Ohio Environmental Protection Agency
John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Certified Mail

7/20/2011

D. Michael Jamison
Rosebud Mining Steele Portal
101 East Market St.
Cadiz, OH 43907

No	TOXIC REVIEW
No	PSD
No	SYNTHETIC MINOR TO AVOID MAJOR NSR
No	CEMS
No	MACT/GACT
No	NSPS
No	NESHAPS
No	NETTING
No	MAJOR NON-ATTAINMENT
No	MODELING SUBMITTED
No	SYNTHETIC MINOR TO AVOID TITLE V
No	FEDERALLY ENFORCABLE PTIO (FEPTIO)
No	SYNTHETIC MINOR TO AVOID MAJOR GHG

RE: FINALAIR POLLUTION PERMIT-TO-INSTALL AND OPERATE
Facility ID: 0679035001
Permit Number: P0108172
Permit Type: Initial Installation
County: Tuscarawas

Dear Permit Holder:

Enclosed please find a final Air Pollution Permit-to-Install and Operate (PTIO) which will allow you to install, modify, and/or operate the described emissions unit(s) in the manner indicated in the permit. Because this permit contains conditions and restrictions, please read it very carefully. Please complete a survey at www.epa.ohio.gov/dapc/permitsurvey.aspx and give us feedback on your permitting experience. We value your opinion.

The issuance of this PTI is a final action of the Director 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. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of $70.00, made payable to “Ohio Treasurer Josh Mandel," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General’s Office, Environmental Enforcement Section. 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, OH 43215

If you have any questions, please contact Ohio EPA DAPC, Southeast District Office at (740)385-8501or the Office of Compliance Assistance and Pollution Prevention at (614) 644-3469. This permit can be accessed electronically on the DAPCWeb page,www.epa.ohio.gov/dapc, by clicking the "Issued Air Pollution Control Permits" link.

Sincerely,

Michael W. Ahern

Michael W. Ahern, Manager
Permit Issuance and Data Management Section, DAPC

Cc: Ohio EPA-SEDO

Ohio | Environmental Protection Agency

FINAL

Division of Air Pollution Control
Permit-to-Install and Operate
for
Rosebud Mining Steele Portal

Facility ID:	0679035001
Permit Number:	P0108172
Permit Type:	Initial Installation
Issued:	7/20/2011
Effective:	7/20/2011
Expiration:	7/20/2021

Ohio Environmental Protection Agency

Division of Air Pollution Control
Permit-to-Install and Operate
for
Rosebud Mining Steele Portal

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Authorization

Facility ID: 0679035001
Application Number(s): A0041943
Permit Number: P0108172
Permit Description: Installation and operating permit for a raw coal storage and handling facility managing coal from an underground mine
Permit Type: Initial Installation
Permit Fee: $1,150.00
Issue Date: 7/20/2011
Effective Date: 7/20/2011
Expiration Date: 7/20/2021
Permit Evaluation Report (PER) Annual Date: Apr 1 - Mar 31, Due May 15

This document constitutes issuance to:

Rosebud Mining Steele Portal
8078 State Route 800
Uhrichsville, OH 44683

of a Permit-to-Install and Operate for the emissions unit(s) identified on the following page.

Ohio EPA District Office or local air agency responsible for processing and administering your permit:

Ohio EPA DAPC, Southeast District Office
2195 Front Street
Logan, OH 43138
(740)385-8501

The above named entity is hereby granted this Permit-to-Install and Operate for the air contaminant source(s) (emissions unit(s))listed in this section 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 described emissions unit(s) will operate in compliance with applicable State and federal laws and regulations.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Scott J. Nally
Director

Authorization (continued)

Permit Number: P0108172
Permit Description: Installation and operating permit for a raw coal storage and handling facility managing coal from an underground mine

Permits for the following Emissions Unit(s) or groups of Emissions Units are in this document as indicated below:

Emissions Unit ID:	**F001**
Company Equipment ID:	Roadways and parking
Superseded Permit Number:	
General Permit Category and Type:	Not Applicable
Emissions Unit ID:	**F002**
Company Equipment ID:	Storage piles
Superseded Permit Number:	
General Permit Category and Type:	Not Applicable
Emissions Unit ID:	**F003**
Company Equipment ID:	Material handling
Superseded Permit Number:	
General Permit Category and Type:	Not Applicable

A. Standard Terms and Conditions

1. What does this permit-to-install and operate ("PTIO") allow me to do?

This permit allows you to install and operate the emissions unit(s) identified in this PTIO. You must install and operate the unit(s) in accordance with the application you submitted and all the terms and conditions contained in this PTIO, including emission limits and those terms that ensure compliance with the emission limits (for example, operating, recordkeeping and monitoring requirements).

