

West Virginia Department of Environmental Protection

*Austin Caperton
Cabinet Secretary*

Class II General Permit G20-C



for the
Prevention and Control of Air Pollution in regard to the
Construction, Modification, Relocation, Administrative Update and
Operation of Hot Mix Asphalt Plants

*This permit is issued in accordance with the West Virginia Air Pollution Control Act
(West Virginia Code §§ 22-5-1 et seq.) and 45CSR13 — Permits for Construction, Modification, Relocation
and Operation of Stationary Sources of Air Pollutants,
Notification Requirements, Temporary Permits, General Permits and Procedures for Evaluation.*

A handwritten signature in blue ink, appearing to read "William F. Durham", is written over a horizontal line.

*William F. Durham
Director, Division of Air Quality*

Issued: July 18, 2018

Class II General Permit G20-C supersedes and replaces General Permit G20-B issued on November 19, 2003.

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

This permit does not affect 45CSR30 applicability, G20-C registered sources are nonmajor sources deferred from 45CSR30.

Registration under this Class II General Permit satisfies the permitting requirements of 45CSR13, 45CSR3 and 45CSR16 for eligible Hot Mix Asphalt Plants.

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1.0. Emission Units

1.1. General Permit Registration

- 1.1.1. Only those emission units/sources as identified in the G20-C General Permit Registration, with the exception of any *de minimis* sources as identified under Table 45-13B of 45CSR13, are authorized at the registered facility.
- 1.1.2. In accordance with the information filed in the G20-C General Permit Registration Application, the equipment/processes identified in the Emissions Unit Table of the G20-C General Permit Registration shall be installed, maintained, and operated so as to minimize any fugitive escape of pollutants, shall not exceed the listed maximum design capacities, shall use the specified control devices, and shall not exceed the emission limits listed in the General Permit Registration.
- 1.1.3. *Minor Source of Hazardous Air Pollutants (HAP)*. The facility shall not exceed 10 tons per year of any single hazardous air pollutant which has been listed pursuant to § 112(b) of the Clean Air Act or 25 tons per year of any combination of hazardous air pollutants. Compliance with this section shall ensure that the facility is a minor source of HAPs.
- 1.1.4. *Minor Source of Regulated Pollutants*. The facility shall not exceed 100 tons per year of any regulated air pollutant. The fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of 45CSR30-2.26.b. Compliance with this Section shall ensure that the facility is a minor source of regulated air pollutants.
- 1.1.5. *Minor Source Compliance*. The registrant shall maintain records of annual HAP and all other regulated air pollutant emissions using AP-42 emission factors, manufacturer guaranteed values, sample and/or test data, calculation methods used in preparation of the registration application or other methods approved by DAQ demonstrating that facility-wide emissions are less than those specified in Sections 1.1.3 and 1.1.4.

2.0. General Conditions

2.1. Purpose

The purpose of this Class II General Permit is to authorize the construction, modification, administrative update, relocation, and operation of eligible hot mix asphalt plants through a Class II General Permit Registration process. The requirements, provisions, standards and conditions of this Class II General Permit address the prevention and control of regulated pollutants from the operation of a hot mix asphalt plant.

2.2. Authority

This permit is issued in accordance with West Virginia air pollution control law W.Va. Code §§ 22-5-1. et seq. and the following Legislative Rules promulgated thereunder:

- 2.2.1. 45CSR13 – *Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, Permission to Commence Construction, and Procedures for Evaluation.*

2.3. Applicability

- 2.3.1. All hot mix asphalt plants (batch mix, drum mix, combination batch/drum mix or continuous mix) subject to 40CFR60, Subpart I and/or 40CFR60 Subpart OOO, or an existing plant which will be newly subject to these regulations upon modification, and having a primary or secondary NAICS code of 324121 or SIC code of 2951 are eligible for General Permit registration except for those instances listed in (a) through (h) below:
- a. Any hot mix asphalt plant which is a major source as defined in 45CSR14 or a non-deferred Title V source as defined in 45CSR30. In the event that registered affected facilities (deferred Title V sources) subject to NSPS, 40 CFR 60, Subpart I, 45CSR16 and 45CSR30 are required by EPA to obtain Title V operating permit coverage under 45CSR30, applicable General Permit operating and compliance requirements and registration-specific process design capacity and yearly throughput limitations shall be incorporated into an appropriate Title V individual or general operating permit. Issuance of a Title V operating permit to a registered hot mix asphalt plant shall not result in General Permit registration being superseded by the Title V permit. General Permit registration and a Title V operating permit shall remain separately enforceable.
 - b. Any hot mix asphalt plant, facility or equipment that is subject to the requirements of 45CSR14, 45CSR19, 45CSR25, 45CSR27 or 45CSR34.
 - c. Any hot mix asphalt plant which incorporate emission units other than the following: dryers; systems for screening, handling, storing and weighing aggregate; systems for loading, transferring and storing mineral filler; systems for mixing hot mix asphalt; loading, transfer and storage of hot mix asphalt; air pollution control devices and associated loading, transfer and storage systems; crushing and screening systems solely for the purpose of handling Recycled Asphalt Products (RAP); paved and unpaved roads and parking areas; internal combustion engine driven electric generators; asphalt cement and petroleum liquid storage tanks, liquid asphalt cement storage tank heaters and comfort heaters.
 - d. Any hot mix asphalt plant which incorporates:
 1. A thermal oxidizer for control of volatile organic compound emissions;
 2. An electrostatic precipitator or wet scrubber as a particulate matter secondary collection air pollution control device;
 3. An asphalt cement or petroleum liquid storage vessel or tank greater than or equal to 151 m³ (39,889 gallons) capacity; or
 4. An asphalt cement or petroleum liquid storage vessel or tank greater than or equal to 75 m³ (19,812 gallons) capacity and a working true vapor pressure which exceeds 15.0 kPa (2.17 psia).
 - e. Any hot mix asphalt plant with a storage tank subject to NSPS, Subpart Kb.
 - f. Any steam generating unit (as defined in §60.41c) subject to NSPS, Subpart Dc (>10 MMBTU/hr).
 - g. Any hot mix asphalt plant located in or which may significantly impact an area which has been determined to be a nonattainment area. Unless otherwise approved by the Secretary.
 - h. Any hot mix asphalt plant which will require an individual air quality permit review process and/or individual permit provisions to address the emission of a regulated pollutant or to incorporate regulatory requirement(s) other than those established by General Permit G20-C. This would include “synthetic minor” permitting actions, as they are required to undergo Notice Level C under 45CSR13 Section 8.5.

