

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation V - To Prevent and Control Air Pollution From the Operation of
Coal Preparation Plants and Coal Handling Operations.

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ABSTRACT

Regulation V (1968) was adopted by the Commission on the 11th day of July, 1968, became effective September 1, 1968, and was filed with the Secretary of State July 26, 1968.

Title 45
Legislative Rule

~~WEST VIRGINIA ADMINISTRATIVE REGULATIONS~~
Air Pollution Control Commission

~~Chapter 16-20~~
Series ~~ve~~ 5
~~(1968)~~

Subject: ~~Regulation V~~ To Prevent and Control Air Pollution From the Operation of
Coal Preparation Plants and Coal Handling Operations

Section ~~2~~¹ General

0.01. Scope.

The purpose of ~~Regulation V~~^{Series 5} is to prevent and control air pollution from the operation of coal preparation plants and coal handling operations.

0.02. Authority. *W.Va. Code. § 16-20-5*

This regulation is issued under the authority of the West Virginia Code, Chapter 16, Article 20, Section 5. This regulation relates to West Virginia Code, Chapter 16, Article 20, Sections 1 through 13 inclusive.

0.03. Filing Date.

This regulation was promulgated or last amended on the 11th day of July, 1968, was filed with the office of the Secretary of State the 26th day of July, 1968. Further, this regulation was filed pursuant to West Virginia Code, Chapter 29A, Article 2, Section 5 on the 30th day of December, 1982, in the office of the Secretary of State.

0.04. Effective Date.

The effective date of this regulation is the 1st day of September, 1968.

0.05. Type.

This regulation is a legislative rule as defined in West Virginia Code, Chapter 29A, Article 2.

Section ² Definitions.

- 1.01. "Air Pollution", 'statutory air pollution' shall have the meaning ascribed to it in Chapter Sixteen, Article Twenty, Section Two of the Code of West Virginia, as amended.
- 1.02. "Commission" shall mean the West Virginia Air Pollution Control Commission.
- 1.03. "Person" shall mean any and all persons, natural or artificial, including any municipal, public or private corporation organized or existing under the law of this or any other state or county and any firm, partnership, or association of whatever nature.
- 1.04. "Handling Operation" shall mean and include but not be limited to all coal grinding, crushing, picking, screening, conveying, storing, and stockpiling operations associated with the transport, production, or preparation of coal or coal refuse, excluding coal washing, drying, or air separation operations.

- 1.05. "Coal Preparation" shall mean and include but not be limited to all coal washing, drying or air separation operations used for the purpose of preparing the product for marketing.
- 1.06. "Plant" shall mean and include all equipment and grounds utilized in an integral complex for coal preparation and associated handling.
- 1.07. "Fuel" shall mean a fuel such as a solid, gaseous or liquid fuel which is fired in fuel burning equipment.
- 1.08. "Fuel Burning Equipment" shall mean and include any chamber, apparatus, device, mechanism, stack or structure used in the process of burning fuel for the primary purpose of producing heat for a thermal drier.
- 1.09. "Thermal Drier" shall mean a device using fuel burning equipment for the primary purpose of reducing the moisture content of coal.
- 1.10. "Air Table" shall mean a device using a gaseous separating media for the primary purpose of improving the product quality.
- 1.11. "Air Pollution Control Equipment" shall mean any equipment used for collecting gasborne particulate matter for the purpose of preventing or reducing particulate emissions into the open air.

- 1.12. "Standard Cubic Foot" - One cubic foot of dry gas, measured at standard conditions of 60°F and 29.92 inches of mercury column.
- 1.13. "Stack" - For the purpose of this Regulation shall mean but not be limited to any duct, control equipment exhaust, or similar apparatus, which vents gases containing particulate matter into the open air.
- 1.14. "Particulate Matter" shall mean any material except uncombined water, that exists in a finely divided form as a liquid or solid.
- 1.15. "Smoke" shall mean small gasborne and airborne particles emitted from a stack in sufficient numbers to be visible.
- 1.16. "Ringelmann Smoke Chart" - Shall be the Ringelmann's Scale for Grading the Density of Smoke published by the U. S. Bureau of Mines as information circular 7718, August, 1955, or any chart, recorder, indicator, device, or method which is a standardized method for the measurement of smoke density which is approved by the Commission as the equivalent of said Ringelmann Scale.
- 1.17. "Fugitive Dust" - Shall mean any and all particulate matter generated, which, if not confined, would be emitted directly into the open air from points other than a stack outlet.

