

FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT

FOR

EL PASO NATURAL GAS COMPANY

**LAGUNA COMPRESSOR STATION
LAGUNA, CIBOLA COUNTY, NEW MEXICO**

Based On
40 Code of Federal Regulations (CFR) Part 71
Federal Operating Permit Program
Promulgated July 1, 1996



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 6
 1445 ROSS AVENUE, SUITE 1200
 DALLAS, TX 75202-2733

FEDERAL CLEAN AIR ACT TITLE V OPERATING PERMIT

Issue Date:	<u>3/18/2015</u>	Permit Number:	R6NM-02-09R1
Effective Date:	<u>3/18/2015</u>	Replaces Permit Number:	R6FOPP71-02
Expiration Date:	<u>3/18/2020</u>		

In accordance with the provisions of Title V of the Clean Air Act and 40 CFR Part 71 and applicable rules and regulations,

El Paso Natural Gas Company, LLC
 Laguna Compressor Station
 Laguna, Cibola County, New Mexico

is authorized to operate air emission units and to conduct other air pollutant emitting activities in accordance with the permit conditions listed in this permit.

This source is authorized to operate in the following location(s):

5 miles southeast of Laguna, New Mexico in Cibola County,
 Latitude: 34° 59' 42"; Longitude: 107° 18' 51"
 Laguna Reservation in New Mexico

Terms not otherwise defined in this permit have the meaning assigned to them in the referenced regulations. All terms and conditions of the permit are enforceable by the Environmental Protection Agency (EPA) and citizens under the Clean Air Act.

If all proposed control measures and/or equipment are not installed and properly operated and maintained, this will be considered a violation of the permit.

The permit number cited above should be referenced in future correspondence regarding this facility.

Wren Stenger
 Wren Stenger
 Director
 Multimedia Planning and Permitting Division
 United States Environmental Protection Agency

3/18/15
 Date

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Terms, Abbreviations and Acronyms

Source Facility	El Paso Natural Gas Company, LLC, Laguna Compressor Station
CAA	Clean Air Act [42 United States Code Section 7401 <u>et seq.</u>]
CFR	Code of Federal Regulations
HAP	Hazardous Air Pollutant
hr	hour
ID. No.	Identification Number
MMBtu	Million British Thermal Units
mmscf/yr	Million Standard Cubic Feet per year
NOx	Nitrogen Oxides
PM10	Particulate matter less than 10 microns in diameter
PM2.5	Particulate matter less than 2.5 microns in diameter
SO ₂	Sulfur Dioxide
EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds
MBTA	Migratory Bird Treaty Act
IC engine	internal combustion engine – formerly referred to as reciprocating engine
NHPA	National Historic Preservation Act
ESA	Endangered Species Act
ES	Endangered Species
FWS	Fish and Wildlife Service (Department of Interior)

List of Tables

Table 1.	Source Emission Points and Control Devices
Table 2.	Potential to Emit in Tons per Year
Table 3:	Applicable Regulations
Table 4:	NESHAP General Provisions

1. Source Identification and Unit Specific Information

1.1. General Source Information

Owner and Operator: El Paso Natural Gas Company, LLC
2 North Nevada Avenue
Colorado Springs, Colorado 80903

Plant Name: Laguna Compressor Station

Plant location: 5 miles Southeast of Laguna, New Mexico

EPA Region: 6

State: New Mexico

Tribe: Laguna

County: Cibola

Reservation: Laguna Indian Reservation

Plant mailing address: 3801 Atrisco Boulevard, N.W.
Albuquerque, NM 87120

Responsible Official: Philip L. Baca
Albuquerque Division Director
El Paso Natural Gas Company, LLC
5151 E. Broadway, Suite 1680
Tucson, Arizona 85711
Phone: (520) 663-7113

Plant Contact: Richard Duarte
Engineer-Air Compliance
El Paso Natural Gas Company, LLC
8725 Alameda Park Dr. NE.
Albuquerque, NM 87113
Phone: (505) 831-7763

Standard Industrial Code (SIC) Code: 4922

Aerometric Information Retrieval System (AIRS) Facility System Plant ID. No.:
R6NM-02-09R1 (replaces R6FOPP71-02)

Description of Process:

El Paso Natural Gas Company, LLC – Laguna Compressor Station with SIC code 4922, is a natural gas compression and transmission facility with pressurized natural gas as its principal product.

1.2. Source Emission Points

Table 1: Source Emission Points and Control Devices – El Paso Natural Gas Company, Laguna Compressor Station

Unit No.	Type of Unit Serial No.	Manufacturer Model No. Design Heat Input	Operating Range or Size of Unit	Date of Installation	Primary Use	Control Equipment
A-01	I/C Engine 79007	Clark 23.8 MMBtu/hr		1958	Compressor drive	None
A-02	I/C Engine 79008	Clark 23.8 MMBtu/hr		1958	Compressor drive	None
A-03	I/C Engine 79005	Clark 23.8 MMBtu/hr		1958	Compressor drive	None
AUX A-01	RIC Engine 8CPST227	Ingersol Rand 4.6 MMBtu/hr		1958	Electrical generation	None
AUX A-02	RIC Engine 8CPST228	Intgersol Rand 4.6 MMBtu/hr		1958	Electrical generation	None

Table 2: Potential to Emit in Tons per Year (tpy)¹ – El Paso Natural Gas Company, Laguna Compressor Station

Unit ID	NOx	VOC	SO2	PM2.5	PM10	CO	Lead	HAP ²
A-01, Clark TLA-10, NG fired Engine,	611.4	25.6	2.0	7.0	7.0	141.3	0	11.6
A-02, Clark TLA-10, NG fired Engine,	611.4	25.6	2.0	7.0	7.0	141.3	0	11.6
A-03, Clark TLA-10, NG fired Engine,	611.4	25.6	2.0	7.0	7.0	141.3	0	11.6
AUX A-01, Ingersoll-Rand	143.7	6.3	0.5	0.7	0.7	149.1	0	0.6
AUX A-02, Ingersoll-Rand	143.7	6.3	0.5	0.7	0.7	149.1	0	0.6
Facility SSM Emissions	0.0	3.8	0.0	0.0	0.0	0.0	0.0	0.13

TOTALS tpy	2,121.6	93.2	7.0	22.4	22.4	722.1	0	36.13
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¹ Numbers contained in this table are for uncontrolled emissions, are for information purposes only, and are not an enforceable conditions. See Condition 4.2 for applicable enforceable limitations.

² Mostly formaldehyde

NOx - oxides of nitrogen

VOC - volatile organic compounds (non-HAP)

SO2 - sulfur dioxide

PM10 - particulate matter with a diameter 10 microns or less

CO - carbon monoxide

HAP - hazardous air pollutants (see CAA Section 112(b))

NG - natural gas

2. Permit Shield [40 CFR section 71.6(f)]

2.1. Nothing in this permit shall alter or affect the following:

2.1.1. The provisions of Section 303 of the CAA (emergency orders), including the authority of the Administrator under that section.

2.1.2. The liability of a permittee for any violation of applicable requirements prior to or at the time of permit issuance;

2.1.3. The ability of the EPA to obtain information from a source under Section 114 of the CAA or;

2.2. Compliance with the terms and conditions of this permit shall be deemed in compliance with the applicable requirements specifically listed in this permit as of the date of permit issuance.

