



State of Ohio Environmental Protection Agency

Apex Energy
JEFFERSON Co.
PTI #06 07264
0641000223

Street Address:

Lazarus Gov. Center
122 S. Front Street
Columbus, OH 43215

TELE: (614) 644-3020 FAX: (614) 644-2329

Mailing Address:

Lazarus Gov. Center
P.O. Box 1049
Columbus, OH 43216-1049

**RE: FINAL PERMIT TO INSTALL
JEFFERSON COUNTY
Application No: 06-07264**

CERTIFIED MAIL

	TOXIC REVIEW
	PSD
	SYNTHETIC MINOR
	CEMS
	MACT
	NSPS
	NESHAPS
	NETTING
	MAJOR NON-ATTAINMENT
	MODELING SUBMITTED
	GASOLINE DISPENSING FACILITY

DATE: 1/15/2004

Apex Energy Apex Sanitary Landfill
David Krulock
PO Box 1298
Steubenville, OH 43952

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 Review Appeals Commission 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 within thirty (30) days after the notice of the Directors 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 Commission. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
309 South Fourth Street, Room 222
Columbus, Ohio 43215

Sincerely,

Michael W. Ahern
Michael W. Ahern, Supervisor
Field Operations and Permit Section
Division of Air Pollution Control

CC: USEPA

SEDO

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S.E.D.O.

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**Permit To Install
Terms and Conditions**

**Issue Date: 1/15/2004
Effective Date: 1/15/2004**

FINAL PERMIT TO INSTALL 06-07264

Application Number: 06-07264

APS Premise Number: 0641000223

Permit Fee: **\$1650**

Name of Facility: Apex Energy Apex Sanitary Landfill

Person to Contact: David Krulock

Address: PO Box 1298
Steubenville, OH 43952

Location of proposed air contaminant source(s) [emissions unit(s)]:
**91999 Amsterdam Rd.
Jewett, Ohio**

Description of proposed emissions unit(s):

Roadways and parking and rail unloading and truck loading material handling and diesel engine emission from hydraulic excavator.

The above named entity is hereby granted a Permit to Install for the above described emissions unit(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 emissions unit(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 emissions unit(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

Director



Part I - GENERAL TERMS AND CONDITIONS

A. State and Federally Enforceable Permit To Install General Terms and Conditions

1. Monitoring and Related Recordkeeping and Reporting Requirements

- a. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, the permittee shall maintain records that include the following, where applicable, for any required monitoring under this permit:
 - i. The date, place (as defined in the permit), and time of sampling or measurements.
 - ii. The date(s) analyses were performed.
 - iii. The company or entity that performed the analyses.
 - iv. The analytical techniques or methods used.
 - v. The results of such analyses.
 - vi. The operating conditions existing at the time of sampling or measurement.
- b. Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.
- c. Except as may otherwise be provided in the terms and conditions for a specific emissions unit, the permittee shall submit required reports in the following manner:
 - i. Reports of any required monitoring and/or recordkeeping of federally enforceable information shall be submitted to the appropriate Ohio EPA District Office or local air agency.
 - ii. Quarterly written reports of (i) any deviations from federally enforceable emission limitations, operational restrictions, and control device operating parameter limitations, excluding deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06, that have been detected by the testing, monitoring and recordkeeping requirements specified in this permit, (ii) the probable cause of such deviations, and (iii) any corrective actions or preventive measures taken, shall be made to the appropriate Ohio EPA District Office or local air agency. The written reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and

October 31 of each year and shall cover the previous calendar quarters. See B.9 below if no deviations occurred during the quarter.

- iii. Written reports, which identify any deviations from the federally enforceable monitoring, recordkeeping, and reporting requirements contained in this permit shall be submitted to the appropriate Ohio EPA District Office or local air agency every six months, i.e., by January 31 and July 31 of each year for the previous six calendar months. If no deviations occurred during a six-month period, the permittee shall submit a semi-annual report, which states that no deviations occurred during that period.
- iv. Each written report shall be signed by a responsible official certifying that, based on information and belief formed after reasonable inquiry, the statements and information in the report are true, accurate, and complete.

