OhioEPA
State of Ohio Environmental Protection Agency

P.O. Box 163669, 1800 WaterMark Dr.
Columbus, Ohio 43216-3669
(614) 644-3020
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George V. Voinovich
Governor

Re: Permit to Install
Jefferson County
Application No: 17-1351

CERTIFIED MAIL

April 12, 1995

STERLING MINING CORPORATION SOUTH MINE
GARY SCHAEFER
P.O. BOX 217
NORTH LIMA, OH 44452

Enclosed please find an Ohio EPA Permit to Install which will allow you to install the described source(s) in a manner indicated in the permit. Because this permit contains several conditions and restrictions I urge you to read it carefully.

The Ohio EPA is urging companies to investigate pollution prevention and energy conservation. Not only will this reduce pollution and energy consumption, but it can also save you money. If you would like to learn ways you can save money while protecting the environment, please contact our Office of Pollution Prevention at (614) 644-3469.

You are hereby notified that this action by the Director is final and may be appealed to the Ohio Environmental Board of Review pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address:

Environmental Board of Review
236 East Town Street, Room 300
Columbus, Ohio 43215

Very truly yours,

Thomas G. Rigo

Thomas G. Rigo, Manager
Field Operations & Permit Section
Division of Air Pollution Control

cc: US EPA
NORTH OHIO VALLEY AIR AUTHORITY
SEDO

Printed on recycled paper

Permit to Install
Terms and Conditions

Application No. 17-1351
APS Premise No. 1741000231
Permit Fee: $750.00

Name of Facility: STERLING MINING CORPORATION SOUTH MINE

Person to Contact: GARY SCHAEFER

Address: P.O. BOX 217
NORTH LIMA, OH 44452

Location of proposed source(s): BRUSH CREEK TWP. RD. 293
BRUSH CREEK TWP., OHIO

Description of proposed source(s):
COAL CONVEYING, TRANSFERING, SIZING, STORAGE PILES, ROADS & PARKING AREAS, PORTABLE SCREENING PLANT.

Date of Issuance: April 12, 1995

Effective Date: April 12, 1995

The above named entity is hereby granted a permit to install for the above described source(s) pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source(s) of pollutants will be granted the necessary permits to operate (air) or NPDES permits as applicable.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Donald R Schregardus

Director

TERMINATION OF PERMIT TO INSTALL

Substantial construction for installation must take place within 18 months of the effective date of this permit. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

NOTICE OF INSPECTION

The Director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above-named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, or to examine records or reports pertaining to the construction, modification or installation of the source(s) of environmental pollutants identified within this permit.

CONSTRUCTION OF NEW SOURCES(S)

The proposed source(s) shall be constructed in strict accordance with the plans and application submitted for this permit to the Director of the Ohio Environmental Protection Agency. There may be no deviation from the approved plans without the express, written approval of the Agency. Any deviations from the approved plans or the above conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

If the construction of the proposed source(s) has already begun or has been completed prior to the date the Director of the Environmental Protection Agency approves the permit application and plans, the approval does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the approved plans. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of Ohio Administrative Code (OAC) Rule 3745-31-02. Furthermore, issuance of the Permit to Install does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Approval of the plans in any case is not to be construed as an approval of the facility as constructed and/or completed. Moreover, issuance of the Permit to Install is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons)

may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities prove to be inadequate or cannot meet applicable standards.

PERMIT TO INSTALL FEE

In accordance with Ohio Revised Code 3745.11, the specified Permit to Install fee must be remitted within 30 days of the effective date of this permit to install.

PUBLIC DISCLOSURE

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source, are subject to public disclosure in accordance with OAC Rule 3745-49-03.

APPLICABILITY

This Permit to Install is applicable only to the contaminant sources identified. Separate application must be made to the Director for the installation or modification of any other contaminant sources.

BEST AVAILABLE TECHNOLOGY

As specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement.

PERMIT TO OPERATE APPLICATION

A Permit to Operate application must be submitted to the appropriate field office for each air contaminant source in this Permit to Install. In accordance with OAC Rule 3745-35-02, the application shall be filed no later than thirty days after commencement of operation.

SOURCE OPERATION AFTER COMPLETION OF CONSTRUCTION

This facility is permitted to operate each source described by this permit to install for a period of up to one year from the date the source commenced operation. This permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies.

AIR EMISSION SUMMARY

The air contaminant sources listed below comprise the Permit to Install for STERLING MINING CORPORATION SOUTH MINE located in Jefferson County. The sources listed below shall not exceed the emission limits/control requirements contained in the table. This condition in no way limits the applicability of any other state or federal regulations. Additionally, this condition does not limit the applicability of additional special terms and conditions of this permit.