3. Facility Wide Permit Conditions - Permit Requirements

3.1. Specific Permit Requirements

The source will continue to comply with all applicable requirements. For applicable requirements that will become effective during the term of the permit, the source will meet such requirements on a timely basis. The permittee shall comply with all the applicable requirements of Federal Regulations. In particular, the permittee shall comply with the following:

Table 3: Applicable Regulations for El Paso Natural Gas Company Laguna Compressor Station

Citation	Requirement	Comment
40 CFR Part 71	Federal Operating Permits Program	Unit No.'s A-01, A-02, A-03, Aux A-01, Aux A-02
40 CFR Part 63, Subpart A	General Provisions	Unit No.'s Aux A-01 and Aux A-02
40 CFR Part 63, Subpart ZZZZ	National Emission Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines	Unit No.'s Aux A-01 and Aux A-02

The El Paso Natural Gas Company, LLC - Laguna Compressor Station application was reviewed for compliance with the Part 71 Operating Permit Program. Based on the information provided by El Paso Gas Company, LLC in their application, Laguna Compressor Station would be subject to the following General permit requirements:

3.2. General Permit Requirements

Conditions in this section apply to all emissions units located at the facility, including any units not specifically listed in Table 1.

3.2.1. Pollution control equipment installed at this facility shall be maintained and tested per the requirements and compliance measures of 40 CFR Part 63, Subparts A and ZZZZ.

3.2.2. The amount of natural gas burned in emission units shall not exceed the following:

- Unit No. A-01 – 319.5 mmscf/yr;
- Unit No. A-02 – 319.5 mmscf/yr
- Unit No. A-03 – 319.5 mmscf/yr
- Unit No. Aux A-01 – 78.1 mmscf/yr
- Unit No. Aux A-02 – 78.1 mmscf/yr

3.2.3. The actual heat input for emission Unit No. A-01, Unit No. A-02, and Unit No. A-03 shall not exceed 33.26 MMBtu/hr, adjusted for elevation; and for Unit No. Aux A-01 and A-02 shall not exceed 8.13 MMBtu/hr, adjusted for elevation.

- 3.2.4. Compliance Tests: Compliance tests from units at this source will be conducted, using applicable EPA Methods established within 40 CFR Part 51, Appendix M, or as otherwise specified in the permit by applicable requirements.
- 3.2.5. Monitoring
- 3.2.5.1. Fuel consumption for Unit Nos. A-01, A-02, A-03, Aux A-01, and Aux A-02 shall be monitored monthly for individual, per unit and cumulative use, per units in mmscf/yr.
- 3.2.5.2. Heat input rate for Unit Nos. A-01, A-02, A-03, Aux A-01 and Aux A-02 shall be monitored monthly for individual highest rate in MMBtu/hr, per unit.
- 3.2.6. Reporting/Recordkeeping
- 3.2.6.1. The permittee shall keep records on all repair and maintenance activities performed on all emission units. These records shall identify the relevant emission unit and describe the work performed.
- 3.2.6.2. The fuel flow/consumption for each emissions unit (Unit Nos. A-01, A-02, A-03, Aux A-01 and Aux A-02) shall be recorded on a monthly basis.
- 3.2.6.3. The records of fuel consumption shall be maintained for each emission unit (Unit Nos. A-01, A-02, A-03, Aux A-01 and Aux A-02).
- 3.2.6.4. The actual heat input rate for emission Unit Nos. A-01, A-02, A-03, Aux A-01 and Aux A-02 shall be recorded on a monthly average basis.
- 3.2.6.5. The records of heat input shall be maintained for emission Unit Nos. A-01, A-02, A-03, Aux A-01 and Aux A-02.
- Conditions in this section apply to all emissions units located at the facility, including any units not specifically listed in Table 1.
- 3.2.7. The permittee shall keep records of the serial numbers for each emissions unit. The emission units and their serial numbers are: A-01 with serial number 79007; A-02 with serial number 79008; A-03 with serial number 79005; AUX A-01 with serial number 8CPST227 and AUX A-02 with serial number 8CPST228. A change in serial number should also be reflected in the report. See 3.2.9.
- 3.2.8. Retention of records and support information shall be for a period of at least five years from the date of measurement or report. Support information includes all

calibration and maintenance records, all original strip-chart recordings or monitoring instrumentation, and copies of all reports required by this permit.

- 3.2.9. The permittee shall submit to the EPA reports of any monitoring and recordkeeping required under this permit semi-annually by April 1 and October 1 of each year. The report due on April 1 shall cover the prior six-month period from September 1 through the end of February. The report due on October 1 shall cover the prior six-month period from March 1 through the end of August.

Copies of these records shall also be sent to:

Environmental Director
 Pueblo of Laguna
 P.O. Box 194
 Laguna, NM 87026

4. Engine NESHAP Requirements

4.1 General Provisions

The permittee shall comply with the following requirements from the NESHAP General Provisions for Units AUX A-01 and AUX A-02 only:

Table 4 – NESHAP General Provisions applicable to 40 CFR Part 63, Subpart ZZZZ

General Provisions Citation	Subject of Citation	Applies to Subpart	Explanation
§ 63.1	General applicability of the General Provisions	Yes	
§ 63.2	Definitions	Yes	Additional terms defined in 40 CFR § 63.6675.
§ 63.3	Units and abbreviations	Yes	
§ 63.4	Prohibited activities and circumvention	Yes	
§ 63.5	Construction and reconstruction	Yes	
§ 63.6(a)	Applicability	Yes	

General Provisions Citation	Subject of Citation	Applies to Subpart	Explanation
§ 63.6(b)(1)–(4)	Compliance dates for new and reconstructed sources	Yes	
§ 63.6(b)(5)	Notification	Yes	
§ 63.6(b)(6)	[Reserved]		
§ 63.6(b)(7)	Compliance dates for new and reconstructed area sources that become major sources	Yes	
§ 63.6(c)(1)–(2)	Compliance dates for existing sources	Yes	
§ 63.6(c)(3)–(4)	[Reserved]		
§ 63.6(c)(5)	Compliance dates for existing area sources that become major sources	Yes	
§ 63.6(d)	[Reserved]		
§ 63.6(e)(1)	Operation and maintenance	Yes	
§ 63.6(e)(3)	Startup, shutdown, and malfunction plan	Yes	
§ 63.6(f)(1)	Applicability of standards except during startup shutdown malfunction (SSM)	Yes	
§ 63.6(f)(2)	Methods for determining compliance	Yes	
§ 63.6(f)(3)	Finding of compliance	Yes	
§ 63.6(g)(1)–(3)	Use of alternate standard	Yes	
§ 63.6(h)	Opacity and visible emission standards.	No	Subpart ZZZZ does not contain opacity or visible emission standards.
§ 63.6(i)	Compliance extension procedures and criteria	Yes	

General Provisions Citation	Subject of Citation	Applies to Subpart	Explanation
§ 63.6(j)	Presidential compliance exemption	Yes	
§ 63.7(a)(1)–(2)	Performance test dates	Yes	Subpart ZZZZ contains performance test dates at 40 CFR §§ 63.6610, 63.6611, and 63.6612.
§ 63.7(a)(3)	CAA section 114 authority	Yes	
§ 63.7(b)(1)	Notification of performance test	Yes	Except that § 63.7(b)(1) only applies as specified in 40 CFR § 63.6645.
§ 63.7(b)(2)	Notification of rescheduling	Yes	Except that § 63.7(b)(2) only applies as specified in 40 CFR § 63.6645.
§ 63.7(c)	Quality assurance/test plan	Yes	Except that § 63.7(c) only applies as specified in 40 CFR § 63.6645.
§ 63.7(d)	Testing facilities	Yes	
§ 63.7(e)(1)	Conditions for conducting performance tests	Yes	Subpart ZZZZ specifies conditions for conducting performance tests at 40 CFR § 63.6620.
§ 63.7(e)(2)	Conduct of performance tests and reduction of data	Yes	Subpart ZZZZ specifies test methods at 40 CFR § 63.6620.
§ 63.7(e)(3)	Test run duration	Yes	
§ 63.7(e)(4)	Administrator may require other testing under section 114 of the CAA	Yes	
§ 63.7(f)	Alternative test method provisions	Yes	