1.18. "Fugitive Dust Control System" - Shall mean any equipment or method used to confine, collect, and dispose of fugitive dust, including but not limited to hoods, bins, duct work, fans, and air pollution control equipment.

Other words and phrases used in this Regulation, unless otherwise indicated, shall have the meaning ascribed to them in Chapter Sixteen, Article Twenty, Section Two of the Code of West Virginia, 1931, as amended.

Section ~~2.~~³ Emission of Smoke Prohibited and Standards of Measurement.

2.01. No person shall cause, suffer, allow or permit emission of smoke into the open air from any stack which is as dark or darker in shade or appearance as that designated as No. 1 on the Ringelmann Smoke Chart.

2.02. The provisions of Sub-Section ~~2.01~~^{3.1} of this Section shall not apply to smoke, the shade or appearance of which is less than No. 3 on the Ringelmann Smoke Chart for a period or periods aggregating no more than 5 minutes in any 60-minute period during operation.

2.03. The provisions of Sub-Section ~~2.01~~^{3.1} and ~~2.02~~^{3.2} of this Section shall not apply to smoke, the shade or appearance of which is less than No. 3 on the Ringelmann Smoke Chart for a period of

up to 8 minutes in any operating day for the purposes of building a fire of operating quality in the fuel burning equipment of a thermal drier.

2.04. The equivalent opacity of those Ringelmann numbers in Sub-Section ^{3.1}~~2.01~~ and Sub-Section ^{3.2}~~2.02~~ of this Section shall be used as a guide in the enforcement of Section ⁴~~3~~ and Section ⁵~~4~~ of this Regulation.

2.05. No person shall cause, suffer, allow or permit emission of smoke into the open air from any fugitive dust control system which is as dark or darker in shade or appearance as that designated as No. 1 on the Ringelmann Smoke Chart or the equivalent opacity of this Ringelmann number.

Section ^{2.4}~~2.4~~ Control and Prohibition of Particulate Emissions From Coal Thermal Drying Operations of a Coal Preparation Plant.

No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any thermal drier exhaust in excess of the following limitations:

3.01. Until September 2, 1971, thermal driers installed on or before March 1, 1970, shall not emit more than 0.15 grains of particulate matter per standard cubic foot of exhaust gas.

3.02. After September 1, 1971, thermal driers installed on or before March 1, 1970, shall not exceed the emission limitations of the following table:

Total Plant Volumetric Flow Rate (Standard Cubic Feet Per Minute)	Maximum Allowable Particulate Loading Per Drier (Grains Per Standard Cubic Foot)
120,000 or less	0.12
172,000	0.11
245,000	0.10
351,000	0.09
500,000 & above	0.08

3.03. Thermal driers installed after March 1, 1970, shall not exceed the emission limitations of the following table:

Total Plant Volumetric Flow Rate (Standard Cubic Feet Per Minute)	Maximum Allowable Particulate Loading Per Drier (Grains Per Standard Cubic Foot)
75,000 or less	0.10
111,000	0.09
163,000	0.08
240,000 & above	0.07

- 3.04. For the volumetric flow rate between any two consecutive volumetric flow rates stated in Sub-Section 3.02 and Sub-Section 3.03, limitations shall be as determined by linear interpolation. For the purpose hereof, the total volumetric flow rate shall be the total standard cubic feet of dry gas passed through all thermal driers at one plant location. This value shall be determined by methods which are acceptable to the Commission.
- 3.05. When modifications are made to plants after March 1, 1970, that result in a significant increase in the total gas volume passing through a thermal drier, said drier(s) will be subject to the emission limitations of Sub-Section ^{4,3}~~3.03~~ even though such modifications do not include the installation of a new thermal drier(s).
- 3.06. No person shall circumvent this Regulation by adding additional gas to any drier exhaust or group of drier exhausts for the purpose of reducing the grain loading.
- 3.07. No person shall cause, suffer, allow or permit the exhaust gases from a thermal drier to be vented into the open air at an altitude of less than 80 feet above the foundation grade of the structure containing the drier or less than 10 feet above the top of said structure or any adjacent structure, whichever is greater.

In determining the desirable height of the above stack, due consideration shall be given to the local topography, meteorology, the location of nearby dwellings and public roads, and the stack emission rate.

