



State of Ohio Environmental Protection Agency

Street Address:

Lazarus Gov. Center
50 West Town Street, Suite 700
Columbus, OH 43215

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

Mailing Address:

Lazarus Gov. Center
P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

**RE: FINAL PERMIT TO INSTALL
BELMONT COUNTY
Application No: 06-08208
Fac ID: 0607000229**

DATE: 1/8/2008

American Energy Corporation
Fred Blumling
43521 Mayhugh Hill Rd.
Beallsville, OH 43716

	TOXIC REVIEW
	PSD
	SYNTHETIC MINOR
	CEMS
	MACT
Subpart Y	NSPS
	NESHAPS
	NETTING
	MAJOR NON-ATTAINMENT
	MODELING SUBMITTED
	GASOLINE DISPENSING FACILITY

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 of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. 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 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

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: 1/8/2008
Effective Date: 1/8/2008

FINAL PERMIT TO INSTALL 06-08208

Application Number: 06-08208
Facility ID: 0607000229
Permit Fee: **\$3950**
Name of Facility: American Energy Corporation
Person to Contact: Fred Blumling
Address: 43521 Mayhugh Hill Rd.
Beallsville, OH 43716

Location of proposed air contaminant source(s) [emissions unit(s)]:
43521 Mayhugh Hill Rd.
Beallsville, Ohio

Description of proposed emissions unit(s):
Chapter 31 modification for PTI 06 06463 to increase production limits and vehicle mileage limits.

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

Chris Korleski
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 (i.e., postmarked) quarterly 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 (fugitive)	86.03

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.

Operations, Property, and/or Equipment -F001 - Material handling - Raw coal conveyor loading/unloading (5), raw coal conveyor transfer (1), clean coal conveyor loading/unloading points (5), clean coal conveyor transfer (1), clean coal loading to railcars (1), coal refuse loading to and unloading from trucks (2), and coal refuse conveyor unloading (2); Chapter 31 modification to increase throughput (supersedes PTI #06-06463 issued on June 7, 2001)

Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
OAC rule 3745-31-05(A)(3)	Fugitive particulate emissions (PE) shall not exceed 14.50 tons per year. No visible PE except for one minute 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.d).
OAC rule 3745-17-07(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).
OAC rule 3745-17-08(B)	The emission limitations specified by this rule is less stringent than the emission limitations established pursuant to OAC rule 3745-31-05(A)(3).
40 CFR Part 60, Subpart Y	The emission limitations specified by this rule is less stringent than the emission limitations established pursuant to OAC rule 3745-31-05(A)(3).

2. Additional Terms and Conditions

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

Raw coal - loading, unloading, transfer points, and conveyors (6)

Clean coal - rail car loading, unloading, transfer points, and conveyors (7)

Coal refuse - truck loading, unloading, and conveyors (4)

- 2.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 perform the following control measures to ensure compliance: maintain sufficient moisture to prevent fugitive dust, treat the coal with water and/or any other suitable dust suppression chemicals at sufficient treatment frequencies, maintain enclosures, 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 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.

- 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 and/or 3745-17-08(B).

B. Operational Restrictions

None

C. 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:

<u>material handling operations</u>	<u>minimum inspection frequency</u>
all	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 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.

D. Reporting Requirements

- 1. The permittee shall submit quarterly deviation reports that identify any of the following occurrences:
 - a. each day during which an inspection was not performed by the required frequency; and
 - b. each instance when a control measure, that was to be performed as a result of an inspection, was not implemented.

These reports shall be submitted in accordance with Section A.2 of the General Terms and Conditions of this permit.

- 2. Pursuant to the NSPS, the source owner/operator is hereby advised of the requirement to report the following at the appropriate times:
 - a. construction date (no later than 30 days after such date);
 - b. anticipated start-up date (not more than 60 days or less than 30 days prior to such date);
 - c. actual start-up date (within 15 days after such date); and
 - d. date of performance testing (if required, at least 30 days prior to testing).

Reports are to be sent to:

Ohio Environmental Protection Agency
DAPC - Permit Management Unit
50 West Town Street, Suite 700
P. O. Box 1049
Columbus, Ohio 43216-1049

and

Ohio EPA Southeast District Office
 Division of Air Pollution Control
 2195 Front Street
 Logan, Ohio 43138.

