



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

TO: Interested Parties / Applicant

DATE: February 26, 2009

RE: Sun Energy Group, LLC / 125-27357-00047

FROM: Matthew Stuckey, Branch Chief
Permits Branch
Office of Air Quality

Notice of Decision: Approval - Effective Immediately

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the enclosed matter. Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Office of Environmental Adjudication, 100 North Senate Avenue, Government Center North, Suite N 501E, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Office of Environmental Adjudication (OEA);
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OEA by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OEA by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

Enclosures
FNPER.dot12/03/07



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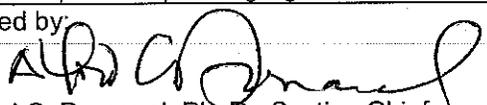
SOURCE SPECIFIC OPERATING AGREEMENT OFFICE OF AIR QUALITY

Sun Energy Group, LLC (portable)

(herein known as the Permittee) is hereby authorized to operate subject to the conditions contained herein, the source described in Section A (Source Summary) of this SSOA.

This SSOA is issued to the above mentioned company under the provisions of 326 IAC 2-1.1, 326 IAC 2-9 and 40 CFR 52.780, with conditions listed on the attached pages.

Indiana statutes from IC 13 and rules from 326 IAC, quoted in conditions in this SSOA, are those applicable at the time the SSOA was issued. The issuance or possession of this SSOA shall not alone constitute a defense against an alleged violation of any law, regulation or standard, except for the requirement to obtain a Source Specific Operating Agreement (SSOA) under 326 IAC 2-9.

Source Specific Operating Agreement No. 125-27357-05322	
Issued by:  Alfred C. Dumauval, Ph. D., Section Chief Permits Branch Office of Air Quality	Issuance Date: February 26, 2009

SECTION A

SOURCE SUMMARY

This SSOA is based on information requested by the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ). The information describing the source contained in conditions A.1 and A.2 is descriptive information and does not constitute enforceable conditions. However, the Permittee should be aware that a physical change or a change in the method of operation that may render this descriptive information obsolete or inaccurate may trigger requirements for the Permittee to obtain additional permits pursuant to 326 IAC 2.

A.1 General Information

The Permittee owns and operates a portable coal crushing and washing operation.

Source Address:	1650 S State Road 61, Winslow, Indiana 47598
Mailing Address:	11260 S 100 W, Ferdinand, Indiana 47532
General Source Phone Number:	(270) 302-1185
SIC Code:	1221
County Location:	Pike County
Source Location Status:	Attainment for 8-hour ozone standard Nonattainment for PM _{2.5} standard Attainment for all other criteria pollutants
Source Status:	Source Specific Operating Agreement (SSOA) Not 1 of 28 Source Categories

A.2 Source Summary

This portable source consists of a Coal Mine, Coal Preparation Plant, or Combination of the Two [326 IAC 2-9-10]

A.3 SSOA Applicability [326 IAC 2-9-1]

- (a) This source, otherwise required to have a permit under 326 IAC 2-5.1, 326 IAC 2-5.5, 326 IAC 2-6.1, 326 IAC 2-7, or 326 IAC 2-8, has applied to the Indiana Department of Environmental Management (IDEM), Office of Air Quality (OAQ) for a Source Specific Operating Agreement (SSOA) under 326 IAC 2-9.
- (b) Pursuant to 326 IAC 2-9-1(g), the source may apply for up to four (4) different SSOAs contained in 326 IAC 2-9.

SECTION B

GENERAL CONDITIONS

B.1 Definitions [326 IAC 2-1.1-1]

Terms in this SSOA shall have the definition assigned to such terms in the referenced regulation. In the absence of definitions in the referenced regulation, the applicable definitions found in the statutes or regulations (IC 13-11, 326 IAC 1-2 and 326 IAC 2-1.1-1) shall prevail.

B.2 Enforceability

Unless otherwise stated, all terms and conditions in this permit, including any provisions designed to limit the source's potential to emit, are enforceable by IDEM, the United States Environmental Protection Agency (U.S. EPA), and by citizens in accordance with the Clean Air Act.

B.3 Severability

The provisions of this permit are severable; a determination that any portion of this permit is invalid shall not affect the validity of the remainder of the permit.

B.4 Property Rights or Exclusive Privilege

This permit does not convey any property rights of any sort or any exclusive privilege.

