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Application Number: **06-3913**

Date: **To be entered upon final issuance.**

GENERAL PERMIT CONDITIONS

TERMINATION OF PERMIT TO INSTALL

Substantial construction for installation must take place within 18 months of the effective date of this permit. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

NOTICE OF INSPECTION

The Director of the Ohio Environmental Protection Agency, or his authorized representatives, may enter upon the premises of the above-named applicant during construction and operation at any reasonable time for the purpose of making inspections, conducting tests, or to examine records or reports pertaining to the construction, modification or installation of the source(s) of environmental pollutants identified within this permit.

CONSTRUCTION OF NEW SOURCES

The proposed source(s) shall be constructed in strict accordance with the plans and application submitted for this permit to the Director of the Ohio Environmental Protection Agency. There may be no deviation from the approved plans without the express, written approval of the Agency. Any deviations from the approved plans or the above conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed sources are inadequate or cannot meet applicable standards.

If the construction of the proposed source(s) has already begun or has been completed prior to the date the Director of the Environmental Protection Agency approves the permit application and plans, the approval does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the approved plans. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of Ohio Administrative Code (OAC) Rule 3745-31-02. Furthermore, issuance of the Permit to Install does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Approval of the

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plans in any case is not to be construed as an approval of the facility as constructed and/or completed. Moreover, issuance of the Permit to Install is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons) may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities cannot meet applicable standards.

PERMIT TO INSTALL FEE

In accordance with Ohio Revised Code 3745.11, the specified Permit to Install fee must be remitted within 30 days of the effective date of this permit to install.

PUBLIC DISCLOSURE

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source, are subject to public disclosure in accordance with OAC Rule 3745-49-03.

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APPLICABILITY

This Permit to Install is applicable only to the contaminant sources identified. Separate application must be made to the Director for the installation or modification of any other contaminant sources.

BEST AVAILABLE TECHNOLOGY

As specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement.

PERMIT TO OPERATE APPLICATION

A Permit to Operate application must be submitted to the appropriate field office for each air contaminant source in this Permit to Install. In accordance with OAC Rule 3745-35-02, the application shall be filed no later than thirty days after commencement of operation.

SOURCE OPERATION AFTER COMPLETION OF CONSTRUCTION

This facility is permitted to operate each source described by this permit to install for a period of up to one year from the date the source commenced operation. This permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws and regulations.

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AIR EMISSION SUMMARY

The air contaminant emissions units listed below comprise the Permit to Install for **Sands Hill Coal Company, Inc.** located in **Gallia** County. The emissions units listed below shall not exceed the emission limits/control requirements contained in the table. This condition in no way limits the applicability of any other state or federal regulations. Additionally, this condition does not limit the applicability of additional special terms and conditions of this permit.

Ohio EPA Source Number	Source Identification Description	BAT Determination	Applicable Federal & OAC Rules	Permit Allowable Mass Emissions and/or Control/Usage Requirements
F001	Paved Plant Roadways and Parking Areas -Entrance Road from State Route 7 to Scalehouse -Exit Road from Wheelwash to State Route 7	5 percent opacity; best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (See the Additional Terms and Conditions.)	3745-31-05(A)(3)	5 percent opacity; best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (See the Additional Terms and Conditions.)
	Unpaved Plant Roadways and Parking Areas -Scalehouse to Wheelwash Road -Scalehouse Parking -Loading Facility		3745-31-05(A)(3)	5 percent opacity; best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (See the Additional Terms and Conditions.)
F001	Parking Area			6.63 tons/year PM

Cont'd

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<u>Ohio EPA Source Number</u>	<u>Source Identification Number</u>	<u>BAT Determination</u>	<u>Applicable Federal & OAC Rules</u>	<u>Permit Allowable Mass Emissions and/or Control/Usage Requirements</u>
F002	load-in or load-out of coal storage piles	20 percent opacity, as a 3-minute average; best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (See the Additional Terms and Conditions.)	3745-31-05(A)(3)	20 percent opacity, as a 3-minute average; best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (See the Additional Terms and Conditions.)
	wind erosion from coal storage piles	10 percent opacity, as a 3-minute average; best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (See the Additional Terms and Conditions.)	3745-31-05(A)(3)	10 percent opacity, as a 3-minute average; best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (See the Additional Terms and Conditions.)
F002 Cont'd				0.646 tons/year PM
F003	coal conveyors, coal transfer points, coal loading of barges, other miscellaneous coal handling	20 percent opacity, as a 3-minute average; best available control measures that are sufficient to minimize or	3745-31-05(A)(3)	20 percent opacity, as a 3-minute average; best available control measures that are sufficient to minimize or

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eliminate visible
emissions of
fugitive dust (See
the Additional Terms
and Conditions.)

eliminate
visible
emissions of
fugitive dust
(See the
Additional Terms
and Conditions.)

