



State of Ohio Environmental Protection Agency

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

CERTIFIED MAIL

Street Address:

122 S. Front Street

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

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Lazarus Gov. Center
P.O. Box 1049

Application No: 06-07552

Fac ID: 0641000149

DATE: 11/8/2005

C and E Coal, Inc.
Thomas Lyons
PO Box 333
Lisbon, OH 44432

Enclosed Please find a modification to the Ohio EPA Permit To Install referenced above which will modify the terms and conditions.

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: 11/8/2005
Effective Date: 11/8/2005**

FINAL ADMINISTRATIVE MODIFICATION OF PERMIT TO INSTALL 06-07552

Application Number: 06-07552
Facility ID: 0641000149
Permit Fee: **\$625**
Name of Facility: C and E Coal, Inc.
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):

Administrative modification to change facility name and allow acceptance of other waste materials.

The above named entity is hereby granted a modification to the permit to install described above pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this modification 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(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 included in the application, the above described source(s) of pollutants will be granted the necessary operating permits.

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

C and E Coal, Inc.
PTI Application: 06-07552
Modification Issued: 11/8/2005

Facility ID: 064100014

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)

C and E Coal, Inc.

Facility ID: 064100014

PTI Application: 06-07552

Modification Issued: 11/8/2005

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	92.23

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>
F001 - haul roads and parking areas. (See Section A.2.a below.)	OAC rule 3745-31-05(A)(3)	Particulate emissions shall not exceed 25.3 tons/yr. There shall be no visible emissions of fugitive dust except for 3 minutes during any 60-minute period.
		The permittee shall implement best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (see Sections A.2.b through A.2.g below).
	OAC rule 3745-17-07(B)(5)	The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).
	OAC rule 3745-17-08(B), (B)(2)	The control measures specified by this rule is less stringent than the control measures established pursuant to OAC rule 3745-31-05(A)(3).

2. Additional Terms and Conditions

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

unpaved roadways:

0.66 mi Road #1
0.08 mi Road #1A
0.26 mi Road #2
0.26 mi Road #3

unpaved parking areas:

0.34 ac Parking Area #1

- 2.b** The permittee shall employ best available control measures on all unpaved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the accepted application, the permittee has committed to treat the unpaved roadways and parking areas with watering at sufficient frequencies and surface improvements on a once-per-year basis to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
- 2.c** The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit. Implementation of the control measures shall not be necessary for an unpaved roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Implementation of any control measure may be suspended if unsafe or hazardous driving conditions would be created by its use.
- 2.d** Any unpaved roadway or parking area, which during the term of this permit is paved or takes the characteristics of a paved surface due to the application of certain types of dust suppressants, may be controlled using approved methods (i.e. flushing/sweeping). 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

Modification Issued: 11/8/2005

parking area that is paved shall be subject to a visible emission limitation of no visible particulate emissions except for one minute during any 60-minute period.

- 2.e The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means.
- 2.f Open-bodied vehicles transporting materials likely to become airborne shall have such materials covered at all times if the control measure is necessary for the materials being transported.
- 2.g Implementation of the above-mentioned control measures in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the best available technology requirements of OAC rule 3745-31-05.

B. Operational Restrictions

None

C. Monitoring and/or Recordkeeping Requirements

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

<u>unpaved roadways</u>	<u>minimum inspection frequency</u>
0.66 mi Road #1	Daily during use
0.08 mi Road #1A	Daily during use
0.26 mi Road #2	Daily during use
0.26 mi Road #3	Daily during use
<u>unpaved parking areas</u>	<u>minimum inspection frequency</u>
0.34 ac Parking Area #1	Daily during use

- 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;

Modification Issued: 11/8/2005

- c. the dates the control measures were implemented; and
- d. on a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

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

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;
 - b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented; and
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:

There shall be no visible emissions of fugitive dust except for 3 minutes during any 60-minute period.

Applicable Compliance Method:

Compliance with the emission limitation for the unpaved roadways and parking areas identified above shall be determined in accordance with Test Method 22 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources," as such Appendix existed on July 1, 2002, and the modifications listed in paragraphs (B)(4)(a) through (B)(4)(d) of OAC rule 3745-17-03.

2. Emission Limitation:

Particulate emissions shall not exceed 25.3 tons/yr.

Modification Issued: 11/8/2005**Applicable Compliance Method:**

The permittee shall demonstrate compliance by applying a total of 87% control efficiency (75% for water application, 50% for surface improvements) for use of best available control measure(s) to maximum potential uncontrolled emission rate of 202.3 tons/yr for unpaved roadways. Maximum potential uncontrolled emission rates for unpaved roadways and parking areas were calculated by multiplying an emission factor of 6.86 lb per vehicle mile traveled (for all roads combined) [AP-42, section 13.2, Equation 1a (12/03)] by a maximum annual vehicle miles traveled of 58,968. 75% control is assumed for water application and another 50% control is assumed for resurfacing the roadways with gravel once per year.

