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State of Ohio Environmental Protection Agency

Street Address:

1800 WaterMark Drive
Columbus, OH 43215-1099

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

Mailing Address:

P.O. Box 1049
Columbus, OH 43216-1049

07/02/98

CERTIFIED MAIL

17-41-00-0149

RE: Final Chapter 3745-35 Permit To Operate

C & E Coal, Inc.
Mr. Amos L. Rawson
Post Office Box 333
Lisbon, OH 44432

Dear Amos L. Rawson:

The enclosed Permit(s) to Operate allow you to operate the described emissions unit(s) in the manner indicated in the Permit(s). Because each permit contains several terms and conditions, I urge you to read them 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 of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 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 Review Appeals Commission 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 Commission. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street
Room 300
Columbus, Ohio 43215

If you have any questions, please contact the North Ohio Valley Air Authority at (614) 282-3908.

Very truly yours,

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

cc: Southeast District Office



PERMIT TO OPERATE AN EMISSIONS UNIT

Effective Date: 7/2/98

Facility ID: 17-41-00-0149

Expiration Date: 07/02/03

FINAL ISSUE

This document constitutes issuance for:

C & E Coal, Inc.
Post Office Box 333
Lisbon, OH 44432

of a permit to operate for:

F002 (Ash disposal activities)
flyash disposal activities

PART I General Terms & Conditions

1. Compliance Requirements

The above-described emissions unit is and shall remain in full compliance with all applicable State and federal laws and regulations and the terms and conditions of this permit.

2. Permit to Install Requirement

Prior to the "installation" or "modification" of any "air contaminant source," as those terms are defined in OAC rule 3745-31-01, a permit to install must be obtained from the Ohio EPA pursuant to OAC Chapter 3745-31.

3. Reporting Requirements Related to Monitoring and Recordkeeping Requirements

The permittee shall submit required reports in the following manner:

- a. Reports of any required monitoring and/or recordkeeping 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 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.)

4. Records Retention Requirements

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of three 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 the permit. Such records may be maintained in computerized form.

5. Inspections and Information Requests

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State and federal air pollution laws and regulations and the terms and conditions of this permit. 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 verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

6. 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 of any emissions unit 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. 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 this emissions unit(s) that is (are) served by such control system(s).

7. Permit Transfers

Any transferee of this permit shall assume the responsibilities of the prior permittee. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

8. 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.

9. Permit Renewal

Approximately six months prior to the expiration date of this permit, a notice regarding the renewal of this permit will be sent to the permittee's designated facility contact. If you are not contacted, please contact the appropriate Ohio EPA District Office or local air agency. It is the permittee's responsibility to renew this permit even if no notice of its expiration is received.

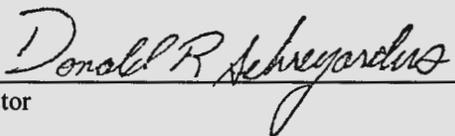
The following Ohio EPA District Office or local air agency has jurisdiction in the area in which the facility is located:

Southeast District Office
2195 Front Street
Logan, Ohio 43138
(614) 385-8501

You will be contacted approximately six months prior to expiration date regarding the renewal of this permit. If you are not contacted, please contact the North Ohio Valley Air Authority.

10. The permittee is also subject to the attached special terms and conditions.

OHIO ENVIRONMENTAL PROTECTION AGENCY



Director

Part II: Special Terms and Conditions

A. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
Fly ash disposal activities	OAC 3745-31-05 (PTI 17-1170)	11.8 TPY PM Visible particulate emissions from any flyash disposal activity shall not exceed 10% opacity as a six-minute average.
	OAC 3745-17-07(B)	See A.2. Less stringent than the visible particulate emissions limit established per OAC 3745-31-05.
	OAC 3745-17-08(B)	See A.2.c.

2. Additional Terms and Conditions

2.a Authority to Enter

Pursuant to the authority in ORC Section 3704.03(L), any representative of the Director may, upon presentation of proper identification, enter at any reasonable time upon any portion of the property where this landfill is located, including any improvements thereon, to make inspections, take samples, conduct tests and examine records or reports pertaining to any emissions of air contaminants and any monitoring equipment, emissions control equipment or methods. No operator or agent of this landfill shall act in any manner to refuse, hinder, or thwart this legal right of entry.