E. Testing Requirements

1. Compliance with the emission limitation(s) in Section A.1. of these terms and conditions shall be determined in accordance with the following method(s):

- a. Emission limitation:
 Fugitive PE shall not exceed 14.54 tons per year.

Applicable Compliance Method:

Compliance with the annual emission limitation shall be demonstrated by the following one-time calculation based on the emission factors in AP-42 sections 13.2.4 (11/06), the maximum annual throughput of 14,900,000 TPY of raw coal, 9,700,000 TPY of clean coal and 5,200,000 TPY of coal refuse, and a control efficiency of 90% for watering/chemical dust suppression and enclosures:

$$EF = k(0.0032)(U/5)^{1.3}/[(M/2)^{1.4}] = \text{lbs PE/ton}$$

Where:

$$k = 0.74$$

U = 8.7 (mph, mean wind speed, as submitted in application)

M = 4.0% (raw coal), 4.5% (clean coal) and 6.4% (coal refuse); moisture content, as submitted in application)

Throughput = see above (as submitted in application)

Transfer points = see above (as submitted in application)

$$\begin{aligned} PE &= \frac{[(\text{raw coal EF (pounds/ton)})(\text{max annual throughput (TPY)})(\# \text{ handling points})] + [(\text{clean coal EF (pounds/ton)})(\text{max annual throughput (TPY)})(\# \text{ handling points})] + [(\text{coal refuse EF (pounds per ton)})(\text{max annual throughput (TPY)})(\# \text{ of handling points})]}{2000 \text{ lbs/ton}} \\ &= \frac{[(0.00184)(14,900,000 \text{ TPY})(6)] + [(0.00156)(9,700,000 \text{ TPY})(7)] + [(0.00095)(5,200,000 \text{ TPY})(4)]}{2000 \text{ lbs/ton}} \\ &= 145.02 \text{ TPY} \times (1 - 0.90) \\ &= 14.5 \text{ TPY} \end{aligned}$$

- b. Emission Limitation:
 No visible PE except for one minute during any 60-minute period.

Applicable Compliance Method:

If required, compliance with the visible PE limitation listed 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").

2. If required, the permittee shall conduct, or have conducted, emission testing in accordance with the following requirements:
 - a. The emission testing shall be conducted within 60 days after achieving the maximum production rate at which the emissions unit will be operated, but not later than 180 days after initial startup of the emissions unit.
 - b. The emission testing shall be conducted to demonstrate compliance with the allowable visible PE limitation.
 - c. The following test method(s) shall be employed to demonstrate compliance with the allowable emission rate(s):

Compliance with the visible PE limitation specified by OAC rule 3745-31-05(A)(3) 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").

Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA.

- d. The test(s) shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the appropriate Ohio EPA District Office or local air agency.
- e. Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the appropriate Ohio EPA District Office or local air agency. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Ohio EPA District Office's or local air agency's refusal to accept the results of the emission test(s).
- f. Personnel from the appropriate Ohio EPA District Office or local air agency shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.

- g. A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the appropriate Ohio EPA District Office or local air agency within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the appropriate Ohio EPA District Office or local air agency.

- h. The permittee conducted the performance testing required by 40 CFR Part 60.8 and 60.11 on August 30 and 31, 2006, and demonstrated compliance with the visible PE limitation specified in 40 CFR Part 60.252 when the unit was operating at or near the increased throughput rate of 1700 tons of coal per hour.

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.

Operations, Property, and/or Equipment -F002 - Wind erosion and maintenance of raw and clean coal storage piles and coal refuse embankment; *Chapter 31 modification to increase throughput (supersedes PTI #06-06463 issued on June 7, 2001)*

Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
OAC rule 3745-31-05(A)(3)	Fugitive PE shall not exceed 46.40 tons per year. No visible PE except for one minute 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.d).
OAC rule 3745-17-07(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).
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 storage pile and embankment operations that are covered by this permit and subject to the above-mentioned requirements are listed below:

Raw coal storage pile maintenance and wind erosion
Clean coal storage pile maintenance and wind erosion
Coal refuse embankment wind erosion

- 2.b The permittee shall employ best available control measures while maintaining the raw and clean storage piles and coal refuse embankment listed above and to prevent wind erosion from those piles, 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 maintain sufficient moisture to prevent fugitive dust or to treat the coal with water and/or any other

suitable dust suppression chemicals at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

- 2.c For each storage pile or embankment operation, 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.
- 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 and/or 3745-17-08(B).

