

West Virginia Department of Environmental Protection

Harold D. Ward

Cabinet Secretary

# Permit to Operate



Pursuant to

**Title V**

of the Clean Air Act

*Issued to:*

**Harrison County Coal Resources, Inc.**

**Harrison County Mine Preparation Plant**

**R30-03300018-2022**

*Laura M. Crowder*

---

*Laura M. Crowder*

*Director, Division of Air Quality*

*Issued: February 15, 2022 • Effective: February 29, 2022*  
*Expiration: February 15, 2027 • Renewal Application Due: August 15, 2026*

Permit Number: **R30-03300018-2022**  
Permittee: **Harrison County Coal Resources, Inc.**  
Facility Name: **Harrison County Mine Preparation Plant**  
Permittee Mailing Address: **46226 National Road W, St. Clairsville, OH 43950**

---

*This permit is issued in accordance with the West Virginia Air Pollution Control Act (West Virginia Code §§ 22-5-1 et seq.) and 45CSR30 — Requirements for Operating Permits. The permittee identified at the above-referenced facility is authorized to operate the stationary sources of air pollutants identified herein in accordance with all terms and conditions of this permit.*

---

Facility Location:	Shinnston, Harrison County, West Virginia
Facility Mailing Address:	372 Robinson Mine Road, Shinnston, WV
Telephone Number:	(740) 338-3100
Type of Business Entity:	Corporation
Facility Description:	Wet Wash Coal Preparation Plant
SIC Codes:	1222
UTM Coordinates:	554.82 km Easting • 4361.54 km Northing • Zone 17

Permit Writer: Dan Roberts

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

---

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

**Table of Contents**

**1.0. Emission Units and Active R13, R14, and R19 Permits..... 3**

**2.0. General Conditions..... 7**

**3.0. Facility-Wide Requirements and Permit Shield .....16**

**Source-specific Requirements**

**4.0. Source-Specific Requirements [Refuse Disposal area].....22**

**5.0. Source-Specific Requirements.....24**

**Appendix A&B- Recordkeeping Forms**

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

### 1.1 Emission Units

Source ID	Emission Point ID	Equipment Description	Design Capacity		Date of Construction/Modification <sup>1</sup>	Control Device ID	Control Device <sup>2</sup>
			TPH	TPY			
<b>Raw Coal from Deep Mine Circuit</b>							
MB1	E-MB1 (TP1)	Mine Portal Belt	5,000	15,768,000	C 2005	NA	FE
MB2	E-MB2 (TP2)	Silo Feed Belt	5,000	15,768,000	C 2005	NA	FE
MB3	E-MB3 (TP3)	Silo Transfer Belt	5,000	15,768,000	C 2005	NA	FE
RCS2	E-RCS2 (TP4)	Raw Coal Storage Silo 2 - 10,000 capacity	-----	15,768,000 combined	C 2005	NA	FE
RCS3	E-RCS3 (TP5)	Raw Coal Storage Silo 3 - 10,000 ton capacity	-----		C 2005	NA	FE
MB4	E-MB4 (TP6)	Silo Reclaim Belt	4,000	15,768,000	C 2005	NA	FE
MB5	E-MB5 (TP7)	Overland Mine Belt 1	4,000	15,768,000	C 2005	NA	FE
MB6	E-MB6 (TP8)	Overland Mine Belt 2	4,000	15,768,000	C 2005	NA	FE
A1	A003	Conveyor and Transfer Point	4,000	15,768,000	C 1994	DA003	FE
A2	A005	Conveyor and Transfer Point	4,000	15,768,000	C 1994	DA005	FE
A006	A006, A007	Scalping Screen A1 (rotary breaker building) and Transfer Points	4,000	15,768,000	C 1994	DA005	FE
A006A	A006A, A007A, A010	Rotary Breaker A1 (rotary breaker building) and Transfer Points (drop to A008, drop to rock bin, drop to pan)	1,000	3,942,000	C 1994	DA005, DA008	FE
O10A	O10A, A011	Rock Bin 1 - 100 ton capacity - and transfer point	-----	175,200	C 1994	DA008, D033	FE
A3A	A007A	Conveyor and Transfer Point	4,000	15,768,000	C 1994	DA005A	FE
A3	003B, A009	Conveyor and Transfer Point	4,000	15,768,000	C 1994	D004	FE
<b>Raw Coal from Minecar/Truck Dump Building Circuit</b>							
037 <sup>3</sup>	037, 037A, 038, 039, 040, 041	Clean/Raw Coal Stockpile 2 - 240,000 ton capacity (wind erosion, grading, pan load-in, pan reclaim, truck load-in, endloader loadout)	-----	10,512,000	C 1968	N/A	MC
001 <sup>3</sup>	001,001C	Rotary Dump and Truck Dump	1,200	100,000	C 1968	D001	PE
001A <sup>3</sup>	001A	Scalping Screen 1	1,200	100,000	C 1968	D002	FE
001B <sup>3</sup>	001B	Crusher 1	1,200	100,000	C 1968	D002	FE
C1 <sup>3</sup> (002)	002A, 003B	Conveyor and Transfer Points (raw coal to silo or conveyor)	1,200	100,000	C 1968	D004	FE
003 <sup>3</sup>	003A	Raw Coal Silo 1 - 6,000 ton capacity	-----	15,768,000	C 1968	D005	FE
C2 (004)	005	Conveyor and Transfer Point (raw coal to stockpile)	4,000	10,000,000	C 1994	D006	FE