General Provisions Citation	Subject of Citation	Applies to Subpart	Explanation
§ 63.7(g)	Performance test data analysis, recordkeeping, and reporting	Yes	
§ 63.7(h)	Waiver of tests	Yes	
§ 63.8(a)(1)	Applicability of monitoring requirements	Yes	Subpart ZZZZ contains specific requirements for monitoring at 40 CFR § 63.6625.
§ 63.8(a)(2)	Performance specifications	Yes	
§ 63.8(a)(3)	[Reserved]		
§ 63.8(a)(4)	Monitoring for control devices.	No	
§ 63.8(b)(1)	Monitoring	Yes	
§ 63.8(b)(2)–(3)	Multiple effluents and multiple monitoring systems	Yes	
§ 63.8(c)(1)	Monitoring system operation and maintenance	Yes	
§ 63.8(c)(1)(i)	Routine and predictable SSM	Yes	
§ 63.8(c)(1)(ii)	SSM not in Startup Shutdown Malfunction Plan	Yes	
§ 63.8(c)(1)(iii)	Compliance with operation and maintenance requirements	Yes	
§ 63.8(c)(2)–(3)	Monitoring system installation	Yes	
§ 63.8(c)(4)	Continuous monitoring system (CMS) requirements	Yes	Except that subpart ZZZZ does not require Continuous Opacity Monitoring System (COMS).

General Provisions Citation	Subject of Citation	Applies to Subpart	Explanation
§ 63.8(c)(5)	COMS minimum procedures	No	Subpart ZZZZ does not require COMS.
§ 63.8(c)(6)–(8)	CMS requirements	Yes	Except that subpart ZZZZ does not require COMS.
§ 63.8(d)	CMS quality control	Yes	
§ 63.8(e)	CMS performance evaluation	Yes...Except that § 63.8(e) only applies as specified in § 63.6645.	Except for § 63.8(e)(5)(ii), which applies to COMS.
§ 63.8(f)(1)–(5)	Alternative monitoring method	Yes	Except that § 63.8(f)(4) only applies as specified in 40 CFR § 63.6645.
§ 63.8(f)(6)	Alternative to relative accuracy test	Yes	Except that § 63.8(f)(6) only applies as specified in 40 CFR § 63.6645.
§ 63.8(g)	Data reduction	Yes	Except that provisions for COMS are not applicable. Averaging periods for demonstrating compliance are specified at 40 CFR §§ 63.6635 and 63.6640.
§ 63.9(a)	Applicability and State delegation of notification requirements	Yes	
§ 63.9(b)(1)–(5)	Initial notifications	Yes...Except that § 63.9(b) only applies as specified in § 63.6645.	Except that § 63.9(b)(3) is reserved.
§ 63.9(c)	Request for compliance extension	Yes	Except that § 63.9(c) only applies as specified in 40 CFR § 63.6645.

General Provisions Citation	Subject of Citation	Applies to Subpart	Explanation
§ 63.9(d)	Notification of special compliance requirements for new sources	Yes	Except that § 63.9(d) only applies as specified in 40 CFR § 63.6645.
§ 63.9(e)	Notification of performance test	Yes	Except that § 63.9(e) only applies as specified in 40 CFR § 63.6645.
§ 63.9(f)	Notification of visible emission (VE)/opacity test.	No	Subpart ZZZZ does not contain opacity or VE standards.
§ 63.9(g)(1)	Notification of performance evaluation	Yes	
§ 63.9(g)(2)	Notification of use of COMS data.	No	Subpart ZZZZ does not contain opacity or VE standards.
§ 63.9(g)(3)	Notification that criterion for alternative to RATA is exceeded	Yes...Except that § 63.9(g) only applies as specified in § 63.6645.	If alternative is in use.
§ 63.9(h)(1)–(6)	Notification of compliance status	Yes	Except that notifications for sources using a CEMS are due 30 days after completion of performance evaluations. 40 CFR § 63.9(h)(4) is reserved.
§ 63.9(i)	Adjustment of submittal deadlines	Yes	
§ 63.9(j)	Change in previous information	Yes	
§ 63.10(a)	Administrative provisions for record keeping/reporting	Yes	
§ 63.10(b)(1)	Record retention	Yes	

General Provisions Citation	Subject of Citation	Applies to Subpart	Explanation
§ 63.10(b)(2)(i)–(v)	Records related to SSM	No	
§63.10(b)(2)(vi)–(xi)	Records	Yes	
§ 63.10(b)(2)(xii)	Record when under waiver	Yes	
§ 63.10(b)(2)(xiii)	Records when using alternative to RATA	Yes	For CO standard if using RATA alternative.
§ 63.10(b)(2)(xiv)	Records of supporting documentation	Yes	
§ 63.10(b)(3)	Records of applicability determination	Yes	
§ 63.10(c)	Additional records for sources using CEMS	Yes	Except that § 63.10(c)(2)–(4) and (9) are reserved.
§ 63.10(d)(1)	General reporting requirements	Yes	
§ 63.10(d)(2)	Report of performance test results	Yes	
§ 63.10(d)(4)	Progress reports	Yes	
§ 63.10(d)(5)	Startup, shutdown, and malfunction reports	No	
§ 63.10(e)(1) and (2)(i)	Additional CMS reports	Yes	
§ 63.10(e)(2)(ii)	COMS-related report	No	Subpart ZZZZ does not require COMS.
§ 63.10(e)(3)	Excess emission and parameter exceedances reports	Yes	Except that 40 CFR § 63.10(e)(3)(i)(C) is reserved.
§ 63.10(e)(4)	Reporting COMS data.	No	Subpart ZZZZ does not require COMS.

General Provisions Citation	Subject of Citation	Applies to Subpart	Explanation
§ 63.10(f)	Waiver for recordkeeping/reporting	Yes	
§ 63.11	Flares	No	
§ 63.12	State authority and delegations	Yes	
§ 63.13	Addresses	Yes	
§ 63.14	Incorporation by reference	Yes	
§ 63.15	Availability of information	Yes	

4.2 Emission Limits

4.2.1 Units AUX A-01 and AUX A-02 must comply with one of the following requirements [40 CFR § 63.6600(a), Table 1a]:

4.2.1.1 Reduce formaldehyde emissions by 76 percent or more, or

4.2.1.2 Limit the concentration of formaldehyde in the stationary RICE exhaust to 350 ppb_{vd} or less at 15 percent O₂.

4.3 Operational Requirements

4.3.1 If NSCR is used to meet the emission limitation, then the engine must meet the following requirements [40 CFR § 63.6600(a), Table 1b]:

4.3.1.1 Maintain the catalyst so that the pressure drop across the catalyst does not change by more than two inches of water at 100 percent load plus or minus 10 percent from the pressure drop across the catalyst measured during the initial performance test; and

- 4.3.1.2 Maintain the temperature of the stationary RICE exhaust so that the catalyst inlet temperature is greater than or equal to 750 °F and less than or equal to 1250 °F.
- 4.3.2 Units AUX A-01 and AUX A-02 must be in compliance with the emission limitations in Condition 3.1.1 at all times, except during periods of startup, shutdown, and malfunction. [40 CFR § 63.6605(a)]
- 4.3.3 The permittee must operate and maintain Unit Nos. AUX A-01 and AUX A-02, including air pollution control and monitoring equipment, in a manner consistent with good air pollution control practices for minimizing emissions at all times, including during startup, shutdown, and malfunction. [40 CFR § 63.6605(b)]

4.4 Periodic Performance Testing Requirements

- 4.4.1 After the initial performance testing, subsequent performance tests to show compliance must be performed semiannually. [40 § CFR 63.6615, Table 3]
- 4.4.2 After the permittee has demonstrated compliance for two consecutive tests, the permittee may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the CO or formaldehyde emission limitation, or the permittee deviates from any of the permittee's operating limitations, the permittee must resume semiannual performance tests. [40 CFR § 63.6615, Table 3, Note 1]