2. **Scheduled Maintenance/Malfunction Reporting**

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction, i.e., upset, of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. (The definition of an upset condition shall be the same as that used in OAC rule 3745-15-06(B)(1) for a malfunction.) The verbal and written reports shall be submitted pursuant to OAC rule 3745-15-06. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emission unit(s) that is (are) served by such control system(s).

3. **Risk Management Plans**

If the permittee is required to develop and register a risk management plan pursuant to section 112(r) of the Clean Air Act, as amended, 42 U.S.C. 7401 et seq. ("Act"), the permittee shall comply with the requirement to register such a plan.

4. **Title IV Provisions**

If the permittee is subject to the requirements of 40 CFR Part 72 concerning acid rain, the permittee shall ensure that any affected emissions unit complies with those requirements. Emissions exceeding any allowances that are lawfully held under Title IV of the Act, or any regulations adopted thereunder, are prohibited.

5. **Severability Clause**

A determination that any term or condition of this permit is invalid shall not invalidate the force or effect of any other term or condition thereof, except to the extent that any other term or condition

depends in whole or in part for its operation or implementation upon the term or condition declared invalid.

6. General Requirements

- a. The permittee must comply with all terms and conditions of this permit. Any noncompliance with the federally enforceable terms and conditions of this permit constitutes a violation of the Act, and is grounds for enforcement action or for permit revocation, revocation and reissuance, or modification, or for denial of a permit renewal application.
- b. It shall not be a defense for the 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 federally enforceable terms and conditions of this permit.
- c. This permit may be modified, reopened, revoked, or revoked and reissued, for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or revocation, or of a notification of planned changes or anticipated noncompliance does not stay any term and condition of this permit.
- d. This permit does not convey any property rights of any sort, or any exclusive privilege.
- e. The permittee shall furnish to the Director of the Ohio EPA, or an authorized representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Director or an authorized representative of the Director, copies of records required to be kept by this permit. For information claimed to be confidential in the submittal to the Director, if the Administrator of the U.S. EPA requests such information, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

7. Fees

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78. The permittee shall pay all applicable Permit To Install fees within 30 days after the issuance of this Permit To Install.

8. Federal and State Enforceability

Only those terms and conditions designated in this permit as federally enforceable, that are required under the Act, or any of its applicable requirements, including relevant provisions designed to limit the potential to emit of a source, are enforceable by the Administrator of the U.S. EPA, the State, and citizens under the Act. All other terms and conditions of this permit shall not be federally enforceable and shall be enforceable under State law only.

9. Compliance Requirements

- a. Any document (including reports) required to be submitted and required by a federally applicable requirement in this permit shall include a certification by a responsible official that, based on information and belief formed after reasonable inquiry, the statements in the document are true, accurate, and complete.
- b. Upon presentation of credentials and other documents as may be required by law, the permittee shall allow the Director of the Ohio EPA or an authorized representative of the Director to:
 - i. At reasonable times, enter upon the permittee's premises where a source is located or the emissions-related activity is conducted, or where records must be kept under the conditions of this permit.
 - ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit, subject to the protection from disclosure to the public of confidential information consistent with ORC section 3704.08.
 - iii. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit.
 - iv. As authorized by the Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit and applicable requirements.
- c. The permittee shall submit progress reports to the appropriate Ohio EPA District Office or local air agency concerning any schedule of compliance for meeting an applicable requirement. Progress reports shall be submitted semiannually, or more frequently if specified in the applicable requirement or by the Director of the Ohio EPA. Progress reports shall contain the following:
 - i. Dates for achieving the activities, milestones, or compliance required in any schedule of compliance, and dates when such activities, milestones, or compliance were achieved.
 - ii. An explanation of why any dates in any schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

10. Permit To Operate Application

- a. If the permittee is required to apply for a Title V permit pursuant to OAC Chapter 3745-77, the permittee shall submit a complete Title V permit application or a complete Title V permit modification application within twelve (12) months after commencing operation of the

emissions units covered by this permit. However, if the proposed new or modified source(s) would be prohibited by the terms and conditions of an existing Title V permit, a Title V permit modification must be obtained before the operation of such new or modified source(s) pursuant to OAC rule 3745-77-04(D) and OAC rule 3745-77-08(C)(3)(d).

