United States Environmental Protection Agency, Region IX
Air Division
75 Hawthorne Street
San Francisco, CA 94105

TITLE V PERMIT TO OPERATE

Permit Number: MO-ROP 10-01

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

Morongo Casino Cogeneration Facility
Banning, CA

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 EPA and citizens under the Clean Air Act.

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

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

_____ _____

Date

Deborah Jordan
Director, Air Division
EPA Region IX

Abbreviations and Acronyms

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
HHV	higher heating value
hr	hour
Id. No.	Identification Number
kg	kilogram
lb	pound
MACT	Maximum Achievable Control Technology
MCC	Morongo Casino Cogeneration Facility
MVAC	Motor Vehicle Air Conditioner
Mg	megagram
MMBtu	million British Thermal Units
mo	month
NESHAP	National Emission Standards for Hazardous Air Pollutants
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
SO_2	Sulfur Dioxide
TSP	Total Suspended Particulate
US EPA	United States Environmental Protection Agency
VOC	Volatile Organic Compounds

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I. Source Identification

I.A. General Information

Plant Name: Morongo Casino Cogeneration Facility

City: Banning State: CA

County: Riverside

EPA Region: IX

Reservation: Morongo Tribe: Morongo Band of Mission Indians

Phone: (951) 755-5115

Phone: (951) 755-5100

AFS Plant Identification Number: 06-065-MOR01

Description of Process: Cogeneration plant

I.B. Emission-Generating Units and Activities

Emission Unit I.D. No.	Unit Description	Associated Control Equipment
EG-1	Caterpillar Model G3520 IC engine, 2,055 kW	SCR & oxidation catalyst
EG-2	Caterpillar Model G3520 IC engine, 2,055 kW	SCR & oxidation catalyst
EG-3	Caterpillar Model G3520 IC engine, 2,055 kW	SCR & oxidation catalyst
EG-4	Caterpillar Model G3520 IC engine, 2,055 kW	SCR & oxidation catalyst
EG-5	Caterpillar Model G3516 IC engine, 2,000 kW	None
EG-6	Caterpillar Model G3516 IC engine, 2,000 kW	None
EG-7	Caterpillar Model G3516 IC engine, 2,000 kW	None

II. Requirements for Specific Units

II.A. Emission Limits

1. Except during periods of startup, shutdown and malfunction, the CAT G3520 natural gas-fired engines at the Facility shall not emit air pollutants in amounts higher than 0.15 grams per brake horsepower-hour (g/BHP-hr) of NO_x and 0.15 g/BHP-hr of VOC at any time during operation. [CAA § 304(f), 40 CFR § 71.6(b)]

2. Except during periods of startup, shutdown and malfunction, the CAT 3516B low sulfur diesel oil-fired engines at the Facility shall not emit air pollutants in amounts higher than 9.17 g/BHP-hr of NO_x and 0.32 g/BHP-hr of VOC at any

time during operation. [CAA § 304(f), 40 CFR § 71.6(b)]

3. The actual emissions from the entire facility, including startups and shutdowns, shall not exceed 18.7 tons per year of NO_x and 18.7 tons per year of VOC, based on a 12-month rolling average. [CAA § 304(f), 40 CFR § 71.6(b)]

II.B. Work Practice and Operational Requirements [CAA § 304(f), 40 CFR § 71.6(b)]

1. MCC shall operate and maintain Selective Catalytic Reduction (SCR) and Oxidation Catalyst units to control NOx and CO emissions from emission units EG- 01, 02, 03, and 04.

2. The Facility shall utilize pipeline quality natural gas as the exclusive internal reciprocating engine fuel for the CAT G3520 engines.

3. The Facility shall utilize No. 2 fuel oil for the CAT 3516B engines. The fuel oil shall be limited to a maximum sulfur content of 0.05% sulfur by weight.

4 Natural gas usage for the Facility shall not exceed 451.1 million standard cubic feet per year (mmscf/yr).

5. No. 2 fuel oil usage for the Facility shall not exceed 49,052 gallons/yr.

6. MCC shall conduct periodic maintenance of the four natural gas-fired engines and any add-on control equipment, as recommended by the engine and control equipment manufacturers or as specified by any other maintenance procedure approved in writing by the Administrator. Periodic maintenance for each device shall be conducted at least once each calendar year.