Source ID	Emission Point ID	Equipment Description	Design Capacity		Date of Construction/ Modification <sup>1</sup>	Control Device ID	Control Device <sup>2</sup>
			TPH	TPY			
006	006, 012, 006A, 042, 043	Raw Coal Stockpile 1 - 750,000 ton capacity (wind erosion, pan reclaim, grading, truck load-in, pan load-in)	-----	10,000,000	M 2015 C 1968	D011	ST, UC
C3, C4	007, 009	Conveyors (2) and Transfer Points (plant feed)	2,800	15,768,000	C 2002	D007, D009	FE, PE(TP-007)
<b>Prep Plant and Clean Coal Circuit</b>							
060	010C	Preparation Plant (raw & wet)	2,800	15,768,000	C 2002	D060, D040, D041	MC, EM, ES
D040 <sup>3</sup>	P003	Exhaust Fan and Dust Collector 1; removes PM from prep plant	N/A	N/A	C 1968	N/A	N/A
D041 <sup>3</sup>	P003	Scrubber; removes PM from prep plant	N/A	N/A	C 1968	N/A	N/A
C16	061	Conveyor and Transfer Point	1,800	15,768,000	C 2002	D061	FE
C17	62	Conveyor and Transfer Point	1,800	15,768,000	C 2002	D062	FE
C18	063	Conveyor and Transfer Point	1,800	15,768,000	C 2002	D063	FE
017 <sup>3</sup>	017A	Clean Coal Silo 1 - 10,000 ton capacity	-----	15,768,000	C 1968	D016	FE
C19	064	Conveyor and Transfer Point	1,800	15,768,000	C 2002	D064	FE
069	065	Clean Coal Silo - 25,000 ton capacity	4,000	15,768,000	C 2002	D065	FE
C20	066	Conveyor and Transfer Point	4,000	15,768,000	C 2002	D066	FE
C7A	067	Conveyor and Transfer Point	4,000	15,768,000	C 2002	D067	FE
C7	019, 021A	Conveyor and Transfer Points (clean coal to rail loadout or by-pass)	4,000	15,768,000	C 2002	D018	FE
SC1	STP2	Sample System Feed Conveyor	5	43,800	C 2002	NA	FE
CR1	STP3	Sample System Pulverizer	5	43,800	C 2002	NA	FE
SC2	STP4	Sample System Return Conveyor	5	43,800	C 2002	NA	FE
020 <sup>3</sup>	021	Railroad Loadout 1 - 100 ton capacity	4,000	15,768,000	C 1968	D019	FE, TC
C8 <sup>3</sup>	023	Conveyor and Transfer Point (rail loadout by-pass belt)	1,200	10,512,000	C 1968	D023	PE(conveyor), FE (TP)
C9 <sup>3</sup>	024A	Conveyor and Transfer Point (initial belt in power plant feed)	1,300	11,388,000	C 1968	D042	PE, EM
D042 <sup>3</sup>	P002	Exhaust Fan 2 and Dust Collector 2; removes PM from transfer point	N/A	N/A	C 1968	N/A	N/A
C10 <sup>3</sup>	N/A	Conveyor and Transfer Point (second belt in power plant feed)	1,300	11,388,000	C 1968	N/A	FE
032	032, 033, 032A, 033A, 035, 036	Clean Coal Stockpile 1 - 40,000 ton capacity (wind erosion, reclaim to conveyor, grading, dozer to reclaim, truck load-in, pan load-in)	-----	8,760,000	C 1968	D028, D033	UC, MC
C12 (034)	034A	Conveyor and Transfer Point (clean coal destock feeder)	1,200	10,512,000	C 1968	D023	PE(conveyor), FE (TP)
<b>Refuse Circuit</b>							

Source ID	Emission Point ID	Equipment Description	Design Capacity		Date of Construction/ Modification <sup>1</sup>	Control Device ID	Control Device <sup>2</sup>
			TPH	TPY			
C21	068	Conveyor and Transfer Point (2010 - increased the maximum hourly throughput from 500 TPH to 800 TPH)	800	4,380,000	M 2010 C 2002	D068	FE
C11 (026)	027	Conveyor and Transfer Point (refuse) (2010 - increased the maximum hourly throughput from 500 TPH to 800 TPH)	800	4,380,000	M 2010 C 1981	D027	FE
C11A (026A)	C11A	Refuse Conveyor and Transfer Point (2010 - increased the maximum hourly throughput from 500 TPH to 800 TPH)	800	4,380,000	M 2010 C 1981	D027A	FE
028	029, 030	Refuse Bin 1 - 100 ton capacity - and Transfer Points (2010 - increased the maximum hourly throughput from 500 TPH to 800 TPH)	-----	4,380,000 <sup>4</sup>	M 2010 C 1981	N/A	FE
C11B	C11B	Refuse Conveyor and Transfer Point (2010 - increased the maximum hourly throughput from 500 TPH to 800 TPH)	800	4,380,000	M 2010 C 1981	N/A	FE
RB2	RTP3	Refuse Bin 2 - 300 ton capacity - and Transfer Points (2010 - increased the maximum hourly throughput from 500 TPH to 800 TPH)	-----	4,380,000 <sup>4</sup>	M 2010 C 1981	N/A	FE
C13	RTP7	Refuse Conveyor	800	4,380,000	C 2018	NA	FE
RB4	RTP8	Refuse Bin 3 – 300 ton capacity – and Transfer Points	-----	4,380,000 <sup>4</sup>	C 2018	NA	PE
C11C	C11C	Refuse Conveyor	800	4,380,000	C 2010	NA	PE
RB3	RB3	Refuse Bin 3 - 300 ton capacity - and Transfer Points	-----	4,380,000 <sup>4</sup>	C 2010	NA	FE
<b>Miscellaneous</b>							
031 <sup>3</sup>	031, 031A	Refuse Disposal Area 1(wind erosion, grading)	-----	-----	C 1968	D033	WT
048A <sup>3</sup>	048A	Lime Storage Silo 1 - 50 ton capacity			C 1971	N/A	FE
048B <sup>3</sup>	048B	Lime Storage Silo 2 - 50 ton capacity			C 1971	N/A	FE
047 <sup>3</sup>	047	Rock Dust Bin 1 - 50 ton capacity			C 1968	N/A	FE
052A-F	052A-F	Haulroads	N/A	N/A	N/A	D033	WT

<sup>1</sup> In accordance with 40 CFR 60 Subpart Y, coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified on or before April 28, 2008 shall not discharge gases which exhibit 20 percent opacity or greater. Coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems constructed, reconstructed, or modified after April 28, 2008 shall not discharge gases which exhibit 10 percent opacity or greater. For open storage piles constructed, reconstructed, or modified after May 27, 2009, the permittee shall prepare and operate in accordance with a fugitive coal dust emissions control plan that is appropriate for site conditions.

<sup>2</sup> FE - Full Enclosure; PE - Partial Enclosure; ST - Stacking Tube; WS - Water Sprays; N – None; MC = Moisture Content; UC = Underground Reclaim Feeder; TC = Telescoping Chute; EM = Enclosure and Evacuation to Mechanical Collector; ES = Enclosure and Evacuation to a Scrubber; and WT = Water truck.

- <sup>3</sup> These pieces of equipment are considered grand-fathered since they were constructed before June 1, 1974 for 45CSR13 and October 24, 1974 for 40 CFR 60 Subpart Y and have not been modified since then.
- <sup>4</sup> The maximum annual throughput for 028, RB2, RB3 and RB4 combined shall not exceed 4,380,000 TPY. (This is for informational purposes, not an applicable requirement)

### 1.1 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
R13-2306F	May 14, 2018

## 2.0 General Conditions

### 2.1 Definitions

- 2.1.1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-18.
- 2.1.2. The "Clean Air Act" means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
- 2.1.3. "Secretary" means the Secretary of the Department of Environmental Protection or such other person to whom the Secretary has delegated authority or duties pursuant to W.Va. Code §§ 22-1-6 or 22-1-8 (45CSR§30-2.12.). The Director of the Division of Air Quality is the Secretary's designated representative for the purposes of this permit.
- 2.1.4. Unless otherwise specified in a permit condition or underlying rule or regulation, all references to a "rolling yearly total" shall mean the sum of the monthly data, values or parameters being measured, monitored, or recorded, at any given time for the previous twelve (12) consecutive calendar months.