4.5 Performance Test Method Requirements

- 4.5.1 The permittee must conduct each performance test in Tables 3 and 4 of 40 CFR Part 63, Subpart ZZZZ that applies to the permittee. [40 CFR § 63.6620(a)]
- 4.5.2 Each performance test must be conducted according to the requirements in 40 CFR § 63.7(e)(1) and under the specific conditions listed in Conditions 4.5.3 and 4.5.4. The test must be conducted at any load condition within plus or minus 10 percent of 100 percent load. [40 CFR § 63.6620(a) and (b)]
- 4.5.3 When conducting performance tests to show compliance with the requirement to reduce formaldehyde emissions, the permittee must [40 CFR § 63.6610(a), Table 4]:

- 4.5.3.1 Select sampling port location and the number of traverse points in a manner consistent with the requirements of Method 1 or 1A of 40 CFR Part 60 Appendix A at 40 CFR § 63.7(d)(1)(i). Sampling sites must be located the inlet and outlet of the control device.
- 4.5.3.2 Measure O₂ at the inlet and outlet of the control device using Method 3 or 3A or 3B of 40 CFR Part 60, Appendix A. Measurements to determine O₂ concentration must be made at the same time as the measurements for formaldehyde concentration.
- 4.5.3.3 Measure moisture content at the inlet and outlet of the control device using Method 4 of 40 CFR Part 60, Appendix A, or Test Method 320 of 40 CFR Part 63, Appendix A, or ASTM D 6348-03 (a). Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.
- 4.5.3.4 Measure formaldehyde at the inlet and the outlet of the control device using Method 320 or 323 of 40 CFR Part 63, Appendix A; or ASTM D6348- 03, provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130. Formaldehyde concentration must be at 15 percent O₂, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
- 4.5.4 When conducting performance tests to show compliance with the requirement to limit formaldehyde emissions in the exhaust, the permittee must [40 CFR § 63.6610(a), Table 4]:
 - 4.5.4.1 Select the sampling port location and the number of traverse points; using Method 1 or 1A of 40 CFR Part 60, Appendix A 40 CFR 63.7(d)(1)(i). If using a control device, the sampling site must be located at the outlet of the control device.
 - 4.5.4.2 Determine the O₂ concentration of the stationary RICE exhaust at the sampling port location using Method 3 or 3A or 3B of 40 CFR Part 60, Appendix A. Measurements to determine O₂ concentration must be made at the same time and location as the measurements for formaldehyde concentration.
 - 4.5.4.3 Measure moisture content of the stationary RICE exhaust at the sampling port location; using Method 4 of 40 CFR Part 60, Appendix A, or Test Method 320 of 40 CFR Part 63, Appendix A, or ASTM D 6348-03.

Measurements to determine moisture content must be made at the same time and location as the measurements for formaldehyde concentration.

- 4.5.4.4 Measure formaldehyde at the exhaust of the stationary RICE using Method 320 or 323 of 40 CFR Part 63, Appendix A; or ASTM D6348-03, provided in ASTM D6348-03 Annex A5 (Analyte Spiking Technique), the percent R must be greater than or equal to 70 and less than or equal to 130. Formaldehyde concentration must be at 15 percent O₂, dry basis. Results of this test consist of the average of the three 1-hour or longer runs.
- 4.5.5 The permittee may not conduct performance tests during periods of startup, shutdown, or malfunction, as specified in 40 CFR § 63.7(e)(1). [40 CFR § 63.6620(c)]
- 4.5.6 The permittee must conduct three separate test runs for each performance test required by 40 CFR § 63.7(e)(3). Each test run must last at least 1 hour. [40 CFR § 63.6620(d)]
- 4.5.7 The following equations must be used in demonstrating compliance with 40 CFR Part 63, Subpart ZZZZ [40 CFR § 63.6620(e)]:
- 4.5.7.1 The permittee must use Equation 1 of this section to determine compliance with the percent reduction requirement:
- $$\frac{C_i - C_o}{C_i} \times 100 = R \quad (\text{Eq. 1})$$
- Where:
C_i = concentration of formaldehyde at the control device inlet,
C_o = concentration of formaldehyde at the control device outlet, and
R = percent reduction of formaldehyde emissions.
- 4.5.7.2 The permittee must normalize the formaldehyde concentrations at the inlet and outlet of the control device to a dry basis and to 15 percent oxygen, or an equivalent percent carbon dioxide (CO₂). If pollutant concentrations are to be corrected to 15 percent oxygen and CO₂ concentration is measured in lieu of oxygen concentration measurement, a CO₂ correction factor is needed. Calculate the CO₂ correction factor as described in the following sections:
- 4.5.7.2.1 Calculate the fuel-specific F_o value for the fuel burned during the test using values obtained from Method 19, section 5.2, and the following equation:

$$F_o = \frac{0.209 F_d}{F_c} \quad (\text{Eq. 2})$$

Where:

F_o = Fuel factor based on the ratio of oxygen volume to the ultimate CO₂ volume produced by the fuel at zero percent excess air.

0.209 = Fraction of air that is oxygen, percent/100.

F_d = Ratio of the volume of dry effluent gas to the gross calorific value of the fuel from Method 19, dsm³/J (dscf/10⁶ Btu).

F_c = Ratio of the volume of CO₂ produced to the gross calorific value of the fuel from Method 19, dsm³/J (dscf/10⁶ Btu).

4.5.7.2.2 Calculate the CO₂ correction factor for correcting measurement data to 15 percent oxygen, as follows:

$$X_{CO_2} = \frac{5.9}{F_o} \quad (\text{Eq. 3})$$

Where:

X_{CO_2} = CO₂ correction factor, percent.

5.9 = 20.9 percent O₂ - 15 percent O₂, the defined O₂ correction value, percent.

4.5.7.2.3 Calculate the NO_x and SO₂ gas concentrations adjusted to 15 percent O₂ using CO₂ as follows:

$$C_{adj} = C_d \frac{X_{CO_2}}{\%CO_2} \quad (\text{Eq. 4})$$

Where:

$\%CO_2$ = Measured CO₂ concentration measured, dry basis, percent.

4.5.8 The engine percent load during a performance test must be determined by documenting the calculations, assumptions, and measurement devices used to measure or estimate the percent load in a specific application. A written report of the average percent load determination must be included in the notification of compliance status. The following information must be included in the written report [40 CFR § 63.6620(i)]:

4.5.8.1 The engine model number,

4.5.8.2 The engine manufacturer,

- 4.5.8.3 The year of purchase,
- 4.5.8.4 The manufacturer's site-rated brake horsepower,
- 4.5.8.5 The ambient temperature, pressure,
- 4.5.8.6 Humidity during the performance test, and
- 4.5.8.7 All assumptions that were made to estimate or calculate percent load during the performance test must be clearly explained.
- 4.5.8.8 If measurement devices such as flow meters, kilowatt meters, beta analyzers, stain gauges, etc. are used, the model number of the measurement device, and an estimate of its accurate in percentage of true value must be provided.

4.6 Monitoring, Installation, Operation, and Maintenance Requirements

- 4.6.1 The permittee must install, operate, and maintain each CPMS according to the requirements in 40 CFR § 63.8. [40 CFR § 63.6625(b)]
- 4.6.2 For engines complying with the requirement to reduce formaldehyde emissions and using NSCR, the following requirements apply [40 CFR § 63.6625(b), Table 5]:
 - 4.6.2.1 The average reduction of emissions of formaldehyde determined from the initial performance test must be equal to or greater than the required formaldehyde percent reduction; and
 - 4.6.2.2 The permittee must install a CPMS to continuously monitor catalyst inlet temperature according to the requirements in 40 CFR § 63.6625(b); and
 - 4.6.2.3 The permittee must maintain records of the catalyst pressure drop and catalyst inlet temperature recorded during the initial performance test.
- 4.6.3 For engines complying with the requirement to limit the concentration of formaldehyde in the stationary RICE exhaust and using oxidation catalyst or NSCR, the following requirements apply [40 CFR § 63.6625(b), Table 5]:
 - 4.6.3.1 The average formaldehyde concentration, corrected to 15 percent O₂, dry basis, from the three test runs must be less than or equal to the formaldehyde emission limitation; and

4.6.3.2 The permittee must install a CPMS to continuously monitor catalyst inlet temperature according to the requirements in 40 CFR § 63.6625(b); and

4.6.3.3 The permittee must maintain records of the catalyst pressure drop and catalyst inlet temperature recorded during the initial performance test.

