

May 25, 2010

Mr. Barry H. Spry  
Senior Environmental Engineer  
Maxxim Shared Services, LLC  
5703 Crutchfield Drive  
Norton, Virginia 24273

Location: Dickenson County, Virginia  
Registration No.: 10804  
Plant ID No.: 51-051-00019

Dear Mr. Spry:

Attached is a minor modification to the June 5, 2009 permit to operate your McClure River coal preparation plant pursuant to 9 VAC 5 Chapter 80 of the Virginia Regulations for the Control and Abatement of Air Pollution. This permit document replaces the permit issued June 5, 2009; however, the expiration date remains unchanged.

The permit contains legally enforceable conditions. Failure to comply may result in a Notice of Violation and civil charges. Please read all permit conditions carefully.

In evaluating the minor modification request and arriving at a final decision for approval, the Department deemed the application complete on March 12, 2010.

This permit modification approval to operate does not relieve Dickenson-Russell Coal Company, LLC of the responsibility to comply with all other local, state, and federal permit regulations.

Issuance of this permit is a case decision. The Regulations, at 9 VAC 5-170-200, provide that you may request a formal hearing from this case decision by filing a petition with the Board within 30 days after this permit is mailed or delivered to you. Please consult that and other relevant provisions for additional requirements for such requests.

Additionally, as provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30

Mr. Barry Spry

May 25, 2010

Page 2

days from the date you actually received this permit or the date on which it was mailed to you, whichever occurred first, within which to initiate an appeal to court by filing a Notice of Appeal with:

David K. Paylor, Director  
Department of Environmental Quality  
P.O. Box 1105  
Richmond, Virginia 23218

In the event that you receive this permit by mail, three days are added to the period in which to file an appeal. Please refer to Part Two A of the Rules of the Supreme Court of Virginia for additional information including filing dates and the required content of the Notice of Appeal.

If you have any questions concerning this minor modification, please call Tony Adkins at (276) 676-4869.

Sincerely,

Dallas R. Sizemore  
Regional Director

DRS/ASA/ta/10804VA-10.FNL.doc

Attachment: Permit

cc: Director, OAPP (electronic file submission)

Manager, Data Analysis (electronic file submission)

Chief, Air Enforcement Branch (3AT13), U.S. EPA, Region III (electronic file submission)



## Table of Contents

<b>I. Facility Information.....</b>	<b>1</b>
<b>II. Emission Units.....</b>	<b>2</b>
<b>III. Thermal Dryer Requirements - Unit ID# 13.....</b>	<b>6</b>
A. Limitations.....	6
B. Monitoring, Compliance Assurance Monitoring and Recordkeeping .....	7
C. Testing.....	11
<b>IV. Coal Processing and Handling Equipment - Ref ID#'s 25, 26, 51 &amp; 52.....</b>	<b>12</b>
A. Limitations.....	12
<b>V. Facility-Wide Conditions .....</b>	<b>12</b>
A. Limitations.....	12
B. Monitoring.....	13
C. Recordkeeping.....	14
D. Testing.....	15
<b>VI. Insignificant Emission Units .....</b>	<b>15</b>
<b>VII. Permit Shield &amp; Inapplicable Requirements .....</b>	<b>16</b>
<b>VIII. General Conditions .....</b>	<b>16</b>
A. Federal Enforceability .....	16
B. Permit Expiration .....	16
C. Recordkeeping and Reporting .....	17
D. Annual Compliance Certification.....	18
E. Permit Deviation Reporting.....	19
F. Failure/Malfunction Reporting.....	19
G. Severability.....	19
H. Duty to Comply .....	19
I. Need to Halt or Reduce Activity not a Defense .....	19
J. Permit Modification .....	20
K. Property Rights.....	20
L. Duty to Submit Information .....	20
M. Duty to Pay Permit Fees.....	20
N. Fugitive Dust Emission Standards .....	20
O. Startup, Shutdown, and Malfunction.....	21
P. Alternative Operating Scenarios .....	21
Q. Inspection and Entry Requirements .....	21
R. Reopening For Cause .....	22
S. Permit Availability .....	22
T. Transfer of Permits.....	23
U. Malfunction as an Affirmative Defense .....	23
V. Permit Revocation or Termination for Cause.....	24
W. Duty to Supplement or Correct .....	24
X. Stratospheric Ozone Protection.....	24

Y. Accidental Release Prevention.....	24
Z. Changes to Permits for Emissions.....	25
AA. Changes to permits for Emissions Trading .....	25
BB. Emissions Trading.....	25

## **I. Facility Information**

### **Permittee**

Dickenson-Russell Coal Company, LLC  
Route 2, Box 73  
Cleveland, VA 24225

### **Responsible Official**

Ronny Patrick  
President

### **Facility**

McClure River Preparation Plant  
Big Caney Creek, Dickenson County, Virginia

### **Contact Person**

Barry H. Spry  
Senior Environmental Engineer  
(276) 679-7030

**Plant Identification Number:** 51-051-00019

**Facility Description:** SIC Code: 1221 - Bituminous Coal Underground Mining - Coal Preparation Plant – Coal is cleaned and dried prior to shipment by railcar and truck.