### 2.2 Acronyms

<b>CAAA</b>	Clean Air Act Amendments	<b>NSPS</b>	New Source Performance Standards
<b>CBI</b>	Confidential Business Information	<b>PM</b>	Particulate Matter
<b>CEM</b>	Continuous Emission Monitor	<b>PM<sub>10</sub></b>	Particulate Matter less than 10µm in diameter
<b>CES</b>	Certified Emission Statement	<b>pph</b>	Pounds per Hour
<b>C.F.R. or CFR</b>	Code of Federal Regulations	<b>ppm</b>	Parts per Million
<b>CO</b>	Carbon Monoxide	<b>PSD</b>	Prevention of Significant Deterioration
<b>C.S.R. or CSR</b>	Codes of State Rules	<b>psi</b>	Pounds per Square Inch
<b>DAQ</b>	Division of Air Quality	<b>SIC</b>	Standard Industrial Classification
<b>DEP</b>	Department of Environmental Protection	<b>SIP</b>	State Implementation Plan
<b>FOIA</b>	Freedom of Information Act	<b>SO<sub>2</sub></b>	Sulfur Dioxide
<b>HAP</b>	Hazardous Air Pollutant	<b>TAP</b>	Toxic Air Pollutant
<b>HON</b>	Hazardous Organic NESHAP	<b>TPY</b>	Tons per Year
<b>HP</b>	Horsepower	<b>TRS</b>	Total Reduced Sulfur
<b>lbs/hr or lb/hr</b>	Pounds per Hour	<b>TSP</b>	Total Suspended Particulate
<b>LDAR</b>	Leak Detection and Repair	<b>USEPA</b>	United States Environmental Protection Agency
<b>m</b>	Thousand	<b>UTM</b>	Universal Transverse Mercator
<b>MACT</b>	Maximum Achievable Control Technology	<b>VEE</b>	Visual Emissions Evaluation
<b>mm</b>	Million	<b>VOC</b>	Volatile Organic Compounds
<b>mmBtu/hr</b>	Million British Thermal Units per Hour		
<b>mmft<sup>3</sup>/hr or mmcf/hr</b>	Million Cubic Feet Burned per Hour		
<b>NA or N/A</b>	Not Applicable		
<b>NAAQS</b>	National Ambient Air Quality Standards		
<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§30-2.39]**

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

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

[45CSR§30-5.1.i.]

## **2.13. Duty to Comply**

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

[45CSR§30-5.1.f.1.]

## **2.14. Inspection and Entry**

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

[45CSR§30-5.3.b.]

## **2.15. Schedule of Compliance**

- 2.15.1. For sources subject to a compliance schedule, certified progress reports shall be submitted consistent with the applicable schedule of compliance set forth in this permit and 45CSR§30-4.3.h., but at least every six (6) months, and no greater than once a month, and shall include the following:
- a. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
  - b. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

**[45CSR§30-5.3.d.]**

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

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

**[45CSR§30-5.1.f.2.]**

## **2.17. Emergency**

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

**[45CSR§30-5.7.a.]**

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

**[45CSR§30-5.7.b.]**

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

- a. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- b. The permitted facility was at the time being properly operated;
- c. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

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

[45CSR§30-5.7.c.]

- 2.17.4. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

[45CSR§30-5.7.d.]

- 2.17.5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

[45CSR§30-5.7.e.]

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

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

[45CSR§30-5.2.a.]

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

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

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

[45CSR§30-5.1.f.5.]

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

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

[45CSR§30-4.2.]

## **2.21. Permit Shield**

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

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

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

[45CSR§30-5.6.c.]

## **2.22. Credible Evidence**

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

## **2.23. Severability**

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

## **2.24. Property Rights**

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

## **2.25. Acid Deposition Control**

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

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

- b. No limit shall be placed on the number of allowances held by the source. The source may not, however, use allowances as a defense to noncompliance with any other applicable requirement.
- c. Any such allowance shall be accounted for according to the procedures established in rules promulgated under Title IV of the Clean Air Act.

**[45CSR§30-5.1.d.]**

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

**[45CSR§30-5.1.a.2.]**



### 3.0 Facility-Wide Requirements

#### 3.1 Limitations and Standards

- 3.1.1. **Open burning.** The open burning of refuse by any person is prohibited except as noted in 45CSR§6-3.1. [45CSR§6-3.1.]
- 3.1.2. **Open burning exemptions.** The exemptions listed in 45CSR§6-3.1 are subject to the following stipulation: Upon notification by the Secretary, no person shall cause or allow any form of open burning during existing or predicted periods of atmospheric stagnation. Notification shall be made by such means as the Secretary may deem necessary and feasible. [45CSR§6-3.2.]
- 3.1.3. **Asbestos.** The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee, owner, or operator must notify the Secretary at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Secretary if the permittee is subject to the notification requirements of 40 C.F.R. § 61.145(b)(3)(i). The USEPA, the Division of Waste Management and the Bureau for Public Health - Environmental Health require a copy of this notice to be sent to them. [40 C.F.R. §61.145(b) and 45CSR34]
- 3.1.4. **Odor.** No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. [45CSR§4-3.1 State-Enforceable only.]
- 3.1.5. **Standby plan for reducing emissions.** When requested by the Secretary, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45CSR11. [45CSR§11-5.2]
- 3.1.6. **Emission inventory.** The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Division of Air Quality. [W.Va. Code § 22-5-4(a)(14)]
- 3.1.7. **Ozone-depleting substances.** For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:
- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to 40 C.F.R. §§ 82.154 and 82.156.
  - b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 C.F.R. § 82.158.

- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 C.F.R. § 82.161.

**[40 C.F.R. 82, Subpart F]**

- 3.1.8. **Risk Management Plan.** Should this stationary source, as defined in 40 C.F.R. § 68.3, become subject to Part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 C.F.R. § 68.10 and shall certify compliance with the requirements of Part 68 as part of the annual compliance certification as required by 40 C.F.R. Part 70 or 71.

**[40 C.F.R. 68]**

### **3.2. Monitoring Requirements**

- 3.2.1. None

### **3.3. Testing Requirements**

- 3.3.1. **Stack testing.** As per provisions set forth in this permit or as otherwise required by the Secretary, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Secretary, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Secretary exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Secretary may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in this permit or as otherwise approved or specified by the Secretary in accordance with the following:
  - a. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63, if applicable, in accordance with the Secretary's delegated authority and any established equivalency determination methods which are applicable.
  - b. The Secretary may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Secretary, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section 3.3.1.a. of this permit.
  - c. All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Secretary in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Secretary. In addition, the permittee shall notify the Secretary at least fifteen (15) days prior to any testing so the Secretary may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Secretary.

- d. The permittee shall submit a report of the results of the stack test within 60 days of completion of the test. The test report shall provide the information necessary to document the objectives of the test and to determine whether proper procedures were used to accomplish these objectives. The report shall include the following: the certification described in paragraph 3.5.1; a statement of compliance status, also signed by a responsible official; and, a summary of conditions which form the basis for the compliance status evaluation. The summary of conditions shall include the following:
  1. The permit or rule evaluated, with the citation number and language.
  2. The result of the test for each permit or rule condition.
  3. A statement of compliance or non-compliance with each permit or rule condition.

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

- 3.3.2. At such reasonable times as the Director may designate, the owner or operator of a coal preparation 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 Director exercise his option to conduct such tests, the operator will provide all necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment and the required safety equipment such as scaffolding, railings, ladders, etc., to comply with generally accepted good safety practices.

**[45CSR§5-12.1]**

- 3.3.3. Any stack venting thermal dryer exhaust gases and/or air table exhaust gases or exhaust gases or air from any air pollution control device shall include straight runs of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures. Flow straightening devices shall be required where cyclonic gas flow would exist in the absence of such devices.

**[45CSR§5-12.6]**

### **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, R13-2306, 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.]