4.7 Continuous Compliance Requirements

4.7.1 If the permittee must comply with emission and operating limitations, the permittee must monitor and collect data according to the following requirements: [40 CFR § 63.6635(a)]

4.7.1.1 Except for monitor malfunctions, associated repairs, and required quality assurance or control activities (including, as applicable, calibration checks and required zero and span adjustments), the permittee must monitor continuously at all times that the stationary RICE is operating. [40 CFR § 63.6635(b)]

4.7.1.2 The permittee may not use data recorded during monitoring malfunctions, associated repairs, and required quality assurance or control activities in data averages and calculations used to report emission or operating levels. The permittee must, however, use all the valid data collected during all other periods. [40 CFR § 63.6635(c)]

4.7.2 The permittee must demonstrate continuous compliance with each emission limitation and operating limitation in Tables 1a and 1b and Tables 2a and 2b of 40 CFR Part 63, Subpart ZZZZ that apply to the permittee according to methods specified in 40 CFR § 63.6640(a).

4.7.3 For each engine complying with the requirement to reduce formaldehyde emissions and using NSCR, the permittee must demonstrate continuous compliance by [40 CFR § 63.6640(a), Table 6]:

4.7.3.1 Collecting the catalyst inlet temperature data according to 40 CFR § 63.6625(b);

4.7.3.2 Reducing these data to 4-hour rolling averages;

4.7.3.3 Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and

4.7.3.4 Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.

- 4.7.4 For each engine complying with the requirement to limit the concentration of formaldehyde in the exhaust and using oxidation catalyst or NSCR, the permittee must demonstrate continuous compliance by [40 CFR § 63.6640(a), Table 6]:
- 4.7.4.1 Conducting semiannual performance tests for formaldehyde to demonstrate that the permittee's emissions remain at or below the formaldehyde concentration limit;
 - 4.7.4.2 Collecting the catalyst inlet temperature data according to 40 CFR § 63.6625(b);
 - 4.7.4.3 Reducing these data to 4-hour rolling averages;
 - 4.7.4.4 Maintaining the 4-hour rolling averages within the operating limitations for the catalyst inlet temperature; and
 - 4.7.4.5 Measuring the pressure drop across the catalyst once per month and demonstrating that the pressure drop across the catalyst is within the operating limitation established during the performance test.
- 4.7.5 For semiannual testing required by this permit (3 conditions above), after the permittee has demonstrated compliance for two consecutive tests, the permittee may reduce the frequency of subsequent performance tests to annually. If the results of any subsequent annual performance test indicate the stationary RICE is not in compliance with the formaldehyde emission limitation, or the permittee deviates from any of the permittee's operating limitations, the permittee must resume semiannual performance tests. [40 CFR § 63.6640(a), Table 6, Note 1]
- 4.7.6 The permittee must report each instance in which the permittee did not meet each emission limitation or operating limitation in Tables 1a and 1b and Tables 2a and 2b of 40 CFR 63, Subpart ZZZZ that apply to the permittee. These instances are deviations from the emission and operating limitations in 40 CFR 63, Subpart ZZZZ. These deviations must be reported according to the requirements in 40 CFR § 63.6650. If the permittee changes the catalyst, the permittee must reestablish the values of the operating parameters measured during the initial performance test. When the permittee reestablishes the values of the operating parameters, the permittee must also conduct a performance test to demonstrate that the permittee is meeting the required emission limitation applicable to the permittee's stationary RICE. [40 CFR § 63.6640(b)]

- 4.7.7 During periods of startup, shutdown, and malfunction, the permittee must operate in accordance with the permittee's startup, shutdown, and malfunction plan. [40 CFR § 63.6640(c)]
- 4.7.8 Consistent with 40 CFR §§ 63.6(e) and 63.7(e)(1), deviations from the emission or operating limitations that occur during a period of startup, shutdown, or malfunction may not be violations of the relevant standards, if the permittee demonstrates to the USEPA Administrator's satisfaction that the permittee was operating in accordance with the startup, shutdown, and malfunction plan. For new, reconstructed, and rebuilt stationary RICE, deviations from the emission or operating limitations that occur during the first 200 hours of operation from engine startup (engine burn-in period) are not violations of the otherwise applicable emissions limitation. Rebuilt stationary RICE means a stationary RICE that has been rebuilt as that term is defined in 40 CFR § 94.11(a). [40 CFR § 63.6640(d)]
- 4.7.9 The permittee must also report each instance in which the permittee did not meet the requirements in Table 8 of 40 CFR 63, Subpart ZZZZ (attached as Attachment 1) that apply to the permittee. [40 CFR § 63.6640(e)]

4.8 Reporting Requirements

- 4.8.1 The permittee must submit all of the notifications in 40 CFR §§ 63.7(b) and (c), 63.8(e), (f)(4) and (f)(6), 63.9(b) through (e), and (g) and (h) that apply to the permittee by the dates specified. [40 CFR § 63.6645(a)]
- 4.8.2 The permittee must submit a Notification of Intent to conduct a performance test at least 60 days before the performance test is scheduled to begin as required in 40 CFR § 63.7(b)(1). [40 CFR § 63.6645(e)]
- 4.8.3 For any performance test as specified in Tables 4 and 5 to 40 CFR 63, Subpart ZZZZ, the permittee must submit a Notification of Compliance Status according to 40 CFR § 63.9(h)(2)(ii). [40 CFR § 63.6645(f)]
- 4.8.4 The permittee must submit a compliance report semiannually according to the requirements in 40 CFR § 63.6650(b) containing the following [40 CFR § 63.6650(a), Table 7]:
 - 4.8.4.1 If there are no deviations from any emission limitations or operating limitations that apply to the permittee, a statement that there were no deviations from the emission limitations or operating limitations during the reporting period. If there were no periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in 40 CFR § 63.8(c)(7),

- a statement that there were no periods during which the CMS was out-of-control during the reporting period; or
- 4.8.4.2 If the permittee had deviation(s) from any emission limitation or operating limitation during the reporting period, the information in 40 CFR § 63.6650(d). If there were periods during which the CMS, including CEMS and CPMS, was out-of-control, as specified in 40 CFR § 63.8(c)(7), the information in 40 CFR § 63.6650(e); or
- 4.8.4.3 If the permittee had a startup, shutdown or malfunction during the reporting period, the information in 40 CFR § 63.10(d)(5)(i).
- 4.8.5 The permittee must submit an immediate startup, shutdown, and malfunction report if actions addressing the startup, shutdown, or malfunction were inconsistent with the permittee's startup, shutdown, or malfunction plan during the reporting period. The reporting must be consistent with the following requirements [40 CFR § 63.6650(a), Table 7]:
- 4.8.5.1 Actions taken for the event must be submitted by fax or telephone within 2 working days after starting actions inconsistent with the plan.
- 4.8.5.2 The information in 40 CFR § 63.10(d)(5)(ii) must be submitted by letter within 7 working days after the end of the event unless the permittee has made alternative arrangements with the permitting authorities. (40 CFR § 63.10(d)(5)(ii))
- 4.8.6 Annually, according to the requirements in 40 CFR § 63.6650, the permittee must report [40 CFR § 63.6650(a), Table 7]:
- 4.8.6.1 The fuel flow rate of each fuel and the heating values that were used in the permittee's calculations, and the permittee must demonstrate that the percentage of heat input provided by landfill gas or digester gas, is equivalent to 10 percent or more of the gross heat input on an annual basis; and
- 4.8.6.2 The operating limits provided in the permittee's federally enforceable permit, and any deviations from these limits; and
- 4.8.6.3 Any problems errors suspected with the meters.
- 4.8.7 Unless the Administrator has approved a different schedule for submission of reports under 40 CFR § 63.10(a), the permittee must submit each report by the date listed in Condition 3.2.9 and according to the following requirements [40 CFR § 63.6650(b)]:

