



GROUP AGAINST SMOG & POLLUTION

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June 16, 2014

Mr. Martin L. Hochhauser, Air Quality Engineering Specialist
Pennsylvania Department of Environmental Protection
Southwest Regional Office
400 Waterfront Drive
Pittsburgh, PA 15222

Re: Emerald Coal Resources, L.P.
Emerald Coal Mine and Coal Preparation Plant (the "Mine")
Title V Operating Permit # 30-00219

Dear Mr. Hochhauser:

Please accept the following comments of the Group Against Smog and Pollution ("GASP") regarding the Title V Operating Permit for the Emerald Coal Mine and Coal Preparation Plant (the "Mine"), located in Franklin Township, Greene County. Notice of the Mine's Title V Operating Permit was published in the May 17, 2014 issue of the Pennsylvania Bulletin. That notice states that the Department will accept comments for thirty days from the date of publication of the notice, or, through June 16, 2014.

Thanks in advance for your consideration of these comments.

Very truly yours,

/s

John K. Baillie
Staff Attorney

**COMMENTS OF THE GROUP AGAINST SMOG AND POLLUTION (“GASP”)
REGARDING THE TITLE V OPERATING PERMIT FOR THE
EMERALD COAL MINE AND COAL PREPARATION PLANT (# 30-00219)**

I. The Mine Is Subject To Title V’s Operating Permit Requirements

In a June 25, 2012 cover letter for the application for a Title V Operating Permit for the Mine, Emerald Coal Resources, L.P. (“Emerald”) contended that “emissions from underground mining operations,” including methane emissions, should be treated as fugitive emissions for the purposes of determining whether the Mine’s emissions exceeded Title V permitting thresholds. That contention is incorrect. The Department correctly determined that methane that is released from exposed coal surfaces in the Mine during mining and combined with ventilation air in the mine before being emitted into the atmosphere via tunnels, shafts, vents, and/or boreholes does not qualify as “fugitive emissions.” The Pennsylvania Code defines fugitive emissions to mean “those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening.”¹ The methane that is released from coal in the Mine during mining does not qualify as “fugitive emissions” because it is collected underground and vented into the atmosphere from discrete emissions points.

Accordingly, that methane counts towards the Mine’s emissions for the purposes of determining whether the Mine is a “major source” for Title V permitting purposes.² Because the Mine’s emissions of carbon dioxide equivalents (“CO₂e”), including methane, exceeds 100,000 tons per year, it qualifies as a “major source” under Title V.³

¹ 25 Pa. Code § 121.1.

² See 42 U.S.C. § 7661(2)(B) (defining “major source” to include a stationary source that is a “major stationary source as defined in [42 U.S.C. § 7602]); 40 C.F.R. § 70.2 (stating that “[t]he fugitive emissions of a stationary source shall not be considered in determining whether it is a major stationary source for the purposes of [42 U.S.C. § 7602(j)], unless the source belongs to one” of several listed categories of source (but not including coal mines)).

³ See 40 C.F.R. § 70.2 (defining stationary sources “subject to regulation” under Title V to include those that emit 100,000 tons per year or more of CO₂e).

II. The Mine's Title V Operating Permit Application Is Incomplete Because It Does Not Identify Vents, Boreholes, Chimneys, Stacks, Or Other Emissions Points Associated With The Underground Mine

25 Pa. Code § 127.503(3) requires applications for Title V Operating Permits to identify and describe the points from which air contaminants are emitted into the atmosphere. The Mine's application for a Title V Operating Permit (and the proposed Title V Operating Permit itself) identifies and describes emissions points associated with the Mine's coal preparation plant by reference to the Mine's existing state-only operating permit, but does not identify or describe emissions points associated with the Mine itself, including the boreholes and vents from which methane and other air contaminants are emitted into the atmosphere. To comply with § 127.503(3), the Mine must identify and describe emissions points associated with the underground mine and those descriptions should be included the Mine's Title V Operating Permit.