- b. If the permittee is required to apply for permit(s) pursuant to OAC Chapter 3745-35, the source(s) identified in this Permit To Install is (are) permitted to operate for a period of up to one year from the date the source(s) commenced operation. 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. Pursuant to OAC Chapter 3745-35, the permittee shall submit a complete operating permit application within ninety (90) days after commencing operation of the source(s) covered by this permit.

11. 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.

12. Air Pollution Nuisance

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.

B. State Only Enforceable Permit To Install General Terms and Conditions

1. Compliance Requirements

The emissions unit(s) identified in this Permit to Install shall remain in full compliance with all applicable State laws and regulations and the terms and conditions of this permit.

2. Reporting Requirements

The permittee shall submit required reports in the following manner:

- a. Reports of any required monitoring and/or recordkeeping of state-only enforceable information shall be submitted to the appropriate Ohio EPA District Office or local air agency.
- b. Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from state-only required emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

3. Permit Transfers

This Permit To Install is applicable only to the emissions unit(s) identified in the Permit To Install. Separate Permit To Install for the installation or modification of any other emissions unit(s) are required for any emissions unit for which a Permit To Install is required.

4. Termination of Permit To Install

This permit to install shall terminate within eighteen months of the effective date of the permit to install if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. 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.

5. Construction of New Sources(s)

The proposed emissions unit(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 cannot meet the requirements of this permit or cannot meet applicable standards.

If the construction of the proposed emissions unit(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 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 cannot meet the requirements of this permit or cannot meet applicable standards.

6. 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.

7. Applicability

This Permit to Install is applicable only to the emissions unit(s) identified in the Permit To Install. Separate application must be made to the Director for the installation or modification of any other emissions unit(s).

8. 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.

9. **Additional Reporting Requirements When There Are No Deviations of Federally Enforceable Emission Limitations, Operational Restrictions, or Control Device Operating Parameter Limitations (See Section A of This Permit)**

If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters.

C. **Permit To Install Summary of Allowable Emissions**

The following information summarizes the total allowable emissions, by pollutant, based on the individual allowable emissions of each air contaminant source identified in this permit.

SUMMARY (for informational purposes only)
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

<u>Pollutant</u>	<u>Tons Per Year</u>
PE	35.9
NOx	24.9
CO	5.36
SO2	1.64
VOC	1.98

Part II - FACILITY SPECIFIC TERMS AND CONDITIONS

A. State and Federally Enforceable Permit To Install Facility Specific Terms and Conditions

None.

B. State Only Enforceable Permit To Install Facility Specific Terms and Conditions

None.

Part III - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
F004 - Rail unloading facility unpaved roadways	OAC rule 3745-31-05(A)(3)	No visible particulate emissions except for 3 minutes during any 60-minute period.
		Best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (see Sections A.I.2.b through A.I.2.g).
		Particulate emissions shall not exceed 34.2 tons/yr.
	OAC rule 3745-17-07 (B)(5)	The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).
	OAC rule 3745-17-08 (B), (B)(2)	The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2. Additional Terms and Conditions

- 2.a The unpaved roadways and parking areas that are covered by this permit and subject to the above-mentioned requirements are listed below:

unpaved roadways:

0.47 mile haul road

- 2.b The permittee shall employ best available control measures on all unpaved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the accepted permit application, the permittee has committed to treat the unpaved roadways and parking areas with water at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
- 2.c The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit. Implementation of the control measures shall not be necessary for an unpaved roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by its use.
- 2.d Any unpaved roadway or parking area that takes the characteristics of a paved roadway or parking area due to the application of certain types of dust suppressants shall remain subject to the visible emission limitation for unpaved roadways and parking areas. Any unpaved roadway or parking area that is paved shall be subject to a visible emission limitation of no visible particulate emissions except for one minute during any 60-minute period.
- 2.e The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means.
- 2.f Open-bodied vehicles transporting materials likely to become airborne shall have such materials covered at all times if the control measure is necessary for the materials being transported.
- 2.g Implementation of the above-mentioned control measures in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the best available technology requirements of OAC rule 3745-31-05.