- 3.08. Any stack venting thermal drier exhaust gases into the open air shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures.

Section ²⁵ Control and Prohibition of Particulate Emissions From an Air Table Operation of a Coal Preparation Plant.

- 4.01. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any air table exhaust in excess of 0.05 grains per standard cubic foot of exhaust gases.
- 4.02. No person shall circumvent this Regulation by adding additional gas to any air table exhaust or group of air table exhausts for the purpose of reducing the grain loading.
- 4.03. Any stack venting air table exhaust gases into the open air shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures.

Section ^{5.6} 5. Control and Prohibition of Fugitive Dust Emissions From
Coal Handling Operations and Preparation Plants.

5.01. No person shall cause, suffer, allow or permit a plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.

5.02. The owner or operator of the plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment.

Section ^{6.1} 6. Registration.

6.01. Within thirty (30) days after the effective date of this Regulation, all persons owning and/or operating coal preparation plants within the State shall have registered with the Commission on forms to be made available by the Commission, the name of the person, company or corporation operating the plant, the address, location, county, ownership (lessee & lessor), the principal officer of the company, and any other

such reasonable information as the Commission may require, including, but not necessarily limited to, capacity of the plant, type of fuel used, plant operating schedule, description and capacities of thermal driers and air tables, height and size of stacks and air pollution control equipment.

6.02. Persons operating registered plants which are to be modified by changes in fuel burning equipment, fuel, fan capacity, drier design, air pollution control equipment, air tables, stacks or like changes which could significantly affect the emission characteristics of the plants shall file with the Commission those proposed changes not less than thirty (30) days before such changes are made.

6.03. Within thirty (30) days after the completion of the modifications as filed under Sub-Section ~~6.02~~^{7.2}, the operator shall register such changes with the Commission on forms to be made available by the Commission.

6.04. Not later than sixty (60) days prior to operation, new plants shall be registered by the owner and/or operator of such plants. Such registration shall be made on forms to be made available by the Commission and will include the name of the person, company, or ownership (lessee & lessor), the principal officer of the company, and any other such reasonable

information as the Commission may require including, but not necessarily limited to, data on the capacity of the plant, type of fuel to be used, description and capacities of thermal driers and air tables, height and size of stacks and description of air pollution control equipment.

Section ^{7.8} Permits.

- 7.01. Plants in existence on the effective date of this Regulation will be granted temporary operating permits subject to compliance with Sub-Section ~~6.01~~^{7.1}. These permits will be valid for as long as the Commission shall designate. When it is determined by the Commission that a plant meets the requirements of this Regulation, the temporary permit will be replaced with an operating permit.
- 7.02. Any plant failing to maintain the requirements of this Regulation shall, at the discretion of the Commission, have the permit revoked.
- 7.03. When permits are revoked, the Commission will reissue permits when such changes as necessary to meet the requirements of this Regulation are made.
- 7.04. New plants will be granted temporary operating permits provided they comply with Sub-Section ~~6.01~~^{7.4}
- 7.05. Subject to the provisions of Sub-Section ~~6.02~~^{7.1}, plants

operating without a permit will be in violation of this Regulation.

7.06. The possession of a permit by any person shall in no way relieve the holder thereof of his obligation to comply with the provisions of this Regulation.

Section ~~8~~⁹ Reports and Testing.

8.01. At such reasonable time as the Director may designate, the operator of a coal preparation plant may be required to conduct or have conducted stack tests to determine the dust loading in exhaust gases when the Director has reason to believe that the stack emission limitation is being violated. Such tests shall be conducted in such manner as the Director may specify and be filed on forms, and in a manner, acceptable to the Director. The Director, or his duly authorized representative, may at his option witness or conduct such stack tests. Should the Director exercise his option to conduct such tests, the operator will provide all the necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment, and the required safety equipment such as scaffolding, railings, ladders, etc., to comply with generally accepted good safety practices.

8.02. The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate

air pollution emissions other than those noted in Sub-Section

8.01.

Section 9¹⁰ Variance.

9.01. If a plant operating under a temporary permit does not meet the requirements of this Regulation, the operator of the plant shall develop and submit to the Commission an acceptable control program to meet these requirements. This control program shall be submitted upon the request of and within such time as shall be fixed by the Commission, and after said program has been approved by the Commission, the owner or operator of the plant will not be in violation of this Regulation as long as said program is observed.

