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DRAFT TITLE V PERMIT TO OPERATE

PERMIT #:	FACILITY NAME:	LOCATION:	COUNTY:	STATE:
NN OP 09-001	TRANSWESTERN PIPELINE COMPANY - LEUPP COMPRESSOR STATION NUMBER 3	LEUPP	COCONINO	AZ

ISSUE DATE:	EXPIRATION DATE:	AFS PLANT ID:	PERMITTING AUTHORITY:
XX/XX/2010	XX/XX/2015	04-005-N0137	NNEPA

ACTION/STATUS: DRAFT PART 71 OPERATING PERMIT ISSUANCE

In accordance with the provisions of the Title V of the Clean Air Act, 40 C.F.R. § 71.10 and §71.11(a)(4), the Navajo Nation Operating Permit Regulations (NNOPR), and all other applicable rules and regulations, NNEPA is proposing to issue a Title V Permit to Operate to Transwestern Pipeline Company - Leupp Compressor Station Number 3.

As described in 40 C.F.R. § 71.11(a)(5) and NNOPR § 403(A), this draft operating permit will be publicly noticed and made available for public comment. Comments on this proposed action may be submitted to the Navajo Nation Air Quality Control Program (NNAQCP) in Fort Defiance, Attn: Charlene Nelson (Program Supervisor), for a period of 30 days from the start of the public comment period. Should there be a significant degree of public comment with respect to the proposed action NNEPA may hold a public hearing pursuant to NNOPR § 403(E).

This permit is not effective until NNEPA issues a final permit. The enclosed permit conditions are subject to change prior to issuance.

Abbreviations and Acronyms

Administrator	Administrator of the U.S. EPA
AR	Acid Rain
ARP	Acid Rain Program
CAA	Clean Air Act [42 U.S.C. Section 7401 et seq.]
CAM	Compliance Assurance Monitoring
CFR	Code of Federal Regulations
EIP	Economic Incentives Program
gal	gallon
HAP	Hazardous Air Pollutant
hp	horsepower
hr	hour
Id. No.	Identification Number
ISO	International Standards Organization
kg	kilogram
lb	pound
MMBtu	million British Thermal Units
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
NNEPA	Navajo Nation Environmental Protection Agency
NNOPR	Navajo Nation Operating Permit Regulations
NNADCR	Navajo Nation Acid Deposition Control Regulations
NO_X	Nitrogen Oxides
NSPS	New Source Performance Standards
NSR	New Source Review
PM	Particulate Matter
PM-10	Particulate Matter less than 10 microns in diameter
ppm	parts per million
PSD	Prevention of Significant Deterioration
PTE	Potential to Emit
psia	pounds per square inch absolute
RMP	Risk Management Plan
SNAP	Significant New Alternatives Program
scf	standard cubic foot
SO_2	Sulfur Dioxide
TPY	tons per year
TSP	Total Suspended Particulate
U.S. EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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I. Source Identification

- Company Name: Transwestern Pipeline Company
- Company Mailing Address: 4001 Indian School Road, Suite 250
Albuquerque, New Mexico 87110
- Plant Name: Transwestern Pipeline Company -
Leupp Compressor Station Number 3
- Plant Location: Section 5/6, Township 22-N
Range 14-E, 8 miles east of Leupp, AZ
- County: Coconino, Arizona
- EPA Region: 9
- Reservation: Navajo Nation
- Tribe: Navajo
- Company Contact: Larry Campbell Phone: (575) 625-8022
- Responsible Official: Jeff Whippo Phone: (505) 260-4006
- EPA Contact: Roger Kohn Phone: (415) 972-3973
- Tribal Contacts: Charlene Nelson Phone: (928) 729-4247
Anoop Sukumaran Phone: (928) 729-4094
- SIC Code: 4922
- AFS Plant Id. No. 04-005-N0137
- Description of Process: The facility is a natural gas compressor station.
- Significant Emission Units:

Unit ID/ Stack ID	Unit Description	Maximum Capacity	Commenced Construction Date	Control Device
304	One (1) natural gas-fired turbine compressor	390.2 MMBtu/hr 33915 hp	2002	N/A
323	One (1) natural gas-fired RICE*, for power generation	1.74 MMBtu/hr 526 hp	2002	N/A
324	One (1) natural gas-fired RICE*, for power generation	1.74 MMBtu/hr 526 hp	2002	N/A

* RICE = reciprocating internal combustion engine.