II. Operational Restrictions

None

III. Monitoring and/or Recordkeeping Requirements

- 1. Except as otherwise provided in this section, the permittee shall perform inspections of the unpaved roadways and parking areas in accordance with the following frequencies:

unpaved roadways

minimum inspection frequency

0.47 mile haul road

Daily

2. The purpose of the inspections is to determine the need for implementing the above-mentioned control measures. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.
3. The permittee shall maintain records of the following information:
 - a. the date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
 - b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;
 - c. the dates the control measures were implemented; and
 - d. on a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

The information required in 3.d. shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

IV. Reporting Requirements

1. The permittee shall submit deviation reports that identify any of the following occurrences:
 - a. each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and
 - b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.
2. The deviation reports shall be submitted in accordance with the reporting requirements of the General Terms and Conditions of this permit.

V. Testing Requirements

1. Emission Limitation:

No visible particulate emissions except for 3 minutes during any 60-minute period

Compliance Method:

Compliance shall be determined in accordance with Test Method 22 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources," as such Appendix existed on July 1, 1996, and the modifications listed in paragraphs (B)(4)(a) through (B)(4)(d) of OAC rule 3745-17-03.

2. Emission Limitation:

Particulate emissions shall not exceed 34.2 tons/yr

Compliance Method:

Compliance shall be demonstrated based on calculations performed utilizing emission factors from AP-42, Equation 2 of Section 13.2.2 as revised September, 1998

$$E_{ext} = [k(s/12)^a (W/3)^b / M_{dry}/0.2]^c [(365-p)/365]$$

For this application, $k = 2.6$, $a = 0.8$, $b = 0.4$, $c = 0.3$, $s = 10\%$, $W = 48.5$, $M_{dry} = 5.0\%$, $p = 150$, and $VMT/yr = 44,744$.

$$E_{ext} = 1.53 \text{ lb}/(VMT*yr)$$

At 44,744 VMT/yr, emissions are 34.2 tons/yr.

VI. Miscellaneous Requirements

None

B. State Only Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
F004 - Rail unloading facility unpaved roadways	None	None

2. **Additional Terms and Conditions**

- 2.a None.

II. Operational Restrictions

None.

III. Monitoring and/or Recordkeeping Requirements

None.

IV. Reporting Requirements

None.

V. Testing Requirements

None.

VI. Miscellaneous Requirements

None.

Part III - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
F005 - Material handling operations (rail unloading, truck unloading, and material handling)	OAC rule 3745-31-05(A)(3)	Best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (see Sections A.2.b through A.2.d). Particulate emission shall not exceed 0.30 tons/yr. Visible particulate emissions shall not exceed 20% opacity as a three-minute average.
	OAC rule 3745-17-07 (B)(1)	The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).
	OAC rule 3745-17-08 (B)	The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).

2. Additional Terms and Conditions

- 2.a The material handling operation(s) that are covered by this permit and subject to the above-mentioned requirements are listed below:
 - i. Hydraulic excavator unload railcar and truck
 - ii. Dump rotary railcar
 - iii. Load into off-highway trucks

- 2.b The permittee shall employ best available control measures for the above-identified material handling operation(s) for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the accepted permit application, the permittee shall to perform the following control measure(s) to ensure compliance:

	<u>material handling operation(s)</u>	<u>control measure(s)</u>
i.	Hydraulic excavator unload railcar and truck	Water
ii.	Dump rotary railcar	Water
iii.	Load into off-highway trucks	Water

Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

- 2.c For each material handling operation that is not adequately enclosed, the above-identified control measure(s) shall be implemented if the permittee determines, as a result of the inspection conducted pursuant to the monitoring section of this permit, that the control measure(s) is (are) necessary to ensure compliance with the above-mentioned applicable requirements. Any required implementation of the control measure(s) shall continue during the operation of the material handling operation(s) until further observation confirms that use of the control measure(s) is unnecessary.
- 2.d Implementation of the above-mentioned control measure(s) in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the requirements of OAC rule 3745-31-05.