B. Operational Restrictions

None

C. Monitoring and/or Recordkeeping Requirements

- 1. For storage pile or embankment operations that are not adequately enclosed, the permittee shall perform inspections of such operations in accordance with the following minimum frequencies:

<u>coal storage piles and refuse embankment</u>	<u>minimum inspection frequency</u>
all	daily

- 2. The above-mentioned inspections shall be performed during representative, normal operating conditions.
- 3. No inspection shall be necessary for wind erosion from the surface of a storage pile or embankment when the pile or embankment is covered with snow and/or ice and for any storage pile or embankment 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 maintenance of the storage piles, and wind erosion

from the surface of the storage piles and coal refuse embankment. 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;
 - 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 5.d. shall be kept separately for the storage piles and coal refuse embankment 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 quarterly 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. These reports shall be submitted in accordance with Section A.2 of the General Terms and Conditions of this permit.

E. Testing Requirements

1. Compliance with the emission limitation(s) in Section A.1. of these terms and conditions shall be determined in accordance with the following method(s):
 - a. Emission Limitation:
Fugitive PE shall not exceed 35.5 tons per year.

Applicable Compliance Method:

Compliance with the annual emission limitation shall be demonstrated by the following one-time calculation based on the emission factors in the FIRE database (9/04) of 49.4 pounds of PE per hour for Source Classification Code(SCC) 30501046 and 760 pounds of PE per acre-year for SCC 305010149,

raw coal stockpile surface area of 11.2 acres, clean coal stockpile surface area of 6.14 acres, coal refuse embankment surface area of 65 acres, and control efficiencies of 90% for watering/chemical dust suppression:

$$\begin{aligned}
 \text{PE} &= [((\text{wind erosion EF (pounds/acre-year)})(\text{surface area of raw coal pile (acres)}))] + [(\text{wind erosion EF (pounds/acre-year)})(\text{surface area of clean coal pile (acres)})] + [(\text{wind erosion EF (pounds/acre-year)})(\text{surface area of coal refuse embankment (acres)})] + [\text{pile maintenance EF (pounds/hour)}(\text{raw coal maintenance hours})] + [(\text{pile maintenance EF (pounds/hour)})(\text{clean coal maintenance hours})]/2000 \text{ lbs/ton} \\
 &= [((760)(11.2))] + [(760)(6.14)] + [(760)(65)] + [(49.4)(8760)] + [(49.4)(8760)]/2000 \text{ lbs/ton} \\
 &= 464.03 \text{ TPY} \times (1 - 0.90) \\
 &= 46.4 \text{ TPY}
 \end{aligned}$$

- b. Emission Limitation:
No visible PE except for one minute during any 60-minute period.

Applicable Compliance Method:

Compliance with the visible PE limitation listed 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").

2. The permittee shall conduct, or have conducted, emission testing in accordance with the following requirements:
- a. The emission testing shall be conducted within 60 days after achieving the maximum production rate at which the emissions unit will be operated, but not later than 180 days after initial startup of the emissions unit.
 - b. The emission testing shall be conducted to demonstrate compliance with the allowable visible PE limitation.
 - c. The following test method(s) shall be employed to demonstrate compliance with the allowable emission rate(s):

Compliance with the visible PE limitation specified by OAC rule 3745-31-05(A)(3) 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").

Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA.

- d. The test(s) shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the appropriate Ohio EPA District Office or local air agency.
- e. Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the appropriate Ohio EPA District Office or local air agency. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Ohio EPA District Office's or local air agency's refusal to accept the results of the emission test(s).
- f. Personnel from the appropriate Ohio EPA District Office or local air agency shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.
- g. A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the appropriate Ohio EPA District Office or local air agency within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the appropriate Ohio EPA District Office or local air agency.

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.

Operations, Property, and/or Equipment -F003 - Plant unpaved roadways and parking areas; Chapter 31 modification to increase vehicle mileage limits (*supersedes PTI #06-06463 issued on June 7, 2001*)

Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
OAC rule 3745-31-05(A)(3)	<p>Fugitive PE shall not exceed 23.64 tons per year.</p> <p>No visible PE except for three minutes during any 60-minute period.</p> <p>Best available control measures that are sufficient to minimize or eliminate visible PE of fugitive dust (See Sections A.2.a through A.2.e).</p>
OAC rule 3745-17-07(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).
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 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. The permittee shall treat the unpaved roadways and parking areas by application of chemical stabilization/dust suppressants and/or watering at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
- 2.b 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.