### 3.5. 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:

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

#### US EPA:

Section Chief  
U. S. Environmental Protection Agency, Region III  
Enforcement and Compliance Assurance Division  
Air Section (3ED21)  
1650 Arch Street  
Philadelphia, PA 19103-2029

**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. **Certified emissions statement.** The permittee shall submit a certified emissions statement and pay fees on an annual basis in accordance with the submittal requirements of the Division of Air Quality.  
[45CSR§30-8.]

3.5.5. **Compliance certification.** The permittee shall certify compliance with the conditions of this permit on the forms provided by the DAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement of this permit. The annual certification shall be submitted to the DAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31. The 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. **Emergencies.** For reporting emergency situations, refer to Section 2.17 of this permit.

3.5.8. **Deviations.**

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

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

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

**[45CSR§30-5.1.c.3.C.]**

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

**[45CSR§30-5.1.c.3.B.]**

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

**[45CSR§30-4.3.h.1.B.]**

### **3.6. Compliance Plan**

- 3.6.1. None

### **3.7. Permit Shield**

- 3.7.1. The permittee is hereby granted a permit shield in accordance with 45CSR§30-5.6. The permit shield applies provided the permittee operates in accordance with the information contained within this permit.
- 3.7.2. The following requirements specifically identified are not applicable to the source based on the determinations set forth below. The permit shield shall apply to the following requirements provided the conditions of the determinations are met.
  - a. None

#### **4.0. Source-Specific Requirements [Refuse Disposal area]**

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

- 4.1.1. In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by 45CSR§5-7.  
**[45CSR§5-7.1.] [Refuse Disposal Area 1 (031)]**
- 4.1.2. Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse.  
**[45CSR§5-7.2.] [Refuse Disposal Area 1 (031)]**
- 4.1.3. Coal refuse disposal areas shall not be so located with respect to mine openings, tipples, or other mine buildings, unprotected coal outcrops or steam lines that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas.  
**[45CSR§5-7.3.] [Refuse Disposal Area 1 (031)]**
- 4.1.4. Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site.  
**[45CSR§5-7.4.] [Refuse Disposal Area 1 (031)]**
- 4.1.5. Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution.  
**[45CSR§5-7.5.] [Refuse Disposal Area 1 (031)]**
- 4.1.6. Materials with low ignition points used in the production or preparation of coal, including but not limited to wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area.  
**[45CSR§5-7.6.] [Refuse Disposal Area 1 (031)]**
- 4.1.7. Garbage, trash, household refuse, and like materials shall not be deposited on or near any coal refuse disposal area.  
**[45CSR§5-7.7.] [Refuse Disposal Area 1 (031)]**
- 4.1.8. The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited.  
**[45CSR§5-7.8.] [Refuse Disposal Area 1 (031)]**
- 4.1.9. With respect to all burning coal refuse disposal areas, the person responsible for the coal refuse disposal areas or the land on which the coal refuse disposal areas are located shall use due diligence to control air pollution from the coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for the coal refuse disposal area or the land on which the coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent or reduce the air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including, completion dates, to establish that the corrective measures can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W. Va. Code §§ 22-5-1 et seq. If the report is not submitted as requested or if the Director determines that the methods and procedures set forth in the report

are not adequate to reasonably control the air pollution he or she shall issue an order requiring the elimination, prevention or reduction of the air pollution.

[45CSR§5-8.3.] [Refuse Disposal Area 1 (031)]

**4.2. Monitoring Requirements**

N/A

**4.3. Testing Requirements**

N/A

**4.4. Recordkeeping Requirements**

N/A

**4.5. Reporting Requirements**

N/A

**4.6. Compliance Plan**

N/A



## 5.0. Source-Specific Requirements

### 5.1. Limitations and Standards

- 5.1.1. Compliance with all annual throughput limits shall be determined using a 12 month rolling total. For example, a 12 month rolling total shall mean the sum of raw coal received by the facility at any given time for the previous twelve (12) consecutive calendar months.  
[45CSR13, R13-2306, 4.1.2.]
- 5.1.2. **Facility Throughput Limitation.** The throughput of coal to be handled or processed through the preparation plant, Transfer Point 060, shall not exceed 2,800 tons per hour (TPH) or 15,768,000 tons per year (TPY).  
[45CSR13, R13-2306, 4.1.3.]
- 5.1.3. **Fugitive Dust Control Systems Weekly Check.** The permittee shall inspect all fugitive dust control systems weekly to ensure that they are operated and maintained in conformance with their designs. The permittee shall maintain records of all scheduled and non-scheduled maintenance. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken.  
[45CSR13, R13-2306, 4.1.4.]
- 5.1.4. **Dust Suppressants/Control Measures.** The permittee shall maintain daily records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. These records shall be maintained on site for a period of no less than five (5) years.  
[45CSR13, R13-2306, 4.1.5.]
- 5.1.5. **Records of Throughput and Hours of Operation.** The permittee shall maintain records of the coal throughput and the hours of operation. Compliance with the hourly throughput limit shall be demonstrated by dividing the calendar month's total throughput by the number of hours operated in the same calendar month to obtain an hourly average. By the fifteenth day of each calendar month, the permittee shall calculate the hourly averaged throughput of the previous calendar month. These records shall be maintained on site for a period of no less than five (5) years.  
[45CSR13, R13-2306, 4.1.6.]
- 5.1.6. **Water Truck Requirement.** The permittee shall maintain a water truck on site and in good operating condition, and shall utilize same to apply water, or a mixture of water and an environmentally acceptable dust control additive, hereinafter referred to as solution, 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 spray bar shall be equipped with commercially available spray nozzles, of sufficient size and number, so as to provide adequate coverage to the surface being treated.
- The pump delivering the water, or solution, shall be of sufficient size and capacity so as to be capable of delivering to the spray nozzle(s) an adequate quantity of water, or solution, and at a sufficient pressure.  
[45CSR13, R13-2306, 4.1.7.]
- 5.1.7. **Freeze Protection Requirement.** A freeze protection plan shall be incorporated and maintained to insure all wet suppression systems remain operational at all times.  
[45CSR13, R13-2306, 4.1.8.]

- 5.1.8. **Opacity Limit.** No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater.  
[45CSR§5-3.4, 45CSR13, R13-2306, 4.1.9.]
- 5.1.9. **Fugitive Dust Control System.** No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.  
[45CSR§5-6.1, 45CSR13, R13-2306, 4.1.10.]
- 5.1.10. **Dust Control.** The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment.  
[45CSR§5-6.2, 45CSR13, R13-2306, 4.1.11.]
- 5.1.11. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator 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 constructed, reconstructed, or modified on or before April 28, 2008, gases which exhibit 20 percent opacity or greater.  
[45CSR16, 40CFR§60.254(a), 45CSR13, R13-2306, 4.1.18.]
- 5.1.12. **Standards for Particulate Matter.** On and after the date on which the performance test is conducted or required to be completed under §60.8, whichever date comes first, an owner or operator of any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal constructed, reconstructed, or modified after April 28, 2008, must meet the requirements in paragraphs (1) and (3) of this section. [Conveyors C21, C11, C11A, C11B, C11C and C13; Refuse Bin 1 (028); Refuse Bin 2 (RB2); Refuse Bin 3 (RB3) and Refuse Bin 4 (RB4)]  
[40CFR§60.254(b)]
- (1) Except as provided in paragraph (3) of this section, the owner or operator must not cause to be discharged into the atmosphere from the affected facility any gases which exhibit 10 percent opacity or greater.  
[40CFR§60.254(b)(1)]
- (3) Equipment used in the loading, unloading, and conveying operations of open storage piles are not subject to the opacity limitations of paragraph (1) of this section.  
[40CFR§60.254(b)(3)]
- [45CSR16, 45CSR13, R13-2306, 4.1.19.]
- 5.1.13. **Operation and Maintenance of Air Pollution Control Equipment.** The permittee shall, to the extent practicable, install, maintain, and operate all pollution control equipment listed in Section 1.0 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.  
[45CSR§13-5.11., 45CSR13, R13-2306, 4.1.13.]
- 5.1.14. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.  
[45CSR16, 40 CFR§60.11(d), 45CSR13, R13-2306, 4.1.17.]