II. Requirements for Specific Units

II.A. Emission Limits

1. NOx emissions from the gas turbine (Unit 304) shall not exceed 32.32 lbs/hr, based on a three-hour average, except during periods of startup and shutdown. [40 CFR §§ 71.6(a)(13)(iii), 71.6(b), 71.7(e)(1)(i)(A)(4)(i), 60.332(a)]

2. CO emissions from the gas turbine (Unit 304) shall not exceed 19.67 lbs/hr, based on a three-hour average, except during periods of startup and shutdown. [40 CFR §§ 71.6(a)(13)(iii), 71.6(b), 71.7(e)(1)(i)(A)(4)(i)]

II.B. Work Practice and Operational Requirements

1. The Permittee shall not burn any gaseous fuel in the gas turbine (Unit 304) which contains a maximum total sulfur content of the fuel which exceeds 20.0 grains/100 scf. [40 CFR § 60.331(u)]

2. The Permittee may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in 40 CFR § 60.331(u), regardless whether an existing custom schedule approved by the Administrator for Subpart GG requires such monitoring. The Permittee shall, instead, use one of the sources of information, listed in conditions II.C.3.a. or II.C.3.b., to make the required demonstration. [40 CFR § 60.334(h)(3)]

3. The Permittee shall not operate Units 323 and 324 (Caterpillar generator engines) simultaneously, except during startup/shutdown transition from one generator unit to the other generator unit to maintain process power. Each transition overlap period shall not last more than five minutes. There shall be no more than 24 transition cycles in any twelve-month period. [40 CFR §§ 71.6(a)(13)(iii), 71.6(b), 71.7(e)(1)(i)(A)(4)(i)]

4. The combined hours of operation of Units 323 and 324 (Caterpillar generator engines) shall not exceed 9,000 hours in any twelve-month period, and 9,024 hours in a twelve-month period containing February 29th. [40 CFR §§ 71.6(a)(13)(iii), 71.6(b), 71.7(e)(1)(i)(A)(4)(i)]

II.C. Monitoring and Testing Requirements [40 CFR § 71.6(a)(3)(i)] [NNOPR § 302(E)] [The NNOPR provision is enforceable by NNEPA only.]

1. The Permittee shall conduct, on an annual basis, a performance test (as described in 40 CFR § 60.8) for NOx and CO from the gas turbine (Unit 304) at the maximum operating capacity of the facilities being tested, and furnish U.S. EPA Region 9 (Attn: AIR-5) and NNEPA a written report of the test results. The tests for NOx and CO shall be conducted on an annual basis and at the maximum operating capacity of the facilities being tested. Upon written request from the Permittee, U.S. EPA Region 9 and NNEPA may approve conducting performance tests at a lower specified production rate.

Performance tests for CO and NOx emissions shall be conducted, and the results reported, in accordance with the test methods set forth in 40 CFR § 60.8 and Appendix A. The following test methods, or alternatives approved by U.S. EPA Region 9 and NNEPA, shall be used:

a. For CO, U.S. EPA Methods 1-4 and 10.

b. For NOx, U.S. EPA Methods 1-4 and 20.

[40 CFR §§ 60.8, 60.11(a), 60.335(b), 71.6(a)(3)(B)]

2. Monitoring of fuel nitrogen content shall not be required when natural gas is the only fuel fired in the gas turbine. [40 CFR § 60.334]

3. The owner or operator shall use one of the following sources of information to make the required demonstration to monitor sulfur content of the gaseous fuel:

   a. The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or

   b. Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20.0 grains/100 scf. At a minimum, the amount of fuel sampling data specified in 40 CFR Part 75, Appendix D § 2.3.1.4 or § 2.3.2.4 is required.

   [40 CFR §§ 60.334(h)(3)(i) and (ii)]

4. Should any sulfur analysis as required in Condition II.C.3 of this permit indicate noncompliance with 40 CFR § 60.333 or Condition II.B.1, the Permittee shall notify NNEPA and U.S. EPA Region 9 of such excess emissions and they shall re-examine the custom schedule. Sulfur monitoring shall be conducted weekly during the interim period while this custom schedule is being re-examined. [40 CFR § 60.334]

5. The Permittee must notify NNEPA and U.S. EPA Region 9 if there is a change in fuel supply, for re-examination of this custom schedule. A substantial change in fuel quality shall be considered as a change in fuel supply. Sulfur monitoring shall be conducted weekly during the interim period when this custom schedule is being re-examined. [40 CFR § 60.334]

