GUAM ENVIRONMENTAL PROTECTION AGENCY

AHENSIAN PRUTEKSION LINA'LA GUAHAN

P.O. Box 22439 GMF • BARRIGADA, GUAM 96921 • TEL: 475-1658 /9 • FAX: 477-9402

TITLE V PERMIT TO OPERATE

Permit Number: **FO-015A**
Issue Date: **March 2, 2009**
Expiration Date: **March 1, 2014**

11/4/09

In accordance with the provisions of Title V of the Clean Air Act (CAA) and the Guam Air Pollution Control Standards and Regulations (GAPCSR), Public Law 24-322, and the Guam Air Pollution Control Act (GAPCA), Public Law 24-20, 10 Guam Code Annotated (GCA), Chapter 49,

Naval Facilities Engineering Command Marianas
Finegayan, SIC Code 49

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. Terms and conditions 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 United States Environmental Protection Agency (USEPA), the Guam Environmental Protection Agency (GEPA), and citizens under the CAA. The issuance of this permit is based on the plans, specifications, and additional information submitted as part of the application dated February 22, 2001.

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.

Acceptance of this permit constitutes an agreement and acknowledgement that the holder will comply with all the rules and regulations of GEPA and these permit conditions.

This permit, (a) does not in any manner affect the title of the premises upon which the equipment is located, (b) does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment, and (c) in no manner implies or suggests that GEPA, or its officers, agents, or employees assumes any liability, directly or indirectly, for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment.

This permit is valid for a period of five (5) years and shall expire at midnight on the date specified above unless a timely and complete renewal application has been submitted at least 6 months but not more than 18 months prior to the date of expiration. The permit number cited above should be referenced in future correspondence regarding this facility.

JUL 15 2009
Date

LORILEE T. CRISOSTOMO
Administrator
Guam EPA

Abbreviations and Acronyms

CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CFR	Code of Federal Regulations
GCA	Guam Code Annotated
GEPA	Guam Environmental Protection Agency
hr	hour
lb	pound
MMBtu	Million British thermal units
NAAQS	National Ambient Air Quality Standard
SIC	Standard Industrial Classification
SIP	State Implementation Plan
USEPA	United States Environmental Protection Agency

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I. Source Identification

Facility Name:	Naval Facilities Engineering Command Marianas, Finegayan, SIC Code 49
Facility Location:	Building 115, Jackson Street
City:	NCTS
Territory:	Guam
USEPA Region:	9
SIC Code:	49
Responsible Official:	NAVFAC Marianas Commanding Officer
Phone Number:	(671) 339-5100
Facility Manager/Contact:	Refer to Updated Inventory Spreadsheet for pertinent info.
Phone Number:	
Person Responsible for Recordkeeping:	Refer to Updated Inventory Spreadsheet for pertinent info.
Phone Number:	
Description of Process:	The facility is a hot water and/or steam producing boiler.

II. Facility-wide and Unit Specific Permit Conditions

II.A. Equipment Description

II.A.1 This permit encompasses the following equipment and associated appurtenances that are considered significant sources of emissions. [GAPCSR, Section 1104.12(12)]

Emission Unit ID	Description	Manufacturer	Model	Serial Number
212	5.18 million British thermal units per hour (MMBtu/hr) diesel-fired boiler	Cleaver Brooks	CB100-125	L-70104
213	5.18 MMBtu/hr diesel-fired boiler	Cleaver Brooks	CB100-125	L-70105
218	2,500 kilowatt (kW) diesel-fired emergency generator	GM	20-645-E48	72L-1140
219	2,500 kW diesel-fired emergency generator	GM	20-645-E48	96J2-1141
220	2,500 kW diesel-fired emergency generator	GM	20-645-E48	72L1-1141

II.A.2 The permittee shall have installed an identification tag or nameplate on each piece of equipment that identifies the model number, serial number, and manufacturer. The identification tag or nameplate shall be permanently attached to the equipment at a conspicuous location. [Section 49107(7)(B) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]

II.B. Emission Limits

II.B.1 Diesel-Fired Equipment (Units 212, 213, 218, 219, and 220)

II.B.1.a The permittee shall not cause or permit the continuous emission of visible air pollutants with a density equal to or darker than twenty (20) percent opacity from any emission unit nor the emission of visible air pollutants of a density darker than sixty (60) percent opacity for a period aggregating more than three (3) minutes in any sixty (60) minute period. [GAPCSR, Section 1103.3; State Implementation Plan (SIP), Section 10.1]