- 4.8.7.1 The first Compliance report must cover the period beginning on the compliance date that is specified for the permittee's affected source in 40 CFR § 63.6595 and ending on June 30 or December 31, whichever date is the first date following the end of the first calendar half after the compliance date that is specified for the permittee's source in 40 CFR § 63.6595.
- 4.8.7.2 The first Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date follows the end of the first calendar half after the compliance date that is specified for the permittee's affected source in 40 CFR § 63.6595.
- 4.8.7.3 Each subsequent Compliance report must cover the semiannual reporting period from January 1 through June 30 or the semiannual reporting period from July 1 through December 31.
- 4.8.7.4 Each subsequent Compliance report must be postmarked or delivered no later than July 31 or January 31, whichever date is the first date following the end of the semiannual reporting period.
- 4.8.7.5 For each stationary RICE that is subject to permitting regulations pursuant to 40 CFR part 70 or 71, and if the permitting authority has established dates for submitting semiannual reports pursuant to 40 CFR 70.6 (a)(3)(iii)(A) or 40 CFR § 71.6 (a)(3)(iii)(A), the permittee may submit the first and subsequent Compliance reports according to the dates the permitting authority has established instead of according to the dates in Conditions 3.2.9.
- 4.8.8 The Compliance report must contain the following information [40 CFR § 63.6650(c)]:
 - 4.8.8.1 Company name and address.
 - 4.8.8.2 Statement by a responsible official, with that official's name, title, and signature, certifying the accuracy of the content of the report.
 - 4.8.8.3 Date of report and beginning and ending dates of the reporting period.
 - 4.8.8.4 If the permittee had a startup, shutdown, or malfunction during the reporting period, the compliance report must include the information in 40 CFR § 63.10(d)(5)(i).

- 4.8.8.5 If there are no deviations from any emission or operating limitations that apply to the permittee, a statement that there were no deviations from the emission or operating limitations during the reporting period.
- 4.8.8.6 If there were no periods during which the continuous monitoring system (CMS), including CEMS and CPMS, was out-of-control, as specified in 40 CFR § 63.8(c)(7), a statement that there were no periods during which the CMS was out-of-control during the reporting period.
- 4.8.9 For each deviation from an emission or operating limitation that occurs for a stationary RICE where the permittee is not using a CMS to comply with the emission or operating limitations in Section 3 of this permit, the Compliance report must contain the information required by 40 CFR § 63.6650(d):
 - 4.8.9.1 The total operating time of the stationary RICE at which the deviation occurred during the reporting period.
 - 4.8.9.2 Information on the number, duration, and cause of deviations (including unknown cause, if applicable), as applicable, and the corrective action taken.
- 4.8.10 For each deviation from an emission or operating limitation occurring for a stationary RICE where the permittee is using a CMS to comply with the emission and operating limitations in Section 3 of this permit, the permittee must include information in 40 CFR § 63.6650(e):
 - 4.8.10.1 The date and time that each malfunction started and stopped.
 - 4.8.10.2 The date, time, and duration that each CMS was inoperative, except for zero (low-level) and high-level checks.
 - 4.8.10.3 The date, time, and duration that each CMS was out-of-control, including the information in 40 CFR § 63.8(c)(8).
 - 4.8.10.4 The date and time that each deviation started and stopped, and whether each deviation occurred during a period of malfunction or during another period.
 - 4.8.10.5 A summary of the total duration of the deviation during the reporting period, and the total duration as a percent of the total source operating time during that reporting period.

- 4.8.10.6 A breakdown of the total duration of the deviations during the reporting period into those that are due to control equipment problems, process problems, other known causes, and other unknown causes.
- 4.8.10.7 A summary of the total duration of CMS downtime during the reporting period, and the total duration of CMS downtime as a percent of the total operating time of the stationary RICE at which the CMS downtime occurred during that reporting period.
- 4.8.10.8 An identification of each parameter and pollutant (CO or formaldehyde) that was monitored at the stationary RICE
- 4.8.10.9 A brief description of the stationary RICE.
- 4.8.10.10 A brief description of the CMS.
- 4.8.10.11 The date of the latest CMS certification or audit
- 4.8.10.12 A description of any changes in CMS, processes, or controls since the last reporting period.
- 4.8.11 Each affected source must report all deviations as defined in Condition III in the semiannual monitoring report required by 40 CFR § 71.6(a)(3)(iii)(A). If an affected source submits a Compliance report pursuant to Table 7 of 40 CFR Part 63, Subpart ZZZZ along with, or as part of, the semiannual monitoring report required by 40 CFR § 71.6(a)(3)(iii)(A), and the Compliance report includes all required information concerning deviations from any emission or operating limitation in Section 3 of this permit, submission of the Compliance report shall be deemed to satisfy any obligation to report the same deviations in the semiannual monitoring report. However, submission of a Compliance report shall not otherwise affect any obligation the affected source may have to report deviations from permit requirements to EPA. [40 CFR § 63.6650(f)]

4.9 Recordkeeping Requirements

- 4.9.1 If the permittee must comply with the emission and operating limitations, the permittee must keep the records described in 40 CFR § 63.6655(a).
 - 4.9.1.1 A copy of each notification and report that the permittee submitted to comply with Section 3 of this permit, including all documentation supporting any Initial Notification or Notification of Compliance Status that

the permittee submitted, according to the requirement in 40 CFR § 63.10(b)(2)(xiv).

- 4.9.1.2 The records in 40 CFR § 63.6(e)(3)(iii) through (v) related to startup, shutdown, and malfunction.
- 4.9.1.3 Records of performance tests and performance evaluations as required in 40 CFR § 63.10(b)(2)(viii).
- 4.9.2 For each CEMS or CPMS, the permittee must keep the records of the following information; [40 CFR § 63.6655(b)]
 - 4.9.2.1 Records described in 40 CFR § 63.10(b)(2)(vi) through (xi).
 - 4.9.2.2 Previous (*i.e.*, superseded) versions of the performance evaluation plan as required in 40 CFR § 63.8(d)(3).
 - 4.9.2.3 Requests for alternatives to the relative accuracy test for CEMS or CPMS as required in 40 CFR § 63.8(f)(6)(i), if applicable.
- 4.9.3 The permittee must keep the records required in Table 6 of 40 CFR Part 63, Subpart ZZZZ to show continuous compliance with each emission or operating limitation that applies to the permittee. [40 CFR § 63.6655(d)]
- 4.9.4 The permittee's records must be in a form suitable and readily available for expeditious review according to 40 CFR § 63.10(b)(1). [40 CFR § 63.6660(a)]
- 4.9.5 As specified in 40 CFR § 63.10(b)(1), the permittee must keep each record for 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. [40 CFR § 63.6660(b)]
- 4.9.6 The permittee must keep each record readily accessible in hard copy or electronic form on-site for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 CFR § 63.10(b)(1). The permittee can keep the records off-site for the remaining 3 years. [40 CFR § 63.6660(c)]

5. Title V Administrative Requirements

5.1. Annual Fee Payment [40 CFR §§ 71.6(a)(7) and 71.9]

- 5.1.1. The permittee shall pay an annual permit fee in accordance with the procedures

outlined below. [40 CFR § 71.9(a).]

