

Re: Permit to Install
Lawrence County
Application No. 07-036

June 20, 1980

Oliver Elam Jr. Company, Inc.
Box 803
Ashland, Kentucky 41101

CERTIFIED MAIL

Attention: David Manning

Dear Sir:

Enclosed please find an Ohio EPA Permit to Install which will allow you to install the described source(s) in a manner indicated in the permit. Because this permit contains several conditions and restrictions I urge you to read it carefully.

You are hereby notified that this action by the Director is final and may be appealed to the Environmental Board of Review pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed with the Environmental Board of Review within thirty (30) days after notice of the Director's action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency and the Environmental Law Division of the Office of the Attorney General within three (3) days of filing with the Board. An appeal may be filed with the Environmental Board of Review at the following address:

Environmental Board of Review
240 Parsons Avenue, Suite 123
Columbus, Ohio 43215

Very truly yours,

Thomas E. Crepeau

Thomas E. Crepeau, Chief
Division of Authorization & Compliance
Office of Air Pollution Control

TEC/bs

cc: Portsmouth Air Pollution Control
Div. of Industrial Wastewater
Southeast District Office

FEB 23 1988
PORTSMOUTH LOCAL
AIR AGENCY

COPY



OHIO ENVIRONMENTAL PROTECTION AGENCY

Permit to Install

Application No. 07-036

Name of Applicant: Oliver Elam Jr. Co., Inc.

Permit Fee: \$575.00

Address: Box 803

City: Ashland

State: Kentucky 41101

Telephone: (614) 532-4995

Location of proposed source(s): On Ohio River at river mile 326, Range 18 west fraction sections 3830, Coal Grove, Upper Township, Lawrence County, Ohio

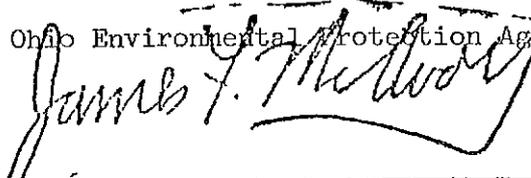
Description of proposed source(s): Coal crusher and truck unloading of coal and aggregates, storage, conveying and barge loading and associated waste-water treatment facilities

Issuance Date: June 20, 1980

Effective Date: June 20, 1980

The above named entity is hereby granted a permit to install for the above described source pursuant to Chapter 3745-31 of the Ohio Administrative Code (former Ohio EPA Regulation EP-30). Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described source of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described source of pollutants will be granted the necessary operating permits. This permit is granted subject to the following conditions attached hereto:

Ohio Environmental Protection Agency



by James F. McAvoy
Director
361 East Broad Street
Columbus, Ohio 43215

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AGENCY

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Substantial construction for installation must take place within eighteen months of the effective date of this permit. This deadline may be extended by up to twelve months, if application is made to the Director no less than sixty days before the expiration of this permit and the party shows good cause for any such extension.

The Director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, examining records or reports pertaining to the construction, modification or installation of the above described source of environmental pollutants.

If the construction of the proposed source has already begun or has been completed prior to the date the Director of the Ohio Environmental Protection Agency approves the permit application and plans, the approval does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the approved plans. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of OAC Rule 3745-31-02 (former EP-30-02). Furthermore, issuance of the Permit to Install does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Approval of the plans in any case is not to be construed as an approval of the facility as constructed and/or completed. Moreover, issuance of the Permit to Install is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons) may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities prove to be inadequate or cannot meet applicable standards.

The specified permit fee must be remitted within 15 days of the effective date of this permit to install.

This permit shall apply only to the source(s) shown on the application approved by the Ohio Environmental Protection Agency.

The source(s) described in this Permit to Install are subject to all applicable provisions of the New Source Performance Standards as promulgated by the United States Environmental Protection Agency, 40 C.F.R. Part 60, and as delegated to the Ohio Environmental Protection Agency and is federally enforceable.

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

1. Date construction to begin
2. Anticipated start-up date, not more than 60 days or less than 30 days prior to such date
3. Actual start-up date within 15 days after such date
4. Date of performance testing

Reports are to be sent to:

Ohio Environmental Protection Agency
Division of Authorization & Compliance
361 E. Broad St.
Columbus, Ohio 43215

A copy of each of the above shall also be forwarded to:

United States Environmental Protection Agency
Region V
Air Enforcement Branch
Enforcement Division
230 S. Dearborn St.
Chicago, Illinois 60604

Issuance of a Permit to Operate, following planned construction, will be contingent upon full compliance of the subject facility in regard to fugitive dust regulations as specified in OAC 3745-15-07, OAC 3745-17-07 and OAC 3745-17-08. This will apply not only to the coal storage piles themselves, but also to in-plant and access roads and other sources as referred to in the aforementioned regulations. Control of the processing itself should be achieved by total enclosure of conveyors, crushers, and hoppers, and/or acceptable dust suppression treatment of the raw material.

The appropriate District Office of the Ohio Environmental Protection Agency shall be notified, in writing as to (a) the construction starting date (b) the construction completion date and (c) the date the facilities were placed into operation.

The owner shall be responsible for the proper operation and maintenance of the wastewater treatment facilities.

All coal refuse and sludge dredged from wastewater treatment facilities shall be disposed of only in areas developed for this purpose and approved by the Ohio Environmental Protection Agency.

Any discharges of process water or contaminated plant runoff water which are not covered under NPDES Permit to Discharge L024*AD will be deemed unauthorized discharges, of which the entity may be subject to enforcement action pursuant to the Ohio Revised Code, Chapter 6111.

All diversion ditches and sedimentation ponds shall be cleaned on a regular basis to insure proper operation of the wastewater treatment facilities.

If at some point in time the quality of the wastewater discharges from runoff collection ponds 1 and 2 and temporary pond 3 indicate the need for neutralization facilities, such facilities shall be installed at the request of the Southeast District Office, Ohio Environmental Protection Agency.

