

# Fact Sheet



## For Final Renewal Permitting Action Under 45CSR30 and Title V of the Clean Air Act

Permit Number: **R30-10900013-2023**  
Application Received: **May 27, 2022**  
Plant Identification Number: **03-54-109-00013**  
Permittee: **Kepler Processing Company, LLC**  
Facility Name: **Pocahontas No. 51 Preparation Plant**  
Mailing Address: **P.O. Box 1530, Pineville, WV 24874**

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Physical Location: Pineville, Wyoming County, West Virginia  
UTM Coordinates: 449.67 km Easting • 4158.67 km Northing • Zone 17  
Directions: From Pineville, WV, travel west on WV State Route 97 approximately three (3) miles. Facility is adjacent to Route 97.

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### Facility Description

The Pocahontas No. 51 Preparation Plant is a coal preparation plant with thermal dryer. It operates under SIC Code 1221 and has the ability to screen, break/size, wash, thermally dry, store, and load out/in coal. The maximum capacity of the preparation plant is 1,000 tons per hour of raw coal feed.

## Emissions Summary

Plantwide Emissions Summary [Tons per Year]		
Regulated Pollutants	Potential Emissions	2021 Actual Emissions
Carbon Monoxide (CO)	135.73	21.98
Nitrogen Oxides (NO <sub>x</sub> )	221.36	112.49
Particulate Matter (PM <sub>2.5</sub> )	122.32	60.59
Particulate Matter (PM <sub>10</sub> )	214.95	122.27
Total Particulate Matter (TSP)	290.63	213.21
Sulfur Dioxide (SO <sub>2</sub> )	249.00	80.96
Volatile Organic Compounds (VOC)	147.77	75.62
<i>PM<sub>10</sub> is a component of TSP.</i>		
Hazardous Air Pollutants	Potential Emissions	2021 Actual Emissions
Hydrochloric Acid	26.28	4.11
Other Miscellaneous HAPs	3.56	0.55

*Some of the above HAPs may be counted as PM or VOCs.*

### Title V Program Applicability Basis

This facility has the potential to emit 136 tons per year of CO, 221 tons per year of NO<sub>x</sub>, 215 tons per year of PM<sub>10</sub>, 249 tons per year SO<sub>2</sub>, 148 tons per year of VOC and 26 tons per year of Hydrochloric Acid. Due to this facility's potential to emit over 100 tons per year of a criteria pollutant, over 10 tons per year of a single HAP, and over 25 tons per year of aggregate HAPs, Kepler Processing Company, LLC's Pocahontas No. 51 Preparation Plant is required to have an operating permit pursuant to Title V of the Federal Clean Air Act as amended and 45CSR30.

### Legal and Factual Basis for Permit Conditions

The State and Federally-enforceable conditions of the Title V Operating Permits are based upon the requirements of the State of West Virginia Operating Permit Rule 45CSR30 for the purposes of Title V of the Federal Clean Air Act and the underlying applicable requirements in other state and federal rules.

This facility has been found to be subject to the following applicable rules:

Federal and State:	45CSR5	Operation of Coal Preparation Plants
	45CSR6	Open burning prohibited.
	45CSR10	Control of Sulfur Dioxide Emissions from Indirect Heat Exchangers
	45CSR11	Standby plans for emergency episodes.
	45CSR13	Permits for Construction, Modification, Relocation and Operation of Stationary Sources
	45CSR16	Standards of Performance for New Stationary Sources Pursuant to 40 CFR Part 60

	WV Code § 22-5-4 (a) (14)	The Secretary can request any pertinent information such as annual emission inventory reporting.
	45CSR30	Operating permit requirement.
	40 C.F.R. Part 60 Subpart Y	Standards of Performance for Coal Preparation Plants
	40 C.F.R. Part 61	Asbestos inspection and removal
	40 C.F.R. Part 64	Compliance Assurance Monitoring
	40 C.F.R. Part 82, Subpart F	Ozone depleting substances
State Only:	45CSR4	No objectionable odors.

Each State and Federally-enforceable condition of the Title V Operating Permit references the specific relevant requirements of 45CSR30 or the applicable requirement upon which it is based. Any condition of the Title V permit that is enforceable by the State but is not Federally-enforceable is identified in the Title V permit as such.