- 2.3.2. For the purposes of General Permit G20-C, *hot mix asphalt plant* is comprised of any combination of the following: dryers; systems for screening, handling, storing, and weighing hot aggregate; systems for loading, transferring, and storing mineral filler, systems for mixing hot mix asphalt; loading, transfer and storage of hot mix asphalt; and the loading, transfer, and storage systems associated with emission control systems.
- 2.3.3. The West Virginia Division of Air Quality reserves the right to reopen this permit or any authorization issued under this permit if the area in which the facility is located is federally designated as non-attainment for specified pollutants. If subsequently any proposed construction, modification and/or operation does not demonstrate eligibility and/or compliance with the requirements, provisions, standards and conditions of this General Permit, this General Permit registration shall be denied and an individual permit for the proposed activity shall be required.

2.4. Definitions

- 2.4.1. 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.
- 2.4.2. The “Clean Air Act” means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.4.3. “Secretary” means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary’s designated representative for the purposes of this permit.
- 2.4.4. The terms established in applicable definitions codified in the Code of Federal Regulations including 40 CFR Part 60 NSPS Subparts A, I, OOO, IIII and JJJJ or 40 CFR Part 63 MACT Subparts A and ZZZZ shall also apply to those sections of General Permit G20-C where these subparts are incorporated or otherwise addressed.

2.5. Acronyms

CAAA	Clean Air Act Amendments	NO _x	Nitrogen Oxides
CBI	Confidential Business Information	NSCR	Non Selective Catalytic Reduction
CEM	Continuous Emission Monitor	NSPS	New Source Performance Standards
CES	Certified Emission Statement	PM	Particulate Matter
CFR	Code of Federal Regulations	PM _{2.5}	Particulate Matter less than 2.5 µm in diameter
CO	Carbon Monoxide	PM ₁₀	Particulate Matter less than 10 µm in diameter
CSR	Code of State Rules	ppm	Parts per million
DAQ	Division of Air Quality	ppm _v	Parts per million by Volume
DEP	Department of Environmental Protection	PSD	Prevention of Significant Deterioration
FOIA	Freedom of Information Act	psi	Pounds per square inch
HAP	Hazardous Air Pollutant	RICE	Reciprocating Internal Combustion Engine
HP	Horsepower	SCR	Selective Catalytic Reduction
lb/hr	Pounds per hour	SIC	Standard Industrial Classification
M or m	Thousand	SIP	State Implementation Plan
MACT	Maximum Achievable Control Technology	SO ₂	Sulfur Dioxide
MM or mm	Million		
MMCF/hr	Million Cubic Feet per Hour		
TPY	Tons per year		
N/A	Not Applicable		

NAAQS	National Ambient Air Quality Standards	TAP	Toxic Air Pollutant
NESHAPS	National Emissions Standards for Hazardous Air Pollutants	TSP	Total Suspended Particulate
LAT	Latitude	USEPA	United States Environmental Protection Agency
LON	Longitude	UTM	Universal Transverse Mercator
		VEE	Visual Emissions Evaluation
		VOC	Volatile Organic Compounds

2.6. Permit Expiration and Renewal

- 2.6.1. This Class II General Permit shall remain valid, continuous and in effect unless it is revised, suspended, revoked or otherwise changed under an applicable provision of 45CSR13 or any other applicable legislative rule.
- 2.6.2. General Permit registrations granted by the Secretary shall remain valid, continuous and in effect unless suspended or revoked by the Secretary or made inactive by the owner/operator. If the Class II General Permit registration is subject to action or change, existing registrations will continue to be authorized and subject to the previously established permit conditions. [45CSR§13-10.2, 45CSR§13-10.3]

2.7. Administrative Update to General Permit Registration

- 2.7.1. The registrant may request an administrative update to their General Permit registration as defined in and according to the procedures specified in 45CSR§13-4. [45CSR§13-4.]

2.8. Modification to General Permit Registration

- 2.8.1. The registrant may request a minor permit modification or relocation to their General Permit registration as defined in and according to the procedures specified in 45CSR§13-5. [45CSR§13-5.]

2.9. Duty to Comply

- 2.9.1. The registered facility shall be constructed and operated in accordance with the information filed in the General Permit Registration Application and any amendments thereto. The Secretary may suspend or revoke a General Permit Registration if the plans and specifications upon which the approval was based are not adhered to.
- 2.9.2. The registrant must comply with all applicable conditions of this Class II General Permit. Any General Permit noncompliance constitutes a violation of the West Virginia Code, and/or the Clean Air Act, and is grounds for enforcement action by the Secretary or USEPA.
- 2.9.3. Violation of any of the applicable requirements, provisions, standards or conditions contained in this Class II General Permit, or incorporated herein by reference, may subject the registrant to civil and/or criminal penalties for each violation and further action or remedies as provided by West Virginia Code 22-5-6 and 22-5-7.
- 2.9.4. Registration under this Class II General Permit does not relieve the registrant herein of the responsibility to apply for and obtain all other permits, licenses, and/or approvals from other agencies; i.e. local, state and federal, which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted.

2.10. Inspection and Entry

- 2.10.1. The registrant 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 enter upon the registrant'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 Class II General 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 this Class II General 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.

2.11. Need to Halt or Reduce Activity not a Defense

- 2.11.1. It shall not be a defense for a registrant 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 Class II General 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.

2.12. Emergency

- 2.12.1. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under this Class II General Permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.
- 2.12.2. In any enforcement proceeding, the registrant seeking to establish the occurrence of an emergency has the burden of proof.
- 2.12.3. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

2.13. Federally-Enforceable Requirements

- 2.13.1. All terms and conditions in this permit are enforceable by the Secretary, USEPA, and citizens under the Clean Air Act.

- 2.13.2. Those provisions specifically designated in the permit as “State-enforceable only” shall become “Federally-Enforceable” requirements upon SIP approval by the USEPA.

2.14. Duty to Provide Information

- 2.14.1. The registrant 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 this Class II General Permit Registration or to determine compliance with this General Permit. Upon request, the registrant shall also furnish to the Secretary copies of records required to be kept by the registrant. For information claimed to be confidential, the registrant 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 registrant shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 CFR Part 2.

2.15. Duty to Supplement and Correct Information

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

2.16. Credible Evidence

- 2.16.1. Nothing in this Class II General 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 registrant including but not limited to any challenge to the credible evidence rule in the context of any future proceeding.

2.17. Severability

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

2.18. Property Rights

- 2.18.1. Registration under this Class II General Permit does not convey any property rights of any sort or any exclusive privilege.