## II. Emission Units

Equipment to be operated consists of:

<b>Emission Unit ID</b>	<b>Stack ID</b>	<b>Emission Unit Description</b>	<b>Size/Rated Capacity</b>	<b>Pollution Control Device Description (PCD)</b>	<b>PCD ID</b>	<b>Pollutant(s) Controlled</b>	<b>Applicable Permit Date</b>
1	---	Mine Raw Belt	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2	---	Mid-Vol Breaker	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2A	---	Rotary Breaker	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2B	---	AFB Rock Belt	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2C	---	AFB Rock Bin	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2D	---	Mine Rock Bin	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
2E	---	Sample Belt	25 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
3	---	Mine Raw Transfer Belt	2300 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
4	---	Shakeout/Truck Dump	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
5	---	Foreign Belt	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
6	---	Foreign Breaker Building	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----

<b>Emission Unit ID</b>	<b>Stack ID</b>	<b>Emission Unit Description</b>	<b>Size/Rated Capacity</b>	<b>Pollution Control Device Description (PCD)</b>	<b>PCD ID</b>	<b>Pollutant(s) Controlled</b>	<b>Applicable Permit Date</b>
6A	---	Foreign Rock Chute	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
6B	---	Foreign Rock Bin	200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
7	---	Foreign Raw Belt	1500 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
8	---	Plant Feed Belt	1400 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
10	---	Preparation Building	1400 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
11	---	Silo 1 Feed Belt	400 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
12	---	Dryer Feed Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
13	13-1	Thermal Dryer - ENI Coal #10	411.3 TPH	Cyclone Wet Scrubber Mist Eliminator	13-1 13-2 13-3	PM,PM-10, SO <sub>2</sub>	4/2/84
13A	13-1	Thermal Dryer - Coal	130 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	13-1 13-2 13-3	PM,PM-10, SO <sub>2</sub>	4/2/84
13B	13-1	Thermal Dryer - Oil/Elect.	12 MMBtu/hr	Cyclone Wet Scrubber Mist Eliminator	13-1 13-2 13-3	PM,PM-10, SO <sub>2</sub>	4/2/84
14	---	Refuse Belt 1	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----



<b>Emission Unit ID</b>	<b>Stack ID</b>	<b>Emission Unit Description</b>	<b>Size/Rated Capacity</b>	<b>Pollution Control Device Description (PCD)</b>	<b>PCD ID</b>	<b>Pollutant(s) Controlled</b>	<b>Applicable Permit Date</b>
16	---	Refuse Belt 2	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
16A	---	Refuse Belt 3	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02 and 4/8/03
16B	---	Refuse Bin	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
17	---	Silo 2 Feed Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
18	---	Silo 1	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
19	---	Silo 2	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
20	---	Foreign Clean Belt In (Chute)	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
22	---	Loadout Belt	1200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
23	---	Loadout	1200 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
24	---	Dryer Bypass Chute	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
25	---	Dump Bin	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02 and 4/8/03

<b>Emission Unit ID</b>	<b>Stack ID</b>	<b>Emission Unit Description</b>	<b>Size/Rated Capacity</b>	<b>Pollution Control Device Description (PCD)</b>	<b>PCD ID</b>	<b>Pollutant(s) Controlled</b>	<b>Applicable Permit Date</b>
26	---	48" Conveyor	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02 and 4/8/03
27	---	Roads	--	Wet suppression	-----	PM/PM-10	-----
28	---	Mine Clean Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
28A	---	Top of Silo Transfer Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
28B	---	Clean Coal Transfer Belt	800 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
29	---	Midds Collection Belt	400 TPH	Wet suppression or enclosure	-----	PM/PM-10	-----
48	---	Raw Storage Pile	3800 TPH	Wet suppression	-----	PM/PM-10	-----
49	---	Clean Storage Pile	3800 TPH	Wet suppression	-----	PM/PM-10	-----
50	---	Refuse Pile	800 TPH	Wet suppression	-----	PM/PM-10	-----
51	---	Midds Belt	300 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02 and 4/8/03
52	---	Midds Bin	300 TPH	Wet suppression or enclosure	-----	PM/PM-10	11/4/99 as amended 2/1/02 and 4/8/03

### III. Thermal Dryer Requirements - Unit ID# 13

#### A. Limitations

- Hours of operation shall not exceed 240 days per year and 5760 hours per year. Annual hours of operation shall be determined on a consecutive 12-month basis. (9 VAC 5-80-110 and Specific Condition 4 of April 2, 1984 permit)

- Emissions from the operation of the thermal dryer shall not exceed the limits specified below:

Particulate Matter	0.031 gr/dscf	18 lbs/hr	52.1 tons/yr
Sulfur Dioxide		44.5 lbs/hr	128.1 tons/yr
Nitrogen Dioxide		67.5 lbs/hr	194.4 tons/yr

Annual emissions shall be determined on a consecutive 12-month basis.  
(9 VAC 5-80-110, 40 CFR 60.252 and Specific Condition 6 of April 2, 1984 permit)

- Particulate emissions from the thermal coal dryer shall be controlled by four Research-Cottrell, Inc., Flex-Kleen, Model Quad 82 cyclones, one American Air Filter, Type S Kinpactor (wet scrubber) and a mist eliminator.  
(9 VAC 5-80-110 and Specific Condition 7 of April 2, 1984 permit)
- The approved fuel for the thermal coal dryer shall be coal. A change in the fuel may require a permit to modify and operate.  
(9 VAC 5-80-110 and Specific Condition 9 of April 2, 1984 permit)
- Visible emissions from the thermal dryer shall not exceed 20% opacity.  
(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart Y, 40 CFR 60.252, and Specific Condition 12 of April 2, 1984 permit)
- Action must be taken by Dickenson-Russell Coal Company, LLC to continuously ensure that the general public is completely and effectively prohibited from those property locations on which the maximum concentrations of sulfur dioxide and particulate matter exceed the allowable PSD increment for those pollutants. Those measures specified in Pittston's letters dated April 11, 1979 and June 15, 1979, along with any other physical constraints (measures) are required, so that the required plant locations are made physically inaccessible to the public. The April 11, 1979, and June 15, 1979, letters from The Pittston Company Coal Group to the U.S. Environmental Protection Agency Region III are hereby incorporated by reference into this permit.  
(9 VAC 5-80-110 and Specific Condition 14 of April 2, 1984 permit)