6. Records of sample analysis and fuel supply pertinent to 40 CFR § 60.334(h) shall be retained for a period of five years, and shall be available for inspection by authorized NNEPA and U.S. EPA Region 9 personnel. [40 CFR § 60.334]

7. The sulfur content analysis may be performed by the Permittee, the fuel vendor, or any other qualified agency. [40 CFR § 60.335(b)(11)]

II.D. Recordkeeping Requirements [40 CFR § 71.6(2)(3)(ii)]

1. The Permittee shall maintain an on-site a log of the operation of Units 323 and 324 (Caterpillar generator engines). The log shall contain the dates, times, and duration of each startup and shutdown of each emission unit. The Permittee shall also calculate, on a monthly basis, the combined hours of operation of each engine to ensure that the facility does not exceed 9,000 hours on a rolling twelve-month basis, or 9,024 hours when including February 29th.

2. The Permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR Part 60, recorded in a permanent form suitable for inspection. The file shall be retained for at least 5 years following the date of such measurements, maintenance, reports, and records. [40 CFR §§ 71.6(a)(3)(ii), 60.7(f)]

II.E. Reporting Requirements [40 CFR § 71.6(a)(3)(iii)]

1. For the purpose of reports required under 40 CFR §60.7(c), periods of excess emissions that shall be reported are defined as any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 20.0 grains/100 scf. [40 CFR § 60.334(h)(3)(ii)]

2. At least once every six months, Transwestern Pipeline Company shall provide its current tariff from the Federal Energy Regulatory Commission (FERC), demonstrating that the fuel being fired in the turbine at Leupp Compressor Station satisfies the definition of "natural gas" in 40 CFR § 60.331(u).

II.F. NSPS General Provisions

The following requirements apply to the operation, maintenance, and testing of the gas turbine (Unit 304) in accordance with 40 CFR Part 60, Subparts A and GG ("Standards of Performance for Stationary Gas Turbines").

1. All requests, reports, applications, submittals, and other communications to the Administrator, pursuant to 40 CFR Part 60, shall be submitted to U.S. EPA Region 9 [40 CFR § 60.4(a)] and to NNEPA at the addresses indicated in Condition IV.E.

2. Any Permittee subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative. [40 CFR § 60.7(b)]

3. Public availability of information provided to, or otherwise obtained by, the Administrator under this permit shall be governed by 40 CFR Part 2. (Information submitted voluntarily to the Administrator for the purposes of compliance with 40

CFR §§ 60.5 and 60.6 is governed by 40 CFR §§ 2.201 through 2.213 and not by 40 CFR § 2.301.) [40 CFR § 60.9]

4. Compliance with the fuel sulfur standard listed in Condition II.B.1 of this permit shall be determined pursuant to performance tests established by 40 CFR §60.8 or with Conditions II.C.3.a. or II.C.3.b. of this permit. [40 CFR § 60.11(a)]

5. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected facilities, including associated air pollution control equipment, in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. [40 CFR § 60.11(d)]

6. For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in 40 CFR Part 60, nothing shall preclude the use, including the exclusive use, of 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. [40 CFR § 60.11(g)]

7. No owner or operator subject to the provisions of 40 CFR 60 shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or a standard based on the concentration of a pollutant in the gases discharged to the atmosphere. [40 CFR § 60.12]

8. With respect to compliance with all New Source Performance Standards (NSPS) of 40 CFR Part 60, the permittee shall comply with the "General Notification and Reporting Requirements" found in 40 CFR § 60.19. [40 CFR § 60.19]

9. The permittee shall provide written notification to NNEPA and U.S. EPA or — if acceptable to NNEPA, U.S. EPA and the permittee — electronic notification of any reconstruction of an affected facility, or any physical or operational change to an affected facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under this permit or in 40 CFR § 60.14(e), pursuant to 40 CFR § 60.7. [40 CFR § 60.7(a)]

II.G. Operational Flexibility [40 CFR § 71.6(a)(13)(i)]

1. The Permittee is allowed to make a limited class of changes under CAA § 502(b)(10) within this permitted facility that contravene the specific terms of this permit, without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit (whether expressed therein as a rate of emissions or in

terms of total emissions) and are not Title I modifications. This class of changes does not include:

a. Changes that would violate applicable requirements; or

b. Changes that would contravene federally enforceable permit terms and conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements.