2. Who is responsible for complying with this permit?

The person identified on the "Authorization" page, above, is responsible for complying with this permit until the permit is revoked, terminated, or transferred. "Person" means a person, firm, corporation, association, or partnership. The words "you," "your," or "permittee" refer to the "person" identified on the "Authorization" page above.

The permit applies only to the emissions unit(s) identified in the permit. If you install or modify any other equipment that requires an air permit, you must apply for an additional PTIO(s) for these sources.

3. What records must I keep under this permit?

You must keep all records required by this permit, including monitoring data, test results, strip-chart recordings, calibration data, maintenance records, and any other record required by this permit for five years from the date the record was created. You can keep these records electronically, provided they can be made available to Ohio EPA during an inspection at the facility. Failure to make requested records available to Ohio EPA upon request is a violation of this permit requirement.

4. What are my permit fees and when do I pay them?

There are two fees associated with permitted air contaminant sources in Ohio:

- PTIO fee. This one-time fee is based on a fee schedule in accordance with Ohio Revised Code (ORC) section 3745.11, or based on a time and materials charge for permit application review and permit processing if required by the Director.

  You will be sent an invoice for this fee after you receive this PTIO and payment is due within 30 days of the invoice date. You are required to pay the fee for this PTIO even if you do not install or modify your operations as authorized by this permit.

- Annual emissions fee. Ohio EPA will assess a separate fee based on the total annual emissions from your facility. You self-report your emissions in accordance with Ohio Administrative Code (OAC) Chapter 3745-78. This fee assessed is based on a fee schedule in ORC section 3745.11 and funds Ohio EPA's permit compliance oversight activities. Unless otherwise specified, facilities subject to one or more synthetic minor restrictions must use Ohio EPA's "Air Services" to submit annual emissions associated with this permit requirement.Ohio EPA will notify you when it is time to report your emissions and to pay your annual emission fees.

5. When does my PTIO expire, and when do I need to submit my renewal application?

This permit expires on the date identified at the beginning of this permit document (see "Authorization" page above) and you must submit a renewal application to renew the permit. Ohio EPA will send a renewal notice to you approximately six months prior to the expiration date of this permit. However, it is

very important that you submit a complete renewal permit application (postmarked prior to expiration of this permit) even if you do not receive the renewal notice.

If a complete renewal application is submitted before the expiration date, Ohio EPA considers this a timely application for purposes of ORC section 119.06, and you are authorized to continue operating the emissions unit(s) covered by this permit beyond the expiration date of this permit until final action is takenby Ohio EPA on the renewal application.

6. What happens to this permit if my project is delayed or I do not install or modify my source?

This PTIO expires 18 months after the issue date identified on the "Authorization" page above unless otherwise specified if you have not (1) started constructing the new or modified emission sources identified in this permit, or (2) entered into a binding contract to undertake such construction. This deadline can be extended by up to 12 months, provided you apply to Ohio EPA for this extension within a reasonable time before the 18-month period has ended and you can show good cause for any such extension.

7. What reports must I submit under this permit?

An annual permit evaluation report (PER) is required in addition to any malfunction reporting required by OAC rule 3745-15-06 or other specific rule-based reporting requirement identified in this permit. Your PER due date is identified in the Authorization section of this permit.

8. If I am required to obtain a Title V operating permit in the future, what happens to the operating provisions and PER obligations under this permit?

If you are required to obtain a Title V permit under OAC Chapter 3745-77 in the future, the permit-to-operate portion of this permit will be superseded by the issued Title V permit. From the effective date of the Title V permit forward, this PTIO will effectively become a PTI (permit-to-install) in accordance with OAC rule 3745-31-02(B). The following terms and conditions will no longer be applicable after issuance of the Title V permit: Section B, Term 1.b) and Section C, for each emissions unit, Term a)(2).

