within twenty-four (24) hours of the malfunction. In cases of major equipment failure, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.
[45CSR§7-9.1.]

3.1.16. Maintenance operations (as defined in 45CSR7) shall be exempt from the provisions of 45CSR§7-4. provided that at all times the owner or operator shall conduct maintenance operations 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.
[45CSR§7-10.3.]

3.1.17. An owner or operator may apply for an alternative visible emission standard for start-up and shutdown periods, on a case-by-case basis, by filing a written petition with the Director. The Director may approve an alternative visible emission standard for start-ups and shutdowns to the visible emission standard required under 45CSR§7-3. The petition shall include a demonstration satisfactory to the Director:

a. That it is technologically or economically infeasible to comply with 45CSR§7-3;

b. That establishes the need for approval of a start-up or shutdown plan based upon information including, but not limited to, monitoring results, opacity observations, operating procedures and source inspections.

c. That the particulate matter weight emission standards under section 4 are being met, as determined in accordance with 45CSR7A - "Compliance Test Procedures For 45CSR7 - ' To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations'"; and

d. That during periods of start-ups and shutdowns the owner or operator shall, to the extent practicable, maintain and operate any manufacturing process 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.

[45CSR§7-10.4.]

3.1.18. The emissions control program required under Section V.1 and V.2 of Consent Order (CO-SIP-91-29) shall be achieved in accordance with the following schedule:

Action	Schedule (To be Determined)
Initiate engineering design and prepare specifications:	To be determined when plan is approved.
Issue purchase orders for equipment and finalize controls for installation:	To be determined when plan is approved.
Begin construction (or commence control program):	To be determined when plan is approved.
Complete construction and demonstrate compliance:	Within 360 days of receipt of EPA notice of nonattainment determination.

[CO-SIP-91-29, Section V. 3.]

3.1.19. The owner or operator of fuel burning unit(s), manufacturing process source(s) or combustion source(s) shall demonstrate compliance with 45CSR§§10-3., 4. and 5. by testing and /or monitoring in accordance with one or more of the following: 40 C.F.R. Part 60 Appendix A, Method 6, Method 15, continuous emissions monitoring systems (CEMS) or fuel sampling and analysis as set forth in an approved monitoring plan for each emission unit. Compliance with this requirement is satisfied through compliance with the requirements of the approved 45CSR10 Monitoring Plan (Appendix A) submitted on September 28, 2001 and any amendments thereto.
[45CSR§10-8.2.c, Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10, By-Product Plant]

3.1.20. The owner or operator of fuel burning unit(s), manufacturing process source(s) or combustion source(s) subject to 45CSR§§10-3., 4. and 5. shall maintain on-site a record of all required monitoring data as established in a monitoring plan pursuant to 45CSR§10-8.2.c. Such records shall be made available to the Director or his duly authorized representative upon request. Such records shall be retained on-site for a minimum of five years. Compliance with this requirement is satisfied through compliance with the requirements of the approved 45CSR10 Monitoring Plan (Appendix A) submitted on September 28, 2001, and any amendments thereto.
[45CSR§10-8.3.a, Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10, By-Product Plant]

3.1.21. The owner or operator shall submit a periodic exception report to the Director, in a manner specified by the Director. Such an exception report shall provide details of all excursions outside the range of measured emissions or monitored parameters established in an approved monitoring plan and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken. Compliance with this requirement is satisfied through compliance with the requirements of the approved 45CSR10 Monitoring Plan (Appendix A) submitted on September 28, 2001, and any amendments thereto.
[45CSR§10-8.3.b, Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10, By-Product Plant]

3.1.22. The owner or operator of a fuel burning unit(s) or a combustion source(s) shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each unit in a manner specified by the Director. Such records are to be maintained on-site and made available to the Director or his duly authorized representative upon request. Compliance with this requirement is satisfied through compliance with the requirements of the approved 45CSR10 Monitoring Plan (Appendix A) submitted on September 28, 2001, and any amendments thereto.
[45CSR§10-8.3.c, Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10, By-Product Plant]

3.1.23. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, emissions exceeding those provided for in this rule (i.e., 45CSR10) may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the equipment malfunction or fuel shortage. In cases of major equipment failure or extended shortages of conforming fuels, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.
[45CSR§10-9.1., Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10, By-Product Plant]

3.1.24. No person shall cause, suffer, allow, or permit the emission into open air from any source operation an in-stack sulfur dioxide concentration exceeding 2000 parts per million by volume (ppmv) from existing source operations, except as provided in subdivisions of 45CSR§10-4.1.
[45CSR§10-4.1., Batteries #1, #2, #3, and #8, By-Product Plant]

3.1.25. Total Allowable Emission Rates for Similar Units in Priority I and Priority II Regions -- No person shall cause, suffer, allow or permit the discharge of sulfur dioxide into the open air from all stacks located at one plant, measured in terms of pounds per hour, in excess of the amount determined as follows:

3.1.e. For Type 'b' and Type 'c' fuel burning units, the product of 3.1 and the total design heat inputs for such units discharging through those stacks in million BTU's per hour.

[45CSR§10-3.1., Boilers #6, #7, #8, #9 and #10]

3.1.26. No person shall cause, suffer, allow or permit the combustion of any refinery process gas stream or any other process gas stream that contains hydrogen sulfide in a concentration greater than 50 grains per 100 cubic feet of gas except in the case of a person operating in compliance with an emission control and mitigation plan approved by the Director and U. S. EPA. In certain cases very small units may be considered exempt from this requirement if, in the opinion of the Director, compliance would be economically unreasonable and if the contribution of the unit to the surrounding air quality could be considered negligible. Compliance with for the hydrogen sulfide concentration requirement for Boilers #6, #7, #9, and #10 shall be demonstrated through compliance with the more stringent requirement set forth in Sections 5.1.16.(1), and 5.1.17.(1).
[45CSR§10-5.1., Batteries #1, #2, #3, and #8, Boilers #6, #7, #9 and #10]

3.1.27. Any owner or operator of a by-product coke production facility in existence on the effective date of 45CSR10 who can demonstrate to the Director that there is no practical alternative to scheduled maintenance (including shutdown) of desulfurization equipment may request the approval of an enforceable, temporary sulfur dioxide emissions control and mitigation plan for such maintenance period. In order for a plan under this paragraph to be approved the plan must meet the following conditions:

a. Provide that all feasible control measures and process changes will be employed at the coke production facility to reduce emissions of sulfur dioxide (including reduction of coke oven gas generation) during the control system outage.

b. Provide for a definitive reduction in sulfur dioxide emissions by the establishment of unit-specific allowable emission rates for all emissions units of the stationary source sufficient to prevent any violation of federal and state ambient air quality standards or applicable air quality increments for sulfur dioxide.

c. Provide that system down-time and excess sulfur dioxide emissions be reduced to the greatest extent possible by use of increased or contract maintenance personnel, maximized maintenance labor shifts and optimization of available spare parts inventories.

d. Provide for emissions and compliance monitoring as required by the Director in the approved plan during the maintenance periods and for the submission of reports of such monitoring and tests within time-frames specified by the Director in the approved plan. All approved plans shall require that a certified report of excess sulfur dioxide emissions from the by-product coke production facility and offsetting emission units be submitted to the Director within thirty (30) days after the end of the maintenance period.

e. Provide that no maintenance period exceed fourteen (14) days in length nor occur more than twice in any calendar year.

f. Provide at least two weeks notice of all scheduled maintenance periods, the anticipated length of the maintenance period, work to be completed, measures to be taken to minimize the length of desulfurization system down-time and such other information as the Director may specify.

g. Provide for annual review, if necessary, modification or termination of the plan by the Director.

h. Provide that the Director may impose limitations on emission units that are more restrictive than those provided for in the plan as necessary to assure attainment of air quality standards for sulfur dioxide in light of data provided pursuant to 45CSR§10-5.2.f, or any other information available to the Director.

[45CSR§10-5.2., Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10]

3.1.28. Compliance with the allowable hydrogen sulfide concentration limitations for combustion sources set forth in 45CSR10 shall be based on a block three (3) hour averaging time.
[45CSR§10-5.4., Batteries #1, #2, #3, and #8, Boilers #6, #7, #9 and #10]

3.1.29. Reserved.

3.1.30. Mineral acids shall not be released from any type source operation or duplicate source operation or from all air pollution control equipment installed on any type source operation or duplicate source operation in excess of the quantity given in Table 45-7B found at the end of 45CSR7. Maximum allowable stack gas concentration for sulfuric acid mist is 35 milligrams per dry cubic meter at standard conditions
[45CSR§7-4.2.]

3.1.31. No person shall circumvent the provisions of 45CSR7 by adding additional gas to any exhaust or group of exhausts for the purpose of reducing the stack gas concentration.
[45CSR§7-4.3.]

3.1.32. Potential Hazardous Material Emissions--Persons responsible for manufacturing process source operations from which hazardous particulate matter material may be emitted such as, but not limited to, lead, arsenic, beryllium and other such materials shall give the utmost care and consideration to the potential harmful effects of the emissions resulting from such activities. Evaluations of these facilities as to adequacy, efficiency and emission potential will be made on an individual basis by the Director working in conjunction with other appropriate governmental agencies.
[45CSR§7-4.13.]

3.1.33. The permittee shall continuously maintain a system around this permitted facility to prevent the general public from accessing the facility.
[45CSR13, R13-1939, 4.1.18. ~~A.18~~.]

3.1.34. The permitted facility shall be constructed and operated in accordance with the information filed in Permit Application R13-2591 R13-2591A, R13-2591C, R13-2591D, R13-2591E and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[45CSR13, R13-2591, 2.5.1.]

3.2. Monitoring Requirements

3.2.1. The permittee shall conduct fugitive particulate emissions monitoring/recordkeeping/reporting as follows. [Not required for open stockpiles, paved and unpaved roads and surfaces and activities regulated by 40 C.F.R. Part 63 Subparts L and CCCCC.]

a. Initially, the Method 22 test shall be performed once per week for fugitive particulate emission activities identified in Section 1.0. If no visible emissions are identified from the Method 22 during four (4) consecutive weeks, the emission checks need only be once per month. If visible emissions are identified from Method 22 at any test, then the permittee shall conduct an additional observation within 72-hours of the Method 22 using 45CSR7A to determine the opacity of the visible emissions being emitted from the fugitive particulate emission activities. Should the 45CSR7A observation indicate compliance, then this observation shall not compromise the Method 22 demonstration and shall be included in the count for four consecutive weeks. The permittee must start over with another four (4) consecutive weeks if visible emissions are detected that do not comply with 45CSR7 before going to monthly monitoring.

b. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or 45CSR7A, 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. Records shall be maintained on site stating any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.

[45CSR§30-5.1.c., and 45CSR§7A-2.1.a.]

3.2.2. The permittee shall conduct monitoring/recordkeeping/reporting for all dust collectors as follows:

a. Initially, the Method 22 test shall be performed once per week. If no visible emissions are identified from the Method 22 during four (4) consecutive weeks, the emission checks need only be once per month. If visible emissions are identified from Method 22 at any test, then the permittee shall conduct an additional observation within 72-hours of the Method 22 using 45CSR7A to determine the opacity of the visible emissions being emitted from the dust collectors. Should the 45CSR7A observation indicate compliance, then this observation shall not compromise the Method 22 demonstration and shall be included in the count for four consecutive weeks. The permittee must start over with another four (4) consecutive weeks if visible emissions are detected that do not comply with 45CSR7 before going to monthly monitoring.

b. Initially, the permittee shall conduct weekly visual emission observations on all dust collectors and the permitee shall maintain instrumentation on all dust collectors for pressure drop observations. The permittee shall maintain records of the maintenance performed on each baghouse. These records shall include all maintenance work performed on each dust collector including the frequency of bag/filter change outs. Records shall state the date and time of each dust collector inspection, the inspection results, and corrective action taken, if any. Records shall be maintained on site for five (5) years from the record creation date.

[45CSR§30-5.1.c.]

3.2.3. At the request of the Director the owner and/or operator of a source shall install such stack gas monitoring devices as the Director deems necessary to determine compliance with the provisions of 45CSR10. The data from such devices shall be readily available at the source location or such other reasonable location that the Director may specify. At the request of the Director, or his or her duly authorized representative, such data shall be made available for inspection or copying. Failure to promptly provide such data shall constitute a violation of 45CSR10.
[45CSR§10-8.2.a., Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10, By-Product Plant]

3.3. Testing Requirements

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

a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 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 source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.

c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:

1. The permit or rule evaluated, with the citation number and language.

2. The result of the test for each permit or rule condition.

3. A statement of compliance or non-compliance with each permit or rule condition.

[WV Code §§ 22-5-4(a)(14-15) and 45CSR13]

3.3.2. Compliance with all total particulate matter mass emission standards under Regulation 2 (45CSR2), Regulation 7 (45CSR7), and CO-SIP-91-29 shall be demonstrated in accordance with test procedures set forth in TP-2 - "Compliance Test Procedures for Regulation 2 - `To Prevent and Control Particulate Air Pollution From Combustion of Fuel in Indirect Heat Exchangers'", and 45CSR7A (TP-4) - "Compliance Test Procedures for Regulation 7 - `To Prevent and Control Particulate Air Pollution From Manufacturing Process Operations'", except as follows:

a. Particulate mass emission tests for process emission sources subject to Regulation 7 (45CSR7) and CO-SIP-91-29 shall be conducted only in accordance with 40 C.F.R Part 60 Appendix A, Methods 1 through 5 unless alternative procedures or procedural variances are approved by the Director and USEPA.

b. All minor exceptions and variances to the test procedures set forth in TP-2 shall be approved by the Director and all alternative procedures and procedural variances shall be approved by the Director and USEPA.

[CO-SIP-91-29, Section IV. 1.]

3.3.3. Compliance with all PM_{10} mass emission standards under CO-SIP-91-29 shall be demonstrated in accordance with test procedures set forth in 40 C.F.R. Part 51 Appendix M, Methods 201, 201A and 202 or as approved by WV DEP.
[CO-SIP-91-29, Section IV. 2.]

3.3.4. The Company shall submit a test protocol as required by TP-2 and 45CSR7A (TP-4) at least thirty (30) days prior to any test to determine compliance with the provisions of CO-SIP-91-29 or Commission regulations and shall notify the Director of the dates of all such compliance tests at least fifteen (15) days prior to testing.
[CO-SIP-91-29, Section IV. 3.]

3.3.5. Compliance with the visible emissions standards of Regulation 2 (45CSR2) and any visible emission limitations established in CO-SIP-91-29 shall be determined by observers certified in accordance with 40 C.F.R. Part 60 Appendix A, Method 9 and following the observation procedures of Method 9. In determining compliance with the visible emission standards under 45CSR2 and any visible emissions limitations established in CO-SIP-91-29, each visible emission observation shall represent a fifteen (15) second period and visible emission observations shall not be averaged.
[CO-SIP-91-29, Section IV. 4.]

3.3.6. Prior to the installation of calibrated stack gas monitoring devices, sulfur dioxide emission rates shall be calculated on an equivalent fuel sulfur content basis.
[45CSR§10-8.2.b, Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10]

3.3.7. At such reasonable times as the Director may designate, the owner or operator of any fuel burning unit(s), manufacturing process source(s) or combustion source(s) may be required to conduct or have conducted tests to determine the compliance of such source(s) with the emission limitations of 45CSR§10-3., 4. or 5. Such tests shall be conducted in accordance with the appropriate test method set forth in 40 C.F.R. Part 60 Appendix A, Method 6, Method 15 or other equivalent EPA testing method approved by the Director. The Director, or his or her duly authorized representative, may at his or her option witness or conduct such tests. Should the Director exercise his or her option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such manner as the Director 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.
[45CSR§10-8.1.a., Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10, By-Product Plant]

3.3.8. The Director, or his duly authorized representative, may conduct such other tests as he or she may deem necessary to evaluate air pollution emissions other than those noted in 45CSR§10-3.
[45CSR§10-8.1.b., Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10, By-Product Plant]

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., 45CSR13, R13-1652, 4.4.1. R13-1939, 4.4.1., R13-2548, 4.4.1., R13-2591, 4.4.1., R13-2632, 4.4.1., R13-2772, 4.4.1., ~~R13-2798, 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.]

3.4.4. In accordance with the permittee's current 45CSR10 Monitoring Plan, the permittee will maintain sulfur content statements on-site for a period of at least five (5) years in accordance with 45CSR10A, Section 7. The permittee will submit a "Monitoring Summary Report" and an "Excursion and Monitoring Plan Performance Report" on a quarterly basis to the Director by the 30th day of the month following the calendar quarter. The permittee's 45CSR10 Monitoring Plan is attached in Appendix A.
[45CSR§10-8.3., Batteries #1, #2, #3, and #8, Boilers #6, #7, #8, #9 and #10, By-Product Plant]

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 certification to the USEPA as required in 3.5.5. 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, mailed first class or by private carrier with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:	**If to the US EPA:**
Director WVDEP Division of Air Quality 601 57th Street SE Charleston, WV 25304 Phone: 304/926-0475 FAX: 304/926-0478	Associate Director Office of Air Enforcement and Compliance Assistance (3AP20) U. S. Environmental Protection Agency Region III 1650 Arch Street Philadelphia, PA 19103-2029

3.5.4. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.
[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 annual certification to the USEPA shall be submitted in electronic format only. It shall be submitted by e-mail to the following address:

R3_APD_Permits@epa.gov. The permittee shall maintain a copy of the certification on site for five (5) years from submittal of the certification.
[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.
[45CSR§30-5.1.c.3.A.]

3.5.7. **Emergencies.** For reporting emergency situations, refer to Section 2.17. of this permit.

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. Any deviation resulting from an emergency or upset condition, as defined in 45CSR§30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with 45CSR§30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation.

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 telefax. 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.]

3.5.10. The permittee shall review and determine on a monthly basis if there were any exceedance of the conditions set forth under Section 3.1.33. Should the permittee determine that an exceedance occurred, then the permittee shall submit a written report describing what the exceedance was and what measures the permittee has taken to prevent the exceedance from re-occurring.
[45CSR13, R13-1939, 4.5.1. ~~B.1., B.7.~~]

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.

45CSR33	Acid Rain Provisions and Permits do not apply to Mountain State Carbon LLC because it is not considered a Title IV (Acid Rain) Source.
40 C.F.R. Part 60 Subpart Cd	Standards of Performance for Sulfuric Acid Production plants Emissions Guidelines and Compliance times does not apply because Mountain State Carbon LLC does not meet the definition of a sulfuric acid production unit as defined in 40 C.F.R. § 60.81 (a).
40 C.F.R. Part 60 Subpart D	Standards of Performance for fossil-fuel-fired steam generators for which construction is commenced after August 17, 1971 does not apply because Mountain State Carbon LLC boilers are less than the applicability size of 250 mm Btu/hr.
40 C.F.R. Part 60 Subpart Da	Standards of Performance for fossil-fuel-fired steam generators for which construction is commenced after September 18, 1978 does not apply because Mountain State Carbon LLC boilers are less than the applicability size of 250 mm Btu/hr.
40 C.F.R. Part 60 Subpart Db	Standards of Performance for fossil-fuel-fired steam generators for which construction is commenced after June 19, 1984 does not apply because Mountain State Carbon LLC boilers are less than the applicability size of 100 mm Btu/hr.
40 C.F.R. Part 60 Subpart E	Standards of Performance for Incinerators for which construction is commenced after August 17, 1971 does not apply because Mountain State Carbon LLC does not operate equipment defined as incinerators (under 40 C.F.R. §60.51).
40 C.F.R. Part 60 Subpart H	40 CFR Part 60 NSPS Subpart H Standards of Performance for Sulfuric Acid Production plants does not apply because Mountain State Carbon LLC (MSC) does not meet the definition of a sulfuric acid production unit as defined in 40 C.F.R. § 60.81 (a). MSC is a metallurgical plant that uses the H_2SO_4 plant as a control device to reduce sulfur compound emissions, such as H_2S.

40 C.F.R. Part 60 Subpart K	Standards of Performance for storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after June 11, 1973, and prior to May 19, 1978 does not apply because Mountain State Carbon LLC has not installed any tanks between these dates with a storage capacity greater than 40,000 gallons.
40 C.F.R. Part 60 Subpart Ka	Standards of Performance for storage vessels for petroleum liquids for which construction, reconstruction, or modification commenced after May 18, 1978, and prior to July 23, 1984 does not apply because Mountain State Carbon LLC has not installed any tanks between these dates.
40 C.F.R. Part 60 Subpart Kb	Standards of Performance for volatile organic liquid storage vessels (including petroleum liquid storage vessels) for which construction, reconstruction, or modification commenced after July 23, 1984 does not apply because Mountain State Carbon LLC is exempt by paragraph 40 C.F.R. §60.110b(d)(1) [for vessels at coke oven by-product plants].
40 C.F.R. §§60.251 - 60.254 Subpart Y	Standards of Performance for Coal Preparation Plants does not apply because Mountain State Carbon LLC commenced construction or modification of their coal facilities prior to October 24, 1974.
40 C.F.R. Part 60 Subpart VV	Standards of Performance for Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturing Industry.
40 C.F.R. Part 60 Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines does not apply because Mountain State Carbon LLC does not operate engines with spark ignitions that were manufactured after July 1, 2008.
40 C.F.R. Part 61 Subpart J	National Emission Standards for Equipment Leaks (Fugitive Emission Sources) of Benzene is not applicable to sources located in coke by-product plants and therefore does not apply to Mountain State Carbon LLC.
40 C.F.R. Part 61 Subpart Y	National Emission Standards for Benzene Emissions from Benzene Storage Vessels is not applied to storage vessels used for storing benzene at a coke by-product facility and therefore does not apply to Mountain State Carbon LLC.
40 C.F.R. Part 61 Subpart BB	National Emission Standards for Benzene Emissions from Benzene Transfer Operations is not applicable to benzene-laden liquid from coke by-product recovery plants and therefore does not apply to Mountain State Carbon LLC.
40 C.F.R. Part 63 Subpart F	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturing Industry.
40 C.F.R. Part 63 Subpart G	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry Process Vents, Storage Vessels, Transfer Operations, and Wastewater does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturing Industry.
40 C.F.R. Part 63 Subpart H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturing Industry.

40 C.F.R. Part 63 Subpart I	National Emission Standards for Organic Hazardous Air Pollutants related to Equipment Leaks does not apply to Mountain State Carbon LLC because the facility is not considered a part of the Synthetic Organic Chemical Manufacturing Industry.
40 C.F.R. Part 63 Subpart Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers does not apply to Mountain State Carbon LLC because the facility does not use chromium-based water treatment chemicals.
40 C.F.R. Part 63 Subpart Y	National Emission Standards for Hazardous Air Pollutants for Marine Tank Vessel Loading Operations does not apply to Mountain State Carbon LLC because the vapor pressure of the light oil is less than 1.5 psia at standard conditions of 20 deg. C and 760 mmHg and is therefore exempt from the rule.
40 C.F.R. Part 63 Subpart EEEE	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) does not apply to Mountain State Carbon LLC because the facility components are subject to another NESHAP (Subparts L, V, and FF) as per 40 C.F.R. §63.2338(c)(1).
40 C.F.R. Part 63 Subpart FFFF	National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing does not apply to Mountain State Carbon LLC since 40 CFR §63.2435(b)(1) is not satisfied. The facility does not produce ammonium sulfate via caprolactam as per 40 C.F.R. §63.2435(b)(1)(iii) nor materials or family of materials listed in 40 C.F.R. §§63.2435(b)(1)(i), (ii), (iv) or (v).
40 C.F.R. Part 63 Subpart GGGGG	National Emission Standards for Hazardous Air Pollutants: Site Remediation does not apply to Mountain State Carbon LLC because the facility received an Administrative Order under Section 3008(h) of the Resource Conservation and Recovery Act from USEPA to perform RCRA corrective Actions.
40 C.F.R. Part 64	The potential PSEU's at the facility are for PM emissions from the coke oven Batteries #1, #2, #3 and #8 pushing and quenching processes. The controls for Batteries #1, #2, and #3 include a Shed, Baghouse, and Quench Baffles. The controls for Battery #8 include a Mobile Hood, a Venturi Scrubber, and two Quench Baffle Towers. The batteries are subject to 40 CFR 63 Subpart L and 40 CFR 63 Subpart CCCCC both of which were proposed after November 11, 1990. Therefore they are exempt pursuant to 40 CFR§64.2(b)(1)(i).
40 C.F.R. Part 68 Subpart A & C	Chemical Action Prevention Provisions do not apply to Mountain State Carbon LLC as none of the regulated materials exist above the threshold limits.
40 C.F.R. Part 72	Acid Rain Program General Provisions does not apply to Mountain State Carbon LLC because it is not considered a Title IV (Acid Rain) Source.

4.0 Source-Specific Requirements [Batteries #1, #2, #3, and #8 (P001, P002, P003, P004), Pushing (P001-05, P004-05) and Quenching (1E, P004-6, P004-7) (Groups 001, 002, 003, and 004) and emission point ID (F13, F14, F15, F16, S1, Stacks 01, 02, 03, 04, 05, 06, 08a, 08b)]

4.1. Limitations and Standards

4.1.1. The permitted facility must be constructed and operated in accordance with information filed in Permit Application No. 90. The Director may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to. *(P004)*
[45CSR13, R13-0090]

4.1.2. On and after the date of entry of CO-SIP-91-29 dated November 14, 1991, total particulate matter which includes PM_{10} emissions from all exhaust vent(s) on the baghouse (C01) controlling pushing emissions from Coke Oven Batteries 1, 2 and 3 shall not exceed 2.14 lb/hr.
[CO-SIP-91-29, Section III.3., P001-5]

4.1.3. Total particulate matter and PM_{10} emissions from coke oven battery combustion stacks shall not exceed the following limitations:

Stack ID	Total Particulate in (lb/hr)	PM_{10} in (lb/hr)
No. 1 Battery (Stack 05)	1.40	1.35
No. 2 Battery (Stack 05)	1.40	1.35
No. 3 Battery (Stack 05)	1.58	1.52
No. 8 Battery (Stack 06)	6.93	6.65

[CO-SIP-91-29, Section III.4.A.]

4.1.4. Compliance with the emission limitations of Section 4.1.3. [Section III.4.A.] shall be achieved on and after November 14, 1991.
[CO-SIP-91-29, Section III.4.B.]

4.1.5. Except as provided in 40 C.F.R. §§63.304(b)(4), and (b)(5) and in 40 C.F.R. §63.305, on and after the dates specified below, no owner or operator shall cause to be discharged or allow to be discharged to the atmosphere coke oven emissions from a by-product coke oven battery (Batteries 1, 2, 3, and 8) that exceed any of the following emission limitations:

(2) On and after January 1, 1998;

(ii) 0.4 percent leaking topside port lids, as determined by the procedures in Section 4.3.3.(1) [40 C.F.R. §63.309(d)(1)];

(iii) 2.5 percent leaking offtake system(s), as determined by the procedures in Section 4.3.3.(1) [40 C.F.R. §63.309(d)(1)]; and

(iv) 12 seconds of visible emissions per charge, as determined by the procedures in Section 4.3.3.(2) [40 C.F.R. §63.309(d)(2)].

(3) On and after January 1, 2010, unless the Administrator promulgates more stringent limits pursuant to section 112(i)(8)(C) of the Clean Air Act;

(i) 4.0 percent leaking coke oven doors on each tall by-product coke oven battery (No. 8 Battery) and for each by-product coke oven battery owned or operated by a foundry coke producer, as determined by the procedures in Section 4.3.3.(1) [40 C.F.R. §63.309(d)(1)]; and

(ii) 3.3 percent leaking coke oven doors for each by-product coke oven battery (Nos. 1, 2, and 3 Batteries) not subject to the emission limitation in Section 4.1.5.(3)(i) [40 C.F.R. §63.304(b)(3)(i)], as determined by the procedures in Section 4.3.3.(1) [40 C.F.R. §63.309(d)(1)].

[45CSR34, 40 C.F.R. §63.304(b)]

4.1.6. *Work practice plan*. On or before November 15, 1993, each owner or operator shall prepare and submit a written emission control work practice plan for each coke oven battery. The plan shall be designed to achieve compliance with visible emission limitations for coke oven doors, topside port lids, offtake systems, and charging operations under this subpart, or, for a coke oven battery not subject to visible emission limitations under this subpart, other federally enforceable visible emission limitations for these emission points. The permittee shall implement the submitted work practice plan to achieve compliance with the applicable visible emission limitations.

(2) The initial plan and any revisions shall be submitted to the Administrator or the delegated State, local, or Tribal authority. The Administrator may require revisions to the initial plan only where the Administrator finds either that the plan does not address each subject area listed in Section 4.1.7. [40 C.F.R. §63.306(b)] for each emission point subject to a visible emission standard under 40 C.F.R. Part 63 Subpart L, or that the plan is unenforceable because it contains requirements that are unclear.

(3) During any period of time that an owner or operator is required to implement the provisions of a plan for a particular emission point, the failure to implement one or more obligations under the plan and/or any recordkeeping requirement(s) under Section 4.4.1.(4) [40 C.F.R. §63.311(f)(4)] for the emission point during a particular day is a single violation.

[45CSR34, 40 C.F.R. §63.306(a)]

4.1.7. *Plan components*. The owner or operator shall organize the work practice plan to indicate clearly which parts of the plan pertain to each emission point subject to visible emission standards under 40 C.F.R. Part 63 Subpart L. Each of the following provisions, at a minimum, shall be addressed in the plan:

(1) An initial and refresher training program for all coke plant operating personnel with responsibilities that impact emissions, including contractors, in job requirements related to emission control and the requirements of 40 C.F.R. Part 63 Subpart L, including work practice requirements. Contractors with responsibilities that impact emission control may be trained by the owner or operator or by qualified contractor personnel; however, the owner or operator shall ensure that the contractor training program complies with the requirements of 40 C.F.R. §63.306(b). The training program in the plan must include:

(i) A list, by job title, of all personnel that are required to be trained and the emission point(s) associated with each job title;

(ii) An outline of the subjects to be covered in the initial and refresher training for each group of personnel;

(iii) A description of the training method(s) that will be used (e.g., lecture, video tape);

(iv) A statement of the duration of initial training and the duration and frequency of refresher training;

(v) A description of the methods to be used at the completion of initial or refresher training to demonstrate and document successful completion of the initial and refresher training; and

(vi) A description of the procedure to be used to document performance of plan requirements pertaining to daily operation of the coke oven battery and its emission control equipment, including a copy of the form to be used, if applicable, as required under the plan provisions implementing Section 4.1.7.(7) [40 C.F.R. §63.306(b)(7)].

(2) Procedures for controlling emissions from coke oven doors on by-product coke oven batteries, including:

(i) A program for the inspection, adjustment, repair, and replacement of coke oven doors and jambs, and any other equipment for controlling emissions from coke oven doors, including a defined frequency of inspections, the method to be used to evaluate conformance with operating specifications for each type of equipment, and the method to be used to audit the effectiveness of the inspection and repair program for preventing exceedances;

(ii) Procedures for identifying leaks that indicate a failure of the emissions control equipment to function properly, including a clearly defined chain of command for communicating information on leaks and procedures for corrective action;

(iii) Procedures for cleaning all sealing surfaces of each door and jamb, including identification of the equipment that will be used and a specified schedule or frequency for the cleaning of sealing surfaces;

(iv) For batteries equipped with self-sealing doors, procedures for use of supplemental gasketing and luting materials, if the owner or operator elects to use such procedures as part of the program to prevent exceedances;

(v) For batteries equipped with hand-luted doors, procedures for luting and reluting, as necessary to prevent exceedances;

(vi) Procedures for maintaining an adequate inventory of the number of spare coke oven doors and jambs located onsite; and

(vii) Procedures for monitoring and controlling collecting main back pressure, including corrective action if pressure control problems occur.

(3) Procedures for controlling emissions from charging operations on by-product coke oven batteries, including:

(i) Procedures for equipment inspection, including the frequency of inspections, and replacement or

repair of equipment for controlling emissions from charging, the method to be used to evaluate conformance with operating specifications for each type of equipment, and the method to be used to audit the effectiveness of the inspection and repair program for preventing exceedances;

(ii) Procedures for ensuring that the larry car hoppers are filled properly with coal;

(iii) Procedures for the alignment of the larry car over the oven to be charged;

(iv) Procedures for filling the oven (e.g., procedures for staged or sequential charging);

(v) Procedures for ensuring that the coal is leveled properly in the oven; and

(vi) Procedures and schedules for inspection and cleaning of offtake systems (including standpipes, standpipe caps, goosenecks, dampers, and mains), oven roofs, charging holes, topside port lids, the steam supply system, and liquor sprays.

(4) Procedures for controlling emissions from topside port lids on by-product coke oven batteries, including:

(i) Procedures for equipment inspection and replacement or repair of topside port lids and port lid mating and sealing surfaces, including the frequency of inspections, the method to be used to evaluate conformance with operating specifications for each type of equipment, and the method to be used to audit the effectiveness of the inspection and repair program for preventing exceedances; and

(ii) Procedures for sealing topside port lids after charging, for identifying topside port lids that leak, and procedures for resealing.

(5) Procedures for controlling emissions from offtake system(s) on by-product coke oven batteries, including:

(i) Procedures for equipment inspection and replacement or repair of offtake system components, including the frequency of inspections, the method to be used to evaluate conformance with operating specifications for each type of equipment, and the method to be used to audit the effectiveness of the inspection and repair program for preventing exceedances;

(ii) Procedures for identifying offtake system components that leak and procedures for sealing leaks that are detected; and

(iii) Procedures for dampering off ovens prior to a push.

(7) Procedures for maintaining, for each emission point subject to visible emission limitations under 40 C.F.R. Part 63 Subpart L, a daily record of the performance of plan requirements pertaining to the daily operation of the coke oven battery and its emission control equipment, including:

(i) Procedures for recording the performance of such plan requirements; and

(ii) Procedures for certifying the accuracy of such records by the owner or operator.

(8) Any additional work practices or requirements specified by the Administrator according to Section 4.1.9. [40 C.F.R. §63.306(d)].

[45CSR34, 40 C.F.R. §63.306(b)]

4.1.8. *Implementation of work practice plans.* On and after November 15, 1993, the owner or operator of a coke oven battery shall implement the provisions of the coke oven emission control work practice plan according to the following requirements:

(1) The owner or operator of a coke oven battery subject to visible emission limitations under 40 C.F.R. Part 63 Subpart L on and after November 15, 1993, shall:

(i) Implement the provisions of the work practice plan pertaining to a particular emission point following the second independent exceedance of the visible emission limitation for the emission point in any consecutive 6-month period, by no later than 3 days after receipt of written notification of the second such exceedance from the certified observer. For the purpose of Section 4.1.8.(1)(i) [40 C.F.R. §63.306(c)(1)(i)], the second exceedance is "independent" if either of the following criteria is met:

(A) The second exceedance occurs 30 days or more after the first exceedance;

(B) In the case of coke oven doors, topside port lids, and offtake systems, the 29-run average, calculated by excluding the highest value in the 30-day period, exceeds the value of the applicable emission limitation; or

(C) In the case of charging emissions, the 29-day logarithmic average, calculated in accordance with Method 303 in 40 C.F.R. Part 63 Appendix A by excluding the valid daily set of observations in the 30-day period that had the highest arithmetic average, exceeds the value of the applicable emission limitation.

(ii) Continue to implement such plan provisions until the visible emission limitation for the emission point is achieved for 90 consecutive days if work practice requirements are implemented pursuant to Section 4.1.8.(1)(i) [40 C.F.R. §63.306(c)(1)(i)]. After the visible emission limitation for a particular emission point is achieved for 90 consecutive days, any exceedances prior to the beginning of the 90 days are not included in making a determination under Section 4.1.8.(1)(i) [40 C.F.R. §63.306(c)(1)(i)].

[45CSR34, 40 C.F.R. §63.306(c)]

4.1.9. *Revisions to plan.* Revisions to the work practice emission control plan will be governed by the provisions in this Section 4.1.9. and Section 4.1.6.(2) [40 C.F.R. §63.306(d) and (a)(2)].

(1) The Administrator may request the owner or operator to review and revise as needed the work practice emission control plan for a particular emission point if there are 2 exceedances of the applicable visible emission limitation in the 6-month period that starts 30 days after the owner or operator is required to implement work practices under Section 4.1.8. [40 C.F.R. §63.306(c)]. In the case of a coke oven battery subject to visual emission limitations under 40 C.F.R. Part 63 Subpart L, the second exceedance must be independent under the criteria in Section 4.1.8.(1)(i) [40 C.F.R. §63.306(c)(1)(i)].

(2) The Administrator may not request the owner or operator to review and revise the plan more than twice in any 12 consecutive month period for any particular emission point unless the Administrator disapproves the plan according to the provisions in Section 4.1.9.(6) [40 C.F.R. §63.306(d)(6)].

(3) If the certified observer calculates that a second exceedance (or, if applicable, a second independent exceedance) has occurred, the certified observer shall notify the owner or operator. No later than 10 days after receipt of such a notification, the owner or operator shall notify the Administrator of any finding of whether work practices are related to the cause or the solution of the problem. This notification is subject to review by the Administrator according to the provisions in Section 4.1.9.(6) [40 C.F.R. §63.306(d)(6)].

(4) The owner or operator shall submit a revised work practice plan within 60 days of notification from the Administrator under Section 4.1.9.(1) [40 C.F.R. §63.306(d)(1)], unless the Administrator grants an extension of time to submit the revised plan.

(5) If the Administrator requires a plan revision, the Administrator may require the plan to address a subject area or areas in addition to those in Section 4.1.9. [40 C.F.R. §63.306(d)], if the Administrator determines that without plan coverage of such an additional subject area, there is a reasonable probability of further exceedances of the visible emission limitation for the emission point for which a plan revision is required.

(6) The Administrator may disapprove a plan revision required under in Section 4.1.9. [40 C.F.R. §63.306(d)] if the Administrator determines that the revised plan is inadequate to prevent exceedances of the visible emission limitation under 40 C.F.R. Part 63 Subpart L for the emission point for which a plan revision is required or, in the case of a battery not subject to visual emission limitations under 40 C.F.R. Part 63 Subpart L, other federally enforceable emission limitations for such emission point. The Administrator may also disapprove the finding that may be submitted pursuant to in Section 4.1.9.(3) [40 C.F.R. §63.306(d)(3)] if the Administrator determines that a revised plan is needed to prevent exceedances of the applicable visible emission limitations.