2. The Permittee is required to notify NNEPA at least seven days prior to any change made under this provision. The notice must describe the change, when it will occur and any associated change in emissions, and identify any permit terms or conditions made inapplicable as a result of the change. The Permittee shall attach each notice to its copy of this permit.

III. Facility-Wide or Generic Permit Requirements

Conditions in this Section III apply to all emissions units located at the facility. [See 40 CFR § 71.6(a)(1)]

III.A. Testing Requirements [40 CFR § 71.6(a)(3)] [NNOPR § 302(E)] [The NNOPR provision is enforceable by NNEPA only.]

In addition to the unit-specific testing requirements derived from the applicable requirements for each individual unit contained in Section II of this permit, the Permittee shall comply with the following generally applicable testing requirements as necessary to ensure that the required tests are sufficient for compliance purposes:

1. Submit to U.S. EPA Region 9 and NNEPA a source test plan 30 days prior to any required testing. The source test plan shall include and address the following elements:

    1.0 Purpose of the test
    2.0 Source Description and Mode of Operation During Test
    3.0 Scope of Work Planned for Test
    4.0 Schedule/Dates
    5.0 Process Data to be Collected During Test
    6.0 Sampling and Analysis Procedures
        6.1 Sampling Locations
        6.2 Test Methods
        6.3 Analysis Procedures and Laboratory Identification
    7.0 Quality Assurance Plan
        7.1 Calibration Procedures and Frequency
        7.2 Sample Recovery and Field Documentation
        7.3 Chain of Custody Procedures
        7.4 QA/QC Project Flow Chart
    8.0 Data Processing and Reporting
        8.1 Description of Data Handling and QC Procedures
        8.2 Report Content

2. Unless otherwise specified by an applicable requirement or permit condition in Section II, all source tests shall be performed at maximum available operating rates (90% to 110%) of device design capacity.

3. Only regular operating staff may adjust the processes or emission control device parameters during a compliance source test. No adjustments are to be made within two hours of the start of the tests. Any operating adjustments made during a source test, that are a result of consultation during the tests with source testing personnel, equipment vendors, or consultants, may render the source test invalid.

4. During each test run and for two hours prior to the test and two hours after the completion of the test, the permittee shall record the following information:

   a. Fuel characteristics and/or amount of product processed (if applicable).

   b. Visible emissions.

   c. All parametric data which is required to be monitored in Section II for the emission unit being tested.

   d. Other source specific data identified in Section II such as minimum test length (*e.g.*, one hour, eight hours, 24 hours, etc.), minimum sample volume, other operating conditions to be monitored, correction of O_2, etc.

5. Each source test shall consist of at least three valid test runs and the emission results shall be reported as the arithmetic average of all valid test runs and in the terms of the emission limit. There must be at least three valid test runs, unless otherwise specified.

6. Source test reports shall be submitted to U.S. EPA Region 9 and NNEPA within 60 days of completing any required source test.

III.B. Recordkeeping Requirements [40 CFR § 71.6 (a)(3)(ii)]

In addition to the unit-specific recordkeeping requirements derived from the applicable requirements for each individual unit and contained in Section II, the permittee shall comply with the following generally applicable recordkeeping requirements:

1. The Permittee shall keep records of required monitoring information that include the following:

   a. The date, place, and time of sampling or measurements;

   b. The date(s) analyses were performed;

   c. The company or entity that performed the analyses;

   d. The analytical techniques or methods used;

   e. The results of such analyses; and

f. The operating conditions as existing at the time of sampling or measurement.

2. The Permittee shall retain records of all required monitoring data and support information for at least five years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records, all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit.

3. The Permittee shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by 40 CFR Part 60 recorded in a permanent form suitable for inspection. The file shall be retained for at least five years following the date of such measurements, maintenance, reports and records. [40 CFR § 71.6(a)(3)(ii), 40 CFR § 60.7(f)]

III.C. Reporting Requirements [40 CFR § 71.6 (a)(3)(iii)] [NNOPR § 302 (G)] [The NNOPR provision is enforceable by NNEPA only.]

The Permittee shall comply with the following generally applicable reporting requirements.

