

BUC-01	ZU-CN-70001	Limestone/Gypsum Unloading Crane	2007	1500 TPH	
HOP-20	ZU-QQ-70002	Limestone Unloading Hopper	2007	1500 TPH	WS
F-20	ZU-CV-70001	Limestone Unloading Feeder	2007	1500 TPH	PE, MC
STA-15	STA-15	Limestone Transfer Station 1	2007	1500 TPH	WS, TE
C-21	ZU-CV-70002	Limestone Stackout Conveyor	2007	1500 TPH	PE, MC, TC
SP-10	SP-10	Limestone Active Stockpile	2007	15,000 Tons	MC
SP-11	SP-11	Limestone Long-Term Stockpile	2007	68,000 Tons	MC

#### Limestone Processing System (7S)

HOP-3	HOP-3	Frozen Limestone Reclaim Hopper	2009	40 Tons Capacity	
FL3-3	FL3-3	Frozen Limestone Reclaim Conveyor	2009	350 TPH	FE
CRL-3(7S)	CRL-3	Frozen Limestone Crusher/Breaker	2009	350 TPH	FE
F-21A	ZU-CV-70003	Limestone Reclaim Feeder A	2007	400 TPH	FE, TE
F-21B	ZU-CV-70004	Limestone Reclaim Feeder B	2007	400 TPH	FE, TE
STA-17	ZU-QQ-70006	Limestone Transfer Chutes 3A	2007	400 TPH	WS, TE
STA-18	ZU-QQ-70007	Limestone Transfer Chutes 3B	2007	400 TPH	WS, TE
C-22	ZU-CV-70005	Limestone Reclaim Conveyor	2007	400 TPH	PE, MC
STA-20	STA-20	Limestone Transfer Station 4	2007	400 TPH	CF, TE
C-24	ZU-CV-70006	Limestone Plant Feed Conveyor	2007	400 TPH	PE, MC
STA-21	STA-21	Limestone Transfer Station 6	2007	400 TPH	TE, BH
C-25	ZU-CV-70007	Limestone Silo Feed Conveyor	2007	400 TPH	TE, BH
STA-22	STA-22	Limestone Transfer Station 7	2007	400 TPH	TE, BH
SIL-10A	SIL-10A	Limestone Day Bin 01	2007	1,500 Tons	BH
SIL-10B	SIL-10B	Limestone Day Bin 02	2007	1,500 Tons	BH
HOP-21	ZU-QQ-70014	Emerg. Loading Hopper	2007	16 Ton	MC
F-22	ZU-CV-70008	Emerg. Limestone Feeder	2007	200 TPH	FE
STA-24	STA-24	Limestone Transfer Station 8	2007	200 TPH	FE
C-28	ZU-CV-70009	Emerg. Bucket Conveyor	2007	200 TPH	FE
STA-25	STA-25	Limestone Transfer Station 9	2007	200 TPH	FE
		Vibrating Bin Discharger (2)	2007	86.7 TPH (ea.)	TE, MC
		Limestone Weigh Feeder (2)	2007	86.7 TPH (ea.)	TE, BH, MC
		Wet Ball Mill (2)	2007	86.7 TPH (ea.)	TE, MC, WS

#### Gypsum Material Handling System (6S)

STA-26	STA-26	Gypsum Discharge from Belt Filter A	2007	160 TPH	MC, FE
STA-27	STA-27	Gypsum Discharge from Belt Filter B	2007	160 TPH	MC, FE
STA-28	STA-28	Gypsum Discharge from Belt Filter C	2007	160 TPH	MC, FE
C-30	ZB-CV-70009	Gypsum Filter Discharge Conveyor	2007	450 TPH	MC, FE

STA-29	STA-29	Transfer Station	2007	450 TPH	MC, FE
C-31	ZB-CV-70010	Gypsum Transfer Tripper Conveyor	2007	450 TPH	MC, FE
STA-30	STA-30	Transfer Station	2007	450 TPH	MC, FE
SP-12	SP-12	Gypsum Pile	2007	12,000 tons	MC, FE
STA-26 A	STA-26 A	Alternative Gypsum Discharge from Belt Filter A	2007	160 TPH	MC, FE
STA-27 A	STA-27 A	Alternative Gypsum Discharge from Belt Filter B	2007	160 TPH	MC, FE
STA-28 A	STA-28 A	Alternative Gypsum Discharge from Belt Filter C	2007	160 TPH	MC, FE
BK-10	BK-10	Emergency Discharge Bunker	2007	200 tons	
STA-37	STA-37	Transfer Tower #3	2007	1,500 TPH	MC, FE
C-35	ZB-CV-70011	Gypsum Loadout Conveyor	2007	1,500 TPH	MC, FE
BL-01	STA-38	Barge Loadout	2007	1,500 TPH	MC
HOP-30	ZB-QQ-70002	Gypsum Unloading Hopper	2007	100 ton	WS
F-30	ZB-CV-70001	Gypsum Unloading Feeder	2007	1,500 TPH	WS, MC, FE
STA-39	STA-39	Transfer Station	2007	1,500 TPH	MC, FE
C-39	ZB-CV-70002	Waste Gypsum Transfer Conveyor	2007	1,500 TPH	MC, FE
STA-40	STA-40	Transfer Tower #4	2007	1,500 TPH	MC, FE
C-40	ZB-CV-70003	Gypsum Overland Conveyor #1	2007	1,500 TPH	MC, FE
STA-41	STA-41	Transfer Tower #6	2007	1,500 TPH	MC, FE
C-41	ZB-CV-70004	Gypsum Overland Conveyor #2	2007	1,500 TPH	MC, FE
STA-42	STA-42	Transfer Tower #7	2007	1,500 TPH	MC, FE
C-42	ZB-CV-70005	Gypsum Overland Conveyor #3	2007	1,500 TPH	MC, FE
STA-43	STA-43	Transfer Tower #8	2007	1,500 TPH	MC, FE
C-43	ZB-CV-70006	Gypsum Overland Conveyor #4	2007	1,500 TPH	MC, FE
STA-44	STA-44	Transfer Tower #9	2007	1,500 TPH	MC, FE
C-44	ZB-CV-70007	Gypsum Overland Conveyor #5	2007	1,500 TPH	MC, FE
STA-45	STA-45	Transfer Tower #10	2007	1,500 TPH	MC, FE
C-45	ZB-CV-70008	Waste Gypsum Radial Stacker	2007	1,500 TPH	MC, FE
STA-46	STA-46	Gypsum Discharge Telescoping Chute	2007	1,500 TPH	MC, FE
Pile	Pile	Landfill Staging Pile	2007	20,000 Ton	

#### Emergency Diesel Generators and Diesel Storage Tanks

EGS01	EG-1	Caterpillar CAT 3516-HD TA	2014	3003 bhp	N/A
EGS02	EG-2	Caterpillar CAT 3516-HD TA	2014	3003 bhp	N/A
EGT01	EGT01	Diesel Storage Tank	2014	2650 gallons	N/A
EGT02	EGT02	Diesel Storage Tank	2014	2650 gallons	N/A

#### Emergency Fire Pumps (17S)

17S	17E	Two (2) Cummins CFP9E-F30 Diesel Engines for Emergency Fire Water System Pumps	2017	308 bhp each	N/A
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## 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
R13-0075J	04/08/2021
G60-C062	08/19/2014

Draft Only

## 2.0 General Conditions

### 2.1. Definitions

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

### 2.2. Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NSPS</b>	New Source Performance
<b>CBI</b>	Confidential Business Information		Standards
<b>CEM</b>	Continuous Emission Monitor	<b>PM</b>	Particulate Matter
<b>CES</b>	Certified Emission Statement	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>C.F.R. or CFR</b>	Code of Federal Regulations		
<b>CO</b>	Carbon Monoxide	<b>pph</b>	Pounds per Hour
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>ppm</b>	Parts per Million
<b>DAQ</b>	Division of Air Quality	<b>PSD</b>	Prevention of Significant Deterioration
<b>DEP</b>	Department of Environmental Protection	<b>psi</b>	Pounds per Square Inch
<b>FOIA</b>	Freedom of Information Act	<b>SIC</b>	Standard Industrial Classification
<b>HAP</b>	Hazardous Air Pollutant		
<b>HON</b>	Hazardous Organic NESHAP	<b>SIP</b>	State Implementation Plan
<b>HP</b>	Horsepower	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>lbs/hr or lb/hr</b>	Pounds per Hour	<b>TAP</b>	Toxic Air Pollutant
<b>LDAR</b>	Leak Detection and Repair	<b>TPY</b>	Tons per Year
<b>m</b>	Thousand	<b>TRS</b>	Total Reduced Sulfur
<b>MACT</b>	Maximum Achievable Control Technology	<b>TSP</b>	Total Suspended Particulate
<b>mm</b>	Million	<b>USEPA</b>	United States Environmental Protection Agency
<b>mmBtu/hr</b>	Million British Thermal Units per Hour	<b>UTM</b>	Universal Transverse Mercator
<b>mmft<sup>3</sup>/hr or mmcf/hr</b>	Million Cubic Feet Burned per Hour	<b>VEE</b>	Visual Emissions Evaluation
<b>NA or N/A</b>	Not Applicable		
<b>NAAQS</b>	National Ambient Air Quality Standards	<b>VOC</b>	Volatile Organic Compounds
<b>NESHAPS</b>	National Emissions Standards for Hazardous Air Pollutants		
<b>NO<sub>x</sub></b>	Nitrogen Oxides		

### **2.3. Permit Expiration and Renewal**

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

### **2.4. Permit Actions**

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

### **2.5. Reopening for Cause**

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

**[45CSR§30-6.6.a.]**

**2.6. Administrative Permit Amendments**

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

**[45CSR§30-6.4.]**

**2.7. Minor Permit Modifications**

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

**[45CSR§30-6.5.a.]**

**2.8. Significant Permit Modification**

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

**[45CSR§30-6.5.b.]**

**2.9. Emissions Trading**

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

**[45CSR§30-5.1.h.]**

**2.10. Off-Permit Changes**

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

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

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

**[45CSR§30-5.9.]**

## **2.11. Operational Flexibility**

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

**[45CSR§30-5.8]**

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

**[45CSR§30-5.8.a.]**

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

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

**[45CSR§30-5.8.c.]**

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

**[45CSR§30-2.40]**

## **2.12. Reasonably Anticipated Operating Scenarios**

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

[45CSR§30-5.1.i.]

## **2.13. Duty to Comply**

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

[45CSR§30-5.1.f.1.]

## **2.14. Inspection and Entry**

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

[45CSR§30-5.3.b.]



## **2.15. Schedule of Compliance**

2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:

- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

[45CSR§30-5.3.d.]

## **2.16. Need to Halt or Reduce Activity not a Defense**

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

[45CSR§30-5.1.f.2.]

## **2.17. Reserved**

## **2.18. Federally-Enforceable Requirements**

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

[45CSR§30-5.2.a.]

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

## **2.19. Duty to Provide Information**

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

[45CSR§30-5.1.f.5.]

## **2.20. Duty to Supplement and Correct Information**

- 2.20.1. Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Secretary such supplemental facts or corrected information.  
[45CSR§30-4.2.]

## **2.21. Permit Shield**

- 2.21.1. Compliance with the conditions of this permit shall be deemed compliance with any applicable requirements as of the date of permit issuance provided that such applicable requirements are included and are specifically identified in this permit or the Secretary has determined that other requirements specifically identified are not applicable to the source and this permit includes such a determination or a concise summary thereof.  
[45CSR§30-5.6.a.]

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

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

[45CSR§305.6.c.]

## **2.22. Credible Evidence**

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

## **2.23. Severability**

- 2.23.1. The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect.  
[45CSR§305.1.e.]

## **2.24. Property Rights**

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

## **2.25. Acid Deposition Control**

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

[45CSR§30-5.1.d.]

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

### 3.0 Facility-Wide Requirements

#### 3.1. Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. [45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. [45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 CFR §61.145, 40 CFR §61.148, and 40 CFR §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 CFR §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 CFR §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. [45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. [W.Va. Code §22-5-4(a)(15)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CF.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 CFR §§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 CFR §82.158.
  - c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR §82.161.

**[40 CFR 82, Subpart F]**

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

**[40 CFR 68]**

- 3.1.9. **Fugitive Particulate Matter Control.** No person shall cause, suffer, allow, or permit any source of fugitive particulate matter to operate that is not equipped with a fugitive particulate matter control system. This system shall be operated and maintained in such a manner as to minimize the emission of fugitive particulate matter. Sources of fugitive particulate matter associated with fuel burning units shall include, but not be limited to, the following:

- a. Stockpiling of ash or fuel either in the open or in enclosures such as silos;
- b. Transport of ash in vehicles or on conveying systems, to include spillage, tracking, or blowing of particulate matter from or by such vehicles or equipment; and
- c. Ash or fuel handling systems and ash disposal areas.

**[45CSR§2-5, 45CSR13, R13-0075, 4.1.15]**

- 3.1.10. **CSAPR NO<sub>x</sub> Annual Trading Program.** The permittee shall comply with the standard requirements set forth in the attached Cross-State Air Pollution Rule (CSAPR) Trading Program Title V Requirements (see APPENDIX B).

**[40 CFR §97.406; 45CSR43]**

- 3.1.11. **CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program.** The permittee shall comply with the standard requirements set forth in the attached Cross-State Air Pollution Rule (CSAPR) Trading Program Title V Requirements (see APPENDIX B).

**[40 CFR §97.806; 45CSR43]**

- 3.1.12. **CSAPR SO<sub>2</sub> Group 1 Trading Program.** The permittee shall comply with the standard requirements set forth in the attached Cross-State Air Pollution Rule (CSAPR) Trading Program Title V Requirements (see APPENDIX B).

**[40 CFR §97.606; 45CSR43]**

- 3.1.13. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment (with Emission Unit IDs-1S, 6S, 7S, 10S, 11S,12S,15S) listed Section 1.0 of R13-0075 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, R13-0075, 4.1.21]**

**3.2. Monitoring Requirements**

- 3.2.1. Reserved.

### 3.3. Testing Requirements

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
- a. The Secretary may on a sourcespecific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 CFR Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
  - b. The Secretary may on a sourcespecific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit shall be revised in accordance with 45CSR§30-6.4 or 45CSR§30-6.5 as applicable.
  - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.
  - d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
    1. The permit or rule evaluated, with the citation number and language.
    2. The result of the test for each permit or rule condition.
    3. A statement of compliance or non-compliance with each permit or rule condition.



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

**3.4. Recordkeeping Requirements**

3.4.1. **Monitoring information.** The permittee shall keep records of monitoring information that include the following:

- a. The date, place as defined in this permit and time of sampling or measurements;
- b. The date(s) analyses were performed;
- c. The company or entity that performed the analyses;
- d. The analytical techniques or methods used;
- e. The results of the analyses; and
- f. The operating conditions existing at the time of sampling or measurement.

**[45CSR§30-5.1.c.2.A.; 45CSR13, R13-0075, 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. The permittee shall maintain records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. The permittee shall also inspect all fugitive dust control systems weekly from May 1 through September 30 and monthly from October 1 through April 30 to ensure that they are operated as necessary and maintained in good working order. The permittee shall maintain records of all scheduled and non-scheduled maintenance and shall state any maintenance or corrective actions taken as a result of the weekly and/or monthly inspections, the times the fugitive dust control system(s) were inoperable and any corrective actions taken.

**[45CSR§30-5.1.c.]**

3.4.5. **Record of Maintenance of Air Pollution Control Equipment.** For all pollution control equipment (with Emission Unit IDs-1S, 6S, 7S, 10S, 11S, 12S, 15S) listed in Section 1.0 of R13-0075, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

**[45CSR13, R13-0075, 4.4.2]**

- 3.4.6. **Record of Malfunctions of Air Pollution Control Equipment.** For all air pollution control equipment (with Emission Unit IDs-1S, 6S, 7S, 10S, 11S, 12S, 15S) listed in Section 1.0 of R13-0075, 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, R13-0075, 4.4.3]

### 3.5. Reporting Requirements

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

**DAQ:**

**US EPA:**

Director  
WVDEP  
Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV  
25304

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

**DAQ Compliance and Enforcement<sup>1</sup>:**

DEPAirQualityReports@wv.gov

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

- 3.5.4. **Fees.** The permittee shall pay fees on an annual basis in accordance with 45CSR§30-8.  
[45CSR§30-8.]

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

**DAQ:**  
DEPAirQualityReports@wv.gov

**US EPA:**  
R3\_APD\_Permits@epa.gov

[45CSR§30-5.3.e.]

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

**DAQ:**  
DEPAirQualityReports@wv.gov

[45CSR§30-5.1.c.3.A.]

- 3.5.7. **Reserved.**

- 3.5.8. **Deviations.**

- a. In addition to monitoring reports required by this permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:

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

**[45CSR§30-5.1.c.3.C.]**

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

**[45CSR§30-5.1.c.3.B.]**

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

**[45CSR§30-4.3.h.1.B.]**

### **3.6. Compliance Plan**

- 3.6.1. Reserved.

### **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.

40 CFR 63 Subpart Q	The Mountaineer Plant cooling tower does not use chromium-based water treatment chemicals.
40 CFR 60 Subpart Da	The Mountaineer Plant electric utility steam generating unit commenced construction prior to September 18, 1978 and has not undergone a “modification” as defined in 40 CFR 60.

40 CFR 60 Subpart K, Ka	There are no tanks containing "Petroleum Liquids" that are greater than 40,000 gallons in capacity.
40 CFR 60 Subpart Kb	All tanks storing volatile organic liquids are below 19,812 gallons in capacity.
40 CFR 60 Subpart Y	All other sections of the existing conveyor system except Conveyor M5 are not Subpart Y facilities per §60.250(b) because they were constructed before October 24, 1974.
40 CFR 60 Subpart OOO	The equipment making up source (5S) is not subject to 40 CFR Part 60 Subpart OOO since there is no processing of the limestone in the equipment from the barge unloader to the storage pile.
45CSR5	Pursuant to 45CSR5, if 45CSR2 is applicable to the facility, then the facility is exempt from 45CSR5. 45CSR2 is applicable to the facility.
45CSR17	Pursuant to 45CSR17, if 45CSR2 is applicable to the facility, then the facility is exempt from 45CSR17. 45CSR2 is applicable to the facility.

#### **4.0 Boilers [emission point ID(s): MT1, CS012]**

##### **4.0.1. Thermal Decomposition Of Boiler Cleaning Solutions**

The thermal decomposition of boiler cleaning solutions is permitted upon notification to the Secretary, provided that records are maintained which show that the solutions are non-hazardous materials and that the combustion of such solutions does not produce hazardous compounds or emissions. Such records shall be kept on site for a period of no less than five (5) years and shall be made available, in a suitable form for inspection, to the Secretary upon request.

**[WVDAQ Letter dated September 3, 2002 addressed to Mr. Greg Wooten and signed by Jesse D. Adkins - State-Enforceable only]**

#### **4.1. Limitations and Standards**

4.1.1. Any fuel burning unit(s) including associated air pollution control equipment, shall at all times, including periods of start-up, shutdowns, and malfunctions, to the extent practicable, be maintained and operated in a manner consistent with good air pollution control practice for minimizing emissions.

**[45CSR§2-9.2.; 45CSR16; 40 CFR §60.11(d)]**

4.1.2. The addition of sulfur oxides to a combustion unit exit gas stream for the purpose of improving emissions control equipment is prohibited unless written approval for such addition is provided by the Secretary.

**[45CSR§2-4.4.]**

##### **Unit 1 Steam Generator (MT1)**

###### Visible Emissions and Particulate Matter

4.1.3. Visible Emissions from Unit 1 stack (MT1) shall not exceed ten (10) percent opacity based on a six minute block average. *Compliance with this streamlined VE limit assures compliance with 40 CFR 60 Subpart D.*

**[45CSR§2-3.1.; 40 CFR §60.42(a)(2), 45CSR16]**

4.1.4. a. Particulate matter emissions from Unit 1 stack (MT1) shall not exceed 598 lb/hr and 2,620 tons/year. The averaging time shall be six (6) hours. *Compliance with this streamlined PM limit assures compliance with 40 CFR 60 Subpart D.*

**[45CSR§2-4.1.1.; 45CSR2-Appendix §4.1.3.; 45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.1; 40 CFR §60.42(a)(1); 45CSR16]**

b. **Filterable Particulate Matter (PM) Emission Limitation for 40 CFR 63 Subpart UUUUU.** Before July 6, 2027, a coal-fired unit not low rank virgin coal subcategory must meet the emission limit 0.030 lb/MMBtu (or 0.3 lb/MWh), by collecting a minimum of 1 dscm per run according to applicable test methods in Table 5 to Subpart UUUUU. On or after July 6, 2027, you must meet the emission limit 0.010 lb/MMBtu (or 0.1 lb/MWh), by collecting a minimum catch of 6 milligrams or a minimum sample volume of 4 dscm per run according to applicable test methods in Table 5 to Subpart UUUUU.

**[40 CFR §63.9991(a)(1), Table 2, Item #1.a.; 40 CFR §63.10000(a); 45CSR34]**

4.1.5. Maximum PM-10 emissions to the atmosphere from Steam Generator #1 (ID #1S) [Unit 1] shall not exceed 138 lb/hr and 603 tons/year. The averaging time shall be 6 hours.

**[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.1]**



Nitrogen Oxides (NO<sub>2</sub>)

- 4.1.6. Nitrogen oxides emissions, expressed as NO<sub>2</sub>, from Unit 1 stack (*MTI*) shall not exceed 0.70 lb/mmBTU, based on a three (3) hour rolling average.  
**[45CSR16; 40 CFR §60.44(a)(3) & §60.45(g)(3)]**
- 4.1.7. Maximum nitrogen oxide emissions to the atmosphere from Steam Generator #1 (ID #1S) [Unit 1] shall not exceed 10,514 lb/hr and 46,051 tons/ year. The averaging time shall be 3 hours.
- a. Unit 1 shall be equipped with a selective catalytic reduction (SCR) system which shall be continuously operated for the reduction of NO<sub>x</sub> emissions.
- b. For the purposes of this permit “continuously operated” means that the SCR/FGD shall be operated at all times Unit 1 is in operation, except during a malfunction, consistent with the technological limitations, manufacturer’s specifications, and good engineering and maintenance practices for such equipment and the unit so as to minimize emissions to the greatest extent practicable.

**[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.1, 4.1.1.2 & 4.1.1.3]**

Sulfur Dioxide (SO<sub>2</sub>)

- 4.1.8. a. Sulfur dioxide emissions from Unit 1 stack (*MTI*) shall not exceed 1.2 lb/mmBtu, based on a three (3) hour rolling average. Also, sulfur dioxide emissions from Unit 1 stack (*MTI*) shall not exceed 1.0 lb/mmBtu SO<sub>2</sub> of actual heat input on a 3-hour block average. Compliance with the 1.0 lb/mmBtu SO<sub>2</sub> of actual heat input on a 3-hour block average limitation will assure compliance with the 45CSR16 and 40 CFR §60.43(a)(2) limitation of 1.2 lb.mmBtu.  
**[45CSR16; 40 CFR §60.43(a)(2); 40 CFR §60.45(g)(2); 45CSR§30-12.7]**
- b. To meet the acid gas emission limitation for 40 CFR Part 63 Subpart UUUUU, the existing source must operate below 0.002 lb/mmBTU (or 0.02 lb/MWh) for HCl. As an alternative to the HCL limitation, a coal-fired unit not low rank virgin coal subcategory must meet the Sulfur Dioxide (SO<sub>2</sub>) emission limit 0.20 lb/MMBtu (or 1.5 lb/MWh) on a 30-boiler operating day rolling average using SO<sub>2</sub> CEMS according to applicable methods in Table 5 and procedures in Table 7 to 40 CFR 63 Subpart UUUUU. You may use the alternate SO<sub>2</sub> limit in Table 2 to 40 CFR 63 Subpart UUUUU only if your EGU has a system using wet or dry flue gas desulfurization technology and SO<sub>2</sub> continuous emissions monitoring system (CEMS) installed on the unit; and at all times, you operate the wet or dry flue gas desulfurization technology installed on the unit consistent with 40 CFR §63.10000(b).  
**[40 CFR §63.9991(a)(1), Table 2, Item #1.b.; 40 CFR §63.10021(a), Table 7, Item #1; 40 CFR §§63.9991(c)(1) and (2); 40 CFR §63.10000(a); 45CSR34]**
- 4.1.9. Maximum sulfur dioxide emissions to the atmosphere from Steam Generator #1 (ID #1S) [Unit 1] shall not exceed 18,024 lb/hr and 78,945 tons/year. The averaging time shall be 3 hours. Also, Steam Generator #1 (ID #1S) [Unit 1] shall be permitted to emit SO<sub>2</sub> up to a 3-hour maximum mass of 40,272 lb SO<sub>2</sub> on a 3-hour block average. Compliance with the 3-hour maximum mass of 40,272 lb SO<sub>2</sub> on a 3-hour block average will assure compliance with Permit No. R13-0075 Specific Requirement 4.1.1.
- a. Unit 1 shall be equipped with a flue gas desulfurization (FGD) system which shall be continuously operated for the reduction of SO<sub>2</sub> emissions.

- b. For the purposes of this permit “continuously operated” means that the SCR/FGD shall be operated at all times Unit 1 is in operation, except during a malfunction, consistent with the technological limitations, manufacturer’s specifications, and good engineering and maintenance practices for such equipment and the unit so as to minimize emissions to the greatest extent practicable.

**[45 CSR 13 – Permit No. R13-0075 Specific Requirement 4.1.1., 4.1.1.1 & 4.1.1.3; 45CSR§30-12.7]**

- 4.1.10. Maximum carbon monoxide emissions to the atmosphere from Steam Generator #1 (ID #1S) [Unit 1] shall not exceed 427 lb/hr and 1,870 tons/year. The averaging time shall be 24 hours.  
**[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.1.]**
- 4.1.11. Maximum volatile organic compounds emissions to the atmosphere from Steam Generator #1 (ID #1S) [Unit 1] shall not exceed 51 lb/hr and 224 tons/year. The averaging time shall be 24 hours.  
**[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.1.]**
- 4.1.12. Emissions from the Steam Generator #1 (ID #1S) [Unit 1] shall be vented to and controlled by the electrostatic precipitator (ID #1C) [ESP], prior to the release to the atmosphere. The electrostatic precipitator shall be designed to achieve a minimum collection efficiency of 99.7% for particulate matter.  
**[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.2.]**
- 4.1.13. **Dry Sorbent Injection.** The permittee shall operate the SO<sub>3</sub> dry-sorbent injection control system consistent with the technological capabilities and limitations of the system and with good operation and maintenance practices whenever Unit1 is operating, except during periods of startup, shut-down, malfunction, and maintenance.  
**[45CSR§30-12.7., State-enforceable only]**

**Auxiliary Boilers (CS012)**

Visible Emissions and Particulate Matter

- 4.1.14. Visible Emissions from the auxiliary boilers AUX1 & AUX2 stack (CS012) shall not exceed ten (10) percent opacity based on a six minute block average. *Compliance with this streamlined VE limit assures compliance with 40 CFR 60 Subpart D.*  
**[45CSR§2-3.1.; 40 CFR §60.42(a)(2); 45CSR16]**
- 4.1.15. Particulate matter emissions from the auxiliary boilers AUX1 & AUX2 stack (CS012) shall not exceed 107.64 lb/hr. The averaging time shall be a minimum of six (6) hours. *Compliance with this streamlined PM limit assures compliance with 40 CFR 60 Subpart D.*  
**[45CSR§2-4.1.2.; 45CSR2-Appendix §4.1.3.; 40 CFR §60.42(a)(2); 45CSR16]**
- 4.1.16. Maximum PM-10 emissions to the atmosphere from Auxiliary Boiler #1 (ID #2S) [AUX1] or Auxiliary Boiler #2 (ID #3S) [AUX2] shall not exceed 4.98 lb/hr and 2.18 tons/year.  
**[45CSR13 - Permit No. R13-0075 Specific Requirements 4.1.3 and 4.1.4]**

Nitrogen Oxides (NO<sub>2</sub>)

- 4.1.17. Nitrogen oxides emissions, expressed as NO<sub>2</sub>, from the auxiliary boilers AUX1 & AUX2 stack (CS012) shall not exceed 0.30 lb/mmBtu, based on a three (3) hour rolling average.