2.19. Notification Requirements

- 2.19.1. The registrant shall notify the Secretary, in writing, no later than thirty (30) calendar days after the actual startup of the operations authorized under this permit.

2.20. Suspension of Activities

- 2.20.1. In the event the registrant should deem it necessary to suspend, for a period in excess of one (1) year, all operations authorized by this permit, the registrant shall notify the Secretary, in writing, within two (2) calendar weeks of the passing of the one (1) year of the suspension period.

2.21. Transferability

- 2.21.1. This permit is transferable in accordance with the requirements outlined in Section 10.1 of 45CSR13. **[45CSR§13-10.1.]**

3.0. Facility-Wide Requirements

3.1. Siting Criteria

- 3.1.1. All persons submitting a Class II General Permit Registration Application to construct, modify or relocate a hot mix asphalt plant shall be subject to the following siting criteria:
- a. No emission unit shall be constructed, located or relocated within 300 feet of any occupied dwelling, business, public building, school, church, community building, institutional building or public park. An owner of an occupied dwelling or business may elect to waive the 300 foot siting criteria.
 - b. Any person proposing to construct, modify or relocate any emission unit(s) within 300 feet of any occupied dwelling, business, public building, school, church, community, institutional building or public park may elect to obtain an individual permit pursuant to 45CSR13.

3.2. Limitations and Standards

- 3.2.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1.
[45CSR§6-3.1.]
- 3.2.2. **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.]
- 3.2.3. **Asbestos.** The registrant 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 registrant, 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 registrant is subject to the notification requirements of 40 CFR § 61.145(b)(3)(i). USEPA, the Division of Water and Waste Management (DWWM), and the Department of Health and Human Resources (DHHR) – Office of Environmental Health Services (OEHS) require a copy of this notice to be sent to them.
[40CFR§61.145(b) and 45CSR§34]
- 3.2.4. **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]*
- 3.2.5. **Permanent shutdown.** A source which has not operated at least 500 hours in one, twelve (12) month period within the previous five (5) year time period may be considered permanently shutdown, unless such source can provide to the Secretary, with reasonable specificity, information to the contrary. All permits may be modified or revoked and/or reapplication or application for new permits may be required for any source determined to be permanently shutdown. *This requirement does not apply to emergency generator(s) permitted to operate only 500 hours per year.*
[45CSR§13-10.5.]

- 3.2.6. **Standby plan for reducing emissions.** When requested by the Secretary, the registrant 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.]
- 3.2.7. **Minimization of Fugitive Emissions.** The registrant shall operate consistent with information provided in registrant's G20-C General Permit Registration Application for fugitive emission sources. [45CSR§13-5.11.]

3.3. Monitoring Requirements

Reserved

3.4. Testing Requirements

- 3.4.1. **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 registrant shall conduct test(s) to determine compliance with the emission limitations set forth in this Class II General Permit and/or established or set forth in underlying documents. The Secretary, or their duly authorized representative, may at his/her option witness or conduct such test(s). Should the Secretary exercise his/her option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
- a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 CFR Parts 60, 61, and 63 in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the Class II General Permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 as applicable.
 - b. The Secretary may on a source-specific basis require, approve or specify additional testing or alternative testing to the test methods specified in the Class II General 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 3.4.1.a. of this general permit. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit may be revised in accordance with 45CSR§13-4. or 45CSR§13-5.4 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 Class II General Permit shall be conducted in accordance with an approved test protocol. 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 registrant 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 registrant shall submit a report of the results of the stack test within sixty (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 and any operating parameters required to be monitored. The report shall include the following: the certification described in paragraph 3.6.1; 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; and,
 3. A statement of compliance or noncompliance with each permit or rule condition.[WV Code § 22-5-4(a)(14-15) and 45CSR13]

3.5. Recordkeeping Requirements

- 3.5.1. **Retention of records.** The registrant shall maintain records of all information (including monitoring data, support information, reports, and notifications) required by this permit recorded in a form suitable and readily available for expeditious inspection and review. Support information includes all calibration and maintenance records. The files shall be maintained for at least five (5) years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. Said records shall be maintained on site or in a readily accessible off-site location maintained by the registrant for a period of five (5) years. Said records shall be readily available to the Secretary of the Division of Air Quality or his/her duly authorized representative for expeditious inspection and review. Any records submitted to the agency pursuant to a requirement of this permit or upon request by the Secretary shall be certified by a responsible official. Where appropriate, the registrant may maintain records electronically.
- 3.5.2. **Odors.** For the purposes of 45CSR4, the registrant 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§4. *State Enforceable Only.*]

3.6. Reporting Requirements

- 3.6.1. **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.
- 3.6.2. **Confidential information.** A registrant may request confidential treatment for the submission of reporting required by this permit pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45CSR31.
- 3.6.3. **Correspondence.** 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, e-mailed or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Secretary of the Department of Environmental Protection may designate:

If to the DAQ:

Director
WVDEP
Division of Air Quality
601 57th Street SE
Charleston, WV 25304-2345
-or-
DEPAirQualityReports@wv.gov
(preferred)

If to the US EPA:

Associate Director
Office of Air Enforcement and Compliance Assistance
(3AP20)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029

3.6.4. **Emission inventory.** At such time(s) as the Secretary may designate, the registrant herein shall prepare and submit an emission inventory for the previous year, addressing the emissions from the facility and/or process(es) authorized herein, in accordance with the emission inventory submittal requirements of the DAQ. After the initial submittal, the Secretary may, based upon the type and quantity of the pollutants emitted, establish a frequency other than on an annual basis.

3.6.5. **Operating Fee**

3.6.5.1. In accordance with 45CSR30 – Operating Permit Program, the permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality. A receipt for the appropriate fee shall be maintained on the premises for which the receipt has been issued, and shall be made immediately available for inspection by the Secretary or his/her duly authorized representative.