The Secretary's authority to require standards under 40 C.F.R. Part 60 (NSPS), 40 C.F.R. Part 61 (NESHAPs), and 40 C.F.R. Part 63 (NESHAPs MACT) is provided in West Virginia Code §§ 22-5-1 *et seq.*, 45CSR16, 45CSR34 and 45CSR30.

**Active Permits/Consent Orders**

Permit or Consent Order Number	Date of Issuance	Permit Determinations or Amendments That Affect the Permit ( <i>if any</i> )
R13-2104K	December 6, 2022	

Conditions from this facility's Rule 13 permit(s) governing construction-related specifications and timing requirements will not be included in the Title V Operating Permit but will remain independently enforceable under the applicable Rule 13 permit(s). All other conditions from this facility's Rule 13 permit(s) governing the source's operation and compliance have been incorporated into this Title V permit in accordance with the "General Requirement Comparison Table," which may be downloaded from DAQ's website.

**Determinations and Justifications**

This is a renewal of the Title V permit which was issued on January 3, 2018 and modified (MM01) on July 29, 2019.

This renewal will incorporate minor modification MM02, which was received on November 5, 2021. The associated Rule 13 Class II administrative update permit R13-2104J was issued April 25, 2022 and approved the streamlining of the movement of coal and refuse throughout the facility, increased the annual throughput of raw coal from 4.3 to 4.5 million tons per year, increased the clean coal produced from 3.01 to 3.15 million tons per year, increased the refuse produced from 2.25 to 2.34 million tons per year and deleted equipment which had been removed from the facility.

This renewal will also incorporate minor modification MM03, which was received on November 15, 2022. The associated Rule 13 Class I administrative update permit R13-2104K was issued December 6, 2022 and approved the use of an alternate Riley #450 pulverizer in addition to the currently permitted Riley #350 pulverizer.

Significant changes to the most recent version of the Title V Permit consist of the following:

- 1) **Facility Information.** Updated the facility's mailing address to match the information listed in the renewal application.
- 2) **Condition 1.1. - Emission Units Table** – Updated the information in the Emission Units table to include the changes in the NSR permit.
- 3) **Condition 1.2.** – Updated the current R13 permit as R13-2104K approved on December 6, 2022.
- 4) **Title V Boilerplate changes**
  - **Condition 2.11.4.** - The reference notation was changed from 45CSR§30-2.39 to 45CSR§30-2.40 because this definition was renumbered in 45CSR30.
  - **Condition 2.22.1.** - The reference notation was changed to delete 45CSR38 because it was repealed.
  - **Condition 3.5.3.** - The US EPA contact address was updated.
- 5) **Condition 3.1.11.** – Changed the reference from R13-2104I to R13-2104.
- 6) **Condition 3.1.14.** – Changed the footnote reference from Permit R13-2104-§2.1.14. to Permit R13-2104-§2.14 because the conditions were renumbered in the NSR permit.
- 7) **Condition 3.1.16.** – Changed the footnote reference from Permit R13-2104-§4.1.11. to Permit R13-2104-§4.1.14. because the conditions were renumbered in the NSR permit.
- 8) **Condition 4.1.1.** - Updated the information in the table to include the changes in the NSR permit.
- 9) **Condition 4.1.3.** – Streamlined the language in the note section for consistency, deleted the reference to C-7 (which was removed from the NSR permit) and changed the footnote reference from Permit R13-2104-§4.1.13. to Permit R13-2104-§4.1.11. because the conditions were renumbered in the NSR permit.
- 10) **Condition 4.1.4.** – Deleted the references to SC2, C-17, C-24 and C-25 (which were removed from the NSR permit) and changed the footnote reference from Permit R13-2104-§4.1.14. to Permit R13-2104-§4.1.12. because the conditions were renumbered in the NSR permit.
- 11) **Condition 4.1.5.** – Deleted the references to SC2, C-7, C-17, C-24 and C-25 (which were removed from the NSR permit) and changed the footnote reference from Permit R13-2104-§4.1.12. to Permit R13-2104-§4.1.10. because the conditions were renumbered in the NSR permit.
- 12) **Condition 4.1.6.** – Changed the footnote reference from Permit R13-2104-§4.1.15. to Permit R13-2104-§4.1.13. because the conditions were renumbered in the NSR permit.
- 13) **Condition 4.4.5.** – In the reference footnote, deleted the references to SC2, C-17, C-24 and C-25, which were removed in the NSR permit.
- 14) **Condition 5.1.1.** – Added the Riley #450 pulverizer so that it or the Riley #350 pulverizer may be used to crush the coal feed because it was added in the NSR permit.