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>	<u>Applicable Emissions Limitations/Control Measures</u>
F002 - material handling operations (See Sections A.2.a and A.2.e below.)	OAC rule 3745-31-05(A)(3)	Particulate emissions (PE) shall not exceed 66.93 tons/yr; The permittee shall implement 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 below).
	OAC rule 3745-17-07(B)(7)(b)	Visible emissions of fugitive dust shall not exceed 20 percent opacity, as a 3-minute average.
	OAC rule 3745-17-08(B)	The control measures specified by this rule are less stringent than the control measures established pursuant to OAC rule 3745-31-05(A)(3).

2. Additional Terms and Conditions

- 2.a The material handling operation(s) that are covered by this permit and subject to the above-mentioned requirements are listed below:

Material Dumping

Material Spreading
Wind Erosion

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 permittee’s permit application, the permittee has committed to perform the following control measure(s) to ensure compliance:

<u>material handling operation(s)</u>	<u>control measure(s)</u>
Material Dumping	Water application/moisture maintenance and minimize drop height
Material Spreading	Water application/moisture maintenance
Wind Erosion	Water application/moisture maintenance and minimize drop height

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.

2.e The emissions associated with the handling (dumping, spreading, and wind erosion) of fly ash, bottom ash, flue gas desulfurization byproducts, and harbor dredge soil were evaluated for this permit to install. The permittee is not precluded from handling other materials in this emissions unit; however, before the permittee accepts any other material for use in this emissions unit, an evaluation of the new material’s emissions must be conducted to determine if a

Modification Issued: 11/8/2005

modification of OAC Chapter 3745-31 has been triggered.

B. Operational Restrictions

None

C. Monitoring and/or Recordkeeping Requirements

1. The permittee shall perform daily checks, while the equipment is in operation, of the effectiveness of the water addition to the fly ash, bottom ash, flue gas desulfurization byproducts, and/or harbor dredge material during dumping onto the landfill surface to ensure compliance with the above-mentioned applicable requirements. A record of the necessary and completed corrective actions resulting from the daily checks shall be maintained by the permittee.
2. 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>
Material Dumping	Daily during dumping operations
Material Spreading	Daily during spreading activities
Wind Erosion	Daily

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.
3. The permittee shall provide written notification to the Ohio EPA, Southeast District Office prior to accepting any new material(s) that will be handled in this emissions unit. The notification shall include documentation that the new material(s) to be handled do not trigger an OAC Chapter 3745-31 modification. If the emissions associated with the new material(s) do trigger an OAC Chapter 3745-31 modification, the permittee shall obtain a modified permit to install prior to handling the new material(s) in this emissions unit.

E. Testing Requirements

1. Emission Limitation:

Visible emissions of fugitive dust shall not exceed 20 percent opacity, as a 3-minute average.

Applicable Compliance Method:

Test Method 9 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources"), as such Appendix existed on July 1, 1996, and the modifications listed in paragraphs (B)(3)(a) and (B)(3)(b) of OAC rule 3745-17-03 .

2. Emission Limitation:

Particulate emissions shall not exceed 66.93 tons/yr.

Applicable Compliance Method:

The permittee shall demonstrate compliance by adding maximum potential emissions from wind erosion from landfill surfaces, flyash, bottom ash, flue gas desulfurization byproducts, and harbor dredge material dumping/unloading, and spreading.

Dumping: For flyash, bottom ash, flue gas desulfurization byproducts, and harbor dredge material dumping, multiply the emission factor (as determined from AP-42, Chapter 13.2.4.3 (1/95) using a wind speed of 10 mph and a measured moisture content) by the actual annual throughput of flyash/bottom ash/flue gas desulfurization byproducts/harbor dredge material handled/year and dividing by 2000 lbs/ton. Initial compliance was determined through the use of a moisture content of 30% and a throughput of 1,314,000 tons/year and an emission factor of 0.00013 lb PE/ton for calculated emissions of 0.085 ton PE/yr.

Spreading: For flyash and harbor dredge material spreading, multiply an the calculated emission factor (based on AP-42, Chapter 11.9, Table 11.9-1 (09/98), measured moisture content and measured silt content) by the total days/year and hours/day operated and divide by 2000 lbs/ton. Initial compliance was found by using a moisture content of 30% and silt content of 85% for an emission factor of 14.21 lbs/hr and 62.24 tons PE/yr.

Wind erosion: For wind erosion, multiply an emission factor of 0.38 ton/acre/yr by the total exposed area (AP-42, Chapter 11.9 (09/98), Table 11.9-4). Initial compliance was found by using an exposed area of 12 acres for a total of 4.6 tons PE/yr.

Total tons PE/yr emissions are $0.085 \text{ ton/yr} + 62.24 \text{ tons/yr} + 4.6 \text{ tons/yr} = 66.93 \text{ tons PE/yr}$

F. Miscellaneous Requirements

None.