4.0. Source-Specific Requirements

4.1. Limitations and Standards

- 4.1.1. *Operation and Maintenance of Air Pollution Control Equipment.* The registrant shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in the issued General Permit Registration and associated monitoring equipment to comply with limits set forth in this General Permit or as set forth by any State rule, Federal regulation, or alternative control plan approved by the Secretary.
[45CSR§13-5.11.]
- 4.1.2. *Applicability of State and Federal Regulations.* The registrant is subject to the provisions of the following State Rules and Federal Regulations, to the extent applicable based on its registration:
- a. 45CSR2 - To Prevent and Control Particulate Air Pollution from Combustion of Fuel in Indirect Heat Exchangers
 - b. 45CSR3 - To Prevent and Control Air Pollution from the Operation of Hot Mix Asphalt Plants
 - c. 45CSR7 - To Prevent and Control Particulate Matter Air Pollution from Manufacturing Processes and Associated Operations
 - d. 45CSR10 – To Prevent and Control Air Pollution from the Emission of Sulfur Oxides
 - e. 45CSR13 - Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Administrative Updates, Temporary Permits, General Permits, and Procedures for Evaluation
 - f. 45CSR16 - Standards of Performance for New Stationary Sources Pursuant to 40 CFR Part 60
 - g. 45CSR22 – Air Quality Management Fee Program
 - h. 45CSR30 – Requirements for Operating Permits
 - i. 40CFR60 Subpart I - Standards of Performance for Hot Mix Asphalt Facilities
 - j. 40CFR60 Subpart OOO - Standards of Performance for Nonmetallic Minerals Processing Plants.
 - k. 40CFR60 Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines
 - l. 40CFR60 Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines
 - m. 40CFR63 Subpart ZZZZ - National Emission Standards for Hazardous Air Pollutants for Reciprocating Internal Combustion Engines
- 4.1.3. The location of each portable hot mix asphalt plant shall be recorded with registrant's Class II General Permit registration. The physical location of the plant must be on record with DAQ at all times.

4.2. Recordkeeping Requirements

- 4.2.1. *Monitoring information.* The registrant 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.

- 4.2.2. *Record of Maintenance of Air Pollution Control Equipment.* For all pollution control equipment listed in the General Permit Registration, the registrant shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures specifically required in this General Permit.
- 4.2.3. *Record of Malfunctions of Air Pollution Control Equipment.* For all air pollution control equipment listed in the General Permit Registration, the registrant shall maintain records of the occurrence and duration of any malfunction or operational shutdown of the air pollution control equipment during which excess emissions above the applicable permit limit 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.
- 4.2.4. To demonstrate compliance with permit condition 4.1.3, the registrant shall record the date and location each time the hot mix asphalt plant is moved and notify the DAQ in writing.

5.0. Source-Specific Requirements [Hot Mix Asphalt Plants]

5.1. Limitations and Standards

5.1.1. Maximum Design Production Rate Limitation

The maximum hot mix asphalt production rate for any registered hot mix asphalt plant shall not exceed the Maximum Design Production Rate (tons per hour) recorded with registrant's Class II General Permit registration without effecting a modification.

5.1.2. Maximum Yearly Production Limitation

The maximum yearly production of hot mix asphalt for any registered hot mix asphalt plant shall not exceed the Maximum Yearly Production (tons per year) recorded with the registrant's Class II General Permit registration without effecting a modification.

5.1.3. Limitation for Particulate Matter

- a. The registrant shall not cause, suffer, allow or permit the emission of PM and PM₁₀ from a registered hot mix asphalt plant which exceeds the potential to emit (pounds per hour & tons per year) recorded on the hot mix asphalt Plant Emission Summary Sheet in the registrant's Class II General Permit registration without effecting a modification;
- b. The registrant shall not cause, allow or permit particulate matter (PM) emission into the open air in excess of 0.04 grains per dry standard cubic foot from any registered hot mix asphalt plant (40 CFR 60.92(a)(1));
- c. The registrant shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any stack, equipment or transfer point which exhibits 20% opacity or greater based on six minute averages using 40 CFR. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary (45CSR3 & 40 CFR 60.92(a)(2));
- d. The provisions of permit condition 5.1.3.c shall not apply to smoke and/or particulate matter emitted during start-up or shutdown of an operation which exhibits less than 40% opacity for a period of six (6) minutes per start-up or shutdown based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary (45CSR3);
- e. If the Secretary believes that start ups and shutdowns are excessive in duration and/or frequency, the Secretary may require an owner or operator to provide a written report demonstrating that such frequent start-ups and shutdowns are necessary; and
- f. The registrant shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any process source operating which is greater than twenty (20) percent opacity or greater.

5.1.4. Limitation for Particulate Matter from RAP Systems

- a. The registrant shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any crusher subject to 40 CFR60 Subpart OOO that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008, at which a capture system is not used, which exhibits 15% opacity or greater based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary (40 CFR 60.672(b));
- b. The registrant shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from any crusher subject to 40 CFR60 Subpart OOO that commenced construction, modification, or reconstruction after April 22, 2008, at which a capture system is not used, which exhibits 12% opacity or greater based on six minute averages using 40

C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary (40 CFR 60.672(b));

- c. The registrant shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from screening operation, transfer points on belt conveyors, or storage bins that are subject to 40 CFR60 Subpart OOO, that commenced construction, modification, or reconstruction after August 31, 1983 but before April 22, 2008, which exhibits 10% opacity or greater based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary (40 CFR 60.672(b));
- d. The registrant shall not cause, allow or permit emission of smoke and/or particulate matter into the open air from screening operations, transfer points on belt conveyors, or storage bins that are subject to 40 CFR60 Subpart OOO, that commenced construction, modification, or reconstruction after April 22, 2008, which exhibits 7% opacity or greater based on six minute averages using 40 C. F. R. 60, Appendix A, Method 9 or another equivalent method as approved by the Secretary (40 CFR 60.672(b)).

5.1.5. Multiple Stacks

In the case of more than one stack to a hot mix asphalt plant, the limitation for particulate matter set for the in Section 2.3.3. above shall be based on the total emissions of particulate matter from all stacks (45CSR3).

5.1.6. Particulate Matter Capture System and Prevention of Emissions

The registrant shall not cause, suffer, allow or permit a hot mix asphalt plant to operate that is not equipped with a particulate matter capture system and associated primary and secondary air pollution control devices. A particulate matter capture system shall be used to confine, collect, and transport particulate matter from dryers, hot elevators, drum mixers, pugmills, weigh hoppers, hot bins and related components to primary (cyclone, multicyclone, knockdown box) and secondary (baghouse) collection air pollution control devices. Particulate matter capture systems shall include but not be limited to hoods, bins, ductwork, enclosures, primary and secondary collection air pollution control devices and fans. The particulate matter capture system shall be properly designed to accommodate any release of steam during the operation of a batch hot mix asphalt plant. Such systems and devices shall be designed, operated and maintained in such a manner as to prevent the emission of particulate matter from any point other than a stack outlet (45CSR3).