**[45CSR16; 40 CFR §60.44(a)(2) & §60.45(g)(3)]**

- 4.1.18. Maximum nitrogen oxides emissions to the atmosphere from Auxiliary Boiler #1 (ID #2S) [AUX1] or Auxiliary Boiler #2 (ID #3S) [AUX2] shall not exceed 99.67 lb/hr and 43.65 tons/year.

**[45CSR13 - Permit No. R13-0075 Specific Requirements 4.1.3 & 4.1.4]**

Sulfur Dioxide (SO<sub>2</sub>)

- 4.1.19. Sulfur dioxide emissions from the auxiliary boilers AUX1 & AUX2 stack (CS012) shall not exceed 0.8 lb/mmBtu, based on a three (3) hour rolling average.

**[45CSR16; 40 CFR §60.43(2)(1)]**

- 4.1.20. Maximum sulfur dioxide emissions to the atmosphere from Auxiliary Boiler #1 (ID #2S) [AUX1] or Auxiliary Boiler #2 (ID #3S) [AUX2] shall not exceed 353.82 lb/hr and 154.97 tons/year. *Compliance with this streamlined SO<sub>2</sub> limit assures compliance with 45CSR§10-3.3.6.*

**[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.3 & 4.1.4]**

- 4.1.21. Compliance with the allowable sulfur dioxide emission limitations from the auxiliary boilers, AUX1 & AUX2, shall be based on a continuous twenty-four (24) hour averaging time. Emissions shall not be allowed to exceed the weight emissions standards for sulfur dioxide as set forth in 45CSR10, except during one (1) continuous twenty-four (24) hour period in each calendar month. During this one (1) continuous twenty-four hour period, emissions shall not be allowed to exceed such weight emission standards by more than ten percent (10%) without causing a violation of 45CSR10. A continuous twenty-four (24) hour period is defined as one (1) calendar day.

**[45CSR§10-3.8.]**

- 4.1.22. Maximum carbon monoxide emissions to the atmosphere from Auxiliary Boiler #1 (ID#2S) [AUX1] or Auxiliary Boiler #2 (ID#3S) [AUX2] shall not exceed 24.92 lb/hr and 10.91 tons/year.

**[45CSR13 - Permit No. R13-0075 Specific Requirements 4.1.3 and 4.1.4]**

- 4.1.23. Maximum volatile organic compounds emissions to the atmosphere from Auxiliary Boiler #1 (ID#2S) [AUX1] or Auxiliary Boiler #2 (ID#3S) [AUX2] shall not exceed 1 lb/hr and 0.44 tons/year.

**[45CSR13 - Permit No. R13-0075 Specific Requirements 4.1.3 and 4.1.4]**

- 4.1.24. Maximum fuel feed rate to Auxiliary Boiler #1 (ID#2S) [AUX1] and Auxiliary Boiler #2 (ID#3S) [AUX2] shall not exceed 135,500 gallons of fuel oil per day respectively. The percent sulfur of the fuel oil shall not exceed 0.5%.

**[45CSR13 - Permit No. R13-0075 Specific Requirement 4.1.5]**

- 4.1.25. The emergency quench pump (4S) shall not be operated more than 500 hours per year.

**[45CSR13, R13-0075, 4.1.6]**

- 4.1.26. The permittee shall complete an initial tune up of auxiliary boilers 2S and 3S by following the procedures described in §63.7540(a)(10)(i) through (vi) no later than the compliance date specified in §63.7495.

**[45CSR34; 40 CFR §63.7510(e); 45CSR13, R13-0075, 4.1.23]**

- 4.1.27. The permittee shall complete a tune-up of auxiliary boilers 2S and 3S every 5 years as specified in paragraphs (a)(10)(i) through (vi) of 40 CFR §63.7540 to demonstrate continuous compliance.

**[45CSR34; 40 CFR §63.7540(a)(12); 40 CFR §63.7500(c); 45CSR13, R13-0075, 4.1.24]**

- 4.1.28. Beginning January 31, 2016, the annual heat input to each auxiliary boiler (2S and 3S) shall not exceed 525,600 mmbtu/year.

[45CSR13, R13-0075, 4.1.5.1]

#### Unit 1 Steam Generator (MT1)

- 4.1.29. **Mercury (Hg) Emission Limitation for 40 CFR 63 Subpart UUUUU.** If your EGU is in the coal-fired unit not low rank virgin coal subcategory, for mercury (Hg), you must meet the emission limit 1.2 lb/TBtu, or 0.013 lb/GWh using either of the following:

- a. LEE Testing for 30 days per Table 2 to Subpart UUUUU using applicable methods in Table 5 to Subpart UUUUU, or
- b. Hg CEMS or sorbent trap monitoring system only, using applicable methods in Table 5 to Subpart UUUUU.

[40 CFR §63.9991(a)(1), Table 2, Item #1.c.; 40 CFR §63.10000(a); 45CSR34] (Unit 1(1S))

- 4.1.30. **Tune-up Work Practice Standard for 40 CFR 63 Subpart UUUUU.** If your EGU is an existing EGU, you must conduct a tune-up of the EGU burner and combustion controls at least each 36 calendar months as specified in 40 CFR §63.10021(e). Each performance tune-up specified in §63.10021(e) must be no more than 36 calendar months after the previous performance tune-up.

- a. ~~(i)~~—As applicable, inspect the burner and combustion controls, and clean or replace any components of the burner or combustion controls as necessary upon initiation of the work practice program and at least once every required inspection period. Repair of a burner or combustion control component requiring special order parts may be scheduled as follows:
  1. ~~(i)~~—Burner or combustion control component parts needing replacement that affect the ability to optimize NO<sub>x</sub> and CO must be installed within 3 calendar months after the burner inspection,
  2. ~~(ii)~~—Burner or combustion control component parts that do not affect the ability to optimize NO<sub>x</sub> and CO may be installed on a schedule determined by the operator;
- b. ~~(2)~~—As applicable, inspect the flame pattern and make any adjustments to the burner or combustion controls necessary to optimize the flame pattern. The adjustment should be consistent with the manufacturer's specifications, if available, or in accordance with best combustion engineering practice for that burner type;
- c. ~~(3)~~—As applicable, observe the damper operations as a function of mill and/or cyclone loadings, cyclone and pulverizer coal feeder loadings, or other pulverizer and coal mill performance parameters, making adjustments and effecting repair to dampers, controls, mills, pulverizers, cyclones, and sensors;
- d. ~~(4)~~—As applicable, evaluate windbox pressures and air proportions, making adjustments and effecting repair to dampers, actuators, controls, and sensors;
- e. ~~(5)~~—Inspect the system controlling the air-to-fuel ratio and ensure that it is correctly calibrated and functioning properly. Such inspection may include calibrating excess O<sub>2</sub> probes and/or sensors,

adjusting overfire air systems, changing software parameters, and calibrating associated actuators and dampers to ensure that the systems are operated as designed. Any component out of calibration, in or near failure, or in a state that is likely to negate combustion optimization efforts prior to the next tune-up, should be corrected or repaired as necessary;

- f. ~~(6)~~—Optimize combustion to minimize generation of CO and NO<sub>x</sub>. This optimization should be consistent with the manufacturer's specifications, if available, or best combustion engineering practice for the applicable burner type. NO<sub>x</sub> optimization includes burners, overfire air controls, concentric firing system improvements, neural network or combustion efficiency software, control systems calibrations, adjusting combustion zone temperature profiles, and add-on controls such as SCR and SNCR; CO optimization includes burners, overfire air controls, concentric firing system improvements, neural network or combustion efficiency software, control systems calibrations, and adjusting combustion zone temperature profiles;
- g. ~~(7)~~—While operating at full load or the predominantly operated load, measure the concentration in the effluent stream of CO and NO<sub>x</sub> in ppm, by volume, and oxygen in volume percent, before and after the tune-up 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). You may use portable CO, NO<sub>x</sub> and O<sub>2</sub> monitors for this measurement. EGU's employing neural network optimization systems need only provide a single pre- and post-tune-up value rather than continual values before and after each optimization adjustment made by the system;
- h. ~~(8)~~—Maintain on-site and submit, if requested by the Administrator, an annual report containing the information in paragraphs ~~(i)a.~~ through ~~(9)i.~~ of this condition including:
  - 1. ~~(i)~~—The concentrations of CO and NO<sub>x</sub> in the effluent stream in ppm by volume, and oxygen in volume percent, measured before and after an adjustment of the EGU combustion systems;
  - 2. ~~(ii)~~—A description of any corrective actions taken as a part of the combustion adjustment; and
  - 3. ~~(iii)~~—The type(s) and amount(s) of fuel used over the 12 calendar months prior to an adjustment, but only if the unit was physically and legally capable of using more than one type of fuel during that period; and
- i. ~~(9)~~—Report the tune-up date electronically in your quarterly compliance report, in accordance with 40 CFR §63.10031(g) and section 10.2 of appendix E to and 40 CFR 63 Subpart UUUUU. The tune-up report date is the date when tune-up requirements in 40 CFR §§63.10021(e)(6) and (7) are completed.

[40 CFR §63.9991(a)(1), Table 3, Item #1; 40 CFR §§63.10021(e)(1) through (9); 40 CFR §63.10021(a), Table 7, Item #5; 40 CFR §63.10000(e); 40 CFR §63.10006(i)(1); 45CSR34] (Unit 1 (1S))

#### 4.1.31. Startup Work Practice Standard for 40 CFR 63 Subpart UUUUU.

You must operate all CMS during startup. Startup means either the first-ever firing of fuel in a boiler for the purpose of producing electricity, or the firing of fuel in a boiler after a shutdown event for any purpose. Startup ends when any of the steam from the boiler is used to generate electricity for sale over the grid or for any other purpose (including on site use). For startup of a unit, you must use clean fuels as defined in §63.10042 for ignition. Once you convert to firing coal, residual oil, or solid oil-derived fuel, you must



engage all of the applicable control technologies except dry scrubber and SCR. You must start your dry scrubber and SCR systems, if present, appropriately to comply with relevant standards applicable during normal operation. You must comply with all applicable emissions limits at all times except for periods that meet the applicable definitions of startup and shutdown in ~~this subpart~~ 40 CFR 63 Subpart UUUUU. You must keep records during startup periods. You must provide reports concerning activities and startup periods, as specified in §63.10011(g) and §63.10021(h) and (i).

If you choose to use just one set of sorbent traps to demonstrate compliance with Hg emission limits, you must comply with all applicable Hg emission limits at all times; otherwise, you must comply with all applicable emission limits at all times except for startup or shutdown periods conforming to this practice. You must collect monitoring data during startup periods, as specified in §63.10020(a) and (e). You must keep records during startup periods, as provided in §§63.10032 and 63.10021(h). You must provide reports concerning activities and startup periods, as specified in §§63.10011(g), 63.10021(i), and 63.10031.

Any fraction of an hour in which startup occurs constitutes a full hour of startup.

**[40 CFR §63.9991(a)(1), Table 3, Items #3.a.(1), c., and d.; 40 CFR §63.10021(a), Table 7, Item #6; 40 CFR §63.10000(a); 40 CFR §63.10042; 45CSR34] (Unit 1(1S))**

**4.1.32. Shutdown Work Practice Standard for 40 CFR 63 Subpart UUUUU.**

You must operate all CMS during shutdown. You must also collect appropriate data, and you must calculate the pollutant emission rate for each hour of shutdown for those pollutants for which a CMS is used. While firing coal, residual oil, or solid oil-derived fuel during shutdown, you must vent emissions to the main stack(s) and operate all applicable control devices and continue to operate those control devices after the cessation of coal, residual oil, or solid oil-derived fuel being fed into the EGU and for as long as possible thereafter considering operational and safety concerns. In any case, you must operate your controls when necessary to comply with other standards made applicable to the EGU by a permit limit or a rule other than ~~this subpart~~ 40 CFR 63 Subpart UUUUU and that require operation of the control devices.

If, in addition to the fuel used prior to initiation of shutdown, another fuel must be used to support the shutdown process, that additional fuel must be one or a combination of the clean fuels defined in §63.10042 and must be used to the maximum extent possible taking into account considerations such as not compromising boiler or control device integrity.

You must comply with all applicable emission limits at all times except during startup periods and shutdown periods at which time you must meet this work practice. You must collect monitoring data during shutdown periods, as specified in §63.10020(a). You must keep records during shutdown periods, as provided in §§63.10032 and 63.10021(h). You must provide reports concerning activities and shutdown periods, as specified in §§63.10011(g), 63.10021(i), and 63.10031.

Any fraction of an hour in which shutdown occurs constitutes a full hour of shutdown.

**[40 CFR §63.9991(a)(1), Table 3, Item #4; 40 CFR §63.10021(a), Table 7, Item #7; 40 CFR §63.10000(a); 40 CFR §63.10042; 45CSR34] (Unit 1(1S))**



- 4.1.33. At all times you must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. Determination of whether such operation and maintenance procedures are being used will be based on information available to the EPA 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.

**[40 CFR §63.10000(b); 45CSR34] (Unit 1 (1S))**

- 4.1.34. You must determine the fuel whose combustion produces the least uncontrolled emissions, *i.e.*, the cleanest fuel, either natural gas or distillate oil, that is available on site or accessible nearby for use during periods of startup or shutdown. Your cleanest fuel, either natural gas or distillate oil, for use during periods of startup or shutdown determination may take safety considerations into account.

**[40 CFR §§63.10011(f)(1) and (2); 45CSR34] (Unit 1 (1S))**

- 4.1.35. You must follow the startup or shutdown requirements as given in Table 3 to 40 CFR 63 Subpart UUUUU for each coal-fired, liquid oil-fired, or solid oil-derived fuel-fired EGU.

- a. ~~(1)~~—You may use the diluent cap and default gross output values, as described in §63.10007(f), during startup periods or shutdown periods.
- b. ~~(2)~~—You must operate all CMS, collect data, calculate pollutant emission rates, and record data during startup periods or shutdown periods.

**[40 CFR §§63.10021(h)(1) and (h)(2); 45CSR34] (Unit 1 (1S))**

- 4.1.36. Consent Decree in Civil Action No. C2-99-1182, *U.S. v. AEP Service Corporation*.

- a. ~~(1)~~—On and after January 1, 2008, install and continuously operate Selective Catalytic Reactor (SCR) on Mountaineer Unit 1.
- b. ~~(2)~~—On and after December 31, 2007, install and continuously operate Flue Gas Desulfurization (FGD) on Mountaineer Unit 1.
- c. ~~(3)~~—Pursuant to the consent decree, “continuously operate” means that when the SCR and/or FGD is used at a unit, except during a “malfunction,” the FGD and/or SCR shall be operated at all times the unit is in operation, consistent with the technological limitations, manufacturer’s specifications, and good engineering and maintenance practices for the control equipment and the unit so as to minimize emissions to the greatest extent practicable.
- d. ~~(4)~~—Pursuant to the consent decree, a “malfunction” means any sudden, infrequent, and not reasonably preventable failure of air pollution control equipment, process equipment, or a process to operate in a normal or usual manner. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.

## **4.2. Monitoring Requirements**

- 4.2.1. To determine compliance with requirements 4.1.7., 4.1.8., 4.1.9. of this permit, the permittee shall monitor and maintain Continuous Emission Monitors (CEMs) for Nitrogen Oxides (NO<sub>x</sub>) and Sulfur Dioxide (SO<sub>2</sub>)

on Steam Generator #1 (ID #1S). These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.1.; 40 CFR §63.9991(a)(1), Table 2, Item #1.b.; 45CSR34]**

- 4.2.2. To determine compliance with conditions 4.1.16., 4.1.18., 4.1.20., 4.1.22., 4.1.23. and 4.1.24. the permittee shall monitor and maintain records of the maximum fuel feed rate to Auxiliary Boiler #1 (ID#2S) [AUX1] and Auxiliary Boiler #2 (ID#3S) [AUX2] and sulfur content of the fuel oil. In addition, to determine compliance with 4.1.28., the permittee shall maintain records of the monthly fuel feed rate and fuel heat content. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13 -Permit No. R13-0075 Specific Requirement 4.2.2]**

- 4.2.3. Compliance with the visible emission requirements for *MTI* shall be determined as outlined in section I.A.2. of the “DAQ approved 45CSR2 Monitoring Plan” attached in Appendix A of this permit.

**[45CSR§§2-3.2., 8.1.1. & 8.2.; 45CSR§2A-6]**

- 4.2.4. The owner or operator shall install, calibrate, certify, operate, and maintain continuous monitoring systems that measure opacity and all SO<sub>2</sub>, and NO<sub>x</sub>, emissions from emission point *MTI* as specified in 40 CFR Part 60, Subpart D and in 40 CFR Part 75 and measure CO<sub>2</sub> emissions from emission point *MTI* as specified in 40 CFR Part 75. *Compliance with these streamlined measurements of SO<sub>2</sub> and NO<sub>x</sub> emissions assures compliance with Requirement 4.2.1.*

**[45CSR16; 45CSR33, 40 CFR §75.10; 40 CFR §60.45; 40 CFR §§64.3(b)(1) and 64.3(b)(4)(ii)]**

- 4.2.5. Compliance with the auxiliary boiler stack (*CS012*) particulate matter mass emission requirements and the operating and fuel usage requirements (*MTI* & *CS012*), shall be demonstrated as outlined in sections I.A.3. and I.B.3. of the “DAQ approved 45CSR2 Monitoring Plan” attached in Appendix A of this permit.

**[45CSR§§2-8.3.3., 8.4.a. & 8.4.1.a.]**

- 4.2.6. Compliance with the auxiliary boiler stack (*CS012*) particulate matter mass emission requirements, the NO<sub>x</sub> mass emissions requirements, and the SO<sub>2</sub> mass emission requirements shall be demonstrated by fuel sampling and analysis as outlined in the DAQ “Policy on Regulations 2 and 10 Record Keeping and Reporting Requirements”.

**[45CSR16; 40 CFR §60.13(i)(2); Letter of approval to AEP dated June 9, 1999 for Alternative Monitoring Request]**

- 4.2.7. The permittee shall perform daily monitoring and recordkeeping of the total daily dry sorbent usage rate (pounds /tons per day) and startups, shutdowns, malfunctions, and maintenance associated with the dry sorbent injection system.

**[45CSR§30-5.1.c., State-enforceable only]**

- 4.2.8. Compliance with the visible emission requirements for *CS012* shall be determined as outlined in section I.B.2. of the DAQ approved “45CSR2 Monitoring Plan” attached in Appendix A of this permit.

**[45CSR§§2-3.2., 8.1.1. & 8.2.; 45CSR§2A-6] (CS012)**

- 4.2.9. The owner or operator shall implement a Compliance Assurance Monitoring (CAM) program in accordance with the following:

- a. The permittee shall monitor and maintain 6-minute opacity averages measured by a continuous opacity monitoring system, operated and maintained pursuant to 40 CFR Part 75, including the minimum data requirements, in order to determine 3-hour block average opacity values.  
[45CSR§30-5.1.c.; 40 CFR §§64.6(c)(1)(i) and (ii)] (Unit 1)
- b. The COM QA/QC procedures shall be equivalent to the applicable requirements of 40 CFR Part 75.  
[40 CFR §75.21; 40 CFR §64.6(c)(iii)] (Unit 1)
- c. The 6-minute opacity averages from permit condition 4.2.9.a. shall be used to calculate 3-hour block average opacity values. Data recorded during monitoring malfunctions, associated repairs and QA/QC activities shall not be used for calculating the 3-hour averages. All other available qualified data consisting of 6-minute opacity averages will be used to calculate a 3-hour average. Data availability shall be at least of 50% of the operating time in the 3-hour block to satisfy the data requirements to calculate the 3-hour average opacity. However, the number of invalid 3-hour blocks shall not exceed 15% of the total 3-hour blocks during unit operation for a quarterly reporting period. An excursion of the indicator range shall be defined as two consecutive 3-hour block average opacity values that exceed 10%.

[45CSR§30-5.1.c.; 40 CFR §§64.6(c)(2) and (4); 40 CFR §64.7(c)] (Unit 1)

- 4.2.10. The CAM-related testing and CAM plan implementation shall be conducted according to the following schedule:

- a. The permittee shall submit a CAM testing protocol to the Department at least 30 days prior to the proposed testing date.
- b. A test report, presenting testing results, shall be submitted to the Director within 60 days after completion of testing.
- c. The permittee shall complete the CAM testing and implement the CAM monitoring within 180 days of the issuance of this permit.

[45CSR§30-5.1.c.; 40 CFR §64.6(d); 40 CFR §64.7(a)] (Unit 1)

- 4.2.11. **Proper Maintenance.** The permittee shall maintain monitoring at all times, including maintaining necessary spare parts for routine repairs of the monitoring equipment.

[45CSR§30-5.1.c.; 40 CFR §64.7(b)] (Unit 1)

- 4.2.12. **Response to Excursions or Exceedances**

- a. Upon detecting an excursion or exceedance, the permittee shall restore operation of the pollutant-specific emissions unit (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup or shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to

within the indicator range, designated condition, or below the applicable emission limitation or standard, as applicable.

- b. Determination of whether the permittee has used acceptable procedures in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.

**[40 CFR §64.7(d); 45CSR§30-5.1.c.] (Unit 1)**

- 4.2.13. **Documentation of Need for Improved Monitoring** – After approval of monitoring under 40 CFR Part 64, if the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing (permit conditions 4.3.2. and 4.3.3.) document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director and, if necessary, submit a proposed modification to the permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.

**[40 CFR §64.7(e); 45CSR§30-5.1.c.] (Unit 1)**

- 4.2.14. **Quality Improvement Plan (QIP)** – Based on the results of a determination made under permit condition 4.2.12.b. or 4.3.2., the Administrator or the Director may require the permittee to develop and implement a QIP. If a QIP is required, then it shall be developed, implemented, and modified as required according to 40 CFR §§64.8(b) through (e). Refer to permit condition 4.5.7-~~(b)(iii)~~3. for the reporting required when a QIP is implemented.

**[40 CFR §64.8; 45CSR§30-5.1.c.] (Unit 1)**

- 4.2.15. **Continued operation.** Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the owner or operator shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the pollutant-specific emissions unit is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of ~~this part~~40 CFR Part 64, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The owner or operator shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by poor maintenance or careless operation are not malfunctions.

**[40 CFR §64.7(c); 45CSR§30-5.1.c.] (Unit 1)**

- 4.2.16.
  - a. For an affected unit that exhausts to the atmosphere through a single, dedicated stack, you shall either install the required CEMS, PM CPMS (which on or after July 6, 2027 you may not use PM CPMS for filterable PM compliance demonstrations unless it is for an IGCC unit), and sorbent trap monitoring systems in the stack or at a location in the ductwork downstream of all emissions control devices, where the pollutant and diluents concentrations are representative of the emissions that exit to the atmosphere.
  - b. If you use an oxygen (O<sub>2</sub>) or carbon dioxide (CO<sub>2</sub>) CEMS to convert measured pollutant concentrations to the units of the applicable emissions limit, the O<sub>2</sub> or CO<sub>2</sub> concentrations shall be

monitored at a location that represents emissions to the atmosphere, *i.e.*, at the outlet of the EGU, downstream of all emission control devices. You must install, certify, maintain, and operate the CEMS according to part 75 of this chapter. Use only quality-assured O<sub>2</sub> or CO<sub>2</sub> data in the emissions calculations; do not use part 75 substitute data values.

- c. If you are required to use a stack gas flow rate monitor, either for routine operation of a sorbent trap monitoring system or to convert pollutant concentrations to units of an electrical output-based emission standard in Table 1 or 2 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU, you must install, certify, operate, and maintain the monitoring system and conduct on-going quality-assurance testing of the system according to part 75 of this chapter. Use only unadjusted, quality-assured flow rate data in the emissions calculations. Do not apply bias adjustment factors to the flow rate data and do not use substitute flow rate data in the calculations.
- d. **Specifications and Operation of SO<sub>2</sub> CEMS for 40 CFR 63 Subpart UUUUU.**
1. If you use an SO<sub>2</sub> CEMS, you must install the monitor at the outlet of the EGU, downstream of all emission control devices, and you must certify, operate, and maintain the CEMS according to 40 CFR part 75.
  2. For on-going QA, the SO<sub>2</sub> CEMS must meet the applicable daily, quarterly, and semiannual or annual requirements in sections 2.1 through 2.3 of appendix B to 40 CFR part 75, with the following addition: You must perform the linearity checks required in section 2.2 of appendix B to 40 CFR part 75 if the SO<sub>2</sub> CEMS has a span value of 30 ppm or less.
  3. Calculate and record a 30-boiler operating day rolling average SO<sub>2</sub> emission rate in the units of the standard, updated after each new boiler operating day. Each 30-boiler operating day rolling average emission rate is the average of all of the valid SO<sub>2</sub> emission rates in the preceding 30 boiler operating days.
  4. Use only unadjusted, quality-assured SO<sub>2</sub> concentration values in the emissions calculations; do not apply bias adjustment factors to the part 75 SO<sub>2</sub> data and do not use part 75 substitute data values. For startup or shutdown hours (as defined in §63.10042) the default gross output and the diluent cap are available for use in the hourly SO<sub>2</sub> emission rate calculations, as described in §63.10007(f). Use a flag to identify each startup or shutdown hour and report a special code if the diluent cap or default gross output is used to calculate the SO<sub>2</sub> emission rate for any of these hours.
- e. If you use a Hg CEMS or a sorbent trap monitoring system, you must install, certify, operate, maintain and quality-assure the data from the monitoring system in accordance with appendix A to ~~this subpart~~ 40 CFR 63 Subpart UUUUU. You must calculate and record a 30- (or, if alternate emissions averaging is used, 90-) boiler operating day rolling average Hg emission rate, in units of the standard, updated after each new boiler operating day. Each 30- (or, if alternate emissions averaging is used, 90-) boiler operating day rolling average emission rate, calculated according to section 6.2 of appendix A to the subpart, is the average of all of the valid hourly Hg emission rates in the preceding 30- (or, if alternate emissions averaging is used, a 90-) boiler operating days. Section 7.1.4.3 of appendix A to ~~this subpart~~ 40 CFR 63 Subpart UUUUU explains how to reduce sorbent trap monitoring system data to an hourly basis.

[40 CFR §§63.10010(a)(1), 63.10010(b), 63.10010(c), 63.10010(f)(1) through (4), 63.10010(g); 45CSR34] (Unit 1 (1S))



- 4.2.17. You must operate the monitoring system and collect data at all required intervals at all times that the affected EGU is operating, except for required monitoring system quality assurance or quality control activities, including, as applicable, calibration checks and required zero and span adjustments, and any scheduled maintenance as defined in your site-specific monitoring plan. You are required to affect monitoring system repairs in response to monitoring system malfunctions and to return the monitoring system to operation as expeditiously as practicable.

**[40 CFR §§63.10020(a) and (b); 45CSR34] (Unit 1 (1S))**

- 4.2.18. You may not use data recorded during EGU startup or shutdown in calculations used to report emissions, except as otherwise provided in 40 CFR §§63.10000(c)(1)(vi)(B) and 63.10005(a)(2)(iii). In addition, data recorded during monitoring system malfunctions or monitoring system out-of-control periods, repairs associated with monitoring system malfunctions or monitoring system out-of-control periods, or required monitoring system quality assurance or control activities may not be used in calculations used to report emissions or operating levels. You must use all the data collected during all other periods in assessing the operation of the control device and associated control system.

**[40 CFR §§63.10020(a) and (c); 45CSR34] (Unit 1 (1S))**

- 4.2.19. Periods of monitoring system malfunctions or monitoring system out-of-control periods, repairs associated with monitoring system malfunctions or monitoring system out-of-control periods, and required monitoring system quality assurance or quality control activities excluding zero and span checks must be reported as time the monitor was inoperative (downtime) under 40 CFR §63.10(c). Failure to collect required quality-assured data during monitoring system malfunctions, monitoring system out-of-control periods, or repairs associated with monitoring system malfunctions or monitoring system out-of-control periods is a deviation from the monitoring requirements.