The PER requirements in this permit remain effective until the date the Title V permit is issued and is effective, and cease to apply after the effective date of the Title V permit. The final PER obligation will cover operations up to the effective date of the Title V permit and must be submitted on or before the submission deadline identified in this permit on the last day prior to the effective date of the Title V permit.

9. What are my obligations when I perform scheduled maintenance on air pollution control equipment?

You must perform scheduled maintenance of air pollution control equipment in accordance with OAC rule 3745-15-06(A). If scheduled maintenance requires shutting down or bypassing any air pollution control equipment, you must also shut down the emissions unit(s) served by the air pollution control equipment during maintenance, unless the conditions of OAC rule 3745-15-06(A)(3) are met. Any emissions that exceed permitted amount(s) under this permit (unless specifically exempted by rule) must be reported as deviations in the annual permit evaluation report (PER), including nonexempt excess emissions that occur during approved scheduled maintenance.

10. Do I have to report malfunctions of emissions units or air pollution control equipment? If so, how must I report?

If you have a reportable malfunction of any emissions unit(s) or any associated air pollution control system, you must report this to the Ohio EPA DAPC, Southeast District Office in accordance with OAC rule 3745-15-06(B). Malfunctions that must be reported are those that result in emissions that exceed permitted emission levels. It is your responsibility to evaluate control equipment breakdowns and operational upsets to determine if a reportable malfunction has occurred.

If you have a malfunction, but determine that it is not a reportable malfunction under OAC rule 3745-15-06(B), it is recommended that you maintain records associated with control equipment breakdown or process upsets. Although it is not a requirement of this permit, Ohio EPA recommends that you maintain records for non-reportable malfunctions.

11. Can Ohio EPA or my local air agency inspect the facility where the emission unit(s) is/are located?

Yes. Under Ohio law, the Director or his authorized representative may inspect the facility, conduct tests, examine records or reports to determine compliance with air pollution laws and regulations and the terms and conditions of this permit. You must provide, within a reasonable time, any information Ohio EPA requests either verbally or in writing.

12. What happens if one or more emissions units operated under this permit is/are shut down permanently?

Ohio EPA can terminate the permit terms associated with any permanently shut down emissions unit. "Shut down" means the emissions unit has been physically removed from service or has been altered in such a way that it can no longer operate without a subsequent "modification" or "installation" as defined in OAC Chapter 3745-31.

You should notify Ohio EPA of any emissions unit that is permanently shut down by submitting[1] a certification that identifies the date on which the emissions unit was permanently shut down. The certification must be submitted by an authorized official from the facility. You cannot continue to operate an emissions unit once the certification has been submitted to Ohio EPA by the authorized official.

You must comply with all recordkeeping and reporting for any permanently shut down emissions unit in accordance with the provisions of the permit, regulations or laws that were enforceable during the period of operation, such as the requirement to submit a PER, air fee emission report, or malfunction report. You must also keep all records relating to any permanently shutdown emissions unit, generated while the emissions unit was in operation, for at least five years from the date the record was generated.

Again, you cannot resume operation of any emissions unit certified by the authorized official as being permanently shut down without first applying for and obtaining a permit pursuant to OAC Chapter 3745-31.

[1]Permittees that use Ohio EPA's "Air Services" can mark the affected emissions unit(s) as "permanently shutdown" in the facility profile along with the date the emissions unit(s) was permanently removed and/or disabled. Submitting the facility profile update will constitute notifying of the permanent shutdown of the affected emissions unit(s).

13. Can I transfer this permit to a new owner or operator?

You can transfer this permit to a new owner or operator. If you transfer the permit, you must follow the procedures in OAC Chapter 3745-31, including notifying Ohio EPA or the local air agency of the change in ownership or operator. Any transferee of this permit must assume the responsibilities of the transferor permit holder.

14. Does compliance with this permit constitute compliance with OAC rule 3745-15-07, "air pollution nuisance"?

This permit and OAC rule 3745-15-07 prohibit operation of the air contaminant source(s) regulated under this permit in a manner that causes a nuisance. Ohio EPA can require additional controls or modification of the requirements of this permit through enforcement orders or judicial enforcement action if, upon investigation, Ohio EPA determines existing operations are causing a nuisance.