[45CSR34, 40 C.F.R. §63.306(d)]

4.1.10. Coke oven emissions shall not be vented to the atmosphere through bypass/bleeder stacks, except through the flare system
[45CSR34, 40 C.F.R. §63.307(a)(2)]

4.1.11. Each flare (P008-1, P008-2, P008-3 and P008-4) installed pursuant to this section shall meet the following requirements:

(1) Each flare shall be designed for a net heating value of 8.9 MJ/scm (240 Btu/scf) if a flare is steam-assisted or air-assisted, or a net value of 7.45. MJ/scm (200 Btu/scf) if the flare is non-assisted.

(2) Each flare shall have either a continuously operable pilot flame or an electronic igniter that meets the requirements of Section 4.1.11(4) [40 C.F.R. §63.307(b)(4)].

(4) Each flare installed to meet the requirements of Section 4.1.11. [40 C.F.R. §63.307(b)] that does not have an electronic igniter shall be operated with a pilot flame present at all times as determined by Section 4.3.6.(2) [40 C.F.R. §63.309(h)(2)].

[45CSR34, 40 C.F.R. §63.307(b)]

4.1.12. Each flare installed to meet the requirements of Section 4.1.10. to 4.1.13. [40 C.F.R. §63.307] shall be operated with no visible emissions, as determined by the methods specified in Section 4.3.6.(1) [40 C.F.R. §63.309(h)(1)], except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
[45CSR34, 40 C.F.R. §63.307(c)]

4.1.13. Any emissions resulting from the installation of flares shall not be used in making new source review determinations under part C and part D of title I of the Clean Air Act.
[45CSR34, 40 C.F.R. §63.307(f)]

4.1.14. On and after November 15, 1993, the owner or operator of a by-product coke oven battery shall inspect the collecting main for leaks at least once daily according to the procedures in Method 303 in appendix A to 40 C.F.R Part 63.
[45CSR34, 40 C.F.R. §63.308(a)]

4.1.15. The owner or operator shall record the time and date a leak is first observed, the time and date the leak is temporarily sealed, and the time and date of repair.
[45CSR34, 40 C.F.R. §63.308(b)]

4.1.16. The owner or operator shall temporarily seal any leak in the collecting main as soon as possible after detection, but no later than 4 hours after detection of the leak.
[45CSR34, 40 C.F.R. §63.308(c)]

4.1.17. The owner or operator shall initiate a collecting main repair as expeditiously as possible, but no later than 5 calendar days after initial detection of the leak. The repair shall be completed within 15 calendar days after initial detection of the leak unless an alternative schedule is approved by the Administrator.
[45CSR34, 40 C.F.R. §63.308(d)]

4.1.18. At all times including periods of startup, shutdown, and malfunction, the owner or operator shall operate and maintain the coke oven battery and its pollution control equipment required under 40 C.F.R. Part 63 Subpart L, in a manner consistent with good air pollution control practices for minimizing emissions to the levels required by any applicable performance standards under 40 C.F.R. Part 63 Subpart L. Failure to adhere to the requirement of this paragraph shall not constitute a separate violation if a violation of an applicable performance or work practice standard has also occurred.
[45CSR34, 40 C.F.R. §63.310(a)]

4.1.19. Each owner or operator of a coke oven battery shall develop and implement according to Section 4.1.20. [40 C.F.R. §63.310(c)], a written startup, shutdown, and malfunction plan that describes procedures for operating the battery, including associated air pollution control equipment, during a period of a startup, shutdown, or malfunction in a manner consistent with good air pollution control practices for minimizing emissions, and procedures for correcting malfunctioning process and air pollution control equipment as quickly as practicable.
[45CSR34, 40 C.F.R. §63.310(b)]

4.1.20. Malfunctions shall be corrected as soon as practicable after their occurrence.
[45CSR34, 40 C.F.R. §63.310(c)]

4.1.21. In order for the provisions of Section 4.1.26. [40 C.F.R. §63.310(i)] to apply with respect to the observation (or set of observations) for a particular day, notification of a startup, shutdown, or a malfunction shall be made by the owner or operator:

(1) If practicable, to the certified observer if the observer is at the facility during the occurrence; or

(2) To the enforcement agency, in writing, within 24 hours of the occurrence first being documented by a company employee, and if the notification under Section 4.1.21(1) [40 C.F.R. §63.310(d)(1)] was not made, an explanation of why no such notification was made.

[45CSR34, 40 C.F.R. §63.310(d)]

4.1.22. Within 14 days of the notification made under Section 4.1.21. [40 C.F.R. §63.310(d)], or after a startup or shutdown, the owner or operator shall submit a written report to the applicable permitting authority that:

(1) Describes the time and circumstances of the startup, shutdown, or malfunction; and

(2) Describes actions taken that might be considered inconsistent with the startup, shutdown, or malfunction plan.

[45CSR34, 40 C.F.R. §63.310(e)]

4.1.23. The owner or operator shall maintain a record of internal reports which form the basis of each malfunction notification under Section 4.1.21. [40 C.F.R. §63.310(d)].
[45CSR34, 40 C.F.R. §63.310(f)]

4.1.24. To satisfy the requirements of Section 4.1.18. to 4.1.26. [40 C.F.R. §63.310] to develop a startup, shutdown, and malfunction plan, the owner or operator may use the standard operating procedures manual for the battery, provided the manual meets all the requirements for Section 4.1.18. to 4.1.26. [40 C.F.R. §63.310] and is made available for inspection at reasonable times when requested by the Administrator.
[45CSR34, 40 C.F.R. §63.310(g)]

4.1.25. The Administrator may require reasonable revisions to a startup, shutdown, and malfunction plan, if the Administrator finds that the plan:

(1) Does not address a startup, shutdown, or malfunction event that has occurred;

(2) Fails to provide for the operation of the source (including associated air pollution control equipment) during a startup, shutdown, or malfunction event in a manner consistent with good air pollution control practices for minimizing emissions; or

(3) Does not provide adequate procedures for correcting malfunctioning process and/or air pollution control equipment as quickly as practicable.

[45CSR34, 40 C.F.R. §63.310(h)]

4.1.26. If the owner or operator demonstrates to the satisfaction of the Administrator that a startup, shutdown, or malfunction has occurred, then an observation occurring during such startup, shutdown, or malfunction shall not:

(1) Constitute a violation of relevant requirements of 40 C.F.R. Part 63 Subpart L;

(2) Be used in any compliance determination under Section 4.3.1. through 4.3.7. [40 C.F.R. §63.309]; or

(3) Be considered for purposes of Section 4.1.6. through 4.1.9. [40 C.F.R. §63.306], until the Administrator has resolved the claim that a startup, shutdown, or malfunction has occurred. If the Administrator determines that a startup, shutdown, or malfunction has not occurred, such observations may be used for purposes of Section 4.1.6. through 4.1.9. [40 C.F.R. §63.306], regardless of whether the owner or operator further contests such determination. The owner's or operator's receipt of written notification from the Administrator that a startup, shutdown, or malfunction has not occurred will serve, where applicable under Section 4.1.6. through 4.1.9. [40 C.F.R. §63.306], as written notification from the certified observer that an exceedance has occurred.

[45CSR34, 40 C.F.R. §63.310(i)]

4.1.27. The owner or operator shall comply with all applicable State implementation plan emission limits and (subject to any expiration date) all federally enforceable emission limitations which are contained in an order, decree, permit, or settlement agreement for the control of emissions from offtake systems, topside port lids, coke oven doors, and charging operations in effect on September 15, 1992.
[45CSR34, 40 C.F.R. §63.312(a)]

4.1.28. Nothing in 40 C.F.R. Part 63 Subpart L shall affect the enforcement of such State implementation plan emission limitations (or, subject to any expiration date, such federally enforceable emission limitations contained in an order, decree, permit, or settlement agreement) in effect on September 15, 1992.
[45CSR34, 40 C.F.R. §63.312(b)]

4.1.29. Except as specified in Section 4.1.13. [40 C.F.R. §63.307(f)], nothing in 40 C.F.R. Part 63 Subpart L shall limit or affect any authority or obligation of Federal, State, or local agencies to establish emission limitations or other requirements more stringent than those specified in 40 C.F.R. Part 63 Subpart L.
[45CSR34, 40 C.F.R. §63.312(d)]

4.1.30. Except as provided in §63.302(c), section 112(g) of the Clean Act shall not apply to sources subject to 40 C.F.R. Part 63 Subpart L.
[45CSR34, 40 C.F.R. §63.312(e)]

4.1.31. (1) Existing By-Product Coke Production Facility(Batteries 1, 2, 3) -- No person shall cause, suffer, allow or permit the emission of smoke and/or particulate matter into the open air in excess of the following provisions from the operation of a by-product coke production facility in production on the effective date of 45CSR7 or a by-product coke production facility which is constructed as a replacement for a by-product coke production facility which shut down not more than three (3) years prior to the effective date of 45CSR7:

a. Charging emissions from charging of any four consecutive ovens shall not exceed an aggregate time of more than one hundred (100) seconds.

b. Pushing emissions from pushing shall be vented into air pollution control equipment. Particulate matter emissions discharged from this air pollution control equipment shall not exceed a mass particulate rate as determined by the following formula:

$$E=C^{.09}$$

Where E = particulate matter emissions rate in pounds per push and C = actual charge of coal in tons per oven.

1. The smoke and/or particulate matter emissions discharged from this air pollution control equipment and noncaptured pushing emissions shall not exceed twenty percent (20%) opacity.

c. Transport emissions from an open quench car shall not exceed ten percent (10%) opacity.

d. Coke side sheds and similar structures used to capture pushing emissions shall be designed and operated so as to prevent the escape of smoke and/or particulate matter from points other than the stack of the air pollution control equipment.

e. Coke oven topside emissions shall not exceed the following:

1. No more than two percent (2%) of the charging ports or charging port lids shall have smoke and/or particulate matter emissions excluding the last oven charged.

2. No more than ten percent (10%) of the off-take piping shall have smoke and/or particulate matter emissions.

3. No smoke and/or particulate matter emissions are permitted from the coke oven gas collector main or any other topside point except as provided by Sections 4.1.31.(1)e.1. or 4.1.31.(1)e.2. [45CSR§§7-3.3.e.1. or 7-3.3.e.2.].

f. No more than ten percent (10%) of the door areas of operating coke ovens shall have door area emissions, excluding the door areas representing the last oven charged.

g. Quench towers shall employ as a minimum good baffle design with make-up water from the receiving stream, except that the blowdown from scrubbers of a pushing emission control system, dedicated to a specific battery, may be used as make-up water for the quench tower of that battery. The makeup water administered in the quenching process (quench tower 1E) shall have a total dissolved solids concentration less than 800 milligrams per liter and total suspended solids concentration of less than 200 milligrams per liter. For batteries which this section applies the receiving stream shall be the Ohio River.
[45CSR§7.3.3.g., 45CSR13, R13-2772, 4.1.4.b.]

h. Smoke and/or particulate matter emissions from combustion stacks shall meet the requirements of Sections 3.1.9. and 3.1.10. [45CSR§§7-.3.1. and 7- 3.2.] and shall not exceed a concentration of 0.040 grains per dry standard cubic foot.

i. Good operating practices must be maintained to prevent the atmospheric entrainment of particulate matter resulting from the spillage or other deposition of coal and/or coke.

[45CSR§7-3.3.]

(2) New By-Product Coke Production Facility--No person shall cause, suffer, allow or permit the emission of smoke and/or particulate matter into the open air in excess of the following provisions from the operation of a new by-product coke production facility, other than a replacement by-product coke production facility that is constructed as per the provisions of subsection 3.3, that begins production after July 1, 1970:

a. Charging emissions from the charging of any four (4) consecutive ovens shall not exceed an aggregate time of more than sixty (60) seconds.

b. Pushing emissions from pushing shall be vented into air pollution control equipment. The particulate matter emissions discharged from this air pollution control equipment shall not exceed a mass emission rate of 0.04 lb/ton of coal charged. The smoke and/or particulate matter emissions discharged from this air pollution control equipment and non-captured pushing emissions shall not exceed twenty percent (20%) opacity.

c. Transport emissions from an enclosed quench car shall not exceed twenty percent (20%) opacity. Transport emissions from an open quench car shall not exceed ten percent (10%) opacity.

d. Coke side sheds and similar structures used to capture pushing and/or quenching emissions shall be designed and operated so as to prevent the escape of smoke and/or particulate matter emissions from points other than the stack of the air pollution control equipment.

e. Coke oven topside emissions shall not exceed the following:

1. No more than two percent (2%) of the charging ports or charging port lids shall have smoke and/or particulate matter emissions excluding the last oven charged.

2. No more than five percent (5%) of the offtake piping shall have smoke and/or particulate matter emissions.

3 No smoke and/or particulate matter emissions are permitted from the coke oven gas collector main or any other topside point, except as provided by 4.1.31.(2)e.1. or 4.1.31.(2)e.2. [45CSR§§7-3.4.e.1. or 7-3.4.e.2.].

f. No more than eight percent (8%) of the door areas of operating coke ovens shall have door area emissions, excluding the door areas representing the last oven charged. Any battery affected by 45CSR§7-3.4 shall be constructed in a manner that will allow for the retrofitting of the battery with hooding to capture door emissions and air pollution control equipment designed to at least a ninety percent (90%) particulate control efficiency.

g. Quench towers shall employ, as a minimum, multiple row baffles and use make-up water with a concentration less than eight hundred (800) milligrams per liter of total dissolved solids and a concentration of less than one hundred (100) milligrams per liter of total suspended solids.
[45 CSR§76-3.4g, 45CSR13, R13-2591, 4.1.11.c.]

h. Smoke and/or particulate matter emissions from combustion stacks shall meet the requirements of 45CSR§§7-3.1 and 3.2 and shall not exceed a grain loading of 0.025 grains per dry standard cubic foot.

i. Good operating practices must be maintained to prevent the atmospheric entrainment of particulate matter resulting from the spillage or other deposition of coal/coke.

[45CSR§7-3.4]

4.1.32. Sulfur dioxide emissions from pushing at Coke Oven Batteries #1, #2 and #3 shall not exceed 10.48 pounds per hour.
[45CSR13, R13-1939, 4.1.23. ~~A.23., B.1.~~]

4.1.33. Sulfur dioxide emissions from pushing at Coke Oven Battery #8 shall not exceed 15.72 pounds per hour.
[45CSR13, R13-1939, 4.1.24. ~~A.24., B.1.~~]

4.1.34. Compliance with the allowable emission limits stated in Sections 4.1.32. and 4.1.33. shall be calculated using an emission factor of 0.1078 pounds per tons of coal charged and multiplied by the hourly average tons of coal charged to the batteries each month.
[45CSR13, R13-1939, 4.1.25. ~~A.25., B.1.~~]

4.1.35. The permitted pushing, quenching, and battery stacks operations (Batteries 1, 2, 3, and 8) shall comply with the following applicable requirements of 40 C.F.R. Part 63 Subpart CCCCC - *National Emissions Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks*, with the exception of any more stringent limitations set forth in this permit.

4.1.35.1. 40 C.F.R. §63.7290 What emission limitations must I meet for capture systems and control devices applied to pushing emissions?

(a) You must not discharge to the atmosphere emissions of particulate matter from a control device applied to pushing emissions from a new or existing coke oven battery that exceed the applicable limit in 40 C.F.R. §63.7290(a)(1) through (2):

(1) 0.01 grain per dry standard cubic foot (gr/dscf) if a cokeside shed is used to capture emissions *(C01 only);*

(2) 0.02 pound per ton (lb/ton) of coke if a moveable hood vented to a stationary control device is used to capture emissions *(C02 only)*;

(b) You must meet each operating limit in 40 C.F.R. §63.7290(b)(1) and (3) that applies to you for a new or existing coke oven battery.

(1) For each venturi scrubber applied to pushing emissions, you must maintain the daily average pressure drop and scrubber water flow rate at or above the minimum levels established during the initial performance test [*See "Note" in 4.1.35.8. for values*]. *(C02 only).*

(3) For each capture system applied to pushing emissions, you must maintain the daily average volumetric flow rate at the inlet of the control device at or above the minimum level established during the initial performance test; or

(i) For each capture system that uses an electric motor to drive the fan, you must maintain the daily average fan motor amperes at or above the minimum level established during the initial performance test [*See "Note" in 4.1.35.8. for values*].

4.1.35.2. 40 C.F.R. §63.7291 What work practice standards must I meet for fugitive pushing emissions if I have a by-product coke oven battery with vertical flues?

(a) You must meet each requirement in 40 C.F.R. §63.7291(a)(1) through (7) for each new or existing by-product coke oven battery with vertical flues (Batteries 1, 2, 3, and 8).

(1) Observe and record the opacity of fugitive pushing emissions from each oven at least once every 90 days. If an oven cannot be observed during a 90-day period due to circumstances that were not reasonably avoidable, you must observe the opacity of the first push of that oven following the close of the 90-day period that is capable of being observed in accordance with the procedures in 40 C.F.R. §63.7334(a), and you must document why the oven was not observed within a 90-day period. All opacity observations of fugitive pushing emissions for batteries with vertical flues must be made using the procedures in 40 C.F.R. §63.7334(a).

(3) Observe and record the opacity of fugitive pushing emissions for at least four consecutive pushes per battery each day. Exclude any push during which the observer's view is obstructed or obscured by interferences and observe the next available push to complete the set of four pushes. If necessary due to circumstances that were not reasonably avoidable, you may observe fewer than four consecutive pushes in a day; however, you must observe and record as many consecutive pushes as possible and document why four consecutive pushes could not be observed. You may observe and record one or more non-consecutive pushes in addition to any consecutive pushes observed in a day.

(4) Do not alter the pushing schedule to change the sequence of consecutive pushes to be observed on any day. Keep records indicating the legitimate operational reason for any change in your pushing schedule which results in a change in the sequence of consecutive pushes observed on any day.

(5) If the average opacity for any individual push exceeds 30 percent opacity for any short battery (i.e., < 5m, Batteries 1, 2, 3) or 35 percent opacity for any tall battery (i.e., ≥5m, Battery 8), you must take corrective action and/or increase coking time for that oven. You must complete corrective action or increase coking time within either 10 calendar days or the number of days determined using Equation 1 of this section, whichever is greater:

$$\mathbf{X = 0.55 * Y} \quad \text{(Eq. 1)}$$

Where:

X = Number of calendar days allowed to complete corrective action or increase coking time; and
Y = Current coking time for the oven, hours.

For the purpose of determining the number of calendar days allowed under Equation 1 of this section, day one is the first day following the day you observed an opacity in excess of 30 percent for any short battery or 35 percent for any tall battery. Any fraction

produced by Equation 1 of this section must be counted as a whole day. Days during which the oven is removed from service are not included in the number of days allowed to complete corrective action.

(6) (i) You must demonstrate that the corrective action and/or increased coking time was successful. After a period of time no longer than the number of days allowed in 40 C.F.R. §63.7291(a)(5), observe and record the opacity of the first two pushes for the oven capable of being observed using the procedures in 40 C.F.R. §63.7334(a). The corrective action and/or increased coking time was successful if the average opacity for each of the two pushes is 30 percent or less for a short battery or 35 percent or less for a tall battery. If the corrective action and/or increased coking time was successful, you may return the oven to the 90-day reading rotation described in 40 C.F.R. §63.7291(a)(1). If the average opacity of either push exceeds 30 percent for a short battery or 35 percent for a tall battery, the corrective action and/or increased coking time was unsuccessful, and you must complete additional corrective action and/or increase coking time for that oven within the number of days allowed in 40 C.F.R. §63.7291(a)(5).

(ii) After implementing any additional corrective action and/or increased coking time required under 40 C.F.R. §63.7291(a)(6)(i) or (a)(7)(ii), you must demonstrate that corrective action and/or increased coking time was successful. After a period of time no longer than the number of days allowed in 40 C.F.R. §63.7291(a)(5), you must observe and record the opacity of the first two pushes for the oven capable of being observed using the procedures in 40 C.F.R. §63.7334(a). The corrective action and/or increased coking time was successful if the average opacity for each of the two pushes is 30 percent or less for a short battery or 35 percent or less for a tall battery. If the corrective action and/or increased coking time was successful, you may return the oven to the 90-day reading rotation described in 40 C.F.R. §63.7291(a)(1). If the average opacity of either push exceeds 30 percent for a short battery or 35 percent for a tall battery, the corrective action and/or increased coking time was unsuccessful, and you must follow the procedures in 40 C.F.R. §63.7291(a)(6)(iii).

(iii) If the corrective action and/or increased coking time was unsuccessful as described in 40 C.F.R. §63.7291(a)(6)(ii), you must repeat the procedures in 40 C.F.R. §63.7291(a)(6)(ii) until the corrective action and/or increased coking time is successful. You must report to the permitting authority as a deviation each unsuccessful attempt at corrective action and/or increased coking time under 40 C.F.R. §63.7291(a)(6)(ii).

(7) (i) If at any time you place an oven on increased coking time as a result of fugitive pushing emissions that exceed 30 percent for a short battery or 35 percent for a tall battery, you must keep the oven on the increased coking time until the oven qualifies for decreased coking time using the procedures in 40 C.F.R. §63.7291(a)(7)(ii) or (a)(7)(iii).

(ii) To qualify for a decreased coking time for an oven placed on increased coking time in accordance with 40 C.F.R. §63.7291(a)(5) or (6), you must operate the oven on the decreased coking time. After no more than two coking cycles on the decreased coking time, you must observe and record the opacity of the first two pushes that are capable of being observed using the procedures in 40 C.F.R. §63.7334(a). If the average opacity for each of the two pushes is 30 percent or less for a short battery or 35 percent or less for a tall battery, you may keep the oven on the decreased coking time and return the oven to

the 90-day reading rotation described in 40 C.F.R. §63.7291(a)(1). If the average opacity of either push exceeds 30 percent for a short battery or 35 percent for a tall battery, the attempt to qualify for a decreased coking time was unsuccessful. You must then return the oven to the previously established increased coking time, or implement other corrective action(s) and/or increased coking time. If you implement other corrective action and/or a coking time that is shorter than the previously established increased coking time, you must follow the procedures in 40 C.F.R. §63.7291(a)(6)(ii) to confirm that the corrective action(s) and/or increased coking time was successful.

(iii) If the attempt to qualify for decreased coking time was unsuccessful as described in 40 C.F.R. §63.7291(a)(7)(ii), you may again attempt to qualify for decreased coking time for the oven. To do this, you must operate the oven on the decreased coking time. After no more than two coking cycles on the decreased coking time, you must observe and record the opacity of the first two pushes that are capable of being observed using the procedures in 40 C.F.R. §63.7334(a). If the average opacity for each of the two pushes is 30 percent or less for a short battery or 35 percent or less for a tall battery, you may keep the oven on the decreased coking time and return the oven to the 90-day reading rotation described in 40 C.F.R. §63.7291(a)(1). If the average opacity of either push exceeds 30 percent for a short battery or 35 percent for a tall battery, the attempt to qualify for a decreased coking time was unsuccessful. You must then return the oven to the previously established increased coking time, or implement other corrective action(s) and/or increased coking time. If you implement other corrective action and/or a coking time that is shorter than the previously established increased coking time, you must follow the procedures in 40 C.F.R. §63.7291(a)(6)(ii) to confirm that the corrective action(s) and/or increased coking time was successful.

(iv) You must report to the permitting authority as a deviation the second and any subsequent consecutive unsuccessful attempts on the same oven to qualify for decreased coking time as described in 40 C.F.R. §63.7291(a)(7)(iii).

(b) As provided in 40 C.F.R. §63.6(g), you may request to use an alternative to the work practice standards in 40 C.F.R. §63.7291(a).

4.1.35.3. 40 C.F.R. §63.7294 What work practice standard must I meet for soaking?

(a) For each new and existing by-product coke oven battery, you must prepare and operate at all times according to a written work practice plan for soaking. Each plan must include measures and procedures to:

(1) Train topside workers to identify soaking emissions that require corrective actions.

(2) Damper the oven off the collecting main prior to opening the standpipe cap.

(3) Determine the cause of soaking emissions that do not ignite automatically, including emissions that result from raw coke oven gas leaking from the collecting main through the damper, and emissions that result from incomplete coking.

(4) If soaking emissions are caused by leaks from the collecting main, take corrective actions to eliminate the soaking emissions. Corrective actions may include, but are not limited to,

reseating the damper, cleaning the flushing liquor piping, using aspiration, putting the oven back on the collecting main, or igniting the emissions.

(5) If soaking emissions are not caused by leaks from the collecting main, notify a designated responsible party. The responsible party must determine whether the soaking emissions are due to incomplete coking. If incomplete coking is the cause of the soaking emissions, you must put the oven back on the collecting main until it is completely coked or you must ignite the emissions.

(b) As provided in 40 C.F.R. §63.6(g), you may request to use an alternative to the work practice standard in 40 C.F.R. §63.7294(a).

4.1.35.4. 40 C.F.R. §63.7295 What requirements must I meet for quenching?

(a) You must meet the requirements in 40 C.F.R. §§63.7295(a)(1) and (2) for each quench tower and backup quench station at a new or existing coke oven battery.

(1) For the quenching of hot coke, you must meet the requirements in 40 C.F.R. **§6**3.7295(a)(1)(i) or (ii).

(i) The concentration of total dissolved solids (TDS) in the water used for quenching must not exceed 1,100 milligrams per liter (mg/L); or
[45CSR13, R13-2772, 4.1.4.c]

(ii) The sum of the concentrations of benzene, benzo(a)pyrene, and naphthalene in the water used for quenching must not exceed the applicable site-specific limit approved by the permitting authority. (*Note: The facility opts to utilize the concentration of TDS above.*)

(2) You must use acceptable makeup water, as defined in 40 C.F.R. §63.7352, as makeup water for quenching.

The facility shall provide makeup water from MACT acceptable sources as defined by 40 C.F.R. §63.7352. *Acceptable makeup water* means surface water from a river, lake, or stream; water meeting drinking water standards; storm water runoff and production area clean up water except for water from the by-product recovery plant area; process wastewater treated to meet effluent limitations guidelines in 40 C.F.R. Part 420; water from any of these sources that has been used only for non-contact cooling or in water seals; or water from scrubbers used to control pushing emissions.
[45CSR34, 40 C.F.R. §63.7295(a)(2), 45CSR13, R13-2772, 4.1.4.a., R13-2591 4.1.11.b.]

(b) For each quench tower at a new or existing coke oven battery and each backup quench station at a new coke oven battery, you must meet each of the requirements in 40 C.F.R. §§63.7295(b)(1) through (4).

(1) You must equip and maintain each quench tower with baffles (Mist Suppressor Panels) such that no more than 5 percent of the cross sectional area of the tower may be uncovered or open to the sky.
[45CSR13, R13-2772, 4.1.4.d]

(2) You must wash the baffles in each quench tower once each day that the tower is used to quench coke, except as specified in 40 C.F.R. §§63.7295(b)(2)(i) and (ii).

(i) You are not required to wash the baffles in a quench tower if the highest measured ambient temperature remains less than 30 degrees Fahrenheit throughout that day (24-hour period). If the measured ambient temperature rises to 30 degrees Fahrenheit or more during the day, you must resume daily washing according to the schedule in your operation and maintenance plan.

[45CSR13, R13-2772, 4.1.4.e]

(ii) You must continuously record the ambient temperature on days that the baffles were not washed.

(3) You must inspect each quench tower monthly for damaged or missing baffles and blockage.

(4) You must initiate repair or replacement of damaged or missing baffles within 30 days and complete as soon as practicable.

(c) As provided in 40 C.F.R. §63.6(g), you may request to use an alternative to the work practice standards in 40 C.F.R. §63.7295(b).

4.1.35.5. 40 C.F.R. §63.7296 What emission limitations must I meet for battery stacks?

You must not discharge to the atmosphere any emissions from any battery stack at a new or existing by-product coke oven battery that exhibit an opacity greater than the applicable limit in 40 C.F.R. §63.7296(a) and (b).

(a) Daily average of 15 percent opacity for a battery on a normal coking cycle.

(b) Daily average of 20 percent opacity for a battery on batterywide extended coking.

4.1.35.6. 40 C.F.R. §63.7300 What are my operation and maintenance requirements?

(a) As required by 40 C.F.R. §63.6(e)(1)(i), you must always operate and maintain your affected source, including air pollution control and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing emissions at least to the levels required by 40 C.F.R. Part 63 Subpart CCCCC.

(b) You must prepare and operate at all times according to a written operation and maintenance plan for the general operation and maintenance of new or existing by-product coke oven batteries. Each plan must address, at a minimum, the elements listed in 40 C.F.R. §63.7300(b)(1) through (6).

(1) Frequency and method of recording underfiring gas parameters.

(2) Frequency and method of recording battery operating temperature, including measurement of individual flue and cross-wall temperatures.

(3) Procedures to prevent pushing an oven before it is fully coked.

(4) Procedures to prevent overcharging and undercharging of ovens, including measurement of coal moisture, coal bulk density, and procedures for determining volume of coal charged.

(5) Frequency and procedures for inspecting flues, burners, and nozzles.

(6) Schedule and procedures for the daily washing of baffles.

(c) You must prepare and operate at all times according to a written operation and maintenance plan for each capture system and control device applied to pushing emissions from a new or existing coke oven battery. Each plan must address at a minimum the elements in 40 C.F.R. §63.7300(c)(1) through (3).

(1) Monthly inspections of the equipment that are important to the performance of the total capture system (*e.g.*, pressure sensors, dampers, and damper switches). This inspection must include observations of the physical appearance of the equipment (*e.g.*, presence of holes in ductwork or hoods, flow constrictions caused by dents or accumulated dust in ductwork, and fan erosion). In the event a defect or deficiency is found in the capture system (during a monthly inspection or between inspections), you must complete repairs within 30 days after the date that the defect or deficiency is discovered. If you determine that the repairs cannot be completed within 30 days, you must submit a written request for an extension of time to complete the repairs that must be received by the permitting authority not more than 20 days after the date that the defect or deficiency is discovered. The request must contain a description of the defect or deficiency, the steps needed and taken to correct the problem, the interim steps being taken to mitigate the emissions impact of the defect or deficiency, and a proposed schedule for completing the repairs. The request shall be deemed approved unless and until such time as the permitting authority notifies you that it objects to the request. The permitting authority may consider all relevant factors in deciding whether to approve or deny the request (including feasibility and safety). Each approved schedule must provide for completion of repairs as expeditiously as practicable, and the permitting authority may request modifications to the proposed schedule as part of the approval process.

(2) Preventative maintenance for each control device, including a preventative maintenance schedule that is consistent with the manufacturer's instructions for routine and long-term maintenance.

(3) Corrective action for all baghouses applied to pushing emissions. In the event a bag leak detection system alarm is triggered, you must initiate corrective action to determine the cause of the alarm within 1 hour of the alarm, initiate corrective action to correct the cause of the problem within 24 hours of the alarm, and complete the corrective action as soon as practicable. Actions may include, but are not limited to:

(i) Inspecting the baghouse for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in emissions.

(ii) Sealing off defective bags or filter media.

(iii) Replacing defective bags or filter media or otherwise repairing the control device.

(iv) Sealing off a defective baghouse compartment.

(v) Cleaning the bag leak detection system probe, or otherwise repairing the bag leak detection system.

(vi) Shutting down the process producing the particulate emissions.

4.1.35.7. 40 C.F.R. §63.7310 What are my general requirements for complying with 40 C.F.R. Part 63 Subpart CCCCC?

(a) You must be in compliance with the emission limitations, work practice standards, and operation and maintenance requirements in this subpart at all times, except during periods of startup, shutdown, and malfunction as defined in 40 C.F.R. §63.2.

(b) During the period between the compliance date specified for your affected source in 40 C.F.R. §63.7283 and the date upon which continuous monitoring systems have been installed and certified and any applicable operating limits have been set, you must maintain a log detailing the operation and maintenance of the process and emissions control equipment.

(c) You must develop a written startup, shutdown, and malfunction plan according to the provisions in 40 C.F.R. §63.6(e)(3).

4.1.35.8. 40 C.F.R. §63.7323 What procedures must I use to establish operating limits?

(a) For a venturi scrubber applied to pushing emissions from a coke oven battery, you must establish site-specific operating limits for pressure drop and scrubber water flow rate according to the procedures in 40 C.F.R. §63.7323(a)(1) and (2) *(C02 only)*.

(1) Using the continuous parameter monitoring systems (CPMS) required in 40 C.F.R. §63.7330(b), measure and record the pressure drop and scrubber water flow rate for each particulate matter test run during periods of pushing. A minimum of one pressure drop measurement and one scrubber water flow rate measurement must be obtained for each push.

(2) Compute and record the average pressure drop and scrubber water flow rate for each test run. Your operating limits are the lowest average pressure drop and scrubber water flow rate values recorded during any of the three runs that meet the applicable emission limit.

(c) For a capture system applied to pushing emissions from a coke oven battery, you must establish a site-specific operating limit according to the procedures in 40 C.F.R. §63.7323(c)(1), (2), or (3) *(C01 only)*.

(1) If you elect the operating limit in 40 C.F.R. §63.7290(b)(3) for volumetric flow rate, measure and record the total volumetric flow rate at the inlet of the control device during each push sampled for each particulate matter test run. Your operating limit is the lowest volumetric flow rate recorded during any of the three runs that meet the emission limit.

(2) If you elect the operating limit in 40 C.F.R. §63.7290(b)(3)(i) for fan motor amperes, measure and record the fan motor amperes during each push sampled for each particulate matter test

run. Your operating limit is the lowest fan motor amperes recorded during any of the three runs that meet the emission limit.

(3) If you elect the operating limit in 40 C.F.R. §63.7290(b)(3)(ii) for static pressure or fan RPM, measure and record the static pressure at the inlet of the control device or fan RPM during each push sampled for each particulate matter test run. Your operating limit for static pressure is the minimum vacuum recorded during any of the three runs that meets the emission limit. Your operating limit for fan RPM is the lowest fan RPM recorded during any of the three runs that meets the emission limit.

(e) You may change the operating limit for a venturi scrubber, capture system, or mobile control device that captures emissions during pushing if you meet the requirements in 40 C.F.R. §63.7323(e)(1) through (3).

(1) Submit a written notification to the Administrator of your request to conduct a new performance test to revise the operating limit.

(2) Conduct a performance test to demonstrate that emissions of particulate matter from the control device do not exceed the applicable limit in 40 C.F.R. §63.7290(a).

(3) Establish revised operating limits according to the applicable procedures in 40 C.F.R. §63.7323(a) and (c).

*Note: Based on the test conducted December 2014: fan motor amperage is 158, pressure drop is 18 inches of water, and water flow is 837 gallons per minute***.**

[45CSR13, R13-2591, 4.1.10., 45CSR34, 40 C.F.R. Part 63 Subpart CCCCC]

4.1.36. The following operating limits and conditions are specific to the operation of the South Quench Tower (Source P004-6) and the backup North Quench Tower (Source P004-7) employed by Battery No. 8:

(1) Coke product from Battery No. 8 shall be charged to the South Quench Tower or the backup North Quench Tower. Coke product shall never be charged to both quench towers simultaneously.

(2) Reserved.

(3) Reserved

(4) Product charged to the quench towers shall not exceed a maximum hourly rate of 175 tons per hour, or a total combined maximum annual rate of 1,238,376 tons per year.

(5) The total combined emissions vented though Emission Point Stack 08a and Stack 08b shall be limited to the pollutants and associated emission rates shown in the following table:

Pollutant	**Emissions Limits [2]**	
	Hourly (lbs/hr)	**Annual[1] (tons/yr)**
PM	94.5	334.4
PM_{10}	9.3	32.8

Pollutant	Emissions Limits [2]	
	Hourly (lbs/hr)	**Annual[1] (tons/yr)**
Benzo(a)Pyrene	0.03	0.1
Naphthalene	0.03	0.1
Benzene	0.02	0.05
Lead	0.01	0.003

1- Annual emissions are based on a maximum permitted throughput of 1,238,376 tons per year.
2- All emission rates based on AP-42 emission standards.

[45CSR13, R13-2591, 4.1.11.]

4.1.37. Compliance with all annual limits set forth in Section 4.1.38. shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the measured operating parameter at any given time during the previous twelve (12) consecutive calendar months.
[45CSR13, R13-2772, 4.1.3.]

4.1.38. The total combined emissions vented though Emission Point 1E shall be limited to the pollutants and associated emission rates shown in the following Table 4.1.1.:

Table 4.1.1.

Pollutant	Emissions Limits	
	Hourly (lbs/hr)	**Annual** (tons/yr)
PM	36.8	161.0
PM10	3.6	15.8
$PM_{2.5}$	2.2	9.8
Lead	0.0004	0.002

1- All PM emission rates based on AP-42 Emission Factors (Table 12.2-12, 5/2008).

[45CSR13, R13-2772, 4.1.1.]

4.1.39. Compliance with the emission limitations of 4.1.38. shall be met by limiting the combined amount of coal charged into Batteries 1, 2, and 3 to 97.2. tons per hour and 851,000 tons per year.
[45CSR13, R13-2772, 4.1.2., (1E)]

4.1.40. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate the quench tower baffles for Batteries 1, 2, and 3 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, R13-2772, 4.1.5., (1E)]

4.1.41. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-2772 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[45CSR13, R13-2772, 2.5.1., (1E)]

4.2. Monitoring Requirements

4.2.1. See Section 3.2

4.2.2. For the purpose of determining compliance with the baffle washing requirements set forth in Section 4.1.35.4., the baffles must be washed once each day that the tower is employed in the coke quenching operation, except during periods when the ambient temperature remains less than 30 degrees Fahrenheit throughout that day (24-hour period). During days that the baffles are not washed, the permittee shall conduct continuous monitoring of the ambient temperature.
[45CSR13, R13-2591, 4.2.4.]