**[40 CFR §§63.10020(a) and (d); 45CSR34] (Unit 1 (1S))**

- 4.2.20. Except as otherwise provided in 40 CFR §63.10020(c), if you use a CEMS to measure SO<sub>2</sub>, PM, or Hg emissions, or using a sorbent trap monitoring system to measure Hg emissions, you must demonstrate continuous compliance by using all quality-assured hourly data recorded by the CEMS (or sorbent trap monitoring system) and the other required monitoring systems (e.g., flow rate, CO<sub>2</sub>, O<sub>2</sub>, or moisture systems) to calculate the arithmetic average emissions rate in units of the standard on a continuous 30-boiler operating day (or, if alternate emissions averaging is used for Hg, 90-boiler operating day) rolling average basis, updated at the end of each new boiler operating day. Use Equation 8 in 40 CFR §63.10021(b) to determine the 30- (or, if applicable, 90-) boiler operating day rolling average.

**[40 CFR §63.10021(b); 45CSR34] (Unit 1 (1S))**

- 4.2.21. If you use CEMS to continuously monitor Hg, HCl, HF, SO<sub>2</sub>, or PM emissions (or, if applicable, sorbent trap monitoring systems to continuously collect Hg emissions data), the default values identified in 63.10007(f) are available for use in the emission rate calculations during startup periods or shutdown periods (as defined in §63.10042). For the purposes of Subpart UUUUU, these default values are not considered to be substitute data.

**[40 CFR §63.10007(f); 45CSR34] (Unit 1 (1S))**

### **4.3. Testing Requirements**

- 4.3.1. The owner or operator shall conduct, or have conducted, tests to determine the compliance of Unit 1 with the particulate matter mass emission limitations. Such tests shall be conducted in accordance with the appropriate method set forth in 45CSR2 Appendix - Compliance Test Procedures for 45CSR2 or other equivalent EPA approved method approved by the Secretary. Such tests shall be conducted in accordance

with the schedule set forth in the following table. Compliance tests were performed on January 16, 2024, and resulted in mass emission rates less than 50% of the weight emission standard and a “Once/3 years” retesting frequency. Subsequent testing shall be based on the schedule below.

Test	Test Results	Retesting Frequency
Annual	after three successive tests indicate mass emission rates $\leq 50\%$ of weight emission standard	Once/3 years
Annual	after two successive tests indicate mass emission rates $< 80\%$ of weight emission standard	Once/2 years
Annual	any test indicates a mass emission rate $\geq 80\%$ of weight emission standard	Annual
Once/2 years	after two successive tests indicate mass emission rates $\leq 50\%$ of weight emission standard	Once/3 years
Once/2 years	any test indicates a mass emission rate $< 80\%$ of weight emission standard	Once/2 years
Once/2 years	any test indicates a mass emission rate $\geq 80\%$ of weight emission standard	Annual
Once/3 years	any test indicates a mass emission rate $\leq 50\%$ of weight emission standard	Once/3 years
Once/3 years	any test indicates mass emission rates between 50% and 80 % of weight emission standard	Once/2 years
Once/3 years	any test indicates a mass emission rate $\geq 80\%$ of weight emission standard	Annual

[45CSR§2-8.1.; 45CSR§2A-5.2.]

- 4.3.2. If five (5) percent or greater of the three (3) hour average COMS opacity values, determined in accordance with 4.2.9.c. of this permit, indicate excursions of the 10% opacity threshold during a calendar quarter, the permittee shall develop and implement a QIP. The Director may waive this QIP requirement upon a demonstration that the cause(s) of the excursions have been corrected, or may require stack tests at any time pursuant to permit condition 3.3.1.

[45CSR§30-5.1.c.; 40 CFR §64.7(d)] (Unit 1)

- 4.3.3. Data collected during future periodic 45CSR2 mass emissions tests under permit condition 4.3.1 will be used to supplement the existing data set in order to verify the continuing appropriateness of the 10% indicator range value.

[45CSR§30-5.1.c.; 40 CFR §64.6(b)] (Unit 1)

- 4.3.4. The owner or operator shall conduct tests to determine the compliance of the Unit 1 boiler with the particulate matter  $\leq 10\mu\text{m}$  (PM-10) limitations. Such tests shall be conducted in accordance with the appropriate EPA approved test method and in conjunction with any particulate matter test required under condition 4.3.1. above. Emission factors shall be determined from the test results and updated from the results of each subsequent test. The emission factor shall be used for compliance demonstration for periods between tests.

[45CSR§30-5.1.c.]

- 4.3.5. The owner or operator shall conduct tests at least once every five (5) years, to determine the compliance of the Unit 1 boiler with the carbon monoxide (CO) and volatile organic compounds (VOC) limitations. Such



tests shall be conducted in accordance with the appropriate EPA approved test methods. Emission factors shall be determined from the test results and updated from the results of each subsequent test. The emission factor shall be used for compliance demonstration for periods between tests.

**[45CSR§30-5.1.c.]**

- 4.3.6. For coal-fired units, initial performance testing is required for all pollutants, to demonstrate compliance with the filterable particulate matter (PM) and mercury (Hg) emission limits (conditions 4.1.4.b. and 4.1.29., respectively).

a. For PM:

1. Before July 6, 2027, if your coal-fired EGU does not qualify as a LEE for total filterable particulate matter (PM), you must demonstrate compliance through an initial performance test and you must monitor continuous performance through either use of a particulate matter continuous parametric monitoring system (PM CPMS), a PM CEMS, or, for an existing EGU, compliance performance testing repeated quarterly. (On or after July 6, 2027 you may not use quarterly performance testing for filterable PM compliance demonstrations.)
2. On and after July 6, 2027, you may not pursue or continue to use the LEE option for your coal-fired or solid oil derived fuel-fired EGU for filterable PM or for non-mercury HAP metals. You must demonstrate compliance through an initial performance test, and you must monitor continuous performance with the applicable filterable PM emissions limit through the use of a PM CEMS or HAP metals CMS.

- b. For Hg: If your coal-fired EGU does not qualify as a LEE for Hg, you must demonstrate initial and continuous compliance through use of a Hg CEMS or a sorbent trap monitoring system, in accordance with appendix A to 40 CFR 63 Subpart UUUUU.

**[40 CFR §§63.10000(c)(1)(iv) and (vi); 40 CFR §63.10021(a), Table 7, Items #1 and #4; 45CSR34] (Unit 1 (1S))**

- 4.3.7. If you use SO<sub>2</sub> CEMS to determine compliance with a 30-boiler operating day rolling average emission limit, you must collect qualify-assured CEMS data for all unit operating conditions including startup and shutdown (see 40 CFR §63.10011(g) and Table 3 to 40 CFR 63 Subpart UUUUU); except as otherwise provided in 40 CFR §63.10020(b). Emission rates determined during startup periods and shutdown periods (as defined in §63.10042) are not to be included in the compliance determinations, except as otherwise provided in 40 CFR §§63.10000(c)(1)(vi)(B) and 63.10005(a)(2)(iii).

**[40 CFR §63.10007(a)(1); 45CSR34] (Unit 1 (1S))**

- 4.3.8. If you conduct performance testing with test methods in lieu of continuous monitoring, operate the unit at maximum normal operating load conditions during each periodic (e.g., quarterly) performance test. Maximum normal operating load will be generally between 90 and 110 percent of design capacity but should be representative of site specific normal operations during each test run.

**[40 CFR §63.10007(a)(2); 45CSR34] (Unit 1 (1S))**

- 4.3.9. You must conduct each performance test (including traditional 3-run stack tests, 30-boiler operating day tests based on CEMS data (or sorbent trap monitoring system data), and 30-boiler operating day Hg emission tests for LEE qualification) according to the requirements in Table 5 to 40 CFR 63 Subpart UUUUU.

**[40 CFR §63.10007(b); 45CSR34] (Unit 1 (1S))**

- 4.3.10. Except for a 30-boiler operating day performance test based on CEMS (or sorbent trap monitoring system) data, where the concept of test runs does not apply, you must conduct a minimum of three separate test runs for each performance test, as specified in 40 CFR §63.7(e)(3). Each test run must comply with the minimum applicable sampling time or volume specified in Table 2 to 40 CFR 63 Subpart UUUUU. Sections 63.10005(d) and (h) respectively, provide special instructions for conducting performance tests based on CEMS or sorbent trap monitoring systems, and for conducting emission tests for LEE qualification.

**[40 CFR §63.10007(d); 45CSR34] (Unit 1 (1S))**

- 4.3.11. To use the results of performance testing to determine compliance with the applicable emission limits in Table 2 to 40 CFR 63 Subpart UUUUU, proceed as in 40 CFR §§63.10007(e)(1) through (3).

**[40 CFR §63.10007(e); 45CSR34] (Unit 1 (1S))**

- 4.3.12. Upon request, you shall make available to the EPA Administrator such records as may be necessary to determine whether the performance tests have been done according to the requirements of 40 CFR §63.10007.

**[40 CFR §63.10007(g); 45CSR34] (Unit 1 (1S))**

- 4.3.13. *Notification of performance test.* When you are required to conduct a performance test, you must submit a Notification of Intent to conduct a performance test at least 30 days before the performance test is scheduled to begin.

**[40 CFR §63.10030(d); 45CSR34] (Unit 1 (1S))**

- 4.3.14. If you use quarterly performance testing to demonstrate compliance with one or more applicable emissions limits in Table 1 or 2 to ~~this subpart~~40 CFR 63 Subpart UUUUU, you

- a. ~~(1)~~ May skip performance testing in those quarters during which less than 168 boiler operating hours occur, except that a performance test must be conducted at least once every calendar year; and
- b. ~~(2)~~ Must conduct the performance test as defined in Table 5 to ~~this subpart~~40 CFR 63 Subpart UUUUU and calculate the results of the testing in units of the applicable emissions standard.

**[40 CFR §63.10021(d); 45CSR34] (Unit 1 (1S))**

- 4.3.15. *Low emitting EGUs.* The provisions of this paragraph (h) (i.e., 40 CFR §63.1005(h)) apply to pollutants with emissions limits from new EGUs except Hg and to all pollutants with emissions limits from existing EGUs. You may pursue this compliance option unless prohibited pursuant to 40 CFR §63.10000(c)(1)(i).

- a. ~~(1)~~—An EGU may qualify for low emitting EGU (LEE) status for Hg, HCl, HF, filterable PM, total non-Hg HAP metals, or individual non-Hg HAP metals (or total HAP metals or individual HAP metals, for liquid oil-fired EGUs) if you collect performance test data that meet the requirements of this paragraph (h) with the exception that on or after July 6, 2027, you may not pursue the LEE option for filterable PM, total non-Hg HAP metals, or individual non-Hg HAP metals for any existing, new or reconstructed EGUs and if those data demonstrate:

1. ~~(i)~~ —For all pollutants except Hg, performance test emissions results less than 50 percent of the applicable emissions limits in Table 1 or 2 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU for all required testing for 3 consecutive years; or
2. ~~(ii)~~ —For Hg emissions from an existing EGU, either:
  - (A). ~~(A)~~—Average emissions less than 10 percent of the applicable Hg emissions limit in Table 2 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU (expressed either in units of lb/TBtu or lb/GWh); or
  - (B). ~~(B)~~—Potential Hg mass emissions of 29.0 or fewer pounds per year and compliance with the applicable Hg emission limit in Table 2 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU (expressed either in units of lb/TBtu or lb/GWh).
- b. ~~(2)~~—For all pollutants except Hg, you must conduct all required performance tests described in §63.10007 to demonstrate that a unit qualifies for LEE status.
  1. ~~(i)~~ —When conducting emissions testing to demonstrate LEE status, you must increase the minimum sample volume specified in Table 1 or 2 nominally by a factor of two.
  2. ~~(ii)~~ —Follow the instructions in §63.10007(e) and Table 5 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU to convert the test data to the units of the applicable standard.
- c. ~~(3)~~—For Hg, you must conduct a 30- (or 90-) boiler operating day performance test using Method 30B in appendix A-8 to part 60 of this chapter to determine whether a unit qualifies for LEE status. Locate the Method 30B sampling probe tip at a point within 10 percent of the duct area centered about the duct's centroid at a location that meets Method 1 in appendix A-1 to part 60 of this chapter and conduct at least three nominally equal length test runs over the 30- (or 90-) boiler operating day test period. You may use a pair of sorbent traps to sample the stack gas for a period consistent with that given in section 5.2.1 of appendix A to ~~this subpart~~ 40 CFR 63 Subpart UUUUU. Collect Hg emissions data continuously over the entire test period (except when changing sorbent traps or performing required reference method QA procedures). As an alternative to constant rate sampling per Method 30B, you may use proportional sampling per section 8.2.2 of Performance Specification 12 B in appendix B to part 60 of this chapter.
  1. ~~(i)~~ —Depending on whether you intend to assess LEE status for Hg in terms of the lb/TBtu or lb/GWh emission limit in Table 2 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU or in terms of the annual Hg mass emissions limit of 29.0 lb/year, you will have to collect some or all of the following data during the 30-boiler operating day test period (see paragraph (h)(3)(iii) of this section):
    - (A). ~~(A)~~—Diluent gas (CO<sub>2</sub> or O<sub>2</sub>) data, using either Method 3A in appendix A-3 to part 60 of this chapter or a diluent gas monitor that has been certified according to part 75 of this chapter.
    - (B). ~~(B)~~—Stack gas flow rate data, using either Method 2, 2F, or 2G in appendices A-1 and A-2 to part 60 of this chapter, or a flow rate monitor that has been certified according to part 75 of this chapter.
    - (C). ~~(C)~~—Stack gas moisture content data, using either Method 4 in appendix A-1 to part 60 of this chapter, or a moisture monitoring system that has been certified according to part 75 of this

chapter. Alternatively, an appropriate fuel-specific default moisture value from §75.11(b) of this chapter may be used in the calculations or you may petition the Administrator under §75.66 of this chapter for use of a default moisture value for non-coal-fired units.

- (D). ~~(D)~~ Hourly gross output data (megawatts), from facility records.
2. ~~(ii)~~ —If you use CEMS to measure CO<sub>2</sub> (or O<sub>2</sub>) concentration, and/or flow rate, and/or moisture, record hourly average values of each parameter throughout the 30-boiler operating day test period. If you opt to use EPA reference methods rather than CEMS for any parameter, you must perform at least one representative test run on each operating day of the test period, using the applicable reference method.
3. ~~(iii)~~ —Calculate the average Hg concentration, in µg/m<sup>3</sup> (dry basis), for each of LEE test runs comprising the 30- (or 90-) boiler operating day performance test, as the arithmetic average of all Method 30B sorbent trap results from the LEE test period. Also calculate, as applicable, the average values of CO<sub>2</sub> or O<sub>2</sub> concentration, stack gas flow rate, stack gas moisture content, and gross output for the LEE test period. Then:
- (A). ~~(A)~~ To express the test results in units of lb/TBtu, follow the procedures in §63.10007(e). Use the average Hg concentration and diluent gas values in the calculations.
- (B). ~~(B)~~ To express the test results in units of lb/GWh, use Equations A-3 and A-4 in section 6.2.2 of appendix A to ~~this subpart~~ 40 CFR 63 Subpart UUUUU, replacing the hourly values “C<sub>h</sub>”, “Q<sub>h</sub>”, “B<sub>ws</sub>” and “(MW)<sub>h</sub>” with the average values of these parameters from the performance test.
- (C). ~~(C)~~ To calculate pounds of Hg per year, use one of the following methods:
- (1) Multiply the average lb/TBtu Hg emission rate (determined according to ~~paragraph 40 CFR §63.10005(h)(3)(iii)(A) of this section~~) by the maximum potential annual heat input to the unit (TBtu), which is equal to the maximum rated unit heat input (TBtu/hr) times 8,760 hours. If the maximum rated heat input value is expressed in units of MMBtu/hr, multiply it by 10<sup>-6</sup> to convert it to TBtu/hr; or
- (2) Multiply the average lb/GWh Hg emission rate (determined according to ~~paragraph 40 CFR §63.10005(h)(3)(iii)(B) of this section~~) by the maximum potential annual electricity generation (GWh), which is equal to the maximum rated electrical output of the unit (GW) times 8,760 hours. If the maximum rated electrical output value is expressed in units of MW, multiply it by 10<sup>-3</sup> to convert it to GW; or
- (3) If an EGU has a federally-enforceable permit limit on either the annual heat input or the number of annual operating hours, you may modify the calculations in ~~paragraph 40 CFR §63.10005(h)(3)(iii)(C)(1) of this section~~ by replacing the maximum potential annual heat input or 8,760 unit operating hours with the permit limit on annual heat input or operating hours (as applicable).
- d. ~~(4)~~ For a group of affected units that vent to a common stack, you may either assess LEE status for the units individually by performing a separate emission test of each unit in the duct leading from the

unit to the common stack, or you may perform a single emission test in the common stack. If you choose the common stack testing option, the units in the configuration qualify for LEE status if:

1. ~~(i)~~ —The emission rate measured at the common stack is less than 50 percent (10 percent for Hg) of the applicable emission limit in Table 1 or 2 to 40 CFR 63 Subpart UUUUU; or
  2. ~~(ii)~~ —For Hg from an existing EGU, the applicable Hg emission limit in Table 2 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU is met and the potential annual mass emissions, calculated according to paragraph (h)(3)(iii) of this section (with some modifications), are less than or equal to 29.0 pounds times the number of units sharing the common stack. Base your calculations on the combined heat input capacity of all units sharing the stack (i.e., either the combined maximum rated value or, if applicable, a lower combined value restricted by permit conditions or operating hours).
- e. ~~(5)~~ —For an affected unit with a multiple stack or duct configuration in which the exhaust stacks or ducts are downstream of all emission control devices, you must perform a separate emission test in each stack or duct. The unit qualifies for LEE status if:
1. ~~(i)~~ —The emission rate, based on all test runs performed at all of the stacks or ducts, is less than 50 percent (10 percent for Hg) of the applicable emission limit in Table 1 or 2 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU; or
  2. ~~(ii)~~ —For Hg from an existing EGU, the applicable Hg emission limit in Table 2 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU is met and the potential annual mass emissions, calculated according to ~~paragraph 40 CFR §63.10005(h)(3)(iii) of this section,~~ are less than or equal to 29.0 pounds. Use the average Hg emission rate from ~~paragraph 40 CFR §63.10005(h)(5)(i) of this section~~ in your calculations.

**[40 CFR §63.10005(h); 45CSR34] (Unit 1 (1S))**

- 4.3.16. For affected units meeting the LEE requirements of §63.10005(h), you must repeat the performance test once every 3 years (once every year for Hg) according to Table 5 and §63.10007. Should subsequent emissions testing results show the unit does not meet the LEE eligibility requirements, LEE status is lost. If this should occur:

For all pollutant emission limits except for Hg, you must conduct emissions testing quarterly, except as otherwise provided in §63.10021(d)(1).

**[40 CFR §63.10006(b); 45CSR34] (Unit 1 (1S))**

- 4.3.17. If a performance test on a non-mercury LEE shows emissions in excess of 50 percent of the emission limit and if you choose to reapply for LEE status, you must conduct performance tests at the appropriate frequency given in §63.10006(b) for that pollutant until all performance tests over a consecutive 3-year period show compliance with the LEE criteria.

**[40 CFR §63.10006(h); 45CSR34] (Unit 1 (1S))**

- 4.3.18. For candidate LEE units, use the results of the performance testing described in §63.10005(h) to determine initial compliance with the applicable emission limit(s) in Table 2 to ~~this subpart~~ 40 CFR 63 Subpart UUUUU and to determine whether the unit qualifies for LEE status.

**[40 CFR §63.10011(d); 45CSR34] (Unit 1 (1S))**

**4.4. Recordkeeping Requirements**

- 4.4.1. Records of monitored data established in the monitoring plan shall be maintained on site and shall be made available to the Secretary or his duly authorized representative upon request.  
**[45CSR§2-8.3.1.]**
- 4.4.2. Records of the operating schedule and the quantity and quality of fuel consumed in each fuel burning unit, shall be maintained on-site in a manner to be established by the Secretary and made available to the Secretary or his duly authorized representative upon request.  
**[45CSR§2-8.3.3.]**
- 4.4.3. Records of the block 3-hour COMS opacity averages and corrective actions taken during excursions of the CAM plan indicator range shall be maintained on site and shall be made available to the Director or his duly authorized representative upon request. COMS performance data will be maintained in accordance with 40 CFR Part 75 recordkeeping requirements.  
**[45CSR§30-5.1.c.; 40 CFR §64.9(b)] (Unit 1)**
- 4.4.4. **General recordkeeping requirements for 40 CFR Part 64 (CAM)**  
The permittee shall comply with the recordkeeping requirements specified in permit conditions 3.4.1. and 3.4.2. The permittee shall maintain records of monitoring data, monitor performance data, corrective actions taken, any written quality improvement plan required pursuant to 40 CFR §64.8 (condition 4.2.14.) and any activities undertaken to implement a quality improvement plan, and other supporting information required to be maintained under 40 CFR Part 64 (such as data used to document the adequacy of monitoring, or records of monitoring maintenance or corrective actions).  
**[40 CFR §64.9(b); 45CSR§30-5.1.c.] (Unit 1)**
- 4.4.5. For the purposes of determining compliance with condition 4.1.25. of this permit, the permittee shall maintain monthly records of the number of hours the emergency quench pump is operated. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.  
**[45CSR13, R13-0075, 4.2.3]**
- 4.4.6. In order to determine compliance with 4.2.2~~3~~, the permittee shall maintain records of the monthly fuel feed rate and fuel heat content.  
**[45CSR13, R13-0075, 4.4.4.] (Auxiliary Boilers (2S and 3S))**
- 4.4.7. You must keep records according to paragraphs ~~(1)~~(1)a. and ~~(2)~~(2)b. of this condition.
- a. ~~(1)~~(1)—A copy of each notification and report that you submitted to comply with 40 CFR 63 Subpart DDDDD, including all documentation supporting any Initial Notification or Notification of Compliance Status or semiannual\* compliance report that you submitted, according to the requirements in §63.10(b)(2)(xiv).  
*\* Note – Compliance reports are required only once every 5 years for the limited use AUX-1 and AUX-2 pursuant to 40 CFR §63.7550(b) in permit condition 4.5.10.*
- b. ~~(2)~~(2)—Records of performance tests, fuel analyses, or other compliance demonstrations and performance evaluations as required in §63.10(b)(2)(viii).



~~(3) For units in the limited use subcategory, you must keep a copy of the federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent and fuel use records for the days the boiler or process heater was operating.~~

**[45CSR34; 40 CFR §63.7555(a); 45CSR13, R13-0075, 4.4.5] (Auxiliary Boilers (2S and 3S))**

- 4.4.8. All records required to comply with 40 CFR 63 Subpart DDDDD shall be kept in the following form:
- Your records must be in a form suitable and readily available for expeditious review, according to §63.10(b)(1).
  - As specified in §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.
  - You must keep each record on site, or they must be accessible from on site (for example, through a computer network), for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to §63.10(b)(1). You can keep the records off site for the remaining 3 years.

**[45CSR34; 40 CFR §63.7560; 45CSR13, R13-0075, 4.4.8] (Auxiliary Boilers (2S and 3S))**

- 4.4.9. For each unit that meets the definition of limited-use boiler or process heater, you must keep fuel use records for the days the boiler or process heater was operating. For units in the limited use subcategory, you must keep a copy of the federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent.
- [45CSR34; 40 CFR §63.7525(k) and §63.7555(a)(3); 45CSR13, R13-0075, 4.4.9] (Auxiliary Boilers (2S and 3S))**

4.4.10. **Format and Retention of Records for 40 CFR 63 Subpart UUUUU**

- Your records must be in a form suitable and readily available for expeditious review, according to 40 CFR §63.10(b)(1).
- 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.
- 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 CFR §63.10(b)(1). You can keep the records off site for the remaining 3 years.

**[40 CFR §§63.10033(a), (b), and (c); 45CSR34] (Unit 1 (1S))**

- 4.4.11. You must keep records according to paragraphs ~~(1)a.~~ and ~~(2)b.~~ of this condition. If you are required to (or elect to) continuously monitor Hg and/or HCl and/or HF and/or PM emissions, you must keep the records required under appendix A and/or appendix B and/or appendix C and/or appendix D to 40 CFR 63 Subpart UUUUU. If you elect to conduct periodic (e.g., quarterly or annual) performance stack tests, then, for each test completed on or after January 1, 2024, you must keep records of the applicable data elements under 40



CFR §63.7(g). You must also keep records of all data elements and other information in appendix E to ~~this subpart~~ 40 CFR 63 Subpart UUUUU that apply to your compliance strategy.

- a. ~~(1)~~—In accordance with 40 CFR §63.10(b)(2)(xiv), a copy of each notification or report that you submit to comply with 40 CFR 63 Subpart UUUUU. You must also keep records of all supporting documentation for the initial Notifications of Compliance Status, semiannual compliance reports, or quarterly compliance reports that you submit.
- b. ~~(2)~~—Records of performance stack tests, fuel analyses, or other compliance demonstrations and performance evaluations, as required in 40 CFR §63.10(b)(2)(viii).

**[40 CFR §63.10032(a); 45CSR34] (Unit 1 (1S))**

4.4.12. For each CEMS, you must keep records according to paragraphs ~~(1)a.~~ through ~~(4)d.~~ of this condition.

- a. ~~(1)~~—Records described in §63.10(b)(2)(vi) through (xi).
- b. ~~(2)~~—Previous (*i.e.*, superseded) versions of the performance evaluation plan as required in 40 CFR §63.8(d)(3).
- c. ~~(3)~~—Request for alternatives to relative accuracy test for CEMS as required in 40 CFR §63.8(f)(6)(i).
- d. ~~(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.

**[40 CFR §63.10032(b); 45CSR34] (Unit 1 (1S))**

4.4.13. You must keep the records required in Table 7 to 40 CFR 63 Subpart UUUUU to show continuous compliance with each emission limit and operating limit that applies to you.

**[40 CFR §63.10032(c); 45CSR34] (Unit 1 (1S))**

4.4.14. For each EGU subject to an emission limit, you must also keep the records in paragraphs ~~(1)a.~~ and ~~(3)c.~~ of this condition.

- a. ~~(1)~~—You must keep records of monthly fuel use by each EGU, including the type(s) of fuel and amount(s) used.
- b. ~~(2)~~—If you combust non-hazardous secondary materials that have been determined not to be solid waste pursuant to 40 CFR §241.3(b)(1), you must keep a record which documents how the secondary material meets each of the legitimacy criteria. If you combust a fuel that has been processed from a discarded non-hazardous secondary material pursuant to 40 CFR §241.3(b)(2), you must keep records as to how the operations that produced the fuel satisfies the definition of processing in 40 CFR §241.2. If the fuel received a non-waste determination pursuant to the petition process submitted under 40 CFR §241.3(c), you must keep a record which documents how the fuel satisfies the requirements of the petition process.
- c. ~~(3)~~—For an EGU that qualifies as an LEE under 40 CFR §63.10005(h), you must keep annual records that document that your emissions in the previous stack test(s) continue to qualify the unit for LEE status for an applicable pollutant, and document that there was no change in source operations

including fuel composition and operation of air pollution control equipment that would cause emissions of the pollutant to increase within the past year.

**[40 CFR §63.10032(d)(1) through (3); 45CSR34] (Unit 1 (1S))**

4.4.15. Regarding startup periods or shutdown periods:

Should you choose to rely on paragraph (1) of the definition of “startup” in §63.10042 for your EGU, you must keep records of the occurrence and duration of each startup and shutdown.

**[40 CFR §§63.10032(f) and (f)(1); 45CSR34] (Unit 1 (1S))**

4.4.16. You must keep records of the occurrence and duration of each malfunction of an operation (*i.e.*, process equipment) or the air pollution control and monitoring equipment.

**[40 CFR §63.10032(g); 45CSR34] (Unit 1 (1S))**

4.4.17. You must keep records of actions taken during periods of malfunction to minimize emissions in accordance with 40 CFR §63.10000(b) (condition 4.1.33.), including corrective actions to restore malfunctioning process and air pollution control and monitoring equipment to its normal or usual manner of operation.

**[40 CFR §63.10032(h); 45CSR34] (Unit 1 (1S))**

4.4.18. You must keep records of the type(s) and amount(s) of fuel used during each startup or shutdown.

**[40 CFR §63.10032(i); 45CSR34] (Unit 1 (1S))**

#### **4.5. Reporting Requirements**

4.5.1. Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions as defined in 40 CFR Part 60 Subpart D) and-or summary report form (see 40 CFR §60.7(d)), to the Administrator and the Secretary quarterly, except when: a different frequency of reporting is specifically required by an applicable subpart of 40 CFR Part 60 or the Administrator and-or the Secretary, on a case-by-case basis, determines that a different frequency of reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the information as outlined in 40 CFR §60.7(c). The summary report form shall contain the information and be in the format as outlined in 40 CFR §60.7(d) unless otherwise specified by the Administrator or Secretary. One summary report form shall be submitted for each pollutant monitored.