5.1.7. Minimization of Fugitive Emissions, Methods and Required Systems

- a. The registrant shall not cause, suffer, allow or permit a hot mix asphalt plant to operate that is not equipped with an effective fugitive dust control system(s). Such system(s) shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air;
- b. The registrant shall maintain an effective fugitive dust control of the plant premises and owned, leased or controlled haulroads and access roads by paving, chemical treatment and/or water suppression. Good operating methods, practices and general maintenance shall be observed in relation to stockpiling and screen changing to prevent fugitive dust generation and atmospheric entrainment of particulate matter. Good operating practices, water suppression and/or an enclosure shall be employed to effectively minimize fugitive particulate matter generation and atmospheric entrainment when hot bins are pulled at the end of daily operations or any other time (45CSR3);
- c. To maintain an effective fugitive dust control of the registered hot mix asphalt plant premises and owned, leased or controlled haul-roads and access roads, the registrant shall properly install, operate and maintain a fugitive dust control system(s) designed in accordance with good engineering practices and observe and employ good operating methods and general maintenance. Such fugitive dust control systems shall be installed, equipped and operated according to the fugitive dust control system design data recorded on the Hot Mix Asphalt

Plant Fugitive Dust Control Data Sheet in the registrant's Class II General Permit registration and the requirements or methods of this section;

- d. The registrant shall ensure that fugitive dust control system design shall follow and adhere to the following minimum General Permit requirements for an effective fugitive dust control systems, methods, practices and general maintenance:
 - i. Fugitive Dust Control of Premises: The registrant shall adequately maintain and operate on-site fugitive dust measures including, but not limited to, the following: a water truck; a fixed system of water sprays; a portable system of water sprays (rain birds); crusting agents and solution; or a combination thereof to minimize the emission of particulate matter generated from access roads, haulroads, stockpiles and work areas. Any fixed or portable water spray system shall be no less effective than a water truck in minimizing fugitive particulate emissions from the area under control. The water truck and/or fixed/portable water spray system shall be operated at all times when fugitive particulate emissions from access roads, haulroads, stockpiles and work areas are generated as a result of vehicular traffic, operational activity or wind. All water trucks and water spray systems shall be equipped with a pump and spraybars to apply water, solution or crusting agent to access roads, haulroads, stockpiles and work areas where mobile equipment is used. Spraybars shall be equipped with commercially available spray nozzles of sufficient size and number so as to provide adequate coverage to the area being treated. The pump and piping system used to deliver the water, solution or crusting agent shall be of sufficient size and capacity to deliver an adequate quantity to the spray nozzles at a sufficient pressure to provide an effective spray;
 - ii. Haulroad Maintenance: All haulroads, access roads, stockpile and work areas shall be kept clean and in good condition by replacing base material, grading, cleaning and/or paving as required;
 - iii. Vehicular Tracking: If tracking of solids by vehicular traffic from access and/or haulroads onto any public road or highway occurs or has the potential to occur and generate fugitive particulate emissions, the registrant shall properly operate and maintain an underbody truck wash, rumble strips or employ other suitable measures to maintain fugitive dust control of the premises and minimize the tracking of particulate matter;
 - iv. Aggregate Load-In: Fugitive particulate matter generation from all aggregate load-in dump bins and feed hoppers which are fed by barge, rail or truck, endloader, conveyor or other transport device shall be minimized. Control measures may include but are not limited to: effective water sprays, partial enclosures, hoods, curtains, shrouds, movable or telescoping chutes, minimization of drop height, inherent or carry-over moisture, or a combination thereof. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions;
 - v. Mix Additive Load-In: Particulate matter generation from all mix additive load-in dump bins, feed hoppers, screw conveyors and bucket elevators which are fed by barge, rail or truck shall be minimized. Control measures may include but are not limited to: effective enclosure, hoods, curtains, shrouds, movable or telescoping chutes or a combination thereof or a particulate matter capture system. Cement, flyash and mix additive storage structures, bins and/or silos are subject to the emission limitation set forth in permit condition 5.1.3.c. and the particulate matter capture system requirements set forth in permit condition 5.1.6;
 - vi. Loading of Stockpiles: Particulate matter generation from all loading of stockpiles shall be minimized. Control measures may include but are not limited to: effective

- enclosures, a device and/or operating method which minimizes drop height, inherent to carry-over moisture, or a combination thereof;
- vii. Open Stockpiles: Particulate matter generation from all open stockpiles shall be minimized. Control measures may include but are not limited to: water sprays, effective partial or full enclosures, crusting agents, inherent moisture, or a combination thereof. Water sprays are not required to operate when the moisture content of stockpiled material is adequate to ensure minimization of fugitive particulate emissions; and
 - viii. Transfer Points: Particulate matter generation from all transfer points shall be minimized. Control measures may include but are not limited to: effective water sprays, full or partial enclosures, hoods, curtains, shrouds, inherent or carry-over moisture or a combination thereof. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions.
- e. RAP Crusher and Breakers: Particulate matter generation from all crushers and rotary breakers shall be minimized. Control measures may include but are not limited to: full or partial enclosures, water sprays, crusting agents, or some combination thereof. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions; and
 - f. RAP Screens: Particulate matter generation from all screens shall be minimized. Control measures may include but are not limited to: full or partial enclosures, effective water sprays, inherent or carry-over moisture, crusting agents, or some combination thereof. Water sprays are not required to operate when the moisture content of processed material is adequate to ensure minimization of fugitive particulate emissions.
 - g. The Secretary may suspend or revoke a General Permit registration if the plans, specifications and fugitive dust control system design data upon which registration approval was based are not adhered to (45CSR13).
 - h. The registrant shall properly install, operate and maintain designed winterization systems for all water trucks and/or water sprays in a manner that all such fugitive dust control systems remain functional and effective, to the maximum extent practicable, during winter months and cold weather. At all times, including periods of cold weather, the registrant shall comply with the requirements, provisions, standards and conditions of this Class II General Permit, any other permit or applicable statutory or regulatory requirement.
- 5.1.8. **Burner, Dryer and Drum Mixer Limitation, Operation and Design**
- a. The registrant shall not allow emissions of PM, PM₁₀, VOC, SO₂, NO_x, CO, acetaldehyde, benzene, ethylbenzene, toluene, xylene or formaldehyde to exceed the potential to emit (pounds per hour and tons per year) for each pollutant recorded with the registrant's Class II General Permit Registration Application without effecting a modification;
 - b. All dryers shall be equipped with burners which incorporate efficient combustion zone design and be annually tuned, regularly adjusted, maintained and operated to maximize combustion efficiency to ensure the minimization of carbon monoxide and hydrocarbon emissions;
 - c. For drum mix plants, all dryers shall be designed and operated in such a manner to minimize exhaust gas temperature and excess visible emissions associated with high exhaust gas temperatures;
 - d. Drum mixers shall incorporate good flighting design to ensure maximum combustion efficiency, minimize quenching and the excess emissions of carbon monoxide and hydrocarbon emissions associated with poor flighting design; and

- e. The registrant shall affix the manufacturer's serial number and source identification number to each registered burner and dryer for tracking purposes. The numbers shall be permanently affixed and maintained so as to be readable and visible at all times from a safe distance.