II.B.2 Diesel-Fired Boilers (Units 212 and 213)

II.B.2.a Particulate emissions from these emission units shall not exceed 0.70 lb/MMBtu. [SIP, Section 7.5]

II.B.3 Diesel-Fired Emergency Generators (Units 218, 219, and 220)

II.B.3.a Particulate emissions from these emission units shall not exceed 0.77 lb/MMBtu. [SIP, Section 7.5]

II.C. Work Practice and Operational Requirements

II.C.1 All equipment, facilities, and systems installed or used to achieve compliance with terms and conditions of this permit shall at all times, including periods of startup, shutdown and malfunction, be maintained in good working order and be operated as efficiently as possible so as to minimize air pollutant emissions. The permittee shall conduct proper preventative maintenance procedures for the diesel-fired boilers (Units 212 and 213) emergency generators (Units 218, 219, and 220) in accordance with the manufacturer's recommendations. [GEPA Permit NHP-736, Condition 1, Issued March 31, 1998; GAPCSR, Section 1104.12(12)]

II.C.2 Fuel oil used in the diesel-fired boilers (Units 212 and 213) shall not exceed 1.0% sulfur content (maximum) by weight at any time. In addition, the average over the past twelve (12) month period (including the last month reading) shall not exceed 1.0% sulfur content by weight, provided the smokestack(s) is of sufficient height as determined by the Administrator of GEPA. [GEPA Permit NHP-736, Condition 2, Issued March 31, 1998; GAPCSR, Sections 1103.10 and 1104.12(8)]

II.C.3 The diesel-fired emergency generators (Units 218, 219, and 220) shall be fired only on Diesel Fuel No. 2 and the fuel oil used shall not exceed 2.0% sulfur content (maximum) by weight at any time. In addition, the average over the past twelve (12) month period (including the last month reading) shall not exceed 2.0% sulfur by weight, provided the smokestack(s) is of sufficient height as determined by the Administrator of GEPA. [GAPCSR, Sections 1103.10 and 1104.12(8)]

II.C.4 The operation of the diesel-fired emergency generators (Units 218, 219, and 220) shall be limited to power outages and maintenance and testing of the generator. A written request to operate the generator other than during these periods must be submitted to the Administrator ten (10) days prior to the scheduled operation for review and approval. [GAPCSR, Section 1104.12(8)]

II.C.5 The permittee shall not cause or permit visible fugitive dust to become airborne without taking reasonable precautions. Examples of reasonable precautions are [GAPCSR, Section 1103.4(a); SIP, Sections 8.1, 8.4, and 8.7]:

II.C.5.a Use of water or suitable chemicals for control of fugitive dust in the demolition of existing buildings or structures, construction and retrofitting operations, the grading of roads, or the clearing of land;

II.C.5.b Application of asphalt, water, or suitable chemicals on roads, material stockpiles, and other surfaces which may allow release of fugitive dust;

II.C.5.c Installation of appurtenances that provide an enclosure and ventilation for all crushing, aggregate screening, and conveying of material likely to become airborne;

II.C.5.d Installation and use of hoods, fans, and fabric filters to enclose and vent the handling of dusty materials. Reasonable containment methods shall be employed during sandblasting, spray painting, or other similar operations;

II.C.5.e Covering all moving, open-bodied trucks transporting materials which may release fugitive dust;

II.C.5.f Conducting agricultural operations, such as tilling of land and the application of fertilizers, in such manner as to reasonably minimize fugitive dust;

II.C.5.g Maintenance and sealing of road-ways and parking lots so as to prevent the exposure of such surfaces to wind, water, or vehicular travel erosion; and

II.C.5.h Prompt removal of earth or other materials from paved streets which have been transported there by trucking, earth-moving equipment, erosion, or other means.