II. Operational Restrictions

None

III. Monitoring and/or Recordkeeping Requirements

1. Except as otherwise provided in this section, for material handling operations that are not adequately enclosed, the permittee shall perform inspections of such operations in accordance with the following minimum frequencies:

	<u>material handling operation(s)</u>	<u>minimum inspection frequency</u>
a.	Hydraulic excavator unload railcar and truck	Daily
b.	Dump rotary railcar	Daily
c.	Load into off-highway trucks	Daily

2. The above-mentioned inspections shall be performed during representative, normal operating conditions.
3. The permittee shall maintain records of the following information:

- a. the date and reason any required inspection was not performed;
- b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measure(s);
- c. the dates the control measure(s) was (were) implemented; and
- d. on a calendar quarter basis, the total number of days the control measure(s) was (were) implemented.

The information in 3.d. shall be kept separately for each material handling operation identified above, and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

IV. Reporting Requirements

1. The permittee shall submit deviation reports that identify any of the following occurrences:
 - a. each day during which an inspection was not performed by the required frequency; and
 - b. each instance when a control measure, that was to be performed as a result of an inspection, was not implemented.
2. The deviation reports shall be submitted in accordance with the reporting requirements of the General Terms and Conditions of this permit.

V. Testing Requirements

1. Emission Limitation:

Visible particulate emissions shall not exceed 20% opacity as a three-minute average.

Compliance Method:

Compliance shall be determined through visible emissions observations performed in accordance with 40 CFR Part 60, Appendix A, Method 9 and the procedures specified in OAC rule 3745-17-03(B)(1), if required.

2. Emission Limitation:

Particulate emission shall not exceed 0.30 tons/yr.

Compliance Method:

Compliance shall be demonstrated based on calculations performed utilizing emission factors from AP-42, Equation 1 of Section 13.2.4 as revised January, 1995

$$E = k (0.0032) [(U/5)^{1.3} / (M/2)^{1.4}]$$

Where

$$k = 0.35, U = 10, \text{ and } M = 10\%$$

E = 0.0003 lb/ton with total annual throughput at 687,500 tons/yr (x 2 transfer points) for the rotary rail car dump and 340,000 tons/yr (x 2 transfer points) for the hydraulic excavator drop, total annual throughput is 1,027,500 tons/yr (x 2).

$$\text{Annual emissions} = 1,027,500 \times 0.0003 \times 2 / 2000 \text{ lb/ton} = (308.25 \text{ lb/yr}) \times 2 / (2000 \text{ lb/ton}) = 0.30 \text{ tons/yr}$$

VI. Miscellaneous Requirements

None

B. State Only Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
F005 - Material handling operations (rail unloading, truck unloading, and material handling)	None	None

2. Additional Terms and Conditions

2.a None.

II. Operational Restrictions

None.

III. Monitoring and/or Recordkeeping Requirements

None.

IV. Reporting Requirements

None.

V. Testing Requirements

None.

VI. Miscellaneous Requirements

None.

Part III - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. State and Federally Enforceable Section

I. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
P001 - Caterpillar 330C hydraulic excavator diesel engine	OAC rule 3745-31-05(A)(3)	Emission shall not exceed the following: 7.65 lbs/hr of nitrogen oxides (NOx); 24.9 tpy of NOx; 1.65 lbs/hr of carbon monoxide (CO); 5.36 tpy of CO; 0.506 lb/hr sulfur dioxide (SO2); 1.64 tons/yr SO2 0.610 lb/hr volatile organic compounds (VOC) 1.98 tons/yr VOC; 1.40 tons/yr particulate emissions (PE). The requirements of this rule also include compliance with the requirements of OAC rules 3745-17-11(B)(5)(a), 3745-17-07(A), and 3745-23-06(B).
	OAC rule 3745-17-11(B)(5)(a)	PE shall not exceed 0.310 lb/MMBtu actual heat input.
	OAC rule 3745-17-07(A)(1)	Visible particulate emissions from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the rule.
	OAC rule 3745-18-06(B)	See Section A.2.a. below.