5.1.9. Fuel Type

Dryer burners may fire fuel oil, recycled or used oil or pipeline quality natural gas. Maximum sulfur content of fuel oil or recycled or used oil fired in any burner shall not exceed 0.5%. The registrant shall not fire the dryer with wood (or wood byproducts), coal, or fuel consisting of, processed or derived from used automotive or truck tires.

5.1.10. Recycled or Used Oil

- a. The registrant shall not receive, store, burn or fire any recycled or used oil which is considered a hazardous waste or does not meet the used oil specifications below (40 CFR 279.11, Table 1). The burning of used or recycled oil which does not meet these specifications shall constitute a violation of 45CSR25, 33CSR20 and the requirements, provisions, standards and conditions of this Class II General Permit.

<u>Constituent or Property</u>	<u>Maximum Allowable Specification</u>
Arsenic	5.0 ppm
Cadmium	2.0 ppm
Chromium	10.0 ppm
Lead	100.0 ppm
PCBs	2.0 ppm
Total Halogen	4000.0 ppm maximum
Mercury	0.20 ppm
Flash Point	100.0 °F minimum

- b. Recycled or used oil with a Total Halogen content greater than 1000.0 ppm is presumed to be a hazardous waste under the rebuttable presumption provided in 40 CFR 279.10(b)(1)(ii). Therefore, the registrant may receive, store and burn recycled or used oil exceeding 1000.0 ppm Total Halogen (but less than 4000.0 ppm maximum) only if the supplier or marketer has demonstrated that the recycled or used oil is not and does not contain hazardous waste.

5.1.11. Allowable Materials

The registrant shall use only the following materials in the production of hot mix asphalt: clay, silt, sand, gravel and crushed stone produced from natural geologic formations; slag, recycled asphalt shingles, recycled asphalt pavement; portland cement concrete; recycled fines and/or sediments from asphalt plant air pollution control devices; asphaltic cement, hydrated lime and other additives specifically approved by the Secretary.

5.1.12. Recycled Asphalt Paving

- a. For batch mix plants, the particulate matter capture system and associated air pollution control devices shall be properly designed to collect any release of steam and/or blue smoke when RAP is added to the pugmill; and

- b. At no time shall the addition of RAP into the hot mix asphalt manufacturing process cause an exceedance of the limitation for smoke and particulate matter set forth in permit conditions 5.1.3.b & 5.1.3.c.

5.1.13. Storage Tanks

- a. The content, dimensions, and an analysis showing the capacity of all storage tanks shall be recorded in the registrant's Class II General Permit registration, the tank listing shall include all tanks and exclude totes, drums, and other smaller containers used to store materials;
- b. Petroleum liquid storage tank volume shall not exceed 151 m³ (or 39,889 gallons) capacity and maximum true vapor pressure shall not exceed 15.0 kPa (2.17 psia) for petroleum liquid storage tanks greater than 75 m³ (19,812 gallon) capacity; and
- c. The registrant shall inform the Secretary by written correspondence of any change in the number of storage tanks or capacities.

5.1.14. Maintenance of Air Pollution Control Equipment

- a. The registrant shall regularly inspect, properly maintain and operate particulate matter capture systems, associated air pollution control devices and fugitive dust control systems in accordance with recommendations of the manufacturer and the requirements of this section to ensure effective, efficient, compliant operation of such systems and/or devices and the minimization of particulate emissions and control of fugitive dust as set forth in permit conditions 5.1.4 and 5.1.6, respectively;
- b. The registrant shall:
 - i. Visually inspect the exterior portions of each particulate matter capture system, points of capture or collection; filter vents, dust collectors, ducts, connections, housings and associated air pollution control devices for malfunction, leaks and effective operation every three (3) calendar months during the operating season. The registrant shall perform preventive or corrective action as necessary to ensure particulate matter capture system integrity and effective operation:
 - ii. Visually inspect the operation of each exterior baghouse cleaning system mechanism, interior cleaning equipment and the clean side of bags for evidence of leaks or failure annually. The registrant shall perform preventive or corrective action as necessary to ensure effective operation of baghouse cleaning system mechanism, interior cleaning equipment and filter fabric integrity and
 - iii. Visually inspect each fugitive dust control system, associated tanks, piping, fittings, spray nozzles, pumps and valves for malfunction, leaks and effective operation every three (3) calendar months during the operating season. The registrant shall perform preventive or corrective action as necessary to ensure fugitive dust control system integrity and effective operation.

5.2. Monitoring Requirements

- 5.2.1. For the purpose of determining compliance with the opacity limits of 45CSR3, 45CSR7 and 40CFR60.672(b) the registrant shall conduct visible emission checks and/or opacity monitoring and recordkeeping for all emission sources subject to an opacity limit.

The visible emission check shall determine the presence or absence of visible emissions. At a minimum, the observer must be trained and knowledgeable regarding the effects of background contrast, ambient lighting, observer position relative to lighting, wind, and the presence of uncombined water (condensing water vapor) on the visibility of emissions. This training may be obtained from written materials found in the References 1 and 2 from 40CFR Part 60, Appendix

A, Method 22 or from the lecture portion of the 40CFR Part 60, Appendix A, Method 9 certification course.

Visible emission checks shall be conducted at least once per calendar month with a maximum of forty-five (45) days between consecutive readings. These checks shall be performed at each source stack, including dust collector discharge and vent filter discharges, and transfer points, for a sufficient time interval, but no less than one (1) minute, to determine if any visible emissions are present. Visible emission checks shall be performed during periods of normal facility operation and appropriate weather conditions. Visible emissions may be observed at a maximum of three (3) sources concurrently.

If visible emissions are present at a source(s) for three (3) consecutive monthly checks, the registrant shall conduct an opacity reading at that source(s) using the procedures and requirements of Method 9 as soon as practicable, but within seventy-two (72) hours of the final visual emission check.

