OhioEPA
State of Ohio Environmental Protection Agency

P.O. Box 1049, 1800 WaterMark Dr.
Columbus, Ohio 43266-0149
(614) 644-3020 **Fax** (614) 644-2329

Richard F. Celeste
Governor

Re: Permit to Install
Belmont County
Application No: 17-681

CERTIFIED MAIL

February 28, 1990

OHIO VALLEY TRANSLOADING FACILITY
DAVID L. BARTSCH
56854 PLEASANT RIDGE ROAD
ALLEDONIA, OH 43902

Dear Sir:

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.

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 and the Environmental Law Division of the Office of the Attorney General 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 Section
Division of Air Pollution Control

cc: US EPA
NORTH OHIO VALLEY AIR AUTHORITY

RECEIVED
MAR 05 1990
N.O.V.A.A.
STEUBENVILLE, OH.

Permit to Install
Terms and Conditions

Application No. 17-681
APS Premise No. 1707110163
Permit Fee: $1925.00

Name of Facility: OHIO VALLEY TRANSLOADING FACILITY

Person to Contact: DAVID L. BARTSCH

Address: 56854 PLEASANT RIDGE ROAD
ALLEDONIA, OH 43902

Location of proposed source(s): STATE ROUTE 7
POWHATAN POINT, OHIO

Description of proposed source(s): CLEAN COAL UNLOADING & LOADING FACILITY, BARGE LOADING, STOR AGE PILE, ROADWAY & ASSOCIATED WASTEWATER TREATMENT FAC.

Date of Issuance: February 28, 1990

Effective Date: February 28, 1990

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

Richard L. Shank

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 SOURCE(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 Ohio 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 15 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 and a $15 application fee 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 made at least 90 days prior to start-up of the source.

AIR EMISSION SUMMARY

The air contaminant sources listed below comprise the Permit to Install for OHIO VALLEY TRANSLOADING FACILITY located in Belmont 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 #	Source Identification/ Description	BAT Determination	Applicable Federal and OAC Rules	Permit Allowable Mass Emissions and/ or Control & Usage Requirements
F001	Unpaved roads & parking area	Treatment w/ dust suppressants & speed reduction	3745-31-05 3745-17-08 (B)(1)(2) (8)(9)	Minimize & eliminat visible emission of fugitive dust
F002	Storage piles	Damp material	3745-31-05 3745-17-08 (B)(6)	Minimize & eliminat visible emission of fugitive dust
F003	Material handling & load out by truck, rail and barge.	Damp material hoop cover variable hgt. loader	3745-31-05 3745-17-08 (B)	Minimize & eliminat visible emission of fugitive dust
F004	Truck & railroad car receiving hoppers	Damp material-roofed & sided enclosure w/ flexible curtains	3745-31-05 3745-17-08 (B)	Minimize & eliminat visible emission of fugitive dust

SUMMARY
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

Pollutant	Tons/Year
Particulate	25.75

REPORTING REQUIREMENTS

Unless otherwise specified, reports required by the Permit to Install need only be submitted to North Ohio Valley Air Authority.

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.

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.

ADDITIONAL SPECIAL TERMS AND CONDITIONS

A. Wastewater disposal system

1. This permit applies to a wastewater disposal system designed to serve a storm runoff of no more than 280,000 gallons.

2. No liquids, sludges, or toxic or hazardous substances other than those set forth in the approved permit shall be accepted for disposal without the prior written approval of the Ohio Environmental Protection Agency.

3. Construction of any wastewater treatment works shall be completed and operation of the facility approved by Ohio Environmental Protection Agency before wastewater is generated by the applicant or is discharged to the wastewater disposal system.

4. The sanitary control of the area shall be maintained within a 300 foot radius of each water supply well.

5. The applicant shall notify the Ohio Environmental Protection Agency if he does not continue as the sole user of the treatment system.

6. The appropriate district office of the Ohio Environmental Protection Agency shall be notified in writing as to (a) the construction starting date; (b) the construction completion date; and (c) the date the wastewater disposal system was placed into operation.

7. Daily records of operation shall be maintained and submitted monthly to the Ohio Environmental Protection Agency within 15 days after the end of each month.

8. The Ohio Valley Transloading Facility shall be responsible for the proper operation and maintenance of the wastewater disposal system.

9. Provisions shall be made for proper operation of the wastewater pumping facilities.

B. Solid and Hazardous Waste Management

1. Solid, semi-solid or hazardous materials generated by the unit operations are to be reused, recycled or sold for recovery when feasible. Solid, semi-solid and hazardous waste must be stored, treated, or disposed of in facilities

installed and operated in accordance with Ohio Revised Code Section 3734.

2. The Southeast District Office of the Ohio Environmental Protection Agency shall be notified, in writing prior to start-up of operations, as to the proposed disposition of all solid, semi-solid and hazardous waste materials. Notification shall include the following information:

   a. name, location and address of disposal facility;
   b. method of disposal (incineration, secure landfill, etc.);
   c. description of waste material to be disposed of;
   d. quantities of waste material to be disposed of and frequency of disposal; and
   e. name and address of contract haulers.

   Any change in the disposition of waste materials shall be reported to the District Office prior to such a change.