4.2.3. For the purpose of determining compliance with the throughput limits set forth in Section 4.1.36.(4), the permittee shall monitor the maximum averaged hourly and total annual coke product through the quench towers.
[45CSR13, R13-2591, 4.2.5.]

4.2.4. The permitted pushing, quenching, and battery stacks operations (Batteries 1, 2, 3 and 8) shall comply with the following monitoring requirements of 40 C.F.R. Part 63 Subpart CCCCC - *National Emissions Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks*, with the exception of any more stringent limitations set forth in this permit.

1. 40 C.F.R. §63.7330 What are my monitoring requirements?

(a) For each baghouse applied to pushing emissions from a coke oven battery, you must at all times monitor the relative change in particulate matter loadings using a bag leak detection system according to the requirements in 40 C.F.R. §63.7331(a) and conduct inspections at their specified frequency according to the requirements in 40 C.F.R. §§63.7330(a)(1) through (8). *(C01 only)*.

(1) Monitor the pressure drop across each baghouse cell each day to ensure pressure drop is within the normal operating range identified in the manual;

(2) Confirm that dust is being removed from hoppers through weekly visual inspections or equivalent means of ensuring the proper functioning of removal mechanisms;

(3) Check the compressed air supply for pulse-jet baghouses each day;

(4) Monitor cleaning cycles to ensure proper operation using an appropriate methodology;

(5) Check bag cleaning mechanisms for proper functioning through monthly visual inspection or equivalent means;

(6) Make monthly visual checks of bag tension on reverse air and shaker-type baghouses to ensure that bags are not kinked (kneed or bent) or laying on their sides. You do not have to make this check for shaker-type baghouses using self-tensioning (spring-loaded) devices;

(7) Confirm the physical integrity of the baghouse through quarterly visual inspections of the baghouse interior for air leaks; and

(8) Inspect fans for wear, material buildup, and corrosion through quarterly visual inspections, vibration detectors, or equivalent means.

(b) For each venturi scrubber applied to pushing emissions, you must at all times monitor the pressure drop and water flow rate using a CPMS according to the requirements in 40 C.F.R. §63.7331(e) *(C02 only)*.

(d) For each capture system applied to pushing emissions, you must at all times monitor the volumetric flow rate according to the requirements in 40 C.F.R. §63.7331(g), the fan motor amperes according to the requirements in 40 C.F.R. §63.7331(h), or the static pressure or the fan RPM according to the requirements in 40 C.F.R. §63.7331(i).

(e) For each by-product coke oven battery, you must monitor at all times the opacity of emissions exiting each stack using a COMS according to the requirements in 40 C.F.R. §63.7331(j).

2. 40 C.F.R. §63.7331 What are the installation, operation, and maintenance requirements for my monitors?

(a) For each baghouse applied to pushing emissions, you must install, operate, and maintain each bag leak detection system according to the requirements in 40 C.F.R. §63.7331(a)(1) through (7) *(C01 only)*.

(1) The system must be certified by the manufacturer to be capable of detecting emissions of particulate matter at concentrations of 10 milligrams per actual cubic meter (0.0044 grains per actual cubic foot) or less;

(2) The system must provide output of relative changes in particulate matter loadings;

(3) The system must be equipped with an alarm that will sound when an increase in relative particulate loadings is detected over a preset level. The alarm must be located such that it can be heard by the appropriate plant personnel;

(4) Each system that works based on the triboelectric effect must be installed, operated, and maintained in a manner consistent with the guidance document, “Fabric Filter Bag Leak Detection Guidance” (EPA–454/R–98–015, September 1997). You may install, operate, and maintain other types of bag leak detection systems in a manner consistent with the manufacturer's written specifications and recommendations;

(5) To make the initial adjustment of the system, establish the baseline output by adjusting the sensitivity (range) and the averaging period of the device. Then, establish the alarm set points and the alarm delay time;

(6) Following the initial adjustment, do not adjust the sensitivity or range, averaging period, alarm set points, or alarm delay time, except as detailed in your operation and maintenance plan. Do not increase the sensitivity by more than 100 percent or decrease the sensitivity by more than 50 percent over a 365-day period unless a responsible official certifies, in writing, that the baghouse has been inspected and found to be in good operating condition; and

(7) Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

(b) For each CPMS required in 40 C.F.R. §63.7330, you must develop and make available for inspection upon request by the permitting authority a site-specific monitoring plan that addresses the requirements in 40 C.F.R. §63.7331(b)(1) through (6) *(C02 only)*.

(1) Installation of the CPMS sampling probe or other interface at a measurement location relative to each affected process unit such that the measurement is representative of control of the exhaust emissions (e.g., on or downstream of the last control device);

(2) Performance and equipment specifications for the sample interface, the parametric signal analyzer, and the data collection and reduction system;

(3) Performance evaluation procedures and acceptance criteria (e.g., calibrations);

(4) Ongoing operation and maintenance procedures in accordance with the general requirements of 40 C.F.R. §§63.8(c)(1), (3), (4)(ii), (7), and (8);

(5) Ongoing data quality assurance procedures in accordance with the general requirements of 40 C.F.R. §63.8(d); and

(6) Ongoing recordkeeping and reporting procedures in accordance the general requirements of 40 C.F.R. §§63.10(c), (e)(1), and (e)(2)(i).

(c) You must conduct a performance evaluation of each CPMS in accordance with your site-specific monitoring plan *(C02 only)*.

(d) You must operate and maintain the CPMS in continuous operation according to the site-specific monitoring plan *(C02 only)*.

(e) For each venturi scrubber applied to pushing emissions, you must install, operate, and maintain CPMS to measure and record the pressure drop across the scrubber and scrubber water flow rate during each push according to the requirements in 40 C.F.R. §§63.7331(b) through (d) except as specified in 40 C.F.R. §63.7331(e)(1) through (3) *(C02 only)*.

(1) Each CPMS must complete a measurement at least once per push;

(2) Each CPMS must produce valid data for all pushes; and

(3) Each CPMS must determine and record the daily (24-hour) average of all recorded readings.

(g) If you elect the operating limit in 40 C.F.R. §63.7290(b)(3) for a capture system applied to pushing emissions, you must install, operate, and maintain a device to measure the total volumetric flow rate at the inlet of the control device.

(h) If you elect the operating limit in 40 C.F.R. §63.7290(b)(3)(i) for a capture system applied to pushing emissions, you must install, operate, and maintain a device to measure the fan motor amperes.

(i) If you elect the operating limit in 40 C.F.R. §63.7290(b)(3)(ii) for a capture system applied to pushing emissions, you must install, operate and maintain a device to measure static pressure at the inlet of the control device or the fan RPM.

(j) For each by-product coke oven battery, you must install, operate, and maintain a COMS to measure and record the opacity of emissions exiting each stack according to the requirements in 40 C.F.R. §63.7331(j)(1) through (5).

(1) You must install, operate, and maintain each COMS according to the requirements in 40 C.F.R. §63.8(e) and Performance Specification 1 in 40 C.F.R. Part 60 Appendix B. Identify periods the COMS is out-of-control, including any periods that the COMS fails to pass a daily calibration drift assessment, quarterly performance audit, or annual zero alignment audit.

(2) You must conduct a performance evaluation of each COMS according to the requirements in 40 C.F.R. §63.8 and Performance Specification 1 in appendix B to 40 C.F.R. Part 60;

(3) You must develop and implement a quality control program for operating and maintaining each COMS according to the requirements in 40 C.F.R. §63.8(d). At minimum, the quality control program must include a daily calibration drift assessment, quarterly performance audit, and an annual zero alignment audit of each COMS;

(4) Each COMS must complete a minimum of one cycle of sampling and analyzing for each successive 10-second period and one cycle of data recording for each successive 6-minute period. You must reduce the COMS data as specified in 40 C.F.R. §63.8(g)(2).

(5) You must determine and record the hourly and daily (24-hour) average opacity according to the procedures in 40 C.F.R. §63.7324(b) using all the 6-minute averages collected for periods during which the COMS is not out-of-control.

3. 40 C.F.R §63.7332 How do I monitor and collect data to demonstrate continuous compliance?

(a) Except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including as applicable, calibration checks and required zero and span adjustments), you must monitor continuously (or collect data at all required intervals) at all times the affected source is operating.

(b) You may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels, or in fulfilling a minimum data availability requirement, if applicable. You must use all the data collected during all other periods in assessing compliance. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitor to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

4. 40 C.F.R. §63.7333 How do I demonstrate continuous compliance with the emission limitations that apply to me?

(a) For each control device applied to pushing emissions and subject to the emission limit in 40 C.F.R. §63.7290(a), you must demonstrate continuous compliance by meeting the requirements in 40 C.F.R. §§63.7333(a)(1) and (2):

(1) Maintaining emissions of particulate matter at or below the applicable limits in 40 C.F.R. §§63.7290(a)(1) through (4); and

(2) Conducting subsequent performance tests to demonstrate continuous compliance no less frequently than twice during each term of your title V operating permit (at mid-term and renewal).

(b) For each venturi scrubber applied to pushing emissions and subject to the operating limits in 40 C.F.R. §63.7290(b)(1), you must demonstrate continuous compliance by meeting the requirements in 40 C.F.R. §63.7333(b)(1) through (3) *(C02 only)*.

(1) Maintaining the daily average pressure drop and scrubber water flow rate at levels no lower than those established during the initial or subsequent performance test. [*See "Note" in 4.1.35.8. for values*]

(2) Operating and maintaining each CPMS according to 40 C.F.R. §63.7331(b) and recording all information needed to document conformance with these requirements.

(3) Collecting and reducing monitoring data for pressure drop and scrubber water flow rate according to 40 C.F.R. §63.7331(e)(1) through (3).

(d) For each capture system applied to pushing emissions and subject to the operating limit in 40 C.F.R. §63.7290(b)(3), you must demonstrate continuous compliance by meeting the requirements in 40 C.F.R. §63.7333(d)(1), (2), or (3):

(*Note: The facility has opted to meet the requirements of 40 C.F.R. §63.7333(d)(2*).

(1) If you elect the operating limit for volumetric flow rate in 40 C.F.R. §63.7290(b)(3):

(i) Maintaining the daily average volumetric flow rate at the inlet of the control device at or above the minimum level established during the initial or subsequent performance test; and

(ii) Checking the volumetric flow rate at least every 8 hours to verify the daily average is at or above the minimum level established during the initial or subsequent performance test and recording the results of each check.

(2) If you elect the operating limit for fan motor amperes in 40 C.F.R. §63.7290(b)(3)(i):

(i) Maintaining the daily average fan motor amperages at or above the minimum level established during the initial or subsequent performance test; and

(ii) Checking the fan motor amperage at least every 8 hours to verify the daily average is at or above the minimum level established during the initial or subsequent performance test and recording the results of each check.

(3) If you elect the operating limit for static pressure or fan RPM in 40 C.F.R. §63.7290(b)(3)(ii):

(i) Maintaining the daily average static pressure at the inlet to the control device at an equal or greater vacuum than established during the initial or subsequent performance test or the daily average fan RPM at or above the minimum level established during the initial or subsequent performance test; and

(ii) Checking the static pressure or fan RPM at least every 8 hours to verify the daily average static pressure at the inlet to the control device is at an equal or greater vacuum than established during the initial or subsequent performance test or the daily average fan RPM is at or above the minimum level established during the initial or subsequent performance test and recording the results of each check.

(e) Beginning on the first day compliance is required under 40 C.F.R. §63.7283, you must demonstrate continuous compliance for each by-product coke oven battery subject to the opacity limit for stacks in 40 C.F.R. §63.7296(a) by meeting the requirements in 40 C.F.R. §63.7333(e)(1) and (2):

(1) Maintaining the daily average opacity at or below 15 percent for a battery on a normal coking cycle or 20 percent for a battery on batterywide extended coking; and

(2) Operating and maintaining a COMS and collecting and reducing the COMS data according to 40 C.F.R. §63.7331(j).

(f) Beginning on the first day compliance is required under 40 C.F.R. §63.7283, you must demonstrate continuous compliance with the TDS limit for quenching in 40 C.F.R. §63.7295(a)(1)(i) by meeting the requirements in 40 C.F.R. §63.7333(f)(1) and (2):

(1) Maintaining the TDS content of the water used to quench hot coke at 1,100 mg/L or less; and

(2) Determining the TDS content of the quench water at least weekly according to the requirements in 40 C.F.R. §63.7325(a) and recording the sample results.

(g) Beginning on the first day compliance is required under 40 C.F.R. §63.7283, you must demonstrate continuous compliance with the constituent limit for quenching in 40 C.F.R. §63.7295(a)(1)(ii) by meeting the requirements in 40 C.F.R. §63.7333(g)(1) and (2):

(*Note: The facility opts to utilize the concentration of TDS above.*)

(1) Maintaining the sum of the concentrations of benzene, benzo(a)pyrene, and naphthalene in the water used to quench hot coke at levels less than or equal to the site-specific limit approved by the permitting authority; and

(2) Determining the sum of the constituent concentrations at least monthly according to the requirements in 40 C.F.R. §63.7325(c) and recording the sample results.

[45CSR34, 40 C.F.R. Part 63 Subpart CCCCC]

4.2.5. For the purpose of determining compliance with the baffle washing requirements set forth in Section 4.1.35.4(b)(2), the baffles must be washed once each day that the tower is employed in the coke quenching operation, except during periods when the ambient temperature remains less than 30 degrees Fahrenheit throughout that day (24-hour period). During days that the baffles are not washed, the permittee shall conduct continuous monitoring of the ambient temperature.
[45CSR34, 40 C.F.R. §63.7342(d), 45CSR13, R13-2772, 4.2.1., (1E)]

4.2.6. For the purpose of determining compliance with the limits set forth in Sections 4.1.38. to 4.1.39, the permittee shall monitor the combined total amount of coal charged into Batteries 1, 2, and 3 on a hourly and monthly basis. This monthly total shall be sum with the previous eleven months total to get a 12 month rolling total as defined in Section 4.1.37. Such records shall be maintained in accordance with Section 3.4.2.
[45CSR13, R13-2772, 4.2.2., (1E)]

4.2.7. The permittee shall inspect the quench tower monthly for damaged or missing baffles and blockage. Repairs of damage or missing baffles must initiate within 30 days of the detection and complete as soon as practicable. Such records of inspections and repairs shall be maintained in accordance with Section 3.4.2.
[45CSR34, 40 C.F.R. §§63.7295(b)(3), (4) and §63.7342(d), 45CSR13, R13-2772, 4.2.3., (1E)]

4.3. Testing Requirements

4.3.1. Except as otherwise provided, a daily performance test shall be conducted each day, 7 days per week for each new and existing coke oven battery, the results of which shall be used in accordance with procedures specified in 40 C.F.R. Part 63 Subpart L to determine compliance with each of the applicable visible emission limitations for coke oven doors, topside port lids, offtake systems, and charging operations in 40 C.F.R. Part 63 Subpart L. If a facility pushes and charges only at night, then that facility must, at its option, change their schedule and charge during daylight hours or provide adequate lighting so that visible emission inspections can be made at night. "Adequate lighting" will be determined by the enforcement agency.

(1) Each performance test is to be conducted according to the procedures and requirements in 40 C.F.R. §63.309(a) and in Method 303 or 303A in 40 C.F.R. Part 63 Appendix A or Methods 9 and 22 in 40 C.F.R. Part 60 Appendix A (where applicable).

(2) Each performance test is to be conducted by a certified observer.

(3) The certified observer shall complete any reasonable safety-training program offered by the owner or operator prior to conducting any performance test at a coke oven battery.

[45CSR34, 40 C.F.R. §63.309(a)]

4.3.2. The certified observer shall conduct each performance test according to the requirements in this paragraph:

(1) The certified observer shall conduct one run each day to observe and record visible emissions from each coke oven door, topside port lid, and offtake system on each coke oven battery. The certified observer also shall conduct five runs to observe and record the seconds of visible emissions per charge for five consecutive charges from each coke oven battery. The observer may perform additional runs as needed to obtain and record a visible emissions value (or set of values) for an emission point that is valid under Method 303 or Method 303A in 40 C.F.R. Part 63 Appendix A. Observations from fewer

than five consecutive charges shall constitute a valid set of charging observations only in accordance with the procedures and conditions specified in sections 3.8 and 3.9 of Method 303 in 40 C.F.R. Part 63 Appendix A.

(2) If a valid visible emissions value (or set of values) is not obtained for a performance test, there is no compliance determination for that day. Compliance determinations will resume on the next day that a valid visible emissions value (or set of values) is obtained.

(3) After each performance test for a by-product coke oven battery, the certified observer shall check and record the collecting main pressure according to the procedures in section 6.3 of Method 303 in to 40 C.F.R. Part 63 Appendix A.

(i) The owner or operator shall demonstrate pursuant to Method 303 in 40 C.F.R. Part 63 Appendix A the accuracy of the pressure measurement device upon request of the certified observer;

(ii) The owner or operator shall not adjust the pressure to a level below the range of normal operation during or prior to the inspection;

(6) In no case shall the owner or operator knowingly block a coke oven door, or any portion of a door for the purpose of concealing emissions or preventing observations by the certified observer.

[45CSR34, 40 C.F.R. §63.309(c)]

4.3.3. Using the observations obtained from each performance test, the enforcement agency shall compute and record, in accordance with the procedures and requirements of Method 303 or 303A in 40 C.F.R. Part 63 Appendix A, for each day of operations on which a valid emissions value (or set of values) is obtained:

(1) The 30-run rolling average of the percent leaking coke oven doors, topside port lids, and offtake systems on each coke oven battery, using the equations in Method 303 (or Method 303A) in 40 C.F.R. Part 63 Appendix A;

(2) For by-product coke oven battery charging operations, the logarithmic 30-day rolling average of the seconds of visible emissions per charge for each battery, using the equation in 40 C.F.R. Part 63 Appendix A, Method 303;

(5) For an approved alternative emission limitation for coke oven doors according to 40 C.F.R. §63.305, the weekly or monthly observation of the percent leaking coke oven doors using Method 303 in 40 C.F.R. Part 63 Appendix A, the percent opacity of visible emissions from the control device for the shed using Method 9 in 40 C.F.R. Part 60 Appendix A, and visible emissions from the shed using Method 22 in 40 C.F.R. Part 60 Appendix A;

[45CSR34, 40 C.F.R. §63.309(d)]

4.3.4. The certified observer shall make available to the implementing agency as well as to the owner or operator, a copy of the daily inspection results by the end of the day and shall make available the calculated rolling average for each emission point to the owner or operator as soon as practicable following each performance test. The information provided by the certified observer is not a compliance determination. For the purpose of notifying an owner or operator of the results obtained by a certified observer, the person does not have to be certified.
[45CSR34, 40 C.F.R. §63.309(e)]

4.3.5. Compliance shall not be determined more often than the schedule provided for performance tests under Section 4.3.1. to 4.3.7. [40 C.F.R. §63.309]. If additional valid emissions observations are obtained (or in the case of charging, valid sets of emission observations), the arithmetic average of all valid values (or valid sets of values) obtained during the day shall be used in any computations performed to determine compliance under Section 4.3.3. [40 C.F.R. §63.309(d)] or determinations under Section 4.1.6. – 4.1.9. [40 C.F.R. §63.306].
[45CSR34, 40 C.F.R. §63.309(f)]

4.3.6. For a flare installed to meet the requirements of Section 4.1.11. [40 C.F.R. §63.307(b)]:

(1) Compliance with the provisions in Section 4.1.12. [40 C.F.R. §63.307(c)] (visible emissions from flares) shall be determined using Method 22 in 40 C.F.R. Part 60 Appendix A, with an observation period of 2 hours; and

(2) Compliance with the provisions in Section 4.1.11(4) [40 C.F.R. §63.307(b)(4)] (flare pilot light) shall be determined using a thermocouple or any other equivalent device.

[45CSR34, 40 C.F.R. §63.309(h)]

4.3.7. No observations obtained during any program for training or for certifying observers under 40 C.F.R. Part 63 Subpart L shall be used to determine compliance with the requirements of 40 C.F.R. Part 63 Subpart L or any other federally enforceable standard.
[45CSR34, 40 C.F.R. §63.309(i)]

4.3.8. For the purpose of determining compliance with the water quality requirements set forth by Section 4.1.35.4(a)(2) and 4.1.31.(2)g., and the particulate matter emission limits set forth by Section 4.1.36.(5), the permittee shall monitor the concentration of total dissolved solids and total suspended solids within the makeup water supplied to the quench towers. The permittee shall conduct monthly water quality testing. Testing shall be performed to determine the maximum concentration of total dissolved solids within the makeup water feed. Such records shall be maintained in accordance with Condition 3.4.2. of this permit. (for Battery No. 8)
[45CSR13, R13-2591, 4.2.6.]

4.3.9. The permitted pushing, quenching and battery stacks operations (Batteries 1, 2, 3,and 8) shall comply with the following testing requirements of 40 C.F.R. Part 63, Subpart CCCCC - *National Emissions Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks*, with the exception of any more stringent limitations set forth in this permit.

4.3.9.1. 40 C.F.R. §63.7320 By what date must I conduct performance tests or other initial compliance demonstrations?

(b) You must conduct performance tests to demonstrate compliance with the TDS limit or constituent limit for quench water in 40 C.F.R. §63.7295(a)(1) and each opacity limit in 40 C.F.R. §63.7297(a) for a by-product coke oven battery stack by the compliance date that is specified in 40 C.F.R. §63.7283.

(c) For each work practice standard and operation and maintenance requirement that applies to you, you must demonstrate initial compliance within 30 calendar days after the compliance date that is specified in 40 C.F.R. §63.7283.

4.3.9.2. 40 C.F.R. §63.7321 When must I conduct subsequent performance tests?

For each control device subject to an emission limit for particulate matter in 40 C.F.R. §63.7290(a), you must conduct subsequent performance tests no less frequently than twice (at mid-term and renewal) during each term of your title V operating permit.

4.3.9.3. 40 C.F.R. §63.7322 What test methods and other procedures must I use to demonstrate initial compliance with the emission limits for particulate matter?

(a) You must conduct each performance test that applies to your affected source according to the requirements in 40 C.F.R. §63.7322(b).

(b) To determine compliance with the emission limit for particulate matter from a control device applied to pushing emissions where a cokeside shed is the capture system, follow the test methods and procedures in 40 C.F.R. §63.7322(b)(1) and (2)(*C01)*. To determine compliance with a process-weighted mass rate of particulate matter (lb/ton of coke) from a control device applied to pushing emissions where a cokeside shed is not used, follow the test methods and procedures in 40 C.F.R. §63.7322(b)(1) through (4) (*C02)*.

(1) Determine the concentration of particulate matter according to the following test methods in 40 C.F.R. Part 60 Appendix A.

(i) Method 1 to select sampling port locations and the number of traverse points. Sampling sites must be located at the outlet of the control device and prior to any releases to the atmosphere.

(ii) Method 2, 2F, or 2G to determine the volumetric flow rate of the stack gas.

(iii) Method 3, 3A, or 3B to determine the dry molecular weight of the stack gas.

(iv) Method 4 to determine the moisture content of the stack gas.

(v) Method 5 or 5D, as applicable, to determine the concentration of front half particulate matter in the stack gas.

(2) During each particulate matter test run, sample only during periods of actual pushing when the capture system fan and control device are engaged. Collect a minimum sample volume of 30 dry standard cubic feet of gas during each test run. Three valid test runs are needed to

comprise a performance test. Each run must start at the beginning of a push and finish at the end of a push (i.e., sample for an integral number of pushes).

(3) Determine the total combined weight in tons of coke pushed during the duration of each test run according to the procedures in your source test plan for calculating coke yield from the quantity of coal charged to an individual oven *(C02 only)*.

(4) Compute the process-weighted mass emissions (E_p) for each test run using Equation 1 of this section as follows *(C02 only)*:

$$E_p = \frac{C \times Q \times T}{P \times K} \qquad \text{(Eq. 1)}$$

Where:

E_p = Process weighted mass emissions of particulate matter, lb/ton;

C = Concentration of particulate matter, gr/dscf;

Q = Volumetric flow rate of stack gas, dscf/hr;

T = Total time during a run that a sample is withdrawn from the stack during pushing, hr;

P = Total amount of coke pushed during the test run, tons; and

K = Conversion factor, 7,000 gr/lb.

4.3.9.4. 40 C.F.R. §63.7324 What procedures must I use to demonstrate initial compliance with the opacity limits?

(a) You must conduct each performance test that applies to your affected source according to the requirements in 40 C.F.R. §63.7324(b).

(b) To determine compliance with the daily average opacity limit for stacks of 15 percent for a by-product coke oven battery on a normal coking cycle or 20 percent for a by-product coke oven battery on batterywide extended coking, follow the test methods and procedures in 40 C.F.R. §§63.7324(b)(1) through (3).

(1) Using the continuous opacity monitoring system (COMS) required in 40 C.F.R. 63.7330(e), measure and record the opacity of emissions from each battery stack for a 24-hour period.

(2) Reduce the monitoring data to hourly averages as specified in 40 C.F.R. §63.8(g)(2).

(3) Compute and record the 24-hour (daily) average of the COMS data.

4.3.9.5. 40 C.F.R. §63.7325 What test methods and other procedures must I use to demonstrate initial compliance with the TDS or constituent limits for quench water?

(a) If you elect the TDS limit for quench water in 40 C.F.R. §63.7295(a)(1)(i), you must conduct each performance test that applies to your affected source according to the conditions in 40 C.F.R. §63.7325(a)(1) and (2).

(1) Take the quench water sample from a location that provides a representative sample of the quench water as applied to the coke (e.g., from the header that feeds water to the quench tower reservoirs). Conduct sampling under normal and representative operating conditions.

(2) Determine the TDS concentration of the sample using Method 160.1 in 40 C.F.R. Part 136.3 (see "residue—filterable"), except that you must dry the total filterable residue at 103 to 105 °C (degrees Centigrade) instead of 180 °C.

(b) If at any time you elect to meet the alternative requirements for quench water in 40 C.F.R. §63.7295(a)(1)(ii), you must establish a site-specific constituent limit according to the procedures in 40 C.F.R. §§63.7325(b)(1) through (4).

(1) Take a minimum of nine quench water samples from a location that provides a representative sample of the quench water as applied to the coke (e.g., from the header that feeds water to the quench tower reservoirs). Conduct sampling under normal and representative operating conditions.

(2) For each sample, determine the TDS concentration according to the requirements in 40 C.F.R. §63.7325(a)(2) and the concentration of benzene, benzo(a)pyrene, and naphthalene using the applicable methods in 40 C.F.R. Part 136 or an approved alternative method.

(3) Determine and record the highest sum of the concentrations of benzene, benzo(a)pyrene, and naphthalene in any sample that has a TDS concentration less than or equal to the TDS limit of 1,100 mg/L. This concentration is the site-specific constituent limit.

(4) Submit the site-specific limit, sampling results, and all supporting data and calculations to your permitting authority for review and approval.

(c) If you elect the constituent limit for quench water in 40 C.F.R. §63.7295(a)(1)(ii), you must conduct each performance test that applies to your affected source according to the conditions in 40 C.F.R. §§63.7325(c)(1) and (2).

(1) Take a quench water sample from a location that provides a representative sample of the quench water as applied to the coke (e.g., from the header that feeds water to the quench tower reservoirs). Conduct sampling under normal and representative operating conditions.

(2) Determine the sum of the concentration of benzene, benzo(a)pyrene, and naphthalene in the sample using the applicable methods in 40 C.F.R. Part 136 or an approved alternative method.

4.3.9.6. 40 C.F.R. §63.7326 How do I demonstrate initial compliance with the emission limitations that apply to me?

(a) For each coke oven battery subject to the emission limit for particulate matter from a control device applied to pushing emissions, you have demonstrated initial compliance if you meet the requirements in 40 C.F.R. §§63.7326(a)(1) through (4) that apply to you.

(1) The concentration of particulate matter, measured in accordance with the performance test procedures in 40 C.F.R. §§63.7322(b)(1) and (2), did not exceed 0.01 gr/dscf for a control device where a cokeside shed is used to capture pushing emissions *(C01 only)* or the process-weighted mass rate of particulate matter (lb/ton of coke), measured in accordance with the performance test procedures in 40 C.F.R. §§63.7322(b)(1) through (4), did not exceed:

(i) 0.02 lb/ton of coke if a moveable hood vented to a stationary control device is used to capture emissions *(C02 only)*

(2) For each venturi scrubber applied to pushing emissions, you have established appropriate site-specific operating limits and have a record of the pressure drop and scrubber water flow rate measured during the performance test in accordance with 40 C.F.R. §63.7323(a) [*See "Note" in 4.1.35.8. for values*]. *(C02 only)*

(4) For each capture system applied to pushing emissions, you have established an appropriate site-specific operating limit, and:

(i) If you elect the operating limit in 40 C.F.R. §63.7290(b)(3) for volumetric flow rate, you have a record of the total volumetric flow rate at the inlet of the control device measured during the performance test in accordance with 40 C.F.R. §63.7323(c)(1); or

(ii) If you elect the operating limit in 40 C.F.R. §63.7290(b)(3)(i) for fan motor amperes, you have a record of the fan motor amperes during the performance test in accordance with 40 C.F.R. §63.7323(c)(2); or

(iii) If you elect the operating limit in 40 C.F.R. §63.7290(b)(3)(ii) for static pressure or fan RPM, you have a record of the static pressure at the inlet of the control device or fan RPM measured during the performance test in accordance with 40 C.F.R. §63.7323(c)(3).

(b) For each new or existing by-product coke oven battery subject to the opacity limit for stacks in 40 C.F.R. §63.7296(a), you have demonstrated initial compliance if the daily average opacity, as measured according to the performance test procedures in 40 C.F.R. §63.7324(b), is no more than 15 percent for a battery on a normal coking cycle or 20 percent for a battery on batterywide extended coking.

(c) For each new or existing by-product coke oven battery subject to the TDS limit or constituent limits for quench water in 40 C.F.R. §63.7295(a)(1),

(1) You have demonstrated initial compliance with the TDS limit in 40 C.F.R. §63.7295(a)(1)(i) if the TDS concentration, as measured according to the performance test procedures in 40 C.F.R. §63.7325(a), does not exceed 1,100 mg/L.

(2) You have demonstrated initial compliance with the constituent limit in 40 C.F.R. §63.7295(a)(1)(ii) if:

(i) You have established a site-specific constituent limit according to the procedures in 40 C.F.R. §63.7325(b); and

(ii) The sum of the constituent concentrations, as measured according to the performance test procedures in 40 C.F.R. §63.7325(c), is less than or equal to the site-specific limit.

[45CSR34, 40 C.F.R. Part 63 Subpart CCCCC]

4.3.10. For the purpose of determining compliance with the water quality requirements set forth by Sections 4.1.35.4(a)(1)(i) and 4.1.35.4.(b)(1), and the particulate matter emission limits set forth by Section 4.1.38, the permittee shall monitor the concentration of total dissolved solids and total suspended solids within the makeup water supplied to the quench towers. The permittee shall conduct monthly water quality testing. Testing shall be performed to determine the maximum concentration of total dissolved solids within the makeup water feed. The permittee shall take the quench water sample from a location that provides a representative sample of the quench water as applied to the coke (*e.g.*, from the header that feeds water to the quench tower reservoirs). Conduct sampling under normal and representative operating conditions. Method 160.1 in 40 C.F.R. Part 136.3 (see "residue—filterable" must be using in determining the TDS concentration of the sample, except that the total filterable residue must be dried at 103 to 105 °C (degrees Centigrade) instead of 180 °C. Records of such testing shall be maintained in accordance with Section 3.4.2. (for Batteries Nos. 1, 2, and 3)
[45CSR34, 40 C.F.R. §63.7325(a), 45CSR13, R13-2772, 4.3.1., (1E)]

4.4. Recordkeeping Requirements

4.4.1. The owner or operator shall maintain files of all required information in a permanent form suitable for inspection at an onsite location for at least 1 year and must thereafter be accessible within 3 working days to the Administrator for the time period specified in 40 C.F.R §70.6(a)(3)(ii)(B). Copies of the work practice plan developed under Sections 4.1.6. – 4.1.9. [40 C.F.R. §63.306] and the startup, shutdown, and malfunction plan developed under Sections 4.1.18. – 4.1.26. [40 C.F.R. §63.310] shall be kept onsite at all times. The owner or operator shall maintain the following information:

(3) A copy of the work practice plan required by Sections 4.1.6. – 4.1.9. [40 C.F.R. §63.306] and any revision to the plan;

(4) If the owner or operator is required under Sections 4.1.8. [40 C.F.R.§63.306(c)] to implement the provisions of a work practice plan for a particular emission point, the following records regarding the implementation of plan requirements for that emission point during the implementation period;

(i) Copies of all written and audiovisual materials used in the training, the dates of each class, the names of the participants in each class, and documentation that all appropriate personnel have successfully completed the training required under Sections 4.1.7.(1) [40 C.F.R. §63.306(b)(1)];

(ii) The records required to be maintained by the plan provisions implementing Sections 4.1.7.(7) [40 C.F.R. §63.306(b)(7)];

(iii) Records resulting from audits of the effectiveness of the work practice program for the particular emission point, as required under Sections 4.1.7.(2)(i) [40 C.F.R. §63.306(b)(2)(i)], (3)(i) [40 C.F.R. §63.306(b)(3)(i)], (4)(i) [40 C.F.R. §63.306(b)(4)(i)], or (5)(i) [40 C.F.R. §63.306(b)(5)(i)]; and

(iv) If the plan provisions for coke oven doors must be implemented, records of the inventory of doors and jambs as required under Sections 4.1.7.(2)(vi) [40 C.F.R. §63.306(b)(2)(vi)]; and

(5) The design drawings and engineering specifications for the bypass/bleeder stack flare system or approved alternative control device or system as required under Sections 4.1.10. – 4.1.13. [40 C.F.R. §63.307].

(6) Records specified in Sections 4.1.23. [40 C.F.R. §63.310(f)] regarding the basis of each malfunction notification.

[45CSR34, 40 C.F.R. §63.311(f)]

4.4.2. Records required to be maintained and reports required to be filed with the Administrator under 40 C.F.R. Part 63 Subpart L shall be made available in accordance with the requirements of this paragraph by the owner or operator to the authorized collective bargaining representative of the employees at a coke oven battery, for inspection and copying.

(1) Requests under Section 4.4.2. [40 C.F.R. §63.311(g)] shall be submitted in writing, and shall identify the records or reports that are subject to the request with reasonable specificity;

(2) The owner or operator shall produce the reports for inspection and copying within a reasonable period of time, not to exceed 30 days. A reasonable fee may be charged for copying (except for the first copy of any document), which shall not exceed the copying fee charged by the Administrator under 40 C.F.R. Part 2;

(3) Nothing in Section 4.4.2. [40 C.F.R. §63.311(g)] shall require the production for inspection or copying of any portion of a document that contains trade secrets or confidential business information that the Administrator would be prohibited from disclosing to the public under 40 C.F.R. Part 2; and

(4) The inspection or copying of a document under Section 4.4.2. [40 C.F.R. §63.311(g)] shall not in any way affect any property right of the owner or operator in such document under laws for the protection of intellectual property, including the copyright laws.

[45CSR34, 40 C.F.R. §63.311(g)]

4.4.3. The permittee shall maintain records of tons of coal charged to each of the coke oven batteries to be used in determining compliance with the requirements set forth in Sections 4.1.32. and 4.1.33. Records shall be expressed in tons of coal charged per day and be totaled at the end of each month. The permittee shall maintain these records for a period of 5 years.
[45CSR13, R13-1939, 4.2.1. ~~B.5., B.1.]~~

4.4.4. For the purpose of documenting the monitoring requirements associated with the quench towers set forth in Sections 4.2.2., 4.2.3., and 4.2.8., the permittee shall maintain the following records:

(1) Operating schedule of each quench tower.

(2) Total dissolved solids concentration and total suspended solids concentration of makeup water.

(3) Baffle inspection and cleaning, and the ambient temperature when applicable.

[45CSR13, R13-2591, 4.4.4.]

4.4.5. The permitted pushing, quenching and battery stacks operations (Batteries 1. 2. 3, and 8) shall comply with the following recordkeeping requirements of 40 C.F.R. Part 63, Subpart CCCCC - *National Emissions Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks*, with the exception of any more stringent limitations set forth in this permit.

1. 40 C.F.R. §63.7334 How do I demonstrate continuous compliance with the work practice standards that apply to me?

(a) For each by-product coke oven battery with vertical flues subject to the work practice standards for fugitive pushing emissions in 40 C.F.R. §63.7291(a), you must demonstrate continuous compliance according to the requirements of 40 C.F.R. §§63.7334(a)(1) through (8):

(1) Observe and record the opacity of fugitive emissions for four consecutive pushes per operating day, except you may make fewer or non-consecutive observations as permitted by 40 C.F.R. §63.7291(a)(3). Maintain records of the pushing schedule for each oven and records indicating the legitimate operational reason for any change in the pushing schedule according to 40 C.F.R. §63.7291(a)(4).

(2) Observe and record the opacity of fugitive emissions from each oven in a battery at least once every 90 days. If an oven cannot be observed during a 90-day period, observe and record the opacity of the first push of that oven following the close of the 90-day period that can be read in accordance with the procedures in 40 C.F.R. §§63.7334(a)(1) through (8).

(3) Make all observations and calculations for opacity observations of fugitive pushing emissions in accordance with Method 9 in 40 C.F.R. Part 60 Appendix A using a Method 9 certified observer unless you have an approved alternative procedure under 40 C.F.R. §63.7334(a)(7).

(4) Record pushing opacity observations at 15-second intervals as required in section 2.4 of Method 9 (40 C.F.R. Part 60 Appendix A). The requirement in section 2.4 of Method 9 for a minimum of 24 observations does not apply, and the data reduction requirements in section 2.5 of Method 9 do not apply. The requirement in 40 C.F.R. §63.6(h)(5)(ii)(B) for obtaining at least 3 hours of observations (thirty 6-minute averages) to demonstrate initial compliance does not apply.

(5) If fewer than six but at least four 15-second observations can be made, use the average of the total number of observations to calculate average opacity for the push. Missing one or more observations during the push (e.g., as the quench car passes behind a building) does not invalidate the observations before or after the interference for that push. However, a minimum of four 15-second readings must be made for a valid observation.

