

# **ATTACHMENT A**

**CSX TRANSPORTATION, INC  
CURTIS BAY PIERS  
PERMIT-TO-OPERATE CONDITIONS  
PERMIT NO. 510-02263**

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This permit-to-operate incorporates requirements for the following registered installations:

Registration No.	Description	Date of Installation
510-9-0352	Coal Loading facility	1923
510-9-0281	Ore Facility – including 2 Dravo un-loaders	1951
510-9-0335	Coal Facility - equipped with rail car unloading, ship & barge loaders	1980
510-9-0649*	Bulk palletized ash handling facility equipped with baghouse	1989
510-9-0335	Limestone, iron ore, coal storage area and the addition of three 84” conveyors to the existing dry material handling and storage operation.	2013

\*Un-loader and baghouse have been removed.

**PART A – GENERAL PROVISIONS**

- (1) The Application for Permit to Operate Process Equipment (Form AMA-26) received on July 22, 2013 for the renewal of the Permittee’s permit-to-operate is incorporated into this permit by reference. If there are any conflicts between representations in the application and representations in this permit, the representations in the permit shall govern. Estimates of dimensions, volumes, emissions rates, operating rates, feed rates and hours of operation included in the application for renewal do not constitute enforceable numeric limits beyond the extent necessary for compliance with applicable requirements.
- (2) Upon presentation of credentials, representatives of the Maryland Department of the Environment (“MDE” or the “Department”) and the Baltimore City Health Department shall at any reasonable time be granted, without delay and without prior notification, access to the Permittee’s property and permitted to:
  - (a) Determine compliance with the requirements of this permit and any applicable regulations;
  - (b) Sample, as necessary, to determine compliance with requirements of this permit and applicable regulations, any materials stored or processed on site, any waste materials, and any discharge into the environment;

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- (c) Inspect any monitoring equipment required by applicable regulations or by any permit issued by the Department's Air and Radiation Management Administration;
  - (d) Review and copy any records, including all documents required to be maintained by this permit and by applicable regulations, relevant to the Department's determination of compliance with an air pollution control requirement; and
  - (e) Obtain any photographic documentation or evidence necessary to determine compliance with the requirements of this permit and applicable regulations.
- (3) The Permittee shall notify the Department prior to increasing quantities and/or changing the types of any materials referenced in the application or limited by this permit. If the Department determines that such increases or changes constitute a modification, the Permittee shall obtain a permit-to-construct prior to implementing the modification
- (4) Nothing in this permit authorizes the violation of any rule or regulation or the creation of a nuisance or air pollution.
- (5) If any provision of this permit shall be held invalid for any reason, the remaining provisions shall remain in full force and effect, and such invalid provisions shall be considered severed and deleted from this permit.

**PART B – APPLICABLE REGULATIONS**

- (1) This source is subject to all applicable federal and local air pollution control requirements.
- (2) This source is subject to all applicable federally enforceable state air pollution control requirements including, but not limited to, the following regulations:
- (a) **COMAR 26.11.01.04A(1) – Requirements for Testing**  
“The Department may require any person to conduct or have conducted testing to determine compliance with this subtitle. The Department, at its option, may witness or conduct these tests. This testing will be done at a reasonable time, and all information gathered during a testing operation will be provided to both parties.”
  - (b) **COMAR 26.11.01.07C - Report of Excess Emissions.**  
“(1) In the case of any occurrence of excess emissions, expected to last or actually lasting for 1 hour or more, from any installation required by COMAR 26.11.02.13 to obtain a State permit to operate, the owner or operator shall report the onset and shall report the termination of the occurrence to the Department by telephone.