II.C.6 Except for persons engaged in agricultural operations or persons who can demonstrate to the Administrator that the best practical operation or treatment is being implemented, no person shall cause or permit the discharge of visible fugitive dust beyond the property lot line on which the fugitive dust originates. [GAPCSR, Section 1103.4(b); SIP, Section 8.2]

II.D. Monitoring and Testing Requirements

II.D.1 The permittee shall provide sampling and testing facilities at its own expense. The tests shall be conducted at the maximum expected operating capacity of the equipment and GEPA may monitor the tests. For performance test purposes, sampling ports, platforms and access shall be provided by the permittee on the exhaust systems in accordance with 40 CFR 60.8 (e). [GAPCSR, Section 1102.4; SIP, Sections 3.6(a), 3.9, and 4.1]

II.D.2 At least thirty (30) days prior to performance a test, the permittee shall submit a written performance test plan to GEPA that describes the test date(s), duration, locations, and methods, source operation and other parameters that my affect test results. Such a plan shall conform to USEPA guidelines including quality assurance procedures. A test plan or quality assurance plan that does not have the approval of GEPA shall be grounds to invalidate any test and require a retest. [GAPCSR, Section 1102.4]

II.D.3 Within sixty (60) days after completion of the performance test, the permittee shall submit to GEPA and USEPA Regional Administrator, the test report which shall include the operating conditions of the equipment at the time of the test, the analyses of the fuel, the summarized test results, comparative results with the permit emissions limits, and other pertinent field and laboratory data. [GAPCSR, Section 1102.4; SIP, Section 4.2]

II.D.4 Any deviations from these conditions, test methods, or procedures may be cause for rejections of the test results unless such deviations are approved by GEPA before the tests are conducted. [GAPCSR, Section 1102.4]

II.D.5 Upon written request and justification by the permittee, GEPA may waive the requirement for a specific source test or monitoring. The waiver request is to be submitted at least sixty (60) days prior to the required test and must include documentation justifying such action. Documentation should include, but is not limited to, the results of the prior test indicating compliance by a wide margin, documentation of continuing compliance, and further that operations of the source have not changed since the previous source test. [GAPCSR, Section 1102.4]

II.D.6 The permittee shall perform visible emissions testing as follows [GAPCSR, Section 1104.12(7)]:

II.D.6.a Annual opacity testing using USEPA Method 9 is required for boilers greater than 10 MMBTU/hr and generators greater than 2,000 kW.

II.D.6.b A one-time, initial source test using USEPA Method 9 is required within 180 of issuance of this permit for boilers greater than 5 MMBTU/hr and generators greater than 1,000 kW.

II.D.6.c For all combustion equipment, a daily visible emissions survey shall be performed on each day the equipment is operated. The visible emissions inspection shall be conducted by a Method 9-certified observer. Information to be collected during these surveys must include the following:

1) The color of the emissions,

2) Whether the emissions were light or heavy,

3) The cause of any abnormal emissions, and

4) Any corrective action taken.

II.D.6.d If visible emissions with an instantaneous opacity reading of 10% or higher are documented during the daily visible emissions survey required by Condition II.D.6.c, USEPA Method 9 opacity readings shall be recorded within 90 days to verify compliance with applicable opacity limits.

II.D.6.e GEPA may also require additional testing if daily visible emissions surveys consistently indicate possible emissions problems.

II.E. Recordkeeping Requirements

II.E.1 All records, including support information, shall be maintained for at least five (5) years following the date of such records compiled in a permanent form suitable for inspection and made available to GEPA or their representative upon request. [GAPCSR, Section 1104.12(7)(H)]

II.E.2 The sulfur content of No. 2 fuel oil used in the diesel-fired boilers (Units 212 and 213) and diesel-fired emergency generators (Units 218, 219, and 220) shall either be obtained from the fuel vendor or monitored pursuant to 40 CFR 60.334(b) using the method described in 40 CFR 60.335(d). [GAPCSR, Section 1103.10(a)]

II.E.3 The permittee shall maintain records of fuel deliveries identifying the delivery dates and the type and amount of fuel received and including

copies of the supplier's certificate of analysis showing the sulfur content of the fuel delivered. Fuel consumption records shall be maintained annually for the diesel-fired emergency generators (Units 218, 219, and 220). [GAPCSR, Section 1102.4(c)]

II.E.4 Fuel consumption and hours of operation records shall be maintained annually for the diesel-fired boilers (Units 212 and 213). [GEPA Permit NHP-736, Condition 3, Issued March 31, 1998; GAPCSR, Section 1102.4(c)]

II.E.5 The permittee shall maintain records of the following for the diesel-fired boilers (Units 212 and 213) and diesel-fired emergency generators (Units 218, 219, and 220), recorded in a permanent form suitable for inspection:

II.E.5.a All measurements, including operating load and annual hours of operation