II.C. Monitoring and Testing Requirements [40 CFR §§ 71.6(a)(3)(i)(B) and (C);71.6(a)(3)(ii); and 71.6(c)(1)]

1. To verify compliance with the annual Facility emission limits for NO_x and VOC specified in Condition II.A.3, MCC shall calculate the annual emissions on a rolling 12-month basis by using the following equation:

18.7 tons NO_x/yr ≥ [(Monthly Heat Input for 4 x CAT 3520 Natural Gas-Fired Engines (mmBtu) x 0.044 lbs NO_x/mmBtu) + (Monthly Number of CAT 3520 Natural Gas-Fired Engine Startups x 0.700 lbs NO_x/Startup) + (Monthly Number of CAT 3520 Natural Gas-Fired Engine Shutdowns x 0.300 lbs NO_x/Shutdown) + (Monthly Heat Input for 3 x CAT 3516 Diesel Oil-Fired Engines (mmBtu) x 3.105 lbs NO_x/mmBtu)] / 2,000 lbs/ton

+

Previous 11 Monthly NO_x Emission Calculations

MCC shall perform this rolling 12-month annual emission calculation in the first week of each month using the heat input for the prior month, and shall maintain all records and calculations at the Facility.

2. MCC shall monitor and record the stack concentration of NO_x (as NO_2) and O_2 from EG-1, EG-2, EG-3, and EG-4, using a portable NO_x analyzer in accordance with EPA Test Method 034. MCC shall conduct this monitoring on a quarterly basis.

3. If the NO_x concentration, as measured by the portable analyzer, exceeds 12.0 ppmv @15% O_2, MCC shall take corrective action to return the emissions to below this concentration as soon as possible, but no longer than one hour of operation after detection. If NO_x emissions continue to exceed 12.0 ppmv @15% O_2 after one hour of operation after detection, MCC must shut down the generator and not operate it again until the problem has been corrected. MCC must notify EPA of any such event that lasts for one hour or longer via electronic mail sent to r9.aeo@epa.gov. Each event that equals or exceeds one hour in duration must also be identified in the semi-annual monitoring report required by Condition III.C.1 of this permit.

4. If any generator is shut down for one hour or longer as a result of a NO_x reading that exceeds 12.0 ppmv @15% O_2, MCC shall begin monthly monitoring of NO_x emissions from EG-1, EG-2, EG-3, and EG-4 for the next three months. After three months of monthly monitoring, MCC may resume quarterly monitoring.

5. During each monthly or quarterly use of the portable NO_x analyzer on EG-1, EG-2, EG-3, and EG-4, MCC shall monitor and record the engine load in kWs output and the urea injection rate.

6. MCC shall conduct or cause to be conducted performance tests (as described in 40 CFR 60.8) for NO_x and VOCs on the exhausts of the four natural gas-fired engines at the facility (EG-1, EG-2, EG-3, and EG-4). The performance tests shall be conducted to demonstrate compliance with the emission limits specified in Condition II.A.1 of this permit. The tests for NO_x and VOC shall be conducted at the maximum operating capacity of the engines being tested. MCC shall conduct performance tests on one gas-fired engine per year, according to the following schedule:

   year 1: EG-1
   year 2: EG-2
   year 3: EG-3
   year 4: EG-4
   year 5: EG-1

   In addition, any engine that was shut down for one hour or longer as a result of a NO_x reading that exceeded 12.0 ppmv @15% O_2 as required by Condition II.C.3.

shall also be tested during the next scheduled round of performance testing.

II.D. Recordkeeping Requirements [40 CFR §§ 71.6(a)(3)(i)(B) and (C); 71.6(a)(3)(ii); and 71.6(c)(1)]

1. A file shall be maintained of all measurements including continuous monitoring system evaluations, all continuous monitoring system or monitoring device calibration checks, adjustments and maintenance performed on these systems or devices, performance and all other information required by 40 CFR Parts 60 or 75 recorded in a permanent form suitable for inspection. The file shall be retained for at least five (5) years following the date of such measurement, maintenance, reports, and records.

2. MCC shall maintain a log of the NO_x monitoring sessions performed with the portable analyzer. At a minimum the log shall contain the following records:

   (a) the date and time of NO_x and O_2 measurements
   (b) the measured O_2 concentration as a percentage
   (c) the measured NO_x concentrations corrected to 15% O_2
   (d) engine load in kWs output and urea injection rate in gallons per hour
   (e) make and model of exhaust gas analyzer
   (f) exhaust gas analyzer calibration records
   (g) a description of any corrective action taken to maintain the emissions within the acceptable range.

3. MCC shall maintain a log of the operation of all natural gas and diesel engines (EG-1, EG-2, EG-3, EG-4, EG-5, EG-6, and EG-7). The log shall contain the dates and times of each startup and shutdown of each engine.