**[45CSR16; 40 CFR §§60.7(c) & (d)]**

4.5.2. The designated representative shall electronically report SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions data and information as specified in 40 CFR §75.64 to the Administrator of USEPA, quarterly. Each electronic report must be submitted within thirty (30) days following the end of each calendar quarter.

**[45CSR33; 40 CFR §75.64]**

4.5.3. A periodic exception report shall be submitted to the Secretary, in a manner and at a frequency to be established by the Secretary. Compliance with this periodic exception reporting requirement shall be demonstrated as outlined in sections I.A.4. and I.B.4. of the “DAQ approved 45CSR2 Monitoring Plan” attached in Appendix A of this permit.

**[45CSR§2-8.3.2.]**

- 4.5.4. Excess opacity periods resulting from any malfunction of Unit 1, Aux 1, Aux 2 or their air pollution control equipment, meeting the following conditions may be reported on a quarterly basis unless otherwise required by the Secretary:
- a. The excess opacity period does not exceed thirty (30) minutes within any twenty-four (24) hour period; and
  - b. Excess opacity does not exceed forty percent (40%).

**[45CSR§2-9.3.1.]**

- 4.5.5. Except as provided in permit condition 4.5.4. above, the owner or operator shall report to the Secretary by telephone, telefax, or e-mail any malfunction of Unit 1 or its associated air pollution control equipment, which results in any excess particulate matter or excess opacity, 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 Secretary within thirty (30) days providing the following information:
- a. A detailed explanation of the factors involved or causes of the malfunction;
  - b. The date, and time of duration (with starting and ending times) of the period of excess emissions;
  - c. An estimate of the mass of excess emissions discharged during the malfunction period;
  - d. The maximum opacity measured or observed during the malfunction;
  - e. Immediate remedial actions taken at the time of the malfunction to correct or mitigate the effects of the malfunction; and
  - f. 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§2-9.3.2.]**

**Acid Rain Program**

- 4.5.6. Unit 1 is a Phase II Acid Rain affected unit under 45CSR33, as defined by 40 C.F.R §72.6, and as such is required to meet the requirements of 40 CFR Parts 72, 73, 74, 75, 76, 77 and 78. These requirements include, but are not limited to:
- a. Hold an Acid Rain permit;
  - b. Hold allowances, as of the allowance transfer deadline, in the unit's compliance sub-account of not less than the total annual emissions of sulfur dioxide for the previous calendar year from the unit;
  - c. Comply with the applicable Acid Rain emissions for sulfur dioxide;
  - d. Comply with the applicable Acid Rain emissions for nitrogen oxides;
  - e. Comply with the monitoring requirements of 40 CFR Part 75 and section 407 of the Clean Air Act of 1990 and regulations implementing section 407 of the Act;

- f. Submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR Part 72, Subpart I and 40 CFR Part 75.

**[45CSR33; 40 CFR Parts 72, 73, 74, 75, 76, 77, 78]**

**4.5.7. General reporting requirements for 40 CFR Part 64 (CAM)**

- a. On and after the date specified in 40 CFR §64.7(a) by which the permittee must use monitoring that meets the requirements of 40 CFR 64, the permittee shall submit monitoring reports to the DAQ in accordance with permit condition 3.5.6.
- b. A report for monitoring under 40 CFR 64 shall include, at a minimum, the information required under permit condition 3.5.8. and the following information, as applicable:
1. ~~(i)~~——Summary information on the number, duration and cause (including unknown cause, if applicable) of excursions or exceedances, as applicable, and the corrective actions taken;
  2. ~~(ii)~~——Summary information on the number, duration and cause (including unknown cause, if applicable) for monitor downtime incidents (other than downtime associated with zero and span or other daily calibration checks, if applicable) provided in accordance with 40 CFR Part 75; and
  3. ~~(iii)~~——A description of the actions taken to implement a QIP during the reporting period as specified in 40 CFR §64.8. Upon completion of a QIP, the permittee shall include in the next summary report documentation that the implementation of the plan has been completed and reduced the likelihood of similar levels of excursions or exceedances occurring.

**[40 CFR §64.9(a); 45CSR§30-5.1.e.] (Unit 1)**

- 4.5.8. **Notification of Compliance Status for 40 CFR 63 Subpart DDDDD.** You must submit the Notification of Compliance Status containing the results of the initial compliance demonstration according to the requirements in 40 CFR §63.7545(e).

- a. ~~(1)~~——A description of the affected unit(s) including identification of which subcategories the unit is in, the design heat input capacity of the unit, a description of the add-on controls used on the unit to comply with ~~this subpart~~40 CFR 63 Subpart DDDDD, description of the fuel(s) burned, including whether the fuel(s) were a secondary material determined by you or the EPA through a petition process to be a non-waste under §241.3 of this chapter, whether the fuel(s) were a secondary material processed from discarded non-hazardous secondary materials within the meaning of §241.3 of this chapter, and justification for the selection of fuel(s) burned during the compliance demonstration.
- b. ~~(8)~~——In addition to the information required in 40 CFR §63.9(h)(2), your notification of compliance status must include the following certification(s) of compliance, as applicable, and signed by a responsible official:

~~(i)~~——“This facility complies with the required initial tune-up according to the procedures in 40 CFR §63.7540(a)(10)(i) through (vi).”

The notification must be sent to the Director (and a copy to U.S. EPA) before the close of business on the 60th day following the completion of the initial tune-up (condition 4.1.26.)

**[40 CFR §§63.7530(f), 63.7545(a), 63.7545(e)(1) and (8)(i); 40 CFR §§63.9(a)(4)(ii) and 63.9(h)(2)(ii); 45CSR34] (Auxiliary Boilers 2S and 3S)**

4.5.9. You must report each instance in which you did not meet each work practice standard in Table 3 to 40 CFR 63 Subpart DDDDD that apply to you (conditions 4.1.26. and 4.1.27.). These instances are deviations from the work practice standards in 40 CFR 63 Subpart DDDDD. These deviations must be reported according to the requirements in 40 CFR §63.7550 (condition 4.5.10.).

**[40 CFR §63.7540(b); 45CSR34] (Auxiliary Boilers 2S and 3S)**

4.5.10. You must submit a Compliance report for 40 CFR 63 Subpart DDDDD containing:

a. The information in §63.7550(c)(5)(i) through (iv), (xiv) and (xvii), which is:

1. ~~(i)~~ — Company and Facility name and address.
2. ~~(ii)~~ — Process unit information, emissions limitations, and operating parameter limitations.
3. ~~(iii)~~ — Date of report and beginning and ending dates of the reporting period.
4. ~~(iv)~~ — The total operating time during the reporting period.
5. ~~(xiv)~~ — Include the date of the most recent tune-up for each unit subject to only the requirement to conduct a 5 year tune-up according to 40 CFR §63.7540(a)(12). Include the date of the most recent burner inspection if it was not done on a 5 year period and was delayed until the next scheduled or unscheduled unit shutdown.
6. ~~(xvii)~~ — Statement by a responsible official with that official's name, title, and signature, certifying the truth, accuracy, and completeness of the content of the report.

b. You must submit the report every 5 years according to the requirements in 40 CFR §63.7550(b), which are:

1. ~~(1)~~ — The first compliance report must cover the period beginning on the compliance date that is specified for each boiler or process heater in 40 CFR §63.7495 and ending on December 31 within 5 years after the compliance date that is specified for your source in 40 CFR §63.7495.
2. ~~(2)~~ — The first 5-year compliance report must be postmarked or submitted no later than January 31.
3. ~~(3)~~ — Each subsequent 5-year compliance report must cover the 5-year periods from January 1 to December 31.
4. ~~(4)~~ — Each subsequent 5-year compliance report must be postmarked or submitted no later than January 31.

5. ~~(5)~~ —You may submit the first and subsequent compliance reports according to the dates in permit condition 3.5.6. instead of according to the dates in paragraphs (1) through (4) of this condition.
- c. If you have a deviation from a work practice standard for periods of startup and shutdown, during the reporting period, the report must contain the following information:
  1. A description of the deviation and of the work practice standard from which you deviated.
  2. Information on the number, duration, and cause of deviations (including unknown cause), as applicable, and the corrective action taken.
- d. If there are no deviations from the requirements for work practice standards for periods of startup and shutdown in Table 3 to 40 CFR 63 Subpart DDDDD that apply to you, a statement that there were no deviations from the work practice standards during the reporting period.

You must submit all reports required by Table 9 of 40 CFR 63 Subpart DDDDD electronically to the EPA via the CEDRI. (CEDRI can be accessed through the EPA's CDX.) You must use the appropriate electronic report in CEDRI for ~~this subpart~~ 40 CFR 63 Subpart DDDDD. Instead of using the electronic report in CEDRI for 40 CFR 63 Subpart DDDDD, you may submit an alternate electronic file consistent with the XML schema listed on the CEDRI Web site (<http://www.epa.gov/ttn/chief/cedri/index.html>), once the XML schema is available. If the reporting form specific to ~~this subpart~~ 40 CFR 63 Subpart DDDDD is not available in CEDRI at the time that the report is due, you must submit the report to the Administrator at the appropriate address listed in 40 CFR §63.13. You must begin submitting reports via CEDRI no later than 90 days after the form becomes available in CEDRI.

**[40 CFR §§63.7550(a), (b), (c)(1), (d)(1), and (d)(2); Table 9, Items #1.a. b., and c.; 40 CFR §63.7550(h)(3); 45CSR34] (Auxiliary Boilers 2S and 3S)**

- 4.5.11. You must submit the applicable reports and notifications required under 40 CFR §63.10031(a) through (k) to the Administrator electronically, using EPA's Emissions Collection and Monitoring Plan System (ECMPS) Client Tool. If the final date of any time period (or any deadline) for any of these submissions falls on a weekend or a Federal holiday, the time period shall be extended to the next business day. Moreover, if the EPA Host System supporting the ECMPS Client Tool is offline and unavailable for submission of reports for any part of a day when a report would otherwise be due, the deadline for reporting is automatically extended until the first business day on which the system becomes available following the outage. Use of the ECMPS Client Tool to submit a report or notification required under ~~this subpart~~ 40 CFR 63 Subpart UUUUU satisfies any requirement under subpart A of 40 CFR Part 63 to submit that same report or notification (or the information contained in it) to the appropriate EPA Regional office or state agency whose delegation request has been approved.

**[40 CFR §63.10021(f); 45CSR34] (Unit 1 (1S))**

- 4.5.12. You must report each instance in which you did not meet an applicable emissions limit or operating limit in Tables 2 and 3 to 40 CFR 63 Subpart UUUUU or failed to conduct a required tune-up. These instances are deviations from the requirements of 40 CFR 63 Subpart UUUUU. These deviations must be reported according to 40 CFR §63.10031.

**[40 CFR §63.10021(g); 45CSR34] (Unit 1 (1S))**

- 4.5.13. You must submit compliance reports for 40 CFR 63 Subpart UUUUU containing:



- a. Excess emissions and deviation reporting. For EGUs whose owners or operators rely on a CMS to comply with an emissions or operating limit, you must, include in the quarterly compliance reports described in 40 CFR §63.10031(g) the applicable data elements in section 13 of appendix E to 40 CFR 63 Subpart UUUUU for any “deviation” (as defined in 40 CFR §63.10042 and elsewhere in 40 CFR 63 Subpart UUUUU) that occurred during the calendar quarter. If there were no deviations, you must include a statement to that effect in the quarterly compliance report.
- b. Starting with a report for the first calendar quarter of 2024, you must use the ECMPS Client Tool to submit quarterly electronic compliance reports. Each quarterly compliance report must be in XML format and shall include the applicable data elements in sections 2 through 13 of appendix E to 40 CFR 63 Subpart UUUUU. For each stack test summarized in the compliance report, you must also submit the applicable reference method information in sections 17 through 31 of appendix E to 40 CFR 63 Subpart UUUUU. The compliance reports and associated appendix E information must be submitted no later than 60 days after the end of each calendar quarter.
- c. If you are required to (or elect to) monitor Hg emissions continuously, you must meet the electronic reporting requirements of appendix A to 40 CFR 63 Subpart UUUUU.
- d. If you elect to monitor SO<sub>2</sub> emission rate continuously as a surrogate for HCl, you must use the ECMPS Client Tool to submit the information in 40 CFR §63.10031(a)(5) to EPA (except where it is already required to be reported or has been previously provided under the Acid Rain Program or another emissions reduction program that requires the use of 40 CFR part 75).

**[40 CFR §§63.10031(a)(1) and (5), Table 8, Items #1, #5 and #11; 40 CFR §63.10031(d); 40 CFR §63.10031(g); 45CSR34] (Unit 1 (1S))**

- 4.5.14. Quarterly compliance reports shall be submitted, in accordance with 40 CFR §63.10031(g), starting with a report covering the first calendar quarter of 2024.  
**[40 CFR §§63.10031(b)(6); 45CSR34] (Unit 1 (1S))**
- 4.5.15. You must report all deviations as defined in 40 CFR 63 Subpart UUUUU in the semiannual monitoring report required by condition 3.5.6. If an affected source submits a semiannual compliance report pursuant to 40 CFR §§63.10031(c) and (d) or two quarterly compliance reports covering the appropriate calendar half pursuant to 40 CFR §63.10031(g), along with, or as part of, the semiannual monitoring report required by condition 3.5.6., and the compliance report(s) includes all required information concerning deviations from any emission limit, operating limit, or work practice requirement in 40 CFR 63 Subpart UUUUU, submission of the compliance report(s) satisfies any obligation to report the same deviations in the semiannual monitoring report. Submission of the compliance report(s) does not otherwise affect any obligation the affected source may have to report deviations from permit requirements to the permit authority.  
**[40 CFR §63.10031(e); 45CSR34] (Unit 1 (1S))**
- 4.5.16. For each performance stack test completed on or after January 1, 2024, (including 30- (or 90-) boiler operating day Hg LEE demonstration tests, in accordance with 40 CFR §63.10031(g), submit the applicable



reference method information in sections 17 through 31 of appendix E to 40 CFR 63 Subpart UUUUU along with the quarterly compliance report for the calendar quarter in which the test was completed.

- a. ~~(+)~~—For each SO<sub>2</sub> or Hg RATA completed on or after January 1, 2024, you must submit the electronic test summary required by appendix A to 40 CFR 63 Subpart UUUUU or 40 CFR Part 75 (as applicable) together with the applicable reference method information in sections 17 through 31 of appendix E to 40 CFR 63 Subpart UUUUU prior to or concurrent with the relevant quarterly emissions report. For HCl or HF RATAs, and for correlation tests, RRAs, and RCAs of PM CEMS that are completed on or after January 1, 2024, submit the appendix E reference method information together with the summarized electronic test results, in accordance with section 11.4 of appendix B to 40 CFR 63 Subpart UUUUU or section 7.2.4 of appendix C to 40 CFR Part 63, as applicable.
- b. ~~(+)~~—Quarterly compliance reports shall be submitted in XML format, in accordance with 40 CFR §63.10031(g), starting with a report covering the first calendar quarter of 2024.
- c. ~~(5)~~—All reports required by 40 CFR 63 Subpart UUUUU not subject to the requirements in 40 CFR §§63.10031(f) introductory text and (f)(1) through (4) must be sent to the Administrator at the appropriate address listed in 40 CFR §63.13. If acceptable to both the Administrator and the owner or operator of an EGU, these reports may be submitted on electronic media. The Administrator retains the right to require submittal of reports subject to 40 CFR §§63.10031(f) introductory text and (f)(1) through (4) in paper format.
- d. ~~(6)~~—All reports and notifications described in 40 CFR §§63.10031(f) introductory text, (f)(1), (2), and (4) shall be submitted to the EPA in the specified format and at the specified frequency, using the ECMPS Client Tool. Each PDF version of a stack test report, CEMS RATA report, PM CEMS correlation test report, RRA report, and RCA report must include sufficient information to assess compliance and to demonstrate that the reference method testing was done properly. The following data elements must be entered into the ECMPS Client Tool at the time of submission of each PDF file:
  1. ~~(i)~~—The facility name, physical address, mailing address (if different from the physical address), and county;
  2. ~~(ii)~~—The ORIS code (or equivalent ID number assigned by EPA's Clean Air Markets Division (CAMD)) and the Facility Registry System (FRS) ID;
  3. ~~(iii)~~—The EGU (or EGUs) to which the report applies. Report the EGU IDs as they appear in the CAMD Business System;
  4. ~~(iv)~~—If any of the EGUs in paragraph (f)(6)(iii) of this section share a common stack, indicate which EGUs share the stack. If emissions data are monitored and reported at the common stack according to part 75 of this chapter, report the ID number of the common stack as it is represented in the electronic monitoring plan required under §75.53 of this chapter;
  5. ~~(v)~~—If any of the EGUs described in paragraph (f)(6)(iii) of this section are in an averaging plan under §63.10009, indicate which EGUs are in the plan and whether it is a 30- or 90-day averaging plan;

6. ~~(vi)~~ —The identification of each emission point to which the report applies. An “emission point” is a point at which source effluent is released to the atmosphere, and is either a dedicated stack that serves one of the EGUs identified in paragraph (f)(6)(iii) of this section or a common stack that serves two or more of those EGUs. To identify an emission point, associate it with the EGU or stack ID in the CAMD Business system or the electronic monitoring plan (e.g., “Unit 2 stack,” “common stack CS001,” or “multiple stack MS001”);
7. ~~(vii)~~ —An indication of the type of PDF report or notification being submitted;
8. ~~(viii)~~ —The pollutant(s) being addressed in the report;
9. ~~(ix)~~ —The reporting period being covered by the report (if applicable);
10. ~~(x)~~ —The relevant test method that was performed for a performance test (if applicable);
11. ~~(xi)~~ —The date the performance test was completed (if applicable) and the test number (if applicable); and
12. ~~(xii)~~ —The responsible official's name, title, and phone number.

**[40 CFR §§63.10031(f), 63.10031(f)(1), 63.10031(f)(4), 63.10031(f)(5), 63.10031(f)(6); Table 8, Items #6, #7, #9, and #10; 45CSR34] (Unit 1 (1S))**

- 4.5.17. You must submit all of the notifications in 40 CFR §63.7(b) and §63.7(c), and §63.8 (e), by the dates specified.

**[40 CFR §63.10030(a); 45CSR34] (Unit 1 (1S))**

#### **4.6. Compliance Plan**

- 4.6.1. Reserved.

**5.0 Coal and Ash Handling [emission point ID(s): *Emission points listed in the Coal Handling System and Ash Handling System sections of the Emission Units Table* ]**

**5.1. Limitations and Standards**

5.1.1. The Coal and Ash handling systems are subject to 45CSR§2-5 as outlined in the facility wide section of this permit (condition 3.1.9.) regarding fugitive dust control system.

5.1.2. The permitted facility (Emission Unit ID#15S-Conveyor C-M5) shall comply with all the applicable standard provisions of the 40CFR60 Subpart Y *Standards of Performance for Coal Preparation Plants*, provided, however, that compliance with any more stringent limitations, is demonstrated:

On and after the date on which the performance test required to be conducted by 40 CFR §60.8 is completed, an owner or operator subject to the provisions of 40 CFR Part 60 Subpart Y shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.

[45CSR16 & 40 CFR §60.254 (a), C-M5]

5.1.3. The amount of coal unloaded from the mine conveyor (M5) shall not exceed 1800 tons per hour nor 3,000,000 tons per year based on a 12 month rolling total.

[45CSR13, R13-0075, 4.1.19]

**5.2. Monitoring Requirements**

5.2.1. To demonstrate compliance with condition 5.1.2., the permittee shall perform monthly visible emissions observations. The monthly visible emission observations shall consist of Method 22 like visible emissions checks. The checks shall be performed during periods of normal operation and appropriate weather conditions, and for a sufficient time interval, but no less than one minute, to determine if any visible emissions are present. If visible emissions are observed, the permittee shall conduct an opacity evaluation in accordance with Method 9 of 40 CFR 60, Appendix A within 24 hours unless the visible emissions are corrected beforehand.

[45CSR§30-5.1.c.]

**5.3. Testing Requirements**

5.3.1. Reserved.

**5.4. Recordkeeping Requirements**

5.4.1. For the purposes of determining compliance with condition 5.1.3., the permittee shall maintain monthly records of the amount of coal received from the mine conveyor. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.

[45CSR13, R13-0075, 4.2.15]

**5.5. Reporting Requirements**

5.5.1. Reserved.

## **5.6. Compliance Plan**

5.6.1. Reserved.

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**6.0 Limestone Handling System [emission point ID(s): *Emission points listed in the Limestone Barge unloading to storage (5S) and Limestone Processing System (7S) sections of the Emission Units Table* ]**

**6.1. Limitations and Standards**

6.1.1. The permitted facility (Limestone processing system (7S)) shall comply with all the applicable standard provisions of the 40CFR60 Subpart ~~OOO~~-*Standards of Performance for Nonmetallic Mineral Processing Plants*, provided, however, that compliance with any more stringent limitations, is demonstrated:

**§60.672 Standard for particulate matter.**

- a. ~~(b)~~—Affected facilities must meet the fugitive emission limits and compliance requirements in Table 3 of ~~this subpart~~40 CFR 60 Subpart OOO within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup as required under §60.11. The requirements in Table 3 of ~~this subpart~~40 CFR 60 Subpart OOO apply for fugitive emissions from affected facilities without capture systems.

**Table 3 to Subpart OOO of Part 60—Fugitive Emission Limits**

For * * *	The owner or operator must meet the following fugitive emissions limit for grinding mills, screening operations, bucket elevators, transfer points on belt conveyors, bagging operations, storage bins, enclosed truck or railcar loading stations or from any other affected facility (as defined in §§60.670 and 60.671) * * *	The owner or operator must meet the following fugitive emissions limit for crushers at which a capture system is not used * * *	The owner or operator must demonstrate compliance with these limits by conducting * * *
Affected facilities (as defined in §§60.670 and 60.671) that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008	10 percent opacity	15 percent opacity	An initial performance test according to §60.11 of <del>this part</del> <u>40 CFR Part 60</u> and §60.675 of <del>this subpart</del> <u>40 CFR 60 Subpart OOO</u> .

- b. ~~(c)~~—If any transfer point on a conveyor belt or any other affected facility is enclosed in a building, then each enclosed affected facility must comply with the emission limits in paragraphs (a) and (b) of this section, or the building enclosing the affected facility or facilities must comply with the following emission limits:

~~(+)~~—Fugitive emissions from the building openings (except for vents as defined in §60.671) must not exceed 7 percent opacity.

**[45CSR16; 40 CFR §§60.672(b) and (e) ~~(1)~~ and Table 3 to 40 CFR 60 Subpart OOO]**

- 6.1.2. The limestone handling system is subject to 45CSR§2-5 as outlined in the facility wide section of this permit (condition 3.1.9.) regarding fugitive dust control systems.
- 6.1.3. The amount of limestone unloaded from barges (conveyor ZU-CV-70001) shall not exceed 1500 tons per hour nor 1,092,000 tons per year based on a 12 month rolling total. For the purposes of this permit a 12 month rolling total means the sum of material throughput at the end of any given month for the previous 12 months.  
**[45CSR13, R13-0075, 4.1.7]**
- 6.1.4. The amount of limestone processed at the facility (conveyor ZU-CV-70005) shall not exceed 400 tons per hour nor 802,560 tons per year based on a 12 month rolling total.  
**[45CSR13, R13-0075, 4.1.8]**
- 6.1.5. The amount of limestone processed through Roll Crusher 7S shall not exceed 350 tons per hour nor 216,000 tons per year based on a 12 month rolling total.  
**[45CSR13, R13-0075, 4.1.20]**

## **6.2. Monitoring Requirements**

- 6.2.1. To demonstrate compliance with condition 6.1.1. ~~5.2~~, the permittee shall perform monthly visible emissions observations. The monthly visible emission observations shall consist of Method 22 like visible emissions checks. The checks shall be performed during periods of normal operation and appropriate weather conditions, and for a sufficient time interval, but no less than one minute, to determine if any visible emissions are present. If visible emissions are observed, the permittee shall conduct an opacity evaluation in accordance with Method 9 of 40 CFR 60, Appendix A within 24 hours unless the visible emissions are corrected beforehand.  
**[45CSR§30-5.1.c.]**

## **6.3. Testing Requirements**

- 6.3.1. Reserved.

## **6.4. Recordkeeping Requirements**

- 6.4.1. For the purposes of determining compliance with condition 6.1.4 of this permit, the permittee shall maintain monthly records of the amount of limestone processed at the facility. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.  
**[45CSR13, R13-0075, 4.2.5]**
- 6.4.2. For the purpose of determining compliance with condition 6.1.3. of this permit, the permittee shall maintain monthly records of the amount of limestone unloaded from barges. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.4]**

- 6.4.3. For the purposes of determining compliance with condition 6.1.5 of this permit, the permittee shall maintain monthly records of the amount of limestone processed through the roll crusher. Alternatively, the permittee may keep records certifying the maximum hourly capacity of the crusher and the daily hours of operation of said crusher. These records shall be maintained on site for a period of not less than five (5) years. These records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.16]**

**6.5. Reporting Requirements**

- 6.5.1. Reserved.

**6.6. Compliance Plan**

- 6.6.1. Reserved.

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## 7.0 Gypsum, WWTP and Mitigation Material Handling System

### 7.1. Limitations and Standards

- 7.1.1. The amount of gypsum loaded out to barge (conveyor ZB-CV-70011) shall not exceed 250 tons per hour nor 1,448,000 tons per year based on a 12 month rolling total.  
[45CSR13, R13-0075, 4.1.9]
- 7.1.2. The amount of gypsum and Chloride Purge Stream Waste Water Treatment Plant solids belted to the landfill (Conveyor ZB-CV-70003) shall not exceed 1700 tons per hour nor 4,026,000 tons per year based on a 12 month rolling total.  
[45CSR13, R13-0075, 4.1.10]
- 7.1.3. The amount of gypsum and CPS Waste Water Treatment Plant solids trucked to the landfill shall not exceed 694 tons per hour nor 4,026,000 tons per year based on a 12 month rolling total.  
[45CSR13, R13-0075, 4.1.11]
- 7.1.4. a. The amount of gypsum from the emergency pile and CPS WWTP solids trucked to the landfill shall not exceed 694 tons per hour nor 162,400 tons per year based on a 12 month rolling total.
- b. The amount of gypsum trucked off-site for sale from the emergency pile shall not exceed 500 tons per hour nor 1,488,000 tons per year based on a 12 month rolling total.

**45CSR13, R13-0075, 4.1.17]**

- 7.1.5. The amount of chemicals received for the CPS WWTP shall not exceed the following:

Chemical	Hourly Rate	Annual Rate
Ferric Chloride	20 gal. per hour	74,000 gal/yr
Hydrochloric Acid	25 gal. per hour	108,000 gal/yr
Sulfuric Acid	10 gal. per hour	43,000 gal/yr
Hydrated Lime	920 lb/hr	2000 ton/yr

**[45CSR13, R13-0075, 4.1.18]**

- 7.1.6. The amount of magnesium hydroxide used at the facility shall not exceed 10,512,000 gallons per year based on a 12 month rolling total.  
[45CSR13, R13-0075 section 4.1.12]
- 7.1.7. The amount of hydrated lime used at the facility shall not exceed 35,916 tons per year based on a 12 month rolling total.  
[45CSR13, R13-0075 section 4.1.13]
- 7.1.8. The amount of Trona used at the facility shall not exceed 21,900 tons per year based on a 12 month rolling total.  
[45CSR13, R13-0075 section 4.1.14]

- 7.1.9. The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water as often as is necessary in order to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads and other work areas where mobile equipment is used. The spraybar shall be equipped with spray nozzles, of sufficient size and number, so as to provide adequate coverage to the area being treated.

The pump delivering the water shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water and at a sufficient pressure, so as to assure that the treatment process will minimize the atmospheric entrainment of fugitive particulate emissions generated from the haulroads and work areas where mobile equipment is used.

Additionally, at least twice per year the permittee shall apply a mixture of water and an environmentally acceptable dust control additive hereafter referred to as solution to all unpaved haul roads. The solution shall have a concentration of dust control additive sufficient to minimize the atmospheric entrainment of fugitive particulate emissions that may be generated from haulroads.