B.5 Duty to Provide Information

- (a) The Permittee shall furnish to IDEM, OAQ, within a reasonable time, any information that IDEM, OAQ may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit, or to determine compliance with this permit. The submittal by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1). Upon request, the Permittee shall also furnish to IDEM, OAQ copies of records required to be kept by this permit.
- (b) For information furnished by the Permittee to IDEM, OAQ, the Permittee may include a claim of confidentiality in accordance with 326 IAC 17.1. When furnishing copies of requested records directly to U. S. EPA, the Permittee may assert a claim of confidentiality in accordance with 40 CFR 2, Subpart B.

B.6 Prior Permits Superseded [326 IAC 2-1.1-9.5]

- (a) All terms and conditions of permits established prior to SSOA No. 125-27357-05322 and issued pursuant to permitting programs approved into the state implementation plan have been either:
 - (1) incorporated as originally stated,
 - (2) revised, or
 - (3) deleted.
- (b) All previous registrations and permits are superseded by this permit.

B.7 Annual Notification [326 IAC 2-9-1(d)]

Pursuant to 326 IAC 2-9-1(d):

- (a) An annual notification shall be submitted by an authorized individual to the Office of Air Quality stating whether or not the source is in operation and in compliance with the terms and conditions contained in this SSOA.
- (b) The annual notice shall be submitted in the format attached no later than January 30 of each year to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, IN 46204-2251

- (c) The notification shall be considered timely if the date postmarked on the envelope or certified mail receipt, or affixed by the shipper on the private shipping receipt, is on or before the date it is due. If the document is submitted by any other means, it shall be considered timely if received by IDEM, OAQ on or before the date it is due.

B.8 Source Modification Requirement [326 IAC 2-9-1(e)]

Pursuant to 326 IAC 2-9-1(e), any change or modification which will alter operations in such a way that it will no longer comply with the applicable restrictions and conditions of this operating agreement, must obtain the appropriate approval from the Office of Air Quality (OAQ) under 326 IAC 2-5.1, 326 IAC 2-5.5, 326 IAC 2-6.1, 326 IAC 2-2, 326 IAC 2-3, 326 IAC 2-7, and 326 IAC 2-8, before such change may occur.

B.9 Inspection and Entry [326 IAC 2-5.1-3(e)(4)(B)] [IC 13-14-2-2] [IC 13-17-3-2] [IC 13-30-3-1]

Upon presentation of proper identification cards, credentials, and other documents as may be required by law, and subject to the Permittee's right under all applicable laws and regulations to assert that the information collected by the agency is confidential and entitled to be treated as such, the Permittee shall allow IDEM, OAQ, U.S. EPA, or an authorized representative to perform the following:

- (a) Enter upon the Permittee's premises where a permitted source is located, or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- (b) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- (c) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit;
- (d) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or applicable requirements; and
- (e) As authorized by the Clean Air Act, IC 13-14-2-2, IC 13-17-3-2, and IC 13-30-3-1, utilize any photographic, recording, testing, monitoring, or other equipment for the purpose of assuring compliance with this permit or applicable requirements.

B.10 Permit Revocation [326 IAC 2-1.1-9] [326 IAC 2-9-1(j)]

- (a) Pursuant to 326 IAC 2-1.1-9 (Revocation of Permits), this permit to operate may be revoked for any of the following causes:
- (1) Violation of any conditions of this permit.
- (2) Failure to disclose all the relevant facts, or misrepresentation in obtaining this permit.

- (3) Changes in regulatory requirements that mandate either a temporary or permanent reduction of discharge of contaminants. However, the amendment of appropriate sections of this permit shall not require revocation of this permit.
 - (4) Noncompliance with orders issued pursuant to 326 IAC 1-5 (Episode Alert Levels) to reduce emissions during an air pollution episode.
 - (5) For any cause which establishes in the judgment of IDEM the fact that continuance of this permit is not consistent with purposes of this article.
- (b) Pursuant to 326 IAC 2-9-1(j), noncompliance with any applicable provision 326 IAC 2-9 or any requirement contained in this SSOA may result in the revocation of this SSOA and make this source subject to the applicable requirements of a major source.

SECTION C

SOURCE OPERATION CONDITIONS

Entire Source

Compliance Requirements [326 IAC 2-1.1-11] [326 IAC 2-9]

C.1 Compliance with Applicable Requirements [326 IAC 2-9-1(i)]

Pursuant to 326 IAC 2-9-1(i), the owner or operator is hereby notified that this operating agreement does not relieve the Permittee of the responsibility to comply with the provisions of any applicable federal, state, or local rules, or any New Source Performance Standards (NSPS), 40 CFR Part 60, or National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 CFR Part 61 or 40 CFR Part 63.