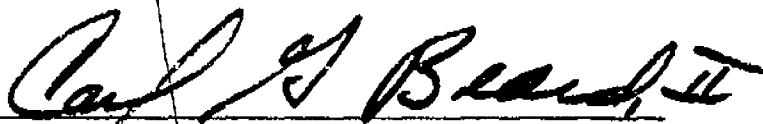
9.02. Due to unavoidable malfunctions of equipment or non-availability of repair parts, emissions exceeding those provided for in this Regulation may be permitted by the Commission upon specific application to the Commission. Such application shall be made within 24 hours of the malfunction or within such other time period as the Commission may specify.

Section 10. Effective Date.

Regulation V shall become effective September 1, 1968.

APCC
Adm. Reg. 16-20
Series V

The foregoing is a true and correct copy of the West Virginia
Air Pollution Control Commission Regulation V as adopted on the 11th
day of July, 1968.

A handwritten signature in cursive script, reading "Carl G. Beard, II", written over a horizontal line.

Carl G. Beard, II
Secretary
West Virginia Air Pollution Control
Commission



WEST VIRGINIA
AIR POLLUTION CONTROL COMMISSION

4108 MACCORKLE AVENUE, S. E.
CHARLESTON, WEST VIRGINIA 25304
TELEPHONE: 348-2275

July 26, 1968

The Honorable Robert D. Bailey
Secretary of State
Capitol Building
Charleston, West Virginia

Dear Mr. Bailey:

Attached is the original and one copy of Regulation V, "To Prevent and Control Air Pollution From the Operation of Coal Preparation Plants and Coal Handling Operations" for file in your office as required by law. The regulation was adopted by the West Virginia Air Pollution Control Commission at their meeting on July 11, and becomes effective on September 1, 1968.

Sincerely yours,

A handwritten signature in cursive script that reads "Carl G. Beard, II".

Carl G. Beard, II
Secretary and Director

CGB/mw
Attachment

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 7/30/68

WEST VIRGINIA ADMINISTRATIVE REGULATIONS

Subject: Regulation V - To Prevent and Control Air Pollution
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- 1.14 - "Particulate Matter"
- 1.15 - "Smoke"
- 1.16 - "Ringelmann Smoke Chart"
- 1.17 - "Fugitive Dust"
- 1.18 - "Fugitive Dust Control System"

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 7/30/68

Section 2. Emission of Smoke Prohibited and Standards of Measurement.

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WEST VIRGINIA ADMINISTRATIVE REGULATIONS
Air Pollution Control Commission

Chapter 16-20
Series V
(1968)

Subject: Regulation V - To Prevent and Control Air Pollution From
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Section 1. Definitions.

- 1.01. "Air Pollution", 'statutory air pollution' shall have the meaning ascribed to it in Chapter Sixteen, Article Twenty, Section Two of the Code of West Virginia, as amended.
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- 1.05. "Coal Preparation" shall mean and include but not be limited to all coal washing, drying or air separation operations used for the purpose of preparing the product for marketing.

- 1.06. "Plant" shall mean and include all equipment and grounds utilized in an integral complex for coal preparation and associated handling.
- 1.07. "Fuel" shall mean a fuel such as a solid, gaseous or liquid fuel which is fired in fuel burning equipment.
- 1.08. "Fuel Burning Equipment" shall mean and include any chamber, apparatus, device, mechanism, stack or structure used in the process of burning fuel for the primary purpose of producing heat for a thermal drier.
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- 1.13. "Stack" - For the purpose of this Regulation shall mean but not be limited to any duct, control equipment exhaust, or similar apparatus, which vents gases containing particulate matter into the open air.

- 1.14. "Particulate Matter" shall mean any material except uncombined water, that exists in a finely divided form as a liquid or solid.
- 1.15. "Smoke" shall mean small gasborne and airborne particles emitted from a stack in sufficient numbers to be visible.
- 1.16. "Ringelmann Smoke Chart" - Shall be the Ringelmann's Scale for Grading the Density of Smoke published by the U. S. Bureau of Mines as information circular 7718, August, 1955, or any chart, recorder, indicator, device, or method which is a standardized method for the measurement of smoke density which is approved by the Commission as the equivalent of said Ringelmann Scale.
- 1.17. "Fugitive Dust" - Shall mean any and all particulate matter generated, which, if not confined, would be emitted directly into the open air from points other than a stack outlet.
- 1.18. "Fugitive Dust Control System" - Shall mean any equipment or method used to confine, collect, and dispose of fugitive dust, including but not limited to hoods, bins, duct work, fans, and air pollution control equipment.