1. The permittee shall submit to NNEPA reports of any monitoring required under 40 CFR §§ 71.6(a)(3)(i)(A), (B), or (C) each six-month reporting period from January 1 to June 30 and from July 1 to December 31. All reports shall be submitted to NNEPA and shall be postmarked by the 30th day following the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition IV.E of this permit.

   a. A monitoring report under this section must include the following:

      i. The company name and address.

      ii. The beginning and ending dates of the reporting period.

      iii. The emissions unit or activity being monitored.

      iv. The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored.

      v. All instances of deviations from permit requirements, including those attributable to upset conditions as defined in the permit and including exceedances as defined under 40 CFR Part 64, and the date on which each deviation occurred.

      vi. If the permit requires continuous monitoring of an emissions limit or parameter range, the report must include the total operating time of the

emissions unit during the reporting period, the total duration of excess emissions or parameter exceedances during the reporting period, and the total downtime of the continuous monitoring system during the reporting period.

vii. If the permit requires periodic monitoring, visual observations, work practice checks, or similar monitoring, the report shall include the total time when such monitoring was not performed during the reporting period and at the source's discretion either the total duration of deviations indicated by such monitoring or the actual records of deviations.

viii. All other monitoring results, data, or analyses required to be reported by the applicable requirement.

ix. The name, title, and signature of the responsible official who is certifying to the truth, accuracy, and completeness of the report.

b. Any report required by an applicable requirement that provides the same information described in subparagraphs III.C.1.a.i. through ix. above shall satisfy the requirement under III.C.1.a.

c. "Deviation" means any situation in which an emissions unit fails to meet a permit term or condition. A deviation is not always a violation. A deviation can be determined by observation or through review of data obtained from any testing, monitoring, or recordkeeping established in accordance with 40 CFR §§ 71.6(a)(3)(i) and (a)(3)(ii). For a situation lasting more than 24 hours, each 24-hour period is considered a separate deviation. Included in the meaning of deviation are any of the following:

i. A situation when emissions exceed an emission limitation or standard;

ii. A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met;

iii. A situation in which observations or data collected demonstrate noncompliance with an emission limitation or standard or any work practice or operating condition required by the permit;

iv. A situation in which an exceedance, as defined in the Continuous Assurance Monitoring Program (40 CFR Part 64), occurs.

2. The permittee shall promptly report to NNEPA deviations from permit requirements, including those attributable to upset conditions as defined in this permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. "Prompt" is defined as follows:

a. Any definition of "prompt" or a specific timeframe for reporting deviations provided in an underlying applicable requirement as identified in this permit;

b. Where the underlying applicable requirement does not define "prompt" or provide a timeframe for reporting deviations, reports of deviations will be submitted based on the following schedule:

i. For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in the applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

ii. For emissions of any regulated pollutant, excluding a hazardous air pollutant or a toxic air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

iii. For all other deviations from permit requirements, the report shall be submitted with the semi-annual monitoring report required in subsection III.C.1 of this permit.

3. If any of the Conditions in III.C.2.b.i. or ii. of this permit are met, the source must notify the permitting authority by telephone, facsimile, or electronic mail sent to NNEPA, based on the timetable listed. A written notice, certified consistent with subsection III.C.4 of this permit must be submitted within ten working days of the occurrence. All deviations reported under this section must also be identified in the six-month report required under subsection III.C.1.

4. Any application form, report, or compliance certification required to be submitted by this permit shall contain certification by a responsible official of truth, accuracy, and completeness. All 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.

III.D. Stratospheric Ozone and Climate Protection [40 CFR Part 82]

1. The Permittee shall comply with the standards for labeling products using ozone-depleting substances pursuant to 40 CFR Part 82, Subpart E:

a. All containers in which a Class I or Class II substance is stored or transported, all products containing a Class I substance, and all products directly manufactured with a Class I substance must bear the required warning statement if it is being introduced into interstate commerce pursuant to 40 CFR § 82.106.

b. The placement of the required warning statement must comply with the requirements of 40 CFR § 82.108.

c. The form of the label bearing the required warning statement must comply with the requirements of CFR § 82.110.

d. No person may modify, remove, or interfere with the required warning statement except as described in 40 CFR § 82.112.

2. The Permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for motor vehicle air conditioners (MVACs) in Subpart B:

    a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR § 82.156.

    b. Equipment used during maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR § 82.158.

    c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR § 82.161.

    d. Persons disposing of small appliances, MVACs, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR § 82.166. ("MVAC-like appliance" is defined at 40 CFR § 82.152.)

    e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements of 40 CFR § 82.156.

    f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of when the refrigerant was purchased and added to such appliances, pursuant to 40 CFR § 82.166(k).

3. If the Permittee manufactures, transforms, destroys, imports, or exports a Class I or Class II substance, the permittee is subject to all the requirements as specified in 40 CFR Part 82, Subpart A, Production and Consumption Controls.