**B. Monitoring**

1. Cyclones: An annual inspection shall be conducted on each cyclone by the permittee to insure structural integrity.  
(9 VAC 5-80-110)
2. Scrubbers: The permittee shall install, calibrate, maintain and continuously operate the following:
  - a. A monitoring device for the continuous measurement of the temperature of the gas at the exit of the thermal dryer. The monitoring device is to be certified by the manufacturer or authorized representative to be accurate within  $\pm 3^{\circ}$  Fahrenheit.
  - b. A monitoring device for the continuous measurement of the pressure loss through the venturi constriction of the control equipment. The monitoring device is to be certified by the manufacturer or authorized representative to be accurate within  $\pm 1$  inch water gage.
  - c. A monitoring device for the continuous measurement of the water supply pressure to the control equipment. The monitoring device is to be certified by the manufacturer or authorized representative to be accurate within  $\pm 5\%$  of design water supply pressure. The pressure sensor or tap must be located close to the water discharge point.

The monitoring devices listed in a, b and c are to be recalibrated annually in accordance with procedures under §60.13(b).

(9 VAC 5-80-110, 9 VAC 5-50-410 Subpart Y, 40 CFR 60.253, and Specific Condition 11 and General Condition 5 of April 2, 1984 permit)

3. The permittee shall visually observe the thermal dryer exhaust at least once each consecutive 14-day period to determine if the unit has any visible emissions (does not include condensed water vapor/steam). If the thermal dryer is not in operation at the time of the observation the record made shall so indicate. If visible emissions are observed during these required observations, then a visible emissions evaluation (VEE) in accordance with 40 CFR 60 Appendix A, Method 9, shall be conducted. The VEE shall be conducted for a minimum of six (6) minutes. If any of the observations exceed twenty percent (20%), the VEE shall be conducted for a total of sixty (60) minutes. A Method 9 evaluation shall not be required if the visible emissions condition is corrected as expeditiously as possible such that no visible emissions exist; the emissions unit is operating at normal conditions; and the cause and corrective measures taken are recorded. The record of each visible emission observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a

minimum, the date, time, name of the emission unit, the applicable emissions requirement, the results of the observation and the name of the observer.

(9 VAC 5-80-110 K)

4. **Compliance Assurance Monitoring (CAM)** - The permittee shall monitor, operate, calibrate and maintain the devices listed in Condition III.B.2 of this permit according to the following:

Thermal Dryer (Unit ID# 13) Compliance Assurance Monitoring Plan

	Indicator No. 1	Indicator No. 2	Indicator No. 3
I. Indicator	Exhaust Gas Temperature	Pressure Loss	Water Supply Pressure
A. Measurement Approach	Temperature measurement device	Differential pressure gauge	Pressure gauge
II. Indicator Range	To be established during the initial performance tests	An excursion is defined as a pressure loss through the scrubber of less than 20 and greater than 50 inches water column	An excursion is defined as a water supply pressure of less than 15 pounds per square inch gage
III. Performance Criteria			
A. Data Representativeness	The temperature measurement device monitors the temperature of the gas at the exit of the thermal dryer	The differential pressure gauge monitors the static pressures upstream and downstream of the scrubber's venturi throat	The water pressure gauge monitors water supply pressure to the scrubber. The gauge is to be located close to the water discharge point.
B. Verification of Operational Status	The monitoring device shall be installed and calibrated according to the manufacturer's or authorized representative's recommendations prior to the initial performance tests	The monitoring device shall be installed and calibrated according to the manufacturer's or authorized representative's recommendations prior to the initial performance tests	The monitoring device shall be installed and calibrated according to the manufacturer's or authorized representative's recommendations prior to the initial performance tests
C. QA/QC Practices and Criteria	The device is to be certified by the manufacturer to be accurate within $\pm 3^\circ$ Fahrenheit and calibrated annually based on manufacturer's or authorized representative's recommendations	The device is to be certified by the manufacturer to be accurate within $\pm 1$ inch water gage and calibrated annually based on manufacturer's or authorized representative's recommendations	The device is to be certified by the manufacturer to be accurate within $\pm 5\%$ of design water supply pressure and calibrated annually based on manufacturer's or authorized representative's recommendations
D. Monitoring Frequency	Measure continuously	Measure continuously	Measure continuously
E. Data Collection Procedures	Record continuously on a chart recorder	Record continuously on a chart recorder	Record continuously on a chart recorder
F. Averaging Period	None	None	None

(9 VAC 5-80-110 and 40 CFR 64)

5. **Compliance Assurance Monitoring (CAM)** - The permittee shall conduct the monitoring and fulfill the other obligations specified in 40 CFR 64.7 through 40 CFR 64.9.  
(9 VAC 5-80-110 E and 40 CFR 64.6 (c))
6. **Compliance Assurance Monitoring (CAM)** - At all times, the permittee shall maintain the monitoring equipment, including, but not limited to, maintaining necessary parts for routine repairs of the monitoring equipment.  
(9 VAC 5-80-110 E and 40 CFR 64.7 (b))
7. **Compliance Assurance Monitoring (CAM)** - Except for, as applicable, monitoring malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee shall conduct all monitoring in continuous operation (or shall collect data at all required intervals) at all times that the thermal dryer is operating. Data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities shall not be used for purposes of compliance assurance monitoring, including data averages and calculations, or fulfilling a minimum data availability requirement, if applicable. The permittee shall use all the data collected during all other periods in assessing the operation of the control device and associated control system. A monitoring malfunction is any sudden, infrequent, not reasonably preventable failure of the monitoring to provide valid data. Monitoring failures that are caused in part by inadequate maintenance or improper operation are not malfunctions.  
(9 VAC 5-80-110 E and 40 CFR 64.7 (c))
8. **Compliance Assurance Monitoring (CAM)** - Upon detecting an excursion or exceedance, the permittee shall restore operation of the thermal dryer (including the control device and associated capture system) to its normal or usual manner of operation as expeditiously as practicable in accordance with good air pollution control practices for minimizing emissions. The response shall include minimizing the period of any startup, shutdown or malfunction and taking any necessary corrective actions to restore normal operation and prevent the likely recurrence of the cause of an excursion or exceedance (other than those caused by excused startup and shutdown conditions). Such actions may include initial inspection and evaluation, recording that operations returned to normal without operator action (such as through response by a computerized distribution control system), or any necessary follow-up actions to return operation to within the indicator, designated condition, or below the applicable emission limitation or standard, as applicable.  
(9 VAC 5-80-110 E and 40 CFR 64.7 (d)(1))
9. **Compliance Assurance Monitoring (CAM)** - Determination that acceptable procedures were used in response to an excursion or exceedance will be based on information available, which may include but is not limited to, monitoring results, review of operation and maintenance procedures and records, and inspection of the control device, associated capture system, and the process.