For paved haulroads, the use of a wet road sweeper is an acceptable alternative to a water truck as long as it is operated in such a manner as to assure minimization of the atmospheric entrainment of fugitive particulate emissions.

[45CSR13, R13-0075, 4.1.16]

## **7.2. Monitoring Requirements**

- 7.2.1. Reserved.

## **7.3. Testing Requirements**

- 7.3.1. Reserved.

## **7.4. Recordkeeping Requirements**

- 7.4.1. For the purposes of determining compliance with condition 7.1.1 of this permit, the permittee shall maintain monthly records of the amount of gypsum loaded out to barges. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.

[45CSR13 , R13-0075, 4.2.6]

- 7.4.2. For the purposes of determining compliance with condition 7.1.2. of this permit, the permittee shall maintain monthly records of the amount of gypsum and CPS WWTP Solids belted to the landfill. These records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.

[45CSR13, R13-0075, 4.2.7]

- 7.4.3. For the purposes of determining compliance with condition 7.1.3 of this permit, the permittee shall maintain monthly records of the amount of gypsum and CPS WWTP solids trucked to the landfill. These

records shall be maintained on site for a period of not less than five (5) years. The records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.8]**

- 7.4.4. a. For the purposes of determining compliance with condition 7.1.4.a. of this permit, the permittee shall maintain monthly records of the amount of gypsum and CPS WWTP solids trucked to the landfill. These records shall be maintained on site for a period of not less than five (5) years. These records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.
- b. For the purposes of determining compliance with condition 7.1.4.b. of this permit, the permittee shall maintain monthly records of the amount of gypsum trucked offsite. These records shall be maintained on site for a period of not less than five (5) years. These records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.13]**

- 7.4.5. For the purposes of determining compliance with condition 7.1.5 of this permit, the permittee shall maintain monthly records of the amount of chemicals used at the CPS WWTP facility. These records shall be maintained on site for a period of not less than five (5) years. These records shall be certified and made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.14]**

- 7.4.6. For the purposes of determining compliance with condition 7.1.6 of this permit, the permittee shall maintain monthly records of the amount of magnesium hydroxide used at the facility. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.9]**

- 7.4.7. For the purposes of determining compliance with condition 7.1.7 of this permit, the permittee shall maintain monthly records of the amount of hydrated lime used at the facility. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.10]**

- 7.4.8. For the purposes of determining compliance with condition 7.1.8 of this permit, the permittee shall maintain monthly records of the amount of Trona used at the facility. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.11]**

- 7.4.9. For the purposes of determining compliance with condition 7.1.9 of this permit, the permittee shall maintain records of the amount of dust control additive used at the facility and the dates the solution was applied. These records shall be maintained on site for a period of not less than five (5) years and certified records shall be made available to the Director or a duly authorized representative of the Director upon request.

**[45CSR13, R13-0075, 4.2.12]**

## **7.5. Reporting Requirements**

7.5.1. Reserved.

## **7.6. Compliance Plan**

7.6.1. Reserved.

Draft Only

## 8.0 Emergency Fire Pump Engines [emission point ID(s): 17S]

### 8.1. Limitations and Standards

#### 8.1.1. §60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?

- a. ~~(e)~~—Owners and operators of fire pump engines with a displacement of less than 30 liters per cylinder must comply with the emission standards in table 4 to ~~this subpart~~40 CFR 60 Subpart IIII, for all pollutants.

Table 4 to Subpart IIII of Part 60—Emission Standards for Stationary Fire Pump Engines  
[As stated in §§60.4202(d) and 60.4205(c), you must comply with the following emission standards for stationary fire pump engines]

Maximum engine power	Model year(s)	NMHC + NO <sub>x</sub>	CO	PM
225≤KW<450 (300≤HP<600)	2008 and earlier	10.5 (7.8)	3.5 (2.6)	0.54 (0.40)
	2009 + <sup>3</sup>	4.0 (3.0)	3.5 (2.6)	0.20 (0.15)

<sup>3</sup>In model years 2009–2011, manufacturers of fire pump stationary CI ICE in this engine power category with a rated speed of greater than 2,650 rpm may comply with the emission limitations for 2008 model year engines.

[45CSR16; 40 CFR §60.4205(c) and Table 4 to 40 CFR 60 Subpart IIII]

#### 8.1.2. §60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to ~~this subpart~~40 CFR 60 Subpart IIII?

- a. ~~(b)~~—Beginning October 1, 2010, owners and operators of stationary CI ICE subject to ~~this subpart~~40 CFR 60 Subpart IIII with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR §60.1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.
- b. ~~(e)~~—Stationary CI ICE that have a national security exemption under §60.4200(d) are also exempt from the fuel requirements in this section.

[45CSR16; 40 CFR §§60.4207(b) and (e)]

#### 8.1.3. §60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in §§60.4204 and 60.4205 over the entire life of the engine.

[45CSR16; 40 CFR §60.4206]

8.1.4. **§63.6590 What parts of my plant does ~~this subpart~~40 CFR 60 Subpart ZZZZ cover?**

- a. ~~(e)~~—Stationary RICE subject to Regulations under 40 CFR Part 60. An affected source that meets any of the criteria in paragraphs (c)(1) through (7) of ~~this section~~40 CFR §63.6590 must meet the requirements of ~~this part~~40 CFR Part 63 by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under ~~this part~~40 CFR Part 63.

~~(6)~~—A new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake HP located at a major source of HAP emissions;

[45CSR34; 40 CFR §63.6590(c)(6)]

**8.2. Monitoring Requirements**

8.2.1. **§60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?**

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in §60.4211.

~~(a)~~—If you are an owner or operator of an emergency stationary CI internal combustion engine that does not meet the standards applicable to non-emergency engines, you must install a non-resettable hour meter prior to startup of the engine.

[45CSR16; 40 CFR §60.4209(a)]

8.2.2. **§60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine?**

- a. ~~(a)~~—If you are an owner or operator and must comply with the emission standards specified in ~~this subpart~~40 CFR 60 Subpart IIII, you must do all of the following, except as permitted under ~~paragraph~~40 CFR §60.4211(g) of this section:;
1. ~~(1)~~—Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;
  2. ~~(2)~~—Change only those emission-related settings that are permitted by the manufacturer; and
  3. ~~(3)~~—Meet the requirements of 40 CFR part 1068, as they apply to you.
- b. ~~(e)~~—If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in §60.4204(b) or §60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to ~~this subpart~~40 CFR 60 Subpart IIII and must comply with the emission standards specified in §60.4205(c), you must comply by purchasing an engine certified to the emission standards in §60.4204(b), or §60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in ~~paragraph (g) of this section~~40 CFR §60.4211(g).

- c. ~~(f)~~—If you own or operate an emergency stationary ICE, you must operate the emergency stationary ICE according to the requirements in ~~paragraphs 40 CFR §§60.4211(f)(1) through (3) of this section.~~ In order for the engine to be considered an emergency stationary ICE under ~~this subpart 40 CFR 60 Subpart III~~, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in ~~paragraphs 40 CFR §§60.4211(f)(1) through (3), is prohibited. If you do not operate the engine according to the requirements in paragraphs 40 CFR §§60.4211(f)(1) through (3), the engine will not be considered an emergency engine under this subpart 40 CFR 60 Subpart III and must meet all requirements for non-emergency engines.~~
1. ~~(f)~~—There is no time limit on the use of emergency stationary ICE in emergency situations.
  2. ~~(2)~~—You may operate your emergency stationary ICE for the purpose specified in ~~paragraph 40 CFR §60.4211(f)(2)(i) of this section~~ for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by ~~paragraph 40 CFR §60.4211(f)(3) of this section~~ counts as part of the 100 hours per calendar year allowed by this ~~paragraph 40 CFR §60.4211(f)(2).~~
    - ~~(i)~~—Emergency stationary ICE 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 ICE beyond 100 hours per calendar year.
  3. ~~(3)~~—Emergency stationary ICE 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 40 CFR §60.4211(f)(2) of this section.~~ Except as provided in ~~paragraph 40 CFR §60.4211(f)(3)(i) of this section,~~ the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.
    - ~~(i)~~—The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:
      - (A). ~~(A)~~—The engine is dispatched by the local balancing authority or local transmission and distribution system operator;
      - (B). ~~(B)~~—The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
      - (C). ~~(C)~~—The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.



- (D). ~~(D)~~ The power is provided only to the facility itself or to support the local transmission and distribution system.
- (E). ~~(E)~~ The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.
- d. ~~(g)~~ If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:
- ~~(2)~~ —If you are an owner or operator of a stationary CI internal combustion engine greater than or equal to 100 HP and less than or equal to 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer.

[45CSR16; 40 CFR §§60.4211 (a), (c), (f) and (g)(2)]

### 8.3. Testing Requirements

#### 8.3.1. §60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to ~~this subpart~~ 40 CFR 60 Subpart IIII must do so according to paragraphs ~~(a)~~<sub>2</sub> through ~~(e)~~<sub>2</sub> of this section.

- a. ~~(a)~~ The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F, for stationary CI ICE with a displacement of less than 10 liters per cylinder, and according to 40 CFR part 1042, subpart F, for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder. Alternatively, stationary CI ICE that are complying with Tier 2 or Tier 3 emission standards as described in 40 CFR part 1039, appendix I, or with Tier 2 emission standards as described in 40 CFR part 1042, appendix I, may follow the testing procedures specified in §60.4213, as appropriate.
- b. ~~(b)~~ Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

- c. ~~(e)~~—Exhaust emissions from stationary CI ICE subject to Tier 2 or Tier 3 emission standards as described in 40 CFR part 1039, appendix I, or Tier 2 emission standards as described in 40 CFR part 1042, appendix I, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \quad (\text{Eq. 1})$$

Where:

STD = The standard specified for that pollutant in 40 CFR part 1039 or 1042, as applicable.

- d. ~~(d)~~—Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in §60.4204(a), §60.4205(a), or §60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in §60.4204(a), §60.4205(a), or §60.4205(c), determined from the equation in paragraph (c) of this section.

Where:

STD = The standard specified for that pollutant in §60.4204(a), §60.4205(a), or §60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in §60.4204(a), §60.4205(a), or §60.4205(c) may follow the testing procedures specified in §60.4213, as appropriate.

- e. ~~(e)~~—Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1042 must not exceed the NTE standards for the same model year and maximum engine power as required in 40 CFR 1042.101(c).

[45CSR16; 40 CFR §60.4212]

#### 8.4. Recordkeeping Requirements

- 8.4.1. **§60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?**

~~(b)~~—If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to ~~this subpart~~ 40 CFR 60 Subpart IIII, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

[45CSR16; 40 CFR §60.4214 (b)]

#### 8.5. Reporting Requirements

8.5.1. **§60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?**

- a. ~~(d)~~—If you own or operate an emergency stationary CI ICE with a maximum engine power more than 100 HP that operates for purpose specified in §60.4211(f)(3)(i), you must submit an annual report according to the following requirements ~~in paragraphs (d)(1) through (3) of this section.~~
1. ~~(i)~~—The report must contain the following information:
    - (A). ~~(i)~~—Company name and address where the engine is located.
    - (B). ~~(ii)~~—Date of the report and beginning and ending dates of the reporting period.
    - (C). ~~(iii)~~—Engine site rating and model year.
    - (D). ~~(iv)~~—Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.
    - (E). ~~(vii)~~—Hours spent for operation for the purposes specified in §60.4211(f)(3)(i), including the date, start time, and end time for engine operation for the purposes specified in §60.4211(f)(3)(i). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.
  2. ~~(2)~~—The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.
  3. ~~(3)~~—The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). However, if the reporting form specific to this subpart 40 CFR 60 Subpart IIII is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in §60.4. Beginning on February 26, 2025, submit annual report electronically according to paragraph (g) of this section.
- b. ~~(f)~~—Beginning on February 26, 2025, within 60 days after the date of completing each performance test required by this subpart 40 CFR 60 Subpart IIII, you must submit the results of the performance test required under this section 40 CFR §60.4214 following the procedures specified in paragraphs 40 CFR §§60.4214 (f)(1) and (2) of this section.
1. ~~(1)~~—***Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test.*** Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), according to paragraph (g) of this section. The data must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.

2. ~~(2)~~ — **Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.** The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI according to ~~paragraph (g) of this section.~~ 40 CFR §60.4214(g).
- c. ~~(g)~~ — If you are required to submit notifications or reports following the procedure specified in ~~this paragraph 40 CFR §60.4214(g),~~ you must submit notifications or reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as CBI. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information in the report or notification, you must submit a complete file in the format specified in ~~this subpart 40 CFR 60 Subpart III,~~ including information claimed to be CBI, to the EPA following the procedures in ~~paragraphs 40 CFR §§60.4214(g)(1) and (2) of this section.)~~ 40 CFR §60.4214(g)(1) and (2). Clearly mark the part or all of the information that you claim to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. All CBI claims must be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available. You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described earlier in this paragraph 40 CFR §60.4214(g).
1. ~~(1)~~ — The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address [oaqpschi@epa.gov](mailto:oaqpschi@epa.gov), and as described in ~~paragraph 40 CFR §60.4214(g) of this section.)~~ should include clear CBI markings. ERT files should be flagged to the attention of the Group Leader, Measurement Policy Group; all other files should be flagged to the attention of the Stationary Compression Ignition Internal Combustion Engine Sector Lead. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email [oaqpschi@epa.gov](mailto:oaqpschi@epa.gov) to request a file transfer link.
2. ~~(2)~~ — If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: OAQPS Document Control Officer (C404-02), OAQPS, U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711. ERT files should be sent to the attention of the Group Leader, Measurement Policy Group, and all other files should be sent to the attention of the Stationary Compression Ignition Internal Combustion Engine Sector Lead. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.
- d. ~~(h)~~ — If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with that reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in 40 CFR §§60.4214(h)(1) through (7).

- e. ~~(f)~~ If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with that reporting requirement. To assert a claim of force majeure, you must meet the requirements outlined in 40 CFR §§60.4214(i)(1) through ~~(5) of this section.~~
- f. ~~(j)~~—Any records required to be maintained by 40 CFR 60 Subpart IIII that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

[45CSR16; 40 CFR §§60.4214(d), (f), (g), (h), (i) and (j)]

## 8.6. Compliance Plan

- 8.6.1. Reserved.

Draft Only

## 9.0 Emergency Generators [emission point ID(s): EG-1, EG-2]

### 9.1. Limitations and Standards

- 9.1.1. *Regulated Pollutant Limitation.* The registrant shall not cause, suffer, allow or permit emissions of any regulated pollutant listed in the General Permit Registration to exceed the emission limit (pounds per hour and tons per year) recorded with the registrant's General Permit Registration. The registrant may request a modification or administrative update to these emission limits.

Source ID	Nitrogen Oxides		Carbon Monoxide	
	lb/hr	Tons/year	lb/hr	Tons/year
EG-1	36.4	9.1	3.24	0.81
EG-2	36.4	9.1	3.24	0.81

[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.1.2]

- 9.1.2. *Maximum Hourly Limitation.* The maximum hours of operation for any registered emergency generator listed in the General Permit Registration application shall not exceed 500 hours per year. Compliance with the Maximum Yearly Hourly Operation Limitation shall be determined using a twelve-month rolling total. A twelve-month rolling total shall mean the sum of the hours of operation at any given time during the previous twelve consecutive calendar months.

[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.1.3]

- 9.1.3. The applicable emergency generator(s) shall be operated and maintained as follows:
- ~~a.~~ In accordance with the manufacturer's recommendations and specifications or in accordance with a site specific maintenance plan; and,
  - ~~b.~~ In a manner consistent with good operating practices.

[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.1.4]

- 9.1.4. The registrant shall comply with all applicable NSPS for Stationary Compression Ignition Internal Combustion Engines specified in 40 Part 60, Subpart IIII, Stationary Spark Ignition Internal Combustion Engines specified in 40 CFR Part 60, Subpart JJJJ, and/or the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines specified in 40 CFR Part 63, Subpart ZZZZ.

[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.1.6]

- 9.1.5. The emission limitations specified in section 9.1.1 shall apply at all times except during periods of start-up and shut-down provided that the duration of these periods does not exceed 30 minutes per occurrence. The registrant shall operate the engine in a manner consistent with good air pollution control practices for minimizing emissions at all times, including periods of start-up and shut-down. The emissions from start-up and shut-down shall be included in the twelve (12) month rolling total of emissions. The registrant shall comply with all applicable start-up and shut-down requirements in accordance with 40 CFR Part 60, Subparts IIII, JJJJ and 40 CFR Part 63, Subpart ZZZZ.

[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.1.7]



- 9.1.6. All tanks in the General Permit Registration application will be listed in section 1.0 (the emission unit table) of the issued registration. Tanks are to be used for fuel storage for the emergency generators only.  
**[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 6.1.1]**

- 9.1.7. **§60.4205 What emission standards must I meet for emergency engines if I am an owner or operator of a stationary CI internal combustion engine?**

~~(b)~~—Owners and operators of 2007 model year and later emergency stationary CI ICE with a displacement of less than 30 liters per cylinder that are not fire pump engines must comply with the emission standards for new nonroad CI engines in §60.4202, for all pollutants, for the same model year and maximum engine power for their 2007 model year and later emergency stationary CI ICE.

**[45CSR16; 40 CFR §60.4205(b)]**

- 9.1.8. **§60.4206 How long must I meet the emission standards if I am an owner or operator of a stationary CI internal combustion engine?**

Owners and operators of stationary CI ICE must operate and maintain stationary CI ICE that achieve the emission standards as required in §§60.4204 and 60.4205 over the entire life of the engine.

**[45CSR16; 40 CFR §§60.4206]**

- 9.1.9. **§60.4207 What fuel requirements must I meet if I am an owner or operator of a stationary CI internal combustion engine subject to ~~this subpart~~40 CFR 60 Subpart IIII?**

- a. ~~(b)~~—Beginning October 1, 2010, owners and operators of stationary CI ICE subject to ~~this subpart~~40 CFR 60 Subpart IIII with a displacement of less than 30 liters per cylinder that use diesel fuel must use diesel fuel that meets the requirements of 40 CFR 1090.305 for nonroad diesel fuel, except that any existing diesel fuel purchased (or otherwise obtained) prior to October 1, 2010, may be used until depleted.
- b. ~~(e)~~—Stationary CI ICE that have a national security exemption under §60.4200(d) are also exempt from the fuel requirements in this section.

**[45CSR16; 40 CFR §§60.4207(b) and (e)]**

- 9.1.10. **§60.4208 What is the deadline for importing or installing stationary CI ICE produced in previous model years?**

- a. ~~(a)~~—After December 31, 2008, owners and operators may not install stationary CI ICE (excluding fire pump engines) that do not meet the applicable requirements for 2007 model year engines.
- b. ~~(b)~~—In addition to the requirements specified in §§60.4201, 60.4202, 60.4204, and 60.4205, it is prohibited to import stationary CI ICE with a displacement of less than 30 liters per cylinder that do not meet the applicable requirements specified in ~~paragraphs~~ 40 CFR §60.4208(a) through (g) ~~of this section~~ after the dates specified in ~~paragraphs (a) through (g) of this section~~40 CFR §60.4208.



- c. ~~(+)~~—The requirements of this section do not apply to owners or operators of stationary CI ICE that have been modified, reconstructed, and do not apply to engines that were removed from one existing location and reinstalled at a new location.

[45CSR16; 40 CFR §§60.4208(a), (h) and (i)]

## 9.2. Monitoring Requirements

### 9.2.1. §60.4209 What are the monitoring requirements if I am an owner or operator of a stationary CI internal combustion engine?

If you are an owner or operator, you must meet the monitoring requirements of this section. In addition, you must also meet the monitoring requirements specified in §60.4211.

- a. ~~(+)~~—If you are an owner or operator of an emergency stationary CI internal combustion engine that does not meet the standards applicable to non-emergency engines, you must install a non-resettable hour meter prior to startup of the engine.
- b. ~~(+)~~—If you are an owner or operator of a stationary CI internal combustion engine equipped with a diesel particulate filter to comply with the emission standards in §60.4204, the diesel particulate filter must be installed with a backpressure monitor that notifies the owner or operator when the high backpressure limit of the engine is approached.

[45CSR16; 40 CFR §§60.4209(a) and (b)]

### 9.2.2. §60.4211 What are my compliance requirements if I am an owner or operator of a stationary CI internal combustion engine? —

- a. ~~(+)~~—If you are an owner or operator and must comply with the emission standards specified in ~~this subpart~~40 CFR 60 Subpart IIII, you must do all of the following, except as permitted under ~~paragraph 40 CFR §60.4211(g) of this section.~~
1. ~~(+)~~—Operate and maintain the stationary CI internal combustion engine and control device according to the manufacturer's emission-related written instructions;
  2. ~~(2)~~—Change only those emission-related settings that are permitted by the manufacturer; and
  3. ~~(3)~~—Meet the requirements of 40 CFR part 1068, as they apply to you.
- b. ~~(+)~~—If you are an owner or operator of a 2007 model year and later stationary CI internal combustion engine and must comply with the emission standards specified in §60.4204(b) or §60.4205(b), or if you are an owner or operator of a CI fire pump engine that is manufactured during or after the model year that applies to your fire pump engine power rating in table 3 to ~~this subpart~~40 CFR 60 Subpart IIII and must comply with the emission standards specified in §60.4205(c), you must comply by purchasing an engine certified to the emission standards in §60.4204(b), or §60.4205(b) or (c), as applicable, for the same model year and maximum (or in the case of fire pumps, NFPA nameplate) engine power. The engine must be installed and configured according to the manufacturer's emission-related specifications, except as permitted in ~~paragraph (g) of this section~~40 CFR §60.4211(g).
- c. ~~(+)~~—If you own or operate an emergency stationary ICE, you must operate the emergency stationary ICE according to the requirements in ~~paragraphs 40 CFR §§60.4211(f)(1) through (3) of this section.~~

In order for the engine to be considered an emergency stationary ICE under ~~this subpart~~40 CFR 60 Subpart IIII, any operation other than emergency operation, maintenance and testing, and operation in non-emergency situations for 50 hours per year, as described in ~~paragraphs 40 CFR §§60.4211(f)(1) through (3)~~, is prohibited. If you do not operate the engine according to the requirements in ~~paragraphs 40 CFR §§60.4211(f)(1) through (3) of this section,~~ the engine will not be considered an emergency engine under ~~this subpart~~40 CFR 60 Subpart IIII and must meet all requirements for non-emergency engines.

1. ~~(1)~~ — There is no time limit on the use of emergency stationary ICE in emergency situations.
2. ~~(2)~~ — You may operate your emergency stationary ICE for the purpose specified in ~~paragraph 40 CFR §60.4211(f)(2)(i) of this section~~ for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by ~~paragraph 40 CFR §60.4211(f)(3) of this section~~ counts as part of the 100 hours per calendar year allowed by ~~this paragraph 40 CFR §60.4211(f)(2)~~.

~~(i)~~ — Emergency stationary ICE 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 ICE beyond 100 hours per calendar year.

3. ~~(3)~~ — Emergency stationary ICE 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 provided in ~~paragraph 40 CFR §60.4211(f)(2) of this section,~~ Except as provided in ~~paragraph 40 CFR §60.4211(f)(3)(i) of this section,~~ the 50 hours per calendar year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

~~(i)~~ — The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

- (A). ~~(A)~~ The engine is dispatched by the local balancing authority or local transmission and distribution system operator;
- (B). ~~(B)~~ The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.
- (C). ~~(C)~~ The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.
- (D). ~~(D)~~ The power is provided only to the facility itself or to support the local transmission and distribution system.
- (E). ~~(E)~~ The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that

are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

- d. ~~(g)~~—If you do not install, configure, operate, and maintain your engine and control device according to the manufacturer's emission-related written instructions, or you change emission-related settings in a way that is not permitted by the manufacturer, you must demonstrate compliance as follows:

~~(3)~~ —If you are an owner or operator of a stationary CI internal combustion engine greater than 500 HP, you must keep a maintenance plan and records of conducted maintenance and must, to the extent practicable, maintain and operate the engine in a manner consistent with good air pollution control practice for minimizing emissions. In addition, you must conduct an initial performance test to demonstrate compliance with the applicable emission standards within 1 year of startup, or within 1 year after an engine and control device is no longer installed, configured, operated, and maintained in accordance with the manufacturer's emission-related written instructions, or within 1 year after you change emission-related settings in a way that is not permitted by the manufacturer. You must conduct subsequent performance testing every 8,760 hours of engine operation or 3 years, whichever comes first, thereafter to demonstrate compliance with the applicable emission standards.

[45CSR16; 40 CFR §§60.4211 (a), (c), (f) and (g)(3)]

### 9.3. Testing Requirements

- 9.3.1. The registrant shall comply with all applicable testing requirements under NSPS for Stationary Compression Ignition Internal Combustion Engines specified in 40 CFR Part 60, Subpart IIII, Stationary Spark Ignition Internal Combustion Engines specified in 40 CFR Part 60, Subpart JJJJ, and/or the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines specified in 40 CFR Part 63, Subpart ZZZZ.

[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.4.1.]

- 9.3.2. **§60.4212 What test methods and other procedures must I use if I am an owner or operator of a stationary CI internal combustion engine with a displacement of less than 30 liters per cylinder?**

Owners and operators of stationary CI ICE with a displacement of less than 30 liters per cylinder who conduct performance tests pursuant to ~~this subpart~~ 40 CFR 60 Subpart IIII must do so according to paragraphs ~~(a)~~<sub>2</sub> through ~~(e)~~<sub>2</sub> of this section.

- a. ~~(a)~~—The performance test must be conducted according to the in-use testing procedures in 40 CFR part 1039, subpart F, for stationary CI ICE with a displacement of less than 10 liters per cylinder, and according to 40 CFR part 1042, subpart F, for stationary CI ICE with a displacement of greater than or equal to 10 liters per cylinder and less than 30 liters per cylinder. Alternatively, stationary CI ICE that are complying with Tier 2 or Tier 3 emission standards as described in 40 CFR part 1039, appendix I, or with Tier 2 emission standards as described in 40 CFR part 1042, appendix I, may follow the testing procedures specified in §60.4213, as appropriate.
- b. ~~(b)~~—Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1039 must not exceed the not-to-exceed (NTE) standards for the same model year and maximum engine power as required in 40 CFR 1039.101(e) and 40 CFR 1039.102(g)(1), except as specified in 40 CFR 1039.104(d). This requirement starts when NTE requirements take effect for nonroad diesel engines under 40 CFR part 1039.

- c. ~~(e)~~—Exhaust emissions from stationary CI ICE subject to Tier 2 or Tier 3 emission standards as described in 40 CFR part 1039, appendix I, or Tier 2 emission standards as described in 40 CFR part 1042, appendix I, must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard determined from the following equation:

$$\text{NTE requirement for each pollutant} = (1.25) \times (\text{STD}) \quad (\text{Eq. 1})$$

Where:

STD = The standard specified for that pollutant in 40 CFR part 1039 or 1042, as applicable.

- d. ~~(d)~~—Exhaust emissions from stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in §60.4204(a), §60.4205(a), or §60.4205(c) must not exceed the NTE numerical requirements, rounded to the same number of decimal places as the applicable standard in §60.4204(a), §60.4205(a), or §60.4205(c), determined from the equation in paragraph (c) of this section.

Where:

STD = The standard specified for that pollutant in §60.4204(a), §60.4205(a), or §60.4205(c).

Alternatively, stationary CI ICE that are complying with the emission standards for pre-2007 model year engines in §60.4204(a), §60.4205(a), or §60.4205(c) may follow the testing procedures specified in §60.4213, as appropriate.

- e. ~~(e)~~—Exhaust emissions from stationary CI ICE that are complying with the emission standards for new CI engines in 40 CFR part 1042 must not exceed the NTE standards for the same model year and maximum engine power as required in 40 CFR 1042.101(c).

**[45CSR16; 40 CFR §60.4212]**

#### **9.4. Recordkeeping Requirements**

- 9.4.1. To demonstrate compliance with permit condition 9.1.2, the registrant shall maintain records of the hours of operation of the emergency generator(s) on a monthly basis.

**[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.3.1.]**

- 9.4.2. To demonstrate compliance with permit section 9.1.3, the registrant shall maintain records of the maintenance performed on each emergency generator.