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- (2) Telephone reports of excess emissions shall include the following information:
- (a) The identity of the installation and the person reporting;
  - (b) The nature or characteristics of the emissions (for example, hydrocarbons, fluorides);
  - (c) The time of occurrence of the onset of the excess emissions and the actual or expected duration of the occurrence; and
  - (d) The actual or probable cause of the excess emissions.”
- (c) **COMAR 26.11.02.09A - Sources Subject to Permit to Construct and Approval**  
“A person may not construct or modify or cause to be constructed or modified any of the following sources without first obtaining, and having in current effect, the specified permits to construct and approvals: (6) All sources, including installations and air pollution control equipment, except as listed in Regulation .10 of this chapter--permit to construct required.”
- (d) **COMAR 26.11.06.02C(2) - Visible Emissions Standards**  
“In Areas III and IV a person may not cause or permit the discharge of emissions from any installation or building, other than water in an uncombined form, which is visible to human observers.”
- Exceptions - COMAR 26.11.06.02A(2) -** “The visible emissions standards in §C of this regulation do not apply to emissions during start-up and process modifications or adjustments, or occasional cleaning of control equipment, if:
- (a) The visible emissions are not greater than 40 percent opacity; and
  - (b) The visible emissions do not occur for more than 6 consecutive minutes in any 60-minute period.”
- (e) **COMAR 26.11.06.03B(2)(a) - Particulate Matter from Confined Sources**. “A person may not cause or permit to be discharged into the outdoor atmosphere from any other installation, particulate matter in excess of 0.03 gr/SCFD (68.7 mg/dscm). ”
- (f) **COMAR 26.11.06.03D - Particulate Matter from Materials Handling and Construction**. “A person may not cause or permit any material to be handled, transported, or stored, or a building, its appurtenances, or a road to be used, constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. These reasonable precautions shall include, but not be limited to, the following when appropriate as determined by the control officer:

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- (1) Use 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, oil, water, or suitable chemicals on dirt roads, materials stockpiles, and other surfaces which can create airborne dusts.
  - (3) Installation and use of hoods, fans, and dust collectors to enclose and vent the handling of dusty materials. Adequate containment methods shall be employed during sandblasting of buildings or other similar operations.
  - (4) Covering, at all times when in motion, open-bodied vehicles transporting materials likely to create air pollution. Alternate means may be employed to achieve the same results as would covering the vehicles.
  - (5) The paving of roadways and their maintenance in clean condition.
  - (6) The prompt removal from paved streets of earth or other material which has been transported there by trucks or earth moving equipment or erosion by water."
- (3) This source is subject to all applicable State-only enforceable air pollution control requirements including, but not limited to, the following regulations:
- (a) **COMAR 26.11.02.13A Sources Subject to State Permits to Operate.**  
"A. Except for a source that is covered by a Part 70 permit, a person may not operate or cause to be operated any of the following sources without first obtaining, and having in current effect, a State permit to operate as required by this regulation: (38) Coal or ore export loading or unloading installations.
  - (b) **COMAR 26.11.02.14D - Procedure for Obtaining State Permit to Operate and Permits to Construct Certain Sources and Permits to Construct Control Equipment on Existing Sources.** "A complete application for the renewal of a State permit to operate shall be submitted not later than 60 days before the expiration date in a State permit to operate. If a timely application for a renewal has been submitted, the current State permit to operate remains in effect until the Department makes a final decision to issue or deny the permit."
  - (c) **COMAR 26.11.02.19C - Information Required to be Maintained by a Source.**  
"(1) Beginning January 1, 1994, the owner or operator of a source for which a permit to operate is required shall maintain records necessary to support the emission certification, including the following information:
    - (a) The total amount of actual emissions of each regulated pollutant and the total of all regulated pollutants;