(9 VAC 5-80-110 E and 40 CFR 64.7(d)(2))

**10. Compliance Assurance Monitoring (CAM)** - If the permittee identifies a failure to achieve compliance with an emission limitation or standard for which the approved monitoring did not provide an indication of an excursion or exceedance while providing valid data, or the results of compliance or performance testing document a need to modify the existing indicator ranges or designated conditions, the permittee shall promptly notify the Director, Southwest Regional Office and, if necessary, submit a proposed modification to this permit to address the necessary monitoring changes. Such a modification may include, but is not limited to, reestablishing indicator ranges or designated conditions, modifying the frequency of conducting monitoring and collecting data, or the monitoring of additional parameters.  
(9 VAC 5-80-110 E and 40 CFR 64.7(e))

**11. Compliance Assurance Monitoring (CAM)** - If the number of exceedances or excursions exceeds 5 percent duration of the operating time for the thermal dryer for a semiannual reporting period, the permittee shall develop, implement and maintain a Quality Improvement Plan (QIP) in accordance with 40 CFR 64.8. If a QIP is required, the permittee shall have it available for inspection. The QIP initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the permittee shall modify the plan to include procedures for conducting one or more of the following, as appropriate:

- a. Improved preventative maintenance practices;
  - b. Process operation changes;
  - c. Appropriate improvements to control methods;
  - d. Other steps appropriate to correct control performance; and
  - e. More frequent or improved monitoring.
- (9 VAC 5-80-110 E and 40 CFR 64.8(a) and (b))

### **C. Testing**

A performance test shall be conducted once every five years, prior to and within six months of submittal of the Title V permit renewal application, for particulate matter, sulfur dioxide, and nitrogen oxides on the thermal dryer to determine compliance with the emission limits specified in Condition III.A.2. The tests shall be conducted while the thermal dryer is in normal operation. Tests shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30 and the test methods and procedures contained in each applicable section or subpart listed in 9 VAC 5-50-410. The details of the tests are to be arranged with the Director, Southwest Regional Office. The permittee shall submit a test protocol at least thirty (30) days prior to testing. Two (2) copies of the test results shall be submitted to the Director, Southwest Regional Office within 45 days after test completion and shall conform to the test report format enclosed with this permit.  
(9 VAC 5-80-110)

## IV. Coal Processing and Handling Equipment - Ref ID#'s 25, 26, 51 & 52

### A. Limitations

1. The yearly throughput of coal to the truck dump bin (25) and truck dump conveyor belt (26) shall not exceed 2,304,000 tons, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-110 and Condition 6 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

2. The yearly throughput of coal to the Middlings coal conveyor belt (51) and Middlings coal bin (52) shall not exceed 1,728,000 tons, calculated monthly as the sum of each consecutive 12-month period.  
(9 VAC 5-80-110 and Condition 7 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

and

3. Emissions from the operation of the truck dump bin (25), truck dump conveyor belt (26), Middlings coal conveyor belt (51) and Middlings coal bin (52) shall not exceed the limitations specified below:

	PM		PM-10	
	<u>lbs/hr</u>	<u>tons/yr</u>	<u>lbs/hr</u>	<u>tons/yr</u>
Truck Dump Bin Loading	3.12	8.99	0.17	0.48
Truck Dump Bin Unloading	1.04	1.50	0.17	0.24
Truck Dump Conveyor Discharge	1.04	1.50	0.17	0.24
Middlings Coal Conveyor	0.39	1.12	0.06	0.18
<u>Middlings Coal Bin</u>	<u>0.78</u>	<u>2.25</u>	<u>0.13</u>	<u>0.36</u>
<b>Facility Total</b>	<b>6.37</b>	<b>15.36</b>	<b>0.70</b>	<b>1.50</b>

These emissions are derived from the estimated overall emissions contribution. Compliance shall be determined as stated in Conditions IV.A.1, IV.A.2, and V.A.1. Annual emissions shall be determined on a consecutive 12-month basis.

(9 VAC 5-80-110, 9 VAC 5-50-260, and Condition 8 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

## V. Facility-Wide Conditions

### A. Limitations

1. Particulate emissions from the coal preparation plant shall be controlled using the following methods:
  - a. Dust from material handling, crushers, screens, transfers and load-outs, shall be controlled by wet suppression or equivalent (as approved by the DEQ).

- b. All material being stockpiled shall be kept adequately moist to control dust during storage and handling or covered at all times to minimize emissions.
- c. Dust from haul roads and traffic areas shall be controlled by the application of asphalt, water, suitable chemicals, paving of roadways or equivalent methods approved by the DEQ.
- d. Reasonable precautions shall be taken to prevent deposition of dirt on public roads and subsequent dust emissions. Dirt, product, or raw material spilled or tracked onto paved surfaces shall be promptly removed to prevent particulate matter from becoming airborne.