15. What happens if a portion of this permit is determined to be invalid?

If a portion of this permit is determined to be invalid, the remainder of the terms and conditions remain valid and enforceable. The exception is where the enforceability of terms and conditions are dependent on the term or condition that was declared invalid.

B. Facility-Wide Terms and Conditions

1. This permit document constitutes a permit-to-install issued in accordance with ORC 3704.03(F) and a permit-to-operate issued in accordance with ORC 3704.03(G).

   a) For the purpose of a permit-to-install document, the facility-wide terms and conditions identified below are federally enforceable with the exception of those listed below which are enforceable under state law only.

      (1) None.

   b) For the purpose of a permit-to-operate document, the facility-wide terms and conditions identified below are enforceable under state law only with the exception of those listed below which are federally enforceable.

      (1) None.

C. Emissions Unit Terms and Conditions

1. F001, Unpaved roadways and parking areas

Operations, Property and/or Equipment Description:

Unpaved roadways and parking areas; maximum of 50,000 vehicle miles traveled per year

a) This permit document constitutes a permit-to-install issued in accordance with ORC 3704.03(F) and a permit-to-operate issued in accordance with ORC 3704.03(G).

(1) For the purpose of a permit-to-install document, the emissions unit terms and conditions identified below are federally enforceable with the exception of those listed below which are enforceable under state law only.

a. None.

(2) For the purpose of a permit-to-operate document, the emissions unit terms and conditions identified below are enforceable under state law only with the exception of those listed below which are federally enforceable.

a. None.

b) Applicable Emissions Limitations and/or Control Requirements

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

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
a.	OAC rule 3745-31-05(A)(3), as effective 11/30/01	Fugitive particulate emissions (PE) shall not exceed 4.96 tons per year. There shall be no visible PE from unpaved roadways and parking areas except for a period of time not to exceed three minutes during any 60-minute observation period. Best available control measures that are sufficient to minimize or eliminate visible PE of fugitive dust. See b)(2)a. through h. below.
b.	OAC rule 3745-31-05(E), as effective 12/01/06	See b)(2)i. below.
c.	OAC rule 3745-17-07(B)	See b)(2)j. below.
d.	OAC rule 3745-17-08(B)	See b)(2)k. below.

(2) Additional Terms and Conditions

a. The following unpaved parking roadways and parking areas are covered by this permit and subject to the requirements of OAC rule 3745-31-05(A)(3):

Haul road
Box cut ramp
Pond access road
Bathhouse parking lot
Coal loadout area

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 permittee's application, the permittee has committed to treat the unpaved roadways and parking areas by watering at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

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 unpaved roadways and parking areas that are 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.

d. 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.

e. 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 the visible emission limitation for paved roadways and parking areas of no visible PE except for a period of time not to exceed one minute during any sixty-minute observation period.

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.

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.

h. The permittee has satisfied the Best available Technology (BAT) requirements pursuant to OAC rule 3745-31-05(A)(3), as effective November 30, 2001, in this permit. On December 1, 2006, paragraph (A)(3) of OAC rule 3745-31-05 was revised to conform to ORC changes effective August 3, 2006 (S.B. 265 changes), such that BAT is no longer required by State regulation for NAAQS pollutant emissions less than ten tons per year. However, that rule revision has not yet been approved by U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revision to OAC rule 3745-31-05, the requirement to satisfy BAT still exists as part of the federally–approved SIP for Ohio. Once U.S. EPA approves the December 1, 2006 version of OAC rule 3745-31-05, then these emission limits/control measures no longer apply.

i. This rule paragraph applies once U.S. EPA approves the December 1, 2006 version of OAC rule 3745-31-05 as part of the SIP.

Permit to Install and Operate P0108172 for this air contaminant source takes into account the following voluntary restriction (including the use of any applicable air pollution control equipment) as proposed by the permittee for the purpose of avoiding Best Available Technology (BAT) requirements under OAC rule 3745-31-05(A)(3):

i. watering of unpaved roadways sufficient to achieve a control efficiency of 95%; and
ii. fugitive PE shall not exceed 4.96 tons per year.

j. This emissions unit is exempt from the visible emissions limitations for fugitive dust, specified in OAC rule 3745-17-07(B), pursuant to OAC rule 3745-17-07(B)(11)(e), because the emissions unit is not located within areas identified in "Appendix A" of OAC rule 3745-17-08.