5.3. Recordkeeping Requirements

- 5.3.1. To demonstrate compliance with permit conditions 5.1.1 and 5.1.2, the registrant shall monitor and record the amount of hot mix asphalt produced on a monthly basis.
- 5.3.2. To demonstrate compliance with permit condition 5.1.9, the registrant shall monitor and record the amount of diesel fuel brought into the facility on a monthly basis.
- 5.3.3. To demonstrate compliance with permit condition 5.1.14, the registrant shall maintain a record of all inspection and maintenance activities performed on air pollution control equipment.
- 5.3.4. For the purpose of determining compliance with the opacity limits of permit condition 5.1.3, the registrant shall maintain records of all monitoring data required by permit condition 5.2.1, documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The registrant shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visual emission check(s). Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements of Method 9. For an emission unit out of service during the normal monthly evaluation, the record of observation may note "out of service" (O/S) or equivalent.
- 5.3.5. The registrant shall maintain maintenance records relating to inspection, failure and/or repair of air pollution control devices and fugitive dust control systems. The record shall include the date of such activities. In the event of air pollution control equipment, fugitive dust control system or system failure, these records shall document the registrant's effort to maintain proper operation of such equipment and/or systems.

5.4. Reporting Requirements

- 5.4.1. See Facility-Wide Reporting Requirements Section 3.6.
- 5.4.2. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observations using 40CFR Part 60, Appendix A, Method 9 OR 45CSR§7 must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.

5.4.3. **Compliance Testing**

The registrant of any affected facility shall submit written reports of the results of all performance tests conducted to demonstrate compliance with the standards set forth in 40 CFR 60.92 & 40 CFR 60.672, including reports of opacity observations made using Method 9 to demonstrate compliance with 40 CFR 60.92 (a)(2) & 40 CFR 60.676 (b), (c), and (d).

- 5.4.4. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observations using 40CFR Part 60, Appendix A, Method 9 OR 45CSR§7 must be reported in writing to the Director of the Division of Air Quality as soon as practicable, but within ten (10) calendar days, of the occurrence and shall include, at a minimum, the following information: the results of the visible determination of opacity of emissions, the cause or suspected cause of the violation(s), and any corrective measures taken or planned.

5.5. Testing Requirements

- 5.5.1. See Facility-Wide Reporting Requirements Section 3.4.

5.5.2 **Stack Testing**

At such reasonable times as the Secretary may designate, the owner or operator of a Hot Mix asphalt plant may be required to conduct or have conducted stack tests to determine the dust loading in exhaust gases and mass emission rates of particulate matter. All tests to determine compliance with exhaust gas dust concentrations and particulate matter mass emission rates shall be conducted in accordance with Methods 1-5 of 40 CFR Part 60, Appendix A provided that all compliance tests must consist of not less than three (3) test runs, test run duration shall not be less than sixty (60) minutes, and not less than thirty (30) standard cubic feet of exhaust gas must be sampled during each test run. Should the Secretary exercise their option to conduct such tests, the operator will 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, ladders, etc., to comply with generally accepted good safety practices.

- 5.5.3 Any Class II General Permit registration action involving the construction or modification of an affected facility subject to NSPS shall be subject to the following performance tests, methods and procedures:

- a. Within 60 calendar days after achieving the maximum production rate at which an affected facility will be operated but not later than 180 calendar days after initial startup of such facility, the registrant shall conduct performance test(s) to determine compliance with the NSPS standard for particulate matter pursuant to 40 CFR 60.92(a)(1) as set forth in Section 2.3.3.b., the opacity standard pursuant to 40 CFR 60.92(a)(2) as set forth in Sections 2.3.3.c. and 2.3.3.d. and the opacity standard pursuant to 40 CFR 60.67(c) as set forth in Section 2.3.3.e. The registrant shall furnish a written report of the results of such test(s) to the Secretary and USEPA (40 CFR 60.8(a) and 40 CFR 60.93(b));
- b. When conducting required performance tests or demonstrating compliance with the NSPS mass emission rate standard for particulate matter, the registrant shall use the procedures and test methods of Reference Method 5 in Appendix A of 40 CFR 60. For purposes of determining initial compliance, the sampling time and sample volume for each run shall be at least 60 minutes and 31.8 dscf (40 CFR 60.93(b)(1));
- c. When conducting required performance tests or demonstrating compliance with opacity standards for affected facilities, the registrant shall use the procedures and test methods of Reference Method 9 in Appendix A of 40 CFR 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (thirty (30) six (6)-minute averages) for the performance test or any other set of observations including sources of fugitive emissions (40 CFR 60.11(b) and 40 CFR 60.93(b)(2));

- d. The registrant shall provide the USEPA at least 30 days prior notice of any performance test to afford the Administrator the opportunity to have an observer present (40 CFR 60.8(d)); and
- e. The Secretary may require a different test method or approve an alternative method in light of any technology advancements that may occur.

6.0. Source-Specific Requirements [Reciprocating Internal Combustion Engine(s) (RICE), Generators (excluding non-road engines)]

6.1. Limitations and Standards

- 6.1.1. *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.
- 6.1.2. The applicable RICE(s) and/or 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.
- 6.1.3. Requirements for Use of Catalytic Reduction Devices
- a. Rich-burn engine(s) equipped with non-selective catalytic reduction (NSCR) air pollution control devices shall be fitted with a closed-loop, automatic air/fuel ratio controller to ensure emissions of regulated pollutants do not exceed the emission limit listed in the General Permit Registration for any engine/NSCR combination under varying load. The closed-loop, automatic air/fuel ratio controller shall control a fuel metering valve to ensure a fuel-rich mixture and a resultant exhaust oxygen content of less than or equal to 2%.
 - b. Lean-burn engine(s) equipped with selective catalytic reduction (SCR) air pollution control devices shall be fitted with a closed-loop automatic feedback controller to ensure emissions of regulated pollutants do not exceed the emission limit listed in the General Permit Registration for any engine/SCR combination under varying load. The closed-loop automatic feedback controller shall provide proper and efficient operation of the engine, ammonia injection and SCR device, monitor emission levels downstream of the catalyst element and limit ammonia slip to less than 10 ppm.
 - c. Lean-burn engine(s) equipped with oxidation catalyst air pollution control devices shall be fitted with a closed-loop automatic air/fuel ratio feedback controller to ensure emissions of regulated pollutants do not exceed the emission limit listed in the General Permit Registration for any engine/oxidation catalyst combination under varying load. The closed-loop, automatic air/fuel ratio controller shall control a fuel metering valve to ensure a lean-rich mixture.
 - d. For engine(s) equipped with a catalyst, the registrant shall monitor the temperature to the inlet of the catalyst and in accordance with manufacturer's specifications; a high temperature alarm shall shut off the engine before thermal deactivation of the catalyst occurs. If the engine shuts off due to high temperature, the registrant shall also check for thermal deactivation of the catalyst before normal operations are resumed.
 - e. The registrant shall follow a written operation and maintenance plan that provides the periodic and annual maintenance requirements.
- 6.1.4. The registrant shall comply with all applicable 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 Combustion Engines specified in 40 CFR Part 63, Subpart ZZZZ.