II.E.5.b All monitoring device calibration checks

II.E.5.c Inspections, maintenance, adjustments, and any other repair work

II.E.5.d Performance test results

[GEPA Permit NHP-736, Condition 3, Issued March 31, 1998; GAPCSR, Section 1104.12(7)]

II.E.6 The records shall be in a permanent form suitable for inspection and shall be retained for at least five years following the date of measurements, maintenance, reports, and records. As a minimum, these records shall include the date of the measurement or inspection, a short description of the action and/or any such repair work, and a description of the part(s) inspected or repaired. [GAPCSR, Section 1104.12(7)]

II.F. Reporting Requirements

II.F.1 As required in Section II.J and in conjunction with the requirements of Section II.K of this permit the permittee shall report annually the total tons per year emitted of each regulated air pollutant, including hazardous air pollutants. The reporting of annual emissions is due within sixty (60) days following the end of the each calendar year. Upon the written request of the permittee, the deadline for reporting of annual emissions may be extended, if GEPA determines that reasonable justification exists for the extension. [GAPCSR, Section 1104.24(c)]

II.F.2 Fuel consumption per annum and annual hours of operation for the diesel-fired boilers (Units 212 and 213) must be accurately measured and reported to GEPA by the 1st of March of the next year. Annual fuel consumption and hour of operation to be submitted is for January 1 through December 31 of the previous year. [GEPA Permit NHP-736, Condition 3, March 31, 1998]

II.F.3 The permittee shall report in writing within thirty (30) days the modification, relocation, discontinuance of, operation of, or dismantlement of the diesel-fired boilers (Units 212 and 213) or the diesel-fired emergency generators (Units 218, 219, and 220). [GEPA Permit NHP-736, Condition 5, March 31, 1998; GAPCSR, Section 1104.5]

II.F.4 The permittee shall provide a report to GEPA of the results of all monitoring and recordkeeping required by this permit at least once every six (6) months. Reports shall be submitted for monitoring and recordkeeping performed between January 1st and June 30th and between July 1st and December 31st and shall be postmarked by the 30th day following the end of the reporting period. The first monitoring and recordkeeping report will cover the period from the date of issuance of this permit to December 31, 2008. [GAPCSR, Section 1104.12(7)(I)]

II.G. Compliance Schedule

II.G.1 For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements. [GAPCSR, Section 1104.8(b)(2)(A)]

II.G.2 For applicable requirements which become applicable during the permit term, the source shall meet such applicable requirements on a timely basis. [GAPCSR, Section 1104.8(b)(2)(B)]

II.H. Compliance Certifications

II.H.1 The compliance plan and compliance certification submittal requirements shall be in accordance with Sections 1104.8 and 1104.9 of the GAPCSR. The compliance certification shall be submitted to GEPA and the USEPA Regional Administrator once per year, or more frequently as set by any applicable requirement.

II.H.2 During the permit term, the permittee shall submit at least annually to GEPA, a compliance certification pursuant to Section 1104.9 of the GAPCSR. This certification shall be postmarked by January 30th of each

year, and shall cover the previous calendar year (January 1 through December 31). The first compliance certification will cover the period from the date of issuance of this permit to December 31, 2008. The permittee shall indicate whether or not compliance is being met with each term or condition of this permit. [GAPCSR, Section 1104.9]

II.I. General Air Quality Protections

II.I.1 The permittee shall not dispose of combustible material by open burning, or cause, suffer, allow, or permit open burning of combustible material within Guam, except as provided in Sections 1103.11 (b) through (e) of the GAPCSR. [GAPCSR, Section 1103.11; SIP, Section 6.1]

II.I.2 Control of Odors in Ambient Air

II.I.2.a The permittee shall not discharge or cause to be discharged into the atmosphere from any source whatsoever, such quantities of odorous emissions which is injurious to health, or is indecent or offensive to the senses, which affects at the same time an entire community or neighborhood, or any considerable number of persons, so as to unduly interfere with the comfortable enjoyment of life or property of such community, neighborhood or persons. It is a creation of a condition which causes injury to the public welfare. [GAPCSR, Section 1103.12(a); SIP, Section 11.1]

II.I.2.b An odor occurrence shall be deemed a violation when a complaint is received by the Administrator and the Administrator is able to detect the odor. This detection must be verified by the Department of Public Health, Environmental Health Section for a person to be found in violation of Subsection (a) of this Condition. [GAPCSR, Section 1103.12(b); SIP, Section 11.2]