**[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.3.2.]**

- 9.4.3. The registrant shall comply with all applicable recordkeeping requirements under NSPS for Stationary Compression Ignition Internal Combustion Engines specified in 40 CFR Part 60, Subpart IIII, Stationary Spark Ignition Internal Combustion Engines specified in 40 CFR Part 60, Subpart JJJJ, and/or the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines specified in 40 CFR Part 63, Subpart ZZZZ.

**[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.3.4.]**

- 9.4.4. All records required by conditions 9.4.1., 9.4.2. and 9.4.3. shall be maintained in accordance with condition 3.4.2. of this permit.

[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.3.5.]

- 9.4.5. **§60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?**

- a. ~~(b)~~—If the stationary CI internal combustion engine is an emergency stationary internal combustion engine, the owner or operator is not required to submit an initial notification. Starting with the model years in table 5 to ~~this subpart~~ 40 CFR 60 Subpart IIII, if the emergency engine does not meet the standards applicable to non-emergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the non-resettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.
- b. ~~(c)~~—If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

[45CSR16; 40 CFR §§60.4214 (b) and (c)]

## 9.5. Reporting Requirements

- 9.5.1. The registrant shall comply with all applicable notification requirements under NSPS for Stationary Compression Ignition Internal Combustion Engines specified in 40 CFR Part 60, Subpart IIII, Stationary Spark Ignition Internal Combustion Engines specified in 40 CFR Part 60, Subpart JJJJ, and/or the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Stationary Reciprocating Internal Combustion Engines specified in 40 CFR Part 63, Subpart ZZZZ.

[45CSR13, General Permit Registration G60-C062 and General Permit G60-D, Condition 5.5.1]

- 9.5.2. **§63.6645 What notifications must I submit and when?**

~~(f)~~—If you are required to submit an Initial Notification but are otherwise not affected by the requirements of ~~this subpart~~ 40 CFR 60 Subpart ZZZZ, in accordance with §63.6590(b), your notification should include the information in §63.9(b)(2)(i) through (v), and a statement that your stationary RICE has no additional requirements and explain the basis of the exclusion (for example, that it operates exclusively as an emergency stationary RICE if it has a site rating of more than 500 brake HP located at a major source of HAP emissions).

[45CSR34; 40 CFR §§63.6645(f)]

- 9.5.3. **§60.4214 What are my notification, reporting, and recordkeeping requirements if I am an owner or operator of a stationary CI internal combustion engine?**

- a. ~~(d)~~—If you own or operate an emergency stationary CI ICE with a maximum engine power more than 100 HP that operates for the purpose specified in §60.4211(f)(3)(i), you must submit an annual report according to the following requirements ~~in paragraphs (d)(1) through (3) of this section.~~

1. ~~(e)~~—The report must contain the following information:



- (A). ~~(i)~~—Company name and address where the engine is located.
  - (B). ~~(ii)~~—Date of the report and beginning and ending dates of the reporting period.
  - (C). ~~(iii)~~—Engine site rating and model year.
  - (D). ~~(iv)~~—Latitude and longitude of the engine in decimal degrees reported to the fifth decimal place.
  - (E). ~~(v)~~—Hours spent for operation for the purposes specified in §60.4211(f)(3)(i), including the date, start time, and end time for engine operation for the purposes specified in §60.4211(f)(3)(i). The report must also identify the entity that dispatched the engine and the situation that necessitated the dispatch of the engine.
- 2. ~~(2)~~—The first annual report must cover the calendar year 2015 and must be submitted no later than March 31, 2016. Subsequent annual reports for each calendar year must be submitted no later than March 31 of the following calendar year.
  - 3. ~~(3)~~—The annual report must be submitted electronically using the subpart specific reporting form in the Compliance and Emissions Data Reporting Interface (CEDRI) that is accessed through EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). However, if the reporting form specific to ~~this subpart~~40 CFR 60 Subpart IIII is not available in CEDRI at the time that the report is due, the written report must be submitted to the Administrator at the appropriate address listed in §60.4. Beginning on February 26, 2025, submit annual report electronically according to ~~paragraph (g) of this section.~~40 CFR §60.4214(g).
- b. ~~(4)~~—Beginning on February 26, 2025, within 60 days after the date of completing each performance test required by ~~this subpart~~40 CFR 60 Subpart IIII, you must submit the results of the performance test required under this section following the procedures specified in ~~paragraphs 40 CFR §§60.4214(f)(1) and (2) of this section.~~40 CFR §60.4214(f)(1) and (2).
- 1. ~~(1)~~—***Data collected using test methods supported by the EPA's Electronic Reporting Tool (ERT) as listed on the EPA's ERT website (<https://www.epa.gov/electronic-reporting-air-emissions/electronic-reporting-tool-ert>) at the time of the test.*** Submit the results of the performance test to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), according to paragraph (g) of this section. The data must be submitted in a file format generated using the EPA's ERT. Alternatively, you may submit an electronic file consistent with the extensible markup language (XML) schema listed on the EPA's ERT website.
  - 2. ~~(2)~~—***Data collected using test methods that are not supported by the EPA's ERT as listed on the EPA's ERT website at the time of the test.*** The results of the performance test must be included as an attachment in the ERT or an alternate electronic file consistent with the XML schema listed on the EPA's ERT website. Submit the ERT generated package or alternative file to the EPA via CEDRI according to ~~paragraph (g) of this section.~~40 CFR §60.4214(g).
- c. ~~(5)~~—If you are required to submit notifications or reports following the procedure specified in ~~this paragraph~~40 CFR §60.4214(g), you must submit notifications or reports to the EPA via the Compliance and Emissions Data Reporting Interface (CEDRI), which can be accessed through the



EPA's Central Data Exchange (CDX) (<https://cdx.epa.gov/>). The EPA will make all the information submitted through CEDRI available to the public without further notice to you. Do not use CEDRI to submit information you claim as CBI. Although we do not expect persons to assert a claim of CBI, if you wish to assert a CBI claim for some of the information in the report or notification, you must submit a complete file in the format specified in ~~this subpart~~ 40 CFR 60 Subpart IIII, including information claimed to be CBI, to the EPA following the procedures ~~in paragraphs 40 CFR §§60.4214(g)(1) and (2) of this section.~~ Clearly mark the part or all of the information that you claim to be CBI. Information not marked as CBI may be authorized for public release without prior notice. Information marked as CBI will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. All CBI claims must be asserted at the time of submission. Anything submitted using CEDRI cannot later be claimed CBI. Furthermore, under CAA section 114(c), emissions data is not entitled to confidential treatment, and the EPA is required to make emissions data available to the public. Thus, emissions data will not be protected as CBI and will be made publicly available. You must submit the same file submitted to the CBI office with the CBI omitted to the EPA via the EPA's CDX as described earlier in ~~this paragraph~~ 40 CFR §60.4214(g).

1. ~~(+)~~ —The preferred method to receive CBI is for it to be transmitted electronically using email attachments, File Transfer Protocol, or other online file sharing services. Electronic submissions must be transmitted directly to the OAQPS CBI Office at the email address [oaqpschi@epa.gov](mailto:oaqpschi@epa.gov), and as described in paragraph (g) of this section, should include clear CBI markings. ERT files should be flagged to the attention of the Group Leader, Measurement Policy Group; all other files should be flagged to the attention of the Stationary Compression Ignition Internal Combustion Engine Sector Lead. If assistance is needed with submitting large electronic files that exceed the file size limit for email attachments, and if you do not have your own file sharing service, please email [oaqpschi@epa.gov](mailto:oaqpschi@epa.gov) to request a file transfer link.
2. ~~(2)~~ —If you cannot transmit the file electronically, you may send CBI information through the postal service to the following address: OAQPS Document Control Officer (C404-02), OAQPS, U.S. Environmental Protection Agency, 109 T.W. Alexander Drive, P.O. Box 12055, Research Triangle Park, North Carolina 27711. ERT files should be sent to the attention of the Group Leader, Measurement Policy Group, and all other files should be sent to the attention of the Stationary Compression Ignition Internal Combustion Engine Sector Lead. The mailed CBI material should be double wrapped and clearly marked. Any CBI markings should not show through the outer envelope.
- d. ~~(+)~~ —If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of EPA system outage for failure to timely comply with that reporting requirement. To assert a claim of EPA system outage, you must meet the requirements outlined in 40 CFR §§60.4214(h)(1) through (7).
- e. ~~(+)~~ —If you are required to electronically submit a report through CEDRI in the EPA's CDX, you may assert a claim of force majeure for failure to timely comply with that reporting requirement. To assert a claim of force majeure, you must meet the requirements outlined in 40 CFR §§60.4214(i)(1) through ~~(5) of this section.~~
- f. ~~(+)~~ —Any records required to be maintained by 40 CFR 60 Subpart IIII that are submitted electronically via the EPA's CEDRI may be maintained in electronic format. This ability to maintain electronic copies does not affect the requirement for facilities to make records, data, and reports

available upon request to a delegated air agency or the EPA as part of an on-site compliance evaluation.

[45CSR16; 40 CFR §§60.4214(d), (f), (g), (h), (i), and (j)]

## **9.6. Compliance Plan**

9.6.1. Reserved.

Draft Only

## **APPENDIX A**

### **45CSR2 & 45CSR10 Monitoring Plan**

Draft Only

## **45 CSR 2 and 45 CSR 10 Monitoring and Recordkeeping Plan**

### **Mountaineer Plant**

#### **Facility Information:**

Facility Name: Mountaineer Plant

Facility Address: P.O. Box 419  
State Route 62  
New Haven, WV 25265

Facility Environmental Contact: R.D. Thompson

#### **A. Facility Description:**

Mountaineer Plant is a coal-fired electric generating facility with one main combustion unit (Unit 1) discharging through a single main stack (MT1). Mountaineer plant also has two auxiliary boilers (Aux. 1 and 2) that discharge through an independent auxiliary stack (CS012). Unit 1, Aux. Boiler 1 and Aux. Boiler 2 each have a design heat input greater than 10 mm Btu/hr making both 45 CSR 2A (Interpretive Rule for 45 CSR 2) and 4 CSR 10A (Interpretive Rule for 45 CSR 10) applicable to these sources. However, each of these boilers are regulated by subpart D of the New Source Performance Standards and have limited applicability under 45 CSR 10 and 45 CSR 10A.

#### **I. 45 CSR 2 Monitoring Plan:**

In accordance with Section 8.2.a of 45 CSR 2, following is the proposed plan for monitoring compliance with opacity limits found in Section 3 of that rule:

##### **A. Main Stack (MT1)**

###### **1. Applicable Standard:**

**45 CSR 2, §3.1.** *No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.*

###### **2. Monitoring Method(s):**

**45 CSR 2, §8.2.a.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 CFR Part 60, Appendix B,*

*Performance Specification 1 (PS1). COMS meeting the requirements of 40 CFR Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS1.*

a. **Primary Monitoring Method:** While a Continuous Opacity Monitors (COMS) would not be required on a wet scrubbed fuel burning unit, Mountaineer has chosen to employ COMS on the fuel burning unit upstream of the wet scrubber and located in the plant ductwork. As such, the primary method of monitoring opacity at Mountaineer Plant will be Continuous Opacity Monitors (COMS). The COMS are installed, maintained and operated in compliance with requirements of 40 CFR Part 75.

b. **Other Credible Monitoring Method(s):** While Mountaineer Plant will use COMS as the primary method of monitoring opacity of the fuel burning unit, we are also reserving the right to use Method 9 readings or any other appropriate method that would produce credible data. These “other monitoring methods” will generally be used in the absence of COMS data or as other credible evidence used in conjunction with COMS data.

3. **Recordkeeping:**

a. **Operating Schedule and Quality/Quantity of Fuel Burned**

**45 CSR 2A §7.1.a.** *The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule, and the quality and quantity of fuel burned in each fuel burning unit as specified in paragraphs 7.1.a.1 through 7.1.a.6, as applicable.*

The applicable paragraphs for Mountaineer Plant are the following:

**§7.1.a.2:** *For fuel burning unit(s) which burn only distillate oil, 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 monthly basis and a BTU analysis for each shipment.*

**§7.1.a.4:** *For fuel burning unit(s) which burn only coal, 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 an ash and BTU analysis for each shipment.*

**§7.1.a.6:** *For fuel burning unit(s) which burn a combination of fuels, the owner or operator shall comply with the applicable Recordkeeping requirements of paragraph 7.1.a.1 through 7.1.a.5 for each fuel burned.*

The date and time of each startup and shutdown of Unit 1 will be maintained. The quantity of coal burned on a daily basis as well as the ash and Btu content will also be maintained. From a fuel oil perspective, the quantity of fuel oil burned on a monthly basis, as well as the Btu content will be maintained. The fuel oil analysis will generally be one that is provided by the supplier for a given shipment but in some cases, we may use independent sampling and analyses. The quantity of fuel oil burned on a monthly basis may be maintained on a facility wide basis.

b. **Record Maintenance**

**45 CSR 2A §7.1.b.** *Records of all required monitoring data 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.*

Records of all required monitoring data and support information will be maintained on-site for at least five (5) years. Support information includes all calibration and maintenance records and all strip chart recordings for continuous monitoring instrumentation, and copies of all required reports.

4. Exception Reporting:

a. **Particulate Mass Emissions:**

**45 CSR 2A, §7.2.a.** *With respect to excursions associated with measured emissions under Section 4 of 45CSR2, compliance with the reporting and testing requirements under the Appendix to 45CSR2 shall fulfill the requirement for a periodic exception report under subdivision 8.3.b. or 45CSR2.*

Mountaineer Plant will comply with the reporting and testing requirements specified under the Appendix to 45 CSR 2.

b. **Opacity:**

**45 CSR 2A, §7.2.b.** *COMS – In accordance with the provisions of this subdivision, each owner or operator employing COMS as the method of monitoring compliance with opacity limits shall submit a “COMS Summary Report” and/or an “Excursion and COMS Monitoring System 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 reports shall be postmarked by the thirtieth (30th) day following the end of each calendar quarter. The COMS Summary Report shall contain the information and be in the format shown in Appendix B unless otherwise specified by the Director.*

**45 CSR 2A, §7.2.b.1.** *If the total duration of excursions for the reporting period is less than one percent (1%) of the total operating time for the reporting period and monitoring system downtime for the reporting period is less than five percent (5%) of the total operating time for the reporting period, the COMS Summary Report shall be submitted to the Director; the Excursion and COMS Monitoring System Performance report shall be maintained on-site and shall be submitted to the Director upon request.*

**45 CSR 2A, §7.2.b.2.** *If the total duration of excursions for the reporting period is one percent (1%) or greater of the total operating time for the reporting period or the total monitoring system downtime for the reporting period is five percent (5%) or greater of the total operating time for the reporting period, the COMS Summary Report and the Excursion and COMS Monitoring System Performance Report shall both be submitted to the Director.*

**45 CSR 2A, §7.2.b.3.** *The Excursion and COMS Monitoring System Performance Report shall be in a format approved by the Director and shall include, but not be limited to, the following information:*

**45 CSR 2A, §7.2.b.3.A.** *The magnitude of each excursion, and the date and time, including starting and ending times, of each excursion.*



**45 CSR 2A, §7.2.b.3.B.** *Specific identification of each excursion that occurs during start-ups, shutdowns, and malfunctions of the facility.*

**45 CSR 2A, §7.2.b.3.C.** *The nature and cause of any excursion (if known), and the corrective action taken and preventative measures adopted (if any).*

**45 CSR 2A, §7.2.b.3.D.** *The date and time identifying each period during which quality-controlled monitoring data was unavailable, except for zero and span checks, and the reason for data unavailability and the nature of the repairs or adjustments to the monitoring system.*

**45 CSR 2A, §7.2.b.3.E.** *When no excursions have occurred or there were no periods of quality-controlled data unavailability, and no monitoring systems were inoperative, repaired, or adjusted, such information shall be stated in the report.*

Attached, as Appendices A and B are sample copies of the COMS “Summary Report” and “Excess opacity and COM downtime report” that we plan on using to fulfill the opacity reporting requirements. The COMS “Summary Report” will satisfy the conditions under 45 CSR 2A, §7.2.b for the “COMS Summary Report” and will be submitted to the Director according to its requirements. The “Excess opacity and COM downtime report” satisfies the conditions under 45 CSR 2A, §7.2.b.3. for the “Excursion and COMS Monitoring System Performance Report”. The “Excess opacity and COM downtime report” shall be submitted to the Director following the conditions outlined in 45 CSR 2A, §7.2.b.1. and §7.2.b.2.

To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45CSR2 shall be followed – 45 CSR 2A, §7.2.d.

**B. Aux. Stack (CS012)**

1. Applicable Standard:

**45 CSR 2, §3.1.** *No person shall cause, suffer, allow or permit emission of smoke and/or particulate matter into the open air from any fuel burning unit which is greater than ten (10) percent opacity based on a six minute block average.*

2. Monitoring Method:

**45 CSR 2, §8.2.a.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 CFR Part 60, Appendix B, Performance Specification 1 (PS1). COMS meeting the requirements of 40 CFR Part 75 (Acid Rain) will be deemed to have satisfied the requirements of PS1.*

**45 CSR 2, §8.4.a.** *The owner or operator of a fuel burning unit(s) may petition for alternatives to testing, monitoring, and reporting requirements prescribed pursuant to this rule for conditions,*

*including, but not limited to, the following:*

**45 CSR 2, §8.4.a.1. Infrequent use of a fuel burning unit(s)**

Pursuant to 45 CSR 2, Section 8.4.a and 8.4.a.1, Mountaineer Plant previously petitioned the Office of Air Quality (OAQ) Chief for alternative testing, monitoring, and reporting requirements for the auxiliary boiler and associated stack. Based on limited operating hours, the requirement for COMS installation per Section 6.2.a of interpretive rule 45 CSR 2A was determined to be overly burdensome and sufficient reason for the granting of alternative monitoring methods. The alternative monitoring method based on USEPA Method 9 visible emission readings is described below.

■ **Primary Monitoring Method:** As an alternative to COMS monitoring, a Method 9 reading be conducted one time per month provided the following conditions are met: 1) The auxiliary boiler(s) has operated at normal, stable load conditions for at least 24 consecutive hours and 2) weather/lighting conditions are conducive to taking proper Method 9 readings. With the Mountaineer auxiliary boilers being sans particulate emissions controls, operating parameters of control equipment are nonexistent and unable to be monitored.

3. **Recordkeeping:**

a. **Operating Schedule and Quality/Quantity of Fuel Burned**

**45 CSR 2A §7.1.a.** *The owner or operator of a fuel burning unit(s) shall maintain records of the operating schedule, and the quality and quantity of fuel burned in each fuel burning unit as specified in paragraphs 7.1.a.1 through 7.1.a.6, as applicable.*

The applicable paragraph for the Mountaineer Plant auxiliary boilers follows:

**§7.1.a.2:** *For fuel burning unit(s) which burn only distillate oil, 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 monthly basis and a BTU analysis for each shipment.*

As such, the date and time of each startup and shutdown of the auxiliary boilers will be maintained. The quantity of fuel oil burned on a monthly basis, as well as the Btu content will be maintained. The fuel oil analysis will generally be one that is provided by the supplier for a given shipment but in some cases, we may use independent sampling and analyses. The quantity of fuel oil burned on a monthly basis may be maintained on a facility wide basis.

b. **Record Maintenance**

**45 CSR 2A §7.1.b.** *Records of all required monitoring data 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.*

Records of all required monitoring data and support information will be maintained on-site for at least five (5) years. In the case of the auxiliary boilers, strip chart recordings, etc. are generally not available.

4. **Exception Reporting:**

Pursuant to 45 CSR 2, Section 8.4.a and 8.4.a.1, Mountaineer Plant previously petitioned the Office of Air Quality (OAQ) Chief for alternative testing, monitoring, and reporting requirements for the auxiliary boiler and associated stack.

a. **Particulate Mass Emissions** – As an alternative to the testing and exception reporting requirements for particulate mass emissions from the auxiliary boilers, the following was previously proposed and approved. Based on an average heat content of approximately 138,506 Btu/gallon (calendar year 2000 data) and an AP-42 based particulate mass emissions emission factor of 2 lbs/thousand gallons, the calculated particulate mass emissions of the auxiliary boiler are 0.01 lb/mm Btu. As such, the fuel analysis records maintained under the fuel quality analysis and recordkeeping section of this plan provide sufficient evidence of compliance with the particulate mass emission limit. For the purpose of meeting exception reporting requirements, any fuel oil analysis indicating a heat content of less than 25,000 Btu per gallon will be reported to the OAQ to fulfill the requirement for a periodic exception report under subdivision 8.3.b. or 45 CSR 2 – 45 CSR 2A, §7.2.a. A heat content of 25,000 Btu/gal and a particulate emissions factor of 2 lbs/thousand gallons would result in a calculated particulate mass emissions of approximately 90% of the applicable 45 CSR 2 standard.

b. **Opacity** – As an alternative to the exception reporting requirements for opacity emissions from the auxiliary boiler, we are proposing the following. We will maintain a copy of each properly conducted (correct weather/lighting conditions, etc.) Method 9 evaluation performed. Any properly conducted Method 9 test that indicates an exceedance shall be submitted to the OAQ on a quarterly basis (within 30 days of the end of the quarter) along with an accompanying description of the excursion cause, any corrective action taken, and the beginning and ending times for the excursion.

To the extent that an excursion is due to a malfunction, the reporting requirements in section 9 of 45CSR2 shall be followed – 45 CSR 2A, §7.2.d.

If no exceptions have occurred during the quarter, then a report will be submitted to the OAQ stating so. This will include periods in which no method 9 tests were conducted (e.g. unit out of service) or when no fuel oil was received.

## **II. 45 CSR 10 Monitoring Plan:**

### **A. Main Boiler (MT1)**

The Mountaineer main boiler is regulated by subpart D New Source Performance Standards and does not have a SIP limit in section 3 of 45 CSR 10. Accordingly, a monitoring plan demonstrating compliance with weight emission standards in section 3 is not required for the main boiler

### **B. Aux. Stack (CS012)**

#### **1. Applicable Standard:**

**45 CSR 10, §3.3.f.** *For type ‘b’ and Type ‘c’ fuel burning units, the product of 3.2 and the total design heat inputs for such units discharging through those stacks in million BTU’s per hour.*

**45 CSR 10, §3.8.** *Compliance with the allowable sulfur dioxide emission limitations from fuel burning units shall be based on continuous twenty-four (24) hour averaging time...A continuous twenty-four (24) hour period is defined as one (1) calendar day.*

2. Monitoring, Recordkeeping, Exception Reporting Requirements:

**45 CSR 10, §10.3.** *The owner or operator of a fuel burning unit(s) which combusts natural gas, wood or distillate oil, alone or in combination, shall be exempt from the requirements of section 8.*

As such, Mountaineer Plant auxiliary boilers 1 & 2 (CS012) are exempt from Testing, Monitoring, Recordkeeping, and Reporting requirements found in 45 CSR 10, Section 8 because the fuel burning sources combust only distillate oil. 45 CSR 10, Section 8 also contains the requirement for the development of a monitoring plan. The simple nature of burning distillate oil results in an SO<sub>2</sub> emission rate well below the standard.

While fuel sampling and analysis may continue to be performed at this facility, it is done so at the discretion of the owner/operator and is not required by this monitoring plan for the purposes of indicating compliance with SO<sub>2</sub> standards.

### Revisions of Monitoring Plan:

Mountaineer Plant reserves the right to periodically revise the conditions of this monitoring plan. Any revised plan will become effective only after approval by the OAQ.

### Implementation of Monitoring Plan:

This revised plan was implemented in concurrence with the installation and operation of the new stack for Unit 1 at Mountaineer Plant.

## **APPENDIX B**

### Cross-State Air Pollution Rule Requirements

Draft Only

## Cross-State Air Pollution Rule (CSAPR) Trading Program Title V Requirements

<b>Plant Name:</b> <b>Mountaineer</b>	<b>West Virginia ID Number:</b> <b>053-00009</b>	<b>ORIS/Facility Code:</b> <b>4911</b>
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- Owners and operators of the CSAPR subject unit(s) identified in the CSAPR Monitoring Requirements Table below are subject to the requirements of the *CSAPR NO<sub>x</sub> Annual Trading Program Requirements*, *CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program Requirements*, and the *CSAPR SO<sub>2</sub> Group 1 Trading Program Requirements* in Appendix B to this permit.
- Owners and operators of the CSAPR subject unit(s) identified in the CSAPR Monitoring Requirements Table below are subject to the monitoring requirements specified in the table below.

CSAPR MONITORING REQUIREMENTS TABLE			
Description of Monitoring Requirements:	Parameter		
	SO <sub>2</sub>	NO <sub>x</sub>	Heat Input
<b>Unit ID: Unit 1(1S)</b>			
Continuous emission monitoring system (CEMS) pursuant to 40 CFR part 75, subpart B (for SO <sub>2</sub> monitoring) and 40 CFR part 75, subpart H (for NO <sub>x</sub> monitoring)	X	X	X
Excepted monitoring system pursuant to 40 CFR part 75, appendix D ( <i>Optional SO<sub>2</sub> Emissions Data Protocol for Gas-Fired and Oil-Fired Units</i> )			
Excepted monitoring system pursuant to 40 CFR part 75, appendix E ( <i>Optional NO<sub>x</sub> Emissions Protocol for Gas-Fired Peaking Units and Oil-Fired Peaking Units</i> )			
Low Mass Emissions excepted monitoring (LME) pursuant to 40 CFR 75.19 ( <i>Optional SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> Emissions Calculation for Low Mass Emissions (LME) Units</i> )			
EPA-approved alternative monitoring system pursuant to 40 CFR part 75, subpart E			

- The above description of the monitoring used by a unit does not change, create an exemption from, or otherwise affect the monitoring, recordkeeping, and reporting requirements applicable to the unit under 40 CFR 97.430 through 97.435, (*CSAPR NO<sub>x</sub> Annual Trading Program*), 97.830 through 97.835 (*CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program*) and, 97.630 through 97.635 (*CSAPR SO<sub>2</sub> Group 1 Trading Program*). The monitoring, recordkeeping and reporting requirements applicable to each unit are included below in the standard conditions for the applicable CSAPR trading program.
- Owners and operators shall submit to the Administrator a monitoring plan for each unit in accordance with 40 CFR 75.53, 75.62 and 75.73, as applicable.
- Owners and operators that want to use an alternative monitoring system shall submit to the Administrator a petition requesting approval of the alternative monitoring system in accordance with 40 CFR part 75, subpart E, 40 CFR 75.66, and the applicable trading program provisions found in 40 CFR 97.435 (*CSAPR NO<sub>x</sub> Annual Trading Program*), 97.835 (*CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program*) and, 97.635 (*CSAPR SO<sub>2</sub> Group 1 Trading Program*). The Administrator's response approving or disapproving any petition for an alternative monitoring system is available on the EPA's website at <https://www.epa.gov/airmarkets/complete-list-responses-40-cfr-part-75-petitions>.
- Owners and operators that want to use an alternative to any monitoring, recordkeeping, or reporting requirement under 40 CFR 97.430 through 97.434 (*CSAPR NO<sub>x</sub> Annual Trading Program*), 97.830 through 97.834 (*CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program*) and/or, 97.630 through 97.634 (*CSAPR SO<sub>2</sub> Group 1 Trading Program*) shall submit to the Administrator a petition requesting approval of the alternative in accordance with 40 CFR 75.66 and 97.435 (*CSAPR NO<sub>x</sub> Annual Trading Program*), 97.835 (*CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program*) and/or 97.635 (*CSAPR SO<sub>2</sub> Group 1 Trading Program*). The Administrator's response approving or disapproving any petition for an alternative to a monitoring, recordkeeping, or reporting requirement is available on EPA's website at <https://www.epa.gov/airmarkets/complete-list-responses-40-cfr-part-75-petitions>.