Ohio EPA Source Number	Source Identification Description	BAT Determination	Applicable Federal & OAC Rules	Permit Allowable Mass Emissions and/or Control/Usage Requirements
F001	Paved & Unpaved Roads & Parking Areas	Water truck GHK, surface improvements, speed reduction additional terms and conditions	3745-31-05 3745-17-08(B)	Paved - 1 min of VE's per hr Unpaved - 3 min of VE's per hr PM = 0.203
F002	Coal Storage Piles	Water sprays low pile height additional terms & conditions	3745-31-05 3745-17-08(B)	1 min of VE's per hr PM = 7.53
F003	Unloading Transferring and Conveying	Water sprays covered conveyors additional terms and conditions	3745-31-05 3745-17-08(B)	10% VE's on a 6 min average

SUMMARY
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

Pollutant	Tons/Year
Particulate	14.733

WASTE DISPOSAL

The owner/operator shall comply with any applicable state and federal requirements governing the storage, treatment, transport and disposal of any waste material generated by the operation of the sources.

MAINTENANCE OF EQUIPMENT

This source and its associated air pollution control system(s) shall be maintained regularly in accordance with good engineering practices and the recommendations of the respective manufacturers in order to minimize air contaminant emissions.

MALFUNCTION/ABATEMENT

In accordance with OAC RULE 3745-15-06, any malfunction of the source(s) or associated air pollution control system(s) shall be reported immediately to the North Ohio Valley Air Authority, 814 Adams, Steubenville, Ohio 43952.

Except as provided by OAC Rule 3745-15-06(A)(3), scheduled maintenance of air pollution control equipment that requires the shutdown or bypassing of air pollution control system(s) must be accompanied by the shutdown of the associated air pollution sources.

AIR POLLUTION NUISANCES PROHIBITED

The air contaminant source(s) identified in this permit may not cause a public nuisance in violation of OAC Rule 3745-15-07.

NINETY DAY OPERATING PERIOD

The facility will be permitted to operate during a 90-day period in accordance with OAC Rule 3745-35-02(C)(4)(b). The purpose of this period of operation is to fulfill the performance tests conditions used in the determination of compliance with the provisions of this Permit to Install or other applicable Ohio EPA rules.

CONSTRUCTION COMPLIANCE CERTIFICATION

The applicant shall provide Ohio EPA with a written certification (see enclosed form) that the facility has been constructed in accordance with the Permit to Install application and the terms and conditions of the Permit to Install. The certification shall be provided to Ohio EPA upon completion of construction but prior to startup of the source.

ADDITIONAL SPECIAL TERMS AND CONDITIONS

1. **F001 - Paved and Unpaved Roads and Parking Areas**

Unpaved Roadways and Parking Areas

In order to control emissions of fugitive dust, this facility shall implement the following control measures:

A. This facility shall apply water or suitable dust suppression chemicals as often as necessary on all unpaved roads and parking areas in order to minimize or prevent visible emissions of fugitive dust.

B. Speed zones of no more than 15 miles per hour shall be established, posted and enforced by the owner or operator of all vehicles operating within the facility or facility-controlled access roads.

C. This facility shall operated and maintain a truck mounted spray system to distribute water and/or dust suppression solution in order to minimize or eliminate visible emissions of fugitive dust generated by vehicle traffic on unpaved roadways and parking areas.

D. Paved roadways shall be maintained free of gross quantities of mud or dust to prevent tracking of materials onto public roadways and to minimize dust emissions from the facility roadways.

Visible Emission Limitations for Roadways and Parking Areas

There shall be no visible particulate emissions from any paved roadway or parking area except for a period of time not to exceed one minute during any sixty-minute observation period.

There shall be no visible particulate emission from any unpaved roadway or parking area except for a period of time not to exceed one minute during any sixty-minute observation period.

There shall be no visible particulate emission from any unpaved road or parking area except for a period of time not to exceed three minutes during any sixty-minute observation period.

2) **F002 - Storage Pile Activities**

Coal Storage

All coal storage piles shall contain sufficient moisture so as to minimize or eliminate visible emissions caused by wind erosion.

There shall be no visible particulate emission from the material storage piles except for a period of time not to exceed one minute during any sixty-minute observation period.

During the unloading onto or removal from the coal storage piles, the drop height of the front-end loader shall be minimized in order to minimize or eliminate visible emissions of fugitive dust.

3. **F003 - Material Handling**

Visible Emission Limitations

Visible particulate emissions from this source shall not exceed ten per cent opacity as a six-minute average.

The coal shall have sufficient moisture content during conveying and transferring to minimize or eliminate fugitive dust.