4. MCC shall maintain all natural gas purchase records, including HHV of natural gas purchased.

5. The sulfur content of the fuel oil shall be documented in a valid purchase contract, supplier certification, or tariff or transportation contract. MCC shall maintain this documentation and make it available for inspection at all times.

II.E. Operational Flexibility

1. 502(b)(10) Changes [40 CFR § 71.6(a)(13)(i)]

(a) The permittee is allowed to make a limited class of changes under Section 502(b)(10) of the Clean Air Act 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:

(i) Changes that would violate applicable requirements; or

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

(b) The permittee is required to send a notice to EPA at least seven (7) days in advance of any change made under this provision. The notice must describe the change, when it will occur and any 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.

(c) Any permit shield provided in this permit does not apply to changes made under this provision.

III. Facility-Wide or Generic Permit Requirements

Conditions in this section of the permit (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)(i)(B) and (C); 71.6(a)(3)(ii); and 71.6(c)(1)]

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 EPA 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 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 (2) 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 (2) hours prior to the test and two (2) 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. All parametric data which is required to be monitored in Section II for the emission unit being tested.

   c. Other source specific data identified in Section II such as minimum test length (e.g., one hour, 8 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 (3) 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 2 valid test runs, unless otherwise specified.

6. Source test reports shall be submitted to EPA within 60 days of completing any required source test.

III.B. Recordkeeping Requirements [40 CFR §§ 71.6(a)(3)(i)(B) and (C); 71.6(a)(3)(ii); and 71.6(c)(1)]

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 a period of at least 5 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.

III.C. Reporting Requirements [40 CFR §§ 71.6(a)(3)(i)(B) and (C); 71.6(a)(3)(ii); and 71.6(c)(1)]

1. The permittee shall submit to EPA Region 9 reports of any monitoring required under 40 CFR § 71.6(a)(3)(i)(A), (B), or (C) for each six month reporting period from January 1 to June 30 and from July 1 to December 31. All reports shall be submitted to EPA 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.

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

(1) The company name and address.
(2) The beginning and ending dates of the reporting period.
(3) The emissions unit or activity being monitored.
(4) The emissions limitation or standard, including operational requirements and limitations (such as parameter ranges), specified in the permit for which compliance is being monitored.
(5) 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.
(6) 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.
(7) All other monitoring results, data, or analyses required to be reported by the applicable requirement.
(8) The emission calculations required by Condition II.C.1, for the months covered by the monitoring reporting period.
(9) 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 Conditions III.C.1.a(1) through (9) above shall satisfy the requirement under Condition 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 record keeping 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:

(1) A situation when emissions exceed an emission limitation or standard.
(2) A situation where process or emissions control device parameter values indicate that an emission limitation or standard has not been met.
(3) 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.
(4) A situation in which an exceedance, as defined in the compliance assurance plan (40 CFR Part 64), occurs.

2. The permittee shall promptly report to the EPA Regional Office deviations from permit or start-up, shut-down malfunction plan 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:

(1) For emissions of a hazardous 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.
(2) For emissions of any regulated pollutant excluding a hazardous air pollutant that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
(3) For all other deviations from permit requirements, the report shall

be submitted with the semi-annual monitoring report required in Condition III.C.1 of this permit.

3. If any of the provisions in Condition III.C.2.b of this permit are triggered, the source must notify the permitting authority by facsimile, or electronic mail sent to r9.aeo@epa.gov, based on the timetable listed. A written notice, certified consistent with Condition III.C.4 of this permit section must be submitted within ten (10) working days of the occurrence. All deviations reported under this section must also be identified in the 6-month report required under Condition III.C.1 of this section.

4. Any application form, monitoring report, or compliance certification required to be submitted by this permit shall contain certification by the permit-designated responsible official of truth, accuracy and completeness consistent with Section IV.E of this permit and 40 CFR § 71.5(d). 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 Asbestos from Demolition and Renovation [40 CFR Part 61, Subpart M]

The permittee shall comply with the requirements of Sections 61.140 through 61.157 of the National Emission Standard for Asbestos for all demolition and renovation projects. [40 CFR Part 61, Subpart M]

IV. Title V Administrative Requirements

IV.A. Fee Payment [40 CFR §§ 71.6(a)(7) and 71.9]

1. The permittee shall pay an annual permit fee in accordance with the procedures outlined below. [See 40 CFR § 71.9(a).]