(6) Begin observations for a push at the first detectable movement of the coke mass. End observations of a push when the quench car enters the quench tower.

(i) For a battery without a cokeside shed, observe fugitive pushing emissions from a position at least 10 meters from the quench car that provides an unobstructed view and avoids

interferences from the topside of the battery. This may require the observer to be positioned at an angle to the quench car rather than perpendicular to it. Typical interferences to avoid include emissions from open standpipes and charging. Observe the opacity of emissions above the battery top with the sky as the background where possible. Record the oven number of any push not observed because of obstructions or interferences.

(ii) For a battery with a cokeside shed, the observer must be in a position that provides an unobstructed view and avoids interferences from the topside of the battery. Typical interferences to avoid include emissions from open standpipes and charging. Observations must include any fugitive emissions that escape from the top of the shed, from the ends of the shed, or from the area where the shed is joined to the battery. If the observer does not have a clear view to identify when a push starts or ends, a second person can be positioned to signal the start or end of the push and notify the observer when to start or end the observations. Radio communications with other plant personnel (e.g., pushing ram operator or quench car operator) may also serve to notify the observer of the start or end of a push. Record the oven number of any push not observed because of obstructions or interferences.

(iii) You may reposition after the push to observe emissions during travel if necessary.

(7) If it is infeasible to implement the procedures in 40 C.F.R. §§63.7334(a)(1) through (6) for an oven due to physical obstructions, nighttime pushes, or other reasons, you may apply to your permitting authority for permission to use an alternative procedure. The application must provide a detailed explanation of why it is infeasible to use the procedures in 40 C.F.R. §§63.7334(a)(1) through (6), identify the oven and battery numbers, and describe the alternative procedure. An alternative procedure must identify whether the coke in that oven is not completely coked, either before, during, or after an oven is pushed.

(8) For each oven observed that exceeds an opacity of 30 percent for any short battery or 35 percent for any tall battery, you must take corrective action and/or increase the coking time in accordance with 40 C.F.R. §63.7291(a). Maintain records documenting conformance with the requirements in 40 C.F.R. §63.7291(a).

(d) For each by-product coke oven battery subject to the work practice standard for soaking in 40 C.F.R. §63.7294(a), you must demonstrate continuous compliance by maintaining records that document conformance with requirements in 40 C.F.R. §§63.7294(a)(1) through (5).

(e) For each coke oven battery subject to the work practice standard for quenching in 40 C.F.R. §63.7295(b), you must demonstrate continuous compliance according to the requirements of 40 C.F.R. §§63.7334(e)(1) through (3):

(1) Maintaining baffles in each quench tower such that no more than 5 percent of the cross-sectional area of the tower is uncovered or open to the sky as required in 40 C.F.R. §63.7295(b)(1);

(2) Maintaining records that document conformance with the washing, inspection, and repair requirements in 40 C.F.R. §63.7295(b)(2), including records of the ambient temperature on any day that the baffles were not washed; and

(3) Maintaining records of the source of makeup water to document conformance with the requirement for acceptable makeup water in 40 C.F.R. §63.7295(a)(2).

2. 40 C.F.R. §63.7335 How do I demonstrate continuous compliance with the operation and maintenance requirements that apply to me?

(a) For each by-product coke oven battery, you must demonstrate continuous compliance with the operation and maintenance requirements in 40 C.F.R. §63.7300(b) by adhering at all times to the plan requirements and recording all information needed to document conformance.

(b) For each coke oven battery with a capture system or control device applied to pushing emissions, you must demonstrate continuous compliance with the operation and maintenance requirements in 40 C.F.R. §63.7300(c) by meeting the requirements of 40 C.F.R. §§63.7335(b)(1) through (3):

(1) Making monthly inspections of capture systems according to 40 C.F.R. §63.7300(c)(1) and recording all information needed to document conformance with these requirements;

(2) Performing preventative maintenance for each control device according to 40 C.F.R. §§63.7300(c)(2) and recording all information needed to document conformance with these requirements; and

(3) Initiating and completing corrective action for a bag leak detection system alarm according to 40 C.F.R. §63.7300(c)(3) and recording all information needed to document conformance with these requirements. This includes records of the times the bag leak detection system alarm sounds, and for each valid alarm, the time you initiated corrective action, the corrective action(s) taken, and the date on which corrective action is completed.

(c) To demonstrate continuous compliance with the operation and maintenance requirements for a baghouse applied to pushing emissions from a coke oven battery in 40 C.F.R. §63.7331(a), you must inspect and maintain each baghouse according to the requirements in 40 C.F.R. §§63.7331(a)(1) through (8) and record all information needed to document conformance with these requirements. If you increase or decrease the sensitivity of the bag leak detection system beyond the limits specified in 40 C.F.R. §63.7331(a)(6), you must include a copy of the required written certification by a responsible official in the next semiannual compliance report.

(d) You must maintain a current copy of the operation and maintenance plans required in 40 C.F.R. §§63.7300(b) and (c) onsite and available for inspection upon request. You must keep the plans for the life of the affected source or until the affected source is no longer subject to the requirements of this subpart.

3. 40 C.F.R. §63.7342 What records must I keep?

(a) You must keep the records specified in 40 C.F.R. §§63.7342(a)(1) through (3).

(1) A copy of each notification and report that you submitted to comply with 40 C.F.R. Part 63 Subpart CCCCC, including all documentation supporting any initial notification or notification of compliance status that you submitted, according to the requirements in 40 C.F.R. §63.10(b)(2)(xiv).

(2) The records in 40 C.F.R. §§63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.

(3) Records of performance tests, performance evaluations, and opacity observations as required in 40 C.F.R. §63.10(b)(2)(viii).

(b) For each COMS or CEMS, you must keep the records specified in 40 C.F.R. §§63.7342(b)(1) through (4).

(1) Records described in 40 C.F.R. §§63.10(b)(2)(vi) through (xi).

(2) Monitoring data for COMS during a performance evaluation as required in 40 C.F.R. §§63.6(h)(7)(i) and (ii).

(3) Previous (that is, superseded) versions of the performance evaluation plan as required in 40 C.F.R. §63.8(d)(3).

(4) Records of the date and time that each deviation started and stopped, and whether the deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(c) You must keep the records in 40 C.F.R. §63.6(h)(6) for visual observations.

(d) You must keep the records required in 40 C.F.R. §§63.7333 through 63.7335 to show continuous compliance with each emission limitation, work practice standard, and operation and maintenance requirement that applies to you.

4. 40 C.F.R. §63.7343 In what form and how long must I keep my records?

(a) You must keep your records in a form suitable and readily available for expeditious review, according to 40 C.F.R. §63.10(b)(1).

(b) As specified in 40 C.F.R. §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.

(c) You must keep each record on site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 C.F.R. §63.10(b)(1). You can keep the records offsite for the remaining 3 years.

[45CSR34, 40 C.F.R. Part 63 Subpart CCCCC]

4.4.6. **Record of Maintenance of Air Pollution Control Equipment.** For the Batteries 1, 2, and 3 quench tower baffles, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.
[45CSR13, R13-2772, 4.4.2., (1E)]

4.4.7. **Record of Malfunctions of Air Pollution Control Equipment.** For the Batteries 1, 2, and 3 quench tower baffles, the permittee shall maintain records of the occurrence and duration of any malfunction or

operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded:

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

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

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

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

[45CSR13, R13-2772, 4.4.3., (1E)]

4.4.8. For the purpose of documenting the monitoring requirements associated with the quench towers set forth in Sections 4.2.5., 4.2.6., and 4.2.7, the permittee shall maintain the following records:

1. Operating schedule of each quench tower.

[45CSR13, R13-2772, 4.4.4., (1E)]

4.5. Reporting Requirements

4.5.1. After the effective date of an approved permit in a State under 40 C.F.R. Part 70, the owner or operator shall submit all notifications and reports required by 40 C.F.R. Part 63 Subpart L to the State permitting authority. Use of information provided by the certified observer shall be a sufficient basis for notifications required under 40 C.F.R. §70.5(c)(9) and the reasonable inquiry requirement of 40 C.F.R. §70.5(d).
[45CSR34, 40 C.F.R. §63.311(a)]

4.5.2. *Notifications.* The owner or operator shall provide written notification(s) to the Administrator of:

(1) Intention to construct a new coke oven battery (including reconstruction of an existing coke oven battery and construction of a greenfield coke oven battery), a brownfield coke oven battery, or a padup rebuild coke oven battery, including the anticipated date of startup.

[45CSR34, 40 C.F.R. §63.311(c)]

4.5.3. *Semiannual compliance certification.* The owner or operator of a coke oven battery shall include the following information in the semiannual compliance certification:

(1) Certification, signed by the owner or operator, that no coke oven gas was vented, except through the bypass/ bleeder stack flare system of a by-product coke oven battery during the reporting period or that a venting report has been submitted according to the requirements in Section 4.5.4. [40 C.F.R. §63.311(e)];

(2) Certification, signed by the owner or operator, that a startup, shutdown, or malfunction event did not occur for a coke oven battery during the reporting period or that a startup, shutdown, and malfunction event did occur and a report was submitted according to the requirements in Section 4.1.22. [40 C.F.R. §63.310(e)]; and

(3) Certification, signed by the owner or operator, that work practices were implemented if applicable under Section 4.1.6. – 4.1.9. [40 C.F.R. §63.306].

[45CSR34, 40 C.F.R. §63.311(d)]

4.5.4. *Report for the venting of coke oven gas other than through a flare system.* The owner or operator shall report any venting of coke oven gas through a bypass/bleeder stack that was not vented through the bypass/bleeder stack flare system to the Administrator as soon as practicable but no later than 24 hours after the beginning of the event. A written report shall be submitted within 30 days of the event and shall include a description of the event and, if applicable, a copy of the notification for a hazardous substance release required pursuant to 40 C.F.R. § 302.6.
[45CSR34, 40 C.F.R. §63.311(e)]

4.5.5. The permitted pushing, quenching, battery stacks operations (Batteries 1, 2, 3, and 8) shall comply with the following reporting requirements of 40 C.F.R. Part 63, Subpart CCCCC - *National Emissions Standards for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks*, with the exception of any more stringent limitations set forth in this permit.

1. 40 C.F.R. §63.7326 How do I demonstrate initial compliance with the emission limitations that apply to me?

(d) For each by-product coke oven battery stack subject to an opacity limit in 40 C.F.R. §63.7296(a) and each by-product coke oven battery subject to the requirements for quench water in 40 C.F.R. §63.7295(a)(1), you must submit a notification of compliance status containing the results of the COMS performance test for battery stacks and the quench water performance test (TDS or constituent limit) according to 40 C.F.R. §63.7340(e)(1). For each particulate matter emission limitation that applies to you, you must submit a notification of compliance status containing the results of the performance test according to 40 C.F.R. §63.7340(e)(2).

2. 40 C.F.R. §63.7327 How do I demonstrate initial compliance with the work practice standards that apply to me?

(a) For each by-product coke oven battery with vertical flues subject to the work practice standards for fugitive pushing emissions in 40 C.F.R. §63.7291(a), you have demonstrated initial compliance if you certify in your notification of compliance status that you will meet each of the work practice requirements beginning no later than the compliance date that is specified in 40 C.F.R. §63.7283.

(d) For each by-product coke oven battery subject to the work practice standards for soaking in §63.7294, you have demonstrated initial compliance if you have met the requirements of 40 C.F.R. §§63.7327(d)(1) and (2):

(1) You have prepared and submitted a written work practice plan in accordance with § 40 C.F.R. §63.7294(a); and

(2) You certify in your notification of compliance status that you will meet each of the work practice requirements beginning no later than the compliance date that is specified in 40 C.F.R. § 63.7283.

(e) For each coke oven battery, you have demonstrated initial compliance with the work practice standards for quenching in 40 C.F.R. §63.7295(b) if you certify in your notification of compliance status that you have met the requirements of 40 C.F.R. §§63.7327(e)(1) and (2):

(1) You have installed the required equipment in each quench tower; and

(2) You will meet each of the work practice requirements beginning no later than the compliance date that is specified in 40 C.F.R. §63.7283.

(f) For each work practice standard that applies to you, you must submit a notification of compliance status according to the requirements in 40 C.F.R. §63.7340(e)(1).

3. 40 C.F.R. §63.7328 How do I demonstrate initial compliance with the operation and maintenance requirements that apply to me?

You have demonstrated initial compliance if you certify in your notification of compliance status that you have met the requirements of 40 C.F.R. §§63.7328(a) through (d):

(a) You have prepared the operation and maintenance plans according to the requirements in 40 C.F.R. §§63.7300(b) and (c);

(b) You will operate each by-product coke oven battery and each capture system and control device applied to pushing emissions from a coke oven battery according to the procedures in the plans beginning no later than the compliance date that is specified in 40 C.F.R. §63.7283; (*Batteries 1, 2, 3 and 8*) (*C01 and C02*)

(c) You have prepared a site-specific monitoring plan according to the requirements in 40 C.F.R. §63.7331(b); and

(d) You submit a notification of compliance status according to the requirements in 40 C.F.R. §63.7340(e).

4. 40 C.F.R. §63.7336 What other requirements must I meet to demonstrate continuous compliance?

(a) Deviations. You must report each instance in which you did not meet each emission limitation in this subpart that applies to you. This includes periods of startup, shutdown, and malfunction. You must also report each instance in which you did not meet each work practice standard or operation

and maintenance requirement in this subpart that applies to you. These instances are deviations from the emission limitations (including operating limits), work practice standards, and operation and maintenance requirements in this subpart. These deviations must be reported according to the requirements in 40 C.F.R. §63.7341.

(b) Startup, shutdowns, and malfunctions.

(1) Consistent with 40 C.F.R. §§63.6(e) and 63.7(e)(1), deviations that occur during a period of startup, shutdown, or malfunction are not violations if you demonstrate to the Administrator's satisfaction that you were operating in accordance with 40 C.F.R. §63.6(e)(1).

(2) The Administrator will determine whether deviations that occur during a period of startup, shutdown, or malfunction are violations, according to the provisions in 40 C.F.R. §63.6(e).

5. 40 C.F.R. §63.7340 What notifications must I submit and when?

(a) You must submit all of the notifications in 40 C.F.R. §§63.6(h)(4) and (5), 63.7(b) and (c), 63.8(e) and (f)(4), and 63.9(b) through (h) that apply to you by the specified dates.

(d) If you are required to conduct a performance test, you must submit a notification of intent to conduct a performance test at least 60 calendar days before the performance test is scheduled to begin as required in 40 C.F.R. §63.7(b)(1).

(e) If you are required to conduct a performance test, opacity observation, or other initial compliance demonstration, you must submit a notification of compliance status according to 40 C.F.R. §63.9(h)(2)(ii).

(1) For each initial compliance demonstration that does not include a performance test, you must submit the notification of compliance status before the close of business on the 30th calendar day following the completion of the initial compliance demonstration (December 10, 2006).

(2) For each initial compliance demonstration that does include a performance test, you must submit the notification of compliance status, including the performance test results, before the close of business on the 60th calendar day following completion of the performance test according to 40 C.F.R. §63.10(d)(2).

6. 40 C.F.R. §63.7341 What reports must I submit and when?

(a) Compliance report due dates. Unless the Administrator has approved a different schedule, you must submit quarterly compliance reports for battery stacks and semiannual compliance reports for all other affected sources to your permitting authority according to the requirements in 40 C.F.R. §§63.7341(a)(1) through (4).

(1) The first quarterly compliance report for battery stacks must cover the period beginning on the compliance date that is specified for your affected source in 40 C.F.R. §63.7283 and ending on the last date of the third calendar month. Each subsequent compliance report must cover the next calendar quarter.

(2) The first semiannual compliance report must cover the period beginning on the compliance date that is specified for your affected source in 40 C.F.R. §63.7283 and ending on June 30 or December 31, whichever date comes first after the compliance date that is specified for your affected source. Each subsequent compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.

(3) All quarterly compliance reports for battery stacks must be postmarked or delivered no later than one calendar month following the end of the quarterly reporting period. All semiannual compliance reports must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.

(4) For each affected source that is subject to permitting regulations pursuant to 40 C.F.R. Part 70 or 40 C.F.R. Part 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 C.F.R. §70.6(a)(3)(iii)(A) or 40 C.F.R. 71.6(a)(3)(iii)(A), you may submit the first and subsequent compliance reports according to the dates the permitting authority has established instead of according to the dates in 40 C.F.R. §§63.7341(a)(1) through (3).

(b) Quarterly compliance report contents. Each quarterly report must provide information on compliance with the emission limitations for battery stacks in 40 C.F.R. §63.7296. The reports must include the information in 40 C.F.R. §§63.7341(c)(1) through (3), and as applicable, 40 C.F.R. §§63.7341(c)(4) through (8).

(c) Semiannual compliance report contents. Each compliance report must provide information on compliance with the emission limitations, work practice standards, and operation and maintenance requirements for all affected sources except battery stacks. The reports must include the information in 40 C.F.R. §§63.7341(c)(1) through (3), and as applicable, 40 C.F.R. §§63.7341(c)(4) through (8).

(1) Company name and address.

(2) Statement by a responsible official, with the official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

(3) Date of report and beginning and ending dates of the reporting period.

(4) If you had a startup, shutdown, or malfunction during the reporting period and you took actions consistent with your startup, shutdown, and malfunction plan, the compliance report must include the information in 40 C.F.R. §63.10(d)(5)(i).

(5) If there were no deviations from the continuous compliance requirements in 40 C.F.R. §63.7333(e) for battery stacks, a statement that there were no deviations from the emission limitations during the reporting period. If there were no deviations from the continuous compliance requirements in 40 C.F.R. §§63.7333 through 63.7335 that apply to you (for all affected sources other than battery stacks), a statement that there were no deviations from the emission limitations, work practice standards, or operation and maintenance requirements during the reporting period.

(6) If there were no periods during which a continuous monitoring system (including COMS, continuous emission monitoring system (CEMS), or CPMS) was out-of-control as specified in 40 C.F.R. §63.8(c)(7), a statement that there were no periods during which a continuous monitoring system was out-of-control during the reporting period.

(7) For each deviation from an emission limitation in this subpart (including quench water limits) and for each deviation from the requirements for work practice standards in this subpart that occurs at an affected source where you are not using a continuous monitoring system (including a COMS, CEMS, or CPMS) to comply with the emission limitations in this subpart, the compliance report must contain the information in 40 C.F.R. §§63.7341(c)(4) and (7)(i) and (ii). This includes periods of startup, shutdown, and malfunction.

(i) The total operating time of each affected source during the reporting period. (*P001, P002, P003, P004*)

(ii) Information on the number, duration, and cause of deviations (including unknown cause, if applicable) as applicable and the corrective action taken.

(8) For each deviation from an emission limitation occurring at an affected source where you are using a continuous monitoring system (including COMS, CEMS, or CPMS) to comply with the emission limitation in this subpart, you must include the information in 40 C.F.R. §§63.7341(c)(4) and (8)(i) through (xii). This includes periods of startup, shutdown, and malfunction.

(i) The date and time that each malfunction started and stopped.

(ii) The date and time that each continuous monitoring system (including COMS, CEMS, or CPMS) was inoperative, except for zero (low-level) and high-level checks.

(iii) The date, time, and duration that each continuous monitoring system (including COMS, CEMS, or CPMS) was out-of-control, including the information in 40 C.F.R. §63.8(c)(8).

(iv) The date and time that each deviation started and stopped, and whether each deviation occurred during a period of startup, shutdown, or malfunction or during another period.

(v) A summary of the total duration of the deviation during the reporting period and the total duration as a percent of the total source operating time during that reporting period.

(vi) A breakdown of the total duration of the deviations during the reporting period into those that are due to startup, shutdown, control equipment problems, process problems, other known causes, and other unknown causes.

(vii) A summary of the total duration of continuous monitoring system downtime during the reporting period and the total duration of continuous monitoring system downtime as a percent of the total source operating time during the reporting period.

(viii) An identification of each HAP that was monitored at the affected source.

(ix) A brief description of the process units.

(x) A brief description of the continuous monitoring system.

(xi) The date of the latest continuous monitoring system certification or audit.

(xii) A description of any changes in continuous monitoring systems, processes, or controls since the last reporting period.

[R13-2772, 4.5.1, (1E), 45CSR34, 40 C.F.R. §63.7341(c)]

(d) Immediate startup, shutdown, and malfunction report. If you had a startup, shutdown, or malfunction during the semiannual reporting period that was not consistent with your startup, shutdown, and malfunction plan, you must submit an immediate startup, shutdown, and malfunction report according to the requirements in 40 C.F.R. §63.10(d)(5)(ii).

(e) Part 70 monitoring report. If you have obtained a title V operating permit for an affected source pursuant to 40 C.F.R. Part 70 or 40 C.F.R. Part 71, you must report all deviations as defined in 40 C.F.R. Part 63 Subpart CCCCC in the semiannual monitoring report required by 40 C.F.R. §70.6(a)(3)(iii)(A) or 40 C.F.R. §71.6(a)(3)(iii)(A). If you submit a compliance report for an affected source along with, or as part of, the semiannual monitoring report required by 40 C.F.R. §70.6(a)(3)(iii)(A) or 40 C.F.R. §71.6(a)(3)(iii)(A), and the compliance report includes all the required information concerning deviations from any emission limitation or work practice standard in 40 C.F.R. Part 63 Subpart CCCCC, submission of the compliance report satisfies any obligation to report the same deviations in the semiannual monitoring report. However, submission of a compliance report does not otherwise affect any obligation you may have to report deviations from permit requirements to your permitting authority.

[45CSR34, 40 C.F.R. Part 63 Subpart CCCCC]

4.5.6. The permittee shall review and determine on a monthly basis if there were any exceedance of the conditions set forth under Sections 4.1.32. – 4.1.34. Should the permittee determine that an exceedance occurred, then the permittee shall submit a written report describing what the exceedance was and what measures the permittee has taken to prevent the exceedance from re-occurring.
[45CSR13, R13-1939, 4.5.1. ~~B.1., B.7.~~]

4.6. Compliance Plan

4.6.1. None

5.0 Source-Specific Requirements [Boilers #6 (P017), #7 (P018), #8 (P019), #9 (S1), #10 (S5) (Group 005) and emission point ID (E3, E4, and Stacks 11, 12)]

5.1. Limitations and Standards

5.1.1. Visible emissions from Emission Points E1 (i.e., Stack11), E2 (i.e., Stack12), E3, and E4 shall not exceed a maximum of 10% opacity on a 6-minute averaging period except as authorized per 45CSR2, Section 3.3. **[45CSR13, R13-2591, 4.1.6., 45CSR§2-3.1]**

5.1.2. Compliance with the visible emission requirements of Section 5.1.1. [45CSR§2-3.1.] shall be determined in accordance with 40 C.F.R. Part 60, Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems approved by the Director. The Director may require the installation, calibration, maintenance and operation of continuous opacity monitoring systems and may establish policies for the evaluation of continuous opacity monitoring results and the determination of compliance with the visible emission requirements of Section 5.1.1. [45CSR§2-3.1.]. Continuous opacity monitors shall not be required on fuel burning units which employ wet scrubbing systems for emission control. **[45CSR§2-3.2]**

5.1.3. If the owner or operator of a fuel burning unit can demonstrate to the satisfaction of the Director that compliance with Section 5.1.1. [45CSR§2-3.1.] cannot practically be achieved with respect to soot blowing operations or during the cleaning of a fire box, the Director may formally approve an alternative visible emission standard applicable to the fuel burning unit for soot blowing periods; provided that the exception period shall not exceed a total of six (6) six minute time periods in a calendar day with visible emissions limited to thirty percent (30%) opacity, as determined in accordance with 40 C.F.R. Part 60 Appendix A, Method 9, or by using measurements from a certified continuous opacity monitoring system. **[45CSR§2-3.3]**

5.1.4. The Director may approve an alternative visible emission standard to that required under Section 5.1.1. [45CSR§2-3.1.], not to exceed twenty (20) percent opacity, upon the filing of a written petition by the owner or operator, which petition shall include a demonstration satisfactory to the Director:

a. That it is technologically or economically infeasible to comply with Section 5.1.1. [45CSR§2-3.1.];

b. That emissions from the fuel burning unit for which an alternative visible emission standard is proposed impact no area in which the National Ambient Air Quality Standards for particulate matter are being exceeded nor will any such emissions cause or contribute to a violation of the National Ambient Air Quality Standards for particulate matter in an area which currently meets such standards;

c. That the particulate weight emission standards under 45CSR§2-4. are being met, as determined in accordance with the Appendix to this rule -- "Compliance Test Procedures for 45CSR2";

d. That the fuel burning unit for which an alternative visible emission standard is proposed is at all times operated and maintained in accordance with the provisions of Section 5.1.9. [45CSR§2-9.2.];

e. That the fuel burning unit for which an alternative visible emission standard is proposed and its associated air pollution control equipment are incapable of being adjusted or operated at normal operating loads to meet the applicable visible emission standard;

f. That the owner or operator will install, calibrate, maintain and operate a continuous opacity monitoring system approved by the Director, for the fuel burning unit for which an alternative visible emission standard is proposed, and will submit the results of such monitoring system to the Director on a calendar monthly basis in a format approved by the Director, provided that this provision shall not apply to fuel burning units which employ wet scrubbing systems for emission control; and

g. That all other requirements of law and rules enforced by the Director will be met.

[45CSR§2-3.4]

5.1.5. No person shall cause, suffer, allow or permit the discharge of particulate matter into the open air from all fuel burning units located at one plant, measured in terms of pounds per hour in excess of the amount determined as follows:

a. For Type 'b' fuel burning units, the product of 0.09 and the total design heat inputs for such units in million B.T.U.'s per hour, provided however that no more than six hundred (600) pounds per hour of particulate matter shall be discharged into the open air from all such units. Limit for the five boilers is 40.91 lb/hr. (*Stack 11 = 16.2 lb/hr; Stack 12 = 7.07 lb/hr; E3 = 8.82 lb/hr; and E4 = 8.82 lb/hr*)

[45CSR§2-4.1.]

5.1.6. Subject to the provisions of 45CSR2, allowable emission rates for individual stacks shall be determined by the owner and/or operator and registered with the Director at the request of, and on forms provided by, the Director. Such rates shall be subject to review and approval by the Director. (see condition 5.1.5.)

a. The approved set of individual stack allowable emission rates shall become an official part of the compliance schedule and/or any permits concerning such source(s), and shall not be changed without the prior written approval of the Director.

[45CSR§2-4.2.]

5.1.7. If the number of similar fuel burning units located at one plant, each of which is meeting the requirements of 45CSR2, is expanded by the addition of a new unit(s), the total allowable emission rate for the new unit(s) shall be determined by the following formula. However, the maximum allowable emission rates given in Section 5.1.5. [45CSR§2- 4.1.] are not to be exceeded:

$$\mathbf{R_e = [(1 - (H_{et} - H_e) / H_{et}) R_{et}]}$$

Where,

R_e is the total allowable emission rate in pounds per hour for the new fuel burning unit(s);

H_{et} is the total design heat input in million B.T.U.'s per hour of the existing and new similar units;

R_{et} is the total allowable emission rate in pounds per hour corresponding to H_{et}; and

H_e is the total design heat input in million B.T.U.'s per hour for the new fuel burning unit(s).

[45CSR§2-4.3.]

5.1.8. The visible emission standards set forth in Section 5.1.1. to 5.1.4. [45 CSR§2-3.] shall apply at all times except in periods of start-ups, shutdowns and malfunctions. Where the Director believes that start-ups and shutdowns are excessive in duration and/or frequency, the Director may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shutdowns are necessary. **[45CSR§2-9.1.]**

5.1.9. At all times, including periods of start-ups, shutdowns and malfunctions, owners and operators shall, to the extent practicable, maintain and operate any fuel burning unit(s) 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, visible emission observations, review of operating and maintenance procedures and inspection of the source. **[45CSR§2-9.2.]**

5.1.10. The owner or operator of a fuel burning unit(s) subject to this rule shall report to the Director any malfunction of such unit or its air pollution control equipment which results in any excess particulate matter emission rate or excess opacity (i.e., emissions exceeding the standards in Section 5.1.1. to 5.1.7. [45CSR§§2-3. and 4]) as provided in one of the following subdivisions:

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

1. The excess opacity period does not exceed thirty (30) minutes within any 24-hour period; and

2. Excess opacity does not exceed 40%.

b. The owner or operator shall report to the Director any malfunction resulting in excess particulate matter or excess opacity, not meeting the criteria set forth in Section 5.1.10.a [45CSR§2-9.3.a], by telephone, telefax, or e-mail by the end of the next business day after becoming aware of such condition. The owner or operator shall file a certified written report concerning the malfunction with the Director within thirty (30) days providing the following information:

1. A detailed explanation of the factors involved or causes of the malfunction;

2. The date and time of duration (with starting and ending times) of the period of excess emissions;

3. An estimate of the mass of excess emissions discharged during the malfunction period;

4. The maximum opacity measured or observed during the malfunction;

5. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and

6. A detailed explanation of the corrective measures or program that will be implemented to prevent a recurrence of the malfunction and a schedule for such implementation.

[45CSR§2-9.3.]

5.1.11. A malfunction, as defined under this rule, constitutes an affirmative defense to an action brought for noncompliance with the weight emission standards under 45CSR§2-4. if the owner or operator demonstrates to the satisfaction of the Director that the requirements of Sections 5.1.9. and 5.1.10. [45CSR§§2-9.2. and 9.3] have been met.
[45CSR§2-9.4.]

5.1.12. In any enforcement proceeding, the owner or operator seeking to establish the occurrence of a malfunction has the burden of proof.
[45CSR§2-9.5.]

5.1.13. In the event of an unavoidable shortage of fuel having characteristics or specifications necessary for a fuel burning unit to comply with the visible emission standards set forth in 45CSR§2-3. or any emergency situation or condition creating a threat to public safety or welfare, the Director may grant an exception to the otherwise applicable visible emission standards for a period not to exceed fifteen (15) days, provided that visible emissions during the exception period do not exceed a maximum six (6) minute average of thirty (30) percent and that a reasonable demonstration is made by the owner or operator that the emission standards under 45CSR§2-4. will not be exceeded during the exemption period.
[45CSR§2-10.1.]

5.1.14. Boiler #5 (Emission Point ID Stack 11) shall not be operated unless the permittee obtain the proper permit from the Director prior to restarting the boiler.
[45CSR13, R13-1939, 4.1.21. ~~A.21.]~~

5.1.15. The permittee shall fire only natural gas at coke plant boiler #8 (Emission Point ID Stack 12), unless an applicable permit is obtained from the Director.
[45CSR13, R13-1939, 4.1.22. ~~A.22.~~]

5.1.16. The following operating limits and conditions are specific to the construction of Boiler #9 (S1) and of Boiler #10 (S5) (*these limits and conditions are applicable to each boiler individually unless otherwise specified*):

(1) The primary fuel shall be coke oven gas with ~~an average heat content~~ a nominal lower heating value of 489 Btu per cubic foot and a monthly average hydrogen sulfide concentration of 40 grains per 100 standard cubic feet. Natural gas, with an average rating of 1,000 Btu per cubic foot, shall be available as a secondary fuel to the boiler.

(2) Coke oven gas with an increased hydrogen sulfide concentration having a daily average of 275 grains per 100 standard cubic feet shall be burned during periods of desulfurization maintenance. Desulfurization maintenance outages shall occur a maximum of 528 hours per year.

(3) The maximum heat input shall be limited to 98 MMBtu per hour and 858,480 MMBtu per year.

(4) The emissions from Source S1 shall be vented through Emission Point E3. The emissions from Source S5 shall be vented through Emission Point E4.

(5) The coke oven gas supply pipeline shall be sampled with a continuous monitoring system (CMS) for the purpose of monitoring the hydrogen sulfide content of the coke oven gas fired in the boiler.

(6) Emissions vented though Emission Point E3 and through Emission Point E4 shall be limited to the following pollutants and associated emission rates shown in the table below for each emission point:

Pollutant	Emission Factor	Emissions Limits	
		Hourly (lbs/hr)	Annual[4] (tons/yr)
CO	18.4 lb/MMCF[1]	3.7	16.2
NO_X	80 lb/MMCF[1]	16.1	70.3
SO_2	Routine Operation[2]	27.0	127.9
	Desulfurization/ Maintenance[3]	148.2	
PM	0.012 lb/MMBtu	1.2	5.2
PM_{10}	0.012 lb/MMBtu	1.2	5.2
VOC	1.2 lb/MMCF	0.3	1.1

1- Emission factor specific to the combustion of coke oven gas.
2- Based on COG with a maximum H_2S concentration of 50 grains per 100 standard cubic feet.
3- Based on COG with a maximum H_2S concentration of 275 grains per 100 standard cubic feet.
4- Annual emissions are based on a total of routine operations for 8,232 hours and the desulfurization maintenance for 528 hours.

[45CSR13, R13-2591, 4.1.2. and 4.1.3.]

5.1.17. The following operating limits and conditions are specific to the construction of Boiler #6 (P017) and Boiler #7 (P018):

(1) The primary fuel shall be coke oven gas with ~~an average heat content~~ a nominal lower heating value of 489 Btu per cubic foot and a monthly average hydrogen sulfide concentration of 40 grains per 100 standard cubic feet. Natural gas, with an average rating of 1,000 Btu per cubic foot, shall be available as a secondary fuel to the boiler.

(2) Coke oven gas with an increased hydrogen sulfide concentration having a daily average of 275 grains per 100 standard cubic feet shall be burned during periods of desulfurization maintenance. Desulfurization maintenance outages shall occur a maximum of 528 hours per year.

(3) The maximum heat input shall be limited to 90 MMBtu per hour and 788,400 MMBtu per year.

(4) The emissions from Source P017 and Source P018 shall be vented through Emission Point Stack 11.

(5) The coke oven gas supply pipeline shall be sampled with a continuous monitoring system (CMS) for the purpose of monitoring the hydrogen sulfide content of the coke oven gas fired in the boiler.

(6) Emissions vented though Emission Point Stack 11 shall be limited to the following pollutants and associated emission rates shown in the table below:

Pollutant	Emission Factor	Emissions Limits	
		Hourly (lbs/hr)	Annual[4] (tons/yr)
CO	18.4 lb/MMCF[1]	6.8	29.7
NO_X	0.16 lb/MMBtu[1]	29.5	129.0

Pollutant	Emission Factor	Emissions Limits	
		Hourly (lbs/hr)	Annual[4] (tons/yr)
SO_2	Routine Operation[2]	49.5	234.8
	Desulfurization/ Maintenance[3]	272.3	
PM	0.012 lb/MMBtu	2.2	9.5
PM_{10}	0.012 lb/MMBtu	2.2	9.5
VOC	1.2 lb/MMCF	0.5	2.0

1- Emission factor specific to the combustion of coke oven gas.
2- Based on COG with a maximum H_2S concentration of 50 grains per 100 standard cubic feet.
3- Based on COG with a maximum H_2S concentration of 275 grains per 100 standard cubic feet.
4- Annual emissions are based on a total of routine operations for 8,232 hours and the desulfurization maintenance for 528 hours.

[45CSR13, R13-2591, 4.1.4.]

5.1.18. The following conditions and requirements are specific to Boiler #8 (P019):

(1) CO emissions emitted to the atmosphere from the boiler shall not exceed 6.6 pounds per hour with an annual rate not to exceed 28.9 tpy. Compliance with this limit shall be satisfied by optimization of the CO concentration from the unit during the tune-up as required in Condition 5.1.19. and satisfying item (4) of this condition.

(2) NO_x emissions emitted to the atmosphere from the boiler shall not exceed 7.9 pounds per hour with an annual rate not to exceed of 34.4 tons per year. Compliance with this limit is satisfied by verifying the manufacturer's NOx emission setting and/or specification, if available, during the tune-up of the unit. Compliance with the annual limit is satisfied by complying with item (4) of this condition.

(3) The boiler shall only be fired with pipeline quality natural gas. This condition satisfies compliance with the limitations of 45CSR§2-3.1., 45CSR§2-4.1.b., and 45CSR§10-3.1.e.

(4) The heat input of the boiler shall not be greater than 78.5 MMBtu/hr. Compliance with this limit for each boiler shall be satisfied by limiting the annual consumption of natural gas to 687.7 MM cubic feet, measured as a rolling 12 month rolling total.

[45CSR13, R13-2591, 4.1.5., 45CSR§2A-3.1.a., 45CSR§10-10.3., and 45CSR§10A-3.1.b.]

5.1.19. **40 CFR Part 63, Subpart DDDDD.** The permittee shall conduct an annual tune-up for each applicable boiler listed in Table 1.1 (i.e., Boiler #8 only) with the initial tune-up to complete by no later than January 31, 2016 (40 CFR §63.7510(e)) in accordance with the applicable requirements of 40 CFR 63, Subpart DDDDD. If a unit is not operating on the required date for a tune-up, the tune-up must be conducted within 30 calendar days of startup. Subsequent tune-ups shall be no more than 13 months after previous tune-up and shall consist of the following:

i. As applicable, inspect the burner, and clean or replace any components of the burner as necessary (permittee may delay the burner inspection until the next scheduled unit shutdown). At units where entry into a piece of process equipment or into a storage vessel is required to complete the tune-up inspections, inspections are required only during planned entries into the storage vessel or process equipment;

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

iii. Inspect the system controlling the air-to-fuel ratio, as applicable, and ensure that it is correctly calibrated and functioning properly (you may delay the inspection until the next scheduled unit shutdown);

iv. Optimize total emissions of CO. This optimization should be consistent with the manufacturer's specifications,

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

[45CSR13, R13-2591, 4.1.7., 40 CFR §63.7500(a)(1), §63.7505(a), §63.7510(e), §63.7515(d), §63.7540(a)(10), and Table 3 to Subpart DDDDD of Part 63—Work Practice Standards]

5.1.20. The permittee shall conduct a one-time energy assessment of the facility which shall include applicable boilers listed in Table 1.1. (i.e., Boiler #8 only) of this permit, as specified in Table 3 of 40 CFR 63 Subpart DDDDD. Pursuant to 40 CFR §63.7510(e), the energy assessment shall be completed no later than January 31, 2016.
[45CSR13, R13-2591, 4.1.8., 40 CFR §63.7500(a)(1), §63.7505(a), and Table 3 of 40 CFR 63 Subpart DDDDD]

5.2. Monitoring Requirements

5.2.1. The owner or operator of a fuel burning unit(s) shall monitor compliance with Sections 5.1.1. – 5.1.4. [45CSR§2-3] as set forth in an approved monitoring plan for each emission unit. Such monitoring plan(s) shall include, but not be limited to, one or more of the following: continuous measurement of emissions, monitoring of emission control equipment, periodic parametric monitoring, or such other monitoring as approved by the Director.