Record Keeping and Reporting Requirements [326 IAC 2-9]

C.2 General Record Keeping Requirements [326 IAC 2-9-1(f)]

Pursuant to 326 IAC 2-9-1(f), records of all required monitoring data, reports and support information required by this SSOA shall be physically present or electronically accessible at the source location for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. If the Commissioner makes a request for records to the Permittee, the Permittee shall furnish the records to the Commissioner within a reasonable time.

C.3 Reporting Requirements [326 IAC 2-9-1(h)]

Pursuant to 326 IAC 2-9-1(h), any exceedance of any requirement contained in this operating agreement shall be reported, in writing, within one (1) week of its occurrence. Said report shall include information on the actions taken to correct the exceedance, including measures to reduce emissions, in order to comply with the established limits. If an exceedance is the result of a malfunction, then the provisions of 326 IAC 1-6 apply.

Portable Source Requirements

C.4 Relocation of Portable Sources [326 IAC 2-14-4]

- (a) This permit is approved for operation in all attainment areas in Indiana except Lake County. This determination is based on the requirements 326 IAC 6.8-10-3.
- (b) A request to relocate shall be submitted to IDEM, OAQ at least thirty (30) days prior to the intended date of relocation. This submittal shall include the following:
 - (1) A list of governmental officials entitled to receive notice of application to relocate. IC 13-15-3-1
 - (2) A list of adjacent landowners that the Permittee will send written notice to not more than ten (10) days after submission of the request to relocate. IC 13-15-8

The notification by the Permittee does require the certification by an "authorized individual" as defined by 326 IAC 2-1.1-1(1).

- (c) A "Relocation Site Approval" letter shall be obtained prior to relocating.
- (d) A valid operation agreement consists of this document and any subsequent "Relocation Site Approval" letter specifying the current location of the portable plant.

SECTION D OPERATION CONDITIONS

Operation Description: Coal Mine, Coal Preparation Plant, or Combination of the Two [326 IAC 2-9-10]

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

Emission Limitations and Standards [326 IAC 2-9]

D.1 Coal Mine and Coal Preparation Plant Limitations [326 IAC 2-9-10(b)(1)]

Pursuant to 326 IAC 2-9-10(b)(1), the coal mine, coal preparation plant, or combination of the two shall comply with the following:

- (a) the source shall not utilize thermal dryers or pneumatic coal cleaning equipment.
- (b) the source annual amount of coal shipped offsite shall be less than five million (5,000,000) tons per year.

D.2 Opacity [326 IAC 2-9-10(b)(1)(B)]

Pursuant to 326 IAC 2-9-10(b)(1)(B), the screening, crushing, and conveying processes at the coal preparation plant shall be enclosed, unless a wet suppression system is used, such that visible emissions shall not exceed an average of twenty (20%) opacity in twenty-four (24) consecutive readings in a six (6) minute period using procedures in 40 CFR 60, Appendix A, Method 9.

D.3 Fugitive Emissions [326 IAC 2-9-10(b)(2)] [326 IAC 2-9-10(b)(4)]

- (a) Pursuant to 326 IAC 2-9-10(b)(2), the fugitive particulate matter (PM) emissions from open storage piles, unpaved roadways, and batch transfer processes shall be controlled by applying water or other approved dust suppressant on an as needed basis, such that the following visible emission conditions are met:
 - (1) The visible emissions from the open storage piles shall not exceed twenty percent (20%) in twenty-four (24) consecutive readings in a six (6) minute period. This limitation shall not apply during periods when application of control measures are ineffective or unreasonable due to sustained high wind speeds. The opacity shall be determined using 40 CFR 60, Appendix A, Method 9, except that the opacity shall be observed at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.
 - (2) The visible emissions from unpaved roadways shall not exceed an average instantaneous opacity of twenty percent (20%). Average instantaneous opacity shall be the average of twelve (12) instantaneous opacity readings, taken for four (4) vehicle passes, consisting of three (3) opacity readings for each vehicle pass. The three (3) opacity readings for each vehicle pass shall be taken as follows:
 - (A) The first reading shall be taken at the time of emission generation.
 - (B) The second reading shall be taken five (5) seconds later.
 - (C) The third reading shall be taken five (5) seconds after the second reading, or ten (10) seconds after the first reading.