2. The permittee shall pay the annual permit fee by April 1 of each year.

3. The fee payment shall be in United States currency and shall be paid by money order, bank draft, certified check, corporate check, or electronic funds transfer payable to the order of the U.S. Environmental Protection Agency.

4. The permittee shall send fee payment and a completed fee filing form to one of the two addresses below:

   Address for Regular Mail through U.S. Postal Service:

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

Address for Express Delivery (or When a Physical Address is Required):

U.S. Bank
Government Lockbox 979078 US EPA FOIA & Misc. Payments
1005 Convention Plaza
Mail Station SL-MO-C2GL
St. Louis, MO 63101

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

EPA Region 9
Air Permits Office (Attn: AIR-3)
75 Hawthorne Street
San Francisco, CA 94105

6. Basis for calculating annual fee:

a. The annual emissions fee shall be calculated by multiplying the total tons of actual emissions of all "regulated pollutants (for fee calculation)" emitted from the source by the presumptive emissions fee (in dollars/ton) in effect at the time of calculation.

(1) "Actual emissions" means the actual rate of emissions in tpy of any regulated pollutant (for fee calculation) emitted from a Part 71 source over the preceding calendar year. Actual emissions shall be calculated using each emissions unit's actual operating hours, production rates, in-place control equipment, and types of materials processed, stored, or combusted during the preceding calendar year. [40 CFR § 71.9(c)(6).]

(2) Actual emissions shall be computed using methods required by the permit for determining compliance, such as monitoring or source testing data. [40 CFR § 71.9(h)(3).]

(3) If actual emissions cannot be determined using the compliance methods in the permit, the permittee shall use other federally recognized procedures. 40 CFR § 71.9(e)(2).

(4) The term "regulated pollutant (for fee calculation)" is defined in 40 CFR § 71.2.

(5) The permittee should note that the presumptive fee amount is revised each calendar year to account for inflation, and it is available from EPA prior to the start of each calendar year.

b. The permittee shall exclude the following emissions from the calculation of fees:

(1) The amount of actual emissions of each regulated pollutant (for fee calculation) that the source emits in excess of 4,000 tons per year. 40 CFR § 71.9(c)(5)(i);

(2) Actual emissions of any regulated pollutant (for fee calculation) already included in the fee calculation, 40 CFR § 71.9(c)(5)(ii); and

(3) The quantity of actual emissions (for fee calculation) of insignificant activities defined in 40 CFR § 71.5(c)(11)(i) or of insignificant emissions levels from emissions units identified in the permittee's application pursuant to 40 CFR § 71.5(c)(11)(ii). [40 CFR § 71.9(c)(5)(iii).]

7. Fee calculation worksheets shall be certified as to truth, accuracy, and completeness by a responsible official

8. The permittee shall retain fee calculation worksheets and other emissions-related data used to determine fee payment for 5 years following submittal of fee payment. Emission-related data include, for example, emissions-related forms provided by EPA and used by the permittee for fee calculation purposes, emissions-related spreadsheets, and emissions-related data, such as records of emissions monitoring data and related support information required to be kept in accordance with 40 CFR § 71.6(a)(3)(ii). [40 CFR § 71.9(i).]

9. Failure of the permittee to pay fees in a timely manner shall subject the permittee to assessment of penalties and interest in accordance with 40 CFR § 71.9(l).

10. When notified by EPA of underpayment of fees, the permittee shall remit full payment within 30 days of receipt of notification. [40 CFR § 71.9(j)(1) and (2).]

11. A permittee who thinks an EPA assessed fee is in error and who wishes to challenge such fee, shall provide a written explanation of the alleged error to EPA along with full payment of the EPA assessed fee. [40 CFR § 71.9(j)(3).]

IV.B. Blanket Compliance Statement [40 CFR §§ 71.6(a)(6)(i) and (ii), and Sections 113(a) and 113(e)(1) of the Act, and 40 CFR §§ 51.212, 52.12, 52.33, 60.11(g), and 61.12.]

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 Clean Air Act 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 113(e)(1); 40 §§ 51.212, 52.12, 52.33, 60.11(g), and 61.12.]

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

1. The permittee shall submit to EPA Region 9 a certification of compliance with permit terms and conditions, including emission limitations, standards, or work practices, postmarked by January 30 of each year and covering the previous calendar year. 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). [40 CFR § 71.6(c)(5)]

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, and whether such methods or other means provide continuous or intermittent data. If necessary, the owner or operator also shall identify any other material information that must be included in the certification to comply with Section 113(c)(2) of the Clean Air Act, 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. 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) and 71.5(b)]

The permittee shall furnish to EPA, within a reasonable time, any information that EPA may request in writing to determine whether cause exists for modifying, revoking, and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the EPA copies of records that are required to be kept pursuant to the terms of the permit, including information claimed to be confidential. Information claimed to be confidential should be accompanied by a claim of confidentiality according to the provisions

of 40 CFR Part 2, Subpart B. The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the facility after this permit is issued.