1. Direct measurement with a certified continuous opacity monitoring system (COMS) shall be deemed to satisfy the requirements for a monitoring plan. Such COMS shall be installed, calibrated, operated and maintained as specified in 40 C.F.R. Part 60 Appendix B, Performance Specification 1 (PS1). COMS meeting the requirements of 40 C.F.R. Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS1.

2. Monitoring plans pursuant to Sections 5.2.1. [45CSR§2-8.2.a.] shall be submitted to the Director within six (6) months of the effective date of 45CSR2. Approval or denial of such plans shall be within twelve (12) months of the effective date of 45CSR2 or six (6) months after receipt of the monitoring plan, whichever is later. The owner or operator may presume approval until notified otherwise.

3. Excursions outside the range of operating parameters associated with control or process equipment which are established in an approved monitoring plan will not necessarily constitute a violation of 45CSR2.

[45CSR§2-8.2.a.]

5.2.2. For the purpose of determining compliance with the operating and emission limits set forth by Section 5.1.16., 5.1.17., and 5.1.18, the permittee shall monitor the fuel consumption and operating schedule of Boilers #6, #7, #8, #9, and #10.
[45CSR13, R13-2591, 4.2.1.]

5.2.3. For the purpose of determining compliance with the continuous hydrogen sulfide monitoring requirements set forth by Sections 5.1.16. and 5.1.17, the permittee shall operate and maintain existing continuous hydrogen sulfide monitors in accordance with the requirements set forth by 40 C.F.R. §60.13; 40 C.F.R. Part 60 Appendix B - Performance Specifications 7; and 40 C.F.R. Part 60 Appendix F - Quality Assurance Procedure Number 1. Such records shall be maintained in accordance with Condition 3.4.2. of this permit.
[45CSR13, R13-2591, 4.2.2.]

5.2.4. For each month, the permittee shall record the hours of operation and amount of natural gas consumed by the Boiler #8 (S4) and shall calculate the rolling yearly total of natural gas consumed. Such records shall be maintained in accordance with Condition 3.4.2. of this permit.
[45CSR13, R13-2591, 4.2.3., 45CSR16, 40 CFR §60.48c(g)(2) and 45CSR§2A-7.1.a.1.]

5.3. Testing Requirements

5.3.1. See Sections 3.3.2. through 3.3.5.

5.3.2. The owner or operator of a fuel burning unit(s) shall demonstrate compliance with Sections 5.1.1 – 5.1.4. [45CSR§2-3] by periodic testing in accordance with 40 C.F.R. Part 60 Appendix A, Method 9, or a certified continuous opacity monitoring system, as approved by the Director, and Sections 5.1.5. – 5.1.7. [45CSR§2-4] by periodic particulate matter stack testing, conducted in accordance with the appropriate test method set forth in the 45CSR2 Appendix or other equivalent EPA approved method approved by the Director. The owner or operator shall conduct such testing at a frequency to be established by the Director.
[45CSR§2-8.1.a.]

5.3.3. At such reasonable times as the Director may designate, the owner or operator of any fuel burning unit(s) may be required to conduct or have conducted tests to determine the compliance of such unit(s) with the emission limitations of Sections 5.1.5. – 5.1.7. [45CSR§2-4]. Such tests shall be conducted in accordance with the appropriate method set forth in the 45CSR2 Appendix or other equivalent EPA approved method approved by the Director. The Director, or his duly authorized representative, may at his option witness or conduct such tests. Should the Director exercise his option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports located in such manner as the Director 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.

1. Sufficient information on temperatures, velocities, pressures, weights and dimensional values shall be reported to the Director, with such necessary commentary as he may require to allow an accurate evaluation of the reported test results and the conditions under which they were obtained.

[45CSR§2-8.1.b.]

5.3.4. The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate air pollution emissions other than those noted in Section 5.1.5. [45CSR§2-4.1].
[45CSR§2-8.1.c.]

5.4. Recordkeeping Requirements

5.4.1. The owner or operator of a fuel burning unit(s) shall maintain on-site all records of monitored data established in the monitoring plan pursuant to Section 5.2.1. [45CSR§2-8.2.a.]. Such records shall be made available to the Director or his duly authorized representative upon request. Such records shall be retained on-site for a minimum of five years.
[45CSR§2-8.3.a.]

5.4.2. The owner or operator shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit in a manner to be established by the Director. Such records are to be maintained on-site and made available to the Director or his duly authorized representative upon request.
[45CSR§2-8.3.c.]

5.4.3. Where appropriate the owner or operator of a fuel burning unit(s) may maintain such records in electronic form.
[45CSR§2-8.3.d.]

5.4.4. For boiler #8, the permittee shall keep the following records in accordance with 40CFR§63.7555. This includes but not limited to the following information during the tune-up as required in Condition 5.1.19. and 40 CFR §63.7540:

a. The concentrations of CO in the effluent stream in parts per million by volume, and oxygen in volume percent, measured at high fire or typical operating load, before and after the tune-up of the boiler or process heater. If concentrations of NO_x were taken during the tune-up of the unit, record of such measurements shall be included; and

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

[45CSR13, R13-2591, 4.4.5., 40 CFR §§63.7540(a)(10)(vi) and 63.7555]

5.4.5. For the purpose of documenting the continuous monitoring activities of Section 5.2.3, the permittee shall maintain records of the recorded emissions data for each of the affected emission points.
[45CSR§30-12.7.]

5.4.6. For boiler Nos. 6, 7, 9 and 10, the permittee shall maintain records of the average annual heat input of natural gas and the average annual heat input of the coke oven gas burned in each boiler. If the average annual heat input of coke oven gas during any 3 consecutive calendar years falls below 50 percent for any boiler, then that boiler will be subject to 40 CFR 63 Subpart DDDDD. If any of the four boilers become subject to Subpart DDDDD, in accordance with 40 CFR §63.7495(g), they must be in compliance with the applicable existing source provisions of Subpart DDDDD within 3 years after such unit becomes subject to Subpart DDDDD.
[45CSR§30-12.7.]

5.5. Reporting Requirements

5.5.1. The owner or operator shall submit a periodic exception report to the Director, in a manner and at a frequency to be established by the Director. Such exception report shall provide details of all excursions outside the range of measured emissions or monitored parameters established in an approved monitoring

plan, and shall include, but not be limited to, the time of the excursion, the magnitude of the excursion, the duration of the excursion, the cause of the excursion and the corrective action taken.
[45CSR§2-8.3.b.]

5.5.2. For Boiler #8, the permittee shall submit a "Notification of Compliance Status" for boilers covered by this permit to the Director before the close of business on the sixtieth (60th) day after completion of the initial compliance demonstration as required in 40 CFR §63.7530(e) and (g). Such "Notification of Compliance Status" shall be in accordance with 40 CFR §63.9(h)(2(ii) and contain the information specified in 40 CFR §§63.7545(e)(1), and (8), which includes a statement the one time energy assessment was completed as required in Condition 5.1.20.
[45CSR13, R13-2591, 4.5.1., 40CFR§63.7545(e), §63.7530(e)]

5.5.3. For Boiler #8, the permittee shall submit "annual Compliance Report" for the boilers using CEDRI that is accessed through the EPA's Center Data Exchange (CDX) (www.epa.gov/cdx). However, if the reporting form for this report is not available in CEDRI at the time the report is due, the permittee shall submit the report to the Administrator and Director using the address listed in Condition 3.5.3. The first report being submitted by no later than January 31, 2017 ~~2016~~ and subsequent reports are due on January 31 from thereafter. Such reports shall contain the information specified in 40 CFR §§63.7550(c)(5)(i) through (iv) and (xiv) which are:

a. Permittee and facility name, and address;

b. Process unit information, emission limitations, and operating limitations;

c. Date of report and beginning and ending dates of the reporting period;

d. The total operating time during the reporting period of each affected unit;

e. Include the date of the most recent tune-up for the boiler; and

f. Include the date of the most recent burner inspection if it was not done on annual tune-up period and was delayed until the next scheduled or unscheduled unit shutdown.

The permittee shall maintain records of these reports in accordance with Condition 3.4.2.
[45CSR13, R13-2591, 4.5.2., 40CFR §§63.7550(b), (b)(1), (c)(1), & (c)(5)(i) though (iv) and (xiv), and (h)(3)]

5.5.4. The permittee shall review and determine on a monthly basis if there were any exceedance of the conditions set forth under Sections 5.1.14. - 5.1.15. Should the permittee determine that an exceedance occurred, then the permittee shall submit a written report describing what the exceedance was and what measures the permittee has taken to prevent the exceedance from re-occurring.
[45CSR13, R13-1939, 4.5.1. ~~B.1., B.7.]~~

5.6. Compliance Plan

5.6.1. None

6.0 Source-Specific Requirements [Coal/Coke Handling, Coal Handling, Storage Pile Group, and Coke Screening System, P007-1 ~~S40, SS40-a, SS40-b, SS40-c, SS40-d~~ (Group 006) and emission point ID (C07, F17, C08, F18, C09, F19, ~~E40~~, SS1-A/F1, SS1-B/F2, SS1-C/F3, SS1-D/F4, SS1-E/F5, ~~SS2-A/F6, SS2-B/F7, SS2-C/F8, SS2-D/F9, SS2-E/F10~~)]

6.1. Limitations and Standards

6.1.1. Total particulate matter and PM_{10} emissions from Coal Crushing/Crusher shall not exceed 1.0 lb/hr and 0.51 lb/hr, respectively.
[CO-SIP-91-29, Section III.1.A.]

6.1.2. The coal crusher is housed within a fully enclosed structure that shall be maintained to achieve and assure a minimum 90% control efficiency of potential (uncontrolled) emissions of total particulate matter and PM_{10}.
[CO-SIP-91-29, Section III.1.B.]

6.1.3. There shall be no visible emissions from any point of the building housing the Coal Crushing/Crusher operations.
[CO-SIP-91-29, Section III.1.C.]

6.1.4. Compliance with Sections 6.1.1, 6.1.2, and 6.1.3. [Sections III.1.A., B. and C.] shall be demonstrated on and after November 14, 1991.
[CO-SIP-91-29, Section III.1.D.]

6.1.5. Compliance with 6.1.1, 6.1.2, and 6.1.3. [Sections III.1.A., B. and C.] shall be determined in accordance with the provisions of Sections 3.3.2. through 3.3.5. and Appendix B (B1). Only visible emission standards shall be applicable for emission control by passive (non-evacuated) full enclosure.
[CO-SIP-91-29, Section III.1.E.]

6.1.6. Total particulate matter and PM_{10} emissions from Coke Sizing and Screening operations at Stations No. 1 and No. 2 shall not exceed 1.48 lb/hr and 0.76 lb/hr, respectively from each station.
[CO-SIP-91-29, Section III.2.A.]

6.1.7. Coke Sizing and Screening operations at Stations No. 1 and No. 2 shall be performed within the existing fully enclosed structures that shall be maintained so as to achieve and assure a minimum 90% control efficiency of potential (uncontrolled) emissions of total particulate matter and PM_{10}.
[CO-SIP-91-29, Section III.2.B.]

6.1.8. There shall be no visible emissions exceeding 5% opacity from any point of the structures housing the Coke Sizing and Screening operations at Stations No. 1 and No. 2.
[CO-SIP-91-29, Section III.2.C.]

6.1.9. Compliance with Sections 6.1.6, 6.1.7, and 6.1.8. [Sections III.2.A., B., and C.] shall be achieved on and after November 14, 1991.
[CO-SIP-91-29, Section III.2.D.]

6.1.10. Compliance with Sections 6.1.6, 6.1.7, and 6.1.8. [Sections III.2.A., B. and C.] shall be determined in accordance with provisions of Sections 3.3.2. through 3.3.5. [Section IV] and Appendix B (B1) of this permit. Only visible emission standards shall be applicable for emission control by passive (non-evacuated) full enclosure.
[CO-SIP-91-29, Section III.2.E.]

~~6.1.11. The permittee shall employ one mobile screening unit and radial stacking conveyor identified as S40. Such emissions units shall be installed, operated, and maintained in accordance with the following limitation:~~

~~a. PM emissions from the sizing and handling of metallurgical coke shall not exceed 4.18 pounds per hour and 3.34 tons per year;~~

~~b. PM_{10} emissions from the sizing and handling of metallurgical coke shall not exceed 2.02 pounds per hour and 1.61 tons per year;~~

~~c. $PM_{2.5}$ emissions from the sizing and handling of metallurgical coke shall not exceed 1.92 pounds per hour and 1.53 tons per year;~~

~~d. Compliance with the emissions limits of items a. through c. shall be met by limiting the processing rate of metallurgical coke to 125 tons per hour and 200,000 tpy.~~

~~e. The height of the drop point from each belt conveyor shall be minimized at times in effort to minimize fugitive particulate from being discharged into the atmosphere.~~
~~**[45CSR§7-5.1]**~~

~~f. Visible emissions from the vibrating screen of the mobile screening unit shall not be discharged to the atmosphere in amounts greater than 20% opacity except for visible particulate matter emission less than 40% opacity for a period or periods aggregating no more than 5 minutes in any 60 minute period.~~
~~**[45CSR§7-3.1., 45CSR§7-3.2.]**~~

~~**[45CSR13, R13-2798, 4.1.1., (E40)]**~~

~~6.1.12. The mobile screen unit and radial stacking conveyor are permitted to be operated by its own dedicated internal combustion engine. These engines shall be installed, operated, maintained in accordance with the following limitations:~~

~~a. Emissions for each engine shall not exceed the following limits:~~

~~**Pollutant**~~	~~**$NMHC+NO_x$**~~	~~**CO**~~	~~**PM**~~
	~~g/hp-hr~~	~~g/kw-hr~~	~~g/kw-hr~~
~~Cummins QSB4.5 Engine (110 Bhp)~~	~~3.8~~	~~0.9~~	~~0.13~~
~~ISHIKAWAJIMA-SHIBAURA 404C-22 Engine (48 Bhp)~~	~~4.8~~	~~0.9~~	~~0.27~~

~~b. Each engine shall not be operated more than 1600 hours per year for any purpose, which shall include emergencies and maintenance/readiness tests;~~

~~c. Each engine shall be equipped with a non-resettable hour meter prior to the start-up of the engine;~~

~~d. Each engine shall be operated and maintained in accordance with the manufacturer's written instructions. A copy of such instruction shall be permanently maintained on site for the life of the engine;~~

~~e. All nonroad diesel fuel is subject to the following per-gallon standards until October 1, 2010;~~

~~i. Maximum sulfur content of 500 ppm;~~

~~ii. Cetane index or aromatic content as follows:~~

~~(1) A minimum cetane index of 40; or~~

~~(2) A minimum aromatic content of 35 % by volume.~~

~~**[40 C.F.R. § 80.510(a)]**~~

~~f. Beginning October 1, 2010, all nonroad diesel fuel is subject to the following per-gallon standards:~~

~~i. Maximum sulfur content of 15 ppm;~~

~~ii. Cetane index or aromatic content as follows:~~

~~(1) A minimum cetane index of 40; or~~

~~(2) A minimum aromatic content of 35 % by volume.~~

~~**[40 C.F.R. § 80.510(b)]**~~

~~**[45CSR13, R13-2798, 4.1.2., (E40), 45CSR16, 40 CFR §§60.4204(b), 60.4207(b)]**~~

~~6.1.13. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-2798 and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.~~
~~**[45CSR13, R13-2798, 2.5.1.]**~~

~~6.1.14. The following requirement from 40 CFR 63 Subpart ZZZZ, is applicable to the mobile screen unit and radial stacking conveyor engines:~~

~~The internal combustion engines powering the mobile screen unit and radial stacking conveyor must meet the requirements of 40 CFR 63 Subpart ZZZZ by meeting the requirements of 40 CFR part 60 Subpart IIII, for compression ignition engines. No further requirements apply for this engine under 40 CFR 63 Subpart ZZZZ.~~
~~**[45CSR34; 40 CFR §63.6590(c)(7)]**~~

~~*(Conditions 6.1.12., 6.1.15., and 6.1.16. contain the 40 CFR 60 Subpart IIII Requirements applicable to the mobile screen unit and radial stacking conveyor engines.)*~~

~~6.1.15. The mobile screen unit and radial stacking conveyor engines must meet the emission standards of 40 CFR §60.4204 over the entire life of the engines.~~
~~**[45CSR16; 40 CFR §60.4206]**~~

~~6.1.16. The compliance requirements below, for the mobile screen unit and radial stacking conveyor engines must be followed:~~

~~a. The engine must be operated and maintained according to the manufacturer's emission-related written instructions;~~

~~b. Change only those emission-related settings that are permitted by the manufacturer; and~~

~~c. Meet the requirements of 40 CFR Parts 89, 94 and/or 1068 as they apply to the engine.~~

~~**[45CSR16; 40 CFR §60.4211(a)]**~~

6.1.11. ~~6.1.17.~~ The throughput of coke into the Station 1 Screen shall not exceed 125 tons per hour nor 100,000 tons per year. Compliance with the throughput limit shall be determined using a rolling 12 month total. For the purposes of this permit a rolling 12 month total shall mean the amount of coke processed at any given time for the previous twelve (12) consecutive calendar months.
[45CSR13, R13-2548, 4.1.1.]

~~6.1.18. The throughput of coke into the Station 2 Screen shall not exceed 125 tons per hour nor 100,000 tons per year. Compliance with the throughput limit shall be determined using a rolling 12 month total.~~
~~**[45CSR13, R13-2548, 4.1.2.]**~~

6.1.12. ~~6.1.19.~~ The permittee shall install and maintain an overhead tarp cover on each screening unit sufficient to minimize particulate emissions from the screens.
[45CSR13, R13-2548, 4.1.2. ~~3.~~]

6.1.13. ~~6.1.20.~~ **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall to the extent practicable, install, maintain, and operate all pollution control equipment ~~required by this permit~~ listed in Section 1.0 of Permit R13-2548B 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 i~~n accordance with the manufacturer's specifications so as to provide the guaranteed minimum control efficiency, or with any more stringent control requirements~~ as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary. (*SS1-B*)
[45CSR13, R13-2548, 4.1.7. ~~8.~~]

6.2. Monitoring Requirements

~~6.2.1. For the purposes of demonstrating compliance with Sections 6.1.11.a through 6.1.11.d, and 6.1.12.b, the permittee shall monitor the amount of coke processed, and hours that each engine operated on a daily basis. Records of such monitoring and a 12 month rolling total shall be maintained in accordance with Section 3.4.2.~~
~~**[45CSR13, R13-2798, 4.2.1., (E40)]**~~

~~6.2.2. For the purpose of determining compliance with the opacity limits of Section 6.1.11.f, the permittee shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.~~

~~The visible emission check shall 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. Part 60 Appendix A, Method 22 or from the lecture portion of the 40 C.F.R. Part 60 Appendix A, Method 9 certification course.~~

~~Visible emission checks shall be conducted at least once per calendar week. These checks shall be performed at each source (stack, transfer point, fugitive emission source, etc.) for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions.~~

~~If visible emissions are detected during the weekly observation, then the permittee shall conduct an opacity reading of the respective source(s) using the procedures and requirements of 45CSR7A as soon as practicable, but within seventy two (72) hours of the weekly check. This 45CSR7A observation is to determine if the source is operating in compliance with the visible emission standard in Section 6.1.11.f.~~

~~If, after a period of four consecutive weeks, readings have been taken according to schedule and with no exceedances beyond the limit set forth in Section 6.1.11.f and no individual readings greater than 40% opacity have been taken, subsequent readings may be taken once every month, with each set of readings covering one continuous, five minute period while the mobile screening unit is operating. If at any time a set of readings indicates a exceedance of the limit set forth in Section 6.1.11.f or contains an individual reading of greater than 40% opacity, subsequent sets of readings will be taken once every week until a period of four consecutive weeks passes during which readings have been taken according to schedule and no exceedances of the limit set forth in Section 6.1.11.f or no individual readings greater than 40% opacity have been observed. Such records shall be maintained in accordance with Section 3.4.2.~~

~~**[45CSR13, R13-2798, 4.2.2., (E40)]**~~

6.2.1. ~~6.2.3.~~ For the purpose of determining compliance with maximum throughput limits set forth in 6.1.11. ~~6.1.17 and 6.1.18~~ the permittee shall monitor the amount of coke through the Station one ~~and Station two~~ screen~~s~~ as follows:

a. The permittee must designate equipment that will be used for loading the screeners and state the bucket capacity in cubic feet. If more than one piece of equipment will be used to load the screens, an initial average (10 scoops) must be obtained for each and, if there is a 10% or greater difference in weight, separate records must be kept for each piece of equipment. If the difference in weight is less than 10% combined records may be kept.

b. The permittee must keep records of any change in equipment or bucket capacity, including the date of such changes.

c. The permittee must establish the average weight of 10 scoops taken. Obtaining this 10 scoop average shall be coordinated with DAQ permitting and enforcement to allow an opportunity for representatives of either or both to be present during any loading and weighing.

d. Following successful completion of section 6.2.1.c. ~~6.2.3.c.~~ of this permit, the permittee must obtain the weight of two scoops per week for a month. If the average weight of any two-scoop weighing exceeds the 10 scoop average by more than 10%, the permittee must reestablish the 10 scoop average as outlined in section 6.2.1.c. ~~6.2.3.c.~~ of this permit.

e. Following successful completion of section 6.2.1.d. ~~6.2.3.d.~~of this permit, the permittee shall continue to obtain the weight of two scoops per quarter. If the average weight of any two-scoop weighing exceeds the 10 scoop average obtained by section 6.2.1.c. ~~6.2.3.c.~~ of this permit by more than 10%, the permittee shall reestablish the 10 scoop average as outlined in section 6.2.1.c. ~~6.2.3.c.~~ of this permit and then repeat section 6.2.1.d. ~~6.2.3.d.~~ of this permit.

[45CSR13, R13-2548, 4.2.1., 45CSR§30-12.7]

6.2.2. ~~6.2.4.~~ Refer to section 3.2.1. of this permit.

6.3. Testing Requirements

6.3.1. 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. (*SS1-B~~, SS2-B~~*)
[45CSR§13-6.1. *and* 45CSR13, Permit No. R13-2548, 4.3.1.]

6.4. Recordkeeping Requirements

~~6.4.1. The permittee shall keep on site all information or documents noting that internal engines for the mobile screening unit and radial stacking conveyor are certified in accordance with 40 C.F.R. Part 89 for the same model year and engine power or records of performance test results showing compliance with emission limits of Section 6.1.12.a of similar engine or manufacturer data indicating compliance with the emission limits of Section 6.1.12.a. Such records shall be maintained on site for the life of the engine at the facility.~~
~~**[45CSR13, R13-2798, 4.4.4., (E40)]**~~

~~6.4.2. The permittee shall maintain records of all monitoring data required by Section 6.2.2. documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80 °F, 6 – 10 mph NE wind) during the visual emission check(s). An example form is supplied as Appendix D. Should a visible emission observation be required to be performed per the requirements specified in method listed in 45CSR7A, the data records of each observation shall be maintained per the requirements of the method listed in 45CSR7A. For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent~~
~~**[45CSR13, R13-2798, 4.4.5., (E40)]**~~

6.4.1. ~~6.4.3.~~ For the purposes of determining compliance with maximum throughput limits set forth in 6.1.11. ~~6.1.17~~ ~~and 6.1.18~~ and the monitoring requirement set forth in 6.2.1. ~~6.2.3.~~ the permittee shall maintain certified daily and monthly records of the amount of coke through the Station 1 ~~and Station 2~~ screen~~s~~. ~~Such r~~ Records shall be retained on-site by the permittee for at least five (5) years and shall be made

available to the Director or his duly authorized representative upon request. Further, the records for the 10 scoop averaging must be maintained for the duration of the use of that number, even if beyond 5 years.
[45CSR13, R13-2548, 4.4.4.]

6.4.2. ~~6.4.4.~~ Record of Maintenance of Air Pollution Control Equipment. For all pollution control equipment listed in Section 1.0 of permit R13-2548B ~~required by this permit~~, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures. ~~schedules, the results of the inspection and/or preventative maintenance activities, and any corrective actions taken.~~ (*SS1-B~~, SS2-B~~*)
[45CSR13, R13-2548, 4.4.2.]

6.4.3. ~~6.4.5.~~ Record of Malfunctions~~, Operational Shutdowns, and Other Events~~ of Air Pollution Control Equipment. For all air pollution control equipment listed in Section 1.0 of permit R13-2548B, the permittee shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions occur. For each such case, the following information shall be recorded; ~~The permittee shall maintain accurate records of all maintenance activities, malfunctions, and other operational shutdowns for designated pollution control equipment or process equipment employed for the purpose of emissions reduction required by this permit. For each such case, the following information, at a minimum, must be recorded.~~ (*SS1-B~~, SS2-B~~*)~~:~~

a. The equipment involved.

b. Steps taken to minimize emissions during the event.

c. The duration of the event.

d. The estimated increase in emissions during the event.

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

e. The cause of the malfunction.

f. Steps taken to correct the malfunction.

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

[45CSR13, R13-2548, 4.4.3.]

6.5. Reporting Requirements

6.5.1. Reserved. ~~Any exceedances of the allowable visible emission requirement for any emission source discovered during observations using the Method listed in 45CSR7A must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the exceedances, and any corrective measures taken or planned.~~
~~**[45CSR13, R13-2798, 4.5.1., (E40)]**~~

6.6. Compliance Plan

6.6.1. None

7.0 Source-Specific Requirements [Plant Roadways and Parking (Group 007)]

7.1. Limitations and Standards

7.1.1. The Company shall continue to comply with dust control measures on all unpaved roads identified in this Section in a manner that achieves and assures 95% control efficiency as determined by methodology set forth in the USEPA reference document Control of Open Fugitive Dust Sources (EPA/450/3-88-008), Section 3.0, Unpaved Roads and in accordance with the following:

1. All unpaved roads in Appendix C, Table 1, shall be treated at least every three weeks (tri-weekly) following the initial establishment of chemical ground inventory with a chemical dust suppressant (petroleum resin emulsion, asphalt emulsions or acrylic cements) on a year-round (12 month) basis, except as provided under Section 7.1.1.5. and 7.1.12.

2. Tri-weekly applications shall be accomplished within twenty-three (23) days of prior applications except as provided under Section 7.1.1.5.

4. A minimum ground inventory of 0.25 gallons of concentrate per square yard of road surface, as specified in Section 3.0 of the USEPA reference document *Control of Open Fugitive Dust Sources* (EPA/450/3-88-008) shall be maintained.

5. Tri-weekly applications of dust suppressant may be delayed by not more than three (3) days from any scheduled date upon which the unpaved road surface is frozen, snow covered, or has experienced $\geq$ 0.25 inches of rainfall.

In the event of persistent adverse weather conditions such as freezing, snow cover, or excessive rainfall, the Company may petition the Director verbally with written confirmation provided in quarterly report for extended exemptions which may be granted as deemed appropriate by the Director.

[CO-SIP-91-29, Section III.5.A.]

7.1.2. The Company shall continue to comply with dust control measures on all unpaved parking lots, laydown, entrance, loading, unloading areas, berms, and irregular paved surfaces that can not be adequately cleaned under the provisions of Section 7.1.6. through 7.1.9. in accordance with the following:

1. After the initial treatment to establish the required ground inventory of chemical dust suppressant within the first 2 months of the unpaved surface dust control program, all unpaved areas and irregular paved surfaces identified in Table 1 of Appendix C shall be treated with chemical dust suppressant (petroleum resin emulsion, asphalt emulsion or acrylic cements) at least at the frequencies set forth in Appendix C, Table 1 on a year round (12 month) basis.

2. Monthly and quarterly applications shall be made before the end of the first full week of the month/quarter except that the Company may seek extensions of time due to persistent adverse weather conditions in accordance with Section 7.1.1.5.

3. For each monthly/quarterly application after the initial 2 month treatment period, the concentrated dust suppressant shall be diluted at a ratio of not more than seven (7) parts water to one (1) part concentrate and the resulting solution shall be applied at a minimum coverage rate of 0.5 gallons per square yard of surface area.

[CO-SIP-91-29, Section III.5.B.]

7.1.3. Compliance with Sections 7.1.1. and 7.1.2. shall be determined in accordance with procedures described in Appendix B2.
[CO-SIP-91-29, Section III.5.C.]

7.1.4. Control Equipment

The Company shall assure the availability, required scheduling, and proper maintenance of spray trucks that are designed and equipped, at minimum with a 2,000 gallon capacity tank, a spray bar system capable of applying the dust suppressant solution at a coverage rate of at least 1.3 gallons per square yard of surface, a certified flow metering device calibrated in units of gallons per minute, and apparatus that will facilitate manual application of the solution to areas not readily accessible by the spray truck.
[CO-SIP-91-29, Section III.5.D.]

7.1.5. The Company shall continue to implement the dust control measures of Sections 7.1.1. through 7.1.4.
[CO-SIP-91-29, Section III.5.F.]

7.1.6. The Company shall implement, maintain, and comply with dust control measures on all paved roads identified in this Section in a manner that achieves and assures 95% control efficiency as determined by methodology set forth in the USEPA reference document *Control of Open Fugitive Dust Sources* (EPA/450/3-88-008), Section 2.0, Paved Roads, and in accordance with the following:

1. All paved roads identified in Table 1 of Appendix C shall be cleaned via concurrent water flushing and vacuum sweeping on a daily, year-round (12 month) basis except as provided under Section 7.1.6.1.a and b.

   a. Daily flushing and sweeping may be suspended only under the following adverse weather conditions:

Weather Condition	Permitted Exemption
≥ 0.25 inches rainfall	Flushing
Freezing surface	Flushing
Snow cover	Flushing and sweeping

   All such suspensions shall be reported and verified as required under Sections 7.4.2. through 7.4.3. (Recordkeeping and Reporting).

   b. Irregular paved surfaces that cannot feasibly or adequately be cleaned by vacuum sweeping shall be chemically sprayed in accordance with provisions of Sections 7.1.1. through 7.1.5.

[CO-SIP-91-29, Section III.6.A.]

7.1.7. Compliance with Section 7.1.6. shall be determined in accordance with procedures set forth in Appendix B B3.
[CO-SIP-91-29, Section III.6.B.]

7.1.8. Control Equipment

1. The Company shall assure the availability, required scheduling, and proper maintenance of vacuum sweeping trucks. These trucks shall be equipped with an adequate water tank and a spray bar mounted ahead of the brooms unless separate vehicles are utilized for flushing. The collection hopper of the vacuum truck shall be designed and maintained so as to prevent fugitive dust emissions.

2. Material collected by the vacuum sweeping truck shall be handled and disposed of in a manner that minimizes fugitive dust emissions, including but not limited to, wet dumping and chemical treatment or stabilization of stored material.

[CO-SIP-91-29, Section III.6.C.]

7.1.9. The Company shall continue to implement the dust control measures of Sections 7.1.6. through 7.1.8.
[CO-SIP-91-29, Section III.6.E.]

7.1.10. The Company has the right to petition the Director and the USEPA for written approval of definitive treatment methods, treatment schedules and procedures or reporting requirements different from those required herein. Such alternative practices must be demonstrated to the Commission and USEPA to result in equivalent dust control effectiveness in accordance with *Control of Open Fugitive Dust Sources* (EPA/450/3-88-008). Notwithstanding the provision of Paragraph VI.1 of Consent Order (CO-SIP-91-29), the Company reserves the right to contest any disapproval of such petition in the appropriate judicial forum.
[CO-SIP-91-29, Section III.7.A.]

7.1.11. In the event that the Company certifies that all of a roadway or parking area identified in Appendix C has been discontinued, the dust suppression or surface cleaning program for that road or parking lot may be terminated or reduced. If the Company begins to utilize any new roadway, parking lot or other vehicular activity area not shown in Appendix C, it must notify the Director in the reports required under Consent Order (CO-SIP-91-29) and treat or clean the road or area in accordance with the procedures contained herein.
[CO-SIP-91-29, Section III.7.B.]

7.1.12. The Director shall not be precluded from requiring adjustments, including increased chemical suppressant application or cleaning, if on-site inspections reveal that the program contained herein does not prevent excessive visible dust entrainment and emissions from a particular road or surface.
[CO-SIP-91-29, Section III.7.C.]

7.1.13. In the event that an unpaved road or area that has been chemically treated becomes completely hardened and cemented by such treatment so as to become like a paved road as demonstrated by observation, by compaction tests and silt analyses or in the event that the Company paves any unpaved haul road or area, that road or area may be treated as a paved surface and cleaned in accordance with the procedures outlined in Sections 7.1.6. through 7.1.9.
[CO-SIP-91-29, Section III.7.D.]

7.2. Monitoring Requirements

7.2.1. Reserved

7.3. Testing Requirements

7.3.1. See Appendix B

7.4. Recordkeeping Requirements

7.4.1. The Company shall maintain records relative to the program to control emissions from unpaved roads, parking lots, laydown, entrance, unloading areas and berms identified in Appendix C, Table 1. These records shall include, at a minimum, the following information:

a. Control equipment maintenance records.

b. Scheduled and unscheduled equipment malfunctions and downtime.

c. Meteorological log to include average daily temperature, daily precipitation and unusual meteorological occurrences.

d. The date, type and quantity received for each delivery of chemical dust suppressants.

e. For each dust suppressant application date, start and stop times, average truck speed, number of passes and amount of solution applied for each unpaved road, area or berm identified in Appendix C, Table 1.

f. Identification of areas where manual spraying was utilized.

[CO-SIP-91-29, Section III.5.E.1.]

7.4.2. Records in Sections 7.4.1. and 7.4.3. shall be retained by the Company for three (3) years and shall be made available to the Director or his representative upon request.
[CO-SIP-91-29, Section III.5.E.2., 6.D.2.]

7.4.3. The Company shall maintain daily records for the paved road cleaning program, Sections 7.1.6. through 7.1.9. These records shall include, at a minimum, the following information:

a. Control equipment maintenance records.

b. Scheduled and unscheduled equipment malfunctions and downtime.

c. Meteorological log to include average daily temperature, daily precipitation and unusual meteorological occurrences.

d. Qualitative description of the road surface conditions.

e. Start and stop times, average truck speed, number of passes and estimation of amount of water used for each paved road identified in Appendix C, Table 2.

f. Identification of areas where chemical treatment was utilized.

g. Qualitative descriptions of areas of unusually high silt loadings from spills and track-ons.

h. Total amount of dust collected by vacuum trucks in pounds or tons.

[CO-SIP-91-29, Section III.6.D.1.]

7.5. Reporting Requirements

7.5.1. A calendar quarterly report shall be submitted to the Director. The report shall contain all of the information cited in Sections 7.4.1. and 7.4.3. and a description of any deviations from the control program and the reasons for such deviations. The report shall be certified to be accurate by management and shall be submitted by the end of the month following the calendar quarter.
[CO-SIP-91-29, Section III.5.E.3. and 6.D.3.]

7.5.2. The Company shall notify the Director, in writing, of any non-compliance with Sections 7.1.1. through 7.1.5. and Sections 7.1.6. through 7.1.9. Such notice shall be submitted quarterly and shall include a detailed explanation of the cause of such non-compliance, all remedial actions required, and the date by which compliance was or will be re-established.
[CO-SIP-91-29, Section III.5.E.4. and 6.D.4.]