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- (b) An explanation of the methods used to quantify the emissions and the operating schedules and production data that were used to determine emissions, including significant assumptions made;
  - (c) Amounts, types, and analyses of all fuels used;
  - (d) Emission data from continuous emission monitors that are required by this subtitle or EPA regulations, including monitor calibration and malfunction information;
  - (e) Identification, description, and use records of all air pollution control equipment and compliance monitoring equipment, including significant maintenance performed, malfunctions and downtime, and episodes of reduced efficiency of this equipment;
  - (f) Limitations on source operation or any work practice standards that significantly affect emissions; and
  - (g) Other relevant information as required by the Department.
- (2) The logs and other records of information required by §C(1) of this regulation shall be retained for a period of 5 years and made available to the Department upon request.
- (3) If the owner or operator of a source for which a permit to operate is required fails to maintain or provide the data required by this section, which the Department requests in order to verify the emissions during the previous calendar year, the annual emission-based fee for that source shall be based on the estimated allowable emissions, as defined in COMAR 26.11.01.01B(4), of that source, as determined by the Department.”
- (d) **COMAR 26.11.02.19D - Emission Certification**
- “(1) Beginning January 1, 1994, the responsible official designated by the owner or operator of a source for which a permit to operate is required shall certify, as provided at Regulation .02F of this chapter, the actual emissions of regulated air pollutants from all installations at the plant or facility.
- (2) Certification shall be on a form obtained from the Department and shall be submitted to the Department not later than April 1 of the year following the year for which certification is required.
- (e) **COMAR 26.11.06.08 – Nuisance**
- “An installation or premises may not be operated or maintained in such a manner that a nuisance or air pollution is created. Nothing in this regulation relating to the control of emissions may in any manner be construed as authorizing or permitting the creation of, or maintenance of, nuisance or air pollution.”

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- (f) **COMAR 26.11.06.09 - Odors**  
"A person may not cause or permit the discharge into the atmosphere of gases, vapors, or odors beyond the property line in such a manner that a nuisance or air pollution is created."
  
- (g) **COMAR 26.11.15.05 - Control Technology Requirement** "New or Reconstructed Installations. A person may not construct, reconstruct, operate, or cause to be constructed, reconstructed, or operated, any new installation or source that will discharge a toxic air pollutant to the atmosphere without installing and operating T-BACT"
  
- (h) **COMAR 26.11.15.06 – Requirements for New Installations, Sources, or Premises**  
"A(1) Except as provided in §A(2) of this regulation, a person may not construct, modify, or operate, or cause to be constructed, modified, or operated, any new installation or source without first demonstrating to the satisfaction of the Department using procedures established in this chapter that total allowable emissions from the premises of each toxic air pollutant discharged by the new installation or source will not unreasonably endanger human health."

**PART C – OPERATING CONDITIONS**

- (1) The Permittee shall maintain and operate all installations and associated air pollution control equipment so as to assure full and continuous compliance with all applicable air pollution control regulations and permit conditions.
  
- (2) The Permittee shall properly maintain, calibrate, and operate all control panel instrumentation and all devices employed to monitor performance of the facility's air pollution control devices.
  
- (3) Fugitive dust from plant roads, stockpiles and other surfaces that have the potential to create airborne dusts, shall be controlled by applying water, asphalt, oil, or suitable chemical dust suppressants or combination thereof, as necessary to comply with COMAR 26.11.06.03D.
  
- (4) The Permittee shall comply with the operational requirements of its Fugitive Dust Control Plan dated July 2013 as approved or amended by the Department, including:
  - (a) Unpaved roadways:
    - (i) Watering as required; and
    - (ii) Posted speed limits.
  
  - (b) Paved roadways and parking areas:
    - (i) Sweeping as required;
    - (ii) Flushing with water as required; and

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- (iii) Posted speed limits.
- (c) Railcar unloading:
  - (i) Partial enclosure; and
  - (ii) Water spray as required.
- (d) Material storage piles:
  - (i) Tower water sprays; and
  - (ii) Water sprays at grade around the entire storage pile perimeter
- (e) Material conveying:
  - (i) Covered conveyors; and
  - (ii) Enclosed transfer points.
- (f) Ship/barge loadout:
  - (i) Telescoping chute; and
  - (ii) Water sprays as required.
- (5) The Permittee shall not transfer more than 500,000 tons of limestone and iron ore, and 1,000,000 tons of coal during any rolling 12-month period at the dry material handling and storage operation at the limestone storage area installed in 2013 as authorized by Registration No. 510-9-0335 and shown in the attached Figure 1. The Permittee shall notify the Department prior to increasing quantities and/or changing the types of any materials subject to this limitation. If the Department determines that such increases or changes constitute a modification, the Permittee shall obtain a permit-to-construct prior to implementing the modification. The three 84" conveyors referenced in Registration No. 510-9-0335 are not subject to this limitation, nor does this tonnage limitation apply to other storage areas and conveyors at the facility.