II.I.2.c The odor of growing vegetation, and chemical fertilizers and insecticides when used properly, or when persons can demonstrate to the Administrator that the best practical operation or treatment is being implemented, shall not be considered objectionable for the purposes of this requirement. [GAPCSR, Section 1103.12(c); SIP, Section 11.3]

II.I.3 The permittee shall comply with the asbestos requirements of 40 CFR 61, Subpart M (as amended and incorporated in Section 1103.13 of the GAPCSR), including requirements for demolition and renovation projects. [GAPCSR, Section 1103.13]

II.J. Annual Emissions Reporting Requirements

II.J.1 The reporting period for the annual emissions, including emissions from the emission units identified in Condition II.A.1 of this permit, shall be from January 1 to December 31 of each calendar year. All reports shall be submitted to GEPA along with the annual fee due. The report shall be mailed to [GAPCSR, Section 1104.24(c)]:

Administrator
Guam Environmental Protection Agency
Air and Land Division
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

Director, Air Division (Attn: AIR-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

II.J.2 The permittee shall retain the information submitted, including all emissions calculations. These records shall be in a permanent form suitable for inspection, retained for a minimum of five (5) years, and made available to GEPA upon request. [GAPCSR, Section 1104.12(7)(H)]

II.J.3 Any information submitted to GEPA without a request for confidentiality shall be considered public record. [GAPCSR, Section 1102.7]

II.J.4 The permittee may request confidential treatment of specific information by submitting a written request to the Administrator identifying the specific information that is to be accorded confidential treatment. [GAPCSR, Section 1102.7(b)]

II.K. Fee Payment

II.K.1 The permittee shall submit fees in accordance with GAPCSR, Sections 1104.21 through 1104.24. [GAPCSR, Section 1104.12(9)(K)]

II.K.2 The permittee shall complete and submit the Annual Fee Calculation Worksheet, including all emissions calculations, with the required annual fee. The permittee shall make copies for future use. [GAPCSR, Section 1104.24(l)]

II.K.3 Annual fees shall be paid in full: [GAPCSR, Section 1104.24 (a)]

II.K.3.a Within sixty (60) days after the end of each calendar year;

II.K.3.b Within thirty (30) days after permanent discontinuance of the air emission source.

II.K.4 The permittee shall be assessed a Six Dollars ($6.00) per ton per pollutant base rate of the total annual emission. However, the minimum annual fee due shall be Five Hundred Dollars ($500.00) for federal oversight sources and One Hundred Dollars ($100) for non-federal oversight sources for each valid permit held during the prior calendar year; or Forty-Two Dollars ($42.00) per month for federal oversight sources and Eight Dollars ($8) per month for non-federal oversight sources for any fraction of the year the permit is valid after the last calendar year for which annual fee was paid. [GAPCSR, Section 1104.24(g)]

II.K.5 If any part of the annual fee is not paid within thirty (30) days after the due date, a late penalty of five percent (5%) of the amount due shall at once accrue and be added thereto. Thereafter, on the first day of each calendar month during which part of the annual fee or any prior accrued late payment penalty remains unpaid, an additional late payment penalty of five percent (5%) of the then unpaid balance shall accrue and be added thereto. [GAPCSR, Section 1104.25(b)]

II.K.6 If any annual fee, including the late payment penalty required by the GAPCSR is not paid in full within thirty (30) days after the due date, the Administrator may terminate or suspend any or all of the owner or operator's air pollution control permit, after affording the opportunity for a hearing in accordance with Section 1104.19 or Section 1102.14 of the GAPCSR [GAPCSR, Section 1104.25(c)]

II.K.7 The annual emissions data for which the annual fees are based shall accompany the submittal of any annual fees and submitted on forms furnished by GEPA. [GAPCSR, Section 1104.24(c)]

II.K.8 Check payments shall be made payable to the Treasurer of Guam along with a notation that the funds be deposited into GEPA's Air Pollution Control Special Fund. [GAPCSR, Section 1104.21(d)]

II.K.9 The annual fees and emissions data shall be mailed to [GAPCSR, Section 1104.24]:

Administrator
Guam Environmental Protection Agency
Air and Land Division
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

Director, Air Division (Attn: AIR-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