- 15) Appendix A** – Removed the column for Pond Fork Mine Conveyor 25 Transfer Point 58, which were removed, and revised the Maximum Permitted Amounts in the last row, which were changed in the NSR permit.
- 16) Appendix B** – Revised the Maximum Permitted Amounts in the last row, which were changed in the NSR permit.
- 17) Condition 5.3.3.** – The latest test to determine compliance with the particulate matter (PM) emission limit of 0.12 gr/DSCF was performed on May 5, 2020. The results of the test indicated PM emissions of 0.020 gr/DSCF which is less than 50% of the PM limit. The previous test schedule based on 2017 stack test results was established as a “Once/3 years” test cycle. Therefore, since this test result is the second of two successive test results of less than or equal to 50% of the PM limit, according to the schedule set forth in the frequency of testing table of this permit condition, the frequency of testing is now “Once/5 years.” The next PM stack test shall be conducted no later than May 5, 2025.

### **Non-Applicability Determinations**

The following requirements have been determined not to be applicable to the subject facility due to the following:

- a. 45CSR19 (Non-attainment NSR) - not located in a non-attainment area or will not contribute to a violation of section.
- b. 45CSR27 (Toxic air pollutants - BAT) – does not meet the definition of chemical processing unit.
- c. 45CSR28 (Emission Trading and Banking) - not involved in this program.
- d. Section 112 (Hazardous Air Pollutants) - no MACT standard has been promulgated for thermal dryers.
- e. Section 129 (Solid waste combustion) – this facility does not combust solid waste.
- f. Section 183(f) (Tank vessel standards) - no tanks/vessels are utilized at this facility.
- g. Section 183 (e) – this facility is not a regulated entity as defined by Section 183 (e)(C).
- h. NAAQS increments or visibility (temp. sources) – this facility has no temporary sources.
- i. Federal Implementation Plan (FIP) - none in place.
- j. Title IV of the CAA (Acid Rain) - not an EGU.

### **Request for Variances or Alternatives**

None.

### **Insignificant Activities**

Insignificant emission unit(s) and activities are identified in the Title V application.

### **Comment Period**

Beginning Date: April 5, 2023  
Ending Date: May 5, 2023

### **Point of Contact**

All written comments should be addressed to the following individual and office:

Dan Roberts  
West Virginia Department of Environmental Protection  
Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
304/926-0499 ext. 41902  
[Daniel.p.roberts@wv.gov](mailto:Daniel.p.roberts@wv.gov)

### **Procedure for Requesting Public Hearing**

During the public comment period, any interested person may submit written comments on the draft permit and may request a public hearing, if no public hearing has already been scheduled. A request for public hearing shall be in writing and shall state the nature of the issues proposed to be raised in the hearing. The Secretary shall grant such a request for a hearing if he/she concludes that a public hearing is appropriate. Any public hearing shall be held in the general area in which the facility is located.

### **Response to Comments (Statement of Basis)**

No comments were received from EPA, the company or the public.

Because of revisions to Rule 45CSR30 which became effective on March 31, 2023, changes to the Title V boilerplate in Sections 2 and 3 have been incorporated. They are as follows:

- **Condition 2.1.3.** – This condition was updated to delete the word “such” which was removed from 45CSR30 effective March 31, 2023. The reference was changed from 45CSR§30-2.12 to 45CSR§30-2.39 because the definition of “Secretary” was renumbered in a previous version of 45CSR30.
- **Conditions 2.17., 3.5.7. and 3.5.8.a.1.** – These conditions were deleted and replaced with “Reserved” because the emergency provisions under 45CSR§30-5.7 were removed from 45CSR30 effective March 31, 2023.
- **Condition 3.5.4.** – This condition was updated because the requirement to submit a certified emissions statement was removed from 45CSR30 effective March 31, 2023.
- **Condition 3.5.8.a.2.** – This condition was updated to replace the word “telefax” with “email” according to the change in 45CSR30 effective March 31, 2023.