**CSAPR NO<sub>x</sub> Annual Trading Program requirements (40 CFR 97.406)**

**(a) Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.413 through 97.418.

**(b) Emissions monitoring, reporting, and recordkeeping requirements.**

- (1) The owners and operators, and the designated representative, of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.430 (general monitoring, recordkeeping, and reporting requirements, including: installation, certification, and data accounting; compliance deadlines; reporting data; prohibitions; and long-term cold storage), 97.431 (initial monitoring system certification and recertification procedures), 97.432 (monitoring system out-of-control periods), 97.433 (notifications concerning monitoring), 97.434 (recordkeeping and reporting, including: monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.435 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (2) The emissions data determined in accordance with 40 CFR 97.430 through 97.435 shall be used to calculate allocations of CSAPR NO<sub>x</sub> Annual allowances under 40 CFR 97.411(a)(2) and (b) and 97.412 and to determine compliance with the CSAPR NO<sub>x</sub> Annual emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.430 through 97.435 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

**(c) NO<sub>x</sub> emissions requirements.**

- (1) CSAPR NO<sub>x</sub> Annual emissions limitation.
  - (i). As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR 97.424(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Annual units at the source.
  - (ii). If total NO<sub>x</sub> emissions during a control period in a given year from the CSAPR NO<sub>x</sub> Annual units at a CSAPR NO<sub>x</sub> Annual source exceed the CSAPR NO<sub>x</sub> Annual emissions limitation set forth in paragraph (c)(1)(i) above, then:
    - (A). The owners and operators of the source and each CSAPR NO<sub>x</sub> Annual unit at the source shall hold the CSAPR NO<sub>x</sub> Annual allowances required for deduction under 40 CFR 97.424(d); and
    - (B). The owners and operators of the source and each CSAPR NO<sub>x</sub> Annual unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.
- (2) CSAPR NO<sub>x</sub> Annual assurance provisions.
  - (i). If total NO<sub>x</sub> emissions during a control period in a given year from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in West Virginia exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for West Virginia and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO<sub>x</sub> Annual allowances available for deduction for such control period under 40 CFR 97.425(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.425(b), of multiplying:
    - (A) The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in West Virginia for such control period, by which each common designated representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and

- (B) The amount by which total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in West Virginia for such control period exceed the state assurance level.
  - (ii). The owners and operators shall hold the CSAPR NO<sub>x</sub> Annual allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
  - (iii). Total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in West Virginia during a control period in a given year exceed the state assurance level if such total NO<sub>x</sub> emissions exceed the sum, for such control period, of the state NO<sub>x</sub> Annual trading budget under 40 CFR 97.410(a) and the state's variability limit under 40 CFR 97.410(b).
  - (iv). It shall not be a violation of 40 CFR part 97, subpart AAAAA or of the Clean Air Act if total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in West Virginia during a control period exceed the state assurance level or if a common designated representative's share of total NO<sub>x</sub> emissions from the CSAPR NO<sub>x</sub> Annual units at CSAPR NO<sub>x</sub> Annual sources in the state during a control period exceeds the common designated representative's assurance level.
  - (v). To the extent the owners and operators fail to hold CSAPR NO<sub>x</sub> Annual allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
    - (A). The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
    - (B). Each CSAPR NO<sub>x</sub> Annual allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart AAAAA and the Clean Air Act.
- (3) Compliance periods.
  - (i). A CSAPR NO<sub>x</sub> Annual unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015, or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
  - (ii). A CSAPR NO<sub>x</sub> Annual unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.430(b) and for each control period thereafter.
- (4) Vintage of CSAPR NO<sub>x</sub> Annual allowances held for compliance.
  - (i). A CSAPR NO<sub>x</sub> Annual allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Annual allowance that was allocated for such control period or a control period in a prior year.
  - (ii). A CSAPR NO<sub>x</sub> Annual allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Annual allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (5) Allowance Management System requirements. Each CSAPR NO<sub>x</sub> Annual allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart AAAAA.
- (6) Limited authorization. A CSAPR NO<sub>x</sub> Annual allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
  - (i). Such authorization shall only be used in accordance with the CSAPR NO<sub>x</sub> Annual Trading Program; and
  - (ii). Notwithstanding any other provision of 40 CFR part 97, subpart AAAAA, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A CSAPR NO<sub>x</sub> Annual allowance does not constitute a property right.
- (d) Title V permit revision requirements.**
  - (1) Owners and operators shall not be required to revise the title V permit for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Annual allowances in accordance with 40 CFR part 97, subpart AAAAA.
  - (2) Owners and operators shall revise the title V permit for any addition of, or change to, a unit's description in the CSAPR Monitoring Requirements Table above. The addition of, or change to, a unit's description of

whether a unit is required to monitor and report NO<sub>x</sub> emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.430 through 97.435 is eligible for minor permit modification procedures in accordance with 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

**(e) Additional recordkeeping and reporting requirements.**

- (1) Unless otherwise provided, the owners and operators of each CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
  - (i). The certificate of representation under 40 CFR 97.416 for the designated representative for the source and each CSAPR NO<sub>x</sub> Annual unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.416 changing the designated representative.
  - (ii). All emissions monitoring information, in accordance with 40 CFR part 97, subpart AAAAA.
  - (iii). Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO<sub>x</sub> Annual Trading Program.
- (2) The designated representative of a CSAPR NO<sub>x</sub> Annual source and each CSAPR NO<sub>x</sub> Annual unit at the source shall make all submissions required under the CSAPR NO<sub>x</sub> Annual Trading Program, except as provided in 40 CFR 97.418. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

**(f) Liability.**

- (1) Any provision of the CSAPR NO<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual source or the designated representative of a CSAPR NO<sub>x</sub> Annual source shall also apply to the owners and operators of such source and of the CSAPR NO<sub>x</sub> Annual units at the source.
- (2) Any provision of the CSAPR NO<sub>x</sub> Annual Trading Program that applies to a CSAPR NO<sub>x</sub> Annual unit or the designated representative of a CSAPR NO<sub>x</sub> Annual unit shall also apply to the owners and operators of such unit.

**(g) Effect on other authorities.**

No provision of the CSAPR NO<sub>x</sub> Annual Trading Program or exemption under 40 CFR 97.405 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO<sub>x</sub> Annual source or CSAPR NO<sub>x</sub> Annual unit from compliance with any other provision of the applicable, approved State implementation plan, a federally enforceable permit, or the Clean Air Act.

**CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program Requirements (40 CFR 97.806)**

**(a) Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.813 through 97.818.

**(b) Emissions monitoring, reporting, and recordkeeping requirements.**

- (1) The owners and operators, and the designated representative, of each CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.830 (general monitoring, recordkeeping, and reporting requirements, including: installation, certification, and data accounting; compliance deadlines; reporting data; prohibitions; and long-term cold storage), 97.831 (initial monitoring system certification and recertification procedures), 97.832 (monitoring system out-of-control periods), 97.833 (notifications concerning monitoring), 97.834 (recordkeeping and reporting, including: monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.835 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (2) The emissions data determined in accordance with 40 CFR 97.830 through 97.835 shall be used to calculate allocations of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances under 40 CFR 97.811(a)(2) and (b) and 97.812 and to determine compliance with the CSAPR NO<sub>x</sub> Ozone Season Group 2 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.830 through 97.835 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

**(c) NO<sub>x</sub> emissions requirements.**

- (1) CSAPR NO<sub>x</sub> Ozone Season Group 2 emissions limitation.
  - (i). As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall hold, in the source's compliance account, CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR 97.824(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at the source.
  - (ii). If total NO<sub>x</sub> emissions during a control period in a given year from the CSAPR NO<sub>x</sub> Ozone Season Group 2 units at a CSAPR NO<sub>x</sub> Ozone Season Group 2 source exceed the CSAPR NO<sub>x</sub> Ozone Season Group 2 emissions limitation set forth in paragraph (c)(1)(i) above, then:
    - (A). The owners and operators of the source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall hold the CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances required for deduction under 40 CFR 97.824(d), and
    - (B). The owners and operators of the source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart EEEEE and the Clean Air Act.
- (2) CSAPR NO<sub>x</sub> Ozone Season Group 2 assurance provisions.
  - (i). If total NO<sub>x</sub> emissions during a control period in a given year from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in West Virginia exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such NO<sub>x</sub> emissions during such control period exceeds the common designated representative's assurance level for West Virginia and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances available for deduction for such control period under 40 CFR 97.825(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.825(b), of multiplying—
    - (A). The quotient of the amount by which the common designated representative's share of such NO<sub>x</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in West



- Virginia for such control period, by which each common designated representative's share of such NO<sub>x</sub> emissions exceeds the respective common designated representative's assurance level; and
- (B). The amount by which total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in West Virginia for such control period exceed the state assurance level.
- (ii). The owners and operators shall hold the CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after the year of such control period.
- (iii). Total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in West Virginia during a control period in a given year exceed the state assurance level if such total NO<sub>x</sub> emissions exceed the sum, for such control period, of the state NO<sub>x</sub> Ozone Season Group 2 Trading budget under 40 CFR 97.810(a) and the state's variability limit under 40 CFR 97.810(b).
- (iv). It shall not be a violation of 40 CFR part 97, subpart EEEEE or of the Clean Air Act if total NO<sub>x</sub> emissions from all CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in West Virginia during a control period exceed the state assurance level or if a common designated representative's share of total NO<sub>x</sub> emissions from the CSAPR NO<sub>x</sub> Ozone Season Group 2 units at CSAPR NO<sub>x</sub> Ozone Season Group 2 sources in the state during a control period exceeds the common designated representative's assurance level.
- (v). To the extent the owners and operators fail to hold CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
- (A). The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
- (B). Each CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart EEEEE and the Clean Air Act.
- (3) Compliance periods.
- (i). A CSAPR NO<sub>x</sub> Ozone Season Group 2 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.830(b) and for each control period thereafter.
- (ii). A CSAPR NO<sub>x</sub> Ozone Season Group 2 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of May 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.830(b) and for each control period thereafter.
- (4) Vintage of CSAPR NO<sub>x</sub> Ozone Season Group 2 allowances held for compliance.
- (i). A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance that was allocated for such control period or a control period in a prior year.
- (ii). A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) above for a control period in a given year must be a CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (5) Allowance Management System requirements. Each CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart EEEEE.
- (6) Limited authorization. A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance is a limited authorization to emit one ton of NO<sub>x</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
- (i). Such authorization shall only be used in accordance with the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program; and
- (ii). Notwithstanding any other provision of 40 CFR part 97, subpart EEEEE, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.

(7) Property right. A CSAPR NO<sub>x</sub> Ozone Season Group 2 allowance does not constitute a property right.

**(d) Title V permit revision requirements.**

- (1) Owners and operators shall not be required to revise the title V permit for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Annual allowances in accordance with 40 CFR part 97, subpart EEEEE.
- (2) Owners and operators shall revise the title V permit for any addition of, or change to, a unit's description in the CSAPR Monitoring Requirements Table above. The addition of, or change to, a unit's description of whether a unit is required to monitor and report NO<sub>x</sub> emissions using a continuous emission monitoring system (under subpart H of part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.830 through 97.835 is eligible for minor permit modification procedures in accordance with 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

**(e) Additional recordkeeping and reporting requirements.**

- (1) Unless otherwise provided, the owners and operators of each CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
  - (i). The certificate of representation under 40 CFR 97.816 for the designated representative for the source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.816 changing the designated representative.
  - (ii). All emissions monitoring information, in accordance with 40 CFR part 97, subpart EEEEE.
  - (iii). Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program.
- (2) The designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 2 source and each CSAPR NO<sub>x</sub> Ozone Season Group 2 unit at the source shall make all submissions required under the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program, except as provided in 40 CFR 97.818. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

**(f) Liability.**

- (1) Any provision of the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program that applies to a CSAPR NO<sub>x</sub> Ozone Season Group 2 source or the designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 2 source shall also apply to the owners and operators of such source and of the CSAPR NO<sub>x</sub> Ozone Season Group 2 units at the source.
- (2) Any provision of the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program that applies to a CSAPR NO<sub>x</sub> Ozone Season Group 2 unit or the designated representative of a CSAPR NO<sub>x</sub> Ozone Season Group 2 unit shall also apply to the owners and operators of such unit.

**(g) Effect on other authorities.**

No provision of the CSAPR NO<sub>x</sub> Ozone Season Group 2 Trading Program or exemption under 40 CFR 97.805 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR NO<sub>x</sub> Ozone Season Group 2 source or CSAPR NO<sub>x</sub> Ozone Season Group 2 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.



**CSAPR SO<sub>2</sub> Group 1 Trading Program requirements (40 CFR 97.606)**

**(a) Designated representative requirements.**

The owners and operators shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with 40 CFR 97.613 through 97.618.

**(b) Emissions monitoring, reporting, and recordkeeping requirements.**

- (1) The owners and operators, and the designated representative, of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall comply with the monitoring, reporting, and recordkeeping requirements of 40 CFR 97.630 (general monitoring, recordkeeping, and reporting requirements, including: installation, certification, and data accounting; compliance deadlines; reporting data; prohibitions; and long-term cold storage), 97.631 (initial monitoring system certification and recertification procedures), 97.632 (monitoring system out-of-control periods), 97.633 (notifications concerning monitoring), 97.634 (recordkeeping and reporting, including: monitoring plans, certification applications, quarterly reports, and compliance certification), and 97.635 (petitions for alternatives to monitoring, recordkeeping, or reporting requirements).
- (2) The emissions data determined in accordance with 40 CFR 97.630 through 97.635 shall be used to calculate allocations of CSAPR SO<sub>2</sub> Group 1 allowances under 40 CFR 97.611(a)(2) and (b) and 97.612 and to determine compliance with the CSAPR SO<sub>2</sub> Group 1 emissions limitation and assurance provisions under paragraph (c) below, provided that, for each monitoring location from which mass emissions are reported, the mass emissions amount used in calculating such allocations and determining such compliance shall be the mass emissions amount for the monitoring location determined in accordance with 40 CFR 97.630 through 97.635 and rounded to the nearest ton, with any fraction of a ton less than 0.50 being deemed to be zero.

**(c) SO<sub>2</sub> emissions requirements.**

- (1) CSAPR SO<sub>2</sub> Group 1 emissions limitation.
  - (i). As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold, in the source's compliance account, CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under 40 CFR 97.624(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all CSAPR SO<sub>2</sub> Group 1 units at the source.
  - (ii). If total SO<sub>2</sub> emissions during a control period in a given year from the CSAPR SO<sub>2</sub> Group 1 units at a CSAPR SO<sub>2</sub> Group 1 source exceed the CSAPR SO<sub>2</sub> Group 1 emissions limitation set forth in paragraph (c)(1)(i) above, then:
    - (A). The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall hold the CSAPR SO<sub>2</sub> Group 1 allowances required for deduction under 40 CFR 97.624(d); and
    - (B). The owners and operators of the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Clean Air Act, and each ton of such excess emissions and each day of such control period shall constitute a separate violation 40 CFR part 97, subpart CCCC and the Clean Air Act.
- (2) CSAPR SO<sub>2</sub> Group 1 assurance provisions.
  - (i). If total SO<sub>2</sub> emissions during a control period in a given year from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in West Virginia exceed the state assurance level, then the owners and operators of such sources and units in each group of one or more sources and units having a common designated representative for such control period, where the common designated representative's share of such SO<sub>2</sub> emissions during such control period exceeds the common designated representative's assurance level for West Virginia and such control period, shall hold (in the assurance account established for the owners and operators of such group) CSAPR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under 40 CFR 97.625(a) in an amount equal to two times the product (rounded to the nearest whole number), as determined by the Administrator in accordance with 40 CFR 97.625(b), of multiplying—
    - (A). The quotient of the amount by which the common designated representative's share of such SO<sub>2</sub> emissions exceeds the common designated representative's assurance level divided by the sum of the amounts, determined for all common designated representatives for such sources and units in West Virginia for such control period, by which each common designated representative's share of such SO<sub>2</sub> emissions exceeds the respective common designated representative's assurance level; and

- (B). The amount by which total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in West Virginia for such control period exceed the state assurance level.
  - (ii). The owners and operators shall hold the CSAPR SO<sub>2</sub> Group 1 allowances required under paragraph (c)(2)(i) above, as of midnight of November 1 (if it is a business day), or midnight of the first business day thereafter (if November 1 is not a business day), immediately after such control period.
  - (iii). Total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in West Virginia during a control period in a given year exceed the state assurance level if such total SO<sub>2</sub> emissions exceed the sum, for such control period, of the state SO<sub>2</sub> Group 1 trading budget under 40 CFR 97.610(a) and the state's variability limit under 40 CFR 97.610(b).
  - (iv). It shall not be a violation of 40 CFR part 97, subpart CCCCC or of the Clean Air Act if total SO<sub>2</sub> emissions from all CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in West Virginia during a control period exceed the state assurance level or if a common designated representative's share of total SO<sub>2</sub> emissions from the CSAPR SO<sub>2</sub> Group 1 units at CSAPR SO<sub>2</sub> Group 1 sources in the state during a control period exceeds the common designated representative's assurance level.
  - (v). To the extent the owners and operators fail to hold CSAPR SO<sub>2</sub> Group 1 allowances for a control period in a given year in accordance with paragraphs (c)(2)(i) through (iii) above,
    - (A). The owners and operators shall pay any fine, penalty, or assessment or comply with any other remedy imposed under the Clean Air Act; and
    - (B). Each CSAPR SO<sub>2</sub> Group 1 allowance that the owners and operators fail to hold for such control period in accordance with paragraphs (c)(2)(i) through (iii) above and each day of such control period shall constitute a separate violation of 40 CFR part 97, subpart CCCCC and the Clean Air Act.
- (3) Compliance periods.
  - (i). A CSAPR SO<sub>2</sub> Group 1 unit shall be subject to the requirements under paragraph (c)(1) above for the control period starting on the later of January 1, 2015 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
  - (ii). A CSAPR SO<sub>2</sub> Group 1 unit shall be subject to the requirements under paragraph (c)(2) above for the control period starting on the later of January 1, 2017 or the deadline for meeting the unit's monitor certification requirements under 40 CFR 97.630(b) and for each control period thereafter.
- (4) Vintage of CSAPR SO<sub>2</sub> Group 1 allowances held for compliance.
  - (i). A CSAPR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under paragraph (c)(1)(i) above for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 1 allowance that was allocated for such control period or a control period in a prior year.
  - (ii). A CSAPR SO<sub>2</sub> Group 1 allowance held for compliance with the requirements under paragraphs (c)(1)(ii)(A) and (c)(2)(i) through (iii) above for a control period in a given year must be a CSAPR SO<sub>2</sub> Group 1 allowance that was allocated for a control period in a prior year or the control period in the given year or in the immediately following year.
- (5) Allowance Management System requirements. Each CSAPR SO<sub>2</sub> Group 1 allowance shall be held in, deducted from, or transferred into, out of, or between Allowance Management System accounts in accordance with 40 CFR part 97, subpart CCCCC.
- (6) Limited authorization. A CSAPR SO<sub>2</sub> Group 1 allowance is a limited authorization to emit one ton of SO<sub>2</sub> during the control period in one year. Such authorization is limited in its use and duration as follows:
  - (i). Such authorization shall only be used in accordance with the CSAPR SO<sub>2</sub> Group 1 Trading Program; and
  - (ii). Notwithstanding any other provision of 40 CFR part 97, subpart CCCCC, the Administrator has the authority to terminate or limit the use and duration of such authorization to the extent the Administrator determines is necessary or appropriate to implement any provision of the Clean Air Act.
- (7) Property right. A CSAPR SO<sub>2</sub> Group 1 allowance does not constitute a property right.
- (d) Title V permit revision requirements.**
  - (1) Owners and operators shall not be required to revise the title V permit for any allocation, holding, deduction, or transfer of CSAPR NO<sub>x</sub> Annual allowances in accordance with 40 CFR part 97, subpart CCCCC.
  - (2) Owners and operators shall revise the title V permit for any addition of, or change to, a unit's description in the CSAPR Monitoring Requirements Table above. The addition of, or change to, a unit's description of whether a unit is required to monitor and report NO<sub>x</sub> emissions using a continuous emission monitoring system (under subpart B of

part 75 of this chapter), an excepted monitoring system (under appendices D and E to part 75 of this chapter), a low mass emissions excepted monitoring methodology (under §75.19 of this chapter), or an alternative monitoring system (under subpart E of part 75 of this chapter) in accordance with §§97.630 through 97.635 is eligible for minor permit modification procedures in accordance with 70.7(e)(2)(i)(B) or 71.7(e)(1)(i)(B).

**(e) Additional recordkeeping and reporting requirements.**

- (1) Unless otherwise provided, the owners and operators of each CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall keep on site at the source each of the following documents (in hardcopy or electronic format) for a period of 5 years from the date the document is created. This period may be extended for cause, at any time before the end of 5 years, in writing by the Administrator.
  - (i). The certificate of representation under 40 CFR 97.616 for the designated representative for the source and each CSAPR SO<sub>2</sub> Group 1 unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such certificate of representation and documents are superseded because of the submission of a new certificate of representation under 40 CFR 97.616 changing the designated representative.
  - (ii). All emissions monitoring information, in accordance with 40 CFR part 97, subpart CCCCC.
  - (iii). Copies of all reports, compliance certifications, and other submissions and all records made or required under, or to demonstrate compliance with the requirements of, the CSAPR SO<sub>2</sub> Group 1 Trading Program.
- (2) The designated representative of a CSAPR SO<sub>2</sub> Group 1 source and each CSAPR SO<sub>2</sub> Group 1 unit at the source shall make all submissions required under the CSAPR SO<sub>2</sub> Group 1 Trading Program, except as provided in 40 CFR 97.618. This requirement does not change, create an exemption from, or otherwise affect the responsible official submission requirements under a title V operating permit program in 40 CFR parts 70 and 71.

**(f) Liability.**

- (1) Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 source or the designated representative of a CSAPR SO<sub>2</sub> Group 1 source shall also apply to the owners and operators of such source and of the CSAPR SO<sub>2</sub> Group 1 units at the source.
- (2) Any provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program that applies to a CSAPR SO<sub>2</sub> Group 1 unit or the designated representative of a CSAPR SO<sub>2</sub> Group 1 unit shall also apply to the owners and operators of such unit.

**(g) Effect on other authorities.**

No provision of the CSAPR SO<sub>2</sub> Group 1 Trading Program or exemption under 40 CFR 97.605 shall be construed as exempting or excluding the owners and operators, and the designated representative, of a CSAPR SO<sub>2</sub> Group 1 source or CSAPR SO<sub>2</sub> Group 1 unit from compliance with any other provision of the applicable, approved state implementation plan, a federally enforceable permit, or the Clean Air Act.

## **APPENDIX C**

### Acid Rain Permit

Draft Only





west virginia department of environmental protection  
Division of Air Quality

## Phase II Acid Rain Permit

Plant Name: <b>Mountaineer Power Station</b>		Permit #: <b>R33-6264-2027-6</b>
Affected Unit(s): <b>1</b>		
Operator: <b>Appalachian Power Company</b>		ORIS Code: <b>6264</b>
Effective Date	From: <b>January 1, 2023</b>	To: <b>December 31, 2027</b>

### Contents:

1. Statement of Basis.
2. SO<sub>2</sub> allowances allocated under this permit and NO<sub>x</sub> requirements for each affected unit.
3. Comments, notes and justifications regarding permit decisions and changes made to permit application forms during the review process, and any additional requirements or conditions.
4. The permit application forms submitted for this source, as corrected by the West Virginia Division of Air Quality. The owners and operators of the source must comply with the standard requirements and special provisions set forth in the application.

### 1. Statement of Basis

**Statutory and Regulatory Authorities:** In accordance with W. Va. Code §22-5-4(a)(16) and Titles IV and V of the Clean Air Act, the West Virginia Department of Environmental Protection, Division of Air Quality issues this permit pursuant to 45CSR33 and 45CSR30.

### Permit Approval



Laura M. Crowder

Laura M. Crowder, Director  
Division of Air Quality

February 13, 2023

Date

Promoting a healthy environment

West Virginia Department of Environmental Protection • Division of Air Quality

Plant Name: <b>Mountaineer Power Station</b>	Permit #: <b>R33-6264-2027-6</b>
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2. **SO<sub>2</sub> Allocations and NO<sub>x</sub> Requirements for each affected unit**

Unit No. <b>1</b>
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SO <sub>2</sub> Allowances	Year				
	2023	2024	2025	2026	2027
Table 2 allowances, as adjusted by 40 CFR Part 73	35285	35285	35285	35285	35285
Repowering plan allowances	N/A	N/A	N/A	N/A	N/A
The number of allowances actually held by an affected source in a unit account may differ from the number allocated by U.S. EPA. The aforementioned condition does not necessitate a revision to the unit SO <sub>2</sub> allowance allocations identified in this permit (See 40 CFR §72.64).					

NO <sub>x</sub> Requirements	2023	2024	2025	2026	2027
NO <sub>x</sub> Limit (lb/mmBtu)	0.46	0.46	0.46	0.46	0.46
Pursuant to 40 CFR Part 76 and 45CSR33, the West Virginia Department of Environmental Protection, Division of Air Quality, approves a NO <sub>x</sub> emissions compliance plan for this unit effective for calendar years 2023, 2024, 2025, 2026 and 2027. Under this plan the unit's actual annual average NO <sub>x</sub> emission rate shall not exceed the applicable limitation of 0.46 lb/mmBtu as set forth in 40 CFR §76.7(k)(2) for Group 1, Phase II dry bottom, wall fired boilers.					
In addition to the described NO <sub>x</sub> compliance plans, this unit shall comply with all other applicable requirements of 40 CFR Part 76, including the duty to notify for a NO <sub>x</sub> compliance plan and requirements covering excess emissions.					

3. **Comments, notes and justifications regarding decisions, and changes made to the permit application forms during the review process:**

On October 21, 2022, the WVDAQ submitted via email, a legal ad for the "Notice of Comment Period" to the *Point Pleasant Register* to be published on October 26, 2022. Several follow-up attempts were made by the WVDAQ to verify publication of said legal ad through attempted correspondence with the newspaper and through internet searches which resulted in no response nor verification of publication. At the time of the submittal, the newspaper was in the process of being taken over by another newspaper. Finally, on December 21, 2022, via a telephone conversation with the new owners of the *Point Pleasant Register*, it was verified that the newspaper had no record of the legal ad being published as requested. Therefore, on December 21, 2022, the WVDAQ resubmitted the request to have the legal ad published on December 27, 2022. In the interim while in the "Draft/Proposed" period, since the existing permit R33-6264-2022-5A was due to expire on December 31, 2022 and since the facility submitted a timely and complete renewal application, the determination was made that the facility, pursuant to 40 CFR §72.32, would operate under the existing permit until such time that the renewal permit was issued. Furthermore, 40 CFR §72.53(b)(2) states in part, that the permit term shall be 5 years. To maintain consistency with the effective dates and expiration dates of other Acid Rain permits issued in West Virginia, the effective date of this renewal has been kept as the original effective date of January 1, 2023 even though the Mountaineer Plant operated under the existing permit until the issuance date of this renewal permit.

4. **Permit application forms:**

Attached:





OMB No. 2060-0258  
Approval expires 12/31/2021

## Acid Rain Permit Application

For more information, see instructions and 40 CFR 72.30 and 72.31.

This submission is: ☐ new ☐ revised ☒ for ARP permit renewal

### STEP 1

Identify the facility name,  
State, and plant (ORIS) code.

Mountaineer (1301) Facility (Source) Name	West Virginia State	6264 Plant Code
--	------------------------	--------------------

## STEP 2

Enter the unit ID# for every affected unit at the affected source in column "a."

[illegible]

EPA Form 7510-16 (Revised 8-2019)

**Mountaineer (1301)**  
Facility (Source) Name (from STEP 1)

Acid Rain - Page 2

**STEP 3**

**Read the standard requirements.**

**Permit Requirements**

- (1) The designated representative of each affected source and each affected unit at the source shall:
  - (i) Submit a complete Acid Rain permit application (including a compliance plan) under 40 CFR part 72 in accordance with the deadlines specified in 40 CFR 72.30, and
  - (ii) Submit in a timely manner any supplemental information that the permitting authority determines is necessary in order to review an Acid Rain permit application and issue or deny an Acid Rain permit.
- (2) The owners and operators of each affected source and each affected unit at the source shall:
  - (i) Operate the unit in compliance with a complete Acid Rain permit application or a superseding Acid Rain permit issued by the permitting authority; and
  - (ii) Have an Acid Rain Permit.

**Monitoring Requirements**

- (1) The owners and operators and, to the extent applicable, designated representative of each affected source and each affected unit at the source shall comply with the monitoring requirements as provided in 40 CFR part 75.
- (2) The emissions measurements recorded and reported in accordance with 40 CFR part 75 shall be used to determine compliance by the source or unit, as appropriate, with the Acid Rain emissions limitations and emissions reduction requirements for sulfur dioxide and nitrogen oxides under the Acid Rain Program.
- (3) The requirements of 40 CFR part 75 shall not affect the responsibility of the owners and operators to monitor emissions of other pollutants or other emissions characteristics at the unit under other applicable requirements of the Act and other provisions of the operating permit for the source.