III. Title V Administrative Requirements

III.A. Blanket Compliance Statement

The permittee shall comply with all the terms and conditions of this permit. Any permit noncompliance constitutes a violation of the GAPCSR and, for all federally enforceable terms and conditions, the CAA, and is grounds for enforcement action, permit termination, suspension, reopening, or amendment, or for denial of a permit renewal application. Permit noncompliance shall be subject to the penalties and remedies provided for in Section 49116 of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA. [GAPCSR, Section 1104.12(9)(A) and 1102.12; SIP, Section 4.4]

III.B. Duty to Provide and Supplement Information

The permittee shall furnish, in a timely manner, any information or record requested in writing by GEPA to determine whether cause exists for terminating, suspending, reopening, or amending the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to GEPA copies of records required to be kept by the permit. For information claimed confidential, the permittee shall furnish such records to GEPA with a claim of confidentiality. [GAPCSR, Section 1104.12(9)(H)]

III.C. Submissions

Any document (including reports, compliance plans and compliance certifications) required to be submitted by this permit shall be certified by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete in accordance with 1102.3 and shall be mailed or forwarded to the following address [GAPCSR, Sections 1102.3 and 1104.12(9)(L)]:

Administrator
Guam Environmental Protection Agency
Air and Land Division
Air Pollution Control Program
P.O. Box 22439 GMF
Barrigada, Guam 96921

All applicable correspondences and records with this permit submitted to GEPA shall have duplicate copies forwarded to:

Director, Air Division (Attn: AIR-5)
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105

III.D. Severability Clause

If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and remain valid. [GAPCSR, Section 1104.12(9)(B)]

III.E. Circumvention

The permittee shall not cause or permit the installation or use of any device or any means which, without resulting in reduction in the total amount of air contaminant emitted, conceals or dilutes an emission of air contaminant which would otherwise violate these regulations. This provision does not prohibit recycling, burning as fuel or otherwise further processing material which would violate an emission regulation if released to the atmosphere, so long as the facility in which that material is used does not violate applicable emission regulations. [SIP, Section 17.2]

III.F. Permit Actions

This permit will be revoked if the Agency finds willful or continued violations of the standards and regulations. [GAPCSR, Sections 1104.12(9)(A), 1104.18(a)(4), and 1104.18(b)(3); SIP, Section 3.7(c)]

III.G. Reopening for Cause

This permit may be terminated, suspended, reopened, or amended for cause pursuant to Section 1104.18 of the GAPCSR, after affording the permittee an opportunity for a hearing in accordance with Section 1102.14 or 10 GCA 49111. [GAPCSR, Section 1104.12(9)(D)]

III.H. Property Rights

This permit does not convey any property rights of any sort, or any exclusive privilege. [GAPCSR, Section 1104.12(9)(E)]

III.I. Inspection and Entry

The permittee shall allow GEPA, the Regional Administrator for the USEPA and/or an authorized representative, upon presentation of credentials or other documents required by law:

III.I.1 To enter the premises where a source is located or emission-related activity is conducted, or where records must be kept under the conditions of the permit and inspect at reasonable times all facilities, equipment, practices,

operations, or records covered under the terms and conditions of the permit and request copies of records or copy records required by the permit; and

III.I.2 To sample or monitor at reasonable times substances or parameters to assure compliance with the permit or applicable requirements. [GAPCSR, Section 1104.12(9)(M)]

III.J. Emergency Provisions

III.J.1 In addition to any emergency or upset provision contained in any applicable requirement, the permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate to the Administrator the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

III.J.1.a An emergency occurred and the permittee can identify the cause(s) of the emergency;

III.J.1.b The permitted facility was at the time being properly operated;

III.J.1.c During the period of the emergency, the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission limitations or other requirements in this permit; and

III.J.1.d The permittee submitted notice of the emergency to the Administrator within two (2) working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the prompt reporting of deviations pursuant to Section 1102.9 of the GAPCSR. [GAPCSR, Sections 1104.17(a) and 1104.1(c)]

III.J.1.e In any enforcement proceeding the permittee attempting to establish the occurrence of an emergency has the burden of proof. [GAPCSR, Section 1104.17(b)]

III.K. Transfer of Ownership or Operation

III.K.1 This permit is not transferable, whether by operation of law or otherwise, either from one location to another or from one piece of equipment to another. [GAPCSR, Section 1104.4(c); SIP Section 3.8]