- 2.c** Any unpaved roadway or parking area, which during the term of this permit is paved shall be subject to the visible emission limitation of one minute during any 60-minute period. Any unpaved roadway or parking area, which during the term of this permit takes the characteristics of a paved surface due to the application of certain types of dust suppressants, shall remain subject to the visible emission limitation for unpaved roadways and parking areas.
- 2.d** Open-bodied vehicles transporting materials likely to become airborne shall have such materials covered at all times if the control measure is necessary for the materials being transported.
- 2.e** 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 and/or 3745-17-08(B).

B. Operational Restrictions

None

C. 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:

<u>roadways and parking areas</u>	<u>minimum inspection frequency</u>
all plant roads and parking areas	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 3.d. shall be kept separately for (i) the unpaved roadways and parking areas and (ii) the paved roadways and parking areas, 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, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and
 - b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.
- 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. Compliance with the emission limitations specified in Section A.1 of the terms and conditions of this permit shall be determined in accordance with the following methods:
 - a. Emission Limitation:
Fugitive PE shall not exceed 23.64 tons per year.

Applicable Compliance Method:

Compliance with fugitive PE limitation shall be determined by using the emission factor equations in Section 13.2.2, in Compilation of Air Pollutant Emission

Factors, AP-42, Fifth Edition, Volume 1 (revised 11/06) for unpaved roadways. Should further updates in AP-42 occur, the most current equations for unpaved

roads shall be used. These emission limits were based on a maximum of 163,000 vehicle miles traveled per year, and a 95 % control efficiency for PE.

- b. Emission Limitation:
No visible PE except for a period of time not to exceed three minutes during any 60-minute observation period.

Applicable Compliance Method:

Compliance with the visible PE limitation listed 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").

- 2. The permittee shall conduct, or have conducted, emission testing in accordance with the following requirements:

- a. The emission testing shall be conducted within 60 days after achieving the maximum production rate at which the emissions unit will be operated, but not later than 180 days after initial startup of the emissions unit.
- b. The emission testing shall be conducted to demonstrate compliance with the allowable visible PE limitation.
- c. The following test method(s) shall be employed to demonstrate compliance with the allowable emission rate(s):

Compliance with the visible PE limitation specified by OAC rule 3745-31-05(A)(3) 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").

Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA.

- d. The test(s) shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the appropriate Ohio EPA District Office or local air agency.
- e. Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the appropriate Ohio EPA District Office or local air agency. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Ohio EPA District Office's or local air agency's refusal to accept the results of the emission test(s).

- f. Personnel from the appropriate Ohio EPA District Office or local air agency shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.
- g. A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the appropriate Ohio EPA District Office or local air agency within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the appropriate Ohio EPA District Office or local air agency.

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.

Operations, Property, and/or Equipment -F004 - 1700 ton per hour coal preparation plant (primary wet screening and wet cleaning only); Chapter 31 modification to increase throughput and remove reference to crushing (never installed); supersedes PTI #06-06463 issued on June 7, 2001

Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
OAC rule 3745-31-05(A)(3)	Fugitive PE shall not exceed 1.49 tons per year. No visible PE except for one minute 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.c).
OAC rule 3745-17-07(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).
OAC rule 3745-17-08(B)	The emission limitation specified by this rule is less stringent than the emission limitations established pursuant to OAC rule 3745-31-05(A)(3).
40 CFR Part 60, Subpart Y	The emission limitation specified by this rule is less stringent than the emission limitations established pursuant to OAC rule 3745-31-05(A)(3).

2. Additional Terms and Conditions

- 2.a The permittee shall employ best available control measures for the coal screening/wash plant, 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 maintain a 100% wet screening and cleaning process to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
- 2.b For any part of the coal screening/wash plant, 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 coal screening/wash plant until further observation confirms that use of the control measures is unnecessary.

- 2.c** 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 and/or 3745-17-08(B).

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 coal prep plant in accordance with the following minimum frequencies:

<u>prep plant equipment</u>	<u>minimum inspection frequency</u>
wet screening	daily
coal cleaning	daily

2. The purpose of the inspections is to determine the need for implementing the above-mentioned control measures. 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 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.

