

CLARIFICATION OF PERMITTING REQUIREMENTS FOR SOURCES SUBJECT TO NSPS SUBPART Y OR SUBPART OOO

In a continuing effort to ensure accuracy and consistency within all Division of Air Quality (DAQ) programs, the following clarification of 45CSR13 (Rule 13) permitting requirements for coal preparation and processing plants or non-metallic minerals processing plants has been provided. This document is intended to set forth the permitting requirements for the majority of situations involving these types of sources. It is recommended that a source contact the NSR permitting group for guidance if a specific circumstance does not appear to be covered by this document.

Any new or existing source that will construct or modify a coal preparation and processing plant or non-metallic minerals processing plant must apply for and receive the appropriate Rule 13 permitting action prior to constructing or modifying the source.

Revisions to 40 CFR 60, Subpart Y were promulgated and made effective on October 8, 2009. General Permit G10-D has incorporated the changes to this rule. Revisions to 40 CFR 60, Subpart OOO were promulgated and made effective on April 28, 2009. General Permit G40-C has incorporated the changes to this rule.

Coal preparation and processing plants and non-metallic minerals processing plants require permitting actions under Rule 13 because:

- 1) The potential emissions of the new or modified source will exceed the permitting thresholds set forth in Rule 13 Section 2.17 and 2.24, OR
- 2) The new or modified source is subject to 45CSR5 or NSPS 40 CFR 60, Subpart Y (coal preparation and processing plants), OR
- 3) The new or modified source is subject to 45CSR7 or NSPS 40 CFR 60, Subpart OOO (nonmetallic minerals processing plants).

A) NEW SOURCES

Any new coal preparation and processing plant or non-metallic minerals processing plant that meets any of the 3 triggers listed above must apply for and receive a construction permit or a general permit registration (G10 or G40).

Example: A coal company proposes to construct a small coal handling operation at the opening of a drift mine. The facility will include a crusher and one conveyor belt. The facility has a maximum design capacity of less than 200 tons per day (TPD). This facility is not subject to Rule 5 or Subpart Y because of the small design capacity. The facility's potential emissions are below 6 pounds per hour (pph). The proposed facility does not require a Rule 13 permit or registration of any kind because it is not subject to 45CSR5 or the revised Subpart Y and the potential emissions are less than 6 pph.

Example: A coal company proposes to construct a small coal handling operation at the opening of a drift mine. The facility will include a crusher and 6 conveyor belts. The facility's potential emissions exceed 6 pph and 10 tons per year (TPY). The proposed facility must apply for a construction permit or general permit G10 registration because the new crusher and 6 conveyor

belts are subject to 45CSR5 and the revised Subpart Y and the increase in potential emissions are greater than 6 pph and 10 TPY.

Example: A coal company proposes to construct a small coal handling operation at the opening of a drift mine. The facility will include a crusher and 4 conveyor belts. The facility's potential emissions are below 6 pph and 10 tons per year (TPY). The proposed facility must apply for a construction permit or general permit G10 registration because the new crusher and 4 conveyor belts are subject to 45CSR5 and the revised Subpart Y.

B) EXISTING SOURCES

Any existing coal preparation and processing plant or non-metallic minerals processing plant that proposes to modify the facility such that the increase in potential emissions will exceed the permitting thresholds set forth in Rule 13 section 2.17 must apply for and receive a modification permit or a general permit modification registration.

Example: A coal company proposes to add one or more conveyer belt(s), which are subject to Subpart Y, at a large coal preparation plant. The facility has an existing permit, which includes the provisions of the old Subpart Y. The addition of the conveyer belt(s) will result in a potential increase in emissions of 7 pph and 11 TPY. The company must apply for a permit modification because the new conveyer belt(s) are subject to 45CSR5 and the revised Subpart Y and the increase in potential emissions are greater than 6 pph and 10 TPY.

Example: A company that owns a non-metallic mineral processing plant, which is subject to Subpart 000, proposes to add a new crushing/screening line. The facility has an existing general permit G40 registration, which includes the provisions of the old Subpart 000. The potential increase in emissions from the new line are estimated to be 15 pph and 25 TPY. The company must apply for a general permit modification registration because the new crushing/screening line is subject to 45CSR7 and the revised Subpart 000 and the increase in potential emissions are greater than 6 pph and 10 TPY.

Any existing coal preparation and processing plant or non-metallic minerals processing plant, that does not have a Rule 13 permit or general permit registration and proposes the addition of a crusher, screen, conveyer belt or open storage pile (for coal facilities only) must apply for and receive a construction permit or general permit registration. The addition of this equipment is subject to Rule 5 and revised Subpart Y for coal facilities or Rule 7 and revised Subpart 000 for non-metallic mineral processing plants. The facility must apply for a construction permit or a general permit registration.

Example: An existing non-metallic minerals processing facility that currently has no Rule 13 permit or general permit registration proposes to add a new crusher. The potential emissions of the new crusher are less than 6 pph. The new crusher triggers the applicability of Rule 7 and revised Subpart 000 at a facility not previously subject. The company must apply for a construction permit or general permit G40 registration.

Any existing coal preparation and processing plant or non-metallic minerals processing plant that has a Rule 13 permit or general permit registration that includes the provisions of Rule 5 and Subpart

Y, or Rule 7 and Subpart OOO, and proposes the addition of a crusher, screen or conveyor belt or open storage pile (for coal facilities only) must apply for a modification permit or general permit modification registration. The new equipment is subject to Rule 5 and revised Subpart Y for coal facilities or Rule 7 and revised Subpart OOO for non-metallic mineral processing plants.

Example: An existing non-metallic minerals processing plant with a general permit G40 registration proposes to add a new conveyer belt (or crusher or screen). The general permit G40 contains the provisions of Rule 7 and the old Subpart OOO. The potential emissions of this conveyer belt (or crusher or screen) are more than 6 pph, but less than 10TPY. The facility must get a general permit G40 modification registration because the new conveyor belt (or crusher or screen) is subject to 45CSR7 and the revised Subpart OOO.

C) APPLICATION FEES

For all examples above where the required permit is a construction/modification permit or general permit modification registration, the appropriate application fee to be submitted with the application is \$1,000 for the construction or modification permit application OR \$500 for the general permit registration application fee plus \$1,000 for the NSPS fee.

D) TITLE V REQUIREMENTS

In general, any source required to apply for a construction permit that has a Title V permit will be required to revise their Title V permit. In most of the examples provided in this document, the changes would not meet the definition of a "Title I Modification", and therefore the permittee would be eligible to use the minor modification procedures in revising their Title V permits. When a change is being made that will trigger applicability of a new rule for which the facility is not already subject (e.g., an NSPS Subpart), or a new and different portion of a rule already applicable to the facility (e.g., revised NSPS Subpart Y or revised Subpart OOO), then those changes would meet the definition of a "Title I Modification" and therefore default to use of significant modification procedures for revision their Title V Permit.

It is recommended that a source contact the Title V permitting group for guidance regarding Title V permit revisions.