7.6. Compliance Plan

7.6.1. None

8.0 Source-Specific Requirements [By-Product Plant, Coke Oven Gas Flare (Group 009) and emission point ID(s) (C06, F29, F30, P34, P34A, Stacks 14 and 15)]

8.1. Limitations and Standards

8.1.1. Emissions from the coal tar loading stations (ID P021-22 and P021-22A), ~~Emission Point ID F34,~~ shall not exceed the following:

[Pollutant	Hourly Rate for P021-22 (lb/hr)	Hourly Rate for for P021-22A (lb/hr)	Combined Annual Emissions from both stations (ton/yr)
Benzene	1.89	1.89	0.43 ~~26~~
Toluene	0.42	0.42	0.09~~4~~
Xylenes	0.09	0.09	0.02~~2~~
Indene	0.07	0.07	0.02 ~~17~~
Naphthalene	0.17	0.17	0.04 ~~38~~
Styrene	0.04	0.04	0.01~~0~~

[45CSR13, R13-1652, 4.1.1. ~~(A)1.~~]

8.1.2. For the purpose of satisfying compliance with the emission limits in Condition 8.1.1., the throughput of coal tar through each loading station shall not exceed 20,000 gallons per hour with annual combined throughput not to exceed 6 million gallons per year on a 12-month rolling total. ~~Fill rate of rail tank cars shall not exceed 20,000 gallons per hour, 40,000 gallons per day, and 6 million gallons per year of coal tar.~~
[45CSR13, R13-1652, 4.1.2. ~~(A)2.~~]

8.1.3. Reserved. ~~The permittee shall continue the established leak detection and repair program per 40 C.F.R. Part 61 Subparts L and V. [*Note – The LDAR program requirements are contained in 8.1.30. 8.1.46., 8.1.49. 8.1.108, 8.2.1. 8.2.3., 8.3.1 8.3.6., 8.4.1. 8.4.12., and 8.5.2. 8.5.9.*].~~
~~**[45CSR13, R13-1652, (A)3.]**~~

8.1.4. The permitted facility must be constructed and operated in accordance with the plans and specifications ~~information~~ filed in Permit Application ~~No.~~ R13-1652, R13-1652A, and any modifications, administrative updates, or amendments thereto. The Secretary ~~Director~~ may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[45CSR13, R13-1652, 2.5.1. ~~General Requirements, 3.~~]

8.1.5. Maximum emissions to the atmosphere from the Excess Coke Oven Gas (COG) Flare (Emission Unit P024-1) shall not exceed the following limits:

Pollutant	Hourly Emissions (lb/hr)	Maximum Hourly Emissions during the Desulfurization Outage (lb/hr)	Annual Emissions* (tpy)
Carbon Monoxide	62.2	62.2	273.3
Nitrogen Oxides	11.4	11.4	50.1
Particulate Matter	2.0	2.0	8.8
PM-10	2.0	2.0	8.8
Sulfur Dioxide	39.8	396*	294.0
Volatile Organic Compounds	23.5	23.5	103.0

* Annual Emission accounts for the desulfurization unit being down 672 hours per year for schedule maintenance and maximum hydrogen sulfide concentration of 479 grains per 100 cu. ft. of COG
[45CSR13, R13-1939, 4.1.1. ~~A.1., B.1.~~]

8.1.6. For the purposes of maintaining compliance with the annual emission limits in Section 8.1.5, the daily flow rate of COG to the excess COG flare (Emission Unit P024-1) shall not exceed 7.1 MM standard cubic feet per day over a thirty day rolling average. The permittee shall keep daily records of flow rate of COG to the flare and correct the measured flow rate to a standard temperature of 68^0F. Compliance shall be determined using a thirty day rolling average.
[45CSR13, R13-1939, 4.1.2. ~~A.2., B.1.~~]

8.1.7. For the purposes of maintaining compliance with the sulfur dioxide emission limits in Section 8.1.5, the hydrogen sulfide concentration level in the COG stream from the by-products plant shall not exceed 50 grains of hydrogen sulfide per one hundred (100) cubic feet of COG except as noted in Section 8.1.8. Compliance with the allowable hydrogen sulfide concentration level shall be based on three (3) hour averaging periods.
[45CSR13, R13-1939, 4.1.5. ~~A.5., B.1.~~]

8.1.8. For the purpose of maintaining compliance with the sulfur dioxide emission limits in Section 8.1.5, while the desulfurization unit is down for scheduled maintenance, the permittee shall calculate and record the hourly sulfur dioxide emission rate of the flare and boilers #6 and #7 over a 24-hour period using the recorded mean hydrogen sulfide concentration level and the recorded standard flow rate for the respective day. Such records shall be maintained on site for a period of at least five years and be made available to the Director or his/her duly authorized representative upon request.
[45CSR13, R13-1939, 4.1.6. ~~A.6., B.1.~~]

8.1.9. The permittee shall be limited to a maximum of twenty-eight (28) days in any calendar year for planned maintenance outages of the desulfurization unit in the coke by-products recovery plant. No single scheduled outage period shall extend beyond 336 hours. The start of a planned maintenance shall begin at the time of the first hour of a three-hour block average concentration that is greater than 50 grains of H_2S/100 cubic feet of COG. The planned maintenance shall be concluded when at the time of the first hour of a three-hour block average concentration that is less than or equal to 50 grains of H_2S/100 cubic feet of COG.
[45CSR13, R13-1939, 4.1.7. ~~A.7., B.1.~~]

8.1.10. The permittee shall notify the Director in writing thirty (30) days prior to undertaking any planned maintenance outage of the desulfurization unit. Such notice shall include, at a minimum, a detailed explanation of each and every maintenance and/or repair activity intended to be undertaken and a schedule for completion of each such activity, as well as evidence of compliance with the Sections 8.1.11. and 8.1.12.
[45CSR13, R13-1939, 4.1.8. ~~A.8., B.1.~~]

8.1.11. The permittee shall select the period for the planned maintenance outage that would prevent to the greatest extent practicable any violation of the National Ambient Air Quality Standard ("NAAQS") for sulfur dioxide, utilizing, at a minimum, air quality dispersion modeling to determine what periods represent the most favorable dispersion of excess sulfur dioxide emissions. To ensure maintenance of the 24-hour NAAQS for SO_2, a modeling target for SO_2 concentration for the high 24-hour value of 265 $\mu g/m^3$ shall be

used to provide a margin of 100 μg/m^3 for other source impacts within the immediate vicinity of this facility.
[45CSR13, R13-1939, 4.1.9. ~~A.9., B.1.~~]

8.1.12. Prior to any planned maintenance outage of the desulfurization unit, the permittee shall prepare and submit a SO_2 mitigation plan to the Director outlining what measures the permittee will employ during the outage to ensure continued attainment of the NAAQS. This plan shall include the employment of all feasible control measures and process changes at the Follansbee Facility to reduce SO_2 emissions from the Follansbee Facility, including, but not limited to reduction of the coke production rate at the Coke Oven Batteries #1, #2, #3 and #8.
[45CSR13, R13-1939, 4.1.10. ~~A.10., B.1.~~]

8.1.13. No later than thirty (30) days after completing a planned maintenance outage of the desulfurization unit, the permittee shall submit a report identifying the sulfur dioxide impacts associated with the planned maintenance outage of the desulfurization unit. This report shall include any deviation of the SO_2 mitigation plan that was submitted for the respective outage period.
[45CSR13, R13-1939, 4.1.11. ~~A.11., B.1.~~]

8.1.14. Visible emissions from the excess COG flare (Emission Unit P024-1) shall not exceed twenty percent (20%) opacity except upon the first eight (8) minutes of starting the flare then the visible emissions from this emission point shall not exceed forty percent (40%) opacity for this time period. The permittee shall demonstrate compliance with this condition by taking visual observations using U.S. EPA Method 22 once a month. Should the permittee observe visible emissions from the flare using Method 22, then the permittee shall conduct an additional observation within 24-hours of the Method 22 using U.S. EPA Method 9 to determine the opacity of the visible emissions being emitted from the flare.
[45CSR13, R13-1939, 4.1.12. ~~A.12., B.1.~~]

8.1.15. The permittee shall operate and maintain a continuous hydrogen sulfide monitor and recorder for the purpose of monitoring the hydrogen sulfide concentration of the sweetened COG before being routed to any combustion unit or source utilizing COG. This monitor shall be installed and maintained in accordance with Performance Specification 7-Specifications and Test Procedures for Hydrogen Sulfide Continuous Emission Monitoring System in Stationary Sources of 40 C.F.R. Part 60 Appendix B. The permittee shall develop and implement quality assurance measures and procedures to ensure the accuracy of this monitor in accordance with Appendix F to Part 60-Quality Assurance Procedures of Chapter 40 of the Code of Federal Regulations. Such records of the measurements and calibration reports shall be maintained on site for a period of at least five years and be made available to the Director or his/her duly authorized representative upon request.
[45CSR13, R13-1939, 4.1.14. ~~A.14., B.1.~~]

8.1.16. The permittee shall maintain in accordance with the manufacturer's instructions flow-measuring devices for the purpose of measuring and recording the amount of COG consumed by the excess COG flare and Boilers #6 and #7. The permittee shall keep daily records of the amount of COG consumed by the above mentioned units. Such records shall be maintained on site for a period of at least five years and be made available to the Director or his/her duly authorized representative upon request.
[45CSR13, R13-1939, 4.1.15. ~~A.15., B.1.]~~

8.1.17. The permittee shall maintain the automatic re-ignition system in accordance with the manufacturer's specifications.
[45CSR13, R13-1939, 4.1.16. ~~A.16., B.1.~~]

8.1.18. The permittee shall not vent any un-combusted COG into the open atmosphere through excess COG flare (Emission Unit P024-1). The permittee shall record the date and time of an event when the flare was not in operation and COG was being emitted to the atmosphere at Emission Point P024-1. The permittee shall submit a report explaining this event and measures the permittee is taking to prevent the event from re-occurring. Such records shall be maintained on site for a period of at least five years and be made available to the Director or his/her duly authorized representative upon request.
[45CSR13, R13-1939, 4.1.17. ~~A.17., B.1.~~]

8.1.19. The permittee shall continuously maintain a system around this permitted facility to prevent the general public from accessing the facility.
[45CSR13, R13-1939, 4.1.18. ~~A.18., B.1.~~]

8.1.20. Compliance with the allowable emission limits stated in Section 8.1.5. shall be calculated using the appropriate amount of COG combustion by the excess COG flare on a volumetric basis, higher heat value of 568 Btu/cu. ft. for COG, and the following factors: Carbon Monoxide (0.37 lb/MM Btu), Nitrogen oxides (0.068 lb/MM Btu), Particulate Matter (0.012 lb/MM Btu), Particulate Matter 10 microns (0.012 lb/MM Btu), Volatile Organic Compounds (0.14 lb/MM Btu). The permittee shall determine the amount of each pollutant emitted on monthly basis using the above mentioned information and appropriate engineering calculations. The permittee shall keep a 12 month rolling total for each of above mentioned pollutants.
[45CSR13, R13-1939, 4.1.19. ~~A.19., B.1.~~]

8.1.21. The following condition only applies when the permittee is conducting an approved planned maintenance outage as permitted in Section 8.1.10. In the event of unforeseen circumstance beyond the control of the permittee, the permittee may exceed the SO_2 emission limit for the flare as stated in Section 8.1.5. in order to prevent an anticipated excursion of the SO_2 NAAQS from occurring in the local area, which include the city of Weirton, WV. The permittee shall document in the Desulfurization System Outage Report the unforeseen circumstances, SO_2 emissions rate calculation, and modeling results to document the necessity of the temporary increase in the flare's SO_2 allowable emissions rate.
[45CSR13, R13-1939, 4.1.20. ~~A.20., B.1.~~]

8.1.22. The permitted facility shall be constructed and operated in accordance with the plans and specifications ~~information~~ filed in Permit Application R13-1939, R13-1939A, R13-1939B and any modifications, administrative updates, or amendments thereto. The Secretary ~~Director~~ may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[45CSR13, R13-1939, 2.5.1. ~~C.3.~~]

8.1.23. Incinerators, including all associated equipment and grounds, shall be designed, operated and maintained so as to prevent the emission of objectionable odors.
[45CSR§6-4.6., 45CSR13, R13-1939, 4.1.27. ~~B.1., B.3.~~]

8.1.24. Reserved

8.1.25. Any owner or operator of a by-product coke production facility in existence on the effective date of 45CSR10 who can demonstrate to the Director that there is no practical alternative to scheduled maintenance (including shutdown) of desulfurization equipment may request the approval of an enforceable, temporary sulfur dioxide emissions control and mitigation plan for such maintenance period. In order for a plan under 45CSR§10-5. to be approved the plan must meet the following conditions:

b. Provide for a definitive reduction in sulfur dioxide emissions by the establishment of unit-specific allowable emission rates for all emissions units of the stationary source sufficient to prevent any violation of federal and state ambient air quality standards or applicable air quality increments for sulfur dioxide.

c. Provide that system down-time and excess sulfur dioxide emissions be reduced to the greatest extent possible by use of increased or contract maintenance personnel, maximized maintenance labor shifts and optimization of available spare parts inventories.

g. Provide for annual review, if necessary, modification or termination of the plan by the Director.

h. Provide that the Director may impose limitations on emission units that are more restrictive than those provided for in the plan as necessary to assure attainment of air quality standards for sulfur dioxide in light of data provided pursuant to 45CSR§10-5.2.f, or any other information available to the Director.

[45CSR§10-5.2., 45CSR13, R13-1939, 4.1.28. ~~B.1., B.4.~~]

8.1.26. Reserved

8.1.27. Due to unavoidable malfunction of equipment or inadvertent fuel shortages, emissions exceeding those provided for in 45CSR10 may be permitted by the Director for periods not to exceed ten (10) days upon specific application to the Director. Such application shall be made within twenty-four (24) hours of the equipment malfunction or fuel shortage. In cases of major equipment failure or extended shortages of conforming fuels, additional time periods may be granted by the Director provided a corrective program has been submitted by the owner or operator and approved by the Director.
[45CSR§10-9.1., 45CSR13, R13-1939, 4.1.28. ~~B.1., B.4.~~]

8.1.28. Reserved

8.1.29. Reserved

8.1.30. Each owner or operator of a furnace coke byproduct recovery plant shall enclose and seal all openings on each process vessel, tar storage tank, and tar-intercepting sump.
[45CSR34, 40 C.F.R. §61.132(a)(1)]

8.1.31. The owner or operator shall duct gases from each process vessel, tar storage tank, and tar-intercepting sump to the gas collection system, gas distribution system, or other enclosed point in the by-product recovery process where the benzene in the gas will be recovered or destroyed. This control system shall be designed and operated for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background and visual inspections, as determined by the methods specified in Section 8.3.5. [40 C.F.R. §61.245(c)]. This system can be designed as a closed, positive pressure, gas blanketing system.

(i) Except, the owner or operator may elect to install, operate, and maintain a pressure relief device, vacuum relief device, an access hatch, and a sampling port on each process vessel, tar storage tank, and tar-intercepting sump. Each access hatch and sampling port must be equipped with a gasket and a cover, seal, or lid that must be kept in a closed position at all times, unless in actual use.

(ii) The owner or operator may elect to leave open to the atmosphere the portion of the liquid surface in each tar decanter necessary to permit operation of a sludge conveyor. If the owner or operator elects to maintain an opening on part of the liquid surface of the tar decanter, the owner or operator shall install, operate, and maintain a water leg seal on the tar decanter roof near the sludge discharge chute to ensure enclosure of the major portion of liquid surface not necessary for the operation of the sludge conveyor.

[45CSR34, 40 C.F.R. §61.132(a)(2)]

8.1.32. Following the installation of any additional control equipment used to meet the requirements of Section 8.1.30. and 8.1.31. [40 C.F.R. §61.132(a)], the owner or operator shall monitor the connections and seals on each control system to determine if it is operating with no detectable emissions, using Method 21 (40 C.F.R. Part 60 Appendix A) and procedures specified in Section 8.3.5. [40 C.F.R. §61.245(c)], and shall visually inspect each source (including sealing materials) and the ductwork of the control system for evidence of visible defects such as gaps or tears. This monitoring and inspection shall be conducted on a semiannual basis and at any other time after the control system is repressurized with blanketing gas following removal of the cover or opening of the access hatch.

(1) If an instrument reading indicates an organic chemical concentration more than 500 ppm above a background concentration, as measured by Method 21 (40 C.F.R. Part 60 Appendix A), a leak is detected.

(2) If visible defects such as gaps in sealing materials are observed during a visual inspection, a leak is detected.

(3) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected.

(4) A first attempt at repair of any leak or visible defect shall be made no later than 5 calendar days after each leak is detected.

[45CSR34, 40 C.F.R. §61.132(b)]

8.1.33. The owner or operator shall conduct a maintenance inspection of the control system used to meet the requirements of Section 8.1.30. and 8.1.31. [40 C.F.R. §61.132(a)] on an annual basis for evidence of system abnormalities, such as blocked or plugged lines, sticking valves, plugged condensate traps, and other maintenance defects that could result in abnormal system operation. The owner or operator shall make a first attempt at repair within 5 days, with repair within 15 days of detection.
[45CSR34, 40 C.F.R. §61.132(c)]

8.1.34. Each owner or operator of a furnace coke by-product recovery plant also shall comply with the requirements of Section 8.1.30. - 8.1.33. [40 C.F.R. §§61.132(a) - (c)] for each benzene storage tank, BTX storage tank, light-oil storage tank, and excess ammonia-liquor storage tank.
[45CSR34, 40 C.F.R. §61.132(d)]

8.1.35. Each owner or operator of a light-oil sump shall enclose and seal the liquid surface in the sump to form a closed system to contain the emissions.

(1) Except, the owner or operator may elect to install, operate, and maintain a vent on the light-oil sump cover. Each vent pipe must be equipped with a water leg seal, a pressure relief device, or vacuum relief device.

(2) Except, the owner or operator may elect to install, operate, and maintain an access hatch on each light-oil sump cover. Each access hatch must be equipped with a gasket and a cover, seal, or lid that must be kept in a closed position at all times, unless in actual use.

(3) The light-oil sump cover may be removed for periodic maintenance but must be replaced (with seal) at completion of the maintenance operation.

[45CSR34, 40 C.F.R. §61.133(a)]

8.1.36. The venting of steam or other gases from the by-product process to the light-oil sump is not permitted.
[45CSR34, 40 C.F.R. §61.133(b)]

8.1.37. Following the installation of any control equipment used to meet the requirements of Section 8.1.35. [40 C.F.R. §61.133(a)], the owner or operator shall monitor the connections and seals on each control system to determine if it is operating with no detectable emissions, using Method 21 (40 C.F.R. Part 60 Appendix A) and the procedures specified in Section 8.3.5. [40 C.F.R. §61.245(c)], and shall visually inspect each source (including sealing materials) for evidence of visible defects such as gaps or tears. This monitoring and inspection shall be conducted semiannually and at any other time the cover is removed.

(1) If an instrument reading indicates an organic chemical concentration more than 500 ppm above a background concentration, as measured by Method 21 (40 C.F.R. Part 60 Appendix A), a leak is detected.

(2) If visible defects such as gaps in sealing materials are observed during a visual inspection, a leak is detected.

(3) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected.

(4) A first attempt at repair of any leak or visible defect shall be made no later than 5 calendar days after each leak is detected.

[45CSR34, 40 C.F.R. §61.133(c)]

8.1.38. No ("zero") emissions are allowed from naphthalene processing, final coolers and final-cooler cooling towers at coke by-product recovery plants.
[45CSR34, 40 C.F.R. §61.134(a)]

8.1.39. Each owner or operator of equipment in benzene service shall comply with the requirements of 40 C.F.R. Part 61 Subpart V, except as provided in Sections 8.1.39. – 8.1.46. [40 C.F.R. §61.135.].
[45CSR34, 40 C.F.R. §61.135(a)]

8.1.40. The provisions of §61.242-3 and §61.242-9 of subpart V do not apply to this subpart (i.e., 40 CFR 61 Subpart L).
[45CSR34, 40 C.F.R. §61.135(b)]

8.1.41. Each piece of equipment in benzene service to which 40 C.F.R. Part 61 Subpart L applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment in benzene service. **[45CSR34, 40 C.F.R. §61.135(c)]**

8.1.42. Each exhauster shall be monitored quarterly to detect leaks by the methods specified in Section 8.3.4. [40 C.F.R. §61.245(b)] except as provided in Sections 8.2.3. and Sections 8.1.43-8.1.45 [40 C.F.R. §61.136(d) and 40 C.F.R. §§61.135(e) - (g)].

(1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(2) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after it is detected, except as provided in Section 8.1.93. and 8.1.94. [40 C.F.R. §§61.242-10(a) and (b)]. A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

[45CSR34, 40 C.F.R. §61.135(d)]

8.1.43. Each exhauster equipped with a seal system that includes a barrier fluid system and that prevents leakage of process fluids to the atmosphere is exempt from the requirements of Section 8.1.42. [40 C.F.R. §61.135(d)] provided the following requirements are met:

(1) Each exhauster seal system is:

(i) Operated with the barrier fluid at a pressure that is greater than the exhauster stuffing box pressure; or

(ii) Equipped with a barrier fluid system that is connected by a closed vent system to a control device that complies with the requirements of Section 8.1.98. – 8.1.106. [40 C.F.R. §61.242-11]; or

(iii) Equipped with a system that purges the barrier fluid into a process stream with zero benzene emissions to the atmosphere.

(2) The barrier fluid is not in benzene service.

(3) Each barrier fluid system shall be equipped with a sensor that will detect failure of the seal system, barrier fluid system, or both.

(4) (i) Each sensor as described in Section 8.1.43.(3) [40 C.F.R. §61.135(e)(3)] shall be checked daily or shall be equipped with an audible alarm.

(ii) The owner or operator shall determine, based on design considerations and operating experience, a criterion that indicates failure of the seal system, the barrier fluid system, or both.

(5) If the sensor indicates failure of the seal system, the barrier system, or both (based on the criterion determined under Section 8.1.43.(4)(ii) [40 C.F.R. §61.135(e)(4)(ii)], a leak is detected.

(6) (i) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 8.1.93. – 8.1.97. [40 C.F.R. §61.242-10].

(ii) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

[45CSR34, 40 C.F.R. §61.135(e)]

8.1.44. An exhauster is exempt from the requirements of Section 8.1.42. [40 C.F.R. §61.135(d)] if it is equipped with a closed vent system capable of capturing and transporting any leakage from the seal or seals to a control device that complies with the requirements of Section 8.1.98. – 8.1.106. [40 C.F.R. §61.242-11] except as provided in Section 8.1.45. [40 C.F.R. §61.135(g)].
[45CSR34, 40 C.F.R. §61.135(f)]

8.1.45. Any exhauster that is designated, as described in Section 8.4.8. [40 C.F.R. §61.246(e)] for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Section 8.1.42. [40 C.F.R. §61.135(d)] if the exhauster:

(1) Is demonstrated to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the methods specified in Section 8.3.5. [40 C.F.R. §61.245(c)]; and

(2) Is tested for compliance with Section 8.1.45.(1) [40 C.F.R. §61.135(g)(1)] initially upon designation, annually, and at other times requested by the Administrator.

[45CSR34, 40 C.F.R. §61.135(g)]

8.1.46. Any exhauster that is in vacuum service is excluded from the requirements of 40 C.F.R. Part 61 Subpart L if it is identified as required in Section 8.4.8.(5) [40 C.F.R. §61.246(e)(5)].
[45CSR34, 40 C.F.R. §61.135(h)]

8.1.47. Reserved

8.1.48. Reserved

8.1.49. Each owner or operator subject to the provisions of 40 C.F.R. Part 61 Subpart V shall demonstrate compliance with the requirements of Section 8.1.49. - 8.1.106. [40 C.F.R. §§61.242-1 to 61.242-11] for each new and existing source as required in 40 C.F.R. §61.05, except as provided in 40 C.F.R. §§61.243 and 61.244.
[45CSR34, 40 C.F.R. §61.242-1(a)]

8.1.50. Compliance with 40 C.F.R. Part 61 Subpart V will be determined by review of records, review of performance test results, and inspection using the methods and procedures specified in Section 8.3.3. – 8.3.6. [40 C.F.R. §61.245].
[45CSR34, 40 C.F.R. §61.242-1(b)]

8.1.51. (1) An owner or operator may request a determination of alternative means of emission limitation to the requirements of Sections 8.1.54. – 8.1.60. [40 C.F.R. §61.242-2], Sections 8.1.73. – 8.1.92. [40 C.F.R. §§61.242-5, 61.242-6, 61.242-7, 61.242-8] and 40 C.F.R. §61.242-9, and Sections 8.1.98. – 8.1.106. [40 C.F.R. §61.242-11] as provided in 40 C.F.R. §61.244.

(2) If the Administrator makes a determination that a means of emission limitation is at least a permissible alternative to the requirements of Sections 8.1.54. – 8.1.60. [40 C.F.R. §61.242-2], Sections 8.1.73. –

8.1.92. [40 C.F.R. §§61.242-5, 61.242-6, 61.242-7, 61.242-8] and 40 C.F.R. §61.242-9, and Sections 8.1.98. – 8.1.106. [40 C.F.R. §61.242-11], an owner or operator shall comply with the requirements of that determination.

[45CSR34, 40 C.F.R. §61.242-1(c)]

8.1.52. Each piece of equipment to which 40 C.F.R. Part 61 Subpart V applies shall be marked in such a manner that it can be distinguished readily from other pieces of equipment.
[45CSR34, 40 C.F.R. §61.242-1(d)]

8.1.53. Equipment that is in vacuum service is excluded from the requirements of Section 8.1.54. to 8.1.106. [40 C.F.R. §61.242-2, to §61.242-11] if it is identified as required in Section 8.4.8.(5) [40 C.F.R. §61.246(e)(5)].
[45CSR34, 40 C.F.R. §61.242-1(e)]

8.1.54. (1) Each pump shall be monitored monthly to detect leaks by the methods specified in Section 8.3.4. [40 C.F.R. §61.245(b)], except as provided in Section 8.1.51. and Sections 8.1.57. – 8.1.59. [40 C.F.R. §61.242-1(c) and 40 C.F.R. §§63.242-2(d), (e), and (g)].

(2) Each pump shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

[45CSR34, 40 C.F.R. §61.242-2(a)]

8.1.55. For Pumps:

(1) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(2) If there are indications of liquids dripping from the pump seal, a leak is detected.

[45CSR34, 40 C.F.R. §61.242-2(b)]

8.1.56. For Pumps:

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Sections 8.1.93. – 8.1.97. [40 C.F.R. §61.242-10].

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

[45CSR34, 40 C.F.R. §61.242-2(c)]

8.1.57. Each pump equipped with a dual mechanical seal system that includes a barrier fluid system is exempt from the requirements of Section 8.1.54. and 8.1.55. [40 C.F.R. §§61.242-2(a) and (b)], provided the following requirements are met:

(1) Each dual mechanical seal system is:

(i) Operated with the barrier fluid at a pressure that is at all times greater than the pump stuffing box pressure; or

(ii) Equipped with a barrier fluid degassing reservoir that is routed to a process or fuel gas system or connected by a closed-vent system to a control device that complies with the requirements of Section 8.1.98. – 8.1.106. [40 C.F.R. §61.242-11]; or

(iii) Equipped with a system that purges the barrier fluid into a process stream with zero VHAP emissions to atmosphere.

(2) The barrier fluid is not in VHAP service and, if the pump is covered by standards under 40 C.F.R. Part 60, is not in VOC service.

(3) Each barrier fluid system is equipped with a sensor that will detect failure of the seal system, the barrier fluid system, or both.

(4) Each pump is checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

(i) If there are indications of liquid dripping from the pump seal at the time of the weekly inspection, the pump shall be monitored as specified in Section 8.3.3. – 8.3.6. [40 C.F.R. §61.245] to determine the presence of VOC and VHAP in the barrier fluid.

(ii) If the monitor reading (taking into account any background readings) indicates the presence of VHAP, a leak is detected. For the purpose of this paragraph, the monitor may be calibrated with VHAP, or may employ a gas chromatography column to limit the response of the monitor to VHAP, at the option of the owner or operator.

(iii) If an instrument reading of 10,000 ppm or greater (total VOC) is measured, a leak is detected.

(5) Each sensor as described in Section 8.1.57.(3) [40 C.F.R. §61.242-2(d)(3)] is checked daily or is equipped with an audible alarm.

(6) (i) The owner or operator determines, based on design considerations and operating experience, criteria applicable to the presence and frequency of drips and to the sensor that indicates failure of the seal system, the barrier fluid system, or both.

(ii) If indications of liquids dripping from the pump seal exceed the criteria established in Section 8.1.57.(6)(i) [40 C.F.R. §61.242-2(d)(6)(i)], or if, based on the criteria established in Section 8.1.57.(6)(i) [40 C.F.R. §61.242-2(d)(6)(i)], the sensor indicates failure of the seal system, the barrier fluid system, or both, a leak is detected.

(iii) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after it is detected, except as provided in Section 8.1.93. – 8.1.97. [40 C.F.R. §61.242-10].

(iv) A first attempt at repair shall be made no later than five calendar days after each leak is detected.

[45CSR34, 40 C.F.R. §61.242-2(d)]

8.1.58. Any pump that is designated, as described in Section 8.4.8.(2) [40 C.F.R. §61.246(e)(2)], for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Section 8.1.54, 8.1.56, and 8.1.57. [40 C.F.R. §§61.242-2(a), (c), and (d)] if the pump:

(1) Has no externally actuated shaft penetrating the pump housing,

(2) Is demonstrated to be operating with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 8.3.5. [40 C.F.R. §61.245(c)], and

(3) Is tested for compliance with Section 8.1.58.(2) [40 C.F.R. §61.242-2(e)(2)] initially upon designation, annually, and at other times requested by the Administrator.

[45CSR34, 40 C.F.R. §61.242-2(e)]

8.1.59. Any pump that is designated, as described in Section 8.4.9.(1) [40 C.F.R. §61.246(f)(1)], as an unsafe-to-monitor pump is exempt from the monitoring and inspection requirements of Section 8.1.54. and Section 8.1.57.(4) through (6) [40 C.F.R. §61.242-2(a) and 40 C.F.R. §§61.242-2(d)(4) through (6)] if:

(1) The owner or operator of the pump demonstrates that the pump is unsafe-to-monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with section 8.1.54. [40 C.F.R. §61.242-2(a)]; and

(2) The owner or operator of the pump has a written plan that requires monitoring of the pump as frequently as practicable during safe-to-monitor times but not more frequently than the periodic monitoring schedule otherwise applicable, and repair of the equipment according to the procedures in 8.1.56. [40 C.F.R. §61.242-2(c)]; if a leak is detected.

[45CSR34, 40 C.F.R. §61.242-2(g)]

8.1.60. Any pump that is located within the boundary of an unmanned plant site is exempt from the weekly visual inspection requirement of Sections 8.1.54.(2) and 8.1.57.(4) [40 C.F.R. §§61.242-2(a)(2) and (d)(4)], and the daily requirements of Section 8.1.57.(5) [40 C.F.R. §§61.242-2(d)(5)], provided that each pump is visually inspected as often as practicable and at least monthly.
[45CSR34, 40 C.F.R. §61.242-2(h)]

8.1.61. Reserved.

8.1.62. Reserved.

8.1.63. Reserved.

8.1.64. Reserved.

8.1.65. Reserved.

8.1.66. Reserved.

8.1.67. Reserved.

8.1.68. Reserved.

8.1.69. Except during pressure releases, each pressure relief device in gas/vapor service shall be operated with no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in Section 8.3.5. [40 C.F.R. §61.245(c)].
[45CSR34, 40 C.F.R. §61.242-4(a)]

8.1.70. (1) After each pressure release, the pressure relief device shall be returned to a condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in Section 8.1.93. – 8.1.97. [40 C.F.R. §61.242-10].

(2) No later than 5 calendar days after the pressure release, the pressure relief device shall be monitored to confirm the condition of no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, as measured by the method specified in 8.3.5. [40 C.F.R. §61.245(c)].

[45CSR34, 40 C.F.R. §61.242-4(b)]

8.1.71. Any pressure relief device that is routed to a process or fuel gas system or equipped with a closed-vent system capable of capturing and transporting leakage from the pressure relief device to a control device as described in Section 8.1.98. - 8.1.106. [40 C.F.R. §61.242-11] is exempt from the requirements of Section 8.1.69. and 8.1.70. [40 C.F.R. §§61.242-4(a) and (b)].
[45CSR34, 40 C.F.R. §61.242-4(c)]

8.1.72. (1) Any pressure relief device that is equipped with a rupture disk upstream of the pressure relief device is exempt from the requirements of Section 8.1.69. and 8.1.70. [40 C.F.R. §§61.242-4(a) and (b)], provided the owner or operator complies with the requirements in Section 8.1.72.(2) [40 C.F.R. §61.242-4(d)(2)].

(2) After each pressure release, a new rupture disk shall be installed upstream of the pressure relief device as soon as practicable, but no later than 5 calendar days after each pressure release, except as provided in Section 8.1.93. – 8.1.97. [40 C.F.R §61.242-10].

[45CSR34, 40 C.F.R. §61.242-4(d)]

8.1.73. Each sampling connection system shall be equipped with a closed-purge, closed-loop, or closed vent system, except as provided in Section 8.1.51. [40 C.F.R. §61.242-1(c)]. Gases displaced during filling of the sample container are not required to be collected or captured.
[45CSR34, 40 C.F.R. §61.242-5(a)]

8.1.74. Each closed-purge, closed-loop, or closed vent system as required in Section 8.1.73. [40 C.F.R. §61.242-5(a)] shall comply with the requirements specified in Sections 8.1.74.(1) - (4) [40 C.F.R. §§61.242-5(b)(1) - (4)]:

(1) Return the purged process fluid directly to the process line; or

(2) Collect and recycle the purged process fluid; or

(3) Be designed and operated to capture and transport all the purged process fluid to a control device that complies with the requirements of Section 8.1.98. – 8.1.106. [40 C.F.R. §61.242-11]; or

(4) Collect, store, and transport the purged process fluid to any of the following systems or facilities:

(i) A waste management unit as defined in 40 C.F.R. §63.111 if the waste management unit is subject to and operated in compliance with the provisions of 40 C.F.R. Part 63 Subpart G, applicable to Group 1 wastewater streams; or

(ii) A treatment, storage, or disposal facility subject to regulation under 40 C.F.R. Part 262, 264, 265, or 266; or

(iii) A facility permitted, licensed, or registered by a State to manage municipal or industrial solid waste, if the process fluids are not hazardous waste as defined in 40 C.F.R. Part 261.

[45CSR34, 40 C.F.R. §61.242-5(b)]

8.1.75. In-situ sampling systems and sampling systems without purges are exempt from the requirements of Section 8.1.73. and 8.1.74. [40 C.F.R. §§61.242-5(a) and (b)].
[45CSR34, 40 C.F.R. §61.242-5(c)]

8.1.76. (1) Each open-ended valve or line shall be equipped with a cap, blind flange, plug, or a second valve, except as provided in Section 8.1.51. [40 C.F.R. §61.242-1(c)].

(2) The cap, blind flange, plug, or second valve shall seal the open end at all times except during operations requiring process fluid flow through the open-ended valve or line.

[45CSR34, 40 C.F.R. §61.242-6(a)]

8.1.77. Each open-ended valve or line equipped with a second valve shall be operated in a manner such that the valve on the process fluid end is closed before the second valve is closed.
[45CSR34, 40 C.F.R. §61.242-6(b)]

8.1.78. For open-ended valves, when a double block and bleed system is being used, the bleed valve or line may remain open during operations that require venting the line between the block valves but shall comply with Section 8.1.76. [40 C.F.R. §61.242-6(a)] at all other times.
[45CSR34, 40 C.F.R. §61.242-6(c)]

8.1.79. Open-ended valves or lines in an emergency shutdown system which are designed to open automatically in the event of a process upset are exempt from the requirements of Sections 8.1.76., 8.1.77., and 8.1.78. [40 C.F.R. §§61.242-6(a), (b) and (c)].
[45CSR34, 40 C.F.R. §61.242-6(d)]

8.1.80. Open-ended valves or lines containing materials which would autocatalytically polymerize or would present an explosion, serious overpressure, or other safety hazard if capped or equipped with a double block and bleed system as specified in Sections 8.1.76., 8.1.77., and 8.1.78. [40 C.F.R. §§61.242-6(a), (b)

and (c)] are exempt from the requirements of Sections 8.1.76., 8.1.77., and 8.1.78. [40 C.F.R. §§61.242-6(a), (b) and (c)].
[45CSR34, 40 C.F.R. §61.242-6(e)]

8.1.81. Each valve shall be monitored monthly to detect leaks by the method specified in Section 8.1.74. [40 C.F.R. §61.245(b)] and shall comply with Section 8.1.82. – 8.1.85. [40 C.F.R. §§61.242-7(b)-(e)], except as provided in Section 8.1.86., 8.1.87., and 8.1.88. [40 C.F.R. §§61.242-7(f), (g) and (h)], 40 C.F.R. §61.243-1 or Section 8.1.51. [40 C.F.R. §61.242-1(c)] and 40 C.F.R. §61.243-2.
[45CSR34, 40 C.F.R. §61.242-7(a)]

8.1.82. For valves, if an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
[45CSR34, 40 C.F.R. §61.242-7(b)]

8.1.83. (1) Any valve for which a leak is not detected for 2 successive months may be monitored the first month of every quarter, beginning with the next quarter, until a leak is detected.

(2) If a leak is detected, the valve shall be monitored monthly until a leak is not detected for 2 successive months.

[45CSR34, 40 C.F.R. §61.242-7(c)]

8.1.84. For valves:

(1) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after the leak is detected, except as provided in Section 8.1.93. – 8.1.97. [40 C.F.R. §61.242-10].

(2) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

[45CSR34, 40 C.F.R. §61.242-7(d)]

8.1.85. For valves, first attempts at repair include, but are not limited to, the following best practices where practicable:

(1) Tightening of bonnet bolts;

(2) Replacement of bonnet bolts;

(3) Tightening of packing gland nuts; and

(4) Injection of lubricant into lubricated packing.

[45CSR34, 40 C.F.R. §61.242-7(e)]

8.1.86. Any valve that is designated, as described in Section 8.4.8.(2) [40 C.F.R. §61.246(e)(2)], for no detectable emissions, as indicated by an instrument reading of less than 500 ppm above background, is exempt from the requirements of Section 8.1.81. [40 C.F.R. §61.242-7(a)] if the valve:

(1) Has no external actuating mechanism in contact with the process fluid;

(2) Is operated with emissions less than 500 ppm above background, as measured by the method specified in Section 8.3.5. [40 C.F.R. §61.245(c)]; and

(3) Is tested for compliance with Section 8.1.86.(2) [40 C.F.R. §61.242-7(f)(2)] initially upon designation, annually, and at other times requested by the Administrator.

[45CSR34, 40 C.F.R. §61.242-7(f)]

8.1.87. Any valve that is designated, as described in Section 8.4.9.(1) [40 C.F.R. §61.246(f)(1)], as an unsafe-to-monitor valve is exempt from the requirements of Section 8.1.81. [40 C.F.R. §61.242-7(a)] if:

(1) The owner or operator of the valve demonstrates that the valve is unsafe to monitor because monitoring personnel would be exposed to an immediate danger as a consequence of complying with Section 8.1.81. [40 C.F.R. §61.242-7(a)]; and

(2) The owner or operator of the valve has a written plan that requires monitoring of the valve as frequent as practicable during safe-to-monitor times.

[45CSR34, 40 C.F.R. §61.242-7(g)]

8.1.88. Any valve that is designated, as described in Section 8.4.9.(2) [40 C.F.R. §61.246(f)(2)], as a difficult-to-monitor valve is exempt from the requirements of Section 8.1.81. [40 C.F.R. §61.242-7(a)] if:

(1) The owner or operator of the valve demonstrates that the valve cannot be monitored without elevating the monitoring personnel more than 2 meters above a support surface;

(2) The process unit within which the valve is located is an existing process unit; and

(3) The owner or operator of the valve follows a written plan that requires monitoring of the valve at least once per calendar year.