k. This emissions unit is not located within areas identified in "Appendix A" of OAC rule 3745-17-08, therefore, the requirements of OAC rule 3745-17-08(B), which requires the installation of reasonably available control measures to prevent fugitive dust, do not apply to this emissions unit pursuant to OAC rule 3745-17-08(A)(1).

c) Operational Restrictions

(1) None.

d) Monitoring and/or Recordkeeping Requirements

(1) Except as otherwise provided in this section, the permittee shall perform inspections of each of the roadway segments and parking areas in accordance with the following frequencies:

Roadways and parking areas	Minimum inspection frequency
Haul road	daily
Box cut ramp	daily
Pond access road	daily
Bathhouse parking lot	daily
Coal loadout area	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 d)(3)d. shall be shall be kept separately for (i) paved roadways and parking areas and (ii) unpaved roadways and parking areas, and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

e) Reporting Requirements

(1) The reports required by this permit may be submitted through the Ohio EPA's eBusiness Center: Air Services online web portal; or they may be mailed as a hard copy to the appropriate district office or local air agency.

(2) Annual Permit Evaluation Report (PER) forms will be mailed to the permittee at the end of the reporting period specified in the Authorization section of this permit. The permittee shall submit the PER in the form and manner provided by the director by the due date identified in the Authorization section of this permit. The permit evaluation report shall cover a reporting period of no more than twelve months for each air contaminant source identified in this permit.

f) Testing Requirements

(1) Compliance with the emissions limitations and/or control requirements specified in b)(1) of these terms and conditions shall be determined in accordance with the following methods:

a. Emissions Limitation:
Fugitive PE shall not exceed 4.96 tons per year.

Applicable Compliance Method:
Compliance with annual emissions limitations shall be determined based on the emission factor calculations for unpaved roadways and parking areas in AP-42 section 13.2.2, (11/06). Initial compliance has been determined utilizing inputs provided by the permittee in their application as follows:

$EF = ((k \times (s/12)^a \times (W/3)^b))((365-p)/365)$

Where:
EF = size-specific emission factor (lb/VMT)
k (lb/VMT) = 4.9
a = 0.7
b = 0.45
s = % surface material silt content = 9.1
W = mean vehicle weight (tons) = 8.4724
p = number of rain days per year >0.01 in. = 140

Therefore, EF = 3.97 lb/VMT

Maximum travel = 50,000 VMT/year

(50,000 VMT/year)(3.97 lb/VMT)(1 ton/2,000 lbs) = 99.27 TPY uncontrolled PE

Assume 95% control efficiency for roadway watering (engineering estimate of permittee)

(99.27)(1-0.95) = 4.96 TPY controlled PE

b. Emissions Limitation:
There shall be no visible PE from unpaved roadways and parking areas except for a period of time not to exceed three minutes during any 60-minute observation period.

Applicable Compliance Method:
If required, visible emissions of fugitive dust shall be determined according to USEPA Method 22, with the modifications found in OAC rule 3745-17-03(B)(4).

g) Miscellaneous Requirements

(1) None.

2. F002, Coal storage pile

Operations, Property and/or Equipment Description:

Load-in, load-out and wind erosion of coal storage pile; maximum surface area of 0.4 acre and maximum throughput of 1,752,000 tons per year

a) This permit document constitutes a permit-to-install issued in accordance with ORC 3704.03(F) and a permit-to-operate issued in accordance with ORC 3704.03(G).

(1) For the purpose of a permit-to-install document, the emissions unit terms and conditions identified below are federally enforceable with the exception of those listed below which are enforceable under state law only.

a. None.

(2) For the purpose of a permit-to-operate document, the emissions unit terms and conditions identified below are enforceable under state law only with the exception of those listed below which are federally enforceable.

a. None.

b) Applicable Emissions Limitations and/or Control Requirements

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

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
a.	OAC rule 3745-31-05(A)(3), as effective 11/30/01	Fugitive particulate emissions (PE) shall not exceed 0.33 ton per year. No visible emissions of fugitive dust from the material storage piles except for a period of time not to exceed one minute during any 60-minute observation period. Best available control measures that are sufficient to minimize or eliminate visible PE of fugitive dust. See b)(2)a. through f. below.
b.	OAC rule 3745-31-05(E), as effective 12/01/06	See b)(2)g. below.
c.	OAC rule 3745-17-07(B)	See b)(2)h. below.
d.	OAC rule 3745-17-08(B)	See b)(2)i. below.