The coal preparation plant and these control devices shall be provided with adequate access for inspection.

(9 VAC 5-80-110, 9 VAC 5-50-260, 9 VAC 5-50-90, Condition 5 of November 4, 1999 permit as amended February 1, 2002, and Specific Condition 13 of April 2, 1984 permit)

- 2. Visible emissions from all coal processing and conveying equipment, coal storage systems, and coal transfer and loading systems shall not exceed 20% opacity.  
(9 VAC 5-80-110, 9 VAC 5-50-260, 40 CFR 60.252, and Condition 9 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)
- 3. Unless otherwise specified in this permit, the permittee shall operate all equipment that is subject to 40 CFR Part 60, Standards of Performance for New Stationary Sources (NSPS) in compliance with NSPS, Subpart Y, Standards of Performance for Coal Preparation Plants.  
(9 VAC 5-80-110, 9 VAC 5-50-410, and Condition 10 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)
- 4. The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum.  
(9 VAC 5-80-110, 9 VAC 5-50-20 E, and Condition 12 of November 4, 1999 permit as amended February 1, 2002 and April 8, 2003)

## **B. Monitoring**

All coal processing, conveying, storage, transfer and loading systems, excluding the thermal dryer, shall be visually observed at least once each calendar week to determine which operating units have visible emissions (does not include condensed water vapor/steam). If visible emissions are observed during these weekly observations, visible emissions evaluations (VEE) in accordance with 40 CFR 60 Appendix A, Method 9, shall be conducted on those units with visible emissions. The VEE shall be conducted for a minimum of six (6) minutes. If any of the observations exceed twenty percent (20%), the VEE shall be conducted for a total of sixty (60) minutes. A Method 9 evaluation shall not be required if the visible emissions condition is corrected as expeditiously as possible such that no visible emissions exist; the emissions unit is

operating at normal conditions; and the cause and corrective measures taken are recorded. The record of each visible emission observation shall be maintained, including any data required by 40 CFR 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable emissions requirement, the results of the observation and the name of the observer.

(9 VAC 5-80-110)

### **C. Recordkeeping**

The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content of and format of such records shall be arranged with the Director, Southwest Regional Office. These records shall include, but are not limited to:

1. The amount of coal consumed by the thermal dryer, calculated monthly as the sum of each consecutive 12-month period.
2. The monthly and annual production of dried coal. The annual production shall be calculated monthly as the sum of each consecutive 12-month period.
3. The monthly and annual hours of operation of the thermal dryer. The annual hours of operation shall be calculated monthly as the sum of each consecutive 12-month period.
4. The amount of coal processed in the truck dump bin (25) and the truck dump conveyor belt (26), calculated monthly as the sum of each consecutive 12-month period.
5. The amount of coal processed in the Middlings coal conveyor belt (51) and the Middlings coal bin (52), calculated monthly as the sum of each consecutive 12-month period.
6. The results of the annual calibration of the thermal dryer measurement devices as specified in Condition III.B.2.
7. The log of annual inspections for each cyclone.
8. The log of visible emissions observations and the results of all VEEs for the thermal dryer and coal processing equipment as required in Condition III.B.3, and Condition V.B, respectively.
9. Records of training provided including names of trainees, date of training, and nature of training.

These records shall be available on site for inspection by the DEQ and shall be current for the most recent five years.

(9 VAC 5-50-50, 9 VAC 5-80-110 and Condition 11 of November 4, 1999 permit as amended

February 1, 2002 and April 8, 2003)

#### D. Testing

1. The permitted facility shall be constructed so as to allow for emissions testing at any time using appropriate methods. Upon request from the Department, test ports will be provided at the appropriate locations.  
(9 VAC 5-50-30, 9 VAC 5-80-110, and General Condition 4 of April 2, 1984 permit)
2. When testing is conducted, the permittee shall use the following test methods in accordance with procedures approved by the DEQ as follows:

Pollutant	Test Method (40 CFR Part 60, Appendix A)
PM/PM10	EPA Methods 5, 17
SO <sub>2</sub>	EPA Methods 6, 6C
NO <sub>2</sub>	EPA Methods 7, 7E
CO	EPA Method 10
Visible Emissions	EPA Method 9

(9 VAC 5-80-110)

#### VI. Insignificant Emission Units

The following emission units at the facility are identified in the application as insignificant emission units under 9 VAC 5-80-720:

Emission Unit No.	Emission Unit Description	Citation (9 VAC)	Pollutant Emitted (5-80-720 B.)	Rated Capacity (5-80-720 C.)
30-33 36-38	Storage Tanks	5-80-720 B 2.	VOC	N/A
40-44	Storage Tanks	5-80-720 B 2.	VOC	N/A
56	Storage Tank	5-80-720 B 2.	VOC	N/A

These emission units are presumed to be in compliance with all requirements of the federal Clean Air Act as may apply. Based on this presumption, no monitoring, recordkeeping, or reporting shall be required for these emission units in accordance with 9 VAC 5-80-110.

## VII. Permit Shield & Inapplicable Requirements

Compliance with the provisions of this permit shall be deemed compliance with all applicable requirements in effect as of the permit issuance date as identified in this permit. This permit shield covers only those applicable requirements covered by terms and conditions in this permit and the following requirements which have been specifically identified as being not applicable to this permitted facility:

Citation	Title of Citation	Description of applicability
None identified		

Nothing in this permit shield shall alter the provisions of §303 of the federal Clean Air Act, including the authority of the administrator under that section, the liability of the owner for any violation of applicable requirements prior to or at the time of permit issuance, or the ability to obtain information by the administrator pursuant to §114 of the federal Clean Air Act, (ii) the Board pursuant to §10.1-1314 or §10.1-1315 of the Virginia Air Pollution Control Law or (iii) the Department pursuant to §10.1-1307.3 of the Virginia Air Pollution Control Law.