- 5.1.15 The permittee shall not exceed the maximum hourly and annual throughput rates and other criteria outlined in the table in Section 1.0 Emission Units.  
**[45CSR13, R13-2306, 4.1.1.]**
- 5.1.16 No person shall construct, modify or relocate any coal preparation plant or coal handling operation without first obtaining a permit in accordance with the provisions of W. Va. Code §22-5-1 et seq. and the Director's rules for review and permitting of new or modified sources.  
**[45CSR§5-10.1., 45CSR13, R13-2306, 4.1.12.]**
- 5.1.17 At the time a stationary source is alleged to be in compliance with an applicable emission standard and at reasonable times to be determined by the Secretary thereafter, appropriate tests consisting of visual determinations or conventional in-stack measurements or such other tests the Secretary may specify shall be conducted to determine compliance.  
**[45CSR§13-6.1., 45CSR13, R13-2306, 4.1.14.]**
- 5.1.18 The Secretary may suspend or revoke a permit or general permit registration if, after six (6) months from the date of issuance, the holder of the permit cannot provide the Secretary, at the Secretary's request, with written proof of a good faith effort that construction, modification, or relocation, if applicable, has commenced. Such proof shall be provided not later than thirty (30) days after the Secretary's request. If construction or modification of a stationary source is discontinued for a period of eighteen (18) months or longer, the Secretary may suspend or revoke the permit or general permit registration.  
**[45CSR§13-10.2., 45CSR13, R13-2306, 4.1.15.]**
- 5.1.19 The Secretary may suspend or revoke a permit or general permit registration if the plans and specifications upon which the approval was based or the conditions established in the permit are not adhered to. Upon notice of the Secretary's intent to suspend, modify or revoke a permit, the permit holder may request a conference with the Secretary in accordance with the provisions of W.Va Code § 22-5-5 to show cause why the permit or general permit registration should not be suspended, modified or revoked.  
**[45CSR§13-10.3., 45CSR13, R13-2306, 4.1.16.]**
- 5.1.20 **Fugitive Coal Dust Emission Control Plan for Subpart Y-**  
The owner or operator of an open storage pile, which includes the equipment used in the loading, unloading, and conveying operations of the affected facility, constructed, reconstructed, or modified after May 27, 2009, must prepare and operate in accordance with a submitted fugitive coal dust emissions control plan that is appropriate for the site conditions as specified in paragraphs (c)(1) through (6) of this section.
- (1) The fugitive coal dust emissions control plan must identify and describe the control measures the owner or operator will use to minimize fugitive coal dust emissions from each open storage pile.
  - (2) For open coal storage piles, the fugitive coal dust emissions control plan must require that one or more of the following control measures be used to minimize to the greatest extent practicable fugitive coal dust: Locating the source inside a partial enclosure, installing and operating a water spray or fogging system, applying appropriate chemical dust suppression agents on the source (when the provisions of paragraph (c)(6) of this section are met), use of a wind barrier, compaction, or use of a vegetative cover. The owner or operator must select, for inclusion in the fugitive coal dust emissions control plan, the control measure or measures listed in this paragraph that are most appropriate for site conditions. The plan must also explain how the measure or measures selected are applicable and appropriate for site conditions. In addition, the plan must be revised as needed to reflect any changing conditions at the source.
  - (3) Any owner or operator of an affected facility that is required to have a fugitive coal dust emissions control plan may petition the Administrator to approve, for inclusion in the plan for the affected facility, alternative control measures other than those specified in paragraph (c)(2) of this section as specified in

paragraphs (c)(3)(i) through (iv) of this section.

- (i) The petition must include a description of the alternative control measures, a copy of the fugitive coal dust emissions control plan for the affected facility that includes the alternative control measures, and information sufficient for EPA to evaluate the demonstrations required by paragraph (c)(3)(ii) of this section.
  - (ii) The owner or operator must either demonstrate that the fugitive coal dust emissions control plan that includes the alternate control measures will provide equivalent overall environmental protection or demonstrate that it is either economically or technically infeasible for the affected facility to use the control measures specifically identified in paragraph (c)(2).
  - (iii) While the petition is pending, the owner or operator must comply with the fugitive coal dust emissions control plan including the alternative control measures submitted with the petition. Operation in accordance with the plan submitted with the petition shall be deemed to constitute compliance with the requirement to operate in accordance with a fugitive coal dust emissions control plan that contains one of the control measures specifically identified in paragraph (c)(2) of this section while the petition is pending.
  - (iv) If the petition is approved by the Administrator, the alternative control measures will be approved for inclusion in the fugitive coal dust emissions control plan for the affected facility. In lieu of amending this subpart, a letter will be sent to the facility describing the specific control measures approved. The facility shall make any such letters and the applicable fugitive coal dust emissions control plan available to the public. If the Administrator determines it is appropriate, the conditions and requirements of the letter can be reviewed and changed at any point.
- (4) The owner or operator must submit the fugitive coal dust emissions control plan to the Administrator or delegated authority as specified in paragraphs (c)(4)(i) and (c)(4)(ii) of this section.
- (i) The plan must be submitted to the Administrator or delegated authority prior to startup of the new, reconstructed, or modified affected facility, or 30 days after the effective date of this rule, whichever is later.
  - (ii) The plan must be revised as needed to reflect any changing conditions at the source. Such revisions must be dated and submitted to the Administrator or delegated authority before a source can operate pursuant to these revisions. The Administrator or delegated authority may also object to such revisions as specified in paragraph (c)(5) of this section.
- (5) The Administrator or delegated authority may object to the fugitive coal dust emissions control plan as specified in paragraphs (c)(5)(i) and (c)(5)(ii) of this section.
- (i) The Administrator or delegated authority may object to any fugitive coal dust emissions control plan that it has determined does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.
  - (ii) If an objection is raised, the owner or operator, within 30 days from receipt of the objection, must submit a revised fugitive coal dust emissions control plan to the Administrator or delegated authority. The owner or operator must operate in accordance with the revised fugitive coal dust emissions control plan. The Administrator or delegated authority retain the right, under paragraph (c)(5) of this section, to object to the revised control plan if it determines the plan does not meet the requirements of paragraphs (c)(1) and (c)(2) of this section.
- (6) Where appropriate chemical dust suppression agents are selected by the owner or operator as a control measure to minimize fugitive coal dust emissions, (1) only chemical dust suppressants with Occupational Safety and Health Administration (OSHA)-compliant material safety data sheets (MSDS) are to be

allowed; (2) the MSDS must be included in the fugitive coal dust emissions control plan; and (3) the owner or operator must consider and document in the fugitive coal dust emissions control plan the site-specific impacts associated with the use of such chemical dust suppressants.