OAC rule 3745-23-06(B)

See Section A.2.b. below.

2. Additional Terms and Conditions

- 2.a** This emissions unit is exempt from the requirements of OAC rule 3745-18-06 pursuant to OAC rule 3745-18-06(B).
- 2.b** The permittee has satisfied the "latest available control techniques and operating practices required pursuant to OAC rule 3745-23-06(B) by committing to comply with the best available technology requirements established pursuant to OAC rule 3745-31-05(A)(3) in this permit to install.

II. Operational Restrictions

- a.** The permittee shall only burn low sulfur No. 2 or diesel fuel, containing less than 0.5% sulfur by weight, in this emissions unit.
- b.** The permittee has requested a limitation on operating hours for purposes of limiting potential to emit to avoid state modelling requirements. Therefore, the maximum number of operating hours for emissions unit P001 shall not exceed 6,500 hours based upon a rolling 12-month summation. To ensure enforceability during the first 12 calendar months of operation following the issuance of this permit, the permittee shall not exceed the operating hours specified in the following table:

<u>Month(s)</u>	<u>Maximum Cumulative Operating Hours</u>
1	744
1-2	1,488
1-3	2208
1-4	2952
1-5	3672
1-6	4416
1-7	5136
1-8	5880
1-9	6500
1-10	6500
1-11	6500
1-12	<u>6500</u>

After the first 12 calendar months of operation following the startup of emissions unit P001, compliance with the annual operating hours limitation shall be based upon a rolling 12-month summation of the operating hours.

III. Monitoring and/or Recordkeeping Requirements

1. For each day during which the permittee burns a fuel other than low sulfur No. 2 or diesel fuel containing less than 0.5% sulfur by weight, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.
2. The permittee shall maintain monthly records of the following information:
 - a. The hours of operation for P001 for each month.
 - b. During the first 12 calendar months of operation following the issuance of this permit, the cumulative hours of operation, calculated by adding the current month's operating hours to the operating hours for each calendar month since the issuance of this permit.
 - c. Beginning after the first 12 calendar months of operation following the issuance of this permit, the rolling 12-month summation of the hours of operation, calculated by adding the current month's operating hours to the operating hours for the preceding eleven calendar months.

IV. Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when a fuel other than low sulfur No. 2 or diesel fuel was burned in this emissions unit. Each report shall be submitted within 30 days after the deviation occurs.

These deviation (excursion) reports shall be submitted in accordance with Section A.2. of the General Terms and Conditions of this permit.

2. The permittee shall submit quarterly deviation (excursion) reports which identify the following:
 - a. For the first 12 calendar months of operation following the issuance of this permit, all exceedances of the maximum allowable cumulative hours of operation.
 - b. Any exceedance of the rolling 12-month hours of operation limitation.
 - c. Any exceedance of the sulfur content fuel restriction specified in Section II.1.

These deviation (excursion) reports shall be submitted in accordance with Section A.1. of the General Terms and Conditions of this permit.

V. Testing Requirements

1. Emission Limitation:

Emissions of SO₂ shall not exceed 0.506 lb/hour and 1.64 tons/yr.

Compliance Method:

Compliance with the lb/hr emission limitation shall be demonstrated by multiplying the emission factor from AP-42, Table 3.3-1, 10/1996 (0.00205 lb/HP-hr) by the maximum rated capacity of P001 (247 HP).

Annual emissions shall be determined by multiplying the hourly SO₂ emission rate by the maximum number of hours operated (6500) and dividing by 2000 lbs/ton.

Emissions testing, if required, shall be conducted using the following test method: 40 CFR Part 60, Appendix A, Method 8. Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA Southeast District Office.

2. Emission Limitation:

Emissions of NO_x shall not exceed 7.65 lb/hr and 24.9 tons per year.

