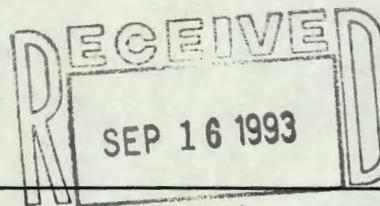




State of Ohio Environmental Protection Agency

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



George V. Voinovich  
Governor

Donald R. Schregardus  
Director

NOVAA  
STEUBENVILLE, OHIO 43952

Re: Permit to Install  
Harrison County  
Application No: 17-1167  
NSPS

CERTIFIED MAIL

September 9, 1993

HARRISON MINING CORP  
JOHN A MCNAB  
P O BOX 176  
CADIZ, OH 43907

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 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, Manager  
Field Operations & Permit Section  
Division of Air Pollution Control

cc: US EPA  
NORTH OHIO VALLEY AIR AUTHORITY

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**Permit to Install**  
**Terms and Conditions**

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Application No. 17-1167  
APS Premise No. 1734000066  
Permit Fee: \$2200.00

Name of Facility: HARRISON MINING CORP

Person to Contact: JOHN A MCNAB

Address: P O BOX 176  
CADIZ, OH 43907

Location of proposed source(s): 44961 OLD HOPEDALE RD  
CADIZ TWP, OHIO

Description of proposed source(s):  
INSTALLATION OF NEW RAILROAD LOADING STATION, CONVEYOR SYSTE  
M, STORAGE PILE FOR COAL.

Date of Issuance: September 9, 1993

Effective Date: September 9, 1993

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. Schreyer*

\_\_\_\_\_  
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.

HARRISON MINING CORP  
Application No. 17-1167  
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September 9, 1993

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 HARRISON MINING CORP located in Harrison 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.

<u>Ohio EPA Source Number</u>	<u>Source Identification/Description</u>	<u>BAT Determination</u>	<u>Applicable Federal and OAC Rules</u>	<u>Permit Allowable Mass Emissions and/or Control &amp; Usage Requirements</u>
F004	Raw Coal Storage Piles	Wet Coal Conveys to Stacker System Minimize Drop Height Underpile Loadout	3745-31-05 3745-17-07 3745-17-08 3745-15-06 3745-15-07	PM - 1.87 ton/yr & No Visible Particulates Except for Period of Time Not to Exceed One Minute During Any Sixty Minutes
F005 <i>ltr 1/30/96</i>	Truck Loadout Conveyor Transfer System <i>gone dismantled</i>	Damp Material Minimize Drop Height Water Spray Under-ground	3745-31-05 3745-17-07 3745-17-08 3745-15-06 3745-15-07 40 CFR Part 60 Subpart Y	PM - 0.084 ton/yr 20 Percent Opacity As A Three Minute Average
F006	Railroad Car Loadout Conveyor Transfer System	Damp Material Minimize Drop Height Water Spray Under-ground	3745-31-05 3745-17-07 3745-17-08 3745-15-06 3745-15-07 40 CFR Part 60 Subpart Y	PM - 0.084 ton/yr 20 Percent Opacity As A Three Minute Average

SUMMARY  
 TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

<u>Pollutant</u>	<u>Tons/Year</u>
PM	2.04

NSPS REQUIREMENTS

The following sources are subject to the applicable provisions of the New Source Performance Standards (NSPS) as promulgated by the United States Environmental Protection Agency, 40 CFR Part 60.

<u>Source No.</u>	<u>Source Description</u>	<u>NSPS Regulation (Subpart)</u>
F005	Truck Loadout Station	Y
F006	Railroad Car Loadout Station	Y

The application and enforcement of these standards are delegated to the Ohio EPA. The requirements of 40 CFR Part 60 are also federally enforceable.

Pursuant to the NSPS, the source owner/operator is hereby advised of the requirement to report the following at the appropriate times:

1. Construction date (no later than 30 days after such date);
2. Anticipated start-up date (not more than 60 days or less than 30 days prior to such date);
3. Actual start-up date (within 15 days after such date); and
4. Date of performance testing (at least 30 days prior to testing).

Reports are to be sent to:

Ohio Environmental Protection Agency  
Permit Management Unit  
P.O. Box 1049  
Columbus, OH 43266-0149

and

North Ohio Valley Air Authority  
814 Adams  
Steubenville, OH 43952

#### 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

HARRISON MINING CORP  
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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 test 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 written certification (see enclosed form) that the facility has 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

Storage Pile Activities - F004

1. Load In

In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), Harrison Mining Corp.:

- a. employ good operating practices when using any front-end loader;
- b. only operate such loader at the pile's side protected from the wind;
- c. employ a stacking tube for loading coal; and
- d. load in only coal with sufficient moisture content or coal that is adequately wetted to minimize or eliminate fugitive dust.

2. Wind Erosion

In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), Harrison Mining Corp. shall:

- a. maintain sufficient moisture content in the coal storage piles;
- b. maintain coal storage piles in such size and shape that will minimize or eliminate visible emissions of fugitive dust caused by wind erosion; and
- c. water shall be applied wetting the surface as needed to minimize or eliminate fugitive dust.

3. Load Out

In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), Harrison Mining Corp. shall:

- a. load out only coal from the storage piles that has sufficient moisture content to minimize or eliminate fugitive dust;
- b. instruct and require front-end loader operators to minimize the free fall distance;
- c. coal loaded out through the underpile gravity load out shall possess adequate moisture to minimize or eliminate fugitive dust; and
- d. dusty coal shall be wetted prior to removal from the storage piles.

4. Vehicle Traffic

In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), Harrison Mining Corp. shall employ water sprays, or sprays of other suitable dust suppressants, as frequently as needed to minimize or eliminate fugitive dust associated with vehicle traffic associated with storage pile activities.

5. Visible Emissions

In accordance with the requirements of OAC Rules 3745-31-05 and 3745-17-08(B), Harrison Mining Corp. shall employ the control measures and operating practices detailed in items 1-4 such that there are no visible emissions of particulate matter except for one minute during any sixty-minute observation period, as determined in accordance with Method 22 of 40 CFR Part 60.

6. Truck Load Out Activities - F005

In accordance with the requirements of paragraph B of OAC Rules 3745-17-08 and 3745-31-05 and NSPS Subpart Y, Harrison Mining Corp. shall maintain sufficient moisture content, decrease the drop height of the front end loader, and extend the telescopic loading chute to maximum extent possible to minimize or eliminate fugitive dust such that the visible particulate emissions do not exceed 20% opacity based on a three-minute average as determined by Method Nine of 40 CFR Part 60.

7. Rail Car Load Out Activities - F006

In accordance with the requirements of paragraph B of OAC Rules 3745-17-08 and 3745-31-05 and NSPS Subpart Y, Harrison Mining Corp. shall maintain sufficient moisture content and extend the telescopic loading chute to maximum extent possible to minimize or eliminate fugitive dust such that the visible particulate emissions do not exceed 20% opacity based on a three-minute average as determined by Method Nine of 40 CFR Part 60.