(9 VAC 5-80-140)

## VIII. General Conditions

### A. Federal Enforceability

All terms and conditions in this permit are enforceable by the administrator and citizens under the federal Clean Air Act, except those that have been designated as only state-enforceable.

(9 VAC 5-80-110 N)

### B. Permit Expiration

This permit has a fixed term of five years. The expiration date shall be the date five years from the date of issuance. Unless a timely and complete renewal application consistent with 9 VAC 5-80-80, has been submitted, to the Department, by the owner, the right of the facility to operate shall be terminated upon permit expiration.

1. The owner shall submit an application for renewal at least six months but no earlier than eighteen months prior to the date of permit expiration.
2. If an applicant submits a timely and complete application for an initial permit or renewal under this section, the failure of the source to have a permit or the operation of the source without a permit shall not be a violation of Article 1, Part II of 9 VAC 5 Chapter 80, until the Board takes final action on the application under 9 VAC 5-80-150.
3. No source shall operate after the time that it is required to submit a timely and complete application under subsections C and D of 9 VAC 5-80-80 for a renewal permit, except in compliance with a permit issued under Article 1, Part II of 9 VAC 5 Chapter 80.

4. If an applicant submits a timely and complete application under section 9 VAC 5-80-80 for a permit renewal but the Board fails to issue or deny the renewal permit before the end of the term of the previous permit, (i) the previous permit shall not expire until the renewal permit has been issued or denied and (ii) all terms and conditions of the previous permit, including any permit shield granted pursuant to 9 VAC 5-80-140, shall remain in effect from the date the application is determined to be complete until the renewal permit is issued or denied.
5. The protection under subsections F 1 and F 5 (ii) of section 9 VAC 5-80-80 F shall cease to apply if, subsequent to the completeness determination made pursuant section 9 VAC 5-80-80 D, the applicant fails to submit by the deadline specified in writing by the Board any additional information identified as being needed to process the application.  
(9 VAC 5-80-80 B, C and F, 9 VAC 5-80-110 D, and 9 VAC 5-80-170 B)

### C. Recordkeeping and Reporting

1. All records of monitoring information maintained to demonstrate compliance with the terms and conditions of this permit shall contain, where applicable, the following:
  - a. The date, place as defined in the permit, and time of sampling or measurements.
  - b. The date(s) analyses were performed.
  - c. The company or entity that performed the analyses.
  - d. The analytical techniques or methods used.
  - e. The results of such analyses.
  - f. The operating conditions existing at the time of sampling or measurement.  
(9 VAC 5-80-110 F)
2. Records of all monitoring data and support information shall be retained for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.  
(9 VAC 5-80-110 F)
3. The permittee shall submit the results of monitoring contained in any applicable requirement to DEQ no later than **March 1** and **September 1** of each calendar year. This report must be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:
  - a. The time period included in the report. The time periods to be addressed are January 1 to June 30 and July 1 to December 31.

- b. All deviations from permit requirements. For purposes of this permit, a “deviation” means any condition determined by observation, data from any monitoring protocol or any other monitoring which is required by the permit that can be used to determine compliance. Deviations include exceedances documented by continuous emission monitoring or excursions from control performance indicators documented through periodic or compliance assurance monitoring.

(9 VAC 5-80-110 F)

#### **D. Annual Compliance Certification**

Exclusive of any reporting required to assure compliance with the terms and conditions of this permit or as part of a schedule of compliance contained in this permit, the permittee shall submit to EPA and DEQ no later than **March 1** each calendar year a certification of compliance with all terms and conditions of this permit including emission limitation standards or work practices. The compliance certification shall comply with such additional requirements that may be specified pursuant to §114(a)(3) and §504(b) of the federal Clean Air Act. This certification shall be signed by a responsible official, consistent with 9 VAC 5-80-80 G, and shall include:

1. The time period included in the certification. The time period to be addressed is January 1 to December 31.
2. A description of the means for assessing or monitoring the compliance of the source with its emissions limitations, standards, and work practices.
3. The identification of each term or condition of the permit that is the basis of the certification.
4. Consistent with subsection 9 VAC 5-80-110 E, the method or methods used for determining the compliance status of the source at the time of certification and over the certification period.
5. Whether compliance was continuous or intermittent, and if not continuous, documentation of each incident of non-compliance.
6. The status of compliance with the terms and conditions of this permit for the certification period.
7. Such other facts as the permit may require to determine the compliance status of the source.

One copy of the annual compliance certification shall be sent to EPA at the following address:

Clean Air Act Title V Compliance Certification (3AP00)

U.S. Environmental Protection Agency, Region III

1650 Arch Street

Philadelphia, PA 19103-2029

(9 VAC 5-80-110 K 5)



### **E. Permit Deviation Reporting**

The permittee shall notify the Director, Southwest Regional Office, within four daytime business hours of any deviations which may cause excess emissions for more than one hour, including those attributable to upset conditions as may be defined in this permit. In addition, within 14 days of the occurrence, the permittee shall provide a written statement explaining the problem, any corrective actions or preventive measures taken, and the estimated duration of the permit deviation. The occurrence should also be reported in the next semiannual compliance monitoring report pursuant to General Condition VIII.C.3, of this permit.

(9 VAC 5-80-110 F 2)

### **F. Failure/Malfunction Reporting**

In the event that any affected facility or related air pollution control equipment fails or malfunctions in such a manner that may cause excess emissions for more than one hour, the owner shall, as soon as practicable but no later than four daytime business hours, notify the Director, Southwest Regional Office by facsimile transmission, telephone or telegraph of such failure or malfunction and shall within two weeks provide a written statement giving all pertinent facts, including the estimated duration of the breakdown. Owners subject to the requirements of 9 VAC 5-40-50 C and 9 VAC 5-50-50 C are not required to provide the written statement prescribed in this paragraph for facilities subject to the monitoring requirements of 9 VAC 5-40-40 and 9 VAC 5-50-40. When the condition causing the failure or malfunction has been corrected and the equipment is again in operation, the owner shall notify the Director, Southwest Regional Office.

