



State of Ohio Environmental Protection Agency

**RE: FINAL PERMIT TO INSTALL
JEFFERSON COUNTY**

CERTIFIED MAIL

Street Address:

122 S. Front Street

Lazarus Gov. Center TELE: (614) 644-3020 FAX: (614) 644-2329

Mailing Address:

Lazarus Gov. Center
P.O. Box 1049

Application No: 06-07578

Fac ID: 0641000149

DATE: 3/31/2005

C and E Coal Inc Wellsville Ash Disposal
Thomas Lyons
PO Box 333
Lisbon, OH 44432

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, Manager
Permit Issuance and Data Management Section
Division of Air Pollution Control

CC: USEPA

SEDO



**Permit To Install
Terms and Conditions**

**Issue Date: 3/31/2005
Effective Date: 3/31/2005**

FINAL PERMIT TO INSTALL 06-07578

Application Number: 06-07578
Facility ID: 0641000149
Permit Fee: **\$400**
Name of Facility: C and E Coal Inc Wellsville Ash Disposal
Person to Contact: Thomas Lyons
Address: PO Box 333
Lisbon, OH 44432

Location of proposed air contaminant source(s) [emissions unit(s)]:

**Saline Twp Rd 452
Saline Twp, Ohio**

Description of proposed emissions unit(s):

Rail Unloading.

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. 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 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.)

3. 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 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.

4. 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 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.

5. 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 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. 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 emissions unit(s) that is (are) served by such control system(s).

6. Permit Transfers

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

7. 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.

8. 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.

9. 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.

10. 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.

11. Applicability

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.

12. 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.

13. Source Operation and Operating Permit Requirements After Completion of Construction

This facility is permitted to operate each source described by this Permit to Install for a period of up to one year from the date the source commenced operation. This 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 emissions unit(s) covered by this permit.

14. 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.

15. 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.

B. 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	1.98
NOx	33.5
CO	7.23
SO2	2.21
VOC	2.72

PART II - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. 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>
F003 - material handling operations for rail unloading facility (flyash and harbor dredge soil)	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 emissions shall not exceed 0.085 tons/yr. Visible particulate emissions shall not exceed 5% 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

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Issued: 3/31/2005

Emissions Unit ID: **F003**

above-mentioned requirements are listed below:

Hydraulic excavator unload railcar
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>
Hydraulic excavator unload railcar	Water
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.

B. Operational Restrictions

None

C. 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>
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Hydraulic excavator unload railcar and truck Daily
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.

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; 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.

E. Testing Requirements

1. Emission Limitation:

Visible particulate emissions shall not exceed 5% opacity as a three-minute average.

C and E Coal Inc Wellsville Ash Disposal

PTI Application: 06 07578

Issued

Facility ID: 0641000149

Emissions Unit ID: F003

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 emissions shall not exceed 0.085 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 = 0.74, U = 10, and M = 30%

E = 0.00013 lb/ton with total maximum potential annual throughput of 1,314,000 tons/yr for the hydraulic excavator drop.

Annual emissions = 1,314,000 x 0.00013 / 2000 lb/ton = 0.085 tons/yr

Actual emissions are based on 3000 tons/day unloading with a 312 day/year, 20 hr/day operating schedule.

F. Miscellaneous Requirements

None

PART II - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. 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>
P001 - Caterpillar Model 330C stationary diesel hydraulic excavator.	<p>OAC rule 3745-31-05(A)(3)</p> <p>OAC rule 3745-17-07(A)(1)</p> <p>OAC rule 3745-18-06(B)</p> <p>OAC rule 3745-23-06(B)</p> <p>OAC rule 3745-17-11(B)(5)(a)</p>

**C and
PTI A****Issued: 3/31/2005**Emissions Unit ID: **P001**Applicable Emissions
Limitations/Control Measures

Emission shall not exceed the following:

7.65 lbs/hr of nitrogen oxides (NO_x);
33.5 tons/yr of NO_x;

1.65 lbs/hr of carbon monoxide (CO);
7.23 tons/yr of CO;

0.51 lb/hr sulfur dioxide (SO₂);
2.3 tons/yr SO₂

0.62 lb/hr volatile organic compounds (VOC)
2.72 tons/yr VOC;

1.89 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).

Particulate emissions shall not exceed 0.25 lb/MMBtu actual heat input.

See A.I.2.a below.

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

See A.I.2.b below.

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

See Section A.2.c. below.

See Section A.2.d. below.

2. Additional Terms and Conditions

- 2.a** The requirement to comply with this particulate emission limitation shall terminate on the date the U.S. EPA approves the 0.310 lb/MMBtu actual heat input emission limitation as a revision to the Ohio SIP for particulate matter.
- 2.b** This particulate emission limitation shall be effective and federally enforceable on the date the U.S. EPA approves this particulate emission limitation as a revision to the Ohio SIP for particulate matter.
- 2.c** This emissions unit is exempt from the requirements of OAC rule 3745-18-06 pursuant to OAC rule 3745-18-06(B).
- 2.d** 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.

B. Operational Restrictions

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

C. Monitoring and/or Recordkeeping Requirements

- 1. For each day during which the permittee burns a fuel other than No. 2 or diesel fuel containing less than or equal to 0.5% sulfur by weight, the permittee shall maintain a record of the type and quantity of fuel burned in this emissions unit.

D. Reporting Requirements

1. The permittee shall submit deviation (excursion) reports that identify each day when an exceedance of the sulfur content fuel restriction specified in Section B.1 for fuel burned in this emission unit occurs. Each report shall be submitted within 30 days after the deviation occurs.

E. Testing Requirements

1. Emission Limitation:

Emissions of SO₂ shall not exceed 0.51 lb/hour and 2.3 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 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 6c. 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 33.5 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 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

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Emissions Unit ID: **P001**

approval from the Ohio EPA Southeast District Office.

3. Emission Limitation:

Emissions of VOC shall not exceed 0.62 lbs/hour and 2.72 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 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 1.89 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 and dividing by 2000 lbs/ton.

5. Emission Limitation:

Emissions of carbon monoxide (CO) shall not exceed 1.65 lbs/hr and 7.23 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 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 from any stack shall not exceed 20% opacity as a 6-minute average, except as provided by the 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 OAC rule 3745-17-03(B)(10).

8. Emission Limitation:

Particulate emissions shall not exceed 0.25 lb/MMBTU actual heat input.

Compliance Method:

The permittee cannot demonstrate compliance with this emission limitation based upon the current emission factor contained 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). The Ohio EPA revised the emission limitation specified in this rule citation based upon the currently applicable emission factor. The revised rule was adopted by the Director of Ohio EPA in December of 1997, and it will be submitted to the U.S. EPA as a proposed revision to the Ohio SIP for particulate matter. When the SIP revision is approved by the U.S. EPA, the 0.25 lb/mmBtu actual

heat input emission limitation will no longer be applicable, and the permittee will be able to demonstrate compliance with the new emission limitation (0.310 lb/mmBtu actual heat input) using the current emission factor.

If required, the permittee shall demonstrate compliance with this emission limitation in accordance with the methods and procedures specified in OAC rule 3745-17-03(B)(10).

9. Operational Limitation:

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

Compliance Method:

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

F. Miscellaneous Requirements

None.