**PART D – RECORD KEEPING AND REPORTING REQUIREMENTS**

- (1) Records of the monthly amounts of limestone, iron ore, and coal processed in the dry materials handling and storage operation at the limestone storage area installed in 2013 pursuant to Registration No. 510-9-0335 shall be kept on the premises for at least five years and shall be made available to the Department upon request. The three 84" conveyors referenced in Registration No. 510-9-0335 are not subject to this requirement, nor does this requirement apply to other storage areas and conveyors at the facility.
- (2) The Permittee shall maintain at the facility for at least five (5) years records necessary to support annual certifications of emissions and demonstrations of compliance for toxic air pollutants. Such records shall include:
  - (a) Mass emissions rates for each regulated pollutant, and the total mass emissions rate for all regulated pollutants for each registered source of emissions;



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- (b) Accounts of the methods and assumptions used to quantify emissions;
  - (c) All operating data, including operating schedules and production data, that were used in the determination of emissions;
  - (d) Amounts, types, and analyses of all fuels used;
  - (e) Any records, the maintenance of which is required by this permit or by State or federal regulations, that pertain to the operation and maintenance of continuous emissions monitors, including:
    - (i) All emissions data generated by such monitors;
    - (ii) All monitor calibration data;
    - (iii) Information regarding the percentage of time each monitor was available for proper service; and
    - (iv) Information concerning any equipment malfunctions.
  - (f) Information concerning operation, maintenance, and performance of air pollution control equipment and compliance monitoring equipment, including:
    - (i) Identifications and descriptions of all such equipment;
    - (ii) Operating schedules for each item of such equipment;
    - (iii) Accounts of any significant maintenance performed,
    - (iv) Accounts of all malfunctions and outages, and
    - (v) Accounts of any episodes of reduced efficiency.
  - (g) Limitations on source operation or any work practice standards that significantly affect emissions; and
  - (h) Other relevant information as required by the Department.
- (3) The Permittee shall submit to the Department by April 1 of each year during the term of this permit a certification of emissions for the previous calendar year. The certifications shall be prepared in accordance with all applicable requirements adopted under COMAR COMAR 26.11.02.19D.

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- (a) Certifications of emissions shall be submitted on forms obtained from the Department.
- (b) A certification of emissions shall include mass emissions rates for each regulated pollutant, and the total mass emissions rate for all regulated pollutants for each of the Permittee's registered sources of emissions.
- (c) The person responsible for a certification of emissions shall certify the submittal to the Department in the following manner:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- (4) The Permittee shall submit to the Department, by April 1 of each year during the term of this permit, a written certification of the results of an analysis of emissions of toxic air pollutants from the Permittee's facility during the previous calendar year. The analysis shall include either:
  - (a) A statement that the previously submitted compliance demonstrations for emissions of toxic air pollutants remain valid; or
  - (b) A revised compliance demonstration, developed in accordance with requirements stipulated under COMAR 26.11.15 & 16, that accounts for changes in operations, analytical methods, emissions determinations, or other factors that have invalidated previous demonstrations.
- (5) The Permittee shall report, in accordance with the requirements under COMAR 26.11.01.07C, occurrences of excess emissions to the Compliance Program of the Air and Radiation Management Administration.
- (6) All notifications and reports required by this permit shall be submitted to:

Compliance Program  
Maryland Department of the Environment  
Air and Radiation Management Administration  
Montgomery Park Business Center  
1800 Washington Boulevard  
Baltimore MD 21230-1720