2.b The permittee is not authorized to accept and dispose of asbestos-containing waste materials, construction/demolition debris or any other solid waste other than flyash.

2.c The permittee shall employ reasonably available control measures which include the following:

- i. The permittee shall ensure that all soil, aggregate and flyash is deposited, spread and compacted in a manner to minimize or eliminate visible particulate emissions.
- ii. The permittee shall require all truckloads of flyash, aggregate and soils to be unloaded in a manner to minimize the drop height of the flyash, aggregate and soils.
- iii. The permittee shall water as needed all dusty flyash and soils prior to or during dumping operations in order to minimize or eliminate visible particulate emissions.
- iv. The permittee shall water materials in a manner to avoid pooling of liquids and runoff.
- v. The permittee shall not unload dusty material during periods of high winds unless the material has been adequately treated to minimize or eliminate visible particulate emissions.

2.d The permittee shall not allow open burning in violation of OAC Chapter 3745-19 at this facility.

2.e The permittee shall not dispose of more than 600,000 tons per year of flyash and shall not employ more than 35,000 tons per year of cover soil.

B. Operational Restrictions

1. None

C. Monitoring and/or Record Keeping Requirements

1. The permittee shall perform inspections of the flyash, aggregate and soil unloading, spreading, compacting and covering activities in accordance with the following frequencies:

Once per shift

The purpose of the inspections is to determine the need for implementing the control measures specified. The inspections shall be performed during representative, normal processing conditions. No inspection shall be necessary for flyash, aggregate and soils covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to minimize or eliminate visible particulate emissions generated by unloading, spreading, compacting and covering activities and to ensure compliance with the above-mentioned visible emission limitations. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such events have ended, except if the next required inspection is within one day.

2. The permittee shall maintain daily records of the quantities of flyash and soil that have been unloaded, spread and compacted. These daily records shall be compiled to produce monthly and annual totals.

D. 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.

The deviation reports shall be submitted within 30 days of the end of the calendar quarter to the appropriate Ohio EPA District office or local air agency.

2. The permittee shall submit annual reports of the tons of flyash and soil that were unloaded, spread and compacted.

E. Testing Requirements

1. Compliance with the PM emissions limit shall be determined by the following calculation:

Multiply the flyash unloading emission factor (0.00229 lb PM/ton of flyash unloaded) obtained from USEPA publication titled Compilation of Air Pollutant Emission Factors page 11.2.3-3 by the tons of flyash unloaded per year to determine the annual uncontrolled particulate emission. Multiply the uncontrolled particulate emission rate by control efficiency of (1-.90) damp material, (1-.95) using water truck as needed, and divide by two thousand pounds per ton to arrive at the annual actual tons per year. Multiply the emission factor of 10 pounds per ton from Ohio EPA's publication titled Reasonably Available Control Measures by the annual tons per year of flyash and soil spread and compacted. Multiply this result by a control efficiency of (1-.90)damp material, (1-.95) water truck as needed, and (1-.30) slow dumping speed and divide by 2000 pounds per ton. The sum of flyash dumping and spreading and compacting of flyash and soil is compared to the allowable.

2. Compliance with the visible particulate emission limit shall be determined in accordance with the procedures and methods specified in OAC rule 3745-17-03(B)(1) and 40 CFR Part 60, Appendix A, Method 9.

F. Miscellaneous Requirements

1. None



PERMIT TO OPERATE AN EMISSIONS UNIT

Effective Date: 07/02/98

Facility ID: 17-41-00-0149

Expiration Date: 07/02/03

FINAL ISSUE

This document constitutes issuance for:

C & E Coal, Inc.
Post Office Box 333
Lisbon, OH 44432

of a permit to operate for:

F001 (Unpaved roads and parking area)
unpave roads and parking areas

PART I General Terms & Conditions

1. Compliance Requirements

The above-described emissions unit is and shall remain in full compliance with all applicable State and federal laws and regulations and the terms and conditions of this permit.

2. Permit to Install Requirement

Prior to the "installation" or "modification" of any "air contaminant source," as those terms are defined in OAC rule 3745-31-01, a permit to install must be obtained from the Ohio EPA pursuant to OAC Chapter 3745-31.