The three (3) readings shall be taken approximately four (4) feet from the surface at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but not more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(3) The visible emissions from material transfer processes shall not exceed an average instantaneous opacity of twenty percent (20%). The average instantaneous opacity shall be the average of three (3) opacity readings taken five (5) seconds, ten (10) seconds, and fifteen (15) seconds after the end of one (1) material loading or unloading operation. The three (3) readings shall be taken at the point of maximum opacity. The observer shall stand at least fifteen (15) feet, but no more than one-fourth (1/4) mile, from the plume and at approximately right angles to the plume.

(b) Pursuant to 326 IAC 2-9-10(b)(4), the fugitive emissions from the coal mine and coal preparation operation shall not escape beyond the property line or boundaries of the property, right-of-way, or easement on which the source is located, pursuant to 326 IAC 6-4.

Compliance Determination Requirements [326 IAC 2-9]

D.4 Visible Emissions [326 IAC 2-9-10(b)(3)]

Pursuant to 326 IAC 2-9-10(b)(3), all visible emission readings taken, shall be performed by a qualified observer, as defined in 326 IAC 1-2-62.

Record Keeping and Reporting Requirements [326 IAC 2-9]

D.5 Record Keeping Requirements [326 IAC 2-9-10(b)(1)(A)]

Pursuant to 326 IAC 2-9-10(b)(1)(A), the source shall keep and maintain at the site, records of the total annual throughput for the previous twelve (12) months, based on a monthly rolling total. All records shall be maintained in accordance with Section C - General Record Keeping Requirements.

D.6 Reporting Requirement [326 IAC 2-9-10(b)(5)]

Pursuant to 326 IAC 2-9-10(b)(5), the source shall include with the annual notice required in Section B - Annual Notification a legal description of the source's location.

Annual Fee Requirement

D.7 Annual Fee Requirement [326 IAC 2-9-10(b)(6)] [326 IAC 2-1.1-7]

Pursuant to 326 IAC 2-9-10(b)(6), the Permittee shall pay annual fee of seven hundred fifty dollars (\$750) to IDEM, OAQ within thirty (30) days of receipt of a billing. If the Permittee does not receive a bill from IDEM, OAQ, the Permittee shall submit an annual fee to:

Cashier
Office of Air Quality
100 North Senate Avenue
MC 50-10C IGCN 1324
Indianapolis, IN 46204-2251

no later than January 30 of each year.

SECTION E OPERATION CONDITIONS

Operation Description: Coal Mine, Coal Preparation Plant, or Combination of the Two [326 IAC 2-9-10]

(The information describing the process contained in this facility description box is descriptive information and does not constitute enforceable conditions.)

E.1 General Provisions Relating to NSPS [326 IAC 12-1] [40 CFR 60, Subpart A]

(a) Pursuant to 40 CFR 60.1, the Permittee shall comply with the provisions of 40 CFR Part 60, Subpart A - General Provisions, which are incorporated by reference as 326 IAC 12-1, except as otherwise specified in 40 CFR 60, Subpart Y.

(b) Pursuant to 40 CFR 60.10, the Permittee shall submit all required notifications and reports to:

Indiana Department of Environmental Management
Compliance and Enforcement Branch, Office of Air Quality
100 North Senate Avenue
MC 61-53 IGCN 1003
Indianapolis, Indiana 46204-2251

E.2 New Source Performance Standards (NSPS) for Coal Preparation Plants [40 CFR Part 60, Subpart Y] [326 IAC 12]

The Permittee shall comply with the following provisions of 40 CFR Part 60, Subpart Y (included as Attachment A of this permit), which are incorporated by reference as 326 IAC 12, except as otherwise specified in 40 CFR Part 60, Subpart Y:

- (a) 40 CFR 60.250
- (b) 40 CFR 60.251
- (c) 40 CFR 60.252(c)
- (d) 40 CFR 60.254

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY
COMPLIANCE AND ENFORCEMENT BRANCH**

**SOURCE SPECIFIC OPERATING AGREEMENT (SSOA)
ANNUAL NOTIFICATION**

This form should be used to comply with the notification requirements under 326 IAC 2-9.

Company Name:	Sun Energy Group, LLC.
Address:	1650 S State Road 61
City:	Winslow, Indiana 47598
Phone #:	(270) 302-1185
SSOA #:	125-27357-05322

I hereby certify that source name is: Sun Energy Group, LLC.

still in operation.