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

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:

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

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

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

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

This permit may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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

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

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

    b. Additional requirements (including excess emissions requirements) become applicable to an affected source under the acid rain program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

c. 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.

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

IV.I. 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.J. 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 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 Clean Air Act, sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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

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

   a. an emergency occurred and that MCC 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 MCC took all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and

d. MCC submitted notice of the emergency to EPA 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 requirements of Condition III.C(b) of this permit.

e. In any enforcement proceeding in which MCC attempts to establish the occurrence of an emergency, MCC 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 emission 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.L. Transfer of Ownership or Operation

1. A change in ownership or operational control of this facility may be treated as an administrative permit amendment if the EPA 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 EPA. [40 CFR § 71.7(d)(1)(iv)]

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

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

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 Title I of the Clean Air Act;

4. The permittee must provide contemporaneous written notice to EPA of each change, except for changes that qualify as insignificant activities under 40 CFR § 71.5(c)(11). The written notice must describe each change, the date of the change, any change in emissions, pollutants emitted, and any applicable requirements that would apply as a result of the change.

5. The permit shield does not apply to changes made under this provision;

6. The permittee must keep a record describing all changes that result in emissions of any regulated air pollutant subject to any applicable requirement not otherwise regulated under this permit, and the emissions resulting from those changes.

IV.N. 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), and 71.8(d)]

1. This permit shall expire five (5) years from the date of issuance of this permit.

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 6 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 is submitted, consistent with 40 CFR § 71.5(a)(2), but the permitting authority has failed to issue or deny the renewal permit, then the permit shall not expire until the renewal permit has been issued or denied and any permit shield granted pursuant to 40 CFR § 71.6(f) may extend beyond the original permit term until renewal. The permittee's failure to have a Part 71 permit is not a violation of this part until EPA takes final action on the permit renewal application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit any additional information identified as being needed to process the application by the deadline specified in writing by EPA.

5. 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 form.

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

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

(i) Corrects typographical errors.

(ii) 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.

(iii) Requires more frequent monitoring or reporting by the permittee.

(iv) Allows for a change in ownership or operational control of a source where the EPA determines that no other change in the permit is necessary, provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the EPA.

(v) 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.

(vi) Incorporates any other type of change which EPA has determined to be similar to those listed above in subparagraphs (i) through (v).

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

(a) The permittee may request the use of minor permit modification procedures only for those modifications that:

(i) Do not violate any applicable requirement.

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

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

(iv) 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:

(1) A federally enforceable emissions cap assumed to avoid classification as a modification under any provision of title I; and

(2) An alternative emissions limit approved pursuant to regulations promulgated under section 112(i)(5) of the Clean Air Act.

(v) Are not modifications under any provision of title I of the Clean Air Act.

(vi) Are not required to be processed as a significant modification.

(b) Notwithstanding the list of changes eligible for minor permit modification procedures in paragraph (a) 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.

(c) 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:

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

(ii) The source's suggested draft permit;

(iii) 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

(iv) Completed forms for the permitting authority to use to notify affected States as required under 40 CFR § 71.8.

(d) The source may make the change proposed in its minor permit modification application immediately after it files such application. After the source makes the change allowed by the preceding sentence, and until the permitting authority takes any of the actions authorized by 40 CFR § 71.7(e)(1)(iv)(A) through (C), the source must comply with both the applicable requirements governing the change and the proposed permit terms and conditions. During this time period, the source need not comply with the existing permit terms and conditions it seeks to modify. However, if the source fails to comply with its proposed permit terms and conditions during this time period, the existing permit terms and conditions it seeks to modify may be enforced against it.

(e) The permit shield under 40 CFR § 71.6(f) may not extend to minor permit modifications. [40 CFR § 71.7(e)(1)(vi)].

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

(a) The permittee must request the use of significant permit modification procedures for those modifications that:

(i) Do not qualify as minor permit modifications or as administrative amendments.

(ii) Are significant changes in existing monitoring permit terms or conditions.

(iii) Are relaxations of reporting or recordkeeping permit terms or conditions.

(b) 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.

(c) Permittees must meet all requirements of Part 71 for applications for significant permit modifications. 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) and 71.5(a)(2).]