**[40CFR§§60.254(c) (1) through (6), 45CSR16] (006)**

## **5.2. Monitoring Requirements**

- 5.2.1. The permittee shall conduct monitoring/recordkeeping/reporting as follows for all emissions units listed in the table in Section 1.0 [Not required for stockpiles (006, 031, 032 and 037) and haulroads (037A, 006A, 031A, 032A and 052A - F)]:
- a. An initial visible emissions evaluation in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be performed within ninety (90) days of permit issuance for each emission unit with a visible emissions requirement in this permit unless such evaluation was performed within the consecutive 12-month period preceding permit issuance. This initial evaluation shall consist of three 6-minute averages during one consecutive 60 minute period. The initial evaluation shall be conducted at each emissions unit during the period of maximum expected visible emissions under unit and facility operations. A visible emissions evaluation shall be conducted for each emission unit at least once every consecutive 12-month period in accordance with 40 C.F.R. 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for each emission unit.
  - b. Each emissions unit with a visible emissions limit contained in this permit shall be observed visually at least once each calendar week during periods of facility operation for a sufficient time interval to determine if the unit has any visible emissions using 40 C.F.R. 60 Appendix A, Method 22. If visible emissions from any of the emissions units are observed during these weekly observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than twenty-four (24) hours from the time of the observation. A Method 9 evaluation shall not be required under permit requirement 5.2.1.b if the visible emissions condition is corrected in a timely manner; the emissions unit is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.
  - c. If the initial, or any subsequent, visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a given emission unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive 14-day period in accordance with 40 C.F.R. 60 Appendix A, Method 9. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the emission unit for 3 consecutive evaluation periods, the emission unit may comply with the visible emissions testing requirements of permit requirement 5.2.1.b in lieu of those established in this condition.
  - d. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.  
**[45CSR13, R13-2306, 4.2.1, 45CSR§30-5.1.c.]**

## **5.3. Testing Requirements**

- 5.3.1. 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 of such facility, or at such other times specified by this part, the owner or operator of such facility shall conduct performance test(s) and furnish a written report of the results of such performance test(s).  
**[45CSR16, 40CFR§60.8(a), 45CSR13, R13-2306, 4.3.1.]**

5.3.2. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).  
**[45CSR16, 40CFR§60.11(b), 45CSR13, R13-2306, 4.3.2.]**

5.3.3. **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification after April 28, 2008 [Conveyors C21, C11, C11A, C11B, C11C and C13; Refuse Bin 1 (RB1); Refuse Bin 2 (RB2); Refuse Bin 3 (RB3) and Refuse Bin 4 (RB4)], must conduct performance tests according to the requirements of §60.8 and the methods identified in §60.257 to demonstrate compliance with the applicable emission standards in Subpart Y as specified in paragraph (2) of this section.  
**[40CFR§60.255(b)]**

(2) For each affected facility subject to an opacity standard, an initial performance test must be performed. Thereafter, a new performance test must be conducted according to the requirements in paragraphs (2)(i) and (ii) of this section, as applicable, except as provided for in 40C.F.R. §§60.255(e) and (f) of this section. Performance test and other compliance requirements for coal truck dump operations are specified in 40C.F.R. §60.255(h).  
**[40CFR§60.255(b)(2)]**

(i) If any 6-minute average opacity reading in the most recent performance test exceeds half the applicable opacity limit, a new performance test must be conducted within 90 operating days of the date that the previous performance test was required to be completed.  
**[40CFR§60.255(b)(2)(i)]**

(ii) If all 6-minute average opacity readings in the most recent performance are equal to or less than half the applicable opacity limit, a new performance test must be conducted within 12 calendar months of the date that the previous performance test was required to be completed.  
**[40CFR§60.255(b)(2)(ii)]**

**[45CSR16, 45CSR13, R13-2306, 4.3.4.]**

5.3.4. **Performance Tests and Other Compliance Requirements for Subpart Y - Monitoring Visible Emissions or Digital Opacity Compliance System.** As an alternative to meeting the requirements in 40C.F.R. §60.255(b)(2) [*see permit condition 5.3.3. above*], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, may elect to comply with the requirements in paragraph (1) of this section.  
**[40CFR§60.255(f)]**

(1) Monitor visible emissions from each affected facility according to the requirements in paragraphs (1)(i) through (iii) of this section.  
**[40CFR§60.255(f)(1)]**

(i) Conduct one daily 15-second observation each operating day for each affected facility (during normal operation) when the coal preparation and processing plant is in operation. Each observation must be recorded as either visible emissions observed or no visible emissions observed. Each observer determining the presence of visible emissions must meet the training requirements specified in §2.3 of Method 22 of appendix A-7 of this part. If visible emissions are observed during any 15-second observation, the owner or operator must adjust the operation of the affected facility and demonstrate within 24 hours that no visible emissions are observed from the affected facility. If visible emissions are observed, a Method 9, of appendix A-4 of this part, performance test must be conducted within 45 operating days.  
**[40CFR§60.255(f)(1)(i)]**

- (ii) Conduct monthly visual observations of all processes and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.  
[40CFR§60.255(f)(1)(ii)]
  - (iii) Conduct a performance test using Method 9 of Appendix A-4 of this part at least once every 5 calendar years for each affected facility.  
[40CFR§60.255(f)(1)(iii)]
- (2) Prepare a written site-specific monitoring plan for a digital opacity compliance system for approval by the Administration or delegated authority. The plan shall require observations of at least one digital image every 15 seconds for 10-minute periods (during normal operation) every operating day. An approvable monitoring plan must include a demonstration that the occurrences of visible emissions are not in excess of 5 percent of the observation period. For reference purposes in preparing the monitoring plan, *see* OAQPS “Determination of Visible Emission Opacity from Stationary Sources Using Computer-Based Photographic Analysis Systems.” This document is available from the U.S. Environmental Protection Agency (U.S. EPA); Office of Air Quality and Planning Standards; Sector Policies and Programs Division; Measurement Group (D243-02), Research Triangle Park, NC 27711. This document is also available on the Technology Transfer Network (TTN) under Emission Measurement Center Preliminary Methods. The monitoring plan approved by the Administrator delegated authority shall be implemented by the owner or operator.  
[40CFR§60.255(f)(2)]

[45CSR16, 45CSR13, R13-2306, 4.3.6.]