I hereby certify that source name is: Sun Energy Group, LLC.

no longer in operation.

in compliance with the requirements of SSOA 125-27357-05322.

not in compliance with the requirements of SSOA 125-27357-05322.

Authorized Individual (typed):
Title:
Signature:
Date:

If there are any conditions or requirements for which the source is not in compliance, provide a narrative description of how the source did or will achieve compliance and the date compliance was, or will be achieved.

Noncompliance:

**INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF AIR QUALITY**

**PORTABLE SOURCE RELOCATION NOTIFICATION
CERTIFICATION**

Source Name: Sun Energy Group, LLC.
Source Address: 1650 S State Road 61, Winslow, Indiana 47598
Mailing Address: 11260 S 100 W, Ferdinand, Indiana 47532
SSOA No.: 125-27357-05322

This certification shall be included when submitting a portable source relocation notification as required by this SSOA.

I certify that, based on information and belief formed after reasonable inquiry, the statements and information in the notification are true, accurate, and complete.

Signature:

Printed Name:

Title/Position:

Phone:

Date:



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**Attachment A, NSPS Subpart Y
Sun Energy Group, LLC
1650 S State Road 61
Winslow, Indiana 47598**

New Source Performance Standards for Coal Preparation Plants 40 CFR 60, Subpart Y

§ 60.250 Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to any of the following affected facilities in coal preparation plants which process more than 181 Mg (200 tons) per day: Thermal dryers, pneumatic coal-cleaning equipment (air tables), coal processing and conveying equipment (including breakers and crushers), coal storage systems, and coal transfer and loading systems.

(b) Any facility under paragraph (a) of this section that commences construction or modification after October 24, 1974, is subject to the requirements of this subpart.

[42 FR 37938, July 25, 1977; 42 FR 44812, Sept. 7, 1977, as amended at 65 FR 61757, Oct. 17, 2000]

§ 60.251 Definitions.

As used in this subpart, all terms not defined herein have the meaning given them in the Act and in subpart A of this part.

(a) *Coal preparation plant* means any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

(b) *Bituminous coal* means solid fossil fuel classified as bituminous coal by ASTM Designation D388-77, 90, 91, 95, or 98a (incorporated by reference—see §60.17).

(c) *Coal* means all solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by ASTM Designation D388-77, 90, 91, 95, or 98a (incorporated by reference—see §60.17).

(d) *Cyclonic flow* means a spiraling movement of exhaust gases within a duct or stack.

(e) *Thermal dryer* means any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.

(f) *Pneumatic coal-cleaning equipment* means any facility which classifies bituminous coal by size or separates bituminous coal from refuse by application of air stream(s).

(g) *Coal processing and conveying equipment* means any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts.

(h) *Coal storage system* means any facility used to store coal except for open storage piles.

(i) *Transfer and loading system* means any facility used to transfer and load coal for shipment.

[41 FR 2234, Jan. 15, 1976, as amended at 48 FR 3738, Jan. 27, 1983; 65 FR 61757, Oct. 17, 2000]

§ 60.252 Standards for particulate matter.

(a) On and after the date on which the performance test required to be conducted by §60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any thermal dryer gases which:

- (1) Contain particulate matter in excess of 0.070 g/dscm (0.031 gr/dscf).
- (2) Exhibit 20 percent opacity or greater.

(b) On and after the date on which the performance test required to be conducted by §60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any pneumatic coal cleaning equipment, gases which:

- (1) Contain particulate matter in excess of 0.040 g/dscm (0.017 gr/dscf).
- (2) Exhibit 10 percent opacity or greater.

(c) On and after the date on which the performance test required to be conducted by §60.8 is completed, an owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater.

[41 FR 2234, Jan. 15, 1976, as amended at 65 FR 61757, Oct. 17, 2000]

§ 60.254 Test methods and procedures.

(a) In conducting the performance tests required in §60.8, the owner or operator shall use as reference methods and procedures the test methods in appendix A of this part or other methods and procedures as specified in this section, except as provided in §60.8(b).

(b) The owner or operator shall determine compliance with the particulate matter standards in §60.252 as follows:

(1) Method 5 shall be used to determine the particulate matter concentration. The sampling time and sample volume for each run shall be at least 60 minutes and 0.85 dscm (30 dscf). Sampling shall begin no less than 30 minutes after startup and shall terminate before shutdown procedures begin.

(2) Method 9 and the procedures in §60.11 shall be used to determine opacity.

[54 FR 6671, Feb. 14, 1989]