Other words and phrases used in this Regulation, unless otherwise indicated, shall have the meaning ascribed to them in Chapter Sixteen, Article Twenty, Section Two of the Code of West Virginia, 1931, as amended.

Section 2. Emission of Smoke Prohibited and Standards of Measurement.

- 2.01. No person shall cause, suffer, allow or permit emission of smoke into the open air from any stack which is as dark or darker in shade or appearance as that designated as No. 1 on the Ringelmann Smoke Chart.
- 2.02. The provisions of Sub-Section 2.01 of this Section shall not apply to smoke, the shade or appearance of which is less than No. 3 on the Ringelmann Smoke Chart for a period or periods aggregating no more than 5 minutes in any 60-minute period during operation.
- 2.03. The provisions of Sub-Section 2.01 and 2.02 of this Section shall not apply to smoke, the shade or appearance of which is less than No. 3 on the Ringelmann Smoke Chart for a period of up to 8 minutes in any operating day for the purposes of building a fire of operating quality in the fuel burning equipment of a thermal drier.
- 2.04. The equivalent opacity of those Ringelmann numbers in Sub-Section 2.01 and Sub-Section 2.02 of this Section shall be used as a guide in the enforcement of Section 3 and Section 4 of this Regulation.
- 2.05. No person shall cause, suffer, allow or permit emission of smoke into the open air from any fugitive dust control system which is as dark or darker in shade or appearance as that designated as No. 1 on the Ringelmann Smoke Chart or the equivalent opacity of this Ringelmann number.

Section 3. Control and Prohibition of Particulate Emissions From
Coal Thermal Drying Operations of a Coal Preparation
Plant.

No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any thermal drier exhaust in excess of the following limitations:

3.01. Until September 2, 1971, thermal driers installed on or before March 1, 1970, shall not emit more than 0.15 grains of particulate matter per standard cubic foot of exhaust gas.

3.02. After September 1, 1971, thermal driers installed on or before March 1, 1970, shall not exceed the emission limitations of the following table:

Total Plant Volumetric Flow Rate (Standard Cubic Feet Per Minute)	Maximum Allowable Particulate Loading Per Drier (Grains Per Standard Cubic Foot)
120,000 or less	0.12
172,000	0.11
245,000	0.10
351,000	0.09
500,000 & above	0.08

3.03. Thermal driers installed after March 1, 1970, shall not exceed the emission limitations of the following table:

Total Plant Volumetric Flow Rate (Standard Cubic Feet Per Minute)	Maximum Allowable Particulate Loading Per Drier (Grains Per Standard Cubic Foot)
75,000 or less	0.10
111,000	0.09
163,000	0.08
240,000 & above	0.07

- 3.04. For the volumetric flow rate between any two consecutive volumetric flow rates stated in Sub-Section 3.02 and Sub-Section 3.03, limitations shall be as determined by linear interpolation. For the purpose hereof, the total volumetric flow rate shall be the total standard cubic feet of dry gas passed through all thermal driers at one plant location. This value shall be determined by methods which are acceptable to the Commission.
- 3.05. When modifications are made to plants after March 1, 1970, that result in a significant increase in the total gas volume passing through a thermal drier, said drier(s) will be subject to the emission limitations of Sub-Section 3.03 even though such modifications do not include the installation of a new thermal drier(s).
- 3.06. No person shall circumvent this Regulation by adding additional gas to any drier exhaust or group of drier exhausts for the purpose of reducing the grain loading.
- 3.07. No person shall cause, suffer, allow or permit the exhaust gases from a thermal drier to be vented into the open air at an altitude of less than 80 feet above the foundation grade

of the structure containing the drier or less than 10 feet above the top of said structure or any adjacent structure, whichever is greater.

In determining the desirable height of the above stack, due consideration shall be given to the local topography, meteorology, the location of nearby dwellings and public roads, and the stack emission rate.

3.08. Any stack venting thermal drier exhaust gases into the open air shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures.

Section 4. Control and Prohibition of Particulate Emissions From an Air Table Operation of a Coal Preparation Plant.

4.01. No person shall cause, suffer, allow or permit particulate matter to be vented into the open air from any air table exhaust in excess of 0.05 grains per standard cubic foot of exhaust gases.