- 5.3.5. **Performance Tests and Other Compliance Requirements for Subpart Y - COMS.** As an alternative to meeting the requirements in 40C.F.R. §60.255(b)(2) [*see permit condition 5.3.3. above*], an owner or operator of an affected facility that commenced construction, reconstruction, or modification after April 28, 2008, subject to a visible emissions standard under this subpart may install, operate, and maintain a continuous opacity monitoring system (COMS). Each COMS used to comply with provisions of this subpart must be installed, calibrated, maintained, and continuously operated according to the requirements in 40C.F.R. §60.255(g)(1) and (2).  
[45CSR16, 40CFR§60.255(g), 45CSR13, R13-2306, 4.3.7.]
- 5.3.6. **Performance Tests and Other Compliance Requirements for Subpart Y.** If any affected coal processing and conveying equipment (e.g., breakers, crushers, screens, conveying systems), coal storage systems, or other coal transfer and loading systems that commenced construction, reconstruction, or modification after April 28, 2008, are enclosed in a building do not exceed any of the standards in §60.254 that apply to the affected facility, then the facility shall be deemed to be in compliance with such standards.  
[45CSR16, 40CFR§60.255(c), 45CSR13, R13-2306, 4.3.5.]
- 5.3.7. **Test Methods and Procedures for Subpart Y.** The owner or operator must determine compliance with the applicable opacity standards as specified in paragraphs (1) through (3) of this section.  
[40CFR§60.257(a)]
- (1) Method 9 of Appendix A-4 of this part and the procedures in §60.11 must be used to determine opacity, with the exceptions specified in paragraphs 5.3.7(1)(i) and (ii).  
[40CFR§60.257(a)(1)]
    - (i) The duration of the Method 9 of Appendix A-4 of this part performance test shall be 1 hour (ten 6-minute averages).  
[40CFR§60.257(a)(1)(i)]

(ii) If, during the initial 30 minutes of the observation of a Method 9 of Appendix A-4 of this part performance test, all of the 6-minute average opacity readings are less than or equal to half the applicable opacity limit, then the observation period may be reduced from 1 hour to 30 minutes.  
[40CFR§60.257(a)(1)(ii)]

(2) To determine opacity for fugitive coal dust emissions sources, the additional requirements specified in paragraphs 5.3.7(2)(i) through (iii) must be used.  
[40CFR§60.257(a)(2)]

(i) The minimum distance between the observer and the emission source shall be 5.0 meters (16 feet), and the sun shall be oriented in the 140-degree sector of the back.  
[40CFR§60.257(a)(2)(i)]

(ii) The observer shall select a position that minimizes interference from other fugitive coal dust emissions sources and make observations such that the line of vision is approximately perpendicular to the plume and wind direction.  
[40CFR§60.257(a)(2)(ii)]

(iii) The observer shall make opacity observations at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. Water vapor is not considered a visible emission.  
[40CFR§60.257(a)(2)(iii)]

(3) A visible emissions observer may conduct visible emission observations for up to three fugitive, stack, or vent emission points within a 15-second interval if the following conditions specified in paragraphs (3)(i) through (iii) of this section are met.  
[40CFR§60.257(a)(3)]

(i) No more than three emissions points may be read concurrently.  
[40CFR§60.257(a)(3)(i)]

(ii) All three emissions points must be within a 70 degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three points.  
[40CFR§60.257(a)(3)(ii)]

(iii) If an opacity reading for any one of the three emissions points is within 5 percent opacity from the applicable standard (excluding readings of zero opacity), then the observer must stop taking readings for the other two points and continue reading just that single point.  
[40CFR§60.257(a)(3)(iii)]

[45CSR16, 45CSR13, R13-2306, 4.3.9.]

5.3.8. **Test Methods and Procedures for Subpart Y.** The owner or operator must conduct all performance tests required by §60.8 to demonstrate compliance with the applicable emissions standards specified in §60.252 according to the requirements in §60.8 using the applicable test methods and procedures in 40C.F.R. §60.257(b) (1) through (8).  
[45CSR16, 40CFR§60.257(b), 45CSR13, R13-2306, 4.3.10.]

5.3.9. **Performance Tests and Other Compliance Requirements for Subpart Y - Performance Tests.** An owner or operator of each affected facility that commenced construction, reconstruction, or modification on or before April 28, 2008, must conduct performance tests required by §60.8 to demonstrate compliance with the applicable emission standards using the methods identified in §60.257.  
[45CSR16, 40CFR§60.255(a), 45CSR13, R13-2306, 4.3.3.]



5.3.10 **Coal Truck Dump Operations.** The owner or operator of each affected coal truck dump operation that commenced construction, reconstruction, or modification after April 28, 2008, must meet the requirements specified in paragraphs (h)(1) through (3) of this section.

**[40CFR§60.255(h)]**

(1) Conduct an initial performance test using Method 9 of appendix A-4 of this part according to the requirements in paragraphs (h)(1)(i) and(ii).

**[40CFR§60.255(h)(1)]**

(i) Opacity readings shall be taken during the duration of three separate truck dump events. Each truck dump event commences when the truck bed begins to elevate and concludes when the truck bed returns to a horizontal position.

**[40CFR§60.255(h)(1)(i)]**

(ii) Compliance with the applicable opacity limit is determined by averaging all 15-second opacity readings made during the duration of three separate truck dump events.

**[40CFR§60.255(h)(1)(ii)]**

(2) Conduct monthly visual observations of all process and control equipment. If any deficiencies are observed, the necessary maintenance must be performed as expeditiously as possible.

**[40CFR§60.255(h)(2)]**

(3) Conduct a performance test using Method 9 of appendix A-4 of this part at least once every 5 calendar years for each affected facility.

**[40CFR§60.255(h)(3)]**

**[45CSR16, 45CSR13, R13-2306, 4.3.8.]**

#### **5.4. Recordkeeping Requirements**

5.4.1. **Record of Maintenance of Air Pollution Control Equipment.**

For all pollution control equipment listed in Section 1.0 of this permit, the permittee shall maintain accurate records of all required pollution control equipment inspection and/or preventative maintenance procedures.

**[45CSR13, R13-2306, 4.4.2.]**

5.4.2. **Record of Malfunctions of Air Pollution Control Equipment.**

For all pollution control equipment listed in Section 1.0 of this permit, 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, R13-2306, 4.4.3.]**

- 5.4.3. For the purposes of determining compliance with water truck usage set forth in 5.1.6, the permittee shall monitor water truck activity and maintain certified daily records, utilizing the attached form identified as Appendix A.  
[45CSR13, R13-2306, 4.4.4.]
- 5.4.4. The permittee shall maintain records of all monitoring data required by Section 5.2.1 of this permit by documenting the date and time of each visible emission check, the emission point or equipment/source identification number, the name or means of identification of the observer, the results of the check(s), whether the visible emissions are normal for the process, and, if applicable, all corrective measures taken or planned. The permittee shall also record the general weather conditions (i.e. sunny, approximately 80°F, 6 - 10 mph NE wind) during the visual emission check(s). An example form is supplied as Appendix B. 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  
[45CSR13, R13-2306, 4.4.5.]