[45CSR34, 40 C.F.R. §61.242-7(h)]

8.1.89. If evidence of a potential leak is found by visual, audible, olfactory, or any other detection method at pressure relief devices in liquid service and connectors, the owner or operator shall follow either one of the following procedures, except as provided in Section 8.1.51. [40 C.F.R. §61.242-1(c)]:

(1) The owner or operator shall monitor the equipment within 5 days by the method specified in Section 8.3.4. [40 C.F.R. §61.245(b)] and shall comply with the requirements of Section 8.1.90 through 8.1.92. [40 C.F.R. §§61.242-8(b) through (d)].

(2) The owner or operator shall eliminate the visual, audible, olfactory, or other indication of a potential leak.

[45CSR34, 40 C.F.R. §61.242-8(a)]

8.1.90. For pressure relief devices ~~services~~ in liquid services and connectors, if an instrument reading of 10,000 ppm or greater is measured, a leak is detected.
[45CSR34, 40 C.F.R. §61.242-8(b)]

8.1.91. For pressure relief devices ~~services~~ in liquid services and connectors:

(1) When a leak is detected, it shall be repaired as soon as practicable, but not later than 15 calendar days after it is detected, except as provided in Section 8.1.93. – 8.1.97. [40 C.F.R. §61.242-10].

(2) The first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

[45CSR34, 40 C.F.R. §61.242-8(c)]

8.1.92. For pressure relief devices ~~services~~ in liquid services and connectors, first attempts at repair include, but are not limited to, the best practices described under Section 8.1.85. [40 C.F.R. §61.242-7(e)].
[45CSR34, 40 C.F.R. §61.242-8(d)]

8.1.93. Delay of repair of equipment for which leaks have been detected will be allowed if repair within 15 days is technically infeasible without a process unit shutdown. Repair of this equipment shall occur before the end of the next process unit shutdown.
[45CSR34, 40 C.F.R. §61.242-10(a)]

8.1.94. Delay of repair of equipment for which leaks have been detected will be allowed for equipment that is isolated from the process and that does not remain in VHAP service.
[45CSR34, 40 C.F.R. §61.242-10(b)]

8.1.95. Delay of repair for valves will be allowed if:

(1) The owner or operator demonstrates that emissions of purged material resulting from immediate repair are greater than the fugitive emissions likely to result from delay of repair, and

(2) When repair procedures are effected, the purged material is collected and destroyed or recovered in a control device complying with Section 8.1.98. – 8.1.106. [40 C.F.R. §61.242-11].

[45CSR34, 40 C.F.R. §61.242-10(c)]

8.1.96. Delay of repair for pumps will be allowed if:

(1) Repair requires the use of a dual mechanical seal system that includes a barrier fluid system, and

(2) Repair is completed as soon as practicable, but not later than 6 months after the leak was detected.

[45CSR34, 40 C.F.R. §61.242-10(d)]

8.1.97. Delay of repair beyond a process unit shutdown will be allowed for a valve if valve assembly replacement is necessary during the process unit shutdown, valve assembly supplies have been depleted, and valve assembly supplies had been sufficiently stocked before the supplies were depleted. Delay of repair beyond the next process unit shutdown will not be allowed unless the next process unit shutdown occurs sooner than 6 months after the first process unit shutdown.
[45CSR34, 40 C.F.R. §61.242-10(e)]

8.1.98. Owners or operators of closed-vent systems and control devices used to comply with provisions of 40 C.F.R. Part 61 Subpart V shall comply with the provisions of Sections 8.1.98. – 8.1.106. [40 C.F.R. §61.242-11], except as provided in Section 8.1.51. [40 C.F.R. §61.242-1(c)]. The control devices shall be monitored to ensure that they are operated and maintained in conformance with their design.
[45CSR34, 40 C.F.R. §§61.242-11(a) and (e)]

8.1.99. Except as provided in Section 8.1.102. through 8.1.104. [40 C.F.R. §§61.242-11(i) through (k)], each closed vent system shall be inspected according to the procedures and schedule specified in Section 8.1.99.(1) [40 C.F.R. §61.242-11(f)(1)] or 40 C.F.R. §61.242-11(f)(2), as applicable.

(1) If the vapor collection system or closed vent system is constructed of hard-piping, the owner or operator shall comply with the following requirements:

(i) Conduct an initial inspection according to the procedures in Section 8.3.4. [40 C.F.R. §61.245(b)]; and

(ii) Conduct annual visual inspections for visible, audible, or olfactory indications of leaks.

[45CSR34, 40 C.F.R. §61.242-11(f)]

8.1.100. For closed vent systems and control devices: Leaks, as indicated by an instrument reading greater than 500 parts per million by volume above background or by visual inspections, shall be repaired as soon as practicable except as provided in Section 8.1.101. [40 C.F.R. §61.242-11(h)].

(1) A first attempt at repair shall be made no later than 5 calendar days after the leak is detected.

(2) Repair shall be completed no later than 15 calendar days after the leak is detected.

[45CSR34, 40 C.F.R. §61.242-11(g)]

8.1.101. Delay of repair of a closed vent system for which leaks have been detected is allowed if the repair is technically infeasible without a process unit shutdown, or if the owner or operator determines that emissions resulting from immediate repair would be greater than the fugitive emissions likely to result from delay of repair. Repair of such equipment shall be complete by the end of the next process unit shutdown.
[45CSR34, 40 C.F.R. §61.242-11(h)]

8.1.102. If a vapor collection system or closed vent system is operated under a vacuum, it is exempt from the inspection requirements of Section 8.1.99.(1)(i) [40 C.F.R. §61.242-11(f)(1)(i)] and 40 C.F.R. §61.242-11(f)(2).
[45CSR34, 40 C.F.R. §61.242-11(i)]

8.1.103. Any parts of the closed vent system that are designated, as described in Section 8.1.105.(1) [40 C.F.R. §61.242-11(l)], as unsafe-to-inspect are exempt from the inspection requirements of Section 8.1.99.(1)(i) [40 C.F.R. §61.242-11(f)(1)(i)] and 40 C.F.R. §61.242-11(f)(2) if they comply with the following requirements:

(1) The owner or operator determines that the equipment is unsafe-to-inspect because inspecting personnel would be exposed to an imminent or potential danger as a consequence of complying with Section 8.1.99.(1)(i) [40 C.F.R. §61.242-11(f)(1)(i)] or 40 C.F.R. §61.242-11(f)(2); and

(2) The owner or operator has a written plan that requires inspection of the equipment as frequently as practicable during safe-to-inspect times.

[45CSR34, 40 C.F.R. §61.242-11(j)]

8.1.104. Any parts of the closed vent system that are designated, as described in Section 8.1.105.(2) [40 C.F.R. §61.242-11(l)(2)], as difficult-to-inspect are exempt from the inspection requirements of Section 8.1.99.(1)(i) [40 C.F.R. §61.242-11(f)(1)(i)] and 40 C.F.R. §61.242-11(f)(2) if they comply with the following requirements:

(1) The owner or operator determines that the equipment cannot be inspected without elevating the inspecting personnel more than 2 meters above a support surface; and

(2) The owner or operator has a written plan that requires inspection of the equipment at least once every 5 years. A closed vent system is exempt from inspection if it is operated under a vacuum.

[45CSR34, 40 C.F.R. §61.242-11(k)]

8.1.105. For closed vent systems and control devices, the owner or operator shall record the following information:

(1) Identification of all parts of the closed vent system that are designated as unsafe-to-inspect, an explanation of why the equipment is unsafe-to-inspect, and the plan for inspecting the equipment.

(2) Identification of all parts of the closed vent system that are designated as difficult-to-inspect, an explanation of why the equipment is difficult-to-inspect, and the plan for inspecting the equipment.

(3) For each inspection during which a leak is detected, a record of the information specified in Section 8.4.6. [40 C.F.R. §61.246(c)].

(4) For each inspection conducted in accordance with Section 8.3.4. [40 C.F.R. §61.245(b)] during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

(5) For each visual inspection conducted in accordance with Section 8.1.99.(1)(ii) [40 C.F.R. §61.242-11(f)(1)(ii)] during which no leaks are detected, a record that the inspection was performed, the date of the inspection, and a statement that no leaks were detected.

[45CSR34, 40 C.F.R. §61.242-11(l)]

8.1.106. Closed vent systems and control devices used to comply with provisions of 40 C.F.R. Part 61 Subpart V shall be operated at all times when emissions may be vented to them.
[45CSR34, 40 C.F.R. §61.242-11(m)]

8.1.107. Alternative standards for valves in VHAP service—allowable percentage of valves leaking.

(a) An owner or operator may elect to have all valves within a process unit to comply with an allowable percentage of valves leaking of equal to or less than 2.0 percent.

(b) The following requirements shall be met if an owner or operator decides to comply with an allowable percentage of valves leaking:

(1) An owner or operator must notify the Administrator that the owner or operator has elected to have all valves within a process unit to comply with the allowable percentage of valves leaking before implementing this alternative standard, as specified in §61.247(d).

(2) A performance test as specified in paragraph (c) of this section shall be conducted initially upon designation, annually, and at other times requested by the Administrator.

(3) If a valve leak is detected, it shall be repaired in acordance with §61.242-7(d) and (e).

(c) Performance tests shall be conducted in the following manner:

(1) All valves in VHAP service within the process unit shall be monitored within 1 week by the methods specified in §61.245(b).

(2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(3) The leak percentage shall be determined by dividing the number of valves in VHAP service for which leaks are detected by the number of valves in VHAP service within the process unit.

(d) Owner or operators who elect to have all valves comply with this alternative standard shall not have a process unit with a leak percentage greater than 2.0 percent.

(e) If an owner or operator decides no longer to comply with §61.243-1, the owner or operator must notify the Administrator in writing that the work practice standard described in §61.242-7(a)-(e) will be followed.

[45CSR34, 40 C.F.R. §61.243-1]

8.1.108. Alternative standards for valves in VHAP service—skip period leak detection and repair.

(a) (1) An owner or operator may elect for all valves within a process unit to comply with one of the alternative work practices specified in paragraphs (b)(2) and (3) of this section.

(2) An owner or operator must notify the Administrator before implementing one of the alternative work practices, as specified in §61.247(d).

(b) (1) An owner or operator shall comply initially with the requirements for valves, as described in §61.242-7.

(2) After 2 consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2.0, an owner or operator may begin to skip one of the quarterly leak detection periods for the valves in VHAP service.

(3) After five consecutive quarterly leak detection periods with the percentage of valves leaking equal to or less than 2.0, an owner or operator may begin to skip three of the quarterly leak detection periods for the valves in VHAP service.

(4) If the percentage of valves leaking is greater than 2.0, the owner or operator shall comply with the requirements as described in §61.242-7 but may again elect to use this section.

[45CSR34, 40 C.F.R. §61.243-2]

8.1.109. An owner or operator of a facility at which the total annual benzene quantity from facility waste is less than 10 megagrams per year (Mg/yr) (11 ton/yr) shall be exempt from the requirements of 40 C.F.R. §§61.342(b) and (c). The total annual benzene quantity from facility waste is the sum of the annual benzene quantity for each waste stream at the facility that has a flow-weighted annual average water content greater than 10 percent or that is mixed with water, or other wastes, at any time and the mixture has an annual average water content greater than 10 percent. The benzene quantity in a waste stream is to be counted only once without multiple counting if other waste streams are mixed with or generated from the original waste stream. Other specific requirements for calculating the total annual benzene waste quantity are as follows:

(1) Wastes that are exempted from control under 40 C.F.R §§61.342(c)(2) and 61.342(c)(3) are included in the calculation of the total annual benzene quantity if they have an annual average water content greater than 10 percent, or if they are mixed with water or other wastes at any time and the mixture has an annual average water content greater than 10 percent.

(2) The benzene in a material subject to 40 C.F.R. Part 61 Subpart FF that is sold is included in the calculation of the total annual benzene quantity if the material has an annual average water content greater than 10 percent.

(3) Benzene in wastes generated by remediation activities conducted at the facility, such as the excavation of contaminated soil, pumping and treatment of groundwater, and the recovery of product from soil or groundwater, is not included in the calculation of total annual benzene quantity for that facility. If the facility's total annual benzene quantity is 10 Mg/yr (11 ton/yr) or more, wastes generated by remediation activities are subject to the requirements of 40 C.F.R §§61.342(c) through (h). If the facility is managing remediation waste generated offsite, the benzene in this waste shall be included in the calculation of total annual benzene quantity in facility waste, if the waste streams have an annual average water content greater than 10 percent, or if they are mixed with water or other wastes at any time and the mixture has an annual average water content greater than 10 percent.

(4) The total annual benzene quantity is determined based upon the quantity of benzene in the waste before any waste treatment occurs to remove the benzene except as specified in Section 8.3.9.(1)(i)(A) through (C) [40 CF.R. §61.355(c)(1)(i)(A) through (C)].

[45CSR34, 40 C.F.R. §61.342(a)]

8.1.110. Compliance with 40 C.F.R. Part 61 Subpart FF will be determined by review of facility records and results from tests and inspections using methods and procedures specified in Sections 8.3.7. – 8.3.9. [40 C.F.R. §61.355] of 40 C.F.R. Part 61 Subpart FF.
[45CSR34, 40 C.F.R. §61.342(g)]

8.1.111. Permission to use an alternative means of compliance to meet the requirements of 40 C.F.R. §§61.342 through 61.352 of 40 C.F.R. Part 61 Subpart FF may be granted by the Administrator as provided in 40 C.F.R. §61.353 of 40 C.F.R. Part 61 Subpart FF.
[45CSR34, 40 C.F.R. §61.342(h)]

8.2. Monitoring Requirements

8.2.1. Each owner or operator subject to the provisions of 40 C.F.R. Part 61 Subpart L shall demonstrate compliance with the requirements of Sections 8.1.30. - 8.1.39, 8.1.41. – 8.1.46. [40 C.F.R. §§61.132. through 61.135] for each new and existing source, except as provided under 40 C.F.R §§61.243-1. and 61.243-2.
[45CSR34, 40 C.F.R. §61.136(a)]

8.2.2. Compliance with 40 C.F.R. Part 61 Subpart L shall be determined by a review of records, review of performance test results, inspections, or any combination thereof, using the methods and procedures specified in Sections 8.3.1. – 8.3.2. [40 C.F.R. §61.137.].
[45CSR34, 40 C.F.R. §61.136(b)]

8.2.3. (1) An owner or operator may request permission to use an alternative means of emission limitation to meet the requirements in Sections 8.1.30. - 8.1.37. and 8.1.39. - 8.1.46. [40 C.F.R. §§61.132, 61.133, and 61.135] and Sections 8.1.54. - 8.1.60, 8.1.73. - 8.1.92., and 8.1.98. - 8.1.106. [40 C.F.R. §§61.242-2, -5, -6, -7, -8, and –11]. Permission to use an alternative means of emission limitation shall be requested as specified in 40 C.F.R. §61.12(d).

(2) When the Administrator evaluates requests for permission to use alternative means of emission limitation for sources subject to Sections 8.1.30. - 8.1.37. [40 C.F.R. §§61.132 and 61.133] (except tar decanters) the Administrator shall compare test data for the means of emission limitation to a benzene control efficiency of 98 percent. For tar decanters, the Administrator shall compare test data for the means of emission limitation to a benzene control efficiency of 95 percent.

(3) For any requests for permission to use an alternative to the work practices required under Sections 8.1.39, 8.1.41. - 8.1.46. [40 C.F.R. §61.135], the provisions of 40 C.F.R. §61.244(c) shall apply.

[45CSR34, 40 C.F.R. §61.136(d)]

8.3. Testing Requirements

8.3.1. Each owner or operator subject to the provisions of 40 C.F.R. Part 61 Subpart L shall comply with the requirements in Sections 8.3.3. – 8.3.6. [40 C.F.R. §61.245].
[45CSR34, 40 C.F.R. §61.137(a)]

8.3.2. To determine whether or not a piece of equipment is in benzene service, the methods in Section 8.3.6. [40 C.F.R. §61.245(d)] shall be used, except that, for exhausters, the percent benzene shall be 1 percent by weight, rather than the 10 percent by weight described in Section 8.3.6. [40 C.F.R. §61.245(d)].
[45CSR34, 40 C.F.R. §61.137(b)]

8.3.3. Each owner or operator subject to the provisions of 40 C.F.R. Part 61 Subpart V shall comply with the test methods and procedures requirements provided in Sections 8.3.4, 8.3.5, and 8.3.6. [40 C.F.R. §§61.245(b), 61.245(c), and 61.245(d)]
[45CSR34, 40 C.F.R. §61.245(a)]

8.3.4. Monitoring, as required in Sections 8.1.54. - 8.1.106. [40 C.F.R. §61.242], 40 C.F.R. §61.243, 40 C.F.R. §61.244. and Sections 8.1.39, 8.1.41. - 8.1.46. [40 C.F.R. §61.135], shall comply with the following requirements:

(1) Monitoring shall comply with Method 21 of 40 C.F.R. Part 60 Appendix A.

(2) The detection instrument shall meet the performance criteria of Method 21.

(3) The instrument shall be calibrated before use on each day of its use by the procedures specified in Method 21.

(4) Calibration gases shall be:

(i) Zero air (less than 10 ppm of hydrocarbon in air); and

(ii) A mixture of methane or n-hexane and air at a concentration of approximately, but less than, 10,000 ppm methane or n-hexane.

(5) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.

[45CSR34, 40 C.F.R. §61.245(b)]

8.3.5. When equipment is tested for compliance with or monitored for no detectable emissions, the owner or operator shall comply with the following requirements:

(1) The requirements of Sections 8.3.4.(1) – (4) [40. C.F.R. §§61.245(b)(1) through (4)] shall apply.

(2) The background level shall be determined, as set forth in Method 21.

(3) The instrument probe shall be traversed around all potential leak interfaces as close to the interface as possible as described in Method 21.

(4) The arithmetic difference between the maximum concentration indicated by the instrument and the background level is compared with 500 ppm for determining compliance.

[45CSR34, 40 C.F.R. §61.245(c)]

8.3.6. (1) Each piece of equipment within a process unit that can conceivably contain equipment in VHAP service is presumed to be in VHAP service unless an owner or operator demonstrates that the piece of equipment is not in VHAP service. For a piece of equipment to be considered not in VHAP service, it must be determined that the percent VHAP content can be reasonably expected never to exceed 10 percent by weight. For purposes of determining the percent VHAP content of the process fluid that is

contained in or contacts equipment, procedures that conform to the methods described in ASTM Method D-2267 (incorporated by the reference as specified in 40 C.F.R. §61.18) shall be used.

(2) (i) An owner or operator may use engineering judgment rather than the procedures in Section 8.3.6.(1) [40 C.F.R. §61.245(d)(1)] to demonstrate that the percent VHAP content does not exceed 10 percent by weight, provided that the engineering judgment demonstrates that the VHAP content clearly does not exceed 10 percent by weight. When an owner or operator and the Administrator do not agree on whether a piece of equipment is not in VHAP service, however, the procedures in Section 8.3.6.(1) [40 C.F.R. §61.245(d)(1)] shall be used to resolve the disagreement.

(ii) If an owner or operator determines that a piece of equipment is in VHAP service, the determination can be revised only after following the procedures in Section 8.3.6.(1) [40 C.F.R. §61.245(d)(1)].

(3) Samples used in determining the percent VHAP content shall be representative of the process fluid that is contained in or contacts the equipment or the gas being combusted in the flare.

[45CSR34, 40 C.F.R. §61.245(d)]

8.3.7. An owner or operator shall determine the total annual benzene quantity from facility waste by the following procedure:

(1) For each waste stream subject to 40 C.F.R. Part 61 Subpart FF having a flow-weighted annual average water content greater than 10 percent water, on a volume basis as total water, or is mixed with water or other wastes at any time and the resulting mixture has an annual average water content greater than 10 percent as specified in Section 8.1.109. [40 C.F.R. §61.342(a)], the owner or operator shall:

(i) Determine the annual waste quantity for each waste stream using the procedures specified in Section 8.3.8. [40 C.F.R. §61.355(b)].

(ii) Determine the flow-weighted annual average benzene concentration for each waste stream using the procedures specified in Section 8.3.9. [40 C.F.R. §61.355(c)].

(iii) Calculate the annual benzene quantity for each waste stream by multiplying the annual waste quantity of the waste stream times the flow-weighted annual average benzene concentration.

(2) Total annual benzene quantity from facility waste is calculated by adding together the annual benzene quantity for each waste stream generated during the year and the annual benzene quantity for each process unit turnaround waste annualized according to Section 8.3.8.(4) [40 C.F.R. §61.355(b)(4)].

(4) If the total annual benzene quantity from facility waste is less than 10 Mg/yr (11 ton/yr) but is equal to or greater than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall:

(i) Comply with the recordkeeping requirements of Section 8.4.13. and 8.4.14. [40 C.F.R. §61.356] and reporting requirements of Sections 8.5.10. and 8.5.11. [40 C.F.R. §61.357]; and

(ii) Repeat the determination of total annual benzene quantity from facility waste at least once per year and whenever there is a change in the process generating the waste that could cause the total annual benzene quantity from facility waste to increase to 10 Mg/yr (11 ton/yr) or more.

(5) If the total annual benzene quantity from facility waste is less than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall:

(i) Comply with the recordkeeping requirements of 8.4.13.and 8.4.14. [40 CFR §61.356] and reporting requirements of 8.5.10., 8.5.11., and 8.5.12. [40 CFR §61.357]; and

(ii) Repeat the determination of total annual benzene quantity from facility waste whenever there is a change in the process generating the waste that could cause the total annual benzene quantity from facility waste to increase to 1 Mg/yr (1.1 ton/yr) or more.

(6) The benzene quantity in a waste stream that is generated less than one time per year, except as provided for process unit turnaround waste in Section 8.3.8.(4). [40 CFR §61.355(b)(4)], shall be included in the determination of total annual benzene quantity from facility waste for the year in which the waste is generated unless the waste stream is otherwise excluded from the determination of total annual benzene quantity from facility waste in accordance with Sections 8.3.7. through 8.3.9. [40 CFR §§61.355(a) through (c)]. The benzene quantity in this waste stream shall not be annualized or averaged over the time interval between the activities that resulted in generation of the waste, for purposes of determining the total annual benzene quantity from facility waste.

[45CSR34, 40 C.F.R. §61.355(a)]

8.3.8. For purposes of the calculation required by Section 8.3.7. [40 C.F.R. §61.355(a)], an owner or operator shall determine the annual waste quantity at the point of waste generation, unless otherwise provided in Section 8.3.8.(1) – (4) [40 C.F.R. §61.355(b)(1), (2), (3), and (4)], by one of the methods given in Section 8.3.8. (5) – (7) [40 C.F.R. §§61.355(b)(5) through (7)].

(1) The determination of annual waste quantity for sour water streams that are processed in sour water strippers shall be made at the point that the water exits the sour water stripper.

(2) The determination of annual waste quantity for wastes at coke by-product plants subject to and complying with the control requirements of Sections 8.1.30. – 8.1.34, Sections 8.1.35. – 8.1.37, and Section 8.1.38. [40 C.F.R. §§61.132, 61.133, 61.134, or 61.139] shall be made at the location that the waste stream exits the process unit component or waste management unit controlled by that subpart or at the exit of the ammonia still, provided that the following conditions are met:

(i) The transfer of wastes between units complying with the control requirements of 40 C.F.R. Part 61 Subpart L, process units, and the ammonia still is made through hard piping or other enclosed system.

(ii) The ammonia still meets the definition of a sour water stripper in 40 C.F.R. §61.341.

(4) The determination of annual waste quantity for each process unit turnaround waste generated only at 2 year or greater intervals, may be made by dividing the total quantity of waste generated during the most recent process unit turnaround by the time period (in the nearest tenth of a year) between the turnaround resulting in generation of the waste and the most recent preceding process turnaround for

the unit. The resulting annual waste quantity shall be included in the calculation of the annual benzene quantity as provided in Section 8.3.7.(1)(iii) [40 C.F.R. §61.355(a)(1)(iii)] for the year in which the turnaround occurs and for each subsequent year until the unit undergoes the next process turnaround. For estimates of total annual benzene quantity as specified in the 90-day report, required under Section 8.5.10.(1) [40 C.F.R. §61.357(a)(1)], the owner or operator shall estimate the waste quantity generated during the most recent turnaround, and the time period between turnarounds in accordance with good engineering practices. If the owner or operator chooses not to annualize process unit turnaround waste, as specified in this paragraph, then the process unit turnaround waste quantity shall be included in the calculation of the annual benzene quantity for the year in which the turnaround occurs.

(5) Select the highest annual quantity of waste managed from historical records representing the most recent 5 years of operation or, if the facility has been in service for less than 5 years but at least 1 year, from historical records representing the total operating life of the facility;

(6) Use the maximum design capacity of the waste management unit; or

(7) Use measurements that are representative of maximum waste generation rates.

[45CSR34, 40 C.F.R. §61.355(b)]

8.3.9. For the purposes of the calculation required by Section 8.3.7. [40 C.F.R. §61.355(a)], an owner or operator shall determine the flow-weighted annual average benzene concentration in a manner that meets the requirements given in Section 8.3.9.(1) [40 C.F.R. §61.355(c)(1)], using either of the methods given in Section 8.3.9.(2) and (3) [40 C.F.R. §§61.355(c)(2) and (c)(3)].

(1) The determination of flow-weighted annual average benzene concentration shall meet all of the following criteria:

(i) The determination shall be made at the point of waste generation except for the specific cases given in Section 8.3.9.(1)(i)(A) through (D) [40 C.F.R. §§61.355(c)(1)(i)(A) through (D)].

(A) The determination for sour water streams that are processed in sour water strippers shall be made at the point that the water exits the sour water stripper.

(B) The determination for wastes at coke by-product plants subject to and complying with the control requirements of Sections 8.1.30. – 8.1.34, Sections 8.1.35. – 8.1.37, and Section 8.1.38. [40 C.F.R. §§61.132, 61.133, 61.134, or 61.139] shall be made at the location that the waste stream exits the process unit component or waste management unit controlled by that subpart or at the exit of the ammonia still, provided that the following conditions are met:

(*1*) The transfer of wastes between units complying with the control requirements of 40 C.F.R. Part 61 Subpart L, process units, and the ammonia still is made through hard piping or other enclosed system.

(*2*) The ammonia still meets the definition of a sour water stripper in 40 C.F.R. §61.341.

(C) The determination for wastes that are received from offsite shall be made at the point where the waste enters the hazardous waste treatment, storage, or disposal facility.

(D) The determination of flow-weighted annual average benzene concentration for process unit turnaround waste shall be made using either of the methods given in Section 8.3.9.(2) or (3) [40 C.F.R. §61.355(c)(2) or (c)(3)]. The resulting flow-weighted annual average benzene concentration shall be included in the calculation of annual benzene quantity as provided in Section 8.3.7.(1)(iii) [40 C.F.R. §61.355(a)(1)(iii)] for the year in which the turnaround occurs and for each subsequent year until the unit undergoes the next process unit turnaround.

(ii) Volatilization of the benzene by exposure to air shall not be used in the determination to reduce the benzene concentration.

(iii) Mixing or diluting the waste stream with other wastes or other materials shall not be used in the determination -- to reduce the benzene concentration.

(iv) The determination shall be made prior to any treatment of the waste that removes benzene, except as specified in Section 8.3.9.(1)(i)(A) through (D) [40 C.F.R. §§61.355(c)(1)(i)(A) through (D)].

(v) For wastes with multiple phases, the determination shall provide the weighted-average benzene concentration based on the benzene concentration in each phase of the waste and the relative proportion of the phases.

(2) *Knowledge of the waste.* The owner or operator shall provide sufficient information to document the flow-weighted annual average benzene concentration of each waste stream. Examples of information that could constitute knowledge include material balances, records of chemicals purchases, or previous test results provided the results are still relevant to the current waste stream conditions. If test data are used, then the owner or operator shall provide documentation describing the testing protocol and the means by which sampling variability and analytical variability were accounted for in the determination of the flow-weighted annual average benzene concentration for the waste stream. When an owner or operator and the Administrator do not agree on determinations of the flow-weighted annual average benzene concentration based on knowledge of the waste, the procedures under Section 8.3.9.(3) [40 C.F.R. §61.355(c)(3)] shall be used to resolve the disagreement.

(3) Measurements of the benzene concentration in the waste stream in accordance with the following procedures:

(i) Collect a minimum of three representative samples from each waste stream. Where feasible, samples shall be taken from an enclosed pipe prior to the waste being exposed to the atmosphere.

(ii) For waste in enclosed pipes, the following procedures shall be used:

(A) Samples shall be collected prior to the waste being exposed to the atmosphere in order to minimize the loss of benzene prior to sampling.

(B) A static mixer shall be installed in the process line or in a by-pass line unless the owner or operator demonstrates that installation of a static mixer in the line is not necessary to accurately determine the benzene concentration of the waste stream.

(C) The sampling tap shall be located within two pipe diameters of the static mixer outlet.

(D) Prior to the initiation of sampling, sample lines and cooling coil shall be purged with at least four volumes of waste.

(E) After purging, the sample flow shall be directed to a sample container and the tip of the sampling tube shall be kept below the surface of the waste during sampling to minimize contact with the atmosphere.

(F) Samples shall be collected at a flow rate such that the cooling coil is able to maintain a waste temperature less than 10 °C (50 °F).

(G) After filling, the sample container shall be capped immediately (within 5 seconds) to leave a minimum headspace in the container.

(H) The sample containers shall immediately be cooled and maintained at a temperature below 10 °C (50 °F) for transfer to the laboratory.

(iii) When sampling from an enclosed pipe is not feasible, a minimum of three representative samples shall be collected in a manner to minimize exposure of the sample to the atmosphere and loss of benzene prior to sampling.

(iv) Each waste sample shall be analyzed using one of the following test methods for determining the benzene concentration in a waste stream:

(A) Method 8020, Aromatic Volatile Organics, in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846 (incorporation by reference as specified in 40 C.F.R. §61.18);

(B) Method 8021, Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846 (incorporation by reference as specified in 40 C.F.R. §61.18);

(C) Method 8240, Gas Chromatography/Mass Spectrometry for Volatile Organics in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846 (incorporation by reference as specified in 40 C.F.R. §61.18);

(D) Method 8260, Gas Chromatography/Mass Spectrometry for Volatile Organics: Capillary Column Technique in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication No. SW-846 (incorporation by reference as specified in 40 C.F.R. §61.18);

(E) Method 602, Purgeable Aromatics, as described in 40 C.F.R. Part 136 Appendix A, Test Procedures for Analysis of Organic Pollutants, for wastewaters for which this is an approved EPA methods; or

(F) Method 624, Purgeables, as described in 40 C.F.R. Part 136 Appendix A, Test Procedures for Analysis of Organic Pollutants, for wastewaters for which this is an approved EPA method.

(v) The flow-weighted annual average benzene concentration shall be calculated by averaging the results of the sample analyses as follows:

$$\overline{C} = \frac{1}{Q_t} \times \sum_{i=1}^{n} (Q_i)\,(C_i)$$

Where:

$\overline{C}$ = Flow-weighted annual average benzene concentration for waste stream, ppmw.

Q_t = Total annual waste quantity for waste stream, kg/yr (lb/yr).

N = Number of waste samples (at least 3).

Q_i = Annual waste quantity for waste stream represented by Ci, kg/yr (lb/yr).

C_i = Measured concentration of benzene in waste sample i, ppmw.

[45CSR34, 40 C.F.R. §61.355(c)]

8.4. Recordkeeping Requirements

8.4.1. The following information pertaining to the design of control equipment installed to comply with Sections 8.1.30. – 8.1.38. [40 C.F.R. §§61.132 through 61.134] shall be recorded and kept in a readily accessible location:

(1) Detailed schematics, design specifications, and piping and instrumentation diagrams.

(2) The dates and descriptions of any changes in the design specifications.

[45CSR34, 40 C.F.R. §61.138(a)]

8.4.2. The following information pertaining to sources subject to Sections 8.1.30. – 8.1.34. [40 C.F.R. §61.132] and sources subject to Sections 8.1.35. – 8.1.37. [40 C.F.R. §61.133] shall be recorded and maintained for 2 years following each semiannual (and other) inspection and each annual maintenance inspection:

(1) The date of the inspection and the name of the inspector.

(2) A brief description of each visible defect in the source or control equipment and the method and date of repair of the defect.

(3) The presence of a leak, as measured using the method described in Section 8.3.5. [40 C.F.R. §61.245(c)]. The record shall include the date of attempted and actual repair and method of repair of the leak.

(4) A brief description of any system abnormalities found during the annual maintenance inspection, the repairs made, the date of attempted repair, and the date of actual repair.

[45CSR34, 40 C.F.R. §61.138(b)]

8.4.3. Each owner or operator of a source subject to Section 8.1.39, 8.1.41. - 8.1.46. [40 C.F.R. §61.135] shall comply with Sections 8.4.4. – 8.4.12. [40 C.F.R. §§61.246].
[45CSR34, 40 C.F.R. §61.138(c)]

8.4.4. (1) Each owner or operator subject to the provisions of 40 C.F.R. Part 61 Subpart V shall comply with the recordkeeping requirements of Sections 8.4.4. – 8.4.12. [40 C.F.R. §61.246].

(2) An owner or operator of more than one process unit subject to the provisions of 40 C.F.R. Part 61 Subpart V may comply with the recordkeeping requirements for these process units in one recordkeeping system if the system identifies each record by each process unit.

[45CSR34, 40 C.F.R. §61.246(a)]

8.4.5. When each leak is detected as specified in Sections 8.1.54. – 8.1.60. [40 C.F.R §§61.242-2], Sections 8.1.81. – 8.1.92. [40 C.F.R §§61.242-7 and 61.242-8], and Sections 8.1.39, 8.1.41. - 8.1.46. [40 C.F.R §61.135], the following requirements apply:

(1) A weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment.

(2) The identification on a valve may be removed after it has been monitored for 2 successive months as specified in Section 8.1.83. [40 C.F.R. §61.242-7(c)] and no leak has been detected during those 2 months.

(3) The identification on equipment, except on a valve, may be removed after it has been repaired.

[45CSR34, 40 C.F.R. §61.246(b)]

8.4.6. When each leak is detected as specified in Sections 8.1.54. – 8.1.60. [40 C.F.R §§61.242-2], Sections 8.1.81. – 8.1.92. [40 C.F.R §§61.242-7 and 61.242-8], and Sections 8.1.39, 8.1.41. - 8.1.46. [40 C.F.R §61.135], the following information shall be recorded in a log and shall be kept for 2 years in a readily accessible location:

(1) The instrument and operator identification numbers and the equipment identification number.

(2) The date the leak was detected and the dates of each attempt to repair the leak.

(3) Repair methods applied in each attempt to repair the leak.

(4) "Above 10,000" if the maximum instrument reading measured by the methods specified in Section 8.3.3. [40 C.F.R. §61.245(a)] after each repair attempt is equal to or greater than 10,000 ppm.

(5) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

(6) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.

(7) The expected date of successful repair of the leak if a leak is not repaired within 15 calendar days.

(8) Dates of process unit shutdowns that occur while the equipment is unrepaired.

(9) The date of successful repair of the leak.

[45CSR34, 40 C.F.R. §61.246(c)]

8.4.7. The following information pertaining to the design requirements for closed-vent systems and control devices described in Sections 8.1.98. – 8.1.106. [40 C.F.R. §61.242-11] shall be recorded and kept in a readily accessible location:

(1) Detailed schematics, design specifications, and piping and instrumentation diagrams.

(2) The dates and descriptions of any changes in the design specifications.

(3) A description of the parameter or parameters monitored, as required in 8.1.98 [40 CFR §61.242-11(e)], to ensure that control devices are operated and maintained in conformance with their design and an explanation of why that parameter (or parameters) was selected for the monitoring.

(4) Periods when the closed-vent systems and control devices required in Sections 8.1.54. – 8.1.75. [40 C.F.R. §§61.242-2, 61.242-4, 61.242-5] and 40 C.F.R. §61.242-9 are not operated as designed, including periods when a flare pilot light does not have a flame.

(5) Dates of startups and shutdowns of the closed-vent systems and control devices required in Sections 8.1.54. – 8.1.75. [40 C.F.R. §§61.242-2, 61.242-4, 61.242-5] and 40 C.F.R. §61.242-9.

[45CSR34, 40 C.F.R. §61.246(d)]

8.4.8. The following information pertaining to all equipment to which a standard applies shall be recorded in a log that is kept in a readily accessible location:

(1) A list of identification numbers for equipment (except welded fittings) subject to the requirements of 40 C.F.R. Part 61 Subpart V.

(2) (i) A list of identification numbers for equipment that the owner or operator elects to designate for no detectable emissions as indicated by an instrument reading of less than 500 ppm above background.

(ii) The designation of this equipment for no detectable emissions shall be signed by the owner or operator.

(3) A list of equipment identification numbers for pressure relief devices required to comply with Section 8.1.69. [40 C.F.R. §61.242-4(a)].

(4) (i) The dates of each compliance test required in Sections 8.1.58, 8.1.69. – 8.1.72, 8.1.86, and 8.1.45. [40 C.F.R. §§61.242-2(e), 61.242-4, 61.242-7(f), and 61.135(g)].

(ii) The background level measured during each compliance test.

(iii) The maximum instrument reading measured at the equipment during each compliance test.

(5) A list of identification numbers for equipment in vacuum service.
[45CSR34, 40 C.F.R. §61.246(e)]

8.4.9. The following information pertaining to all valves subject to the requirements of Sections 8.1.87. and 8.1.88. [40 C.F.R. §§61.242-7(g) and (h)] and to all pumps subject to the requirements of Sections 8.1.59. [40 C.F.R. §61.242-2(g)] shall be recorded in a log that is kept in a readily accessible location:

(1) A list of identification numbers for valves and pumps that are designated as unsafe to monitor, an explanation for each valve or pump stating why the valve or pump is unsafe to monitor, and the plan for monitoring each valve or pump.

(2) A list of identification numbers for valves that are designated as difficult to monitor, an explanation for each valve stating why the valve is difficult to monitor, and the planned schedule for monitoring each valve.

[45CSR34, 40 C.F.R. §61.246(f)]

8.4.10. The following information shall be recorded in a log that is kept in a readily accessible location:

(1) Design criterion required in Sections 8.1.57.(5), and 8.1.43.(4) [40 C.F.R. §§61.242-2(d)(5) and 61.135(e)(4)] and an explanation of the design criterion; and

(2) Any changes to this criterion and the reasons for the changes.