4. If the Permittee performs a service on motor (fleet) vehicles when this service involves ozone-depleting substance refrigerant (or regulated substitute substance) in the MVAC, the permittee is subject to all the applicable requirements as specified in 40 CFR Part 82, Subpart B, Servicing of Motor Vehicle Air Conditioners.

    The term "motor vehicle" as used in Subpart B does not include a vehicle in which final assembly of the vehicle has not been completed. The term "MVAC" as used in Subpart B does not include the air-tight sealed refrigeration system used as refrigerated cargo, or system used on passenger buses using HCFC-22 refrigerant.

5. The Permittee shall be allowed to switch from any ozone-depleting substance to any alternative that is listed in the Significant New Alternatives Program (SNAP) promulgated pursuant to 40 CFR Part 82, Subpart G.

III.E. Asbestos from Demolition and Renovation [40 CFR Part 61, Subpart M]

The permittee shall comply with the requirements of 40 C.F.R. §§ 61.140 through .157 of the National Emission Standard for Asbestos for all demolition and renovation projects. [40 CFR Part 61, Subpart M].

III.F. Compliance Schedule [40 CFR §§ 71.5(c)(8)(iii), 71.6(c)(3)]

1. For applicable requirements with which the source is in compliance, the source will continue to comply with such requirements.

2. For applicable requirements that will become effective during the permit term, the source shall meet such requirements on a timely basis.

IV. Title V Administrative Requirements

IV.A. Fee Payment [NNOPR Subpart VI] [The NNOPR provision is enforceable by NNEPA only.]

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below. [NNOPR § 603(A) and (B)]

   a. The permittee shall pay the annual permit fee by July 21 of each year.

   b. 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 Navajo Nation EPA Air Quality Control Program.

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

      Navajo Nation Air Quality Control Program
      Operating Permit Program
      P.O. Box 529
      Fort Defiance, AZ 86504

2. The Permittee shall submit a fee calculation worksheet form with the annual permit fee by July 21 of each year. Calculations of actual or estimated emissions and calculation of the fees owed shall be computed on the fee calculation worksheets provided by the EPA. Fee payment of the full amount must accompany each fee calculation worksheet. [NNOPR § 603(A)]

3. The fee calculation worksheet shall be certified by a responsible official consistent with 40 CFR § 71.5(d).

4. Basis for calculating annual fee:

   The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all fee pollutants emitted from the source by the applicable emissions fee (in dollars/ton) in effect at the time of calculation. Emissions of any regulated air pollutant that already are included in the fee calculation under a category of regulated pollutant, such as a federally listed hazardous air pollutant that is already accounted for as a VOC or as PM10, shall be counted only once in determining the source's actual emissions. [NNOPR § 602(A) and (B)(1)]

   a. "Actual emissions" means the actual rate of emissions in TPY of any fee pollutant 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. Actual emissions shall not include emissions of any one fee pollutant in excess of 4,000 TPY, or any emissions that come from insignificant activities [NNOPR §§ 602(B)(1), 102(5)].

b. Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data.

c. If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures.

d. The term "fee pollutant" is defined in NNOPR § 102(24).

e. The term "regulated air pollutant" is defined in NNOPR § 102(50), except that for purposes of this permit the term does not include any pollutant that is regulated solely pursuant to 4 N.N.C. § 1121 nor does it include any hazardous air pollutant designated by the Director pursuant to 4 N.N.C. § 1126(B).

f. The permittee should note that the applicable fee is revised each year to account for inflation, and it is available from NNEPA starting on March 1 of each year.

g. The total annual fee due shall be the greater of the applicable minimum fee and the sum of subtotal annual fees for all fee pollutants emitted from the source. [NNOPR § 602(B)(2)]

5. The Permittee shall retain, in accordance with the provisions of 40 CFR § 71.6(a)(3)(ii), all 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 NNEPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and records of emissions monitoring data and related support information required to be kept in accordance with 40 CFR § 71.6(a)(3)(ii).

6. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with NNOPR § 603(C).

7. When notified by NNEPA of underpayment of fees, the Permittee shall remit full payment within 30 days of receipt of notification.