0.99 ton/year PM

SUMMARY
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

<u>Pollutant</u>	<u>Tons/Year</u>
PM/PM ₁₀	≤8.3

RECORD(S) RETENTION AND AVAILABILITY

All records required by this Permit to Install shall be retained on file for a period of not less than three years unless otherwise indicated by Ohio Environmental Protection Agency. All records shall be made available to the Director, or any representative of the Director, for review during normal business hours.

REPORTING REQUIREMENTS

Unless otherwise specified, reports required by the Permit to Install need only be submitted to **Ohio EPA, Southeast District Office, 2195 Front Street, Logan, OH 43138.**

WASTE DISPOSAL

The owner/operator shall comply with any applicable state and federal requirements governing the storage, treatment, transport and disposal of any waste material generated by the operation of the sources.

MAINTENANCE OF EQUIPMENT

This source and its associated air pollution control system(s) shall be maintained regularly in accordance with good engineering

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practices and the recommendations of the respective manufacturers in order to minimize air contaminant emissions.

MALFUNCTION/ABATEMENT

In accordance with OAC RULE 3745-15-06, any malfunction of the source(s) or associated air pollution control system(s) shall be reported immediately to the **Ohio EPA, Southeast District Office, 2195 Front Street, Logan, OH 43138.**

Except as provided by OAC Rule 3745-15-06(A)(3), scheduled maintenance of air pollution control equipment that requires the shutdown or bypassing of air pollution control system(s) must be accompanied by the shutdown of the associated air pollution sources.

AIR POLLUTION NUISANCES PROHIBITED

The air contaminant source(s) identified in this permit may not cause a public nuisance in violation of OAC Rule 3745-15-07.

ADDITIONAL SPECIAL TERMS AND CONDITIONS

A. Additional Terms and Conditions

I. Control Measures and Control Requirements

1. The paved roadways that are covered by this permit and subject to the requirements of this permit are listed below:

Paved roadways

Entrance road from State Route 7 to Scalehouse Exit road from wheelwash to State Route 7

2. The unpaved roadways and parking areas that are covered by this permit and subject to the requirements of this permit are listed below:

Unpaved roadways

Scalehouse to wheelwash road

Unpaved parking areas

Scalehouse parking area
Loading facility parking area

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3. In accordance with paragraph A.I.6., the permittee shall employ best available control measures on all paved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to treat the paved roadways and parking areas by maintaining the pavement on the entrance and exit roads, enforcing a 5 mile per hour speed limit, employing a wheelwash station with stutter bumps, using a sweeper truck, and utilizing one-way roadways. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

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4. The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water, use of a street sweeper, or other means.
5. In accordance with paragraph A.I.6., the permittee shall employ best available control measures on all unpaved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to treat the unpaved roadways and parking areas with water sprays and put down fresh aggregate at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
6. The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit, which inspections must only be performed when the facility is in operation. Implementation of the control measures shall not be necessary for a paved or unpaved roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Implementation of any control measure may be suspended if conditions make implementing the controls impossible or if unsafe or hazardous conditions would be created by its use.
7. Any unpaved roadway or parking area, which during the term of this permit is paved or takes the characteristics of a paved surface due to the application of certain types of dust suppressants, may be controlled with the control measures specified above for paved surfaces. Any unpaved roadway or parking area that takes the characteristics of a paved roadway or parking area due to the application of certain types of dust suppressants shall remain subject to the visible emission limitation for unpaved roadways and parking areas. Any unpaved roadway or parking area that is paved shall be subject to the visible emission limitation for paved roadways and parking

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areas.

8. Open-bodied vehicles transporting materials likely to become airborne shall have such materials covered at all times if the control measure is necessary for the materials being transported.
9. All coal storage piles in existence upon the effective date of this permit are covered by this permit and subject to the requirements of this permit.
10. In accordance with paragraph A.I.11., the permittee shall employ best available control measures on all coal load-in and load-out operations associated with the coal storage piles and for wind erosion from the surfaces of all storage piles for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to treat the coal load-in and load-out operations and pile surfaces with water sprays at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.
11. The above-mentioned control measures shall be employed for each coal load-in and load-out operation and surface of each storage pile if the permittee determines, as a result of the inspections conducted pursuant to the monitoring section of this permit, that the control measures are necessary to ensure compliance with the above-mentioned applicable requirements. Such inspections must only be performed when the facility is in operation. Any required implementation of the control measures shall

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continue during any such operation until further observation confirms that use of the measures is unnecessary.