[45CSR34, 40 C.F.R. §61.246(h)]

8.4.11. The following information shall be recorded in a log that is kept in a readily accessible location for use in determining exemptions as provided in the applicability section of 40 C.F.R. Part 61 Subpart V and other specific subparts:

(1) An analysis demonstrating the design capacity of the process unit, and

(2) An *analysis* demonstrating that equipment is not in VHAP service.

[45CSR34, 40 C.F.R. §61.246(i)]

8.4.12. Information and data used to demonstrate that a piece of equipment is not in VHAP service shall be recorded in a log that is kept in a readily accessible location.
[45CSR34, 40 C.F.R. §61.246(j)]

8.4.13. Each owner or operator of a facility subject to the provisions of 40 C.F.R. Part 61 Subpart FF shall comply with the recordkeeping requirements of Sections 8.4.13. – 8.4.14. [40 C.F.R. §61.356]. Each record shall be maintained in a readily accessible location at the facility site for a period not less than two years from the date the information is recorded unless otherwise specified.
[45CSR34, 40 C.F.R. §61.356(a)]

8.4.14. Each owner or operator shall maintain records that identify each waste stream at the facility subject to 40 C.F.R. Part 61 Subpart FF, and indicate whether or not the waste stream is controlled for benzene emissions in accordance with 40 C.F.R. Part 61 Subpart FF. In addition the owner or operator shall maintain the following records:

(1) For each waste stream not controlled for benzene emissions in accordance with 40 C.F.R. Part 61 Subpart FF, the records shall include all test results, measurements, calculations, and other documentation used to determine the following information for the waste stream: waste stream identification, water content, whether or not the waste stream is a process wastewater stream, annual waste quantity, range of benzene concentrations, annual average flow-weighted benzene concentration, and annual benzene quantity.

(2) For each waste stream exempt from 40 C.F.R. §61.342(c)(1) in accordance with 40 C.F.R. §61.342(c)(3), the records shall include:

(i) All measurements, calculations, and other documentation used to determine that the continuous flow of process wastewater is less than 0.02 liters (0.005 gallons) per minute or the annual waste quantity of process wastewater is less than 10 Mg/yr (11 ton/yr) in accordance with 40 C.F.R. §61.342(c)(3)(i), or

(ii) All measurements, calculations, and other documentation used to determine that the sum of the total annual benzene quantity in all exempt waste streams does not exceed 2.0 Mg/yr (2.2 ton/yr) in accordance with 40 C.F.R. §61.342(c)(3)(ii).

(5) For each facility where the annual waste quantity for process unit turnaround waste is determined in accordance with Section 8.3.8.(5) [40 C.F.R. §61.355(b)(5)], the records shall include all test results, measurements, calculations, and other documentation used to determine the following information: identification of each process unit at the facility that undergoes turnarounds, the date of the most recent turnaround for each process unit, identification of each process unit turnaround waste, the water content of each process unit turnaround waste, the annual waste quantity determined in accordance with Section 8.3.8.(5) [40 C.F.R. §61.355(b)(5)], the range of benzene concentrations in the waste, the annual average flow-weighted benzene concentration of the waste, and the annual benzene quantity calculated in accordance with Section 8.3.7.(1)(iii) [40 C.F.R. §61.355(a)(1)(iii)].

[45CSR34, 40 C.F.R. §61.356(b)]

8.4.15. For purposes of demonstrating compliance with the annual emission limits of Condition 8.1.1., the permittee shall maintain records of the amount of coal tar loaded out on a monthly basis and determine the 12 month rolling total at the end of the month. Such records shall be maintained in accordance with Condition 3.4.2.
[45CSR13, R13-1652, 4.4.4.]

8.4.16. For P021-22 and P021-22A, the permittee shall comply with the following recordkeeping requirements from 40 CFR §61.246:

a. Information and data used to demonstrate that a piece of equipment is not in VHAP service shall be recorded in a log that is kept in a readily accessible location.

[45CSR13, R13-1652, 4.4.5., 45CSR34, 40 C.F.R. §§61.138(c) and 61.246]

8.5. Reporting Requirements

8.5.1. The permittee shall review and determine on a monthly basis if there were any exceedance of the conditions set forth under Sections 8.1.5. - 8.1.21. Should the permittee determine that an exceedance occurred, then the permittee shall submit a written report describing what the exceedance was and what measures the permittee has taken to prevent the exceedance from re-occurring.
[45CSR13, R13-1939, 4.5.1 ~~B.1., B.7.~~]

8.5.2. A report shall be submitted to the Administrator semiannually starting 6 months after the initial reports required in 40 C.F.R.§61.138(e) and 40 C.F.R §61.10, which includes the following information:

(1) For sources subject to Sections 8.1.30. – 8.1.34. [40 C.F.R. §61.132] and sources subject to Sections 8.1.35. – 8.1.37. [40 C.F.R. §61.133],

(i) A brief description of any visible defect in the source or ductwork,

(ii) The number of leaks detected and repaired, and

(iii) A brief description of any system abnormalities found during each annual maintenance inspection that occurred in the reporting period and the repairs made.

(2) For equipment in benzene service subject to Section 8.1.39. [40 C.F.R. §61.135(a)], information required by Section 8.5.7. [40 C.F.R. §61.247(b)].

(3) For each exhauster subject to Sections 8.1.39, 8.1.41. - 8.1.46. [40 C.F.R. §61.135] for each quarter during the semiannual reporting period,

(i) The number of exhausters for which leaks were detected as described in Sections 8.1.42. and 8.1.43.(5) [40 C.F.R. §61.135(d) and (e)(5)],

(ii) The number of exhausters for which leaks were repaired as required in Sections 8.1.42. and 8.1.43.(6) [40 C.F.R. §61.135(d) and (e)(6)].

(iii) The results of performance tests to determine compliance with Section 8.1.45. [40 C.F.R. §61.135(g)] conducted within the semiannual reporting period.

(4) A statement signed by the owner or operator stating whether all provisions of 40 C.F.R. Part 61 Subpart L, have been fulfilled during the semiannual reporting period.

(6) Revisions to items reported according to 40 C.F.R. §61.138(e) if changes have occurred since the initial report or subsequent revisions to the initial report.

Note:

Compliance with the requirements of 40 C.F.R. §61.10(c) is not required for revisions documented under Section 8.4.1. - 8.4.3. and 8.5.2-8.5.5. [40 C.F.R. §61.138].

[45CSR34, 40 C.F.R. §61.138(f)]

8.5.3. In the first report submitted as required in 40 C.F.R. §61.138(e), the report shall include a reporting schedule stating the months that semiannual reports shall be submitted. Subsequent reports shall be submitted according to that schedule unless a revised schedule has been submitted in a previous semiannual report.
[45CSR34, 40 C.F.R. §61.138(g)]

8.5.4. An owner or operator electing to comply with the provisions in Sections 8.1.107 and 8.1.108 [40 C.F.R. §§61.243-1 and 61.243-2] shall notify the Administrator of the alternative standard selected 90 days before implementing either of the provisions.
[45CSR34, 40 C.F.R. §61.138(h)]

8.5.5. An application for approval of construction or modification, as required under 40 C.F.R. §§61.05(a) and 61.07, will not be required for sources subject to Sections 8.1.39, 8.1.41. - 8.1.46. [40 C.F.R. §61.135] if:

(1) The new source complies with Sections 8.1.39, 8.1.41. - 8.1.46. [40 C.F.R. §61.135], and

(2) In the next semiannual report required by Section 8.5.2. [40 C.F.R. §61.138(f)], the information described in 40 C.F.R. §61.138(e)(4) is reported.

[45CSR34, 40 C.F.R. §61.138(i)]

8.5.6. The statement is to contain the following information for each source:

(i) Equipment identification number and process unit identification.

(ii) Type of equipment (for example, a pump or pipeline valve).

(iii) Percent by weight VHAP in the fluid at the equipment.

(iv) Process fluid state at the equipment (gas/vapor or liquid).

(v) Method of compliance with the standard (for example, "monthly leak detection and repair" or "equipped with dual mechanical seals").

[45CSR34, 40 C.F.R. §61.247(a)(5)]

8.5.7. A report shall be submitted to the Administrator semiannually starting 6 months after the initial report required in 40 C.F.R. §61.247(a), that includes the following information:

(1) Process unit identification.

(2) For each month during the semiannual reporting period,

(i) Number of valves for which leaks were detected as described in Section 8.1.82. [40 C.F.R. §61.242-7(b)] of 40 C.F.R. §61.243-2.

(ii) Number of valves for which leaks were not repaired as required in Section 8.1.82. [40 C.F.R. §61.242-7(b)].

(iii) Number of pumps for which leaks were detected as described in Section 8.1.55. and 8.1.57. (6) [40 C.F.R. §61.242-2(b) and (d)(6)].

(iv) Number of pumps for which leaks were not repaired as required in Section 8.1.56. and 8.1.57.(6) [40 C.F.R. §61.242-2(c) and (d)(6)].

(vii) The facts that explain any delay of repairs and, where appropriate, why a process unit shutdown was technically infeasible.

(3) Dates of process unit shutdowns which occurred within the semiannual reporting period.

(4) Revisions to items reported according to 40 C.F.R. §61.247(a)(1) if changes have occurred since the initial report or subsequent revisions to the initial report.

Note:

Compliance with the requirements of 40 C.F.R. §61.10(c) is not required for revisions documented under this Section 8.5.7. [40 C.F.R. §61.247(b)].

(5) The results of all performance tests and monitoring to determine compliance with no detectable emissions and with 40 C.F.R. §§61.243 - 1 and 61.243 - 2 conducted within the semiannual reporting period.

[45CSR34, 40 C.F.R. §61.247(b)]

8.5.8. In the first report submitted as required in 40 C.F.R. §61.247(a), the report shall include a reporting schedule stating the months that semiannual reports shall be submitted. Subsequent reports shall be submitted according to that schedule, unless a revised schedule has been submitted in a previous semiannual report.
[45CSR34, 40 C.F.R. §61.247(c)]

8.5.9. An application for approval of construction or modification, 40 C.F.R. §§61.05(a) and 61.07, will not be required if --

(1) The new source complies with the standard, Sections 8.1.49. – 8.1.106. [40 C.F.R. §61.242];

(2) The new source is not part of the construction of a process unit; and

(3) In the next semiannual report required by Section 8.5.7. [40 C.F.R. §61.247(b)], the information in Section 8.5.6 [40 C.F.R. §61.247(a)(5)] is reported.

[45CSR34, 40 C.F.R. §61.247(e)]

8.5.10. Each owner or operator of a chemical plant, petroleum refinery, coke by-product recovery plant, and any facility managing wastes from these industries shall submit to the Administrator within 90 days after January 7, 1993, or by the initial startup for a new source with an initial startup after the effective date, a report that summarizes the regulatory status of each waste stream subject to Sections 8.1.49. through 8.1.106. [40 C.F.R. §61.342] and is determined by the procedures specified in Section 8.3.9. [40 C.F.R.

§61.355(c)] to contain benzene. Each owner or operator subject to 40 C.F.R. Part 61 Subpart FF who has no benzene onsite in wastes, products, by-products, or intermediates shall submit an initial report that is a statement to this effect. For all other owners or operators subject to 40 C.F.R. Part 61 Subpart L, the report shall include the following information:

(1) Total annual benzene quantity from facility waste determined in accordance with Section 8.3.7. [40 C.F.R. §61.355(a)].

(2) A table identifying each waste stream and whether or not the waste stream will be controlled for benzene emissions in accordance with the requirements of 40 C.F.R. Part 61 Subpart FF.

(3) For each waste stream identified as not being controlled for benzene emissions in accordance with the requirements of 40 C.F.R. Part 61 Subpart FF the following information shall be added to the table:

(i) Whether or not the water content of the waste stream is greater than 10 percent;

(ii) Whether or not the waste stream is a process wastewater stream, product tank drawdown, or landfill leachate;

(iii) Annual waste quantity for the waste stream;

(iv) Range of benzene concentrations for the waste stream;

(v) Annual average flow-weighted benzene concentration for the waste stream; and

(vi) Annual benzene quantity for the waste stream.

(4) The information required in Section 8.5.10.(1), (2), and (3) [40 C.F.R. §§61.357(a)(1), (2), and (3)] should represent the waste stream characteristics based on current configuration and operating conditions. An owner or operator only needs to list in the report those waste streams that contact materials containing benzene. The report does not need to include a description of the controls to be installed to comply with the standard or other information required in 40 C.F.R. §61.10(a).

[45CSR34, 40 C.F.R. §61.357(a)]

8.5.11. If the total annual benzene quantity from facility waste is less than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall submit to the Administrator a report that updates the information listed in paragraphs (a)(1) through (a)(3) of this section whenever there is a change in the process generating the waste stream that could cause the total annual benzene quantity from facility waste to increase to 1 Mg/yr (1.1 ton/yr) or more.
[45CSR34, 40 C.F.R. §61.357(b)]

8.5.12. If the total annual benzene quantity from facility waste is less than 10 Mg/yr (11 ton/yr) but is equal to or greater than 1 Mg/yr (1.1 ton/yr), then the owner or operator shall submit to the Administrator a report that updates the information listed in Section 8.5.10.(1) through (3) [40 C.F.R. §§61.357(a)(1) through (3)]. The report shall be submitted annually and whenever there is a change in the process generating the waste stream that could cause the total annual benzene quantity from facility waste to increase to 10 Mg/yr (11 ton/yr) or more. If the information in the annual report required by Sections 8.5.10.(1) through (3) [40

C.F.R. §§61.357(a)(1) through (a)(3)] is not changed in the following year, the owner or operator may submit a statement to that effect.
[45CSR34, 40 C.F.R. §61.357(c)]

8.6. Compliance Plan

8.6.1. None

9.0 Source-Specific Requirements [Emergency Air Compressor (E1), and Emergency Generators (E5, E6, E7), (Group 010), emission point ID(s) (S26, S6, E6 and E7)]

9.1. Limitations and Standards

9.1.1. The emergency backup air compressor shall be permanently installed emergency diesel-fired backup air compressor set (S26) with a maximum rating of 600 hp.
[45CSR13, R13-2632, 4.1.1.]

9.1.2. The emergency backup air compressor (S26) should be limited to a maximum operating schedule of 500 hours per year each in emergency situations and for routine testing and maintenance. Of this 500 hours, only 50 hours per year each can be used for non-emergency situations as defined in 40 C.F.R. §63.6675 (40 C.F.R. Part 63 Subpart ZZZZ).
[45CSR34, 40 C.F.R. §63.6675, 45CSR13, R13-2632, 4.1.2.]

9.1.3. The emergency backup air compressor S26 shall be limited to using a maximum of 18.2 gallons per hour and 9,100 gallons per year of #2 diesel fuel. Compliance with the annual fuel usage limit shall be determined using a rolling yearly total. A rolling yearly total shall mean the sum of the fuel usage at any given time for the previous twelve (12) consecutive calendar months.
[45CSR13, R13-2632, 4.1.3.]

9.1.4. The emissions from the emergency backup air compressor (S26) shall not exceed the limits shown in the following table:

Emission Unit ID #	Pollutant	Annual Rate[1] tons/yr	Hourly Rate[2] lb/hr
E1	NO_x	2.49	9.99
	SO_2	0.03	0.1
	CO	0.18	0.71
	PM_{10}	0.03	0.12
	VOC	0.05	0.18
	Formaldehyde	0.00005	0.0002
	Total HAPs	0.009	0.036

1 - Annual emissions are based on a operating schedule of 500 hours per year.
2 - Hourly emission rates are determined using engine manufacture's information and US EPA emission factors (PM 0.07 grams/Kw-hr, CO 0.4 g/Kw-hr, SO_2 47.6 g/Kw-hr, Hc 0.10 g/kw-hr, and US EPA MACT document for HAP of 0.0359 lbs/hr operation, Formaldehyde 7.89E-05 lb/MM Btu.)

[45CSR13, R13-2632, 4.1.4.]

9.1.5. The following operating limits and conditions are specific to the construction of the Emergency Diesel Engine-powered Generator (S6):

(1) The generator shall be powered by a diesel engine with a maximum output rating of 527 horsepower (350 kilowatts).

(2) The maximum fuel consumption rate of the generator shall be limited to 24.7 gallons per hour and 12,350 gallons per year.

(3) The maximum annual operating schedule of the generator shall not exceed 500 hours per year.

(4) The emissions from E5 shall be vented through Emission Point S6.

[45CSR13, R13-2591, 4.1.9.]

9.1.6. Compliance with all annual operating limits set forth in Section 9.1.2., 9.1.3., and 9.1.4. shall be determined using a twelve month rolling total. A twelve month rolling total shall mean the sum of the amount of hours operated at any given time during the previous twelve (12) consecutive calendar months.
[45CSR13, R13-2632, 4.1.6.]

9.1.7. The permitted facility shall be constructed and operated in accordance with the plans and specifications filed in Permit Application R13-2632, R13-2632A and any modifications, administrative updates, or amendments thereto. The Secretary may suspend or revoke a permit if the plans and specifications upon which the approval was based are not adhered to.
[**45CSR13, R13-2632, 2.5.1.]**

9.1.8. For emergency generator engines E6 and E7: You must comply with the following requirements at all times[1]

a. You must operate and maintain the engines and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop your own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

b. You must install a non-resettable hour meter if one is not already installed.

c. Change oil and filter every 500 hours of operation or annually, whichever comes first.[2]

d. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary;

e. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.[3]

f. During periods of startup, minimize the engine's time spent at idle and minimize the engine's startup time at startup to a period needed for appropriate and safe loading of the engine, not to exceed 30 minutes, after which time the non-startup emission limitations apply.

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[1] If an emergency engine is operating during an emergency and it is not possible to shut down the engine in order to perform the work practice requirements on the schedule required in Table 2c of 40 CFR 63 Subpart ZZZZ, or if performing the work practice on the required schedule would otherwise pose an unacceptable risk under federal, state, or local law, the work practice can be delayed until the emergency is over or the unacceptable risk under federal, state, or local law has abated. The work practice should be performed as soon as practicable after the emergency has ended or the unacceptable risk under federal, state, or local law has abated. Sources must report any failure to perform the work practice on the schedule required and the federal, state or local law under which the risk was deemed unacceptable.

[2] Sources have the option to utilize an oil analysis program as described in 40 CFR §63.6625(i) in order to extend the specified oil change requirement in Table 2c of 40 CFR 63 Subpart ZZZZ.

[3] Sources can petition the Administrator pursuant to the requirements of 40 CFR §63.6(g) for alternative work practices.

[45CSR34; 40 CFR §§63.6605(a), 63.6625(e)(2), (f), (h) & (i), 63.6602 and 63.6640(a); 40 CFR 63 Subpart ZZZZ Table 2c Item 1 and Table 6 Item 9]

9.1.9. At all times you must operate and maintain any affected source (i.e., E1, E5, E6, E7), including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require you to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.
[45CSR34; 40 CFR §63.6605(b)]

9.1.10. <u>The following requirements from 40 CFR 63 Subpart ZZZZ, §63.6640(f) are applicable to the emergency generator engines E5, E6, and E7) and emergency air compressor engine E1:</u>

If you own or operate an emergency stationary RICE, you must operate the emergency stationary RICE according to the requirements in paragraphs (f)(1) through (4) of this section. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (4) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (4) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.

(1) There is no time limit on the use of emergency stationary RICE in emergency situations.
(*Note – Any limit contained in 45CSR13, Permits R13-2632 and R13-2591 still apply*)

(2) You may operate your emergency stationary RICE for any combination of the purposes specified in paragraphs (f)(2)(i) through (iii) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (f)(3) and (4) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.

(ii) Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see §63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

(iii) Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

(3) Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

[45CSR34; 40 CFR §63.6640(f)]

9.2. Monitoring Requirements

9.2.1. Reserved

9.3. Testing Requirements

9.3.1. Reserved

9.4. Recordkeeping Requirements

9.4.1. For the purpose of demonstrating compliance with the hours of operation set forth in Sections 9.1.2. and 9.1.5.(3), the permittee shall maintain accurate records of operating hours of the emergency backup air compressor (S26) and emergency generator (S6). Said records shall be maintained in accordance with Section 3.4.2.
[45CSR13, R13-2632, 4.4.3., 45CSR§30-5.1.c.]

9.4.2. For the purpose of demonstrating compliance with the fuel usage limits set forth in Sections 9.1.3. and 9.1.5.(2), the permittee shall maintain accurate records of fuel usage of the emergency backup air compressor (S26) and emergency generator (S6). Said records shall be maintained in accordance with Section 3.4.2.
[45CSR13, R13-2632, 4.4.4., 45CSR§30-5.1.c]

9.4.3. For emergency generator engines E6 and E7, records must be kept as described below:

a. A copy of each notification and report that you submitted to comply with this subpart, including all documentation supporting any Initial Notification or Notification of Compliance Status that you submitted, according to the requirement in §63.10(b)(2)(xiv).
[45CSR34; 40 CFR §63.6655(a)(1)]

b. Records of the occurrence and duration of each malfunction of operation (i.e., process equipment) or the air pollution control and monitoring equipment.
[45CSR34; 40 CFR §63.6655(a)(2)]

c. Records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR §63.6605(b), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.
[45CSR34; 40 CFR §63.6655(a)(5)]

d. You must keep the records required in Table 6 of 40 CFR 63 Subpart ZZZZ to show continuous compliance with each operating limitation that applies to you.
[45CSR34; 40 CFR §63.6655(d)]

e. You must keep records of the maintenance conducted on the emergency generator engines E6 and E7 in order to demonstrate that you operated and maintained the engines according to your own maintenance plan.
[45CSR34; 40 CFR §63.6655(e)]

f. You must keep records of the hours of operation of emergency generator engines "E6" and "E7" that is recorded through the non-resettable hour meter. The owner or operator must document how many hours are spent for emergency operation, including what classified the operation as emergency and how many hours are spent for non-emergency operation. If the engine is used for the purposes specified in §63.6640(f)(2)(ii) or (iii) or §63.6640(f)(4)(ii), the owner or operator must keep records of the notification of the emergency situation, and the date, start time, and end time of engine operation for these purposes.
[45CSR34; 40 CFR §63.6655(f)]

g. Records must be in a form suitable and readily available for expeditious review according to 40 CFR §63.10(b)(1).
[45CSR34; 40 CFR §63.6660(a)]

h. As specified in 40 CFR §63.10(b)(1), you must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record.
[45CSR34; 40 CFR §63.6660(b)]

i. You must keep each record readily accessible in hard copy or electronic form for at least 5 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 CFR §63.10(b)(1).
[45CSR34; 40 CFR §63.6660(c)]

9.5. Reporting Requirements

9.5.1. For emergency generator engines E6 and E7, you must report each instance in which you did not meet each requirement in Table 2c, to 40 CFR 63 Subpart ZZZZ for existing compression ignition stationary RICE located at a major source of HAP emissions that apply to you. (*The Table 2c requirements for E6 and E7 pertain to routine maintenance and repair and startup operations and are listed in condition 9.1.8. of this permit*). These instances are deviations from 40 CFR 63 Subpart ZZZZ and must be reported according to the requirements in 40 CFR §63.6650 (i.e., in the semiannual monitoring report required by condition 3.5.6.).
[45CSR34; 40 CFR §§63.6640(b) and 63.6650(f)]

9.5.2. For emergency generator engines E6 and E7, you must also report each instance in which you did not meet the requirements in Table 8 to 40 CFR 63 Subpart ZZZZ that apply to you.
[45CSR34; 40 CFR §63.6640(e)]

9.6. Compliance Plan

9.6.1. None

APPENDIX A

1. **Facility Information**
2. **Applicability Determination 45 CSR2 and 45 CSR 2A**
3. **Applicability Determination 45 CSR10**
4. **Applicability Determination 45 CSR10A**

Attachment 1

Facility Information:

Facility Name: *Mountain State Carbon LLC*

Facility Address: *1851 Main Street, Follansbee, West Virginia*

Facility Contact: *(304) 527-5632*
Manager, Environmental Control

A.

Facility Description:

The Mountain State Carbon Coke Facility is located approximately one mile north of Follansbee, Brooke County, West Virginia on West Virginia Route 2. The facility occupies approximately 88.5 acres along the eastern bank of the Ohio River. The facility is bordered to the west by Koppers Industries, Inc. and the Ohio River, to the south by Trimodal Transport, LLC, the City of Follansbee and Wheeling-Nisshin Steel, and to the north by Mahan Run. West Virginia Route 2 serves as the eastern boundary for operating portions of the Follansbee facility. Permittee owns and uses property east of Route 2 for employee parking.

Past and current operations performed at the Follansbee facility include the production of metallurgical-grade coke, coke gas byproducts (light oil, ammonium sulfate, fuel gas, coal tar, sulfuric acid). Currently four coke oven batteries produce coke and five gas fired boilers are operated to provide steam.

45 CSR 2 and 45CSR 2A
Applicability Determination
Fuel Burning Units

I. 45 CSR 2-8.2. Monitoring Plan:

Does not apply to our facility per 45 CSR 2 Section 8.4.c. (units design heat input are less than 100mmBtu/hr).

II. 45 CSR 2A-4. Registration of Allowable Emission Rates for Individual Stacks

Appropriatly complete Appendix C is attached to register the allowable emission rate for each stack.

III. 45 CSR 2A-5. Testing Requirements

Does not apply to our facility per 45 CSR 2A Section 3.1.b. (units design heat input are less than 100mmBtu/hr).

IV. 45 CSR 2A-6. Visible Emission Monitoring Plan Requirements

Does not apply to our facility per 45 CSR 2A Section 3.1.b. (units design heat input are less than 100mmBtu/hr).

V. 45 CSR 2A-7. Record-keeping and Reporting Requirements.

Permittee shall maintain records of operating schedule date and time of startup and shutdown and the quality and quantity of coke oven gas and natural gas combusted in Boilers 6, 7, 9 and 10 and the date and time of startup and shutdown and quality of natural gas combusted in Boiler No.8.

Attachment 2

45 CSR 10
Applicability Determinations and Responses
Excess coke oven gas flare

1. **45-CSR10, §5. Combustion of Refinery or Process Gas Streams.**
   a. **45-CSR10, §5.1.** No person shall cause, suffer, allow or permit the combustion of any refinery process gas stream or any other process gas stream that contains hydrogen sulfide in a concentration greater than 50 grains per 100 cubic feet of gas except in the case of a person operating in compliance with an emission control and mitigation plan approved by the Director and USEPA.

      Permittee combust excess coke oven gas that contains H_2S.

   b. **45-CSR10, §5.4.** Compliance with the allowable hydrogen sulfide concentration limitations for combustion sources set forth in this rule shall be based on a block three (3) hour averaging time.

      Permittee maintains a computerized data management system for calculating three-hour averages.

2. **45-CSR10, §6. Registration**
   a. Within thirty (30) days after the effective day of this rule all persons owning and/or operating a sources(s) of sulfur dioxide subject to this rule and not previously registered shall have registered such source(s) with the Director.

      Completed registration form was attached with our initial plan submission dated February 27, 2001.

3. **45-CSR10, §8. Testing, Monitoring, Recordkeeping and Reporting**

   a. **45-CSR10, §8.2.c.** The owner or operator of fuel burning units(s), manufacturing process sources(s) or combustion source(s) shall demonstrate compliance with sections 3., 4. and 5. of this rule by testing and or monitoring in accordance with one or more of the following: 40 CFR Part 60, Appendix A, Method 6, Method 15, continuous emissions monitoring system (CEMS) or fuel sampling and analysis as set forth in an approved monitoring plan for each emission unit.

      Fuel sampling and monitoring plan is attached.

b. **45-CSR10, §8.3.a.** The owner or operator of fuel burning units(s), manufacturing process source(s) or combustion source(s) subject to sections 3., 4. or 5. shall maintain on-site a record of all required monitoring data as established in a monitor plan pursuant to subdivision 8.2.c. Such records shall be made available to the Director or his duly authorized representative upon request. Such records shall be retained on-site for a minimum of five years.

Appropriate records are maintained on-site and are available for review.

c. **45-CSR10, §8.3.b.** the owner or operator shall submit a periodic exception report to the Director, in a manner specified by the Director….

Permittee currently submits a monthly exception report providing the specified information.

d. **45-CSR10, §8.3.c.** The owner or operator of fuel burning unit(s) or combustion source(s) shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each unit in a manner specified by the Director. Such records are to be maintained on-site and made available to the Director or his duly authorized representative upon request.

No shut down of the coke oven gas flare is anticipated, therefore the operating schedule will be 24 hours per day 365 days per year. The facility currently maintains daily records of the quantity of coke oven gas flared and the H_2S content of coke oven gas flare.

Attachment 3

45 CSR 10A
Applicability Determinations and Responses
Excess coke oven gas flare

1. **45-CSR10A, §5. Testing Requirements.**

   Exempt from testing per section 5.2.b of 45CSR10A

2. **45-CSR10A, §6. Monitoring Plan Requirements.**

   a. **45-CSR10A, §6.3.a.** The owner or operator of a combustion source(s) shall submit, to the Director for approval, a monitoring plan for each combustion source(s) that describes the method the owner or operator will use to monitor compliance with the standard set forth in section 5. of 45 CSR10. The owner or operator of a combustion source(s) may use CEMS, which shall be deemed to satisfy all of the requirements of an approved monitoring plan, or a monitoring plan as specified in subsection 6.4, in accordance with the provisions of this section.

   Permittee maintains and employs existing redundant monitoring devices and data logging system to detect continuously and record hourly and three-hour rolling averages of the H_2S concentration in the coke oven gas as required by Consent Decree: Civil Action NO. 5:93CV195.

   b. **45-CSR10A, §6.3.b.** The owner or operator of a combustion source(s) which has a refinery process gas stream or any other process gas stream that contains an average hydrogen sulfide concentration greater than or equal to 45 grains per 100 cubic feet shall use CEMS to satisfy the requirements of an approved monitoring plan.

   Permittee maintains and employs a coke oven gas desulfurization system to remove hydrogen sulfide from the coke oven gas. The average concentration of H_2S is less than 45 grains per 100 cubic feet of coke oven gas.

   c. **45-CSR10A, §6.3.b.1.** "The owner or operator of a combustion source may for good cause petition the Director for an alternative to CEMS".

   In response to this rule permittee request that the Director approve the use of the existing continuous monitoring system. Details are provided below to address the items required by 45 CSR 10 A Section 6.4.

   d. **45-CSR10A, §6.4.** An approved non-CEM monitoring plan shall contain, at a minimum, the following items:

- **45-CSR10A, §6.4.a;** a list of parameters to be monitored

  H_2S content of coke oven gas and the quantity of coke oven gas combusted.

- **45-CSR10A, §6.4.b;** the monitoring method and frequency for each parameter to be monitored:

  The H_2S content of the coke oven gas is monitored continuously using redundant sensors and saved electronically as hourly average.

- **45-CSR10A, §6.4.c;** the compliance range for each parameter to be monitored

  The monitoring system is capable of detecting concentration of H_2S in the coke oven gas from single digits to 500 grains per 100 scf.

- **45-CSR10A, §6.4.d;** an explanation of how the parameters to be monitored were chosen, and how they are indicative of compliance:

  The monitoring system is designed and operated to provide direct measurement of the coke oven gas constituent that is regulated by the rule (H_2S).

- **45-CSR10A, §6.4.e;** an explanation of how the compliance ranges were established:

  The monitoring system is capable of providing direct determination of H_2S content of both un-desulfurized and desulfurized coke oven gas in grains of H_2S per 100scf .

- **45-CSR10A, §6.4.f;** a schedule for installation and operation of any additional monitoring equipment installed for purposes of complying with this rule:

  No additional devices are required.

- **45-CSR10A, §6.4.g;** a response plan to be implemented during excursions:

  The operators of the coke oven gas desulfurization system reference the Davy/Still Otto document titled "M-7125 Operating Manual WPSC By-Products Plant Follansbee, WV" for trouble shooting coke oven gas desulfurization system malfunction.

- **45-CSR10A, §6.4.h.** a proposed compliance testing schedule for manufacturing process source(s) and combustion source(s):

Exempt from testing per section 5.2.b of 45CSR10A

3. 45-CSR10A, §7. Record-Keeping and Reporting Requirements.

a. **45-CSR10A, §7.1.b** the owner or operator of a combustion source(s) shall maintain records of the operating schedule and the quantity and quality of fuel consumed in each unit. Such records shall include, but not be limited to, the date and time of start-up and shutdown, the quantity of fuel consumed on a daily basis, and a periodic fuel quality analysis. The frequency of periodic fuel quality analysis shall be established in an approved monitoring plan.

Permittee will continue to maintain daily records of the operating schedule and the quality and quantity of fuel consumed by the flare.

b. **45-CSR10A, §7.1.d** for fuel burning units, manufacturing process sources, and combustion sources, records of all required monitoring data as established in an approved monitoring plan and support information shall be maintained on-site for a period of at least five (5) years from the date of monitoring, sampling, measurement or reporting. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.

The appropriate records are maintained on site for 5 years from date of monitoring, sampling, measurement or reporting.

c. ***45-CSR10A, §7.2.b*** each owner or operator employing monitoring pursuant to subsection 6.4. shall submit a "Monitoring Summary Report" and an "Excursion and Monitoring Plan Performance Report" to the Director on a quarterly basis; the Director may, on a case-by-case basis, require more frequent reporting if the Director deems it necessary to accurately assess the compliance status of the fuel burning unit(s). All report shall be postmarked by the thirtieth (30th) day following the end of each calendar quarter. The Monitoring Summary Report shall contain the information and be in a format approved by the Director.

Permittee currently submits a monthly "Monitoring Summary Report" that provides the excursions of the standard, corrective actions, monitor maintenance and hourly concentrations of H_2S. A "Excursion and Monitoring System Performance Report" providing the specified information will be submitted within 30 days after each calendar quarter.

APPENDIX B

B1	**Compliance Determination for Full Enclosures as a Control Device**
B2	**Compliance Determination for Unpaved Roads and Areas**
Form B-1 (1)	**ENCLOSURE INSPECTION FORM**
Form B-2 (3)	**Example Chemical Suppressant Application Log**
B3	**Compliance Determination for Paved Roads and Areas**

B1 Compliance Determination for Full Enclosures as a Control Device

Compliance with the provisions of this Consent Order, specifically Section III.1, Coal Crushing/Crusher and Section III.2, Coke Sizing and Screening Stations No. 1 shall be based on in-plant inspections by Agency personnel in a manner specified herein. Said inspections shall be conducted at a minimum, once per year and shall consist of the following:

1. The inspector will physically inspect the above cited process operations and related enclosures and record opacity observations, which shall not be averaged, for an appropriate period of time. In conjunction with the observations, the inspector will provide the information requested in form B-1(1) (attached) for each of the three process operations and enclosures.

The inspector will compile a narrative report attaching Form B-1(1) and his opacity observations with any recommendations and submit such to the Director.

Form B-1(1)

ENCLOSURE INSPECTION FORM

Name of company: _____
Mailing address : _____
Plant address : _____
Phone number : _____
Plant contact : _____
Inspector/Title : _____
Date : ____/____/_____
Process name : _____
Location : _____
Description : _____

ENCLOSURE INSPECTION/OBSERVATIONS

1. Is process still in operation?
2. Are there changes in process?
3. Does enclosure still exist?
4. Are there any cracks, splits or openings at the enclosure?
5. Are there any observable emissions from the enclosure? Describe.
6. Have repairs been performed on the enclosure? Describe.
7. Have there been any changes or alterations to the enclosure?
8. Is the enclosure judged to be compliant with the consent order?
9. Additional comments/observations:

Signed : _____

Title : _____

Date : _____

B2 Compliance Determination for Unpaved Roads and Areas

Information contained herein is taken from the document Inspection Manual for PM_{10} Emissions from Paved/Unpaved Roads and Storage Piles authored by Midwest Research Institute for the USEPA (Contract No. 68-02-4463) October 27, 1989.

Compliance with the provisions of the Consent Order, specifically Section 7.1.1. through 7.1.5. (Section III.5). Unpaved plant roads, parking lots, laydown, entrance, unloading areas and berms - chemical suppression shall be determined by assessment and evaluation of the Company's quarterly reports as required by Section 7.4.1., 7.4.2., 7.5.1., and 7.5.2. (Section III.5.E.) of the Consent Order. In addition, compliance shall also be determined by a qualitative and/or quantitative assessment of the specified control program by agency personnel as provided herein.

B3 Compliance Determination for Paved Roads and Areas

Information contained herein is taken from the document Inspection Manual for PM_{10} Emissions from Paved/Unpaved Roads and Storage Piles authored by Midwest Research Institute for the USEPA (contract No. 68-02-4463) October 27, 1989.

Compliance with the provisions of the Consent Order specifically Section III.6. Paved Roads - Flushing and Vacuum Sweeping shall be determined by assessment/evaluation of the company's quarterly reports as required by Sections 7.4.2. through 7.4.3. (Section III.6.D.) of the Consent Order.

APPENDIX C

Table 1 - Unpaved Roads and Areas

Table 2 - Paved Roads

Table 1 - Unpaved Roads and Areas

Source Type	Road/Area Segments	Application Frequency
Unpaved Roads	D, E, F, L	Every three (3) weeks
Unpaved parking lots	G, K, T, W	Once every month
Unpaved laydown entrance and unloading areas	H, J, P, Q, R	Once every quarter
Unpaved berms of paved roads	Berms at road I	Once every quarter
Unpaved berms of unpaved roads	Berms at road O	Once every quarter

Table 2 - Paved Roads

Source Type	Road Segments	Flushing and Vacuum Sweeping Frequency
Paved Roads	A, B, C, I, V	Once per day Seven days per week

~~APPENDIX D~~

~~R13-2798~~

~~MONTHLY/QUARTERLY OPACITY REPORT~~

~~Date of Observation:~~
~~Date Entered by:~~
~~Reviewed by:~~
~~Date Reviewed:~~
~~General Weather Conditions:~~

~~Emission Point ID~~	~~Description of Emission Point~~	~~Time of Observation~~	~~Visible Emissions (Yes/No)~~	~~Consecutive Months of Visible Emission~~	~~Comments~~