8. A Permittee who thinks an NNEPA assessed fee is in error and wishes to challenge such fee, shall provide a written explanation of the alleged error to NNEPA along with full payment of the NNEPA assessed fee. [CFR § 71.9(j)(3)]

IV.B. Blanket Compliance Statement [CAA §§ 113(a) and (e)(1), 40 CFR §§ 52.12, 52.33, 60.11(g), 71.6(a)(6)]

1. The Permittee must comply with all conditions of this Part 71 permit. Any permit noncompliance, including, but not limited to, 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 for 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)]

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 or this permit; other credible evidence (including any evidence admissible under the Federal Rules of Evidence) must be considered in such determinations. [CAA §§ 113(a) and (e)(1), 40 CFR §§ 51.212, 52.12, 52.33, 60.11(g)]

IV.C. Compliance Certifications [40 CFR § 71.6(c)(5)] [NNOPR § 302(I)] [The NNOPR provision is enforceable by NNEPA only.]

1. The Permittee shall submit to NNEPA and U.S. EPA Region 9 a semi-annual certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 and July 30 of each year and covering the previous six months. The compliance certification shall be certified as to truth, accuracy, and completeness by the permit-designated responsible official consistent with Section IV.E of this permit and 40 CFR § 71.5(d).

2. The certification shall include the following:

   a. Identification of each permit term or condition that is the basis of the certification.

   b. Identification of the method(s) or other means used for determining the compliance status of each term and condition during the certification period.

      If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with CACA § 113(c)(2), which prohibits knowingly making a false certification or omitting material information.

   c. 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.

   d. A statement whether compliance with each permit term was continuous or intermittent.

IV.D. Duty to Provide and Supplement Information [40 CFR §§ 71.6(a)(6)(v), 71.5(b)] [NNOPR § 301(E)] [The NNOPR provision is enforceable by NNEPA only.]

The Permittee shall furnish to NNEPA, within a reasonable time, any information that NNEPA 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 NNEPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. (Such information may be provided to U.S. EPA 9 only, pursuant to 40 CFR § 71.6(a)(6)(v), at the Permittee's discretion.) 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 incorrect information was submitted in the permit application, shall promptly submit to the permitting authority such supplementary facts or corrected information. The Permittee shall also provide additional information to the permitting authority as necessary to address any requirements that become applicable to the facility after this permit is issued.

IV.E. Submissions [40 CFR §§ 71.5(d), 71.6] [NNOPR § 702] [The NNOPR provision is enforceable by NNEPA only.]

Any document required to be submitted with 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 reports, test data, monitoring data, notifications, compliance certifications, fee calculation worksheets, and applications for renewals and permit modifications shall be submitted to NNEPA and U.S. EPA Region 9, as applicable, at the respective addresses below:

Navajo Nation Air Quality Control Program
Operating Permit Program
P.O. Box 529
Fort Defiance, AZ 86504

Director, Air Division (Attn: AIR-1)
EPA Region IX
75 Hawthorne Street
San Francisco, CA 94105

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

The provisions of this permit are severable. 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.

IV.G. Permit Actions [40 CFR § 71.6(a)(6)(iii)] [NNOPR § 406] [The NNOPR provision is enforceable by NNEPA only.]

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.

IV.H. Administrative Permit Amendments [40 CFR § 71.7(d)] [NNOPR § 405(C)] [The NNOPR provision is enforceable by NNEPA only.]

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

1. Corrects typographical errors.

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.

3. Requires more frequent monitoring or reporting by the Permittee.

4. Allows for a change in ownership or operational control of a source where NNEPA 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 NNEPA.

5. Incorporates into the Part 71 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 §§ 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.

6. Incorporates any other type of change which NNEPA has determined to be similar to those listed above in paragraphs (1) through (5).

IV.I. Minor Permit Modifications [40 CFR § 71.7(e)(1)] [NNOPR § 405(D)] [The NNOPR provision is enforceable by NNEPA only.]

1. The permittee may request the use of minor permit modification procedures only for those modifications that:

    a. Do not violate any applicable requirement.

    b. Do not involve significant changes to existing monitoring, reporting, or recordkeeping requirements in the permit.

    c. Do not require or change a case-by-case determination of an emissions limitation or other standard, or a source-specific determination for temporary sources of ambient impacts, or a visibility or increment analysis.

    d. 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:

        i. A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of CAA Title I; and

ii. An alternative emissions limit approved pursuant to regulations promulgated under CAA § 112(i)(5).

e. Are not modifications under any provision of CAA Title I.

f. Are not required to be processed as a significant modification.

2. Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph (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.

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:

   a. A description of the change, the emissions resulting from the change, and any new applicable requirements that will apply if the change occurs;

   b. The source's suggested draft permit;

   c. Certification by a responsible official, consistent with 40 CFR § 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

   d. Completed forms for the permitting authority to use to notify affected States and the Administrator as required under 40 CFR § 71.8.