12. The coal transfer operations in existence upon the effective date of this permit are covered by this permit and subject to the requirements of this permit are listed below:

- coal conveyors
- coal transfer points
- loading of coal into barges
- other miscellaneous coal handling

13. In accordance with paragraph A.I.14., the permittee shall employ best available control measures on all coal conveyors, coal transfer points, coal loading stations for barges, and other miscellaneous coal handling operations for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to treat the coal transferred through these operations with water sprays at sufficient treatment frequencies. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance, such as the use of adequate enclosure.

14. For each coal conveyor, coal transfer point, coal loading station for barges, and other miscellaneous coal handling operation that is not adequately enclosed, such conveyor, transfer point, barge loading station, or other miscellaneous coal handling operation shall be treated with water if the permittee determines, as a result of the inspections conducted pursuant to the monitoring section of this permit, that the control measures are necessary to ensure compliance with the above-mentioned applicable requirements. Such inspections must only be performed when the facility is in operation. Any required implementation of the control measures shall continue during operation of any coal conveyor, coal transfer point, coal loading station for barges, or other miscellaneous coal handling operation until further observation confirms that use of the control measures is unnecessary.

15. Implementation of the above-mentioned control

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measures in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the best available technology requirements of OAC rule 3745-31-05.

II. Operational Restriction

None.

III. Monitoring and/or Recordkeeping Requirements

1. Except as otherwise provided in this section, the permittee shall perform inspections of the roadways and parking areas in accordance with the following frequencies:

paved roadways and parking areas
All Paved Roadways and Parking Areas

minimum inspection frequency
daily when facility is in operation

unpaved roadways and parking areas
All Unpaved Roadways and Parking Areas

minimum inspection frequency
daily when facility is in operation

2. The purpose of the inspections for roadways and parking areas is to determine the need for implementing the above-mentioned control measures. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that is covered with snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above

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identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.

3. Except as otherwise provided in this section, the permittee shall perform inspections of the coal load-in and load-out operations, and of the pile surfaces for wind erosion, for each coal storage pile, in accordance with the following frequencies:

<u>coal storage pile operation</u>	<u>minimum inspection frequency</u>
coal load-in	daily when facility is in operation
coal load-out	daily when facility is in operation
wind erosion	daily when facility is in operation

4. No inspection shall be necessary for wind erosion from the surface of a pile when the pile is covered with snow and/or ice and for any storage pile activity if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.
5. The purpose of the inspections for coal storage piles is to determine the need for implementing the control measures specified in this permit for coal load-in or load-out of each storage pile, and wind erosion from the surface of each coal storage pile. The inspections shall be performed during representative, normal storage pile operating conditions.
6. Except for coal transfer operations that are adequately enclosed, the permittee shall perform inspections of all coal transfer operations in accordance with the following frequencies:

<u>coal transfer operation</u>	<u>minimum inspection frequency</u>
coal conveyors	daily when facility is in operation
coal transfer points	daily when facility is in operation
barge loading	daily when facility is in operation
other miscellaneous coal handling	daily when facility is in operation

7. The above-mentioned inspections for coal transfer operations shall be performed during representative,

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normal operating conditions.

8. The permittee may, upon receipt of written approval from the appropriate Ohio EPA District Office or local air agency, modify the above-mentioned inspection frequencies if operating experience indicates that less frequent inspections would be sufficient to ensure compliance with the above-mentioned applicable requirements.
9. The permittee shall maintain records of the following information:
 - a. the date and reason any required inspection was not performed, including those inspections for roadways and parking areas and wind erosion from pile surfaces that were not performed due to snow and/or ice cover or precipitation;
 - b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;
 - c. the dates the control measures were implemented;
 - d. if control measures are suspended pursuant to paragraph A.I.6. because of impossible, unsafe or hazardous conditions, documentation of those conditions; and,
 - e. on a calendar quarter basis, the total number of days the control measures were implemented, and also for roadways and parking areas and wind erosion from pile surfaces, the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