## 5.5. Reporting Requirements

- 5.5.1. With regard to any testing required by the Director, the permittee shall submit to the Director of Air Quality and the Associate Director - Office of Enforcement and Permit Review (3AP12) of the U.S. EPA a test protocol detailing the proposed test methods, the date, and the time the proposed testing is to take place, as well as identifying the sampling locations and other relevant information. The test protocol must be received by the Director and the Associate Director no less than thirty (30) days prior to the date the testing is to take place. Test results shall be submitted to the Director and the Associate Director no more than sixty (60) days after the date the testing takes place.  
[45CSR13, R13-2306, 4.5.2.]
- 5.5.2. Any violation(s) of the allowable visible emission requirement for any emission source discovered during observation using 40CFR Part 60, Appendix A, Method 9 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.  
[45CSR13, R13-2306, 4.5.1.]
- 5.5.3. **Notification and Record Keeping.** Any owner or operator subject to the provisions of this part shall furnish written notification as follows:  
[40CFR§60.7(a)]
- A notification of the date construction (or reconstruction as defined under §60.15) of an affected facility is commenced postmarked no later than 30 days after such date.  
[40CFR§60.7(a)(1)]
- A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.  
[40CFR§60.7(a)(3)]
- [45CSR16, 45CSR13, R13-2306, 4.5.3.]
- 5.5.4. **Reporting for Subpart Y - Opacity Exceedances.** For the purposes of reports required under section 60.7(c), any owner or operator subject to the provisions of Subpart Y also shall report semiannually periods of excess emissions as follow:  
[40CFR§60.258(b)]

- (1) The owner or operator of an affected facility with a wet scrubber shall submit semiannual reports to the Administrator or delegated authority of occurrences when the measurements of the scrubber pressure loss, water supply flow rate, or pH of the wet scrubber liquid vary by more than 10 percent from the average determined during the most recent performance test.  
[40CFR§60.258(b)(1)]
- (2) The owner or operator of an affected facility with control equipment other than a wet scrubber shall submit semiannual reports to the Administrator or delegated authority of occurrences when the measurements of the reagent injection flow rate, as applicable, vary by more than 10 percent from the average determined during the most recent performance test.  
[40CFR§60.258(b)(2)]
- (3) All 6-minute average opacities that exceed the applicable standard.  
[40CFR§60.258(b)(3)]

[45CSR16, 45CSR13, R13-2306, 4.5.5.]

- 5.5.5. **Reporting for Subpart Y - Results of Initial Performance Tests.** The owner or operator of an affected facility shall submit the results of initial performance tests to the Administrator or delegated authority, consistent with the provisions of section 60.8. The owner or operator who elects to comply with the reduced performance testing provisions of sections 60.255(c) or (d) shall include in the performance test report identification of each affected facility that will be subject to the reduced testing. The owner or operator electing to comply with section 60.255(d) shall also include information which demonstrates that the control devices are identical.

[45CSR16, 40CFR§60.258(c), 45CSR13, R13-2306, 4.5.6.]

- 5.5.6. **Reporting for Subpart Y - WebFIRE Data Base.** After July 11, 2011, within 60 days after the date of completing each performance evaluation conducted to demonstrate compliance with this subpart, the owner or operator of the affected facility must submit the test date to EPA by successfully entering the data electronically into EPA's WebFIRE data base available at <http://cfpub.epa.gov/oarweb/index.cfm?action=fire.main>. *For performance tests that cannot be entered into WebFIRE (i.e. Method 9 of appendix A-4 of this part opacity performance tests) the owner or operator of the affected facility must mail a summary copy to United States Environmental Protection Agency; Energy Strategies Group; 109 TW Alexander DR; mail code D243-01; RTP, NC 27711.*

[45CSR16, 40CFR§60.258(d), 45CSR13, R13-2306, 4.5.7.]

- 5.5.7 The owner or operator of a coal preparation and processing plant that commenced construction, reconstruction, or modification after April 28, 2008, shall maintain in a logbook (written or electronic) on-site and make it available upon request. The logbook shall record the following:

[40CFR§60.258(a)]

- (1) The manufacturer's recommended maintenance procedures and the date and time of any maintenance and inspection activities and the results of those activities. Any variance from manufacturer recommendation, if any, shall be noted.  
[40CFR§60.258(a)(1)]
- (2) The date and time of periodic coal preparation and processing plant visual observations, noting those sources with visible emissions along with corrective actions taken to reduce visible emissions. Results from the actions shall be noted.  
[40CFR§60.258(a)(2)]

- (3) The amount and type of coal processed each calendar month.  
**[40CFR§60.258(a)(3)]**
- (4) The amount of chemical stabilizer or water purchased for use in the coal preparation and processing plant.  
**[40CFR§60.258(a)(4)]**
- (5) Monthly certification that the dust suppressant systems were operational when any coal was processed and that manufacturer's recommendations were followed for all control systems. Any variance from the manufacturer's recommendations, if any, shall be noted.  
**[40CFR§60.258(a)(5)]**
- (6) Monthly certification that the fugitive coal dust emissions control plan was implemented as described. Any variance from the plan, if any, shall be noted. A copy of the applicable fugitive coal dust emissions control plan and any letters from the Administrator providing approval of any alternative control measures shall be maintained with the logbook. Any actions, e.g. objections, to the plan and any actions relative to the alternative control measures, e.g. approvals, shall be noted in the logbook as well.  
**[40CFR§60.258(a)(6)]**
- (7) For each bag leak detection system, the owner or operator must keep the records specified in paragraphs (a)(7)(i) through (iii) of this section.  
**[40CFR§60.258(a)(7)]**
  - (i) Records of the bag leak detection system output;  
**[40CFR§60.258(a)(7)(i)]**
  - (ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection settings; and  
**[40CFR§60.258(a)(7)(ii)]**
  - (iii) The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and whether the cause of the alarm was alleviated within 3 hours of the alarm.  
**[40CFR§60.258(a)(7)(iii)]**
- (8) A copy of any applicable monitoring plan for a digital opacity compliance system and monthly certification that the plan was implemented as described. Any variance from plan, if any, shall be noted.  
**[40CFR§60.258(a)(8)]**
- (9) During a performance test of a wet scrubber, and each operating day thereafter, the owner or operator shall record the measurements of the scrubber pressure loss, water supply flow rate, and pH of the wet scrubber liquid.  
**[40CFR§60.258(a)(9)]**
- (10) During a performance test of control equipment other than a wet scrubber, and each operating day thereafter, the owner or operator shall record the measurements of the reagent injection flow rate, as applicable.  
**[40CFR§60.258(a)(10)]**

**[45CSR16, 45CSR13, R13-2306, 4.5.4.]**

**APPENDIX A <sup>1</sup>**  
**Certified Daily and Monthly Water Usage By The Pressurized Water Truck**

**Harrison County Coal Resources, Inc.**  
**Harrison County Mine Preparation Plant**  
**Company ID No. 033-00018**  
**Permit No. R13-2306F**

Month \_\_\_\_\_ Year \_\_\_\_\_

Day of Month	Water Truck Used? (Y/N)	Quantity of Water Applied <sup>2</sup> (gallons)	Name and Amount of Chemical Suppressants Added (gallons)	Comments <sup>3</sup>	Initials
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					
21					
22					
23					
24					
25					
26					
27					
28					
29					
30					
31					

Notes: (1) The **CERTIFICATION OF DATA ACCURACY** statement appearing on the reverse side shall be completed and kept on site for a period of no less than five (5) years and shall be made available to the Director or his or her duly authorized representative upon request.  
 (2) The quantity of water used may be estimated based on the volume of the tank and the number of times the water truck was refilled.  
 (3) Use the comment section to explain why the water truck was not in use or was used sparingly.