C. Soil Liners and Cover Material

1. No soil materials shall be placed or compacted during weather conditions which would interfere with adequate compaction or moisture content control, such as freezing temperatures or rainy conditions.

2. Soil material shall be placed in 6" to 8" loose lifts at a moisture content between 14 to 18.5% optimum moisture content.

3. Soil material shall be compacted using standard engineering compaction methods unless otherwise specified in the plans to a minimum compaction rate of 98% of standard/modified maximum dry density.

4. Compacted soil material shall be tested for density and moisture content at a rate of one test per 500 ft^2 for each lift, with a minimum of one test for any day that soil material is compacted.

5. When a density or moisture content test is not in compliance with the detailed plans or the terms and conditions of this permit, permittee shall scarify the lift, adjust the moisture content, and recompact the soils for an area extending from the failed test to one-half of the distance to the nearest passed tests, in all directions. The recompacted area shall be retested for compliance.

6. Results of density and moisture content testing shall be submitted to the Ohio EPA, Southeast District Office within 14 days and completion of the liners.

7. Only soil materials specifically approved for use, in the detailed plans, may be used.

8. Permeability testing on the compacted soil material shall be performed at a rate of one test per 500 ft^2 per lift.

D. F001 - Plant Roadways

In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall treat the unpaved roadway and parking areas with aggregate and asphaltic emulsion in order to minimize or eliminate visible emissions of fugitive dust generated by vehicular traffic. Frequency of application shall be as needed. This term and condition shall be waived during wet conditions when there is sufficient moisture to prevent visible emissions of fugitive dust.

Any material carried off of the source owner's property and deposited onto the paved roadway by the trucks or earth moving equipment or erosion by water, etc., shall be promptly cleaned up (by using a vacuum sweeper in conjunction with water spray) and disposed of properly in such a manner as to minimize or prevent resuspension. A maximum speed limit of 15 miles an hour shall be enforced on the property. Fugitive dust associated with vehicular traffic at the storage piles shall be minimized or eliminated by employing water or other suitable dust suppressant on a frequency as needed to prevent visible emissions of fugitive dust.

E. F002 - Storage Pile Activities

Load in In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall continue to load in damp clean coal onto the side of the coal storage pile protected from the wind in order to minimize and eliminate visible emissions of fugitive dust.

Wind erosion In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall compact clean coal with sufficient moisture content in storage piles of such size and shape that will minimize or eliminate visible emissions of fugitive dust caused by wind

erosion.

Load out In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall load out coal from the storage pile that has sufficient moisture content to minimize or eliminate fugitive dust during load out activities. The front end loader operators shall be instructed and required to minimize the free fall distance. Dry dusty coal shall be wetted prior to removal from the storage pile.

F. F003 - Material Handling and Load Out

Transfer and conveying In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall maintain and employ the hoop covers and transfer points such that all openings are enclosed to the extent possible with good engineering practices for the movement of cleaned damp coal that has sufficient moisture content to minimize and eliminate visible emissions of fugitive dust.

Barge load out In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall maintain and employ the variable height loading belt and chute in such a manner to reduce, to the extent possible with good engineering design and operating practices, the free fall distance of damp clean coal having sufficient moisture content to minimize and eliminate visible emissions of fugitive dust.

G. F004 - Truck and Railroad Car Receiving Hoppers

In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), Ohio Valley Transloading Company shall maintain and employ the roofed and sided building enclosures with flexible curtains or roll-up doors of sufficient size for truck and railroad cars to unload within material having sufficient moisture content to minimize and eliminate visible emissions of fugitive dust.

F. F003 - Material Handling and Load Out

Transfer and Conveying - In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall maintain and employ the hoop covers and transfer points such that all openings are enclosed to the extent possible with good engineering practices for the movement of cleaned damp coal that has sufficient moisture content to minimize and eliminate visible emissions of fugitive dust.

Barge Load Out - In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall maintain and employ the variable height loading belt and chute in such a manner to reduce, to the extent possible with good engineering design and operating practices, the free fall distance of damp clean coal having sufficient moisture content to minimize and eliminate visible emissions of fugitive dust.

Front End Loader to Rail Cars - In accordance with the requirements of OAC Rule 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall reduce to the maximum extent possible the drop height of the front end loader bucket for loading coal to railroad cars with coal that possesses sufficient moisture to minimize and eliminate fugitive dust during load out activity.

Front End Loader to Truck - In accordance with the requirements of OAC Rule 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall reduce to the maximum extent possible the drop height of the front end loader bucket for the loading of coal that possesses moisture to minimize and eliminate fugitive dust during load out activity.

Belt Load Out to Rail Car - In accordance with the requirements of OAC Rule 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall maintain and employ the covered conveyor with an enclosed drop leg of sufficient length for loading coal that possesses sufficient moisture content to minimize and eliminate fugitive dust during load out activity.

Barge Unloading - In accordance with the requirements of OAC Rule 3745-31-05 and 3745-17-08(B), the Ohio Valley Transloading Company shall instruct and require crane operators to unload only damp coal that possesses sufficient moisture content to minimize and eliminate fugitive dust. The clam shell bucket shall be maintained and employed in a manner to eliminate spillage due to over loading and leakage from the jaw. The clam shell bucket shall be lowered sufficiently into the truck in order to minimize and eliminate fugitive dust.