5.1.2. The permittee shall pay the annual permit fee each year:

The fee shall be received no later than July 20 of each year.

5.1.3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of EPA.

5.1.4. The permittee shall send fee payment and a completed fee filing form to:

For regular US postal service mail
mail

For non-US Postal Service express
mail
(FedEx, Airborne, DHL, and UPS)

US Environmental Protection Agency
FOIA and Miscellaneous Payments
Cincinnati Finance Center
PO Box 979078
St. Louis, MO 63197-9000

U.S. Bank
Government Lockbox 979078
US EPA FOIA & Misc. Payments
1005 Convention Plaza
SL-MO-C2-GL
St. Louis, MO 63101

Contact: Craig Steffen 513-487-2091,
or Eric Volck 513-487-2105

Contact: 314-418-1028

For electronic payment (identify permit number for payment in form)

Automated Clearinghouse (ACH) for receiving US currency
PNC Bank
ABA: 051036706
Account Number: 310006
CTX Format Transaction Code 22 – checking

Environmental Protection Agency
808 17th Street, NW
Washington, DC 20074

Contact: Jesse White 301-887-6548

5.1.5. The permittee shall send an updated fee calculation worksheet form and a photocopy of each fee payment check (or other confirmation of actual fee paid) submitted annually by the same deadline as required for fee payment to the address listed in

Section 5.5. of this permit. [Note that an annual emissions report, required at the same time as the fee calculation worksheet by § 71.9(h), has been incorporated into the fee calculation worksheet form as a convenience.]

5.1.6. Basis for calculating annual fee:

- 5.1.6.1. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all “regulated pollutants (for fee calculation)” emitted from the source by the emissions fee (in dollars/ton) in effect at the time of calculation.
 - 5.1.6.1.1. “Actual emissions” means the actual rate of emissions in tons per year of any regulated pollutant (for fee calculation) emitted from a part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit’s actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [See 40 CFR § 71.9(c)(6).]
 - 5.1.6.1.2. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures. [40 CFR § 71.9(e)(2).]
 - 5.1.6.1.3. The term “regulated pollutant (for fee calculation)” is defined in 40 CFR § 71.2.
 - 5.1.6.1.4. The permittee should note that the presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.
- 5.1.6.2. The permittee shall exclude the following emissions from the calculation of fees:
 - 5.1.6.2.1. The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year. See 40 CFR § 71.9(c)(5)(i).
 - 5.1.6.2.2. Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation. See 40 CFR § 71.9(c)(5)(ii).
 - 5.1.6.2.3. The insignificant quantities of actual emissions not required to

be listed or calculated in a permit application pursuant to 40 CFR § 71.5(c)(11). [40 CFR § 71.9(c)(5)(iii).]

- 5.1.7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official in accordance with 40 CFR § 71.5(d).
- 5.1.8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for five years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 CFR § 71.6(a)(3)(ii). [See 40 CFR § 71.9(i).]
- 5.1.9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with 40 CFR § 71.9(l).
- 5.1.10. The EPA will not act on applications for permit renewal or modification if the permittee fails to pay all fees, interest, and penalties owed in full. [See 40 CFR § 71.9(m).]
- 5.1.11. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification. [See 40 CFR § 71.9(j)(1) and (2).]
- 5.1.12. If the permittee thinks that the EPA-assessed fee is in error and wishes to challenge the fee, the permittee shall provide a written explanation of the alleged error to EPA along with full payment of the assessed fee. [See 40 CFR § 71.9(j)(3).]

5.2. Blanket Compliance Statement [40 CFR §§ 71.6(a)(6)(i) and (ii)]

- 5.2.1. The permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including: violation of any applicable requirement; any permit term or condition; any fee or filing requirement; any duty to allow or carry out inspection, entry, or monitoring activities; or any regulation or order issued by the permitting authority pursuant to this part constitutes a violation of the CAA and is grounds for enforcement action; permit termination, revocation and reissuance, or modification; or denial of a permit renewal application. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [40 CFR §§ 71.6(a)(6)(i) and (ii).]
- 5.2.2. Determinations of deviations, continuous or intermittent compliance status, or

violations of this permit, are not limited to the applicable testing or monitoring methods required by the underlying regulations of this permit; other credible evidence must be considered in such determinations. [Section 113(a) and 113(e)(1) of the CAA.]

5.3. Compliance Certifications [40 CFR § 71.6(c)(5)]

The permittee shall submit to EPA a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, annually each year no later than April 1. The compliance certification shall cover the same 12 month period as the two consecutive semi-annual monitoring reports. The compliance certification shall be certified as to truth, accuracy, and completeness by a responsible official consistent with 40 CFR § 71.5(d).

5.3.1. The certification shall include the following:

- 5.3.1.1. Identification of each permit term or condition that is the basis of the certification.
- 5.3.1.2. Identification of the method(s) or other means used for determining the compliance status with each term and condition during the certification period, and whether such methods or other means provide continuous or intermittent data. If necessary, the owner or operator also shall identify any other material information, e.g., operating hours records, that must be included in the certification to comply with section 113(c)(2) of the CAA, which prohibits knowingly making a false certification or omitting material information.
- 5.3.1.3. The compliance status of each term and condition of the permit for the period covered by the certification based on the method or means designated above. The certification shall identify each deviation and take it into account in the compliance certification.
- 5.3.1.4. Any other requirements sufficient to assure or determine compliance, consistent with 40 CFR §§ 71.6(c)(5)(iii)(D) and 71.6 (c)(6).

5.4. Duty to Provide and Supplement Information [40 CFR §§ 71.6(a)(6)(v) and 71.5(b)]

The permittee shall furnish to EPA, within a time specified by EPA, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to EPA copies of records that are required to be kept pursuant to

the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions of 40 CFR part 2, subpart B. The permittee, upon becoming aware that any relevant facts were omitted or that incorrect information was submitted in the permit application, shall promptly submit such supplemental facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

5.5. Submissions [40 CFR §§ 71.5(d), 71.6, and 71.9]

Any document required to be submitted by this permit shall be certified by a responsible official as to truth, accuracy, and completeness. Such certifications shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete. All documents required to be submitted, including records, reports, test data, monitoring data, emissions-related data, notifications, and compliance certifications, shall be submitted to:

U.S. EPA, Region 6
Air Enforcement Branch,
Mailcode: 6EN-A
1445 Ross Avenue
Dallas, TX 75202-2733

while the fee calculation worksheets,(that include the annual emissions worksheet and report), and applications for renewals and permit modifications shall be submitted to:

U.S. EPA, Region 6
Air Permits Section,
Mailcode: 6PD-R
1445 Ross Avenue
Dallas, TX 75202-2733

5.6. Severability Clause [40 CFR § 71.6(a)(5)]

The provisions of this permit are severable, and in the event of any challenge to any portion of this permit, or if any portion is held invalid, the remaining permit conditions shall remain valid and in force.

5.7. Permit Actions [40 CFR § 71.6(a)(6)(iii)]

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or

termination, or of a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

5.8. Administrative Permit Amendments [40 CFR § 71.7(d)]

The permittee may request the use of administrative permit amendment procedures for a permit revision that:

- 5.8.1. Corrects typographical errors;
- 5.8.2. Identifies a change in the name, address, or phone number of any person identified in the permit, or provides a similar minor administrative change at the source;
- 5.8.3. Requires more frequent monitoring or reporting by the permittee;
- 5.8.4. Allows for a change in ownership or operational control of a source where EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA;
- 5.8.5. Incorporates into this permit the requirements from preconstruction review permits authorized under an EPA-approved program, provided that such a program meets procedural requirements substantially equivalent to the requirements of 40 CFR sections 71.7 and 71.8 that would be applicable to the change if it were subject to review as a permit modification, and compliance requirements substantially equivalent to those contained in 40 CFR § 71.6; and
- 5.8.6. Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs 5.8.1. through 5.8.5. [Note to permittee: If these subparagraphs do not apply, please contact EPA for a determination as to similarity prior to submitting your request for an administrative permit amendment under this provision].