4. The Permittee may make the change proposed in its minor permit modification application immediately after it files such application. After the Permittee 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 Permittee must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the Permittee need not comply with the existing permit terms and conditions it seeks to modify. If the Permittee fails to comply with its proposed permit terms and conditions during this time period, however, the existing permit terms and conditions it seeks to modify may be enforced against it.

5. The permit shield under 40 C.F.R. § 71.6(f) may not extend to minor permit modifications.

IV.J. Significant Permit Modifications [40 CFR § 71.7(e)(3)] [NNOPR § 405(E)] [The NNOPR provision is enforceable by NNEPA only.]

1. The Permittee must request the use of significant permit modification procedures for those modifications that:

a. Do not qualify as minor permit modifications or as administrative amendments.

b. Are significant changes in existing monitoring permit terms or conditions.

c. Are relaxations of reporting or recordkeeping permit terms or conditions.

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.

3. The Permittee must meet all requirements of Part 71 for applications for significant permit modifications. Specifically, for the application to be determined complete, the Permittee must supply all information that is required by 40 CFR § 71.5(c) for permit issuance and renewal, but only that information that is related to the proposed change. [40 CFR §§ 71.7(e)(3)(ii), 71.5(a)(2)]

IV.K. Reopening for Cause [40 CFR § 71.7(f)] [This permit condition is enforceable by U.S. EPA only.]

1. U.S. EPA shall reopen the permit prior to expiration under any of the following circumstances:

   a. Additional requirements under the CAA become applicable to a major Part 71 source with a remaining permit term of 3 or more years.

   b. U.S. 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.

   c. NNEPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

2. U.S. EPA shall notify NNEPA and the Permittee, in writing, when such cause exists to reopen and revise the permit.

3. NNEPA and U.S. EPA will revise the reopened permit in accordance with 40 C.F.R. §§ 71.7(g)(2)-(5).

IV.L. Reopening for Cause [NNOPR § 406] [This provision is enforceable by NNEPA only.]

1. NNEPA shall reopen the permit prior to expiration under any of the following circumstances:

   a. Additional requirements under the Clean Air Act become applicable to a major Part 71 source with a remaining permit term of three or more years.

   b. NNEPA or USEPA 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.

c. NNEPA or USEPA determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

2. NNEPA will revise the reopened permit in accordance with NNOPR § 406(A)(2) and (4), (B).

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

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

IV.N. 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 authorized representatives from NNEPA and U.S. EPA to perform the following:

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

2. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

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

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.

IV.O. Emergency Provisions [40 CFR § 71.6(g)]

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 the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that:

   a. an emergency occurred and that the Permittee can identify the cause(s) of the emergency;

   b. the permitted facility was at the time being properly operated;

   c. during the period of the emergency the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

   d. the Permittee submitted notice of the emergency to EPA within 2 working days of the time when emissions 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 requirements of Condition III.C.2 of this permit.

In any enforcement preceding the Permittee attempting to establish the occurrence of an emergency has the burden of proof.

2. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emissions limitation under the permit due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error.

IV.P. 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 the NNEPA determines no other change in this permit is 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 NNEPA.

IV.Q. Off-Permit Changes [40 CFR § 71.6(a)(12)] [NNOPR § 404(B)] [The NNOPR provision is enforceable by NNEPA only.]

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

1. Each change is not addressed or prohibited by this permit;

2. Each change must comply with all applicable requirements and may not violate any existing permit term or condition;

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 CAA Title I;

4. The Permittee must provide contemporaneous written notice to NNEPA and U.S. EPA Region 9 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; and

5. 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.

IV.R. 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)]

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

    a. up to 12 years elapse from the date of issuance to a solid waste incineration unit combusting municipal waste subject to standards under CAA § 129; or

    b. for sources other than those identified in paragraph IV.R(1)(a) above, five years elapse from the date of issuance; or

    c. the source is issued a Part 70 permit by an EPA-approved permitting authority.

2. Expiration of this permit terminates the Permittee's right to operate unless a timely and complete permit renewal application has been submitted on or before a date six months, but not more than 18 months, prior to the date of expiration of this permit.

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, the permit shall not expire until the renewal permit has been issued or denied.

4. The Permittee's failure to have a current Part 71 permit is not a violation of this part until NNEPA 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 NNEPA.

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

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.