4.02. No person shall circumvent this Regulation by adding additional gas to any air table exhaust or group of air table exhausts for the purpose of reducing the grain loading.

4.03. Any stack venting air table exhaust gases into the open air shall contain flow straightening devices or a vertical run of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures.

Section 5. Control and Prohibition of Fugitive Dust Emissions From Coal Handling Operations and Preparation Plants.

5.01. No person shall cause, suffer, allow or permit a plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air.

5.02. The owner or operator of the plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment.

Section 6. Registration.

6.01. Within thirty (30) days after the effective date of this Regulation, all persons owning and/or operating coal preparation plants within the State shall have registered with the Commission on forms to be made available by the Commission, the name of the person, company or corporation operating the plant, the address, location, county, ownership (lessee & lessor), the principal officer of the company, and any other such reasonable information as the Commission may require, including, but not necessarily limited to, capacity of the

plant, type of fuel used, plant operating schedule, description and capacities of thermal driers and air tables, height and size of stacks and air pollution control equipment.

6.02. Persons operating registered plants which are to be modified by changes in fuel burning equipment, fuel, fan capacity, drier design, air pollution control equipment, air tables, stacks or like changes which could significantly affect the emission characteristics of the plants shall file with the Commission those proposed changes not less than thirty (30) days before such changes are made.

6.03. Within thirty (30) days after the completion of the modifications as filed under Sub-Section 6.02, the operator shall register such changes with the Commission on forms to be made available by the Commission.

6.04. Not later than sixty (60) days prior to operation, new plants shall be registered by the owner and/or operator of such plants. Such registration shall be made on forms to be made available by the Commission and will include the name of the person, company, or ownership (lessee & lessor), the principal officer of the company, and any other such reasonable information as the Commission may require including, but not necessarily limited to, data on the capacity of the plant, type of fuel to be used, description and capacities of thermal driers and air tables, height and size of stacks and description of air pollution control equipment.

Section 7. Permits.

7.01. Plants in existence on the effective date of this Regulation will be granted temporary operating permits subject to compliance with Sub-Section 6.01. These permits will be valid for as long as the Commission shall designate. When it is determined by the Commission that a plant meets the requirements of this Regulation, the temporary permit will be replaced with an operating permit.

7.02. Any plant failing to maintain the requirements of this Regulation shall, at the discretion of the Commission, have the permit revoked.

7.03. When permits are revoked, the Commission will reissue permits when such changes as necessary to meet the requirements of this Regulation are made.

7.04. New plants will be granted temporary operating permits provided they comply with Sub-Section 6.04.

7.05. Subject to the provisions of Sub-Section 6.01, plants operating without a permit will be in violation of this Regulation.

7.06. The possession of a permit by any person shall in no way relieve the holder thereof of his obligation to comply with the provisions of this Regulation.

Section 8. Reports and Testing.

8.01. At such reasonable times as the Director may designate, the operator of a coal preparation plant may be required to conduct or have conducted stack tests to determine the dust

loading in exhaust gases when the Director has reason to believe that the stack emission limitation is being violated. Such tests shall be conducted in such manner as the Director may specify and be filed on forms, and in a manner, acceptable to the Director. The Director, or his duly authorized representative, may at his option witness or conduct such stack tests. Should the Director exercise his option to conduct such tests, the operator will provide all the necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment, and the required safety equipment such as scaffolding, railings, ladders, etc., to comply with generally accepted good safety practices.

8.02. The Director, or his duly authorized representative, may conduct such other tests as he may deem necessary to evaluate air pollution emissions other than those noted in Sub-Section 8.01.

Section 9. Variance.

9.01. If a plant operating under a temporary permit does not meet the requirements of this Regulation, the operator of the plant shall develop and submit to the Commission an acceptable control program to meet these requirements. This control program shall be submitted upon the request of and within such time as shall be fixed by the Commission, and after said program has been approved by the Commission, the owner or operator of the plant will not

be in violation of this Regulation as long as said program is observed.

9.02. Due to unavoidable malfunctions of equipment or nonavailability of repair parts, emissions exceeding those provided for in this Regulation may be permitted by the Commission upon specific application to the Commission. Such application shall be made within 24 hours of the malfunction or within such other time period as the Commission may specify.

Section 10. Effective Date.

Regulation V shall become effective September 1, 1968.