D. Reporting Requirements

1. The permittee shall submit quarterly deviation reports that identify any of the following occurrences:
 - a. each day during which an inspection was not performed by the required frequency; and
 - b. each instance when a control measure, that was to be performed as a result of an inspection, was not implemented.

These reports shall be submitted in accordance with Section A.2 of the General Terms and Conditions of this permit.

2. Pursuant to the NSPS, the source owner/operator is hereby advised of the requirement to report the following at the appropriate times:
 - a. construction date (no later than 30 days after such date);
 - b. anticipated start-up date (not more than 60 days or less than 30 days prior to such date);
 - c. actual start-up date (within 15 days after such date); and
 - d. date of performance testing (if required, at least 30 days prior to testing).

Reports are to be sent to:

Ohio Environmental Protection Agency
DAPC - Permit Management Unit
50 West Town Street, Suite 700
P. O. Box 1049
Columbus, Ohio 43216-1049

and

Ohio EPA Southeast District Office
Division of Air Pollution Control
2195 Front Street
Logan, Ohio 43138.

E. Testing Requirements

1. Compliance with the emission limitation(s) in Section A.1. of these terms and conditions shall be determined in accordance with the following method(s):

- a. Emission Limitation:
Fugitive PE shall not exceed 1.49 tons per year.

Applicable Compliance Method:

Compliance with the annual emission limitation shall be demonstrated by the following one-time calculation based on the emission factors in the FIRE database (9/04) of 0.02 pounds of PE per ton of coal for SCC 30501010, raw coal throughput of 14,900,000 tons per year, and a control efficiency of 99% for a 100% wet process.

- b. Emission Limitation:
No visible PE except for one minute during any 60-minute period.

Applicable Compliance Method:

If required, compliance with the visible PE limitation listed 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").

- 2. If required, the permittee shall conduct, or have conducted, emission testing in accordance with the following requirements:

- a. The emission testing shall be conducted within 60 days after achieving the maximum production rate at which the emissions unit will be operated, but not later than 180 days after initial startup of the emissions unit.
- b. The emission testing shall be conducted to demonstrate compliance with the allowable visible PE limitation and in accordance with the requirements of 40 CFR Part 60.8 and 60.11.
- c. The following test method(s) shall be employed to demonstrate compliance with the allowable emission rate(s):

Compliance with the visible PE limitation specified in 40 CFR Part 60.252 shall be determined in accordance with Test Method 9 as set forth in the "Appendix on Test Methods" in 40 CFR, Part 60 "Standards of Performance for New Stationary Sources" as such appendix existed on July 1, 2002, with the modifications found in OAC 3745-17-03(B)(3)(a) and (b).

Alternative U.S. EPA approved test methods may be used with prior approval from the Ohio EPA.

- d. The test(s) shall be conducted while the emissions unit is operating at or near its maximum capacity, unless otherwise specified or approved by the appropriate Ohio EPA District Office or local air agency.

- e. Not later than 30 days prior to the proposed test date(s), the permittee shall submit an "Intent to Test" notification to the appropriate Ohio EPA District Office or local air agency. The "Intent to Test" notification shall describe in detail the proposed test methods and procedures, the emissions unit operating parameters, the time(s) and date(s) of the test(s), and the person(s) who will be conducting the test(s). Failure to submit such notification for review and approval prior to the test(s) may result in the Ohio EPA District Office's or local air agency's refusal to accept the results of the emission test(s).
- f. Personnel from the appropriate Ohio EPA District Office or local air agency shall be permitted to witness the test(s), examine the testing equipment, and acquire data and information necessary to ensure that the operation of the emissions unit and the testing procedures provide a valid characterization of the emissions from the emissions unit and/or the performance of the control equipment.
- g. A comprehensive written report on the results of the emissions test(s) shall be signed by the person or persons responsible for the tests and submitted to the appropriate Ohio EPA District Office or local air agency within 30 days following completion of the test(s). The permittee may request additional time for the submittal of the written report, where warranted, with prior approval from the appropriate Ohio EPA District Office or local air agency.
- h. The permittee conducted the performance testing required by 40 CFR Part 60.8 and 60.11 on this unit on August 30 and 31, 2006, and demonstrated compliance with the visible PE limitation specified in 40 CFR Part 60.252 when the unit was operating at or near the increased throughput rate of 1700 tons of coal per hour. This testing also documented compliance with the visible PE limitation specified by OAC rule 3745-31-05(A)(3).

F. Miscellaneous Requirements

None