**Sulfur Dioxide Requirements**

- (1) The owners and operators of each source and each affected unit at the source shall:
  - (i) Hold allowances, as of the allowance transfer deadline, in the source's compliance account (after deductions under 40 CFR 73.34(c)), not less than the total annual emissions of sulfur dioxide for the previous calendar year from the affected units at the source; and
  - (ii) Comply with the applicable Acid Rain emissions limitations for sulfur dioxide.
- (2) Each ton of sulfur dioxide emitted in excess of the Acid Rain emissions limitations for sulfur dioxide shall constitute a separate violation of the Act.
- (3) An affected unit shall be subject to the requirements under paragraph (1) of the sulfur dioxide requirements as follows:
  - (i) Starting January 1, 2000, an affected unit under 40 CFR 72.6(a)(2); or
  - (ii) Starting on the later of January 1, 2000 or the deadline for monitor certification under 40 CFR part 75, an affected unit under 40 CFR 72.6(a)(3).
- (4) Allowances shall be held in, deducted from, or transferred among Allowance Tracking System accounts in accordance with the Acid Rain Program.
- (5) An allowance shall not be deducted in order to comply with the requirements under paragraph (1) of the sulfur dioxide requirements prior to the calendar year for which the allowance was allocated.
- (6) An allowance allocated by the Administrator under the Acid Rain Program is a limited authorization to emit sulfur dioxide in accordance with the Acid Rain Program. No provision of the Acid Rain Program, the Acid Rain permit application, the Acid Rain permit, or an exemption under 40 CFR 72.1 or 72.6 and no provision of law shall be construed to limit the authority of the United States to terminate or limit such authorization.
- (7) An allowance allocated by the Administrator under the Acid Rain Program does not constitute a property right.

**Nitrogen Oxides Requirements**

The owners and operators of the source and each affected unit at the source shall comply with the applicable Acid Rain emissions limitation for nitrogen oxides.

**Mountaineer (1301)**  
Facility (Source) Name (from STEP 1)

Acid Rain - Page 3

**STEP 3, Cont'd.**

**Excess Emissions Requirements**

- (1) The designated representative of an affected source that has excess emissions in any calendar year shall submit a proposed offset plan, as required under 40 CFR part 77.
- (2) The owners and operators of an affected source that has excess emissions in any calendar year shall:
  - (i) Pay without demand the penalty required, and pay upon demand the interest on that penalty, as required by 40 CFR part 77; and
  - (ii) Comply with the terms of an approved offset plan, as required by 40 CFR part 77.

**Recordkeeping and Reporting Requirements**

- (1) Unless otherwise provided, the owners and operators of the source and each affected unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the Administrator or permitting authority:
  - (i) The certificate of representation for the designated representative for the source and each affected unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation, in accordance with 40 CFR 72.24, provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new certificate of representation changing the designated representative;
  - (ii) All emissions monitoring information, in accordance with 40 CFR part 75, provided that to the extent that 40 CFR part 75 provides for a 3-year period for recordkeeping, the 3-year period shall apply;
  - (iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the Acid Rain Program; and,
  - (iv) Copies of all documents used to complete an Acid Rain permit application and any other submission under the Acid Rain Program or to demonstrate compliance with the requirements of the Acid Rain Program.
- (2) The designated representative of an affected source and each affected unit at the source shall submit the reports and compliance certifications required under the Acid Rain Program, including those under 40 CFR part 72 subpart 1 and 40 CFR part 75.

**Liability**

- (1) Any person who knowingly violates any requirement or prohibition of the Acid Rain Program, a complete Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.1 or 72.6, including any requirement for the payment of any penalty owed to the United States, shall be subject to enforcement pursuant to section 113(c) of the Act.
- (2) Any person who knowingly makes a false, material statement in any record, submission, or report under the Acid Rain Program shall be subject to criminal enforcement pursuant to section 113(c) of the Act and 18 U.S.C. 1001.
- (3) No permit revision shall excuse any violation of the requirements of the Acid Rain Program that occurs prior to the date that the revision takes effect.
- (4) Each affected source and each affected unit shall meet the requirements of the Acid Rain Program.
- (5) Any provision of the Acid Rain Program that applies to an affected source (including a provision applicable to the designated representative of an affected source) shall also apply to the owners and operators of such source and of the affected units at the source.
- (6) Any provision of the Acid Rain Program that applies to an affected unit (including a provision applicable to the designated representative of an affected unit) shall also apply to the owners and operators of such unit.
- (7) Each violation of a provision of 40 CFR parts 72, 73, 74, 75, 76, 77, and 78 by an affected source or affected unit, or by an owner or operator or designated representative of such source or unit, shall be a separate violation of the Act.



Mountaineer (1301)  
Facility (Source) Name (from STEP 1)

Acid Rain - Page 4

**STEP 3, Cont'd.**

**Effect on Other Authorities**

No provision of the Acid Rain Program, an Acid Rain permit application, an Acid Rain permit, or an exemption under 40 CFR 72.7 or 72.8 shall be construed as:

- (1) Except as expressly provided in title IV of the Act, exempting or excluding the owners and operators and, to the extent applicable, the designated representative of an affected source or affected unit from compliance with any other provision of the Act, including the provisions of title I of the Act relating to applicable National Ambient Air Quality Standards or State Implementation Plans;
- (2) Limiting the number of allowances a source can hold; provided, that the number of allowances held by the source shall not affect the source's obligation to comply with any other provisions of the Act;
- (3) Requiring a change of any kind in any State law regulating electric utility rates and charges, affecting any State law regarding such State regulation, or limiting such State regulation, including any prudence review requirements under such State law;
- (4) Modifying the Federal Power Act or affecting the authority of the Federal Energy Regulatory Commission under the Federal Power Act; or
- (5) Interfering with or impairing any program for competitive bidding for power supply in a State in which such program is established.

**STEP 4**

**Read the  
certification  
statement, sign,  
and date.**

**Certification**

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name **Scott A. Weaver**

Signature

*Scott A. Weaver*

Date

**4/7/2022**



United States  
Environmental Protection Agency  
Acid Rain Program

OMB No. 2060-0258  
Approval expires 11/30/2012

## Acid Rain NO<sub>x</sub> Compliance Plan

For more information, see instructions and refer to 40 CFR 76.9

Page 1

This submission is: ☐ New ☒ Revised

Page 1 of 2

### STEP 1

Indicate plant name, State, and Plant code from the current Certificate of Representation covering the facility.

Plant Name <b>Mountaineer</b>	State <b>WV</b>	Plant Code <b>6264</b>
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### STEP 2

Identify each affected Group 1 and Group 2 boiler using the unit IDs from the current Certificate of Representation covering the facility. Also indicate the boiler type: "CB" for cell burner, "CY" for cyclone, "DBW" for dry bottom wall-fired, "T" for tangentially fired, "V" for vertically fired, and "WB" for wet bottom, and select the compliance option for each unit by making an "X" in the appropriate row and column.

	ID# 1	ID#	ID#	ID#	ID#	ID#
	Type DBW	Type	Type	Type	Type	Type
(a) Standard annual average emission limitation of 0.60 lb/mmBtu (for Phase 1 dry bottom wall-fired boilers)						
(b) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase 1 tangentially fired boilers)						
(c) Standard annual average emission limitation of 0.44 lb/mmBtu (for Phase 2 dry bottom wall-fired boilers)	X					
(d) Standard annual average emission limitation of 0.45 lb/mmBtu (for Phase 2 tangentially fired boilers)						
(e) Standard annual average emission limitation of 0.58 lb/mmBtu (for cell burner boilers)						
(f) Standard annual average emission limitation of 0.86 lb/mmBtu (for cyclone boilers)						
(g) Standard annual average emission limitation of 0.80 lb/mmBtu (for vertically fired boilers)						
(h) Standard annual average emission limitation of 0.84 lb/mmBtu (for wet bottom boilers)						

EPA Form 7610-28 (Revised 7-2014)

NO<sub>x</sub> Compliance – Page 2

STEP 2, cont'd

Plant Name (From Step 1)
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	ID#	ID#	ID#	ID#	ID#	ID#
	Type	Type	Type	Type	Type	Type
(i) NO <sub>x</sub> Averaging Plan (include NO <sub>x</sub> Averaging form)						
(j) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(A) (check the standard emission limitation box above for most stringent limitation applicable to any unit utilizing stack)						
(k) Common stack pursuant to 40 CFR 75.17(a)(2)(i)(B) with NO <sub>x</sub> Averaging (check the NO <sub>x</sub> Averaging Plan box and include NO <sub>x</sub> Averaging Form)						
(l) EPA-approved common stack apportionment method pursuant to 40 CFR 75.17(a)(2)(i)(C), (a)(2)(i)(B), or (b)(2)						

STEP 3: Identify the first calendar year in which this plan will apply.

January 1, 2019

STEP 4: Read the special provisions and certification, enter the name of the designated representative, sign and date.

#### Special Provisions

General This source is subject to the standard requirements in 40 CFR 72.3. These requirements are listed in this source's Acid Rain Permit.

#### Certification

I am authorized to make this submission on behalf of the owners and operators of the affected source or affected units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Name	Scott A. Weaver	
Signature	<i>Scott A. Weaver</i>	Date <i>12-18-18</i>

EPA Form 7610-28 (Revised 7-2014)





Tipane, Frederick &lt;frederick.tipane@wv.gov&gt;

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**Publication of Class I Legal Ad for the WV Division of Air Quality**

1 message

**Mink, Stephanie R** <stephanie.r.mink@wv.gov>  
To: [legals@rivercitiesnews.com](mailto:legals@rivercitiesnews.com)  
Cc: Frederick Tipane <frederick.tipane@wv.gov>

Wed, May 21, 2025 at 2:12 PM

Please publish the information below as a Class I legal advertisement (one time only) in the Tuesday, May 27, 2025 issue of the *The River Cities Tribune*. Please let me know that this has been received and will be published as requested. If this notice cannot be published on May 27 please advise me of the earliest available publication date. Thank you.

Send the invoice for payment and affidavit of publication to:

**Stephanie Mink**

[Stephanie.R.Mink@wv.gov](mailto:Stephanie.R.Mink@wv.gov) \*\*

**WV Department of Environmental Protection**

**DIVISION OF AIR QUALITY**

**601- 57th Street**

**Charleston, WV 25304**

**\*\*To expedite payments for legal notices we are asking that all invoices and affidavits be emailed to the requestor. Any invoices which are mailed to the office are subject to delays. Thank you for your assistance.**

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**NOTICE OF COMMENT PERIOD FOR DRAFT/PROPOSED OPERATING PERMIT RENEWAL**

Title V of the Federal Clean Air Act and the state Air Pollution Control Act requires that all major sources and certain minor sources have a permit to operate which states all requirements (e.g. emission limitations, monitoring requirements, etc.) established by regulations promulgated under the aforementioned programs. The Division of Air Quality (DAQ) has determined that the draft/proposed permit renewal referenced herein meets this requirement.

The DAQ is providing notice to the general public of its preliminary determination to issue an operating permit renewal to the following company for operation of the referenced electric generation facility:

Appalachian Power Company (d.b.a. American Electric Power)  
Mountaineer Plant  
Plant ID No.: 03-54-053-00009  
State Route 62  
New Haven, WV 25265

This notice solicits comments from the public and affected state(s) concerning the above preliminary determination and provides an opportunity for such parties to review the basis for the proposed approval and the "draft" permit renewal. This notice also solicits comments from the U.S. EPA concerning the same preliminary determination and provides an opportunity for the U.S. EPA to concurrently review the basis for the proposed approval as a "proposed" permit.

All written comments submitted by the public and affected state(s) pursuant to this notice must be received by the DAQ within thirty (30) days of the date of publication of this notice. Under concurrent review, written comments submitted by the U.S. EPA must be received by the DAQ within forty-five (45) days from the date of publication of this notice or from the date the U.S. EPA receives this draft/proposed permit renewal, whichever is later. In the event the 30th/45th day is a Saturday, Sunday, or legal holiday, the comment period will be extended until 5:00 p.m. on the following regularly scheduled business day. The public shall have 135 days from the date of publication of this notice to file petitions for concurrently reviewed permits. Upon notice by the U.S. EPA to the DAQ, prior to the end of the 45 day notice period, the U.S. EPA may choose to hold the 30 day comment period on the draft permit and the 45 day comment period on the proposed permit sequentially. During the public comment period any interested person may submit written comments on the draft permit and, if no public hearing has been scheduled, may request a public hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Director of the DAQ shall grant such a request for a hearing if she concludes that a public hearing is appropriate. Any public hearing shall be held in the general area in which the facility is located, after 30 day notice is given. The DAQ will consider all written comments prior to final action on the permit.

Copies of the Permit Application, DAQ Fact Sheet, and Draft/Proposed Permit Renewal may be downloaded from the DAQ's web site at: <https://dep.wv.gov/daq/permitting/titlevpermits/Pages/default.aspx>.

Comments and questions concerning this matter should be addressed to:

WV Department of Environmental Protection  
Division of Air Quality  
601 57th Street SE  
Charleston, WV 25304  
Contact: Frederick Tipane  
(304) 414-1910  
[frederick.tipane@wv.gov](mailto:frederick.tipane@wv.gov)



Tipane, Frederick &lt;frederick.tipane@wv.gov&gt;

**Re: Publication of Class I Legal Ad for the WV Division of Air Quality**

1 message

**Mink, Stephanie R** <stephanie.r.mink@wv.gov>  
To: Legals Theet <legals@theet.com>  
Cc: Frederick Tipane <frederick.tipane@wv.gov>

Wed, May 21, 2025 at 2:59 PM

Tamra,

Thanks for letting us know, the 30th will be fine. Please schedule the notice for the Register and forward a proof whenever it is available.

Thank you  
Stephanie

On Wed, May 21, 2025 at 2:34 PM Legals Theet <legals@theet.com> wrote:

We are not publishing a paper on May 27th. The earliest day this could run would be in the River City Register on May 30th.

Thank you Tamra

On Wed, May 21, 2025 at 2:13 PM Mink, Stephanie R <stephanie.r.mink@wv.gov> wrote:

Please publish the information below as a Class I legal advertisement (one time only) in the Tuesday, May 27, 2025 issue of the *The River Cities Tribune*. Please let me know that this has been received and will be published as requested. If this notice cannot be published on May 27 please advise me of the earliest available publication date. Thank you.

Send the invoice for payment and affidavit of publication to:

**Stephanie Mink**

[Stephanie.R.Mink@wv.gov](mailto:Stephanie.R.Mink@wv.gov) \*\*

**WV Department of Environmental Protection**

**DIVISION OF AIR QUALITY**

**601- 57th Street**

**Charleston, WV 25304**

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Mountaineer Plant  
Plant ID No.: 03-54-053-00009  
State Route 62  
New Haven, WV 25265

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Comments and questions concerning this matter should be addressed to:

WV Department of Environmental Protection  
Division of Air Quality  
601 57th Street SE  
Charleston, WV 25304  
Contact: Frederick Tipane  
(304) 414-1910  
[frederick.tipane@wv.gov](mailto:frederick.tipane@wv.gov)

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**Please note there may be early deadlines/canceled publications on major holidays such as:**

**New Years Day  
Memorial Day  
Independence Day  
Labor Day  
Thanksgiving  
Christmas**

**The Exponent Telegram publishes legal advertisements Tuesday - Saturday and requires a minimum of two business days notice for publication. All weekly publications deadline at minimum three business days prior to the publication day.**

***(Please allow for more time with larger ad content - please request estimated run date).***

Thank you,

Legal Department, WV News  
Phone: 304-626-1400  
Toll Free: [800-982-6034](tel:800-982-6034)  
Fax: [304-622-3629](tel:304-622-3629)  
Email: [legals@theet.com](mailto:legals@theet.com)  
[324 Hewes Avenue](#)  
PO Box 2000  
Clarksburg, WV 26301

Legals/Public Notices publish in the following publications:

**The Exponent Telegram** (Tuesday through Saturday) | **Weston Democrat** (each Wednesday) | **Preston News** (Tuesday) & **Journal** (Thursday) | **The Garrett County Republican** (Thursday) | **Jackson Herald** (Tuesday) & **Star News** (Friday) | **Mineral Tribune** (Tuesday) & **News** (Thursday) | **River Cities Tribune** (Tuesday) & **Register** (Friday) | **The Record Delta** (each Wednesday) | **The Mountain Statesman** (each Wednesday)

**NOTICE:**

This e-mail and any attachments are confidential and protected by legal privilege. If you are not the intended recipient of this message, you may not disclose, print, copy or disseminate this information. If you have received this information in error, please reply and notify sender (only) and delete the message. Unauthorized interception of this e-mail is a violation of federal criminal law. This communication does not reflect an intention by the sender or the sender's client or principal to conduct a transaction or make any agreement by electronic means. Thank you for your cooperation.

Draft Only



Tipane, Frederick <frederick.tipane@wv.gov>

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## Fwd: Classified Ad# 1472930 Confirmation

1 message

---

**Mink, Stephanie R** <stephanie.r.mink@wv.gov>  
To: Frederick Tipane <frederick.tipane@wv.gov>

Thu, May 22, 2025 at 7:35 AM

Here's the proof for your notice. Please let me know if there are any changes before I approve it.

Thanks  
Stephanie

----- Forwarded message -----

From: <tlawson@wvnews.com>  
Date: Wed, May 21, 2025 at 3:48 PM  
Subject: Classified Ad# 1472930 Confirmation  
To: <stephanie.r.mink@wv.gov>

Please approve your legal to run in the River City Register May 30th. Thank you Tamra

Draft Only



Draft Only

Draft Only

**NOTICE OF COMMENT PERIOD  
FOR DRAFT/PROPOSED OPERAT-  
ING PERMIT RENEWAL**

Title V of the Federal Clean Air Act and the state Air Pollution Control Act requires that all major sources and certain minor sources have a permit to operate which states all requirements (e.g. emission limitations, monitoring requirements, etc.) established by regulations promulgated under the aforementioned programs. The Division of Air Quality (DAQ) has determined that the draft/proposed permit renewal referenced herein meet this requirement.

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American Electric Power)  
Mountaineer Plant  
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Comments and questions concerning this matter should be addressed to:

WV Department of Environmental

WEST VIRGINIA DEPARTMENT OF ENVIRONMENTAL  
Protection  
Division of Air Quality  
601 57th Street SE  
Charleston, WV 25304  
Contact: Frederick Tipane  
(304) 414-1910  
frederick.tipane@wv.gov

**Acc.Id:** 27207  
**Name:** WV DEP - AIR QUALITY  
**Phone:** 304  
**Address:** DIVISION OF AIR QUALITY  
**City:** CHARLESTON  
**State:** WV  
**Postcode:** 25304  
**Class:** 989 River City Register Legal  
**Edition:** RCC  
**Start:** 05/30/2025  
**Stop:** 05/30/2025  
**Issues:** 1  
**Units:** 532.0  
**Order ID:** TC 1472930  
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**Printed on:** 05/21/2025 15:47:57  
**Printed by:** TLAWSON



1472930.pdf  
7K

**NOTICE OF COMMENT PERIOD  
FOR DRAFT/PROPOSED OPERAT-  
ING PERMIT RENEWAL**

Title V of the Federal Clean Air Act and the state Air Pollution Control Act requires that all major sources and certain minor sources have a permit to operate which states all requirements (e.g. emission limitations, monitoring requirements, etc.) established by regulations promulgated under the aforementioned programs. The Division of Air Quality (DAQ) has determined that the draft/proposed permit renewal referenced herein meet this requirement.

The DAQ is providing notice to the general public of its preliminary determination to issue an operating permit renewal to the following company for operation of the referenced electric generation facility:

Appalachian Power Company (d.b.a.  
American Electric Power)  
Mountaineer Plant  
Plant ID No.: 03-54-053-00009  
State Route 62  
New Haven, WV 25265

This notice solicits comments from the public and affected state(s) concerning the above preliminary determination and provides an opportunity for such parties to review the basis for the proposed approval and the "draft" permit renewal. This notice also solicits comments from the U.S. EPA concerning the same preliminary determination and provides an opportunity for the U.S. EPA to concurrently review the basis for the proposed approval as a "proposed" permit.

All written comments submitted by the public and affected state(s) pursuant to this notice must be received by the DAQ within thirty (30) days of the date of publication of this notice. Under concurrent review, written comments submitted by the U.S. EPA must be received by the DAQ within forty-five (45) days from the date of publication of this notice or from the date the U.S. EPA receives this draft/proposed permit renewal, whichever is later. In the event the 30th/45th day is a Saturday, Sunday, or legal holiday, the comment period will be extended until 5:00 p.m. on the following regularly scheduled business day. The public shall have 135 days from the date of publication of this notice to file petitions for concurrently reviewed permits. Upon notice by the U.S. EPA to the DAQ, prior to the end of the 45 day notice period, the U.S. EPA may choose to hold the 30 day comment period on the draft permit and the 45 day comment period on the proposed permit sequentially. During the public comment period any interested person may submit written comments on the draft permit and, if no public hearing has been scheduled, may request a public hearing. A request for a public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Director of the DAQ shall grant such a request for a hearing if she concludes that a public hearing is appropriate. Any public hearing shall be held in the general area in which the facility is located, after 30 day notice is given. The DAQ will consider all written comments prior to final action on the permit.

Copies of the Permit Application, DAQ Fact Sheet, and Draft/Proposed Permit Renewal may be downloaded from the DAQ's web site at: <https://dep.wv.gov/daq/permitting/titlevpermits/Pages/default.aspx>.

Comments and questions concerning this matter should be addressed to:

WV Department of Environmental  
Protection  
Division of Air Quality  
601 57th Street SE  
Charleston, WV 25304  
Contact: Frederick Tipane  
(304) 414-1910  
[frederick.tipane@wv.gov](mailto:frederick.tipane@wv.gov)

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Tipane, Frederick &lt;frederick.tipane@wv.gov&gt;

**Re: Classified Ad# 1472930 Confirmation**

1 message

**Tipane, Frederick** <frederick.tipane@wv.gov>  
To: "Mink, Stephanie R" <stephanie.r.mink@wv.gov>

Thu, May 22, 2025 at 9:54 AM

Sounds good, thank you.

On Thu, May 22, 2025 at 8:09 AM Mink, Stephanie R <stephanie.r.mink@wv.gov> wrote:  
Excellent, I'll approve it and plan on sending the emails early next week since we aren't publishing until the 30th.

Thanks  
Stephanie

On Thu, May 22, 2025 at 8:05 AM Tipane, Frederick <frederick.tipane@wv.gov> wrote:  
It looks good to me.

Thanks,  
Fred

On Thu, May 22, 2025 at 7:36 AM Mink, Stephanie R <stephanie.r.mink@wv.gov> wrote:  
Here's the proof for your notice. Please let me know if there are any changes before I approve it.

Thanks  
Stephanie

----- Forwarded message -----

From: <tlawson@wvnews.com>  
Date: Wed, May 21, 2025 at 3:48 PM  
Subject: Classified Ad# 1472930 Confirmation  
To: <stephanie.r.mink@wv.gov>

Please approve your legal to run in the River City Register May 30th. Thank you Tamra



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FOR DRAFT/PROPOSED OPERAT-  
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WV Department of Environmental

WV DEPARTMENT OF ENVIRONMENTAL  
Protection  
Division of Air Quality  
601 57th Street SE  
Charleston, WV 25304  
Contact: Frederick Tipane  
(304) 414-1910  
frederick.tipane@wv.gov

**Acc.Id:** 27207  
**Name:** WV DEP - AIR QUALITY  
**Phone:** 304  
**Address:** DIVISION OF AIR QUALITY  
**City:** CHARLESTON  
**State:** WV  
**Postcode:** 25304  
**Class:** 989 River City Register Legal  
**Edition:** RCC  
**Start:** 05/30/2025  
**Stop:** 05/30/2025  
**Issues:** 1  
**Units** 532.0  
**Order ID:** TC 1472930  
**TFN:** C  
**TFN cycle:**  
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**Status:** HO  
**Source:**  
**Paytype:** BI  
**Rate:** LW  
**Cost EXC GST:** 55.22  
**Tax:** 0.00  
**Total Charge:** 55.22  
**Printed on:** 05/21/2025 15:47:57  
**Printed by:** TLAWSON



Tipane, Frederick &lt;frederick.tipane@wv.gov&gt;

**Re: [EXTERNAL] Re: Comments on AEP Appalachian Power Company Mountaineer Plant Title V Renewal Permit Pre-Draft**

1 message

**Tipane, Frederick** <frederick.tipane@wv.gov>

Thu, May 22, 2025 at 1:42 PM

To: David J Long &lt;djlong@aep.com&gt;

Cc: Jill N Lukehart &lt;jnlukehart@aep.com&gt;, Tyler Roberts &lt;mroberts@aep.com&gt;

Hi Dave,

You are correct. This is the version that will go to public notice. As of right now the public notice ad will be published on Friday May 30, 2025. You will be receiving notification via email.

Fred

On Thu, May 22, 2025 at 11:30 AM David J Long &lt;djlong@aep.com&gt; wrote:

Hi Fred,

I've looked the revised draft over and it looks good. I'm assuming this is the version that will be put on public notice shortly. Is my assumption correct?

I'm looking forward to working with you to move the Title V Renewal Permit to completion.

Dave



**DAVID J LONG, PE | ENVIRONMENTAL ENGINEER STAFF**  
DJLONG@AEP.COM | D:614.716.1245 | C:614.226.7601  
1 RIVERSIDE PLAZA, COLUMBUS, OH 43215

**From:** Tipane, Frederick <frederick.tipane@wv.gov>**Sent:** Tuesday, May 20, 2025 1:52 PM**To:** David J Long <djlong@aep.com>**Cc:** Jill N Lukehart <jnlukehart@aep.com>; Tyler Roberts <mroberts@aep.com>**Subject:** [EXTERNAL] Re: Comments on AEP Appalachian Power Company Mountaineer Plant Title V Renewal Permit Pre-Draft

Good afternoon Dave,

I have reviewed your comments and offer the following responses:

1. Condition 4.4.7.(3) was added because the requirement in 40 CFR §63.7555(a)(3) had been previously omitted from the permit. I had not realized that part of that requirement was a duplicate of condition 4.4.9. I have therefore deleted 4.4.7.(3) and added the missing portion of §63.7555(a)(3) to condition 4.4.9.

2. The reason the numbering seemed to be jumbled in several of the sections of the permit is due to the requirements being numbered as they were numbered in the federal rules. This was done in earlier versions of the permit including the current permit. I had left the numbering in the Pre-Draft as it is in the existing permit thinking it may aid in the semi-annual and annual compliance reporting. I have however, as a result of your comments, revamped the numbering system to be more conventional and clear and more in line with the way I usually number permit conditions.

Please find attached the revised permit and a "compare" document showing the revisions.

I will move forward with getting the renewal permit to the next stage of the process by getting it out for public comment.

Feel free to contact me if you have any questions or further comments.

Regards,

Fred

On Mon, May 19, 2025 at 3:58 PM David J Long <[djlong@aep.com](mailto:djlong@aep.com)> wrote:

Hi Fred,

We have reviewed the Pre-Draft Permit for Mountaineer Plant and have the following two comments on the Pre-Draft of the Title V Renewal Permit:

1. Section 4.4.7(3) – the second half of this condition is identical to Section 4.4.9. We believe that one of these references should be deleted to avoid duplication of a requirement.
2. Multiple Sections in 4, 5, 6, 7, 8, and 9 – The numbering of the conditions in a number of the individual conditions in these sections are jumbled from normally expected A, B, C, or 1, 2, 3 form, randomly jumping around with no apparent rhyme or reason. If you desire, we can supply a more detailed list of specific conditions in these sections that have this problem. We believe that these sections should be corrected to add to the readability of the permit.

Other than these two comments, we have no additional comments on the Pre-Draft version of Title V Renewal. We look forward to reviewing the Public Comment Draft of the Renewal Permit in the near future.



If you have any questions on our comments, please let me know.

Sincerely,

Dave



**DAVID J LONG, PE | ENVIRONMENTAL ENGINEER STAFF**  
[DJLONG@AEP.COM](mailto:DJLONG@AEP.COM) | D:614.716.1245 | C:614.226.7601  
1 RIVERSIDE PLAZA, COLUMBUS, OH 43215

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