- 6.1.5. The emission limitations specified in permit condition 6.1.1 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.
- 6.1.6. For the purposes of General Permit G20-C, *emergency generator* means a generator whose purpose is to allow key systems to continue to operate without interruption during times of utility power outages.
- 6.1.7. *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 or operation at any given time during the previous twelve consecutive calendar months.

6.2. Monitoring Requirements

6.2.1. Catalytic Reduction Devices

- a. The registrant shall regularly inspect, properly maintain and/or replace catalytic reduction devices and auxiliary air pollution control devices to ensure functional and effective operation of the engine's physical and operational design. The registrant shall ensure proper operation, maintenance and performance of catalytic reduction devices and auxiliary air pollution control devices by:
1. Maintaining proper operation of the automatic air/fuel ratio controller or automatic feedback controller.
 2. Following the catalyst manufacturer emissions related operating and maintenance recommendations, or develop, implement, or follow a site-specific maintenance plan.

6.2.2. Diesel Particulate Filter

- a. The diesel particulate filter must be installed with a backpressure monitor that notifies the owner/operator when the high backpressure limit of the engine is approached.

6.3. Recordkeeping Requirements

- 6.3.1. To demonstrate compliance with permit condition 6.1.3, the registrant shall maintain records of the maintenance performed on each RICE and/or generator.
- 6.3.2. To demonstrate compliance with general permit condition 6.1.7, the registrant shall maintain records of the hours of operation of the emergency generator(s) on a monthly basis.
- 6.3.3. To demonstrate compliance with permit condition 6.2.1, the registrant shall maintain a copy of the site specific maintenance plan or manufacturer maintenance plan.
- 6.3.4. 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.

- 6.3.5. All records required by this section shall be maintained in accordance with permit condition 3.5.1.

6.4. Testing Requirements

- 6.4.1. 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.
- 6.4.2. To demonstrate compliance with permit condition 6.1.3(a), the registrant shall verify that the closed-loop, automatic air/fuel ratio controller shall control a fuel metering valve to ensure a fuel-rich mixture and a resultant exhaust oxygen content of less than or equal to 2% during any performance testing.

6.5. Reporting Requirements

- 6.5.1. 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.

7.0. Source-Specific Requirements [Non-Road Engines]

7.1. Limitations and Standards

- 7.1.1. All nonroad engines, or any replacement engines, shall not remain at one location for more than 12 consecutive months. A location is any single site at a building, structure, facility or installation. Any engine that replaces the engine claimed as nonroad at a location and that is intended to perform the same or similar function as the claimed nonroad engine must be included in calculating the consecutive time period.
- a. A location is a single site within a facility. An engine that is moved around a facility is not considered to be located at a single site within the facility. Each time the engine is moved from one single site to another single site within the facility the, time restarts for consideration as to whether it was at a single location for 12 consecutive months.

7.2. Recordkeeping Requirements

- 7.2.1. To demonstrate compliance with permit condition 7.1.1., the registrant shall maintain records of each nonroad engine's location, initial date of location and date moved off of location.

8.0. Source-Specific Requirements [Small Heaters and Boilers not subject to 40CFR60 Subpart Dc]

8.1. Limitations and Standards

- 8.1.1. *Maximum Design Heat Input.* The maximum design heat input for any small heater and/or boiler shall be less than 10 MMBTU/hr.
- 8.1.2. Allowable fuels for the small heaters and boilers are natural gas, diesel fuel, and other distillate fuel oils. Recycled or used oils are not allowable fuels for small heaters and boilers.
- 8.1.3. 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. [45CSR§2-3.1.]

8.2. Monitoring Requirements

- 8.2.1. At such reasonable times as the Secretary may designate, the registrant shall conduct Method 9 emission observations for the purpose of demonstrating compliance with permit condition 8.1.3. Method 9 shall be conducted in accordance with 40 CFR 60 Appendix A.

8.3 Testing Requirements

- 8.3.1. Upon request by the Secretary, compliance with the visible emission requirements of permit condition 8.1.3 shall be determined in accordance with 40 CFR Part 60, Appendix A, Method 9 or by using measurements from continuous opacity monitoring systems approved by the Secretary. The Secretary may require the installation, calibration, maintenance and operation of continuous opacity monitoring systems and may establish policies for the evaluation of continuous opacity monitoring results and the determination of compliance with the visible emission requirements of permit condition 8.1.3. Continuous opacity monitors shall not be required on fuel burning units which employ wet scrubbing systems for emission control. [45CSR§2-3.2.]

8.4. Recordkeeping Requirements

- 8.4.1. The registrant shall maintain records of all monitoring data required by permit condition 8.2.1 documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The registrant shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visual emission check(s). Should a visible emission observation be required to be performed per the requirements specified in Method 9, the data records of each observation shall be maintained per the requirements of Method 9.

CERTIFICATION OF DATA ACCURACY

I, the undersigned, hereby certify that, based on information and belief formed after reasonable inquiry, all information contained in the attached _____, representing the period beginning _____ and ending _____, and any supporting documents appended hereto, is true, accurate, and complete.

Signature¹ _____
(please use blue ink) Responsible Official or Authorized Representative Date

Name & Title _____
(please print or type) Name Title

Telephone No. _____ Fax No. _____

- ¹ This form shall be signed by a "Responsible Official." "Responsible Official" means one of the following:
- a. For a corporation: The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or a duly authorized representative of such person if the representative is responsible for the overall operation of one or more manufacturing, production, or operating facilities applying for or subject to a permit and either:
 - (i) the facilities employ more than 250 persons or have a gross annual sales or expenditures exceeding \$25 million (in second quarter 1980 dollars), or
 - (ii) the delegation of authority to such representative is approved in advance by the Director;
 - b. For a partnership or sole proprietorship: a general partner or the proprietor, respectively;
 - c. For a municipality, State, Federal, or other public entity: either a principal executive officer or ranking elected official. For the purposes of this part, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., a Regional Administrator of U.S. EPA); or
 - d. The designated representative delegated with such authority and approved in advance by the Director.