(2) Additional Terms and Conditions

a. The storage pile that is covered by this permit and subject to the above-mentioned requirements is listed below:

Coal storage pile

b. The permittee shall employ best available control measures on all load-in and load-out operations associated with the storage pile 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 the application of water as needed to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

c. The above-mentioned control measures shall be employed for each load-in and load-out operation of the storage pile if the permittee determines, as a result of the inspection conducted pursuant to the monitoring section of this permit, that the control measures are necessary to ensure compliance with the above-mentioned applicable requirements. Any required implementation of the control measures shall continue during any such operation until further observation confirms that use of the measures is unnecessary.

d. The permittee shall employ best available control measures for wind erosion from the surfaces of the storage pile 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 the application of water as needed to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

e. For the storage pile, the above-identified control measures 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 measures are necessary to ensure compliance with the above-mentioned applicable requirements. Any required implementation of the control measures shall continue during the operation of the material handling operations until further observation confirms that use of the control measures is unnecessary. Implementation of the control measure(s) shall not be necessary for a storage pile 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.

f. The permittee has satisfied the Best available Technology (BAT) requirements pursuant to OAC rule 3745-31-05(A)(3), as effective November 30, 2001, in this permit. On December 1, 2006, paragraph (A)(3) of OAC rule 3745-31-05 was revised to conform to ORC changes effective August 3, 2006 (S.B. 265 changes), such that BAT is no longer required by State regulation for NAAQS pollutant emissions less than ten tons per year. However, that rule revision has not yet been approved by U.S. EPA as a revision to Ohio's State Implementation Plan (SIP). Therefore, until the SIP revision occurs and the U.S. EPA approves the revision to OAC rule 3745-31-05, the requirement to satisfy BAT still exists as

part of the federally–approved SIP for Ohio. Once U.S. EPA approves the December 1, 2006 version of OAC rule 3745-31-05, then these emission limits/control measures no longer apply.

g. This rule paragraph applies once U.S. EPA approves the December 1, 2006 version of OAC rule 3745-31-05 as part of the SIP.

The Best Available Technology (BAT) requirements under OAC rule 3745-31-05(A)(3) do not apply to the particulate emissions from this air contaminant source since the uncontrolled potential to emit for particulate is less than 10 tons/yr.

h. This emissions unit is exempt from the visible emissions limitations for fugitive dust, specified in OAC rule 3745-17-07(B), pursuant to OAC rule 3745-17-07(B)(11)(e), because the emissions unit is not located within areas identified in "Appendix A" of OAC rule 3745-17-08.

i. This emissions unit is not located within areas identified in "Appendix A" of OAC rule 3745-17-08, therefore, the requirements of OAC rule 3745-17-08(B), which requires the installation of reasonably available control measures to prevent fugitive dust, do not apply to this emissions unit pursuant to OAC rule 3745-17-08(A)(1).

c) Operational Restrictions

(1) None.

d) Monitoring and/or Recordkeeping Requirements

(1) Except as otherwise provided in this section, the permittee shall perform inspections of each load-in and load-out operation at each storage pile in accordance with the following frequencies:

Storage pile identification	Minimum load-out inspection frequency
Coal storage pile	Daily

(2) Except as otherwise provided in this section, the permittee shall perform inspections of the wind erosion from pile surfaces associated with each storage pile in accordance with the following frequencies:

Storage pile identification	Minimum wind erosion inspection frequency
Coal storage pile	Daily

(3) No inspection shall be necessary for wind erosion from the surface of a storage pile when the pile is covered with snow and/or ice and for any storage pile activity 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.

(4) The purpose of the inspections is to determine the need for implementing the control measures specified in this permit for load-in and load-out of a storage pile and wind erosion from the surface of a storage pile. The inspections shall be performed during representative, normal storage pile operating conditions.

(5) 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, for wind erosion from pile surfaces, the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measure(s).