The information in 9.e. shall be kept separately for (i) the paved roadways and parking areas, (ii) the unpaved roadways and parking areas, (iii) the storage pile load-in operations, (iv) the storage pile load-out operations, (v) the pile surfaces, and (vi) each coal transfer operation identified above, and shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

IV Reporting Requirements

1. The permittee shall submit deviation reports that identify any of the following occurrences:

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- a. each day during which an inspection was not performed by the required frequency, excluding an inspection for roadways and parking areas and wind erosion from pile surfaces which was not performed due to an exemption for snow and/or ice cover or precipitation; and,
 - b. each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.
2. The deviation reports shall be submitted in accordance with the reporting requirements below (or in accordance with the General Terms and Conditions of the permit to operate). The permittee shall submit required reports in the following manner:
 - a. Reports of any required monitoring and/or recordkeeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.
 - b. Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and recordkeeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)
3. Records Retention Requirements

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of three years from the

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date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Such records may be maintained in computerized form.

V. Testing Requirements

1. Compliance with the visible emission limitations identified above shall be determined in accordance with the following methods:

a. Emission Limitation

5 percent opacity for paved and unpaved roadways and parking areas

Applicable Compliance Method

Test Method 9 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources"), as such Appendix existed on July 1, 1996, and the modifications listed in paragraphs (B)(3)(d)(i) and (B)(3)(d)(ii) of OAC rule 3745-17-03

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b. Emission Limitations

20 percent opacity, as a 3-minute average, for load-in or load-out of coal storage piles and for coal conveyors, coal transfer points, coal loading of barges, and other miscellaneous coal handling operations; 10 percent opacity, as a 3-minute average, for wind erosion from coal storage piles

Applicable Compliance Method

Test Method 9 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources"), as such Appendix existed on July 1, 1996, and the modification listed in paragraph (B)(3)(a) of OAC rule 3745-17-03

c. Emission Limitations

F001: based on AP-42 11.2.1 & 11.2.6.1
6.63 tons per year of particulate emissions

Applicable Compliance Method

Compliance with the 6.63 tons per year limit shall be determined based upon emission calculations using AP-42 emissions factors in Sections 13.2.1 for paved roadways and 13.2.2 for unpaved roadways.

No testing and/or record keeping is specifically required to demonstrate compliance with this emissions limit, but, if appropriate, may be requested by Ohio EPA pursuant to OAC rule 3745-15-04(A).

d. Emission Limitation

F002: based on AP-42 11.2.3
0.646 ton per year of particulate emissions

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Applicable Compliance Method

Compliance with the 0.646 ton per year limit shall be determined based upon emission calculations using AP-42 emissions factors in Section 13.2.4.

No testing and/or recordkeeping is specifically required to demonstrate compliance with this emissions limit, but, if appropriate, may be requested by Ohio EPA pursuant to OAC rule 3745-15-04(A).

e. Emission Limitation

F003: based on AP-42 13.2.4.

0.99 ton per year of particulate emissions

Applicable Compliance Method

Compliance with the 0.99 ton per year limit shall be determined based upon emission calculations using AP-42 emissions factors in Section 11.2.3.

No testing and/or recordkeeping is specifically required to demonstrate compliance with this emissions limit, but, if appropriate, may be requested by Ohio EPA pursuant to OAC rule 3745-15-04(A).

2. In the Consent Decree entered in State of Ohio vs. Sands Hill Coal Company, Inc. on April 1, 1999, the permittee agreed to perform the following supplemental environmental project:

For the next five years, the permittee is hereby required to perform four compliance audits per year, once per calendar quarter, except that if any audit documents a violation of the permit limits, the permittee shall conduct another audit during the same calendar quarter. If the permittee does not operate for any entire calendar quarter, it does not need to perform the audit that quarter. Each audit must review and report on the permittee's compliance with any permits issued to the permittee for this facility. In addition, the contractor or auditor must be certified to perform visible emission readings, and shall take the following readings during each audit:

- a. for unpaved roadways, three 1-hour sets of visible emissions readings using U.S. EPA Method 22

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readings at three different locations (three hours total);

- b. for paved roadways, two 1-hour sets of visible emission readings using U.S. EPA Method 22 readings at two different locations (two hours total);
- c. for one of the storage piles, 1 hour of visible emission readings using U.S. EPA Method 22; and,
- d. for one of the material transfer operations, 1 hour of visible emission readings using U.S. EPA Method 9.

The permittee shall submit a written report that describes the results of the audits, including copies of the visible emissions readings, to Ohio EPA, Southeast District Office within thirty days after each audit is conducted.