(9 VAC 5-20-180 C)

### **G. Severability**

The terms of this permit are severable. If any condition, requirement or portion of the permit is held invalid or inapplicable under any circumstance, such invalidity or inapplicability shall not affect or impair the remaining conditions, requirements, or portions of the permit.

(9 VAC 5-80-110 G 1)

### **H. Duty to Comply**

The permittee shall comply with all terms and conditions of this permit. Any permit noncompliance constitutes a violation of the federal Clean Air Act or the Virginia Air Pollution Control Law or both and is grounds for enforcement action; for permit termination, revocation and re-issuance, or modification; or for denial of a permit renewal application.

(9 VAC 5-80-110 G 2)

### **I. Need to Halt or Reduce Activity not a Defense**

It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

(9 VAC 5-80-110 G 3)

## **J. Permit Modification**

A physical change in, or change in the method of operation of, this stationary source may be subject to permitting under State Regulations 9 VAC 5-80-50, 9 VAC 5-80-1100, 9 VAC 5-80-1790, or 9 VAC 5-80-2000 and may require a permit modification and/or revisions except as may be authorized in any approved alternative operating scenarios.  
(9 VAC 5-80-190 and 9 VAC 5-80-260)

## **K. Property Rights**

The permit does not convey any property rights of any sort, or any exclusive privilege.  
(9 VAC 5-80-110 G 5)

## **L. Duty to Submit Information**

1. The permittee shall furnish to the board, within a reasonable time, any information that the board may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the board copies of records required to be kept by the permit and, for information claimed to be confidential, the permittee shall furnish such records to the board along with a claim of confidentiality.  
(9 VAC 5-80-110 G 6)
2. Any document (including reports) required in a permit condition to be submitted to the board shall contain a certification by a responsible official that meets the requirements of 9 VAC 5-80-80 G.  
(9 VAC 5-80-110 K 1)

## **M. Duty to Pay Permit Fees**

The owner of any source for which a permit under 9 VAC 5-80-50 through 9 VAC 5-80-300 was issued shall pay permit fees consistent with the requirements of 9 VAC 5-80-310 through 9 VAC 5-80-350. The actual emissions covered by the permit program fees for the preceding year shall be calculated by the owner and submitted to the Department by April 15 of each year. The calculations and final amount of emissions are subject to verification and final determination by the Department.  
(9 VAC 5-80-110 H and 9 VAC 5-80-340 C)

## **N. Fugitive Dust Emission Standards**

During the operation of a stationary source or any other building, structure, facility or installation, no owner or other person shall cause or permit any materials or property to be handled, transported, stored, used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Such reasonable precautions may include, but are not limited, to the following:

1. Use, where possible, of water or chemicals for control of dust in the demolition of existing buildings or structures, construction operations, the grading of roads, or the clearing of land;
2. Application of asphalt, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which may create airborne dust; the paving of roadways and the maintaining of them in a clean condition;
3. Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty material. Adequate containment methods shall be employed during sandblasting or other similar operations;
4. Open equipment for conveying or transporting material likely to create objectionable air pollution when airborne shall be covered or treated in an equally effective manner at all times when in motion; and
5. The prompt removal of spilled or tracked dirt or other materials from paved streets and of dried sediments resulting from soil erosion.  
(9 VAC 5-50-90)

**O. Startup, Shutdown and Malfunction**

At all times, including periods of startup, shutdown, soot blowing, and malfunction, owners shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with air pollution control practices for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the board, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(9 VAC 5-50-20)

**P. Alternative Operating Scenarios**

Contemporaneously with making a change between reasonably anticipated operating scenarios identified in this permit, the permittee shall record in a log at the permitted facility a record of the scenario under which it is operating. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions under each such operating scenario. The terms and conditions of each such alternative scenario shall meet all applicable requirements including the requirements of 9 VAC 5 Chapter 80 Article 1.

(9 VAC 5-80-110 J)

**Q. Inspection and Entry Requirements**

The permittee shall allow DEQ, upon presentation of credentials and other documents as may be required by law, to perform the following:

1. Enter upon the premises where the source is located or emissions-related activity is conducted, or where records must be kept under the terms and conditions of the permit.

2. Have access to and copy, at reasonable times, any records that must be kept under the terms and conditions of the permit.
3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit.
4. Sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

(9 VAC 5-80-110 K 2)

#### **R. Reopening For Cause**

The permit shall be reopened by the board if additional federal requirements become applicable to a major source with a remaining permit term of three or more years. Such a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to 9 VAC 5-80-80 F.

1. The permit shall be reopened if the board or the administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
2. The permit shall be reopened if the administrator or the board determines that the permit must be revised or revoked to assure compliance with the applicable requirements.
3. The permit shall not be reopened by the board if additional applicable state requirements become applicable to a major source prior to the expiration date established under 9 VAC 5-80-110 D.

(9 VAC 5-80-110 L)

#### **S. Permit Availability**

Within five days after receipt of the issued permit, the permittee shall maintain the permit on the premises for which the permit has been issued and shall make the permit immediately available to DEQ upon request.

(9 VAC 5-80-150 E)

#### **T. Transfer of Permits**

1. No person shall transfer a permit from one location to another, unless authorized under 9 VAC 5-80-130, or from one piece of equipment to another.