The information required in d)(5)d. shall be kept separately for (i) the load-in operations, (ii) the load-out operations, and (iii) the pile surfaces (wind erosion), and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

e) Reporting Requirements

(1) The reports required by this permit may be submitted through the Ohio EPA's eBusiness Center: Air Services online web portal; or they may be mailed as a hard copy to the appropriate district office or local air agency.

(2) Annual Permit Evaluation Report (PER) forms will be mailed to the permittee at the end of the reporting period specified in the Authorization section of this permit. The permittee shall submit the PER in the form and manner provided by the director by the due date identified in the Authorization section of this permit. The permit evaluation report shall cover a reporting period of no more than twelve months for each air contaminant source identified in this permit.

f) Testing Requirements

(1) Compliance with the emissions limitations specified in b)(1) of these terms and conditions shall be determined in accordance with the following methods:

a. Emissions Limitation:
Fugitive PE shall not exceed 0.33 ton per year.

Applicable Compliance Method:
Compliance shall be determined based on the emission factor calculation for drop operations associated with storage piles in AP-42 section 13.2.4 (11/06) and wind erosion from storage piles in USEPA's Control of Open Fugitive Dust Sources (09/88). These emission limits were based on a maximum production of

1,752,000 tons per year, a maximum storage surface area less than or equal to 0.4 acre, and 95% overall control efficiency for PE as follows:

Load-in/Load-out

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

Where:

E = emission factor expressed in pounds per ton
k = particle size multiplier for TSP (dimensionless) = 0.74
U = mean wind speed expressed in miles per hour (MPH) = 10.5
M = material moisture content (%) = 3.0

Therefore, E = 0.0035 lb PE/ton

Maximum annual load-in throughput = 1,752,000 tons/year
Maximum annual load-out throughput= 1,752,000 tons/year

PE = [(1,752,000 tons/yr)(0.0035 lb PE/ton) + (1,752,000 tons/yr)(0.0035 lb PE/ton)]/2,000 lb/ton
= 6.65 tons per year uncontrolled PE

Assume 95% control efficiency (per permittee's application)
6.13 tons per year X (1-0.95) = 0.31 ton per year controlled PE

Wind Erosion

E = 1.7(s/1.5)((365-p)/235)(f/15)

Where:

E = emission factor expressed in pounds (lbs) /day/acre
s = silt content of road surface material (%) = 3.0 %
p = number of rain days per year > 0.01 in = 140
f = percentage of time wind speed exceeds 12 mph (%) = 30
A = total surface area of storage piles (acres) = 0.4

Therefore, E = 6.51 lbs/day/acre

PE = (6.51 lbs/day/acre)(365 days/yr)(0.4 acre)/2,000 lbs/ton
= 0.48 ton per year uncontrolled PE

Assume 95% control efficiency (per permittee's application)
(0.48 ton/year)(1-0.95) = 0.02 ton per year controlled PE
Total Emissions
0.31 TPY + 0.02 TPY = 0.33 ton per year PE

(2) Emissions Limitation:
No visible emissions of fugitive dust from the material storage piles except for a period of time not to exceed one minute during any 60-minute observation period.

Applicable Compliance Method:
If required, visible emissions of fugitive dust shall be determined according to USEPA Method 22, with the modifications found in OAC rule 3745-17-03(B)(4).

g) Miscellaneous Requirements

(1) None.

3. F003, Material handling

Operations, Property and/or Equipment Description:

Three conveyors used to transfer and convey coal; maximum throughput of 1,752,000 tons per year

a) This permit document constitutes a permit-to-install issued in accordance with ORC 3704.03(F) and a permit-to-operate issued in accordance with ORC 3704.03(G).

(1) For the purpose of a permit-to-install document, the emissions unit terms and conditions identified below are federally enforceable with the exception of those listed below which are enforceable under state law only.

a. None.

(2) For the purpose of a permit-to-operate document, the emissions unit terms and conditions identified below are enforceable under state law only with the exception of those listed below which are federally enforceable.

a. None.

b) Applicable Emissions Limitations and/or Control Requirements

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

	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
a.	OAC rule 3745-31-05(A)(3), as effective 11/30/01	Fugitive particulate emissions (PE) shall not exceed 0.92 ton per year. No visible emissions of fugitive dust from the material storage piles except for a period of time not to exceed one minute during any 60-minute observation period. Best available control measures that are sufficient to minimize or eliminate visible PE of fugitive dust. See b)(2)a. through d. below.
b.	OAC rule 3745-31-05(A)(3)(a)(ii), as effective 12/01/06	See b)(2)e. below.
c.	OAC rule 3745-17-07(B)	See b)(2)f. below.
d.	OAC rule 3745-17-08(B)	See b)(2)g. below.