III.K.2 This permit shall not be transferable, whether by operation of law or otherwise, from person to person without the approval of the Administrator. [GAPCSR, Section 1104.4(d); SIP Section 3.8]

III.K.3 In the event of any changes in control or ownership of facilities to be operated or modified, the resulting modification of this permit shall be made as an administrative amendment pursuant to Section 1104.20 of the GAPCSR. [GAPCSR, Section 1104.20]

III.L. Permit Expiration and Renewal

III.L.1 This permit is issued for a fixed term of five years from the date of issuance. [GAPCSR, Section 1104.11; SIP Section 3.1(b)(4)]

III.L.2 Application for permit renewal for federal oversight sources shall be submitted no more than eighteen (18) months prior to the date of permit expiration. Application for permit renewal for federal oversight sources shall be submitted no later than six (6) months prior to the date of permit expiration. Application for permit renewal for all other air pollution sources must be submitted at least 60 days prior to expiration. Late applications shall be subject to penalties pursuant to Section 1104.25 of the GAPCSR. [GAPCSR, Section 1104.6(d); SIP Section 3.1(b)(4)]

III.L.3 This permit shall remain valid past the expiration date and the air pollution emission source shall not be in violation for failing to have an air pollution control permit, until the Administrator has issued or denied the renewal of the air pollution control permit, provided [GAPCSR, Section 1104.2(d)]:

III.L.3.a A complete renewal application has been submitted and the owner or operator acts consistently with the permit previously granted, and the application on which it was based, and all plans, specifications, and other information submitted as part of the application; and

III.L.3.b The owner or operator has submitted to the Administrator within the specified deadlines, all requested additional information deemed necessary to evaluate or take final action on the renewal application as described in Section 1104.6 of the GAPCSR.

III.M. Permit Modifications

Applications for modification of this permit are subject to the same requirements as the initial application including all requirements pursuant to Section 1104.6 (c) of the GAPCSR. The permittee shall submit a description of the modification, identifying all

proposed changes, including any changes to the source operations, work practices, equipment design, source emissions, or any monitoring, record keeping, and reporting procedures. Each change from the permit application for this permit shall be identified on the application for the permit modification. [GAPCSR, Section 1104.6(f)]

III.N. Malfunction

III.N.1 Except for emergencies which result in noncompliance with any technology-based emission limitation in accordance with Section 1104.17 of the GAPCSR, in the event any emission unit, air pollution control equipment, or related equipment breaks down in such a manner as to cause the emission of air pollutants in violation of GAPCSR, or this permit, the permittee shall immediately notify, within twenty-four (24) hours, GEPA of the failure or breakdown, unless the protection of personnel or public health or safety demands immediate attention to the failure or breakdown and makes such notification infeasible. In the latter case, the notice shall be provided as soon as practicable. The submittal of these notices shall not be a defense to an enforcement action. Within five (5) working days of this initial notification, the permittee shall also submit, in writing, the following information:

III.N.1.a Identification of emission points;

III.N.1.b Magnitude of the excess emissions;

III.N.1.c Time and duration of the excess emissions;

III.N.1.d Identity of the process or control equipment causing the excess emissions;

III.N.1.e Cause and nature of the excess emissions;

III.N.1.f Description of the steps taken to remedy the situation, prevent a recurrence, limit the excessive emissions, and assure that the breakdown does not interfere with the attainment and maintenance of the National Ambient Air Quality Standards (NAAQS) and Guam ambient air quality standards;

III.N.1.g Documentation that the equipment or process was at all times maintained and operated in a manner consistent with good practice for minimizing emissions; and

III.N.1.h A statement that the excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance. [GAPCSR, Section 1102.9]

III.O. Agency Notifications

III.O.1 The permittee shall notify the Administrator in writing of the following dates:

III.O.1.a The anticipated date of initial start-up for each emission unit of a new source or significant modification not more than sixty (60) days or less than thirty (30) days prior to such date.

III.O.1.b The actual date of construction commencement within fifteen (15) days after such date.