3. Reporting Requirements Related to Monitoring and Recordkeeping Requirements

The permittee shall submit required reports in the following manner:

- a. Reports of any required monitoring and/or recordkeeping 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 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.)

4. Records Retention Requirements

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of three 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 the permit. Such records may be maintained in computerized form.

5. Inspections and Information Requests

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State and federal air pollution laws and regulations and the terms and conditions of this permit. 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 verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

6. 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 of any emissions unit 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. 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 this emissions unit(s) that is (are) served by such control system(s).

7. Permit Transfers

Any transferee of this permit shall assume the responsibilities of the prior permittee. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

8. 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.

9. Permit Renewal

Approximately six months prior to the expiration date of this permit, a notice regarding the renewal of this permit will be sent to the permittee's designated facility contact. If you are not contacted, please contact the appropriate Ohio EPA District Office or local air agency. It is the permittee's responsibility to renew this permit even if no notice of its expiration is received.

The following Ohio EPA District Office or local air agency has jurisdiction in the area in which the facility is located:

Southeast District Office
2195 Front Street
Logan, Ohio 43138
(614) 385-8501

You will be contacted approximately six months prior to expiration date regarding the renewal of this permit. If you are not contacted, please contact the North Ohio Valley Air Authority.

10. The permittee is also subject to the attached special terms and conditions.

OHIO ENVIRONMENTAL PROTECTION AGENCY

Donald R. Scheyardus

Director

Part II: Special Terms and Conditions

A. Applicable Emissions Limitations and/or Control Requirements

1. The specific operation(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 employed. Additional applicable emissions limitations and/or control measures (if any) may be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/ Requirements	Applicable Emissions Limitations/Control Measures
Unpaved roads and parking areas	OAC 3745-31-05 (PTI 17-1170)	2.75 TPY PM Visible particulate emission from any unpaved roadway or parking area shall not exceed three minutes during any sixty-minute observation period.
	OAC 3745-17-07(B)	See A.2. Less stringent than the visible particulate emissions limit established per OAC 3745-31-05.
	OAC 3745-17-08(B)	See A.2.

2. Additional Terms and Conditions

- 2.a The permittee shall promptly remove, in such a manner as to minimize or prevent re-suspension, 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.b The permittee shall employ reasonably 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 permittee's permit application, the permittee has committed to treat the unpaved roadways and parking areas with water and/or any other suitable dust suppression chemicals 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 a paved or 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 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.

B. Operational Restrictions

1. None

C. Monitoring and/or Record Keeping Requirements

1. The permittee shall perform inspections of the roadways and parking areas in accordance with the following frequencies:

Unpaved roadways and parking areas: Minimum inspection frequency:
 All roads and parking areas: Once per shift

C. Monitoring and/or Record Keeping Requirements (continued)

2. The purpose of the inspections is to determine the need for implementing the control measures specified. 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 minimize or eliminate visible emissions of fugitive dust generated by vehicular traffic and to ensure compliance with the above-mentioned visible emission limitations. Any required inspection that is not performed due to any of the above identified events shall be performed as soon as such events(s) has have ended, except if the next required inspection is within one day.
3. The permittee may, upon receipt of written approval from the appropriate Ohio EPA District Office or local air agency, modify the above-mentioned inspection frequencies if operating experience indicates that less frequent inspections would be sufficient to minimize or eliminate visible emissions of fugitive dust generated by vehicular traffic and to ensure compliance with the above-mentioned visible emission limitations.
4. 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 4.d. shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

D. Reporting Requirements

1. The permittee shall submit quarterly 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.

E. Testing Requirements

1. Compliance with the PM emissions limit shall be demonstrated by the following calculation:

Multiply the USEPA, AP42, Section 11.2-1.1, emission factor obtained from the formula (5.12 for 18 wheeled trucks, .257 for 10 wheeled trucks and 0.23 for 4 wheeled vehicles) of lbs of PM/vehicle miles traveled by the annual vehicle miles traveled and control efficiency of (1-.90) watering as needed and (1-.30) resurfacing with aggregate and divide by 2000 pounds per ton.
2. Compliance with the visible particulate emissions limit shall be demonstrated by the methods outlined in OAC 3745-17-03(B)(3).

F. Miscellaneous Requirements

1. None