(2) Additional Terms and Conditions

a. The material handling operations that are covered by this permit and subject to the above-mentioned requirements are listed below:

Conveyor transfer points (3)

b. The permittee shall employ best available control measures for the material handling operations listed above, 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 the use of water and/or any other suitable dust suppression chemicals at sufficient treatment frequencies to maintain compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

c. For each material handling operation that is not adequately enclosed, the above-identified control measures 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 measures are necessary to ensure compliance with the above-mentioned applicable requirements. Any required implementation of the control measures shall continue during the operation of the material handling operations until further observation confirms that use of the control measures is unnecessary.

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(A)(3).

e. This rule paragraph applies once U.S. EPA approves the December 1, 2006 version of OAC rule 3745-31-05 as part of the SIP.

The Best Available Technology (BAT) requirements under OAC rule 3745-31-05(A)(3) do not apply to the particulate emissions from this air contaminant source since the uncontrolled potential to emit for particulate is less than 10 tons/yr.

f. This emissions unit is exempt from the visible emissions limitations for fugitive dust, specified in OAC rule 3745-17-07(B), pursuant to OAC rule 3745-17-07(B)(11)(e), because the emissions unit is not located within areas identified in "Appendix A" of OAC rule 3745-17-08.

g. This emissions unit is not located within areas identified in "Appendix A" of OAC rule 3745-17-08, therefore, the requirements of OAC rule 3745-17-08(B), which requires the installation of reasonably available control measures to prevent fugitive dust, do not apply to this emissions unit pursuant to OAC rule 3745-17-08(A)(1).

c) Operational Restrictions

(1) None.

d) Monitoring and/or Recordkeeping Requirements

(1) For material handling operations that are not adequately enclosed, the permittee shall perform inspections of such operations in accordance with the following minimum frequencies:

Material handling operations	Minimum inspection frequency
Conveyor transfer points (3)	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 d)(3)d. shall be kept separately for the material handling operations identified above, and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

e) Reporting Requirements

(1) The reports required by this permit may be submitted through the Ohio EPA's eBusiness Center: Air Services online web portal; or they may be mailed as a hard copy to the appropriate district office or local air agency.

(2) Annual Permit Evaluation Report (PER) forms will be mailed to the permittee at the end of the reporting period specified in the Authorization section of this permit. The permittee shall submit the PER in the form and manner provided by the director by the due date identified in the Authorization section of this permit. The permit evaluation report shall cover a reporting period of no more than twelve months for each air contaminant source identified in this permit.

f) Testing Requirements

(1) Compliance with the emissions limitations specified in b)(1) of these terms and conditions shall be determined in accordance with the following methods:

a. Emissions Limitation:
Fugitive PE shall not exceed 0.92 tons per year.

Applicable Compliance Method:
Compliance with the annual limitation for PE shall be demonstrated by the following one-time calculations based on the emission factors in AP-42 Section 13.2.4 (11/06) for conveyor transfer points and a maximum annual throughput of 1,752,000 tons per year:

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

Where:

E = particulate emission factor expressed in pounds per ton
k = particle size multiplier for TSP (dimensionless) = 0.74
U = mean wind speed expressed in miles per hour (MPH) = 10.5
M = material moisture content (%) = 3.0

Therefore, E = 0.0035 lb PM/ton

PE = [(# conveyor transfer points)(maximum annual throughput)(transfer point EF)]/2,000 lbs/ton
= [(3)(1,752,000 tons)(0.0035 lb PE/ton)]/2,000 lb/ton
= 9.20 tons per year uncontrolled PE

Assume 90% control efficiency for watering

9.20 tons per year X (1 - 0.90) = 0.92 tons per year controlled PM

b. Emissions Limitation:
No visible emissions of fugitive dust from the material storage piles except for a period of time not to exceed one minute during any 60-minute observation period.

Applicable Compliance Method:
If required, visible particulate emissions shall be determined according to USEPA Method 22.

g) Miscellaneous Requirements

(1) None.