III.O.1.c The actual date of start-up within fifteen (15) days after such date. [GAPCSR, Section 1104.12(9)(G)]

III.O.2 The permittee shall notify GEPA in writing, of the intent to shut down air pollution control equipment for necessary scheduled maintenance at least twenty-four (24) hours prior to the planned shutdown. The submittal of this notice shall not be a defense to an enforcement action. The notice shall include the following:

III.O.2.a Identification of the specific equipment to be taken out of service, as well as its location and permit number;

III.O.2.b The expected length of time that the air pollution control equipment will be out of service;

III.O.2.c The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period;

III.O.2.d Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period; and

III.O.2.e The reasons why it would be impossible or impractical to shut down the source operation during the maintenance period. [GAPCSR, Section 1102.8; SIP, Section 4.3]

III.O.3 A copy of applicable correspondence or records submitted to GEPA shall be provided to the USEPA pursuant to Section 1104.15 of the GAPCSR. [GAPCSR, Section 1104.12(9)(I)]

III.O.4 Within thirty (30) days of permanent discontinuance of the operation, modification, relocation, or construction of any of the above units, the responsible official shall report the discontinuance in writing to the Administrator. [GAPCSR, Section 1104.5(a)]

III.P. Miscellaneous Conditions

III.P.1 Unless specifically identified, the terms and conditions contained in this permit are consistent with the applicable requirement on which each term or condition is based. [Section 49107(7)(c)(2) of Chapter 49, Part 2, Division 2, Part 1 of Title 10 of the GCA]

III.P.2 This permit, or a copy thereof, shall be maintained at or near the source for which this permit was issued and shall be made available for inspection upon request. [GAPCSR, Section 1104.4(a); SIP, Section 3.12]

III.P.3 This permit shall not be willfully defaced, altered, forged, counterfeited, or falsified. [GAPCSR, Section 1104.4(b); SIP, Section 3.13]

III.P.4 The facility covered by this permit shall be constructed and operated in accordance with the application, and any information submitted as part of the application, for this permit. There shall be no deviation from this permit condition unless additional or revised plans are submitted to and approved by GEPA, and the permit is amended to allow for such deviation. [GAPCSR, Section 1104.12(12)]

III.P.5 This permit (a) does not release the permittee from compliance with other applicable statutes of Guam, or with applicable local or federal laws, regulations, or ordinances, and (b) shall not constitute, nor be construed to be an approval of the design of the source. [GAPCSR, Sections 1104.2(e) and 1104.12(11)]

III.P.6 The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the terms and conditions of this permit. [GAPCSR, Section 1104.12(9)(C)]

III.P.7 The filing of a request by the permittee for a permit termination, suspension, reopening, or amendment, or a notification of planned changes or anticipated noncompliance does not stay any permit condition. [GAPCSR, Section 1104.12(9)(D)]

III.P.8 This permit shall become invalid with respect to any authorized construction if construction is not commenced as follows:

III.P.8.a Within thirty (30) days of permanent discontinuance of the construction, modification, relocation or operation of any permitted air pollution emission source, the responsible official shall report the discontinuance in writing to the Administrator.

III.P.8.b For phased construction projects, each phase shall commence construction within eighteen (18) months of the projected and approved commencement dates in the permit. [GAPCSR, Sections 1104.5(b), 1104.5(c), and 1104.12(9)(F)]

III.P.9 GEPA may extend the time periods specified in Condition III.P.8 of this permit upon a satisfactory showing that an extension is justified. Request for an extension shall be submitted in writing to GEPA. [GAPCSR, Section 1104.5(d)]

III.P.10 The permittee may request confidential treatment of any records in accordance with Section 1102.7 of the GAPCSR. [GAPCSR, Section 1104.12(9)(J)]

III.P.11 The terms and conditions included in this permit, including any provision designed to limit a source's potential to emit, are federally enforceable unless such terms, conditions, or requirements are specifically designated as not federally enforceable. [GAPCSR, Section 1104.14]

GUAM ENVIRONMENTAL PROTECTION AGENCY
AIR POLLUTION CONTROL PERMIT

Permit No. FO-015A

IS HERBY ISSUED TO

Naval Facilities Engineering Command Marianas

LOCATED AT

Finegayan, SIC Code 49

in accordance with the Guam Air Pollution Control Standards and Regulations (GAPCSR), Public Law 24-20, 10 Guam Code Annotated (GCA), Chapter 49.

This Permit is non-transferable and the permittee is subject to the requirements for holding and transfer of permits in Section 1104.4 of the GAPCSR.

No person shall willfully deface, alter, forge, counterfeit, or falsify this Permit.

This Permit shall expire **03/01/2014**. The renewal application shall be submitted no later than **09/01/2013**.

LORILEE T. CRISOSTOMO
Administrator
Date: JUL 15 2009