Compliance Method:

Compliance with the lb/hr emission limitation shall be demonstrated by multiplying the emissions factor from AP-42, Table 3.3-1, 10/1996 (0.031 lb/HP-hr) by the maximum rated capacity of P001 (247 HP).

Annual emissions shall be determined by multiplying the hourly NO_x emission rate by the maximum number of hours operated per year (6500) and dividing by 2000 lbs/ton.

Emissions testing, if required, shall be conducted using the following test method: 40 CFR Part 60, Appendix A, Method 7. Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA Southeast District Office.

3. Emission Limitation:

Emissions of VOC shall not exceed 0.610 lbs/hour and 1.98 tons per year.

Compliance Method:

Compliance with the lb/hr emission limitation shall be demonstrated by multiplying the emission factor from AP-42, Table 3.3-1, 10/1996 (0.00251 lb/HP-hr) by the maximum rated capacity of P001 (247 HP).

Annual emissions shall be determined by multiplying the hourly VOC emission rate by the maximum number of hours operated per year (6500) and dividing by 2000 lbs/ton.

Emissions testing, if required, shall be conducted using the following test method: 40 CFR Part 60, Appendix A, Method 25A. Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA Southeast District Office.

4. Emission Limitation:

Particulate emissions shall not exceed 1.40 tons per year.

Compliance Method:

Compliance shall be determined by multiplying the PE emission limitation of 0.310 lb/MMBtu of actual heat input by the maximum heat input of P001 (1.39 MMBtu/hr) and by the total number of hours operated per year (6500) and dividing by 2000 lbs/ton.

5. Emission Limitation:

Emissions of carbon monoxide (CO) shall not exceed 1.65 lbs/hr and 5.36 tons per year.

Compliance Method:

Compliance with the lb/hr emission limitation shall be demonstrated by multiplying the emissions factor from AP-42, Table 3.3-1, 10/1996 (0.00668 lb/HP-hr) by the maximum rated capacity of P001 (247 HP).

Annual emissions shall be determined by multiplying the hourly CO emission rate by the maximum hours operated per year (6500) and dividing by 2000 lbs/ton.

Emissions testing, if required, shall be conducted using the following test method: 40 CFR Part 60, Appendix A, Method 10. Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA Southeast District Office.

6. Emission Limitation:

Visible particulate emissions shall not exceed 20% opacity as a 6-minute average, except as provided by rule.

Compliance Method:

If required, the permittee shall demonstrate compliance with this emission limitation in accordance with Method 9 of 40 CFR Part 60, Appendix A.

7. Emission Limitation:

Particulate emissions shall not exceed 0.310 lb/MMBtu of actual heat input.

Compliance Method:

Compliance shall be determined based on the emission factor of 0.31 lb/MMBtu specified in the U.S. EPA reference document AP-42, Fifth Edition, Compilation of Air Pollution Emission Factors, Section 3.3, Table 3.3-1 (10/96).

If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in Methods 1-5 of 40 CFR Part 60, Appendix A.

8. Operational Limitation:

The permittee shall only burn low sulfur No. 2 or diesel fuel, containing less than 0.5% sulfur by weight, in this emissions unit.

Compliance Method:

Compliance shall be based on recordkeeping as specified in Section III.1. of this permit.

9. Operational Restriction:

Emission unit P009 shall not operate for more than 6500 hours/year.

Compliance Method:

Compliance shall be based on record keeping as specified in Section III.2. of this permit.

VI. Miscellaneous Requirements

None.

B. State Only Enforceable Section**I. Applicable Emissions Limitations and/or Control Requirements**

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

<u>Operations, Property, and/or Equipment</u>	<u>Applicable Rules/Requirements</u>	<u>Applicable Emissions Limitations/Control Measures</u>
P001 - Caterpillar 330C hydraulic excavator diesel engine	None	None

2. Additional Terms and Conditions

2.a None.

II. Operational Restrictions

None.

III. Monitoring and/or Recordkeeping Requirements

None.

IV. Reporting Requirements

None.

V. Testing Requirements

None.

VI. Miscellaneous Requirements

None.