5.9. Minor Permit Modifications [40 CFR § 71.7(e)(1)]

- 5.9.1. The permittee may request the use of minor permit modification procedures only for those modifications that:
 - 5.9.1.1. Do not violate any applicable requirement;
 - 5.9.1.2. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit;

- 5.9.1.3. Do not require or change a case-by-case determination of an emission limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.
- 5.9.1.4. Do not seek to establish or change a permit term or condition for which there is no corresponding underlying applicable requirement and that the source has assumed to avoid an applicable requirement to which the source would otherwise be subject. Such terms and conditions include:
 - 5.9.1.4.1. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and
 - 5.9.1.4.2. An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the CAA.
- 5.9.1.5. Are not modifications under any provision of title I of the CAA; and
- 5.9.1.6. Are not required to be processed as a significant modification.
- 5.9.2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph 5.9.1. above, minor permit modification procedures may be used for permit modifications involving the use of economic incentives, marketable permits, emissions trading, and other similar approaches, to the extent that such minor permit modification procedures are explicitly provided for in an applicable implementation plan or in applicable requirements promulgated by EPA.
- 5.9.3. An application requesting the use of minor permit modification procedures shall meet the requirements of 40 CFR § 71.5(c) and shall include the following:
 - 5.9.3.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;
 - 5.9.3.2. The source's suggested draft permit;
 - 5.9.3.3. Certification by a responsible official, consistent with § 71.5(d), that the proposed modification meets the criteria for use of minor permit modification procedures and a request that such procedures be used; and

- 5.9.3.4. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8.
- 5.9.4. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until EPA takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
- 5.9.5. The permit shield under 40 CFR § 71.6(f) may not extend to minor permit modifications. [See 40 CFR § 71.7(e)(1)(vi)].

5.10. Group Processing of Minor Permit Modifications. [40 CFR § 71.7(e)(2)]

- 5.10.1. Group processing of modifications by EPA may be used only for those permit modifications:
 - 5.10.1.1. That meet the criteria for minor permit modification procedures under paragraphs 5.9.1. of this permit; and
 - 5.10.1.2. That collectively are below the threshold level of 10 percent of the emissions allowed by the permit for the emissions unit for which the change is requested, 20 percent of the applicable definition of major source in 40 CFR § 71.2, or five tons per year, whichever is least.
- 5.10.2. An application requesting the use of group processing procedures shall be submitted to EPA, shall meet the requirements of 40 CFR § 71.5(c), and shall include the following:
 - 5.10.2.1. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs.
 - 5.10.2.2. The source's suggested draft permit.
 - 5.10.2.3. Certification by a responsible official, consistent with 40 CFR § 71.5(d), that the proposed modification meets the criteria for use of group processing procedures and a request that such procedures be used.

- 5.10.2.4. A list of the source's other pending applications awaiting group processing, and a determination of whether the requested modification, aggregated with these other applications, equals or exceeds the threshold set under subparagraph 5.10.1.2. above.
- 5.10.2.5. Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8.
- 5.10.3. The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.
- 5.10.4. The permit shield under 40 CFR § 71.6(f) may not extend to group processing of minor permit modifications. [See 40 CFR § 71.7(e)(1)(vi)].

5.11. Significant Permit Modifications [40 CFR § 71.7(e)(3)]

- 5.11.1. The permittee must request the use of significant permit modification procedures for those modifications that:
 - 5.11.1.1. Do not qualify as minor permit modifications or as administrative amendments.
 - 5.11.1.2. Are significant changes in existing monitoring permit terms or conditions.
 - 5.11.1.3. Are relaxations of reporting or recordkeeping permit terms or conditions.
- 5.11.2. Nothing herein shall be construed to preclude the permittee from making changes consistent with Part 71 that would render existing permit compliance terms and conditions irrelevant.
- 5.11.3. Permittees must meet all requirements of 40 CFR Part 71 including those for

applications, public participation, and review by affected States as they apply to permit issuance and permit renewal. For the application to be determined complete, the permittee must supply all information that is required by § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change. [See 40 CFR §§ 71.7(e)(3)(ii) and 71.5(a)(2).]

5.12. Reopening for Cause [40 CFR § 71.7(f)]

The EPA shall reopen and revise this permit under the following circumstances:

- 5.12.1. Additional applicable requirements under the CAA become applicable to a major 40 CFR Part 71 source with a remaining permit term of three or more years. Such a reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions have been extended pursuant to 40 CFR § 71.7(c)(3).
- 5.12.2. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offsets plans shall be deemed to be incorporated into the permit.
- 5.12.3. The EPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- 5.12.4. The EPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

5.13. Property Rights [40 CFR § 71.6(a)(6)(iv)].

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

5.14. Inspection and Entry [40 CFR § 71.6(c)(2)]

Upon presentation of credentials and other documents as may be required by law, the permittee shall allow EPA or an authorized representative to perform the following:

- 5.14.1. Enter upon the permittee's premises where a 40 CFR Part 71 source is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

- 5.14.2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- 5.14.3. Inspect at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- 5.14.4. As authorized by the CAA, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

5.15. Transfer of Ownership or Operation [40 CFR § 71.7(d)(1)(iv)]

A change in ownership or operational control of this facility may be treated as an administrative permit amendment if EPA determines no other changes in this permit are necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to EPA.

5.16. Off Permit Changes [40 CFR § 71.6(a)(12)]

The permittee is allowed to make certain changes without a permit revision, provided that the following requirements are met:

- 5.16.1. Each change is not addressed or prohibited by this permit;
- 5.16.2. Each change shall comply with all applicable requirements and may not violate any existing permit term or condition;
- 5.16.3. Changes under this provision may not include changes or activities subject to any requirement under Title IV or that are modifications under any provision of Title I of the CAA;
- 5.16.4. The permittee shall provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change;
- 5.16.5. The permit shield does not apply to changes made under this provision;
- 5.16.6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise

regulated under this permit, and the emissions resulting from those changes.

5.17. Permit Expiration and Renewal [40 CFR §§ 71.5(a)(1)(iii), 71.6(a)(11), 71.7(b), 71.7(c)(1)(i) and (ii), 71.8(d)]

5.17.1. This permit shall expire upon the earlier occurrence of the following events:

5.17.1.1. Five years elapses from the date of issuance; or

5.17.1.2. The source is issued a part 70 permit by an EPA-approved permitting authority.

5.17.2. Expiration of this permit terminates the permittee's right to operate unless a timely and complete permit renewal application has been submitted at least six months, but not more than 18 months, prior to the expiration of this permit.

5.17.3. If the permittee submits a timely and complete permit application for renewal, consistent with 40 CFR § 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to 40 CFR section 71.6(f) may extend beyond the original permit term until renewal.

5.17.4. The permittee's failure to have a Part 71 permit, where timely and complete application for renewal was submitted, is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

5.17.5. Renewal of this permit is subject to the same procedural requirements that apply to initial permit issuance, including those for public participation and affected State and tribal review.

5.17.6. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, any applicable requirements that were promulgated and not incorporated into the permit during the permit term, and other information required by the application form.

5.18. Credible Evidence: (40 CFR Part 70 and EPA's Credible Evidence Rule, 62 Fed. Reg. 8314 (Feb. 24, 1997))

Notwithstanding any other provisions of any applicable rule or regulation or requirement of this permit that state specific methods that may be used to assess compliance with applicable

requirements, any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements, if the appropriate performance or compliance test or procedure had been performed, shall be considered for purposes of Title V compliance certifications. Furthermore, for purposes of establishing whether or not a person has violated or is in violation of any emissions limitation or standard or permit condition, nothing in this permit shall preclude the use, including the exclusive use, by any person of any such credible evidence or information.