(9 VAC 5-80-160)

2. In the case of a transfer of ownership of a stationary source, the new owner shall comply with any current permit issued to the previous owner. The new owner shall notify the board of the change in ownership within 30 days of the transfer and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

3. In the case of a name change of a stationary source, the owner shall comply with any current permit issued under the previous source name. The owner shall notify the board of the change in source name within 30 days of the name change and shall comply with the requirements of 9 VAC 5-80-200.

(9 VAC 5-80-160)

#### **U. Malfunction as an Affirmative Defense**

1. A malfunction constitutes an affirmative defense to an action brought for noncompliance with technology-based emission limitations if the requirements of paragraph 2 of this condition are met.
2. The affirmative defense of malfunction shall be demonstrated by the permittee through properly signed, contemporaneous operating logs, or other relevant evidence that show the following:
  - a. A malfunction occurred and the permittee can identify the cause or causes of the malfunction.
  - b. The permitted facility was at the time being properly operated.
  - c. During the period of the malfunction the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit.
  - d. The permittee notified the board of the malfunction within two working days following the time when the emission limitations were exceeded due to the malfunction. This notification shall include a description of the malfunction, any steps taken to mitigate emissions, and corrective actions taken. The notification may be delivered either orally or in writing. The notification may be delivered by electronic mail, facsimile transmission, telephone, or any other method that allows the permittee to comply with the deadline. This notification fulfills the requirements of 9 VAC 5-80-110 F 2 b, to report promptly deviations from permit requirements. This notification does not release the permittee from the malfunction reporting requirement under 9 VAC 5-20-180 C.
3. In any enforcement proceeding, the permittee seeking to establish the occurrence of a malfunction shall have the burden of proof. The provisions of this section are in addition to

any malfunction, emergency or upset provision contained in any requirement applicable to the source.

4. The provisions of this section are in addition to any malfunction, emergency or upset provision contained in any applicable requirement.

(9 VAC 5-80-250)

#### **V. Permit Revocation or Termination for Cause**

A permit may be revoked or terminated prior to its expiration date if the owner knowingly makes material misstatements in the permit application or any amendments thereto or if the permittee violates, fails, neglects or refuses to comply with the terms or conditions of the permit, any applicable requirements, or the applicable provisions of 9 VAC 5 Chapter 80 Article 1. The board may suspend, under such conditions and for such period of time as the board may prescribe, any permit for any of the grounds for revocation or termination or for any other violations of these regulations.

(9 VAC 5-80-260)

#### **W. Duty to Supplement or Correct Application**

Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrections. An applicant shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.

(9 VAC 5-80-80 E)

#### **X. Stratospheric Ozone Protection**

If the permittee handles or emits one or more Class I or II substances subject to a standard promulgated under or established by Title VI (Stratospheric Ozone Protection) of the federal Clean Air Act, the permittee shall comply with all applicable sections of 40 CFR Part 82, Subparts A to F. (40 CFR Part 82, Subparts A - F)

#### **Y. Asbestos Requirements**

The permittee shall comply with the requirements of National Emission Standards for Hazardous Air Pollutants (40 CFR 61) Subpart M, National Emission Standards for Asbestos as it applies to the following: Standards for Demolition and Renovation (40 CFR 61.145), Standards for Insulating Materials (40 CFR 61.148), and Standards for Waste Disposal (40 CFR 61.150)

(9 VAC 5-60-70 and 9 VAC 5-80-110 A.1)

#### **Z. Accidental Release Prevention**

If the permittee has more, or will have more than a threshold quantity of a regulated substance in a process, as determined under 40 CFR 68.115, the permittee shall comply with the requirements of 40 CFR Part 68.

(40 CFR Part 68)

#### **AA. Changes to Permits for Emissions Trading**

No permit revision shall be required, under any federally approved economic incentives, marketable permits, emissions trading and other similar programs or processes for changes that are provided for in this permit.

(9 VAC 5-80-110 I)

#### **BB. Emissions Trading**

Where the trading of emissions increases and decreases within the permitted facility is to occur within the context of this permit and to the extent that the regulations provide for trading such increases and decreases without a case-by-case approval of each emissions trade:

1. All terms and conditions required under 9 VAC 5-80-110 except subsection N shall be included to determine compliance.
2. The permit shield described in 9 VAC 5-80-140 shall extend to all terms and conditions that allow such increases and decreases in emissions.
3. The owner shall meet all applicable requirements including the requirements of 9 VAC 5-80-50 through 9 VAC 5-80-300.

(9 VAC 5-80-110 I)

## Source Testing Report Format

### Cover

1. Plant name and location
2. Units tested at source (indicate Ref. No. used by source in permit or registration)
3. Tester; name, address and report date

### Certification

1. Signed by team leader / certified observer (include certification date)
- \* 2. Signed by reviewer

### Introduction

1. Test purpose
2. Test location, type of process
3. Test dates
- \* 4. Pollutants tested
5. Test methods used
6. Observers' names (industry and agency)
7. Any other important background information

### Summary of Results

1. Pollutant emission results / visible emissions summary
2. Input during test vs. rated capacity
3. Allowable emissions
- \* 4. Description of collected samples, to include audits when applicable
5. Discussion of errors, both real and apparent

### Source Operation

1. Description of process and control devices
2. Process and control equipment flow diagram
3. Process and control equipment data

### \* Sampling and Analysis Procedures

1. Sampling port location and dimensioned cross section
2. Sampling point description
3. Sampling train description
4. Brief description of sampling procedures with discussion of deviations from standard methods
5. Brief description of analytical procedures with discussion of deviation from standard methods

### Appendix

- \* 1. Process data and emission results example calculations
2. Raw field data
- \* 3. Laboratory reports
4. Raw production data
- \* 5. Calibration procedures and results
6. Project participants and titles
7. Related correspondence
8. Standard procedures

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\* Not applicable to visible emission evaluations.